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RECEIVED
PUBLIC UTILITY COMMISSION
BEFORE THE HEARING CLERK

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

**RED OAK INDUSTRIAL DEVELOPMENT CORPORATION'S
REPLY TO ROCKETT'S OBJECTION TO PROPOSED FINAL ORDER**

Now comes Red Oak Industrial Development Corporation (Red Oak or Petitioner) and files this Reply to Rockett Special Utility District's (Rockett) Objection to Proposed Final Order (Objection). Rockett's Objection was filed on December 21, 2020; therefore, this Response is timely filed.

The submission of a Proposed Final Order is permissive; there is no prohibition against submitting proposed findings, and Rockett's conclusion to that effect mischaracterizes the language of the rule. Rockett's own citation to 16 TAC § 22.261(c) makes this clear: "The commission is not required to rule on findings of fact and conclusions of law that are not required or authorized." Indeed, the Commission is not *required* to rule on proposed findings, but it certainly *may* do so and there is no prohibition against a party taking initiative to submit a proposal for the Commission's consideration.

Beyond this issue, there is no argument in Rockett's Objection that is not already fully briefed before the Commission; the questions of ownership of the property, identification of the Petitioner and of whether Rockett is entitled to protection under 7 U.S.C. § 1926(b) are addressed fully in prior pleadings submitted by Petitioner, Rockett, and Commission Staff.¹ Rockett's attempt to rehash

¹ ROIDC's Amendment of Petition and Request to Restyle (Sept. 21, 2020); ROIDC's Response to Order No. 10 (Nov. 20, 2020); ROIDC's Response to Order No. 11 (Dec. 8, 2020) (and all subsequent responses and replies to these pleadings).

these arguments is inefficient and repetitive and Red Oak relies on its prior arguments on these issues.

Accordingly, Red Oak renews its request that the Commission grant its petition for streamlined *expedited* release, without regard to whether Rockett is a borrower under a federal loan program, as it is required to do within 60 days by TWC § 13.254(a-6) and (a-3). The Commission may adopt some or all of Red Oak's proposed final order, as it deems appropriate, based on the already comprehensive briefing submitted in this case.

Respectfully submitted,

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**ATTORNEYS FOR RED OAK INDUSTRIAL
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CERTIFICATE OF SERVICE

I certify that notice of the filing of this document was provided to all parties of record via electronic mail on December 22, 2020, in accordance with the Order Suspending Rules, issued in Project No. 50664.



JAMIE L. MAULDIN