



Filing Receipt

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DOCKET NO. 51170

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

MOTION FOR SUBSTITUTION OF ATTORNEY OF RECORD

DOCKET NO. 51882

APPLICATION OF THE CITY OF	§	PUBLIC UTILITY COMMISSION
SWEETWATER FOR DUAL	§	
CERTIFICATION WITH BITTER	§	OF TEXAS
CREEK WATER SUPPLY	§	
CORPORATION IN NOLAN COUNTY	§	

**MOTION AND APPLICATION FOR A CEASE AND DESIST ORDER
AGAINST THE CITY OF SWEETWATER**

COMES NOW, BITTER CREEK WATER SUPPLY CORPORATION ("BITTER CREEK"), by and through counsel and hereby files this Motion and Application for a Cease and Desist Order against the City of Sweetwater, Texas, for providing unauthorized water service and interfering with BITTER CREEK's water system and its Certificate of Convenience and Necessity ("CCN") No. 11149, pursuant to *Texas Water Code* ("TWC") §§13.242 and 13.252, and 16 *Texas Administrative Code* ("TAC") §24.255. In support hereof, BITTER CREEK would show the following:

1. Utility Making Request: (16 TAC §24.252(a)(1):

- a. BITTER CREEK WATER SUPPLY CORPORATION
- b. CCN No. 11149
- c. Email address of counsel: lesromo.lawoffice@gmail.com
- d. Phone number of counsel: (512) 868-5600
- e. Mailing address of counsel:
Law Office of Les Romo, P.O. Box 447, Georgetown, Texas 78627

2. Utility that is to be Subject of the Order: (16 TAC §24.255(a)(2):

- a. CITY OF SWEETWATER, TEXAS
- b. CCN No. 10228

- c. Email address of counsel: dklein@lglawfirm.com
- d. Phone number of counsel: (512) 322-5818
- e. Mailing address of counsel:
David Klein, Lloyd Gosselink, 816 Congress Avenue, Suite 1900,
Austin, Texas 78701

3. Description of Unlawful Provision of Service and Interference: (16 TAC §24.255(a)(3):

The CITY OF SWEETWATER, TEXAS (the “CITY”) is providing unauthorized retail water service within BITTER CREEK’s CCN boundaries to two (2) residential residences, one located at 621 FM 1856, Sweetwater, Texas and one located at 617 FM 1856, Sweetwater, Texas, and the CITY is providing retail water service within BITTER CREEK’s CCN boundaries through a six inch (6") tap that the CITY has installed within BITTER CREEK’s CCN boundaries to GEORGIA-PACIFIC SWEETWATER (‘GEORGIA-PACIFIC’). The CITY is also in the process of a road bore under FM 1856 for an eight inch (8") water main so it can provide additional retail water service to GEORGIA-PACIFIC on land that is within BITTER CREEK’s CCN boundaries. These actions by the CITY are in violation of *Texas Water Code §13.242*, as well as 16 TAC §24.255, and other applicable other applicable statutes and regulations.

4. Map of Service Area of Requesting Utility that shows the locations of the Unlawful Provision of Water Service (16 TAC §24.255(a)(4).

Attached hereto and incorporated herein by reference as Exhibit “A” are photographic maps and descriptions showing the area is question as well as where BITTER CREEK’s CCN boundaries are located and where the CITY is providing unauthorized water service.

5. Additional Information

BITTER CREEK became aware of the unauthorized provision of retail water service as described above in March of this year, and this Motion and Application is filed in a timely manner.

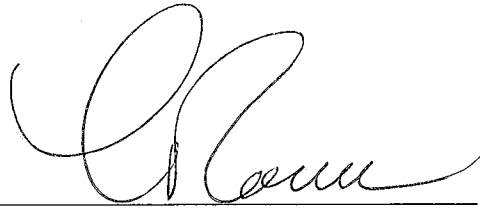
Further, the undersigned has been in negotiations with the attorney for the CITY in an attempt to resolve this matter, but the CITY's attorney ceased these negotiations. The attorney for the CITY did agree to accept service of this Motion and Application on behalf of the CITY.

