



Control Number: 52310



Item Number: 1

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PUC DOCKET NO. 52310

PETITION OF ROSE HILL SPECIAL §
UTILITY DISTRICT FOR CEASE AND §
DESIST ORDER AGAINST THE CITY OF §
TERRELL, TEXAS FOR §
UNAUTHORIZED WATER SERVICE §

BEFORE THE
PUBLIC UTILITY COMMISSION
OF TEXAS

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**ROSE HILL SPECIAL UTILITY DISTRICT'S
PETITION FOR CEASE AND DESIST ORDER AGAINST CITY OF TERRELL**

COMES NOW, Rose Hill Special Utility District ("Rose Hill"), and files this Petition for Cease and Desist Order against the City of Terrell, Texas ("City"), for providing unauthorized water service and interfering with Rose Hill's water system, pursuant to Texas Water Code ("TWC") §§ 13.242 and 13.252, and 16 Texas Administrative Code ("TAC") § 24.255. In support thereof, Rose Hill respectfully shows the following:

1. Utility Making Request (16 TAC § 24.255(a)(1)):

- a. Rose Hill Special Utility District;
- b. Certificate of Convenience and Necessity ("CCN") No. 10849;
- c. Email address (of counsel): dmiller@kempsmith.com;
- d. Phone numbers (of counsel): 512-226-0002(o); 512-293-5533(m);
- e. Mailing Address (of counsel):

Drew Miller
Kemp Smith LLP
6001 W. Parmer Lane
Suite 370-134
Austin, Texas 78727

2. Utility that is to be the Subject of the Order (16 TAC § 24.255(a)(2)):

- a. City of Terrell, Texas;
- b. CCN No. 10851
- c. Email address (of counsel): dklein@lglawfirm.com
- d. Phone number (of counsel): 512-322-5818;
- e. Mailing Address (of counsel):

David Klein
Lloyd Gosselink
816 Congress Avenue, Suite 1900
Austin, Texas 78701

3. Description of Unlawful Provision of Service and Interference (16 TAC § 24.255(a)(3))

The City is providing retail water service to customers within a 232-acre area in Kaufman County that is solely situated within the boundaries of Rose Hill's CCN (CCN No. 10849). The City is doing so without Rose Hill's consent and without any approval from the Public Utility Commission of Texas ("PUC"). These actions by the City are in violation of TWC §§ 13.242 and other applicable statutes and regulations.

Rose Hill is capable of providing adequate and continuous water service to the customers within in the area that is being unlawfully served by the City. Rose Hill has water lines that are approximately 300 to 500 feet away from such customers and Rose Hill is able to extend those lines to deliver water to those customers.

4. Map of Service Area of Requesting Utility that Clearly Shows Location of the Unlawful Provision of Service (16 TAC § 24.255(a)(4))

Exhibit A is a map of Rose Hill's service area which clearly shows the location in which the City is unlawfully providing water service.

5. Additional Information

Rose Hill notified the City of this unauthorized provision of water service on April 28, 2021, through a representative of the City, and again on May 28, 2021, through the City's outside counsel.

Conclusion and Prayer

Based on the foregoing, Rose Hill Special Utility District respectfully requests that the Public Utility Commission of Texas issue an order requiring the City of Terrell to cease and desist its unauthorized retail water service to the area identified in this petition. Rose Hill also respectfully requests that the PUC issue an order prohibiting the City of Terrell from extending or providing water service to any other customers located within Rose Hill's CCN No. 10849.

Respectfully submitted,

By: 
Andrew S. "Drew" Miller
Drew.Miller@kempsmith.com
State Bar No. 00786857
Deborah C. Trejo
Deborah.Trejo@kempsmith.com
State Bar No. 24007004
Sergio M. Estrada
Sergio.Estrado@kempsmith.com
State Bar No. 24080886

KEMP SMITH LLP
6001 W. Parmer Lane
Suite 370-134
Austin, TX 78727
(512) 320-5466
(512) 320-5431 (Fax)

