



Control Number: 49863



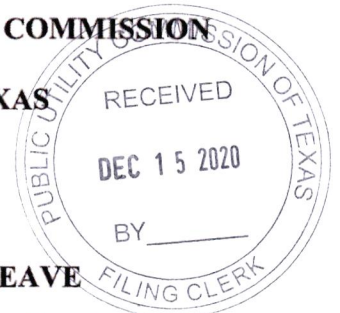
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DOCKET NO. 49863

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



**ROCKETT SPECIAL UTILITY DISTRICT'S MOTION FOR LEAVE**

COMES NOW, ROCKETT SPECIAL UTILITY DISTRICT ("Rockett") and files its Motion for Leave in this Docket pursuant to 16 Texas Administrative Code (TAC) § 22.76. In support thereof, Rockett respectfully would show as follows:

1. Order No. 12 required Rockett to file briefing regarding the effect of the Order issued on November 3, 2020 in *Rockett Special Utility District v. Botkin, et al.*, No. 1:19-CV-1007-RP (W.D. Tex. 2019), *appeal docketed*, No. 20-50938 (5th Cir. Nov. 20, 2020) (the "Rockett Federal Case"),<sup>1</sup> and accordingly, Rockett filed its Response on December 4, 2020.

2. Petitioner asserts that the Order issued on November 3, 2020 dismissing the Rockett Federal Case, in addition to Petitioner's arguments in this proceeding, are based on the non-existence of a Loan Note Guarantee from the United States Department of Agriculture (USDA) to lender CoBank ACB for Rockett's loan funded September 26, 2019.<sup>2</sup>

3. On December 8, 2020, the USDA issued its Loan Note Guarantee to CoBank and subsequently Rockett refiled its federal suit, *Rockett Special Util. Dist. v. Botkin, et al.*, No. 1:20-cv-01207-RP (W.D. Tex. filed Dec. 10, 2020).

**PRAYER**

WHEREFORE, PREMISES CONSIDERED, Rockett respectfully requests leave to supplement its filings in this docket and provide a copy of the USDA's Loan Note Guarantee issued on December 8, 2020 and Rockett's Complaint filed in federal district court on December 10, 2020 and information related thereto affecting Rockett's enjoyment of its protections under 7 U.S.C. § 1926(b).

<sup>1</sup> Order No. 12, at 1 (Nov. 13, 2020).

<sup>2</sup> See Alamo Mission's Response to Order No. 12, at 2-3 (Dec. 8, 2020) (summarizing the federal district Judge Lane's conclusion that only an issued loan note guarantee, not a conditional commitment, falls within the protection of § 1926(b)).