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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. 10
UNABATING PROCEEDING AND REQUESTING ADDITIONAL INFORMATION

In Order No. 4 filed on November 15, 2019, the administrative law judge (ALJ) abated this docket due to an issue raised in this case pertaining to possible federal preemption under 7 U.S.C. § 1926(b) and in keeping with the discussion of the Commissioners at the open meeting on November 14, 2019 concerning the status of certain litigation, including *Crystal Clear Special Utility District v. DeAnn Walker, et. al.*¹ and *Green Valley Special Utility District v. City of Schertz*.²

In light of the Commission's discussion of the abatement issue at its open meeting on November 5, 2020, and in light of the current status of the federal litigation cited above, the ALJ lifts the abatement.

The ALJ intends to address the pending motion to dismiss and the motions pertaining to the substitution of the petitioner by separate order.

Further, in light of certain pleadings filed during the pendency of the abatement, the ALJ requires additional information concerning the issue of ownership of the tracts for which streamlined expedited release is sought.

On or before November 20, 2020, the ALJ requests the petitioner to file clarification addressing which of the tracts for which release was originally sought are currently owned by Red Oak Industrial Development Corporation. If ownership of the tracts has changed during the

¹ *Crystal Clear Special Utility District v. DeAnn Walker, et. al.*, No. 20-50043 (5th Cir. filed Jan. 16, 2020).

² *Green Valley Special Utility District v. City of Schertz*, No. 18-51092 (5th Cir. filed Dec. 31, 2018).

pendency of this docket, the ALJ requests the petitioner, by the same date, to file updated mapping depicting the tracts presently owned by Red Oak Industrial Development Corporation for which release is sought.

Signed at Austin, Texas the 10th day of November 2020.

PUBLIC UTILITY COMMISSION OF TEXAS

A handwritten signature in black ink, appearing to read 'STEVEN LEARY', written over a horizontal line.

STEVEN LEARY
ADMINISTRATIVE LAW JUDGE