



## Filing Receipt

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**DOCKET NO. 52551**

<b>JOINT PETITION OF BLACKLAND</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>WATER SUPPLY CORPORATION</b>	<b>§</b>	
<b>AND THE CITY OF ROCKWALL FOR</b>	<b>§</b>	<b>OF TEXAS</b>
<b>APPROVAL OF SERVICE-AREA</b>	<b>§</b>	
<b>CONTRACT UNDER TEXAS WATER</b>	<b>§</b>	
<b>CODE § 13.248 AND TO AMEND</b>	<b>§</b>	
<b>CERTIFICATE OF CONVENIENCE</b>	<b>§</b>	
<b>AND NECESSITY UNDER TEXAS</b>	<b>§</b>	
<b>WATER CODE § 13.245(a) IN</b>	<b>§</b>	
<b>ROCKWALL COUNTY</b>	<b>§</b>	

**COMMISSION STAFF’S RESPONSE TO ORDER NO. 2**

On September 10, 2021, Blackland Water Supply Corporation (Blackland WSC) and the City of Rockwall (Rockwall) (collectively, Petitioners) filed a petition for amendment of Blackland WSC’s retail water service area under water Certificate of Convenience and Necessity (CCN) No. 11305, pursuant to Texas Water Code (TWC) § 13.255(a); for approval of a service area agreement entered into between Blackland WSC and Rockwall under TWC § 13.248; and for decertification of a portion of Blackland WSC’s certificated service area under TWC § 13.254(a) based on agreements between Blackland WSC and developers. Petitioners also are requesting that the results of an accepted mediated settlement agreement from Texas Commission on Environmental Quality (TCEQ) Docket No. 2004-1736-UCR be accurately reflected in documentation and mapping related to Blackland WSC’s CCN No. 11305. Petitioners assert that Rockwall does not hold and does not want to hold a water or wastewater CCN. Petitioners filed supplemental information on November 10, 2021 and November 17, 2021.

On December 14, 2021, the administrative law judge (ALJ) filed Order No. 2, requiring applicants to file an amended petition that accurately states the relief they seek by January 14, 2022, and establishing a deadline of February 14, 2022 for the Staff (Staff) of the Public Utility Commission (Commission) to file comments on the administrative completeness of the amended petition, the sufficiency of notice, and to propose a procedural schedule, if appropriate. The ALJ also set a deadline of January 14, 2022 for the Staff and applicants to file a response to Order No. 2 explaining whether they agree or disagree that severance of the instant docket into two dockets is warranted. Therefore, this pleading is timely filed.

## I. SEVERANCE

In Order No. 2, filed on December 14, 2021, the ALJ cited 16 Texas Administrative Code (TAC) § 22.34(b), which allows the ALJ, on his own initiative and after providing prior notice to the parties, to order the severance of proceedings if he finds that severance would serve the interests of efficiency or prevent unwarranted expense or delay.<sup>1</sup> Pursuant to 16 TAC § 22.34(b), the ALJ notified the parties that the ALJ believes this case warrants severance into two dockets – one involving the agreements reflected in Exhibits B-1, B-2, and B-4 and TWC § 13.255(a), and the other involving the agreements reflected in Exhibits B-3 and D-1 and TWC § 13.254(a).<sup>2</sup> Staff agrees with the ALJ that severance into two dockets as provided above is warranted in this proceeding.

## II. CONCLUSION

Staff respectfully requests the entry of an order consistent with the foregoing response.

Dated: January 14, 2022

Respectfully submitted,

### **PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION**

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Division Director

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<sup>1</sup> Order No. 2 at 3 (Dec. 14, 2021).

<sup>2</sup> *Id.*

**DOCKET NO. 52551**

**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 January 14, 2022, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Jenna Keller  
Jenna Keller