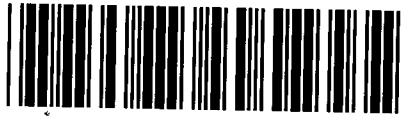


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APPLICATION OF QUADVEST, L.P. TO AMEND CERTIFICATES OF CONVENIENCE AND NECESSITY IN HARRIS COUNTY	§ § § §	PUBLIC UTILITY COMMISSION OF TEXAS FILING CLERK
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COMMISSION STAFF'S MOTION TO DISMISS

COMES NOW the Commission Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and files this Staff's Motion to Dismiss. In support thereof, Staff shows the following:

I. BACKGROUND

On May 6, 2015, Quadvest, L.P. (Quadvest) filed an application with the Commission to amend its water and sewer certificates of convenience and necessity (CCN) Nos. 11612 and 20952 in Harris County, Texas.¹ The area that Quadvest seeks to add to its CCN service areas consists of approximately 93 acres and there are no current customers.

On October 7, 2016, Staff filed its Second Request for Information (RFI) to Quadvest² inquiring whether Quadvest had submitted plans and specifications to the Texas Commission on Environmental Quality (TCEQ), or if not, if it has submitted a preliminary engineering report to TCEQ for the first phase of the system. Quadvest responded that no plans had been submitted.³ On October 10, 2016, Staff filed its Third RFI to Quadvest⁴ requesting that it provide letters of consent from CY Fair Community Improvement District, H-M-W Special Utility District, and Harris County WCID 113 consenting to Quadvest's provision of retail water and retail sewer service in the area. On October 31, 2016, Quadvest filed a request for a 30 day extension and including the statement, "I have received response from 1 of 3 consent letters."⁵ On November 8, 2016, the administrative law judge (ALJ) issued Order No. 16, granting Quadvest's request for

¹ Application of Quadvest, L.P. to Amend Certificates of Convenience and Necessity in Harris County (May 6, 2016).

² Commission Staff's Second Request for Information to Quadvest (Oct. 7, 2016).

³ Quadvest Response to Second RFI (Nov. 7, 2016).

⁴ Commission Staff's Third Request for Information to Quadvest (Oct. 10, 2016).

⁵ Quadvest's Request for RFI (Oct. 31, 2016).

a 30 day extension and establishing a revised procedural schedule.⁶ Order No. 16 included a deadline for Staff to provide final maps, certificates, and tariffs to Quadvest for review and consent by December 22, 2016.⁷

II. MOTION TO DISMISS

Quadvest still has not filed documentation responsive to Staff's Second RFI, and after continued communications with counsel for Quadvest, it is Staff's understanding that Quadvest has not submitted such plans and specifications to TCEQ and that Quadvest does not anticipate doing so until at least January 2017. TCEQ approval of facility plans and specifications and/or a preliminary engineering report is an extended process potentially requiring several months to complete, however, Staff cannot complete its review of the application in this docket until Quadvest files an approval letter from TCEQ. Furthermore, Staff cannot request final maps until all documentation necessary to review an application has been filed. It should also be noted that Staff's preparation of final maps can take up to 30 days to generate once requested.

Quadvest has also not responded to Staff's Third RFI, filed on October 10, 2016, requesting consent letters from CY Fair Community Improvement District, H-M-W Special Utility District, and Harris County WCID 113. Staff determined that the service area which Quadvest is requesting in this application overlaps partially with the certificated service areas of those three entities.

Given the usual timelines to receive approval from TCEQ for plans and specifications, it is likely that Quadvest would not even receive approval until mid-2017. Combined with the continued delay by Quadvest in applying to TCEQ for approval, it is now clear that Quadvest has failed to prosecute this action and has failed to provide in a timely manner the documents and approvals necessary to process this docket. Therefore, dismissal is warranted pursuant to 16 Tex. Admin. Code §§ 22.181(a)(1)(F) and (H). Staff respectfully requests that the ALJ dismiss Quadvest's application without prejudice. Once Quadvest has received the required approval from TCEQ and acquired the necessary consents from surrounding utilities, it can then file a complete application for the Commission's consideration.

⁶ Order No. 16 Granting Request for 30-Day Extension and Adopting Revised Procedural Schedule (Nov. 8, 2016).

⁷ *Id.*

III. CONCLUSION

For the reasons presented, Staff respectfully requests that the ALJ dismiss this docket without prejudice.

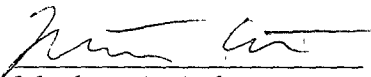
Dated: December 19, 2016.

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

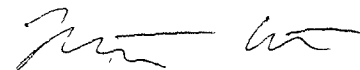
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**P.U.C. DOCKET NO. 44721
CERTIFICATE OF SERVICE**

I, Matthew Arth, staff attorney for the Public Utility Commission of Texas, certify that a copy of this document was served on all parties of record on December 19, 2016, in accordance with the requirements of 16 Tex. Admin. Code § 22.74.



Matthew A. Arth