

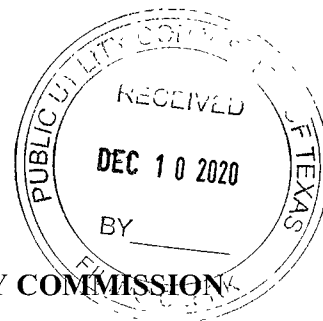


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PETITION OF CROOK ROSE, INC. TO	§	PUBLIC UTILITY COMMISSION
AMEND LINDALE RURAL WATER	§	
SUPPLY CORPORATION'S	§	OF TEXAS
CERTIFICATE OF CONVENIENCE	§	
AND NECESSITY IN SMITH COUNTY	§	
BY EXPEDITED RELEASE	§	

**COMMISSION STAFF'S REQUEST FOR LEAVE TO FILE AMENDED
RECOMMENDATION**

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and in response to Order No. 2, files this Recommendation on Final Disposition. Staff recommends that the petition be denied. In support thereof, Staff shows the following:

I. BACKGROUND

On September 3, 2020, Crook Rose, Inc. (Crook Rose) filed a petition for streamlined expedited release to amend Lindale Rural Water Supply Corporation's (Lindale Rural) water certificate of convenience and necessity (CCN) No. 10758 in Smith County, under Texas Water Code (TWC) § 13.2541(b) and 16 Texas Administrative Code (TAC) § 24.245(h). Crook Rose asserts that the tract of land is at least 25 acres, is not receiving water service, and is in Smith County, which is a qualifying county.

On October 6, 2020, the administrative law judge (ALJ) filed Order No. 2, finding the application administratively complete and notice sufficient. Order No. 2 provided a November 19, 2020 deadline for Staff to file a recommendation on final disposition, which Staff timely filed.

II. REQUEST FOR LEAVE TO FILE AMENDED RECOMMENDATION

Under the procedural schedule implemented in Order No. 2, the 60-day deadline for administrative approval of expedited release was December 7, 2020. However, on December 7, 2020, Lindale Rural filed a supplemental response that significantly altered the facts relevant to the determination of whether Crook Rose's property is receiving service. Specifically, there is

1,650 linear feet of 8” water line that Lindale Rural originally asserted crossed through Crook Rose’s tract that is actually a 6” water line located 1,000 feet north of the tract.

In addition, at the November 19, 2020 Open Meeting, the Commissioners engaged in significant discussions about the *Crystal Clear*¹ standard and how it applied to a petition for streamlined expedited release of a tract with utility facilities running through it.²

Given that Lindale Rural filed a response that significantly changed the facts on which Staff’s final recommendation was based, Staff respectfully requests leave to file an amended final recommendation by December 18, 2020.

III. CONCLUSION

Staff respectfully requests the issuance of an order allowing Staff to make an amended recommendation.

Dated: December 10, 2020

Respectfully submitted,

PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION

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¹ *Tex. Gen. Land Office v. Crystal Clear Water Supply Corp.*, 449 S.W.3d 130, 140 (Tex. App.—Austin 2014, pet. denied)

² Open Meeting Tr at 68:24-74:19.

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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 via electronic mail on December 10, 2020, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Taylor Kilroy
Taylor Kilroy