In addition, BITTER CREEK is capable of providing adequate and continuous water service to the two (2) residential structures as well as to GEORGIA-PACIFIC within the area that is being served by the CITY. BITTER CREEK has a water line that runs down FM 1856 from which it could provide water service in this area, and can extend its water line to provide water service to this area if needed. Although BITTER CREEK would have to make upgrades on its water line and facilities to provide retail water service to GEORGIA-PACIFIC, the company was in contract negotiations to provide GEORGIA-PACIFIC with retail water service in the subject area, and was to receive a sum of money of \$1,000,000.00 from GEORGIA-PACIFIC in order to make the water line and facilities upgrades. Then GEORGIA-PACIFIC entered into a contract with the CITY to provide it with retail water service in the same subject area, but in order to provide this water service, the CITY has to make upgrades to its water line and facilities, and in order to assist the CITY with this project, GEORGIA-PACIFIC has agreed to give the CITY the sum of \$2,000,000.00 in order to help pay for these facilities and water line improvements and upgrades. Therefore, BITTER CREEK and the CITY are in similar positions in respect to their providing water service to the subject area to GEORGIA-PACIFIC.

WHEREFORE, based on the above-stated pleadings, BITTER CREEK WATER SUPPLY CORPORATION requests that the Commission issue and order requiring the CITY of SWEETWATER, TEXAS to cease and desist its unauthorized retail water service to the area identified in this Motion and Application. BITTER CREEK further requests that the Commission

issue an order prohibiting the CITY of SWEETWATER, TEXAS from extending or providing water service to customers, as well as its water lines and facilities into any area with BITTER CREEK's CCN No. 11149. BITTER CREEK also requests such other and further relief as the Commission may deem just and proper.

Dated this 17th day of August, 2021.

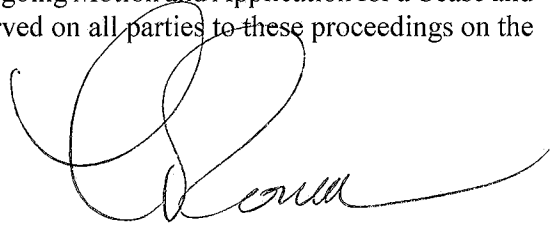


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**ATTORNEY FOR INTERVENOR BITTER
CREEK WATER SUPPLY CORPORATION**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion and Application for a Cease and Desist Order Against the City of Sweetwater, Texas was served on all parties to these proceedings on the 17th day of August, 2021.

