

Control Number: 50442



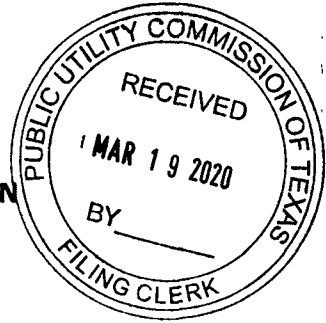
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PUC DOCKET NO. 50442

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



**HIGH POINT WATER SUPPLY CORPORATION'S  
RESPONSE TO COMMISSION STAFF'S MOTION TO ABATE  
AND MOTION TO REQUIRE ELECTRONIC SERVICE**

TO THE HONORABLE ADMINISTRATIVE LAW JUDGE:

High Point Water Supply Corporation (High Point) files this response to the Public Utility Commission of Texas (Commission) Staff's Motion to Abate this proceeding and would respectfully show the following:

**I. BACKGROUND**

On January 13, 2020, MM Walden Pond, LLC filed a petition for expedited release of a portion of a 214-acre tract that lies within the boundaries of High Point's water Certificate of Convenience and Necessity (CCN) No. 10841, in Kaufman County. This petition was filed under Texas Water Code (TWC) § 13.2541 and 16 Texas Administrative Code (TAC) § 24.245(I).

On February 24, 2020, High Point filed its response and motion to dismiss this proceeding on grounds that High Point is a federally indebted utility and its certificated service area is protected by 7 U.S.C. §1926(b) and granting the Petition would violate the Supremacy Clause of the United States Constitution. U.S. CONST. art. VI, cl. 2.

On March 4, 2020, Commission Staff filed a motion requesting to abate this proceeding consistent with the discussion and decision of the Commissioners at the November 14, 2019, open meeting concerning Docket No. 48801.<sup>1</sup>

## **II. TIMELINESS**

On March 5, 2020, the Administrative Law Judge (ALJ) issued Order No. 3 setting a deadline of March 19, 2020, for High Point to file a response to Commission's Staff's motion to abate this proceeding. This response is therefore timely filed.

## **III. RESPONSE**

High Point is not opposed to the ALJ granting Commission Staff's motion to abate this proceeding by an order consistent with the discussion and decision of the Commissioners at the November 14, 2019, open meeting concerning Docket No. 48801.

## **IV. MOTION TO REQUIRE ELECTRONIC SERVICE**

Pursuant to 16 TAC § 22.74(c), the presiding officer may require service by email on the motion of a party. On March 16, 2020, the Commission issued an Order Suspending Rules in Docket No. 50664, Issues Related to the State Disaster for the Coronavirus Disease 2019. The Order stated in relevant part: "all parties must file any pleading or document with the Commission solely through the Interchange on the Commission's website and provide notice, by email, to all other parties that the pleading or document has been filed with the Commission, unless otherwise ordered by the presiding officer."

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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).

Accordingly, High Point requests that the ALJ issue an order requiring service by electronic mail in this docket. High Point further requests that the Order direct any party to this proceeding who has not previously provided an email address to file a notice informing the parties of the email address to be used for service.

#### **V. CONCLUSION**

High Point respectfully requests the issuance of an order consistent with the foregoing response and motion.

Dated: March 19, 2020

Respectfully submitted,

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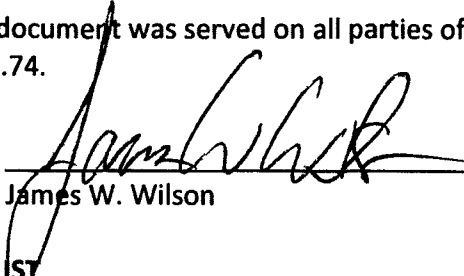
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ATTORNEYS FOR RESPONDENT,  
HIGH POINT WATER SUPPLY CORPORATION

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of this document was served on all parties of record on March 19, 2020, in accordance with 16 TAC § 22.74.

  
James W. Wilson

**SERVICE LIST**

<b><u>Via email: seidman@winstead.com</u></b> Scott W. Eidman WINSTEAD PC 2728 N. Harwood Street, Suite 500 Dallas Texas 75201 Tel: (214) 745-5484 Fax: (214) 745-5390 <b><i>Attorney for Petitioner</i></b>	<b><u>Via email: robert.parish@puc.texas.gov</u></b> Robert Parish Legal Division Public Utility Commission 1701 N Congress Ave Ste 8-110 Austin, TX 78711 (512) 936-7442
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