



Control Number: 48720



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**DOCKET NO. 48720**

**PETITION OF SPINDLETOP RV  
VENTURES, LLC TO AMEND EAST  
MEDINA COUNTY SPECIAL UTILITY  
DISTRICT'S CERTIFICATE OF  
CONVENIENCE AND NECESSITY IN  
MEDINA COUNTY BY EXPEDITED  
RELEASE**

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**PUBLIC UTILITY COMMISSION  
OF TEXAS**

PUBLIC UTILITY COMMISSION  
FILING CLERK

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**ORDER NO. 2  
GRANTING MOTION TO INTERVENE; AND  
REQUIRING RESPONSE**

This Order addresses the petition filed on September 27, 2018, by Spindletop RV Ventures, LLC (Spindletop) to amend East Medina County Special Utility District's (East Medina County SUD) certificate of convenience and necessity (CCN) number 10217 in Medina County by expedited release.

On October 4, 2018, East Medina County SUD filed a plea to the jurisdiction and requested Spindletop's petition be dismissed for lack of subject matter jurisdiction. On October 22, 2018, Commission Staff filed a response to East Medina County SUD's plea to the jurisdiction stating that it was not the proper procedural mechanism to achieve dismissal of the petition. Instead, Commission Staff requested the petition be dismissed because it did not demonstrate that Spindletop is entitled to the relief requested under Texas Water Code § 13.254(a-5) and 16 Texas Administrative Code § 24.245(l).

On October 26, 2018, East Medina County SUD filed a motion to intervene in the proceeding and requested Spindletop's petition be dismissed for failure to state a claim upon which relief can be granted. On October 29, 2018, Commission Staff filed a recommendation wherein it requested the petition be dismissed without prejudice, or in the alternative, that Spindletop be permitted to withdraw its petition. Commission Staff stated that Spindletop had communicated its intention to withdraw the petition and that Commission Staff does not oppose a potential withdrawal. As of the date of this Order Spindletop has not filed a motion to withdraw the petition.

**I. Motion to Intervene**

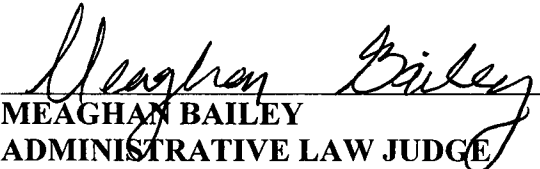
Within its motion to intervene, East Medina County SUD stated that it is directly affected by Spindletop's petition because it seeks to release 48.99 acres located within its CCN area. Therefore, East Medina County SUD has a justiciable interest that may be adversely affected by the outcome of this proceeding. No objection to the motion to intervene was filed. Accordingly, East Medina County SUD's motion to intervene is granted.

**II. Requiring Response**

On or before November 9, 2018, Spindletop must file a response to East Medina County SUD's and Commission Staff's requests for dismissal of the petition. Alternatively, on or before November 9, 2018, Spindletop may file a motion to withdraw the petition. Failure to comply with this Order may result in dismissal of the petition.

Signed at Austin, Texas the 1<sup>st</sup> day of November 2018.

**PUBLIC UTILITY COMMISSION OF TEXAS**

  
MEAGHAN BAILEY  
ADMINISTRATIVE LAW JUDGE