



## Filing Receipt

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**DOCKET NO. 52310**

<b>PETITION OF ROSE HILL SPECIAL</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>UTILITY DISTRICT FOR CEASE AND</b>	<b>§</b>	
<b>DESIST ORDER AGAINST THE CITY</b>	<b>§</b>	<b>OF TEXAS</b>
<b>OF TERRELL FOR UNAUTHORIZED</b>	<b>§</b>	
<b>WATER SERVICE</b>	<b>§</b>	

**ORDER NO. 9**  
**DENYING MOTION TO DISMISS**

On July 9, 2021, Rose Hill Special Utility District filed a petition for an order directing the City of Terrell to cease and desist from providing unauthorized water service and interfering with Rose Hill SUD's water system. On July 30, 2021, the City filed a motion to dismiss the petition under 16 Texas Administrative Code (TAC) § 22.181(d)(1), (2), and (8). On February 8, 2022, Rose Hill SUD filed its response to the motion to dismiss.

**I. Petition**

Rose Hill SUD holds water certificate of convenience and necessity (CCN) number 10849 obligating it to provide retail water service to a defined geographic area within Kaufman County. Rose Hill SUD filed its petition requesting that the Commission issue a cease and desist order. In its petition, Rose Hill SUD alleges that the City is providing unauthorized water service and interfering with its water system. The petition includes a map that highlights the region that is the subject of the petition.

**II. The City's Motion to Dismiss**

In the City's motion to dismiss, the City asserts the petition should be dismissed under 16 TAC § 22.181(d)(1), (2), and (8), because the Commission does not have jurisdiction over this matter, the allegations in the petition contemplate a moot issue that is also obsolete, and the petition fails to state a claim for which relief can be granted.

Specifically, the City alleges Rose Hill SUD's petition does not contain any allegations as to when Rose Hill SUD became aware of the alleged interference and provision of service and provides no information or documentation to support the allegation that any interference occurred.

### **III. Rose Hill SUD's Response**

In Rose Hill SUD's response to the motion to dismiss, Rose Hill SUD indicates the City's motion to dismiss should be dismissed pending Rose Hill SUD's amendment of its petition. Rose Hill SUD indicates it will file an amended petition on or before March 14, 2022.

### **IV. Denying Motion to Dismiss**

While the City argues that the petition does not include all of the information required by rule, the City has not shown that the Commission lacks jurisdiction over this matter, that the allegations in the petition contemplate a moot issue that is also obsolete, or that the petition fails to state a claim for which relief can be granted. Accordingly, the administrative law judge denies the City's motion to dismiss.

**Signed at Austin, Texas this 15th day of February 2022.**

**PUBLIC UTILITY COMMISSION OF TEXAS**



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**KATIE MOORE MARX**  
**ADMINISTRATIVE LAW JUDGE**