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DOCKET NO. 51249

RECEIVED

PETITION OF CROOK ROSE, INC. TO	§	PUBLIC UTILITY COMMISSION
AMEND LINDALE RURAL WATER	§	2021 JAN -5 PM 2:38
SUPPLY CORPORATION'S	§	OF TEXAS
CERTIFICATE OF CONVENIENCE	§	UTILITY COMMISSION
AND NECESSITY IN SMITH COUNTY	§	FILING CLERK
BY EXPEDITED RELEASE	§	

**ORDER NO. 5**

**DENYING LINDALE RURAL WATER SUPPLY CORPORATION'S MOTION TO DISMISS**

In this matter, Crook Rose, Inc. seeks streamlined expedited release of land it owns from Lindale Rural Water Supply Corporation's water CCN number 10758. Lindale Rural has been admitted as an intervenor.

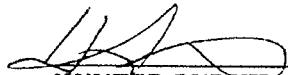
On November 5, 2020, Lindale Rural filed a response to the petition which included a motion to dismiss. Lindale Rural argues that the petition should be dismissed because Lindale Rural is indebted on a loan guaranteed by the federal government and has provided or made service available to the land owned by Crook Rose, thereby entitling Lindale Rural to the protections provided under 7 U.S.C. § 1926(b). According to Lindale Rural, because of its federal indebtedness, the Commission lacks jurisdiction to grant the relief sought by the petitioner.

On November 30, 2020, Crook Rose responded by asserting that Lindale Rural is not entitled to the protections provided under 7 U.S.C. § 1926(b). On December 18, 2020, Commission Staff responded by asserting that there is no court order enjoining the Commission from acting on a petition for streamlined expedited release when a claim is raised under 7 U.S.C. § 1926(b).

The administrative law judge concludes that the motion to dismiss should be denied. Under Texas Water Code § 13.2541(d) the Commission "may not deny a [streamlined expedited release] petition based on the fact that the certificate holder is a borrower under a federal loan program." Accordingly, Lindale Rural's motion to dismiss is denied.

Signed at Austin, Texas the 5th day of January 2021.

PUBLIC UTILITY COMMISSION OF TEXAS

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

HUNTER BURKHALTER  
CHIEF ADMINISTRATIVE LAW JUDGE