



Control Number: 51170



Item Number: 31

Addendum StartPage: 0

2021 JUL -9 PM 3:48

APPLICATION OF THE CITY OF §
SWEETWATER TO AMEND A §
CERTIFICATE OF CONVENIENCE §
AND NECESSITY IN NOLAN COUNTY §

BEFORE THE
PUBLIC UTILITY COMMISSION
OF TEXAS

**CITY OF SWEETWATER'S SUPPLEMENT TO RESPONSE TO BITTER CREEK
WATER SUPPLY CORPORATION'S REPLY TO ORDER NO. 9 AND MOTION TO
RECONSIDER ORDER NO. 10**

COMES NOW, the City of Sweetwater (the City), by and through its undersigned attorneys of record and files this Supplement to Response to Bitter Creek Water Supply Corporation's Reply to Order No. 9 and Motion to Reconsider Order No. 10.

I. BACKGROUND

On June 22, 2021, the Administrative Law Judge (ALJ) issued Order No. 9 requiring clarification from Bitter Creek Water Supply Corporation (BCWSC) regarding its status in this Docket. On June 28, 2021, BCWSC filed its Reply to Order No. 9. According to the Public Utility Commission's (the Commission) regulations,¹ the City had until July 6, 2021 to file a response to such filing from BCWSC.

On the morning of July 6, 2021, the ALJ issued Order No. 10 granting BCWSC's Motion to Intervene. In the afternoon of July 6, 2021, the City filed its Response to BCWSC's Reply to Order No. 9 and Motion to Reconsider Order No. 10 (the Response).

¹ 16 Tex. Admin. Code § 22.78(a).

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II. SUPPLEMENT TO THE RESPONSE

This supplement clarifies that the City's Response should be considered timely filed. The Response was filed with the Commission Interchange at 2:54:25 P.M. and a copy of the tracking number confirming the time of electronic filing is attached hereto as Exhibit A. The Response and tracking number were presented to the Commission's Central Records at 2:55 P.M. and the filing clerk confirmed that the filing was processed at 2:57 P.M., as shown in the email attached hereto as Exhibit B. Lastly, a copy of the Response was served on all of the parties to this Docket at 2:55 P.M., as shown in the email attached hereto as Exhibit C. However, it is the City's understanding that due to logistical constraints at the Commission's Central Records, a copy of the Response was not printed and stamped until after 3:00 P.M., so the stamped document uploaded to the Commission Interchange indicates that the time was 3:21 P.M., implying that the Response was untimely.

Title 16 Texas Administrative Code (TAC) § 22.71(h) states that "[a]ll documents shall be filed by 3:00 p.m. on the date due, unless otherwise ordered by the presiding officer." 16 TAC § 22.71(e) states that a "[p]leading and any other document shall be deemed filed when the required number of copies and the electronic copy, if required, in conformance with § 22.72 of this title are presented to the commission filing clerk for filing. ... The commission filing clerk shall accept pleadings and documents if the person seeking to make the filing is in line by the time the pleading or document is required to be filed." In accordance with the Order Suspending Rules, issued in Project No. 50664, the Commission has suspended provisions in 16 TAC Chapter 22 requiring that pleadings and documents be physically filed with the Commission. Therefore, a pleading or document should be deemed "filed" when an electronic copy is presented to the commission clerk for filing. Here, the Response was electronically filed to the Commission

Interchange and a copy presented to the commission clerk by July 6, 2021 at 2:55 P.M. and it was processed by 2:57 P.M. Therefore, the City contends that the Response should be considered timely.

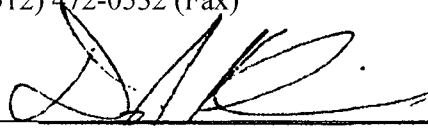
III. CONCLUSION AND PRAYER

For these reasons stated above, the City respectfully requests that the Administrative Law Judge consider the City's Response to Bitter Creek Water Supply Corporation's Reply to Order No. 9 and Motion to Reconsider Order No. 10 as timely filed.

Respectfully submitted,

LLOYD GOSSELINK
ROCHELLE & TOWNSEND, P.C.

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Austin, Texas 78701
(512) 322-5800
(512) 472-0532 (Fax)



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DANIELLE LAM
State Bar No. 24121709
dlam@lglawfirm.com

**ATTORNEYS FOR THE CITY OF
SWEETWATER**

CERTIFICATE OF SERVICE

I certify that, unless otherwise ordered by the presiding officer, notice of the filing of this document was provided to all parties of record via electronic mail on July 9, 2021, in accordance with the Order Suspending Rules, issued in Project No. 50664.

