

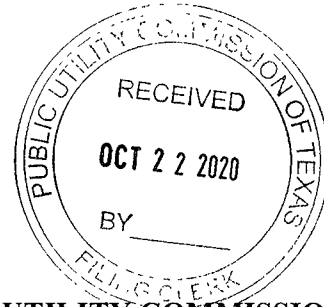


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PUC DOCKET NO. 51170

**APPLICATION OF THE CITY OF §
SWEETWATER TO AMEND A §
CERTIFICATE OF CONVENIENCE §
AND NECESSITY AND FOR DUAL §
CERTIFICATION WITH BITTER §
CREEK WATER SUPPLY §
CORPORATION IN NOLAN COUNTY §**

**PUBLIC UTILITY COMMISSION
OF TEXAS**

**BITTER CREEK WATER SUPPLY CORPORATION'S NOTICE OF APPEARANCE
OF COUNSEL AND MOTION TO INTERVENE IN THE CITY OF SWEETWATER'S
APPLICATION FOR DUAL CERTIFICATION**

COMES NOW, Bitter Creek Water Supply Corporation ("Bitter Creek") and files this Notice of Appearance of Counsel and Motion to Intervene in the City of Sweetwater's ("City") Application for Dual Certification ("Application") in the above-captioned matter, and shows as follows:

I. NOTICE OF APPEARANCE OF COUNSEL

Zachariah T. Evans, of McGinnis Lochridge LLP, 600 Congress Avenue, Suite 2100, Austin, Texas 78701, hereby appears as the attorney of record for Bitter Creek in this Docket No. 51170. Bitter Creek requests that copies of all correspondence, pleadings, and documents of any kind relating to this matter be served upon this attorney of record.

II. JURISDICTION

The Public Utility Commission of Texas ("Commission") has jurisdiction over the parties and subject matter of this proceeding pursuant to 16 Texas Administrative Code ("TAC") Chapter 24.

III. TIMELINESS OF INTERVENTION

Pursuant to 16 TAC § 24.8(d), the Commission does not consider an application filed until it finds the application administratively complete. On September 15, 2020, the Commission Administrative Law Judge ("ALJ") entered Order No. 2, therein finding the Application insufficient and establishing deadlines and opportunity to cure deficiencies. On October 15, 2020, the ALJ entered Order No. 3, therein granting Sweetwater's motion for extension of time, and ordering Sweetwater to "supplement the application to cure the deficiencies described" in Commission Staff's ("Staff") September 14, 2020, memorandum, by January 12, 2021. Therefore,

because the Commission has not found the Application to be administratively complete, this Motion to Intervene is timely filed.

III. BASIS FOR INTERVENTION

Bitter Creek has standing to intervene in this matter and opposes the City's Application, especially as it is related to dual certification.

A person has standing to intervene if that person has a right to participate, which is expressly conferred by statute, commission rule or order, or other law, or has a justiciable interest that may be adversely affected by the outcome of the proceeding. 16 TAC § 22.103(b).


Bitter Creek is a non-profit water supply corporation, created and operating under Chapters 49 and 67, Texas Water Code ("TWC"). Bitter Creek holds CCN No. 11149. As indicated by the map attached hereto as Exhibit "A," Bitter Creek owns and operates water lines throughout and beyond the 53+/- acres for which Sweetwater seeks dual certification. These lines surround the 287-acre tract (the "Georgia Pacific Tract") described in Georgia Pacific LLC's opt-out notice, submitted in this matter on September 11, 2020. Bitter Creek stands ready to provide service to the Georgia Pacific Tract.

If the Commission were to approve the Application and grant dual certification, Bitter Creek would be deprived of the financial benefit of providing water service to the Georgia Pacific Tract. Bitter Creek has already incurred expense by installing the aforesaid water lines that surround the Georgia Pacific Tract.

III. CONCLUSION AND PRAYER

For the foregoing reasons and under the stated authorities, Bitter Creek respectfully requests that this Motion to Intervene be granted, and that Bitter Creek be allowed to participate as a party in this proceeding.

Respectfully submitted,



Zachariah T. Evans
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**ATTORNEYS FOR BITTER CREEK
WATER SUPPLY CORPORATION**

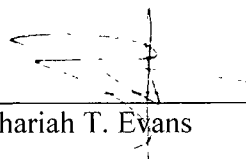
CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the above and foregoing document was served on all parties of record in this proceeding as required by order or in accordance with 16 TEX. ADMIN. CODE § 22.74.

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Zachariah T. Evans

EXHIBIT A: CCN Map

