



Control Number: 44740



Item Number: 23

Addendum StartPage: 0

APPLICATION MSEC ENTERPRISES, §  
 INC. TO AMEND A CERTIFICATE OF §  
 CONVENIENCE AND NECESSITY IN §  
 MONTGOMERY COUNTY §

PUBLIC UTILITY COMMISSION

OF TEXAS

2016 SEP 23 AM 10:03  
 PUBLIC UTILITY COMMISSION  
 FILING CLERK

### APPLICANT'S SECOND REQUEST FOR ABATEMENT

COMES NOW Applicant MSEC Enterprises, Inc., by and through its attorney of record, John M. Fultz, and files this its Second Request for Abatement, and would show the following:

#### I. BACKGROUND

On May 18, 2015, Applicant filed an application to amend sewer certificate of convenience and necessity (CCN) No. 20984 in Montgomery County, Texas (the Application).

The Administrative Law Judge (ALJ) issued Order No. 1 on May 21, 2015, setting deadlines and requesting comments as to administrative completeness.

The ALJ issued Order No. 2 on June 19, 2015, finding the Application administratively incomplete and setting deadlines for responses.

The ALJ issued Order No. 3 on August 19, 2015, finding the Application administratively complete, ordering notice be sent as recommended by Commission Staff, and setting a Procedural Schedule.

The ALJ issued Order No. 3 setting October 19, 2015, as the date for Commission Staff to make further recommendations.

On October 19, 2015, Applicant filed a request to abate the application for amendment pending further action by the Texas Commission on Environmental Quality (TCEQ) on Applicant's application for Wastewater Discharge Permit.

22

The ALJ issued Order No. 4 on October 19, 2015, abating Applicant's application pending TCEQ action on Applicant's Discharge Permit application.

The ALJ issued Order No. 5 on June 22, 2016, requiring a Joint Status Report.

Commission Staff and Applicant filed a Joint Status Report on July 15, 2016.

Commission Staff and Applicant were notified of TCEQ's approval of the Discharge Permit, and requested that the proceeding be unabated after TCEQ issue its final approval of Applicant's Wastewater Discharge Permit on July 15, 2016.

The ALJ issued Order No. 6 on unabating the proceeding and setting a procedural schedule requiring Commission Staff to file its final recommendation on Applicant's Application or to request a hearing by October 10, 2016, and Applicant's response thereto by October 24, 2016.

## II. Second Request to Abate Application Pending Contract Revision

After the issuance of Order No. 6, Applicant worked diligently to respond to Commission Staff's Requests for Information and to provide required documentation to Commission Staff to allow the proper assessment of Applicant's Application for Amendment of its CCN. However, issues have arisen regarding the underlying agreement between Applicant and Montgomery Independent School District, the sole anticipated customer to be served by under Applicant's pending Application. These issues require additional time for review and such revision as may be necessary and required by the parties concerning Applicant's contract for service. Applicant requests that the processing of the Application be abated until January 16, 2017.

Dated: September 21, 2016.

*Signature page follows*

Respectfully submitted,

Fultz & Fultz, PLLC

By: //s// \_\_\_\_\_  
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#### CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on September 21, 2016, in accordance with P.U.C. Procedural Rule 22.74.

//s// \_\_\_\_\_  
John M. Fultz