



Control Number: 52090



Item Number: 16

Addendum StartPage: 0

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PUBLIC UTILITY COMMISSION
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PETITION OF REDBIRD DEVELOPMENT, LLC §
TO AMEND DOBBIN PLANTERSVILLE §
WATER SUPPLY CORPORATION'S §
CERTIFICATE OF CONVENIENCE §
AND NECESSITY IN MONTGOMERY COUNTY §
BY EXPEDITED RELEASE §

BEFORE THE
PUBLIC UTILITY COMMISSION
OF TEXAS

**DOBBIN PLANTERSVILLE'S
MOTION FOR LEAVE TO REPLY**

TO THE PUBLIC UTILITY COMMISSION OF TEXAS:

COMES NOW, Dobbin Plantersville Water Supply Corporation ("Dobbin Plantersville" or "Intervenor") and files this Motion for Leave to Reply and would show the following:

I. PROCEDURAL BACKGROUND

On May 6, 2021, Redbird Development, LLC ("Redbird") filed with the Public Utility Commission of Texas ("PUC" or "Commission") a petition for a streamlined expedited release ("SER") of approximately 372.2 acres of Dobbin Plantersville's Certificate of Convenience and Necessity ("CCN") No. 11052 service area ("SER Property"). The Redbird development comprises at total of approximately 388.5 acres. In his May 7, 2021, Order No. 1, the administrative law judge ("ALJ") established a deadline of June 14 for Dobbin Plantersville to file a response to the petition.

In his June 9, 2021, Order No. 2, the ALJ granted Dobbin Plantersville's Motion to Intervene. The Order also granted Dobbin Plantersville's motion for an extension of its deadline until June 30 to respond to the Petition.

16

On June 29, Dobbin Plantersville filed a response to the petition and a motion to dismiss. On July 7, Redbird filed a response to the motion to dismiss (which was mis-named as a response to the Dobbin Plantersville response).

II. MOTION FOR LEAVE TO REPLY

Under 16 Texas Administrative Code section 22.181(e)(4), the Administrative Law Judge (“ALJ”) may grant leave to reply to a response to a motion to dismiss. Although section 22.181(e)(4) sets no standard for such leave, Intervenor notes that good cause exists to allow a reply. For example, Redbird’s response to Intervenor’s motion to dismiss is not supported by an affidavit and alleges certain facts that could be critical to a decision on the motion to dismiss. Additionally, the federal lawsuit mentioned in the motion to dismiss and the response, will be filed shortly. Intervenor requests leave to file a reply to Petitioner’s response to Intervenor’s motion to dismiss. Intervenor further requests that it be provided one week for submittal of such reply.

III. CONCLUSION AND PRAYER

Wherefore, the Intervenor respectfully requests that the ALJ issue an order granting leave for the Intervenor to reply within seven days of the date the ALJ grants leave.

Respectfully submitted,

Mary K. Sahs

MARY K. SAHS, P.C.

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**ATTORNEY FOR DOBBIN
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SUPPLY CORPORATION**

CERTIFICATE OF SERVICE

Pursuant to Docket No. 50664, Second Order Suspending Rules (July 16, 2020) the undersigned hereby certifies that a copy of foregoing Dobbin Plantersville Water Supply Corporation's Motion for Leave to Reply was served on all parties of record in this proceeding on July 8, 2021, by electronic mail.

Mary K. Sahs

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