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**DOCKET NO. 50065**

**COMPLAINT OF DOUG AND LINDA  
CROSSON, BO AND TRISH LEBO, AND  
BRUCE AND ANN AHLHORN AGAINST  
PEDERNALES ELECTRIC  
COOPERATIVE, INC.**

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**PUBLIC UTILITY COMMISSION  
OF TEXAS**

**ORDER NO. 3  
GRANTING MOTION FOR LEAVE  
AND ADDRESSING OTHER PROCEDURAL MATTERS**

This Order addresses the motion for leave filed by Pedernales Electric Cooperative, Inc. (PEC) on November 19, 2019 and other procedural matters.

**I. Granting Motion for Leave**

On November 19, 2019, PEC filed a surreply to the complainants' response to PEC's motion to dismiss the complaint. In accordance with 16 Texas Administrative Code (TAC) § 22.181(e)(4), PEC included with its surreply a motion for leave to file the pleading. In light of the nature of the claims raised in previous pleadings of the parties, the administrative law judge (ALJ) finds that good cause exists to permit the filing of the surreply. Therefore, the ALJ grants PEC's motion for leave to surreply.

The ALJ additionally notes that the complainants filed a response to PEC's surreply on November 25, 2019. The ALJ finds good cause to permit this pleading and grants leave for the filing of the pleading under 16 TAC 22.181(e)(4).

**II. Pending Motion to Dismiss, Motion for Summary Decision, and Request for Hearing**

At this time, there are before the Commission a pending motion to dismiss the complaint and a motion for summary decision. The ALJ intends to consider these motions simultaneously and will enter either an appropriate order or a proposal for decision. The ALJ also notes that the complainants have requested a hearing on the merits of the complaint.

**III. Admitting Evidence**

The ALJ, for purposes of consideration of the pending motions to dismiss and for summary decision, admits the following into the record of evidence of this proceeding:

- (1) the complaint, filed on October 1, 2019;

- (2) PEC's response to the complaint, motion to dismiss, and motion for summary decision, filed on October 23, 2019;
- (3) Commission Staff's statement of position, filed on October 31, 2019;
- (4) the complainants' request for waiver of informal resolution, filed on November 12, 2019;
- (5) the complainants' response to PEC's motion to dismiss and motion for summary decision, filed on November 12, 2019;
- (6) PEC's surreply, filed on November 19, 2019;
- (7) the complainants' response to PEC's surreply, filed on November 25, 2019;
- (8) the complainants' motion for referral to the State Office of Administrative Hearings and request for hearing, filed on January 30, 2020;
- (9) PEC's response to the complainants' motion for referral and request for hearing, filed on February 3, 2020; and
- (10) the complainants' reply to PEC's response to the complainants' motion, filed on February 27, 2020.

**Signed at Austin, Texas the 4<sup>th</sup> day of May 2020.**

**PUBLIC UTILITY COMMISSION OF TEXAS**

A handwritten signature in black ink, appearing to read 'STEVEN LEARY', written over a horizontal line.

**STEVEN LEARY  
ADMINISTRATIVE LAW JUDGE**