



## 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 OF</b>	<b>§</b>	<b>OF TEXAS</b>
<b>TERRELL FOR UNAUTHORIZED</b>	<b>§</b>	
<b>WATER SERVICE</b>	<b>§</b>	

**COMMISSION STAFF'S SUPPLEMENTAL RECOMMENDATION**

On July 9, 2021, Rose Hill Special Utility District (Rose Hill) filed a petition for an order directing the City of Terrell, Texas to cease and desist from providing unauthorized water service and interfering with Rose Hill's water system (Petition). On August 12, 2021, the administrative law judge (ALJ) abated the proceeding to allow the applicants to confer about possible settlement of this dispute. On January 31, 2022, Rose Hill SUD filed a status report indicating that the parties have not made sufficient progress toward settling the issues in this proceeding and there is no agreement between them at this time regarding any additional extension of the abatement. On March 10, 2022, Rose Hill filed a first amended petition for a cease-and-desist order (Amended Petition).

On February 2, 2022, the ALJ filed Order No. 8, directing the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file a supplemental recommendation on the sufficiency of the petition, and, if applicable, provide recommendation regarding notice by March 24, 2022. Therefore, this pleading is timely filed.

**I. SUFFICIENCY OF THE PETITION**

Staff has reviewed Rose Hill's Amended Petition and recommends that the pleading be deemed sufficient under the requirements of 16 TAC § 24.255.

**II. RECOMMENDATION ON NOTICE**

Notice in this proceeding is governed by 16 TAC § 22.55. Notice should be provided to all affected persons, which includes any person whose water service or rates will be affected by a Commission proceeding.<sup>1</sup> Rose Hill is seeking an order that would require the City of Terrell cease providing water service to all customers that it serves in Rose Hill's certificated service area under

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<sup>1</sup> See Texas Water Code (TWC) § 13.002(1) (incorporated by reference into 16 TAC § 22.2(4)).

Certificate of Convenience and Necessity (CCN) No. 10849.<sup>2</sup> Staff recommends that Rose Hill be required to give notice of this proceeding to those customers. Staff further recommends that, to the extent they are not identified in the Amended Petition,<sup>3</sup> the City of Terrell provide notice to any customers in the tract of land being served by the City of Terrell within Rose Hill's CCN that have not been identified in the Amended Petition. The required notices should substantially contain the information contained in Attachment A to this pleading.

### III. PROPOSED PROCEDURAL SCHEDULE

Consistent with the above recommendations, Staff proposes the following procedural schedule for further processing of this docket:

Event	Date
Deadline for City of Terrell to file a response to the Amended Petition	March 31, 2022
Deadline for Rose Hill to provide notice of this proceeding to the customers identified in Amended Petition	April 1, 2022
Deadline for City of Terrell to provide notice of this proceeding to any remaining customers, if necessary	April 1, 2022
Deadline for Rose Hill to file proof of notice	April 8, 2022
Deadline for City of Terrell to file proof of notice, if appropriate	April 8, 2022
Deadline for Commission Staff's recommendation regarding sufficiency of notice	May 2, 2022
Deadline to Intervene	May 16, 2022
Deadline to Request a Hearing	May 23, 2022

### IV. CONCLUSION

Staff respectfully requests entry of an order consistent with this pleading.

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<sup>2</sup> Amended Petition at 3-4.

<sup>3</sup> *Id.*

Dated: March 24, 2022

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

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/s/ R. Floyd Walker

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**DOCKET NO. 52310**

**CERTIFICATE OF SERVICE**

I certify that unless otherwise ordered by the presiding officer, notice of the filing of this document was provided to all parties of record via electronic mail on March 24, 2022 in accordance with the Second Order Suspending Rules, issued in Project No. 50664.

/s/ R. Floyd Walker

R. Floyd Walker

Rose Hill Special Utility District has filed a petition against the City of Terrell, Texas that may affect your water service provider. Persons who wish to intervene in or comment upon these proceedings should notify the Commission as soon as possible, as an intervention deadline will be imposed. All requests to intervene or other communications regarding this proceeding should reference Docket No. 52310.

The preferred method for you to file your request for intervention is electronically, and you will be required to serve the request on other parties by email. Therefore, please include your own email address on the intervention request. Instructions for electronic filing via the “PUC Filer” on the Commission's website can be found here: <https://interchange.puc.texas.gov/filer>. Instructions for using the PUC Filer are available at [http://www.puc.texas.gov/industry/filings/New\\_PUC\\_Web\\_Filer\\_Presentation.pdf](http://www.puc.texas.gov/industry/filings/New_PUC_Web_Filer_Presentation.pdf). For assistance with your electronic filing, please contact the Commission's Help Desk at (512) 936-7100 or [helpdesk@puc.texas.gov](mailto:helpdesk@puc.texas.gov). You can review materials filed in this docket on the PUC Interchange at: <https://interchange.puc.texas.gov/search/filings?ControlNumber=52310>

If you are unable to file your request for intervention electronically, you may file your request for intervention by mailing a hard copy of your request to the Commission. The Commission should receive a letter from you requesting intervention by the intervention deadline. Mail the request for intervention to:

Public Utility Commission of Texas  
Central Records  
Attn: Filing Clerk  
1701 N. Congress Ave.  
P.O. Box 13326  
Austin, Texas 78711-3326

Persons who wish to intervene in the docket must also send a copy of their request for intervention to all parties in the docket and all persons that have pending motions to intervene, at or before the time the request for intervention is sent to the PUC.

The proposed deadline for intervention in this proceeding is May 16, 2022, and the Commission should receive a letter requesting intervention no later than that date. Further information may also be obtained by contacting the Public Utility Commission at (512) 936-7120 or (888) 782-8477. Hearing- and speech-impaired individuals with text telephones (“TTY”) may contact the Commission at (512) 936-7136.