



Control Number: 51455



Item Number: 6

Addendum StartPage: 0



**PUC DOCKET NO. 51455**

**PETITION BY CLAY ROAD 628  
DEVELOPMENT, LP FOR  
EXPEDITED RELEASE FROM  
WATER CCN NO. 12892  
HELD BY T & W WATER  
SERVICE COMPANY**

§  
§  
§  
§  
§  
§

**BEFORE THE  
PUBLIC UTILITY COMMISSION  
OF TEXAS**

**CLAY ROAD 628 DEVELOPMENT, LP'S RESPONSE TO ORDER NO. 1**

COMES NOW, Clay Road 628 Development, LP's (Clay Road) and files this response to the legal questions raised by the Administrative Law Judge (ALJ) in Order No. 1. Clay Road agrees with the Public Utility Commission Staff's (Staff) conclusion that Clay Road is not prohibited from submitting a second application for streamlined expedited release from the T&W Water Service Company's (T&W) Certificate of Convenience and Necessity (CCN) No. 12892.

As the Staff correctly stated, neither res judicata nor collateral estoppel bar the Commission from considering Clay Road's petition for expedited decertification.<sup>1</sup> While Clay Road's petition under Docket No. 51455 involves the same tract of the land and the same CCN holder as those in Docket No. 50261, the facts presented in the current petition are different. Specifically, based on the change in circumstances resulting in the settlement between T&W and Clay Road, T&W has agreed that Clay Road's property does not receive water service from T&W. Supporting affidavits were included with Clay Road's petition.

Clay Road respectfully requests that an order be issued consistent with the Staff's recommendations as provided in the Staff's Recommendation on Administrative Completeness and Brief in Response to Order No. 1.

---

<sup>1</sup> For brevity, Clay Road's Response to Order No. 1 will not repeat the legal standards and analysis for res judicata and collateral estoppel, as those were thoroughly and accurately briefed by the Staff in the Staff's Recommendation on Administrative Completeness and Brief in Response to Order No. 1.

Respectfully submitted,

Emily W. Rogers  
State Bar No. 24002863  
[erogers@bickerstaff.com](mailto:erogers@bickerstaff.com)  
Bickerstaff Heath Delgado Acosta LLP  
3711 S. MoPac Expressway  
Building One, Suite 300  
Austin, TX 78746  
Telephone: (512) 472-8021  
Facsimile: (512) 320-5638

BY: *Emily W. Rogers*  
Emily W. Rogers

**CERTIFICATE OF SERVICE**

I hereby certify by my signature below that on the 2<sup>nd</sup> day of December, 2020, a true and correct copy of the above and foregoing document was forwarded via electronic mail to all parties of record in accordance with the requirements of 16 Tex. Admin. Code § 22.74 and PUC Order No. 1 in Docket No. 50664.

*Emily W. Rogers*  
Emily W. Rogers