

**DOCKET NO. 49871**



**PETITION OF THE CITY OF RED OAK §  
INDUSTRIAL DEVELOPMENT §  
CORPORATION TO AMEND §  
ROCKETT SPECIAL UTILITY §  
DISTRICT'S WATER CERTIFICATE §  
OF CONVENIENCE AND NECESSITY §  
IN DALLAS AND ELLIS COUNTIES BY §  
EXPEDITED RELEASE §**

**PUBLIC UTILITY COMMISSION  
OF TEXAS**

**ORDER NO. 7  
ABATING PROCEEDING**

This Order addresses Commission Staff's report concerning the status of litigation related to this docket. Commission Staff stated that the federal appellate case<sup>1</sup> regarding the issue of federal preemption is ongoing, that *en banc* oral argument has recently been scheduled, and that briefing and supplemental briefing have recently occurred. Because the federal issues are being actively litigated, Commission Staff recommends that the present matter continue to be abated.

The administrative law judge concludes that the processing of this proceeding should continue to be abated. Therefore, the case remains abated. On or before July 15, 2020, Commission Staff must file a status report concerning the status of the litigation.

**Signed at Austin, Texas the 26<sup>th</sup> day of May 2020.**

**PUBLIC UTILITY COMMISSION OF TEXAS**

**STEVEN LEARY  
ADMINISTRATIVE LAW JUDGE**

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<sup>1</sup> *Green Valley Special Util. Dist. v. City of Schertz*, No. 18-51092 (5th Cir. filed Dec. 31, 2018).