



Control Number: 45844



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RECEIVED

PETITION OF 121 PINEHURST LTD §
 TO AMEND HMW SUD'S WATER §
 CERTIFICATE OF CONVENIENCE §
 AND NECESSITY IN MONTGOMERY §
 COUNTY EXPEDITED RELEASE §

PUBLIC UTILITY COMMISSION
 OF TEXAS

2016 DEC 21 AM 9:44
 PUBLIC UTILITY COMMISSION
 FILING CLERK

**HMW SPECIAL UTILITY DISTRICT'S
 REQUEST FOR EXTENSION OF TIME TO FILE RESPONSE TO
 ADMINISTRATIVELY COMPLETE APPLICATION**

Comes now the HMW SPECIAL UTILITY DISTRICT OF HARRIS AND MONTGOMERY COUNTIES ("HMW"), filing its Request for Extension of Time to File Response to Administratively Complete Application, and states as follows:

I. Procedural Posture

The Public Utility Commission's Administrative Law Judge issued Order No. 10 on December 13, 2016.

Thus, HMW's deadline to respond is December 20, 2016.

II. Extension Request

HMW requests an extension of time for its deadline to respond to 5:00 p.m. on January 6, 2017, for the following reasons:

1. HMW is entitled to present evidence and argument on the three issues it identified in its initial Response dated May 12, 2016, namely:
 - a. Whether HMW should in fact serve the area, having built facilities for that purpose, or alternatively to receive compensation from the Applicant for its investment;
 - b. Whether the PUC may determine on the evidence that the Applicant "is capable of providing better service" (emphasis supplied); and
 - c. Whether the PUC's actions on CCN boundaries are effective to change HMW's water district boundaries.

See Texas Water Code Sections 13.254(a-6) and (a-8), and HMW's initial Response (attached).

2. HMW will provide engineering and other data in support of its further response on the merits.
3. The undersigned counsel has long scheduled travel between December 21-28, 2016. Development of the supporting data will require substantial involvement of HMW's consulting engineers, whose schedules and work load are unknown but may be presumed to be busy. The existing schedule permits only five business days for HMW's further response on the merits. Additional time is required to accommodate the above realities.
4. A proper response on these issues, with supporting data, cannot reasonably be ready to file by the currently ordered deadline.
5. The more appropriate deadline is Friday, January 6, 2017. If that deadline is adopted, and the same scheduling is maintained:
 - a. Applicant would respond further by January 13, 2017;
 - b. The PUC staff would respond by January 20, 2017; and
 - c. Twenty two calendar days would remain for a decision to be issued within the prescribed sixty day timeframe.

Wherefore, premises considered, HMW prays that its response deadline be extended to January 6, 2017, and for such other and further relief as the PUC deems just.

Respectfully submitted,

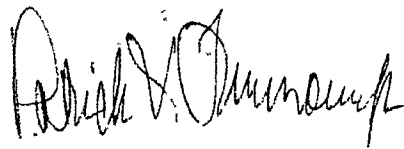


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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Request for Extension of Time to File Response to Administratively Complete Application of HMW Special Utility District, has been forwarded to South Central Water Company as agent for applicant, P.O. Box 570177, Houston, Texas 77257-0177, via facsimile to (713) 783-6321, on this 14th day of December, 2016.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Patrick F. Timmons, Jr.", written over a horizontal line.

Patrick F. Timmons, Jr.

DOCKET NO. 45844

**PETITION OF 121 PINEHURST LTD §
TO AMEND HMW SUD'S WATER §
CERTIFICATE OF CONVENIENCE § OF TEXAS
AND NECESSITY IN MONTGOMERY §
COUNTY EXPEDITED RELEASE §**

RESPONSE OF HMW SPECIAL UTILITY DISTRICT

Comes now the HMW SPECIAL UTILITY DISTRICT OF HARRIS AND MONTGOMERY COUNTIES ("HMW"), filing its Response to the above-styled petition, and states as follows:

I.

On April 12, 2016, South Central Water Company filed an application on behalf of 121 Pinehurst Ltd ("Applicant") for expedited release of a portion of a 123.271 acre tract of land owned by 121 Pinehurst from HMW's water certificate of convenience and necessity ("CCN") No. 10342 in Montgomery County (the "Application").

II.

HMW is the entity that holds Certificate of Convenience and Necessity No. 10342. It is a proper party to this proceeding.

III.

The Application is not administratively complete in the following details:

1. It does not adequately describe the area sought to be decertified;
2. Applicant's sworn affidavit requests only the release of "Water CCN No. 11768", which is not held by HMW. Also, a conflict thus exists between the Applicant's drawing and its affidavit.
3. HMW is a water district with boundaries that are co-extensive with its Certificate of Convenience and Necessity. The Application makes no provision for resolving that conflict of authority, in which HMW will continue to retain its expansion authority under Texas Water Code Section 49. 215.

IV.

On the merits, HMW incorporates and restates its allegation in Paragraph III.3. above.

In addition, HMW has paid for and built its adjacent Kipling Oaks I water system, with the intent to serve its entire CCN in the immediate area, including the area for which Applicant seeks decertification. Therefore, HMW should be permitted to serve the area, or alternatively should receive compensation for the portion of its investment in water lines, plant and equipment that were designed to serve and can serve the area sought to be decertified. See Texas Water Code, Subsection 13.254(a-6).

In addition, in this case the Public Utility Commission ("PUC") is required to find that the Applicant is "capable of providing better service than the certificate holder". See Texas Water Code Subsection 13.254(a-8).

Wherefore premises considered, HMW moves the PUC to deny the Application as not administratively complete, or alternatively to deny it on its merits, or alternatively to require the payment of compensation to HMW, and for such other and further relief as the PUC deems just.

Respectfully submitted,

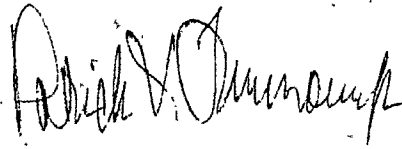


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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Response of HMW Special Utility District, has been forwarded to South Central Water Company as agent for applicant, P.O. Box 570177, Houston, Texas 77257-0177; via facsimile to (713) 783-6321, on this 12th day of May, 2016.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Patrick F. Timmons, Jr.", written over a horizontal line.

Patrick F. Timmons, Jr.