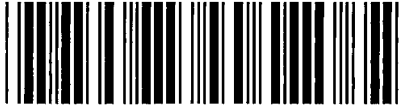


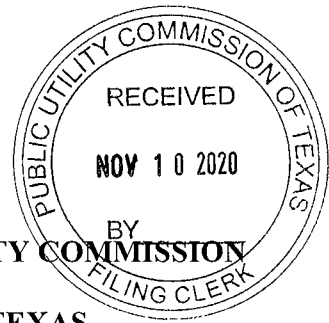


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DOCKET NO. 49863

PETITION OF ALAMO MISSION LLC §
TO AMEND ROCKETT SPECIAL §
UTILITY DISTRICT'S WATER §
CERTIFICATE OF CONVENIENCE §
AND NECESSITY IN ELLIS COUNTY §
BY EXPEDITED RELEASE §

PUBLIC UTILITY COMMISSION
OF TEXAS

**COMMISSION STAFF'S RESPONSE TO ALAMO MISSION'S SUPPLEMENT TO
MOTION TO LIFT ABATEMENT**

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and files this response. Staff recommends that the abatement be lifted in this matter. In support thereof, Staff would show the following:

I. BACKGROUND

On August 16, 2019, Alamo Mission LLC (Alamo Mission) filed a petition for streamlined expedited release of approximately 166.594 acres from Rockett Special Utility District's (Rockett) water certificate of convenience and necessity No. 10099, in Ellis County, under Texas Water Code (TWC) § 13.2541 and 16 Texas Administrative Code (TAC) § 24.245(l).¹

On November 3, 2020, Alamo Mission filed a supplement to its third motion to lift abatement. This pleading, therefore, is timely filed.

II. RESPONSE

Since Staff's most recent status report filed on October 15, 2020, the pending federal litigation has been resolved, Judge Robert Pittman has adopted the magistrate's report and recommendation holding that Rockett does not have a federally guaranteed loan, and Rockett's federal lawsuit has been dismissed.² Without a federally guaranteed debt, Rockett is not afforded protection under 7 U.S.C. § 1926(b). As such, Staff recommends unabating the present matter.

¹ Effective July 2, 2020, the former 16 TAC § 24.245(l) is now § 24.245(h).

² *Rockett Special Util. Dist. v. Shelly Botkin, et al.*, No. 1:19-cv-01007, in the United States District Court for the Western District of Texas, Austin Division. *See also*, Red Oak Industrial Corporation's Supplement to its Third Motion to Lift Abatement at Attachment A (Nov. 3, 2020).

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Staff further recommends approval of Alamo Mission's petition, consistent with its recommendation on final disposition filed on September 26, 2019.

III. CONCLUSION

Staff respectfully requests an order consistent with the foregoing response.

Dated: November 10, 2020

Respectfully Submitted,

PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION

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CERTIFICATE OF SERVICE

I certify that, unless otherwise ordered by the presiding officer, notice of the filing of this document was provided to all parties of record on November 10, 2020, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Creighton R. McMurray
Creighton R. McMurray