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PUC DOCKET NO. 53262

PETITION OF BLACKLAND WATER	§	
SUPPLY CORPORATION AND THE	§	
CITY OF ROCKWALL FOR APPROVAL	§	PUBLIC UTILITY COMMISSION
TO AMEND CERTIFICATE OF	§	
CONVENIENCE AND NECESSITY	§	OF TEXAS
UNDER TEXAS WATER CODE §	§	
13.255(a) IN ROCKWALL COUNTY	§	

**CITY OF ROCKWALL'S
REQUEST FOR STAY OF ORDER NO. 6**

To the Honorable Judge Burkhalter:

The City of Rockwall, Texas (“City”), pursuant to 16 Tex. Admin. Code [TAC] § 22.123(a)(5) files this request for stay of Order No. 6,¹ for good cause shown.

On August 15, the City and Blackland Water Supply Corporation (“Blackland”) filed an appeal of Order No. 6,² an interim order that withdrew the presiding officer’s prior finding of administrative completeness in Order No. 5.³ On August 25 Commission Advising informed the parties that the Commission will address the appeal at the open meeting scheduled on September 15, 2022.

Order No. 6 requires two things: first, on or before September 6, the petitioners “must amend the petition to cure the deficiencies identified above,” and, second, by October 6 Commission Staff must re-assess administrative completeness, sufficiency of notice, and propose a procedural schedule. Under 16 TAC § 22.123(a)(5), neither the interim order nor a procedural schedule is automatically suspended by the filing of an interim appeal.

Essentially, the City is required to prepare an amendment of the petition to include a request to the Commission for issuance of a certificate of convenience and necessity (CCN), adding a time-consuming, administratively burdensome, and costly process to the City and, less directly, to Blackland. If the Appeal is successful, there would be no need for any City certificate when presenting an agreement under Water Code § 13.255(a). The petitioners’ deadline precedes the

¹ Order No. 6, Withdrawing Prior Finding of Administrative Completeness, Finding Application Not Administratively Complete, and Providing Opportunity to Cure (Aug. 5, 2022) (Agency Information System (AIS) Item No. 15) (Order No. 6).

² Joint Petitioners’ Appeal of Order No. 6 and Request for Reconsideration (Aug. 15, 2022) (AIS Item No. 16) (Appeal).

³ Joint Petitioners also requested reconsideration of Order No. 6 under 16 TAC § 22.123(a)(8).

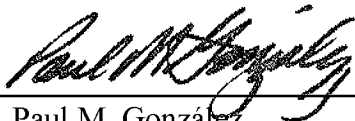
Commission's open meeting on September 15. As such, the Commission's disposition of the Appeal may make further action pursuant to the schedule set forth in Order No. 6 unnecessary. To avoid potentially needless expense and effort, and to promote administrative efficiency, the City requests a stay of Order No. 6. This request is not made for the purpose of delay, but is made to "promote the just and efficient disposition of proceedings." See 16 TAC § 22.1(a).

On August 25 and 26, undersigned counsel for the City attempted unsuccessfully to confer with counsel for Commission Staff or Blackland. Given the limited time presented for the next action under Order No. 6, this filing is made without knowing if the request is unopposed.

WHEREFORE, PREMISES CONSIDERED, and for good cause shown, the City prays that compliance with the schedule set forth in Order No. 6 be stayed pending final Commission disposition of the appeal under 16 TAC § 22.123.

Respectfully submitted,

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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 August 26, 2022, in accordance with the Order Suspending Rules, issued in Project No. 50664.


Paul M. González