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DOCKET NO. 52551

PETITION OF BLACKLAND WATER	§	PUBLIC UTILITY COMMISSION
SUPPLY CORPORATION AND THE CITY	§	
OF ROCKWALL TO DECERTIFICATE	§	OF TEXAS
PORTIONS OF A CERTIFICATE OF	§	
CONVENIENCE AND NECESSITY UNDER	§	
TEXAS WATER CODE § 13.254(a) IN	§	
ROCKWALL COUNTY	§	

ORDER NO. 4
SEVERING PROCEEDINGS, RESTYLING DOCKET, AND SETTING DEADLINE

DOCKET NO. 53262

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

ORDER NO. 1
SEVERING PROCEEDINGS, ESTABLISHING DOCKET,
AND IMPOSING DEADLINES

I. Background

On January 21, 2022, Blackland Water Supply Corporation and the City of Rockwall filed a first amended petition in this matter. In the first amended petition, Blackland WSC and Rockwall seek the following:

- 1) To decertify, under TWC § 13.254(a), various portions of Blackland WSC's certificated service area under certificate of convenience and necessity (CCN) number 11305 in light of two agreements between Blackland WSC and developers entered into over a period of years. These agreements are referred to as the "Other Agreements" in the first amended petition and are identified as Exhibit B-3 (from 2005) and Exhibit D-1 (from 2016).
- 2) A request to approve changes, under TWC § 13.255(a), to Blackland WSC's certificated service area under CCN number 11305 based on agreements, referred to as "Service Area

Agreements,” between Blackland WSC and the city entered into over a period of years. The Service Area Agreements are identified in the first amended petition as Exhibit B-1 (from 1989), Exhibit B-2 (from 2007), and Exhibit B-4 (from 2012).

II. Severance

In Order No. 2 filed on December 14, 2021, the administrative law judge (ALJ) provided notice to the parties of his intent to sever Docket No. 52551 into two dockets—one involving the CCN decertification under TWC § 13.254(a), and the other involving the CCN amendments under TWC § 13.255(a). Commission Staff agrees that severance is warranted. The petitioners do not.

The ALJ is concerned about the potential for confusion entailed in evaluating five different, large, and complex agreements entered into over a period of decades and consideration of multiple legal theories in a single case. The ALJ finds that severance would serve the interest of efficiency and would enhance the petitioners’ ability to present their case and the other parties’ abilities to respond. Accordingly, the ALJ orders Docket No. 52551 to be severed into two different dockets, as follows:

1. Docket No. 52551 will address the agreements attached to the first amended application as Exhibits B-3 and D-1 and will be styled *Petition of Blackland Water Supply Corporation and the City of Rockwall to Decertify Portions of a Certificate of Convenience and Necessity Under Texas Water Code § 13.254(a) in Rockwall County*; and
2. New Docket No. 53262 will address the agreements attached to the first amended application as Exhibits B-1, B-2, and B-4, and will be styled *Petition of Blackland Water Supply Corporation and the City of Rockwall for Approval to Amend Certificate of Convenience and Necessity Under Texas Water Code § 13.255(a) in Rockwall County*.

So that the record in both matters will be complete, the ALJ deems all documents filed prior to the date of this Order on the Commission’s interchange in Docket No. 52551 to be incorporated by reference and also a part of the record for Docket No. 53262.

By March 25, 2022, the petitioners must: (1) file a new amended petition in Docket 52551 that only addresses the issues relevant to Texas Water Code § 13.254(a) and the agreements and maps at

issue in that docket; and (2) file a new amended petition in Docket 53262 that only addresses the issues relevant to Texas Water Code § 13.255(a) and the agreements and maps at issue in that docket.

By April 15, 2021, Commission Staff must, in each docket, file a supplemental recommendation regarding the administrative completeness of the amended application and the sufficiency of notice, and propose a procedural schedule, if appropriate.

Signed at Austin, Texas the 25th day of February 2021.

PUBLIC UTILITY COMMISSION OF TEXAS



HUNTER BURKHALTER
CHIEF ADMINISTRATIVE LAW JUDGE