



## **Filing Receipt**

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**Item Number - 91**

**PUC DOCKET NO. 52310**  
**SOAH DOCKET NO. 473-23-02390.WS**

<b>PETITION OF ROSE HILL SPECIAL</b>	<b>§</b>	
<b>UTILITY DISTRICT FOR A CEASE</b>	<b>§</b>	<b>BEFORE THE STATE OFFICE OF</b>
<b>AND DESIST ORDER AGAINST THE</b>	<b>§</b>	
<b>CITY OF TERRELL, TEXAS FOR</b>	<b>§</b>	<b>ADMINISTRATIVE HEARINGS</b>
<b>UNAUTHORIZED WATER SERVICE</b>	<b>§</b>	

**JOINT STATUS REPORT**

COMES NOW, the City of Terrell, Texas (City), Rose Hill Special Utility District (the District), and Staff of the Public Utility Commission of Texas (Commission Staff) (collectively, the Parties), by and through their attorneys of record, and file this Joint Status Report.

**I. BACKGROUND**

On July 9, 2021, the District filed its petition for a cease and desist order against the City. On October 6, 2022, the Commission issued a Preliminary Order identifying a list of issues to be addressed in this Docket. On October 10, 2022, the State Office of Administrative Hearings (SOAH) Administrative Law Judge (ALJ) filed Order No. 1, setting a prehearing conference on October 26, 2022. On October 25, 2022, the City filed a Motion to Abate to suspend the proceedings in this Docket while the Commission reviews the City's application under Texas Water Code § 13.255 to amend the District's water certificate of convenience and necessity No. 10849 (the 13.255 Application). The SOAH ALJ filed Order No. 2 on October 26, 2022, memorializing the prehearing conference, granting extensions of time, and abating discovery pending a ruling on the Motion to Abate. On November 28, 2022, the District filed its Second Amended Petition for a Cease and Desist Order against the City. The City filed a Request to Strike the Second Amended Petition, Request to Sever the Second Amended Petition, and Motion to Dismiss the Second Amended Petition on January 4, 2023. The District filed its Responses To City's (1) Request to Strike Second Amended Petition (and, in the Alternative, Motion For Leave to File Second Amended Petition); (2) Request to Sever Second Amended Petition; and (3) Motion To Dismiss on February 3, 2023. The City's Motion to Abate, Request to Strike, Request to Sever, and Motion to Dismiss; and the District's Motion for Leave to File are currently pending. On October 20, 2023, the SOAH ALJ filed an Order Requiring a Status Report, ordering the parties

to provide a status report no later than November 3, 2023, regarding the status of this matter, the motions ripe for consideration, and a proposed scheduling order.

## **II. JOINT STATUS REPORT**

Pursuant to 1 Texas Administrative Code § 155.351, a party may request mediation during a prehearing conference or hearing. The Parties have unanimously agreed to participate in mediation and respectfully request that the SOAH ALJ appoint a mediator and refer the above-referenced Docket to mediation to attempt to resolve the issues in this matter, including, but not limited to, the pending Motions and Requests and the list of issues in the Commissions' Preliminary Order. If this proceeding is not resolved through mediation, then the Parties will submit a proposed procedural schedule.

In addition, the District believes that the abatement of discovery issued on October 26, 2022, in this matter should be lifted and on November 2, 2023, inquired with the other parties as to whether they would agree to the lifting of that abatement. Counsel for the City has stated that the City does not agree to lift the abatement of discovery at this time, and counsel for Commission Staff has not taken a position regarding this issue at this time.

## **III. CONCLUSION AND PRAYER**

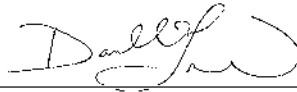
WHEREFORE, PREMISES CONSIDERED, the City, the District, and Commission Staff respectfully request that the Administrative Law Judge refer this Docket to a State Office of Administrative Hearings mediator and refer this case to mediation.

Respectfully submitted,

**LLOYD GOSSELINK ROCHELLE &  
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**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 November 3, 2023, in accordance with the Order Suspending Rules, issued in Project No. 50664.



Danielle Lam