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Item Number: 22

Addendum StartPage: 0

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FORMAL COMPLAINT OF KER-SEVA
LTD. AGAINST THE CITY OF FRISCO,
TEXAS

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§

BEFORE THE
PUBLIC UTILITY COMMISSION
OF TEXAS

ADC WEST RIDGE L.P. AND CENTER FOR HOUSING RESOURCES, INC.'S
MOTION TO INTERVENE

TO THE HONORABLE COMMISSIONERS:

COMES NOW, ADC West Ridge, L.P.¹ and Center for Housing Resources, Inc. (hereinafter, "Movants") and file this Motion to Intervene, pursuant to PUC Procedural Rules 22.103 and 22.104, and would respectfully show as follows:

Ker-Seva, Ltd. filed the Original Complaint under Texas Water Code §§ 13.250 and 13.254 and 16 Texas Administrative Code §§ 22.85 and 24.114 requesting that the Commission order the City of Frisco, Texas ("Frisco"), to provide continuous and adequate water and sewer service to its property located at 9331 Westridge Boulevard (the "Property"). Movants joined in Ker-Seva Ltd.'s complaint in the Amended Complaint and Second Amended Complaint after ADC West Ridge, L.P. purchased the Property. Center for Housing Resources, Inc., as the sole member and manager of ADC West Ridge, L.P.'s general partner, also has an interest in the provision of water and sewer service to the Property. As such, Movants are complainants as defined in the PUC's rules and are necessary parties to this proceeding and intervention by such parties is not required.² However, out of an abundance of caution, ADC West Ridge, L.P. and Center for Housing Resources, Inc. file this motion to intervene in this case.

¹ ADC West Ridge, L.P. has been incorrectly referred to as ADC West Ridge Villas, L.P.

² 16 Tex. Admin. Code § 22.2 ("TAC").

Movants have the right to intervene under PUC Procedural Rule 22.103(b). ADC West Ridge, L.P. is the current owner of the Property and Center for Housing Resources, Inc. is the sole member and manager of ADC West Ridge, L.P.'s general partner, and they have justiciable interests which may be adversely affected by the outcome of this proceeding.³ Movants have justiciable interests in determining whether Frisco will be required by the PUC to meet its statutory duty of providing continuous and adequate water and sewer service to the affordable housing units planned for the Property. As further described in the Second Amended Complaint, since purchasing the Property, Movants have been involved in efforts to obtain water and sewer service from Frisco for the Property and have been met with hostility at every turn. If Movants are not permitted to intervene as parties in this case, there will be a duplication of cases at the PUC requesting essentially the same relief – to require Frisco to meet its statutory obligations as the water and sewer CCN holder for the area in question to serve the Property.

The Orders issued in this case up to the current Order of Referral do not address intervention or set a deadline to intervene. When no such deadline is set, parties may intervene within 45 days of the filing of an application with the commission.⁴ A motion to intervene that is not filed within 45 days may still be granted.⁵ Here, Movants are complainants and therefore are not required to “intervene.”⁶ If, however, the PUC believes intervention is necessary, after considering the relevant factors, Movants should be permitted to intervene even if the motion was not timely filed. Movants did not own the property when the original complaint was filed. Movants filed the Amended Complaint less than 45 days after they purchased the property.⁷ Because Movants filed the Amended Complaint and Second Amended Complaint, there is no

³ 16 TAC § 22.103(b)(2).

⁴ 16 TAC § 22.104(b).

⁵ 16 TAC § 22.104(d).

⁶ 16 TAC § 22.104(a); 16 TAC § 22.2.

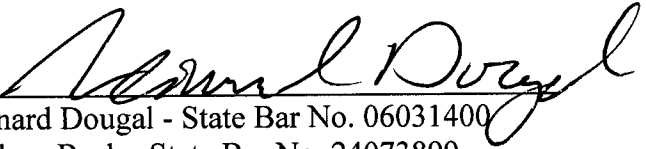
⁷ 16 TAC § 22.104(d)(1)(B).

prejudice to or additional burdens upon the existing parties resulting from permitting a late intervention.⁸ This proceeding has only just begun and no disruption will result from permitting Movants to intervene.⁹

WHEREFORE, PREMISES CONSIDERED, ADC West Ridge, L.P. and Center for Housing Resources, Inc. respectfully request that, if intervention is considered necessary for complainants in this matter, they be permitted to intervene as parties to this case.

Respectfully submitted,

JACKSON WALKER L.L.P.

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⁸ 16 TAC § 22.104(d)(1)(C).

⁹ 16 TAC § 22.104(d)(1)(D).

CERTIFICATE OF SERVICE

I hereby certify that the above and foregoing document was served as shown below on
this 13th day of July 2016:

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