



Control Number: 49339



Item Number: 39

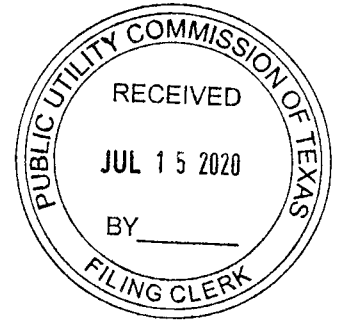
Addendum StartPage: 0

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July 15, 2020



VIA EFILING

Public Utility Commission of Texas
Central Records
1700 North Congress Avenue
Suite 8-100
Austin, Texas 78701

Re: PUC Docket No. 49339; Application of Green Valley Special Utility District to Amend a Sewer Certificate of Convenience and Necessity in Guadalupe County

This case is scheduled for the Commission's consideration at the July 16, 2020 open meeting. The undersigned looks forward to the Commissioners' discussion and will be present on behalf of Green Valley Special Utility District on the dial-in telephone line to answer any questions the Commissioners may have.

In the Commissioner Memorandum filed today, Chairman Walker states, "The Commission cannot amend a certificate of convenience and necessity to add an area that is already included in the certificated service area." On the contrary, Texas Water Code Section 13.246 expressly allows any amendment that is "necessary for the service, accommodation, convenience, or safety of the public." The requested amendment satisfies such statutory authority.

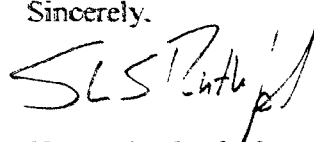
Chairman Walker is correct that under the federal district court judgment, unless reversed on appeal, the property at issue is within Green Valley's certificated sewer service area. However, as Chairman Walker acknowledges, that present reality is entirely contingent on the Fifth Circuit's affirmance of that federal judgment. The point of this proceeding, then, is to amend Green Valley's certificated service area to ensure that the inclusion of the 159 acres is no longer contingent on any court proceedings. Green Valley's certificate can and should be amended to remove the present contingency.

Indeed, that is the desire of the owner of the 159 acres. For the sake of the major industrial automotive component manufacturing facility presently being built on the site, the present contingency should be removed, so that the property will be within Green Valley's certificated service area no matter what decision the Fifth Circuit enters. The utility, the customer, Commission Staff, and the Chief Administrative Law Judge all agree that amending the certificate to remove such contingency is "necessary for the service, accommodation, convenience, or safety of the public." Therefore, Green Valley respectfully requests that the Commission not dismiss the

Public Utility Commission
July 15, 2020
Page 2

proceeding, or remand for unneeded briefing, but instead approve Green Valley's application as has been recommended.

Sincerely,

A handwritten signature in black ink, appearing to read "SLS Rutherford". The signature is stylized and written in a cursive-like font.

Shan S. Rutherford
TERRILL & WALDROP

cc: All Parties of Record