



## Filing Receipt

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**PUC DOCKET NO. 52310**

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

**ROSE HILL SPECIAL UTILITY DISTRICT’S RESPONSE TO  
COMMISSION STAFF’S SUPPLEMENTAL RECOMMENDATION,  
REPLY TO CITY OF TERRELL’S RESPONSE TO THAT FILING, AND  
PROPOSED PROCEDURAL SCHEDULE**

COMES NOW, Rose Hill Special Utility District (“Rose Hill”), and files this response to Commission Staff’s Supplemental Recommendation, Reply to City of Terrell’s Response to that Supplemental Recommendation, and Proposed Procedural Schedule. In support thereof, Rose Hill respectfully shows the following:

**I. Relevant Background**

On March 10, 2022, Rose Hill filed its First Amended Petition for Cease and Desist Order Against the City of Terrell in this proceeding. Commission Staff filed its Supplemental Recommendation regarding Rose Hill’s First Amended Petition on March 24, 2022. Commission Staff recommended that (1) Rose Hill’s First Amended Petition be deemed sufficient under 16 TEX. ADMIN. CODE 24.55; (2) Rose Hill be required to provide notice of this proceeding to affected persons (*i.e.*, customers that the City of Terrell (“City”) serves in Rose Hill’s certificated service area under Certificate of Convenience and Necessity (CCN) No. 10849) that are identified in Rose Hill’s First Amended Petition; and (3) the City be required to provide notice to any customers in the tract of land being served by the City within Rose Hill's CCN that have not been identified in Rose Hill’s First Amended Petition. Commission Staff’s Supplemental Recommendation included a proposed procedural schedule with proposed deadlines related to the above recommendations.

On March 30, 2022, the City filed a Response to Commission Staff's Supplemental Recommendation. In its Response, the City claims that the Commission Staff's proposed procedural schedule "reflects a highly expedited and unrealistic timeframe" and that it seeks to "implement measures on the City that exceed applicable statutory and regulatory requirements."

Rose Hill agrees that the Commission's proposed procedural schedule should be modified to provide both parties with additional time to comply with the proposed deadlines. However, Rose Hill disagrees that Commission Staff's proposed procedural schedule seeks to "implement measures on the City that exceed applicable statutory and regulatory requirements."

Moreover, and importantly, Rose Hill has recently learned of additional relevant information bearing on the issue of notice to affected persons that should be brought to the your and parties' the attention (as described below). In light of this additional information, Rose Hill suggests a procedural schedule that is designed to facilitate and efficiently provide notice of this proceeding to affected persons.

## **II. Additional Relevant Information**

Rose Hill's First Amended Petition for Cease and Desist Order includes a map that clearly shows of the location of City's interference and unlawful provision of service (*i.e.*, a 232-acre area within the boundaries of Rose Hill's CCN), the names of thirty businesses located within that area (to which the City is illegally providing water service), and a *physical* address for each of those thirty businesses.

However, based on a recent conversation between Rose Hill's General Manger and an official at the local post office, Rose Hill now has reason to believe that not all of the thirty businesses listed in Rose Hill's Amended Petition receive mail at their physical addresses (which

are included in Rose Hill's Amended Petition) and that at least some of those businesses receive their mail elsewhere.

### **III. The City is in Possession of Mailing Addresses for the Thirty Customers Identified in Rose Hill's First Amended Petition**

The City presumably possesses current and accurate mailing address for each of thirty businesses listed in Rose Hill First Amended Petition. It should be no problem whatsoever for the City to quickly and efficiently identify and provide a mailing address for each of those customers. Moreover, it should be no problem for the City to identify and provide a mailing address for any additional customers located within the 232-acre tract within Rose Hill's CCN being served by the City that were not identified in Rose Hill's First Amended Petition.

### **IV. Rose Hill's Proposed Procedural Schedule to Efficiently Provide Notice of this Proceeding to Potentially Affected Persons**

Rose Hill proposes that the ALJ issue an order that takes into account any current uncertainty regarding how and where each of the thirty businesses identified in Rose Hill's First Amended Petition receives mail, as well as the fact that the City presumably is in possession of a current mailing address for each of those businesses, by requiring that the City provide to Rose Hill a current mailing address for each of the thirty businesses identified in Rose Hill's First Amended Petition, as well as a current mailing address for any customers located within the 232-acre tract within Rose Hill's CCN being served by the City that were not identified in Rose Hill's First Amended Petition.

Accordingly, Rose Hill proposed that the ALJ enter an order setting forth a procedural schedule that includes the following deadlines related to notice:

<b>Event</b>	<b>Date</b>
Deadline for City to provide Rose Hill with a current mailing address for: (1) each of the City's customers listed in Rose Hill's First Amended Petition; and (2) any customers within the 232-acre tract within Rose Hill's CCN being served by the City that were not identified in Rose Hill's First Amended Petition.	[14 days from entry of an order regarding notice]
Deadline for Rose Hill to provide notice to both (1) the businesses listed in Rose Hill's First Amended Petition for which the City has provided a mailing address; and (2) any customers within the 232-acre tract within Rose Hill's CCN being served by the City that were not identified in Rose Hill's First Amended Petition, and for which the City has provided a mailing address.	[28 days from entry of an order regarding notice]
Deadline for Rose Hill to provide proof of notice	[35 days from entry of an order regarding notice issues]
Deadline for Commission Staff's recommendation regarding sufficiency of notice	[60 days from entry of an order regarding notice]
Deadline to Intervene	[75 days from entry of an order regarding notice]
Deadline to Request a Hearing	[80 days from entry of an order regarding notice]

### **V. Conclusion**

For these reasons, Rose Hill Special Utility District respectfully requests that the Administrative Law Judge issue an order establishing a procedural schedule that requires the City to provide Rose Hill with a current mailing address for the customers identified in Rose Hill's First Amended Petition as well as the current mailing address for any additional customers within the identified 232-acre area within Rose Hill's CCN that are being served by the City and which

are not listed in Rose Hill's First Amended Petition, such as Rose Hill's proposed procedural schedule set forth above.

Respectfully submitted,

By:   
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**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 on March 31, 2022.



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Andrew S. "Drew" Miller