



Control Number: 50442



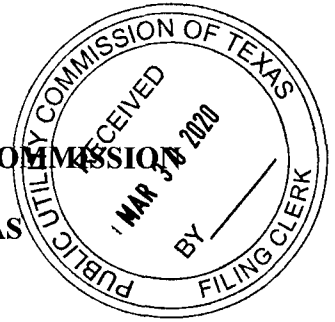
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DOCKET NO. 50442

PETITION OF MM WALDEN POND, §  
LLC TO AMEND HIGH POINT WATER §  
SUPPLY CORPORATION'S §  
CERTIFICATE OF CONVENIENCE §  
AND NECESSITY IN KAUFMAN §  
COUNTY BY EXPEDITED RELEASE §

PUBLIC UTILITY COMMISSION  
OF TEXAS



**ORDER NO. 5  
ABATING PROCEEDING**

This Order addresses the processing of the petition of MM Walden Pond, LLC to amend the water certificate of convenience and necessity of High Point Water Supply Corporation in Kaufman County by streamlined expedited release.

On February 24, 2020, High Point WSC filed a motion to dismiss, asserting that it is entitled to protection under 7 U.S.C. § 1926(b), because it is federally indebted. On March 4, 2020, Commission Staff filed a motion to abate this case consistent with the discussion of the Commissioners at the November 14, 2019, open meeting concerning Docket No. 48801.<sup>1</sup> On March 19, 2020, Walden Pond responded, asserting that the federal preemption issue could be addressed in a district court, but that its petition in this docket should be approved. On March 19, 2020, High Point WSC advised that it is not opposed to abatement of this case.

In light of 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, involving the same federal preemption issue raised here, the administrative law judge finds that the processing of this case should be abated due to the pendency of the federal litigation.

Accordingly, this proceeding is abated. Beginning June 1, 2020, and continuing quarterly, Commission Staff must file a status report concerning the status of the federal litigation to which the Commission is a party concerning the applicability of 7 U.S.C. § 1926(b) in expedited release cases.

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<sup>1</sup> *Petition of TJ Bradshaw Construction, Ltd. to Amend Jonah Special Utility District's Certificates of Convenience and Necessity in Williamson County by Expedited Release*, Docket No. 48801 (Nov. 20, 2019).

**Signed at Austin, Texas the 30th day of March 2020.**

**PUBLIC UTILITY COMMISSION OF TEXAS**

  
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**HUNTER BURKHALTER**  
**CHIEF ADMINISTRATIVE LAW JUDGE**