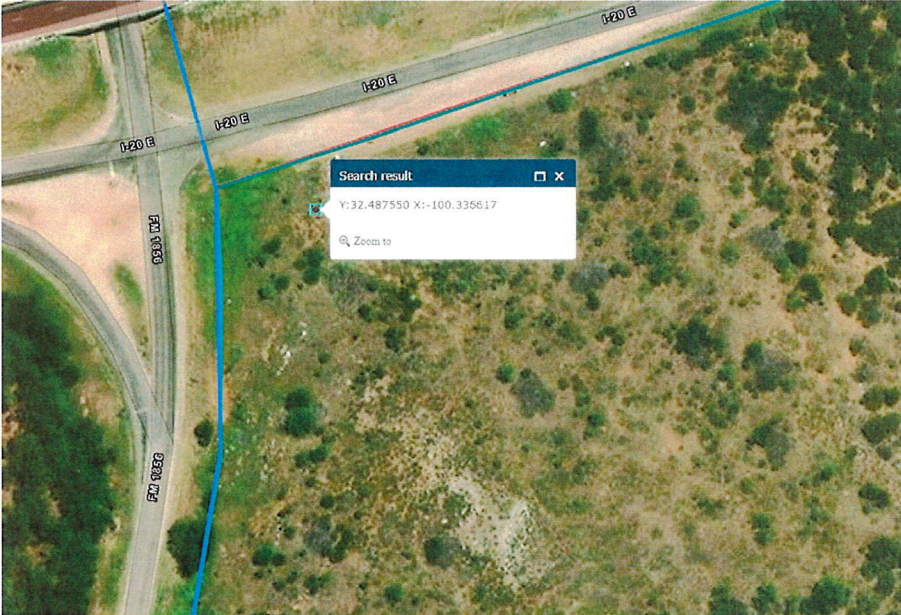


Les Romo

City of Sweetwater Encroachment on Bitt Creek CCN

The City of Sweetwater's Facility CCN and Bitter Creeks CCN are divided by FM1856, the City has the West side and Bitter Creek has the East side.

The City has crossed over to the east side of FM1856 and installed a 6" Tap and is currently supplying Georgia Pacific a current Bitter Creek Customer. The tap is located at 32.487550, -100.336617. As you can see the tap is surrounded by Bitter Creek's lines inside Bitter Creek's CCN.

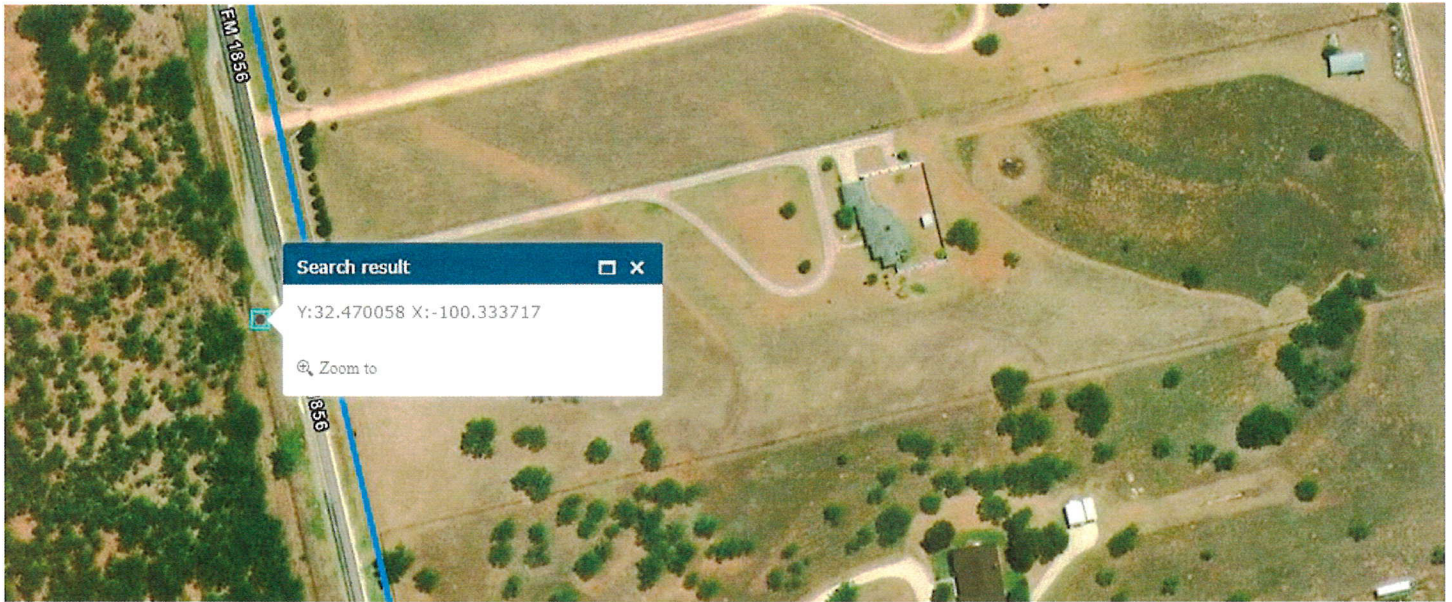


The City is also preparing to conduct a road bore for a new 8" water main to supply Georgia Pacific new facility on the East side of FM1856 in Bitter Creeks Current CCN Area at location 32.485630, -100.337322

