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**DOCKET NO. 49339**

**APPLICATION OF GREEN VALLEY §  
SPECIAL UTILITY DISTRICT TO §  
AMEND A SEWER CERTIFICATE OF §  
CONVENIENCE AND NECESSITY IN §  
GUADALUPE COUNTY §**

**PUBLIC UTILITY COMMISSION  
OF TEXAS**

**ORDER NO. 8  
REQUIRING BRIEFING FROM THE PARTIES**

On March 14, 2019, Green Valley Special Utility District filed an application to amend its sewer certificate of convenience and necessity number 20973 in Guadalupe County. The requested service area consists of approximately 159 acres and is being developed with no customers.

In its application, Green Valley SUD states that the application's intent is to return that service area removed by expedited release in Docket No. 45798,<sup>1</sup> because the final Judgment in *Green Valley Special Util. Dist. v. Walker et al.*,<sup>2</sup> according to Green Valley SUD, invalidated the granting of expedited release. Green Valley SUD further states that the requested service area is no longer the subject matter of the federal litigation. Nevertheless, it appears to the administrative law judge (ALJ) that the case remains on appeal.<sup>3</sup>

The ALJ requires briefing from the parties on: (1) the status of the pending litigation in federal court regarding Docket No. 45798; and (2) the potential impact that the rendering of a final order in the present docket will have on that pending litigation. Such briefing is due from the parties by February 21, 2020.

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<sup>1</sup> *Petition of Guadalupe Valley Development Corporation to Amend Green Valley Special Utility District's Certificate of Convenience and Necessity in Guadalupe County by Expedited Release*, Docket No. 45798, Order (Jul. 11, 2016) (On Appeal).

<sup>2</sup> *Green Valley Special Util. Dist. v. Walker*, 351 F. Supp. 3d 992 (W.D. Tex. 2018).

<sup>3</sup> *Green Valley Special Util. Dist. v. Donna Nelson, et al.*, No. 18-51092, 2018 U.S. App. (5th Cir. filed Dec. 31, 2018) (Westlaw).

**Signed at Austin, Texas the 17<sup>th</sup> day of January 2020.**

**PUBLIC UTILITY COMMISSION OF TEXAS**



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**CHRISTOPHER OAKLEY  
ADMINISTRATIVE LAW JUDGE**

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