



## Filing Receipt

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**DOCKET NO. 51170**

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

**ORDER NO. 14**  
**STRIKING BITTER CREEK WSC'S MOTION FOR A CEASE AND DESIST ORDER**

This Order addresses the motion for a cease and desist order filed in this docket by Bitter Creek Water Supply Corporation on August 17, 2021. On August 18, 2021, Bitter Creek filed, in Docket No. 52443,<sup>1</sup> an identical petition for a cease and desist order. On August 24, 2021, the City of Sweetwater filed its response to Bitter Creek's motion in this docket.

Under the applicable Commission rule, 16 Texas Administrative Code § 24.255, a request for a cease and desist order must be filed with the Commission in the form of a petition, must contain the information outlined in that rule, and must be filed within the timeframe prescribed. While the Commission's procedural rules do not address or expressly contemplate counterclaims, unlike the Texas Rules of Civil Procedure, the applicable Commission rule appears to require that the request for a cease and desist order be its own, independent proceeding.

In this case, Bitter Creek has filed a motion for a cease and desist order in this docket and filed a petition for the same relief in Docket No. 52443. Based on the foregoing and in an effort to avoid unnecessary duplication of proceedings, the administrative law judge strikes Bitter Creek's motion in this docket.

**Signed at Austin, Texas the 30th day of August 2021.**

**PUBLIC UTILITY COMMISSION OF TEXAS**



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**ISAAC TA**  
**ADMINISTRATIVE LAW JUDGE**

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<sup>1</sup> *Petition of Bitter Creek Water Supply Corporation for Cease and Desist Order Against City of Sweetwater, Texas for Unauthorized Water Service, Docket No. 52443, Petition (Aug. 18, 2021).*