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Received - 2021-08-20 04:09:25 PM

Control Number - 52090

ItemNumber - 38

DOCKET NO. 52090

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

AGREED SECOND MOTION FOR EXTENSION

TO THE PUBLIC UTILITY COMMISSION OF TEXAS:

COMES NOW, Dobbin Plantersville Water Supply Corporation (“Dobbin Plantersville” or Intervenor”) and files this Agreed Second Motion for Extension and would show the following:

BACKGROUND

On May 6, 2021, Petitioner filed a petition with the Public Utility Commission of Texas (PUC) for expedited release from Dobbin Plantersville Water Supply Corporation’s (Dobbin Plantersville) water certificate of convenience and necessity (CCN) No. 11052 pursuant to Texas Water Code § 13.2541 and 16 Texas Administrative Code (TAC) § 24.245.

On June 4, 2021, Dobbin Plantersville filed a motion to intervene, which was subsequently granted. Dobbin Plantersville filed a response to the petition and a Motion to Dismiss.

On July 13, 2021, Redbird Development, Petitioner, filed requests for information addressed to Dobbin Plantersville. On August 10, which was within 20 days of the requests, Dobbin Plantersville filed a partial response to the requests for information.

On August 10, Dobbin Plantersville filed a motion to extend until August 24 the deadline to respond to Redbird's requests for information. The ALJ approved this motion in Order No. 7; therefore, this second motion for extension is timely filed in regard to the response to RFIs.

On August 11, Dobbin Plantersville filed a motion to extend until August 25 the deadline to respond to Redbird's motion to compel. In Order No. 7, the ALJ deferred ruling on Dobbin Plantersville motion to extend until after its response to RFIs was filed. Therefore, this second motion for extension is timely filed in regard to the motion to compel.

On August 4, 2021, the Administrative Law Judge ("ALJ") served on all parties a proposed order and set a deadline of August 18 for the parties to file corrections or exceptions to the proposed order. Dobbin Plantersville intends to file corrections and exceptions to the proposed order. On August 11, Dobbin Plantersville filed a motion to extend until August 25 the deadline to file corrections and exceptions. In Order No. 8, the ALJ granted the extension; therefore, this second motion for extension is timely filed in regard to the corrections and exceptions.

REQUEST FOR EXTENSION

Under 16 TAC § 22.4(b), a party may request that the time allowed for filing any document be extended with a showing of good cause and that the need for the extension is not caused by the neglect, indifference, or lack of diligence of the party making the motion. In this instance, Dobbin Plantersville has worked diligently to prepare its response to the requests for information. On the original filing deadline, Dobbin Plantersville filed a partial response to the RFIs. The Intervenor's General Manager is the primary preparer and sponsor of the responses, with assistance of Steve

Duncan, consulting engineer. Likewise, they are counsel's contacts for consultation on a response to the motion to compel and on corrections and exceptions to the proposed order. Unfortunately, the General Manager is now hospitalized, and all employees of Dobbin Plantersville, except the receptionist, are also out of the office because they are also ill, all with covid. Steve Duncan was also out ill with covid but has since returned to work. He may have information responsive to RFI No. 3 and if he does, Dobbin Plantersville intends to supplement its response by the deadline set in Order No. 7.

Dobbin Plantersville has shown good cause for an extension and has shown that the need for the extension is not caused by its neglect, indifference, or lack of diligence.

CERTIFICATE OF CONFERENCE

Petitioner conferred with the parties by e-mail on August 19, 2021, regarding this Request. Redbird Development and Commission Staff agree to the proposed extension.

CONCLUSION AND PRAYER

Wherefore, the Petitioner respectfully requests that the Commission issue an order: (1) extending the deadline for responding to Redbird Development's requests for information until September 7; (2) continuing to defer the response to Redbird's motion to compel until after the filing of Dobbin Plantersville's full response to the RFIs; and (3) extending the deadline for filing corrections and exceptions to the proposed order until September 7.

Respectfully submitted,

Mary K. Sahs

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**ATTORNEY FOR DOBBIN
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COMPANY**

CERTIFICATE OF SERVICE

Pursuant to Docket No. 50664, Second Order Suspending Rules (July 16, 2020) the undersigned hereby certifies that a copy of foregoing Agreed Second Motion for Extension was served on all parties of record in this proceeding on August 20, 2021, by electronic mail.

Mary K. Sahs

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