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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	§	

COMMISSION STAFF’S MOTION FOR ABATEMENT

On August 14, 2020, the City of Sweetwater (Sweetwater) filed an application to amend its water certificate of convenience and necessity (CCN) and for dual certification with Bitter Creek Water Supply Corporation (Bitter Creek) in Nolan County, Texas.

On March 10, 2021, the administrative law judge (ALJ) filed Order No. 6, severing this docket into two dockets¹ and directing that this docket address Sweetwater’s request to add 234 acres of uncertificated land and one customer connection to its CCN number 10228 in Nolan County. Sweetwater filed supplemental information on August 31, 2020, February 10, 2021, February 18, 2021, and May 10, 2021.

On August 6, 2021, the ALJ filed Order No. 13, establishing a deadline of September 20, 2021 for Staff of the Public Utility Commission of Texas (Staff) “to provide final maps, certificate, and tariffs (if applicable) to Sweetwater for review and consent.”

I. REQUEST FOR ABATEMENT

On August 17, 2021, Bitter Creek filed a motion for a cease and desist order against Sweetwater in this docket as well as in Docket No. 51882.² On August 18, 2021, Bitter Creek initiated Docket No. 52443³ seeking to obtain a cease and desist order against Sweetwater. On August 30, 2021, the ALJ filed Order No. 14 striking Bitter Creek’s motion from this proceeding based on the proceeding in Docket No. 52443 in order “to avoid unnecessary duplication of proceedings.”

In view of Bitter Creek’s petition for a cease and desist order in Docket No. 52443, Staff respectfully requests abatement of this proceeding pending final resolution of the relationship

¹ See *Application of the City of Sweetwater for Dual Certification with Bitter Creek Water Supply Corporation in Nolan County*, Docket No. 51882 (pending).

² *Id.*, Bitter Creek Water Supply Corporation Motion and Application for a Cease and Desist Order Against the City of Sweetwater, Texas (Aug. 17, 2021).

³ *Petition of Bitter Creek Water Supply Corporation for a Cease and Desist Order Against the City of Sweetwater*, Docket No. 52443 (pending).

between the relief sought in that docket and the amendment sought in this proceeding.⁴ To the extent that the amendment to CCN number 10228, including the construction and extension of any waterlines or other facilities needed to serve the requested area, is within the scope of Bitter Creek's petition in Docket No. 52443, that issue must be resolved before this docket can proceed. As noted by Staff in that proceeding, the precise scope of the relief sought by Bitter Creek is not clearly defined.⁵ Therefore, Staff requests abatement of this proceeding until it is established that the dockets are unrelated or there is a final ruling regarding the related portions. Accordingly, Staff is unable to recommend approval of the requested CCN amendment at this time.

Staff has conferred with counsel for Sweetwater, who has indicated that Sweetwater opposes abatement.

II. REQUEST FOR EXCUSE

Because Staff seeks abatement of this proceeding, it respectfully requests that it be excused from its requirement "to provide final maps, certificate, and tariffs (if applicable) to Sweetwater for review and consent." If its request for abatement is denied, Staff respectfully requests that it be given at least 30 days to provide the required response.

III. CONCLUSION

Staff respectfully requests an order abating this proceeding consistent with the above discussion.

⁴ Staff is simultaneously requesting abatement of Docket No. 51882, which was severed from this proceeding. Docket No. 51882, Commission Staff's Motion for Abatement (Sep. 20, 2021).

⁵ Docket No. 52443, Commission Staff's Response Regarding Notice and Procedural Schedule at 1-4 (Sep. 20, 2021).

Dated: September 20, 2021

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF
TEXAS LEGAL DIVISION**

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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 on September 20, 2021 in accordance with the Second Order Suspending Rules filed in Project No. 50664.

/s/ R. Floyd Walker
R. Floyd Walker