



Control Number: 44721



Item Number: 19

Addendum StartPage: 0

DOCKET NO. 44721

APPLICATION OF QUADVEST, L.P. §  
TO AMEND CERTIFICATES OF §  
CONVENIENCE AND NECESSITY IN §  
HARRIS COUNTY §

RECEIVED  
2016 FEB 22 PM 3:18  
PUBLIC UTILITY COMMISSION  
OF TEXAS  
PUBLIC UTILITY COMMISSION  
FILING CLERK

**ORDER NO. 8  
FINDING APPLICATION REMAINS DEFICIENT AND  
ESTABLISHING DEADLINES**

Order No. 2 and Order No. 4 in this proceeding, deemed this application deficient for the reasons specified in Public Utility Commission of Texas (Commission) Staff's pleadings and attached memoranda filed on June 8, 2015 and August 28, 2015, respectively. In its August 28, 2015 recommendation, Commission Staff specifically stated that the application overlaps with Aqua Texas' (Aqua) Certificate of Convenience and Necessity (CCN) No. 13203. In addition to other matters, Order No. 4 required Quadvest to indicate whether that overlap was intentional. However, Quadvest has not substantively responded to Order No. 4 and since November 3, 2015, this application has been abated at Quadvest's request. On January 22, 2016, Order No. 7 was issued in this proceeding, granting Quadvest's request to continue the abatement in the proceeding, until March 18, 2016.

On February 12, 2016, Quadvest filed an affidavit on behalf of the International Center for Entrepreneurial Development, Inc. (ICEDI) that purports to be in support of a petition for expedited release of ICEDI's property from Aqua's CCN No. 13203. According to the affidavit, ICEDI is the owner of approximately 93 acres of land that is located with the boundaries of Aqua's CCN No. 13203. This affidavit appears to request amendment of Aqua's CCN No. 13203, by expedited release, *in this proceeding*.

On February 17, 2016, Commission Staff responded to Quadvest's February 12, 2016 filing stating that ICEDI is the proper party to petition for expedited release of its property from Aqua's CCN, not Quadvest, and that a petition for expedited release should be filed with the Commission and docketed as a separate proceeding. Commission Staff stated that Quadvest's last substantive update to this application was July 30, 2015, therefore requested a February 24, 2016 deadline for Quadvest to file a status update and provide all information required to cure the deficiencies in this application.


101

Commission Staff is correct. Only a property owner may petition the Commission for expedited release of the owner's land from a CCN and further, a petition for expedited release is a separate and standalone proceeding; not a portion of another proceeding. Therefore, Quadvest is advised that the affidavit filed on February 12, 2016 on behalf of ICEDI had no effect on this application, was improperly filed, and did not initiate an expedited release for ICEDI.

Consistent with Commission Staff's request, on or before **February 24, 2016**, Quadvest shall provide a status update in this application and provide all information required to cure all of the deficiencies previously identified by Commission Staff. On or before **March 9, 2016**, Commission Staff shall provide a supplemental recommendation on the sufficiency of this application and if the recommendation is that the application remains deficient, comment on whether the application should be dismissed without prejudice. Quadvest is reminded that timely filings are expected.

SIGNED AT AUSTIN, TEXAS the 22<sup>nd</sup> day of February 2016.

PUBLIC UTILITY COMMISSION OF TEXAS

  
SUSAN E. GOODSON  
ADMINISTRATIVE LAW JUDGE