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

David J. Klein

Exhibit A

Tracking Number

Interchange Filer

Filing Submitted

Next Steps:

Step 1: Electronic Filing Complete

Step 2: Email the Attachments Described Below

YOU HAVE COMPLETED THE ELECTRONIC PORTION OF YOUR FILING, HOWEVER, IN ORDER FOR THE PUC TO BE ABLE TO PROCESS YOUR FILING, YOU MUST SUBMIT THE FOLLOWING INFORMATION TO THE CENTRAL RECORDS EMAIL (centralRecords@puc.texas.gov (mailto:CentralRecords@puc.texas.gov)):

1. AN ATTACHMENT OF THE FILING TO BE PRINTED BY CR STAFF
2. AN ATTACHMENT OF THE GENERATED TRACKING NUMBER SHEET

WE APPRECIATE YOUR COOPERATION AND PATIENCE DURING THIS TIME.

Central Records: (512) 936-7180

Tracking Number: DNQLFZLU

Filing
Submitted
on **7/6/2021 2:53:25 PM**

Control
Number 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

Filing Party CITY OF SWEETWATER

Filing Type PLEADINGS

Description	City of Sweetwater's Response to Bitter Creek Water Supply Corporation's Reply to Order No. 9 and Motion to Reconsider Order No. 10
Documents	2021.07.06 Sweetwater's Reply to Bitter Creek's Reply to Order No. 9 (Docket No. 51170) and Order No. 4 (Docket No. 51882).pdf
Addendum Included	No
Submitted By	Christina Thompson 816 Congress Avenue Suite 1900 Austin, TX 78701 (512) 322-5826 cthompson@lglawfirm.com (mailto:cthompson@lglawfirm.com)

An email confirmation has been sent to cthompson@lglawfirm.com. Please check your spam/junk folders.

Start a New filing (/filer/controlnumber/?Length=5)

Exhibit B

Presentation to the Commission's Central Records for Filing

Christina Thompson

From: Central Records <centralrecords@puc.texas.gov>
Sent: Tuesday, July 6, 2021 2:57 PM
To: Christina Thompson; Central Records
Cc: David Klein; Danielle Lam
Subject: RE: PUC Docket No. 51170/Tracking No. DNQLFZLU - Response to Bitter Creek WSC's Reply to Order No. 9 and Motion to Reconsider Order No. 10

Hello,

Your filing has been processed.

Best,



Ana Maria Trevino
Records Coordinator
Public Utility Commission of Texas
W: (512)936-7181 anamaria.trevino@puc.texas.gov

From: Christina Thompson
Sent: Tuesday, July 6, 2021 2:55 PM
To: Central Records
Cc: David Klein ; Danielle Lam
Subject: PUC Docket No. 51170/Tracking No. DNQLFZLU - Response to Bitter Creek WSC's Reply to Order No. 9 and Motion to Reconsider Order No. 10

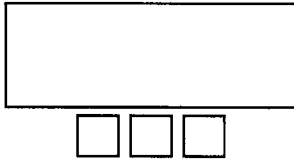
WARNING: EXTERNAL SENDER. Always be cautious when clicking links or opening attachments. NEVER provide your user ID or password.

Good afternoon,

Please see the attached City of Sweetwater's Response to Bitter Creek Water Supply Corporation's Reply to Order No. 9 and Motion to Reconsider Order No. 10 that was filed at the PUC this afternoon.

Please let me know if you need anything else to process this.

Thank you,
Christina



CHRISTINA L. THOMPSON

Paralegal

512-322-5826 Direct

Lloyd Gosselink Rochelle & Townsend, P.C.

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Exhibit C

Electronic Service of the Response

Christina Thompson

From: Christina Thompson
Sent: Tuesday, July 6, 2021 2:55 PM
To: 'zevans@mcginnislaw.com'; 'Justin.Adkins@puc.texas.gov';
'andrea.stover@bakerbotts.com'
Cc: David Klein; Danielle Lam
Subject: PUC Docket No. 51170 - Response to Bitter Creek WSC's Reply to Order No. 9 and Motion to Reconsider Order No. 10
Attachments: 2021.07.06 Sweetwater's Reply to Bitter Creek's Reply to Order No. 9 (Docket No. 51170) and Order No. 4 (Docket No. 51882).pdf

Good afternoon,

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Thank you,
Christina



CHRISTINA L. THOMPSON
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