

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

FILED

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CLERK US DISTRICT COURT
WESTERN DISTRICT OF TEXAS

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**GREEN VALLEY SPECIAL UTILITY
DISTRICT,**

Plaintiff,

-vs-

CAUSE NO.:
AU-17-CA-00819-SS

**DEANN T. WALKER, ARTHUR C.
D'ANDREA, and SHELLY BOTKIN, in
their official capacities as Commissioners of
the Public Utility Commission of Texas;
JOHN PAUL URBAN, in his official
capacity as Executive Director of the Public
Utility Commission of Texas; CITY OF
SCHERTZ, TEXAS; JOHN KESSEL, in his
official capacity as City Manager of the City
of Schertz, Texas; and GUADALUPE
VALLEY DEVELOPMENT
CORPORATION,**

Defendant.

FINAL JUDGMENT

BE IT REMEMBERED on this day the Court dismissed Green Valley's claim that § 1926(b) preempts Texas Water Code § 13.254(a-1); granted summary judgment in favor of Defendants on Green Valley's claim that § 1926(b) preempts Texas Water Code § 13.254(a-6); and granted summary judgment in favor of Green Valley on Green Valley's § 1983 claims on the ground Defendants violated Green Valley's exclusive right to provide service to its service area under § 1926(b).

Accordingly,

IT IS ORDERED, ADJUDGED, and DECREED that Green Valley's claim that § 1926(b) preempts Texas Water Code § 13.254(a-1) is DISMISSED WITH PREJUDICE;



IT IS FURTHER ORDERED, ADJUDGED, and DECREED that judgment is GRANTED in favor of Defendants on Green Valley's claim that § 1926(b) preempts Texas Water Code § 13.254(a-6);

IT IS FURTHER ORDERED, ADJUDGED, and DECREED that judgment is GRANTED in favor of Green Valley on Green Valley's § 1983 claims;

IT IS FURTHER ORDERED that the GVDC Decertification Order and the Schertz Decertification Order are INVALIDATED for interference with Green Valley's federal rights under § 1926(b);

IT IS FURTHER ORDERED that any PUC orders recertifying the GVDC Tract or the Schertz Acreage to Cibolo and Schertz, respectively, are INVALIDATED for interference with Green Valley's federal rights under § 1926(b).

IT IS FURTHER ORDERED that Schertz is ENJOINED from providing wastewater service to the Schertz Acreage, absent Green Valley's consent, for so long as the Schertz Acreage remains within Green Valley's Sewer CCN;

IT IS FURTHER ORDERED that GVDC is ENJOINED from receiving wastewater service at the GVDC Tract from the City of Cibolo, absent Green Valley's consent, for so long as the GVDC Tract remains within Green Valley's Sewer CCN.

SIGNED this the 28th day of November 2018.



SAM SPARKS
SENIOR UNITED STATES DISTRICT JUDGE