



Control Number: 51979



Item Number: 24

Addendum StartPage: 0

PUC DOCKET NO. 51979

2021 JUN - L PM 12:32
BEFORE THE

**PETITION BY SIG MAGNOLIA LP §
FOR EXPEDITED RELEASE §
FROM WATER CCN NO. 11052 §
HELD BY DOBBIN PLANTERSVILLE §
WATER SUPPLY CORPORATION §**

**PUBLIC UTILITY COMMISSION
OF TEXAS**

**SIG MAGNOLIA LP'S RESPONSE TO DOBBIN PLANTERSVILLE'S
SUPPLEMENTAL MOTION TO DISMISS**

TO THE PUBLIC UTILITY COMMISSION OF TEXAS:

COMES NOW, SIG Magnolia LP (Petitioner) and files this Response to Dobbin Plantersville Water Supply Corporation's (Dobbin Plantersville) Supplemental Motion to Dismiss and would show the following:

ARGUMENT

Dobbin Plantersville's argument that the PUC lacks jurisdiction over this matter due to federal courts' original jurisdiction over this matter is incorrect. The Public Utility Commission has exclusive jurisdiction over streamlined expedited releases initiated by a landowner. *See* Texas Water Code § 13.2541. Federal courts do not have jurisdiction over streamlined expedited releases under section 13.2541. Dobbin Plantersville has not filed a 7 U.S.C. § 1926(b) lawsuit in a federal court on this matter. Jurisdiction over this matter – a section 13.2541 streamlined expedited release initiated by a landowner – clearly rests with the Public Utility Commission. *See* Texas Water Code § 13.2541.

Additionally, Dobbin Plantersville's argument is circular. If the Commission were to dismiss this matter, the area in question would not be removed from the CCN; thus, there would be no alleged section 1926(b) controversy over which a federal court could exercise its jurisdiction.

Further, without a current federal proceeding, there is no federal court exercising jurisdiction, and therefore this suit does not affect judicial economy.

CONCLUSION AND PRAYER

Wherefore, the Petitioner respectfully requests that the Commission issue an order denying Dobbin Plantersville's Motion to Dismiss.

Respectfully submitted,

Emily W. Rogers
State Bar No. 24002863
erogers@bickerstaff.com

Kimberly G. Kelley
State Bar No. 24086651
kkelley@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 certify that this Response was provided to all parties of record via electronic mail or regular mail on July 1, 2021, in accordance with the Order Suspending Rules, issued in Project No 50664.

Emily W. Rogers
Emily W. Rogers