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DOCKET NO. 46139

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BEFORE THE  
PUBLIC UTILITY COMMISSION  
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OF TEXAS

QUADVEST, L.P.'S NOTICE OF §  
INTENT TO PROVIDE SERVICE TO §  
AREA DECERTIFIED FROM HMW §  
SPECIAL UTILITY DISTRICT IN §  
MONTGOMERY COUNTY, TEXAS §

**JOINT MOTION FOR ADMISSION OF EVIDENCE AND ADOPTION OF PROPOSED NOTICE OF APPROVAL**

COMES NOW, Quadvest, L.P., (Quadvest), on behalf of itself and HMW Special Utility District (HMW) (collectively, the Parties), and files this Joint Motion for Admission of Evidence and Adoption of Proposed Notice of Approval. In support thereof, the Parties show the following:

**I. BACKGROUND**

On July 6, 2016, Quadvest, L.P. (Quadvest) filed a notice of intent, pursuant to Tex. Water Code § 13.254 (TWC) and 16 Tex. Admin. Code § 24.113, to provide retail water service to the area decertified from HMW's water certificate of convenience (CCN) No. 10342 in Montgomery County, Texas.

On July 26, 2016, Quadvest filed an affidavit from the President of HMW confirming adequate compensation for any property rendered useless or valueless as a result of the decertification of real property owned by LGI Homes from HMW's CCN. The Parties have agreed that the compensation is reasonable and that there is no other property at issue as a result of the decertification.

On August 26, 2016, the Administrative Law Judge (ALJ) issued Order No. 1 providing for notice and requiring that the Parties file a list of items for admission into evidence and a joint proposed order, including findings of fact, conclusions of law, and ordering paragraphs, by September 13, 2016. Therefore, this pleading is timely filed.

**II. JOINT MOTION TO ADMIT EVIDENCE**

The Parties move to admit the following evidence into the record of this proceeding:

- a. Quadvest's June 30, 2016 Notice of Intent to Provide Water and Sewer Service (Commission's automated interchange system (AIS) Item 1, filed July 7, 2016);

- b. Quadvest's July 15, 2016 Notice Regarding Compensation (AIS item 2, filed July 15, 2016);
- c. Quadvest's July 26, 2016 Notice Regarding Confirmation of Compensation (AIS Item 4, filed July 26, 2016); and
- d. Public Utility Commission of Texas Notice of Intent to Serve Decertified Area (AIS Item 6, filed August 26, 2016).

### **III. JOINT MOTION FOR ADOPTION OF PROPOSED NOTICE OF APPROVAL**

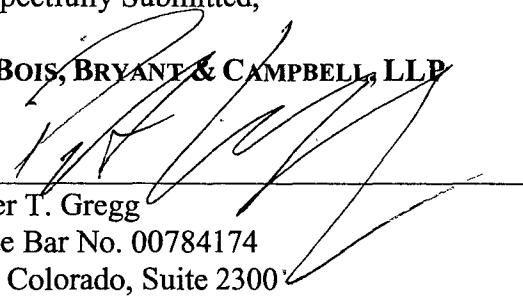
The attached Proposed Notice of Approval would approve the agreement regarding compensation between the Parties and close this docket.

### **IV. CONCLUSION**

HMW has authorized Quadvest to file this pleading on their behalf. Therefore, the Parties respectfully request that the Commission grant the joint motion to admit the evidence specified above and adopt the attached proposed Notice of Approval.

Respectfully Submitted,

**DUBOIS, BRYANT & CAMPBELL, LLP**



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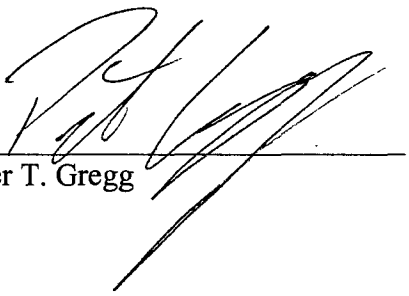
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**Attorneys for Quadvest, L.P.**

**DOCKET NO.  
CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on September 1, 2016 in accordance with 16 Tex. Admin. Code § 22.74.