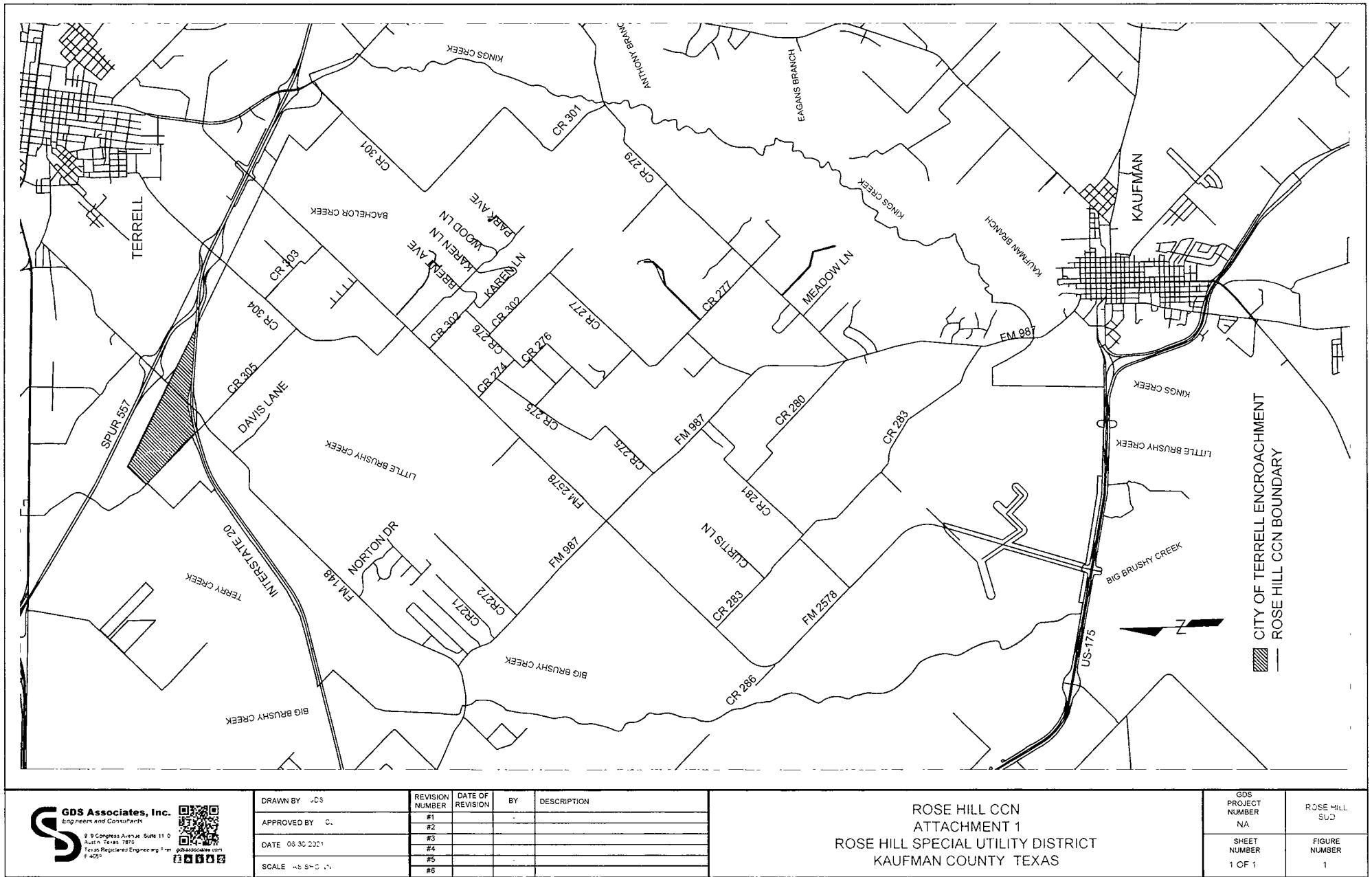
**ATTORNEYS FOR ROSE HILL SPECIAL
UTILITY DISTRICT**

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was transmitted to counsel for the
City of Terrell, Texas via email and regular, first-class, mail on July 8, 2021.



Andrew S. "Drew" Miller



DRAWN BY	JDS	REVISION	DATE OF REVISION	BY	DESCRIPTION
APPROVED BY	C.	#1			
		#2			
DATE	06/30/2021	#3			
		#4			
		#5			
SCALE	AS SHOWN	#6			

ROSE HILL CCN
ATTACHMENT 1
ROSE HILL SPECIAL UTILITY DISTRICT
KAUFMAN COUNTY TEXAS

GDS PROJECT NUMBER	NA	ROSE HILL SUD
SHEET NUMBER	1 OF 1	FIGURE NUMBER 1