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DOCKET NO. 51249

**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 §**

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**ORDER NO. 6
GRANTING MOTION TO ABATE AND DEFERRING RULING ON MOTION TO
COMPEL**

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 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). On February 2, 2021, a federal district court judge issued a Temporary Restraining Order (TRO) enjoining the Commission from granting the release sought by Crook Rose.¹

On February 12, 2021, Crook Rose served on Lindale Rural a first set of requests for information (the RFIs). In light of the TRO, on February 22, 2021, Lindale Rural filed a motion asking for an order abating this case and relieving Lindale Rural of the obligation to answer the first RFIs. Alternatively, Lindale Rural raised relevance objections to a number of the RFIs. On March 1, 2021, Crook Rose filed a response in opposition to the motion to abate and a motion to compel Lindale Rural to respond to the RFIs.

The administrative law judge (ALJ) concludes that this case should be abated during the pendency of the federal litigation referenced above. Accordingly, Lindale Rural's motion to abate is granted. During the abatement, Lindale Rural is relieved of the obligation to answer the RFIs. The motion to compel will be considered if and when the abatement is lifted.

¹ *Lindale Rural Water Supply Corp. v. Walker*, Cause No. 1:21-cv-00073-LY (W.D. Tex., Feb. 2, 2021).

Signed at Austin, Texas the 18th day of March 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**

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