Patrick Timmons  
Law Offices of Patrick F. Timmons, Jr.  
8556 Katy Freeway, Suite 120  
Houston, TX 77024-1806

  
Peter T. Gregg

**Attachment**

**Notice of Approval**

**DOCKET NO. 46139**

<b>QUADVEST, L.P.'S NOTICE OF</b>	<b>§</b>	<b>BEFORE THE</b>
<b>INTENT TO PROVIDE SERVICE TO</b>	<b>§</b>	
<b>AREA DECERTIFIED FROM HMW</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>SPECIAL UTILITY DISTRICT IN</b>	<b>§</b>	
<b>MONTGOMERY COUNTY, TEXAS</b>	<b>§</b>	<b>OF TEXAS</b>

**NOTICE OF APPROVAL**

This Notice addresses Quadvest, L.P.'s ("Quadvest") notice of intent to provide water service to an area decertified from HMW Special Utility District's ("HMW") water certificate of convenience (CCN) No. 10342 in Montgomery County, Texas. Quadvest and HMW agreed to compensation for the property rendered useless or valueless as a result of the decertification. The agreement between Quadvest and HMW is approved.

The Public Utility Commission of Texas ("Commission") adopts the following findings of fact, conclusions of law and ordering paragraphs.

**I. Findings of Fact**

**Procedural History**

1. On July 6, 2016, Quadvest filed a notice of intent to provide retail water service to the property decertified under PUC Docket No. 45662.
2. On July 26, 2016, Quadvest filed a notice regarding confirmation of compensation that included, as Exhibit A, the affidavit of Douglas S. Miller, President of HMW, affirming adequate compensation for the property rendered useless or valueless as a result of the decertification of real property owned by LGI Homes from HMW's CCN No. 10342.
3. There is no other property that is useless or valueless regarding PUC Docket No. 45662.
4. Quadvest did not in any way render retail water service directly or indirectly to the public in the decertified area prior to providing compensation.
5. On August 26, 2016, the Commission provided notice to the public of Quadvest's notice of intent to provide service to the area decertified from HMW.

6. The monetary amount of compensation was made at the time Quadvest sought to provide water service to the decertified area.

7. The agreement between Quadvest and HMW regarding compensation for the property rendered useless or valueless as a result of the decertification is reasonable.

**Evidence**

8. Quadvest's June 30, 2016 Notice of Intent to Provide Water and Sewer Service; Quadvest's July 15, 2016 Notice Regarding Compensation; Quadvest's July 26, 2016 Notice Regarding Confirmation of Compensation, including Exhibit A; and the Commission's Notice of Intent to Serve Decertified Area have been admitted into evidence.

**II. Conclusions of Law**

1. Quadvest and HMW are public utilities as defined in Tex. Water Code § 13.002(19).

2. The Commission has jurisdiction and authority over this docket pursuant to Tex. Water Code §§ 13.041 and 13.254(d)-(e) and 16 Tex. Admin. Code § 24.113.

3. Pursuant to Tex. Water Code § 13.254(d), Quadvest did not in any way render retail water service directly or indirectly to the public in the decertified area prior to providing compensation.

4. Pursuant to Tex. Water Code § 13.254(e), the amount of compensation was determined at the time Quadvest sought to provide service to the decertified area and before service is to be provided.

5. The requirements for informal disposition under 16 Tex. Admin. Code § 22.35 have been met in this proceeding.

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<sup>1</sup> *Petition By LGI Homes To Amend HMW Special Utility District's Certificate Of Convenience And Necessity In Montgomery County By Expedited Release (PUC Docket No. 45662)*

### III. Ordering Paragraphs

In accordance with these findings of fact and conclusions of law, the Commission issues the following Order:

1. The agreement between Quadvest and HMW regarding compensation for the property rendered useless or valueless as a result of the decertification in PUC Docket No. 45662 is approved. Quadvest does not owe any further compensation to HMW and may provide retail water service to the property.

2. All other motions, requests for entry of specific findings of fact or conclusions of law, and any other requests for general or specific relief, if not expressly granted herein, are hereby denied.

SIGNED AT AUSTIN, TEXAS the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
ADMINISTRATIVE LAW JUDGE