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**DOCKET NO. 49339**

2020 JUL 16 AM 11:08

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

**ORDER REMANDING TO DOCKET MANAGEMENT**

This Order addresses the application of Green Valley Special Utility District to amend its sewer certificate of convenience and necessity number 20973 to add 159 acres. Having considered this docket at its July 16, 2020 open meeting, the Commission remands the proceeding to Docket Management on the issue of whether the Commission should dismiss the proceeding without prejudice under 16 Texas Administrative Code § 22.181.

In Docket No. 45798,<sup>1</sup> the Commission removed the 159 acres at issue in this proceeding from Green Valley Special Utility District's certificated sewer service area through a streamlined expedited release proceeding. However, Green Valley filed suit in federal court,<sup>2</sup> and in its final judgment, the district court explicitly invalidated the Commission's order in Docket No. 45798.

The Commission appealed the district court's decision to the United States Court of Appeals for the Fifth Circuit, but the Fifth Circuit has not yet ruled on the appeal. Therefore, the district court's decision currently stands. Because the Commission's order removing the 159 acres from Green Valley's certificated service area has been invalidated, the 159 acres remain as part of Green Valley's certificated service area. The Commission cannot amend a certificate of convenience and necessity to add an area that is already included in the certificated service area.

Therefore, the Commission remands the proceeding to Docket Management on the issue of whether the Commission should dismiss the proceeding without prejudice under 16 Texas Administrative Code § 22.181.

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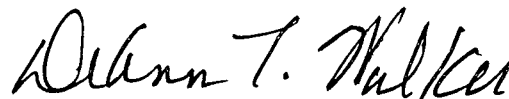
<sup>1</sup> *Petition of Guadalupe Valley Development Corporation to Amend Green Valley Special Utility District's Certificate of Convenience and Necessity in Guadalupe County by Expedited Release*, Docket No. 45798, Order (Jul. 11, 2016).

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

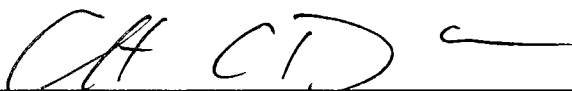


Signed at Austin, Texas the 16<sup>th</sup> day of July 2020.

PUBLIC UTILITY COMMISSION OF TEXAS



DEANN T. WALKER, CHAIRMAN



ARTHUR C. D'ANDREA, COMMISSIONER



SHELLY BOTKIN, COMMISSIONER

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