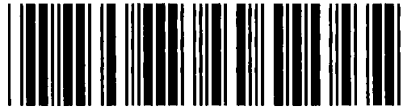




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**PUC DOCKET NO. 49871**

**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  
§  
§  
§  
§**

**ROCKETT SPECIAL UTILITY DISTRICT'S REPLY TO  
RED OAK INDUSTRIAL DEVELOPMENT CORPORATION'S RESPONSE TO  
ROCKETT'S MOTION FOR LEAVE TO FILE SUR-REPLY**

COMES NOW Rockett Special Utility District (Rockett) and hereby replies to Red Oak Development Corporation's Response to Rockett's Motion for Leave to File Sur-Reply.

Red Oak Development Corporation (ROIDC) filed its Reply to Rockett's Response and Objection to Petitioner's Amendment of Petition and Request for Restyle Docket and Renewed Motion to Dismiss the Petition, where ROIDC provided a new and factually incorrect argument that the affidavit of Mr. Goodwyn (filed as Exhibit B to the Petition initiating this proceeding) attested that "ROIDC" was the owner of the Property. ROIDC's Reply, Item 33, at fn. 2 (Oct. 2, 2020).

This is false and misleading because ROIDC attempts to persuade the Commission it was the real party involved all along by contending that "Mr. Goodwyn submitted an affidavit with the Petition attesting ownership of the property by ROIDC." ROIDC's Reply, at fn. 2. This is a false statement. Attached to the Petition, Mr. Goodwyn's Affidavit states in part:

"2. I am President of the City of Red Oak Industrial Development Corporation (ROIDC), the Petitioner in the above-captioned matter. Exhibit A to the Petition contains true and correct copies of the Charter and Articles of Incorporation of the ROIDC.

3. The ROIDC owns approximately 384 acres of land (the Property)...."

Petition of the City of Red Oak Industrial Development Corporation, Item 1, at Exhibit B (Aug. 19, 2020).

Thus, Mr. Goodwyn utilized the acronym ROIDC to identify the City of Red Oak Industrial Development Corporation, i.e., when he used the acronym “ROIDC” he was referring to the Petitioner CROIDC—not ROIDC, the entity now seeking to be substituted as the Petitioner in the Amendment of the Petition and Request to Restyle Docket, Item 31 (Sept. 21, 2020).

The identity of the Petitioner as CROIDC is further confirmed by Mr. Goodwyn’s statement that “Exhibit A to the Petition contains true and correct copies of the Charter and Articles of Incorporation of the ROIDC” (meaning, CROIDC in the context of Mr. Goodwyn’s affidavit). See Petition of CROIDC, Item 1, at Ex. A (providing copies of the 1994 Certificate of Incorporation and Articles of Incorporation for Petitioner CROIDC, the City of Red Oak Industrial Development Corporation). Thus, when Mr. Goodwyn states that “ROIDC” owns the Property, he was clearly referring to the City of Red Oak Industrial Development Corporation, the entity that filed the Petition.

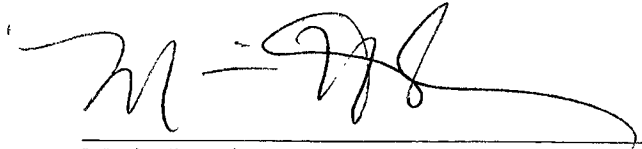
It is evident that the real parties have not been involved in this Petition from the beginning, as CROIDC filed the Petition, including submission of CROIDC’s 1994 Certificate of Articles of Incorporation and declared itself as the owner of the Property to the exclusion of ROIDC. If ROIDC meant to file the Petition, copies of ROIDC’s Certificate and Articles of Incorporation from its incorporation in 1983 would have been attached to the Petition and attested thereto.

Furthermore, Rockett’s Sur-reply also addresses the issue concerning certain tracts of the Property now owned by Compass Datacenters DFW III, LLC, not CROIDC or ROIDC.

### **CONCLUSION**

Because ROIDC contends the statements of the affidavit and previous filings as basis for the identity of Petitioner for the first time in its Reply, Rockett should be allowed to file its proposed Sur-Reply to address these issues and Rockett’s Motion for Leave should be granted.

Respectfully submitted,



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ATTORNEYS FOR ROCKETT SPECIAL  
UTILITY DISTRICT

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of this document was served on the following parties of record on October 16, 2020, via e-mail in accordance with the Commission's Order.<sup>1</sup>

via e-mail: creighton.mcmurray@puc.texas.gov

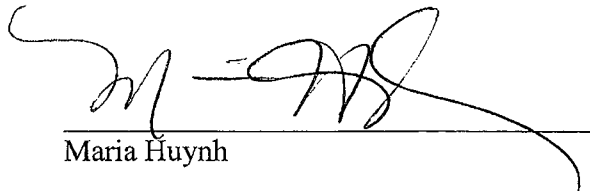
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<sup>1</sup> *Issues Related to the State of Disaster for Coronavirus Disease 2019*, Docket No. 50664, Order Suspending Rules (Mar. 16, 2020).