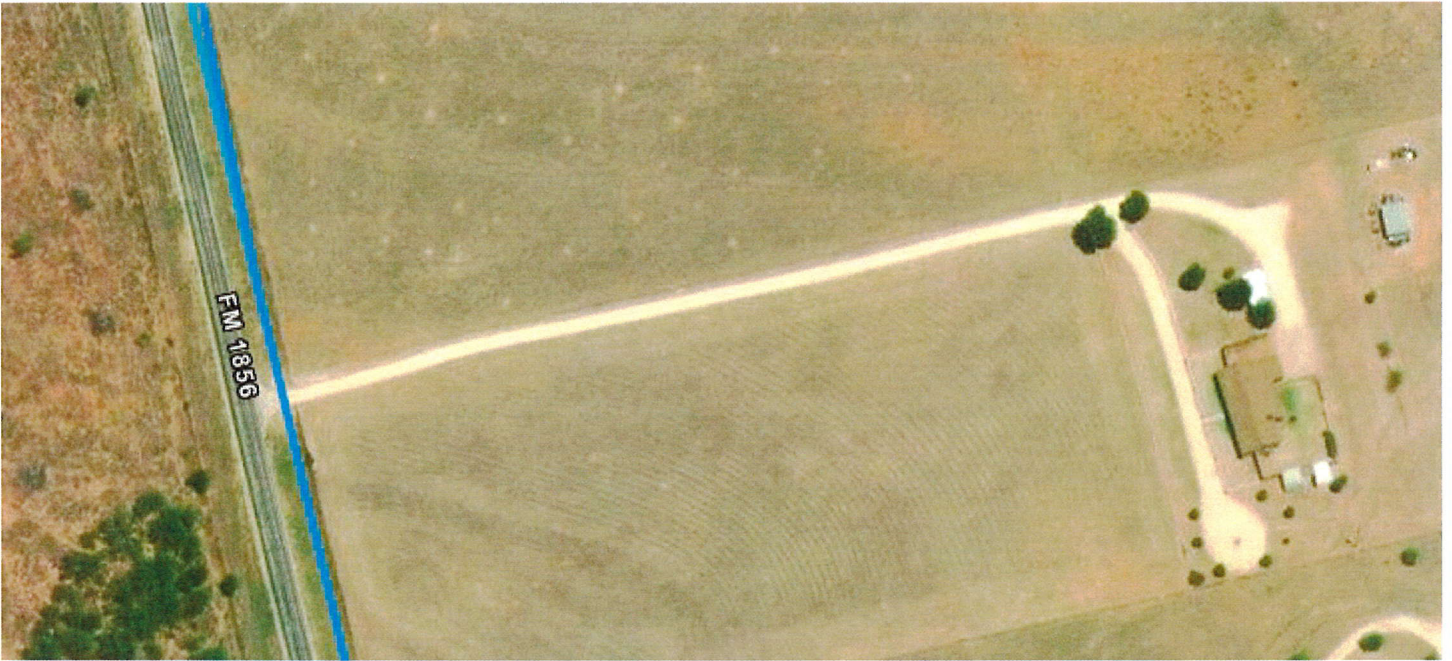
A local contractor states the bore is scheduled to occur on Monday, 8/16/21. This will be another encroachment on Bitter Creeks CCN area. They have the pipe onsite for the bore.



The City has also crossed the road going south on FM 1856 and is currently providing service to two residential address on Bitter Creeks side of the road The meters are on the west side of the road in the City's CCN but the house it is servicing is on the East side of the road in Bitter Creeks CCN. The address is 621 and 617 FM 1856, Sweetwater Tx. 621 FM 1856 Meter location is 32.470058, -100.333717



and 617 FM1856 Meter location is 32.471143, -100.333746



This is 3 current known locations that the City is encroaching on Bitter Creeks CCN and supposedly if operation happen on Monday it will be 4.