



Control Number: 46648



Item Number: 10

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**DOCKET NO. 46648**

**PETITION BY MCALISTER  
OPPORTUNITY FUND 2012, L.P. TO  
AMEND HMW SPECIAL UTILITY  
DISTRICT'S WATER CERTIFICATE  
OF CONVENIENCE AND NECESSITY  
IN HARRIS COUNTY BY EXPEDITED  
RELEASE**

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**PUBLIC UTILITY COMMISSION**

2017 FEB 28 PM 12:02

**OF TEXAS**  
PUBLIC UTILITY COMMISSION  
FILING CLERK

**NOTICE OF APPROVAL**

This Notice addresses the petition of McAlister Opportunity Fund 2012, L.P. (McAlister 2012) for expedited release from HMW Special Utility District's water certificate of convenience and necessity No. 10342 in Harris County. Commission Staff recommended approval of McAlister 2012's petition. The petition is approved.

The Commission adopts the following findings of fact and conclusions of law:

**I. Findings of Fact**

**Procedural History**

1. On December 7, 2016, McAlister 2012 filed a petition to amend HMW's water CCN No. 10342 in Harris County by expedited release.
2. On December 8, 2016, McAlister 2012 filed supplemental information, including digital map data with metadata.
3. On December 9, 2016, Order No. 1 was issued, setting a deadline for comments on administrative completeness of the petition and notice and establishing a procedural schedule.
4. On January 6, 2017, Commission Staff recommended that the petition be found administratively complete and proposed a procedural schedule for continued processing.
5. On January 10, 2017, Order No. 2 was issued, finding the petition and notice administratively complete and adopting the proposed procedural schedule.
6. On January 24, 2017, Commission Staff recommended that the petition for expedited release be approved.

7. On January 25, 2017, McAlister 2012 responded to Commission Staff's recommendation, having no objections or comments to the final recommendation or proposed map.
8. The map and certificate are attached to this Notice.
9. No protests or requests for hearing were filed in this proceeding.

#### **Notice**

10. McAlister 2012 provided a copy of the petition to HMW on December 7, 2016.
11. Notice of the petition was published in the *Texas Register* on December 23, 2016.

#### **Project Description**

12. McAlister 2012 owns the 585.23-acre tract.
13. The 585.23-acre tract is located in Harris County.

#### **Water Service**

14. The 585.23-acre tract is not receiving water service from HMW as that term has been defined by the courts.
15. The 585.23-acre tract is not receiving actual water service from HMW.
16. The 585.23-acre property is wholly located within HMW's certificated service area.

### **II. Conclusions of Law**

1. The Commission has jurisdiction over this petition under Texas Water Code §§ 13.041 and 13.254(a-5).<sup>1</sup>
2. Notice of the petition was provided in compliance with 16 Texas Administrative Code § 24.113(s) (TAC) and 16 TAC §§ 22.54-.55.
3. Harris County is a qualifying county under TWC § 13.254(a-5) and 16 TAC § 24.113(r).
4. The 585.23-acre tract is not receiving water service from HMW under TWC § 13.254(a-5).
5. McAlister 2012 is entitled to approval of the petition, having sufficiently satisfied the requirements of TWC § 13.254(a-5) and 16 TAC § 24.113(r) and (s) by adequately

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<sup>1</sup> Tex. Water Code Ann. §§ 13.041 and 13.254(a-5) (West 2008 and Supp. 2016) (TWC).

demonstrating ownership of a tract of land that is at least 25 acres, is located in a qualifying county, and is not receiving water service.

6. Under TWC § 13.257(r) and 16 TAC § 24.106(f), HMW is required to record a certified copy of the approved CCN and map, along with a boundary description of the service area, in the real property records of each county in which the service area or a portion of the service area is located, and submit to the Commission evidence of the recording.
7. The requirements for informal disposition under 16 TAC § 22.35 have been met in this proceeding.

### III. Ordering Paragraphs

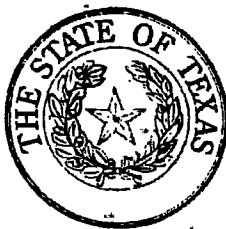
In accordance with these findings of fact and conclusions of law, the Commission issues the following order:

1. McAlister 2012's petition for expedited release is approved.
2. McAlister 2012's 585.23-acre tract is removed from HMW's water CCN No. 10342.
3. HMW's water CCN No. 10342 is amended in accordance with this Notice.
4. HMW shall comply with the recording requirements of TWC § 13.257(r) for the area in Harris County affected by the petition and submit to the Commission evidence of the recording no later than 31 days after receipt of this Notice.
5. All other motions, requests for entry of specific findings of fact and conclusions of law, and any other requests for general or specific relief, if not expressly granted herein, are denied.

Signed at Austin, Texas the 28<sup>th</sup> day of February 2017.

**PUBLIC UTILITY COMMISSION OF TEXAS**

  
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**JEFFREY J. HUHN**  
**ADMINISTRATIVE LAW JUDGE**



# Public Utility Commission of Texas

**By These Presents Be It Known To All That**

**H-M-W SUD**

having obtained certification to provide water utility service for the convenience and necessity of the public, and it having been determined by this Commission that the public convenience and necessity would in fact be advanced by the provision of such service, H-M-W SUD is entitled to

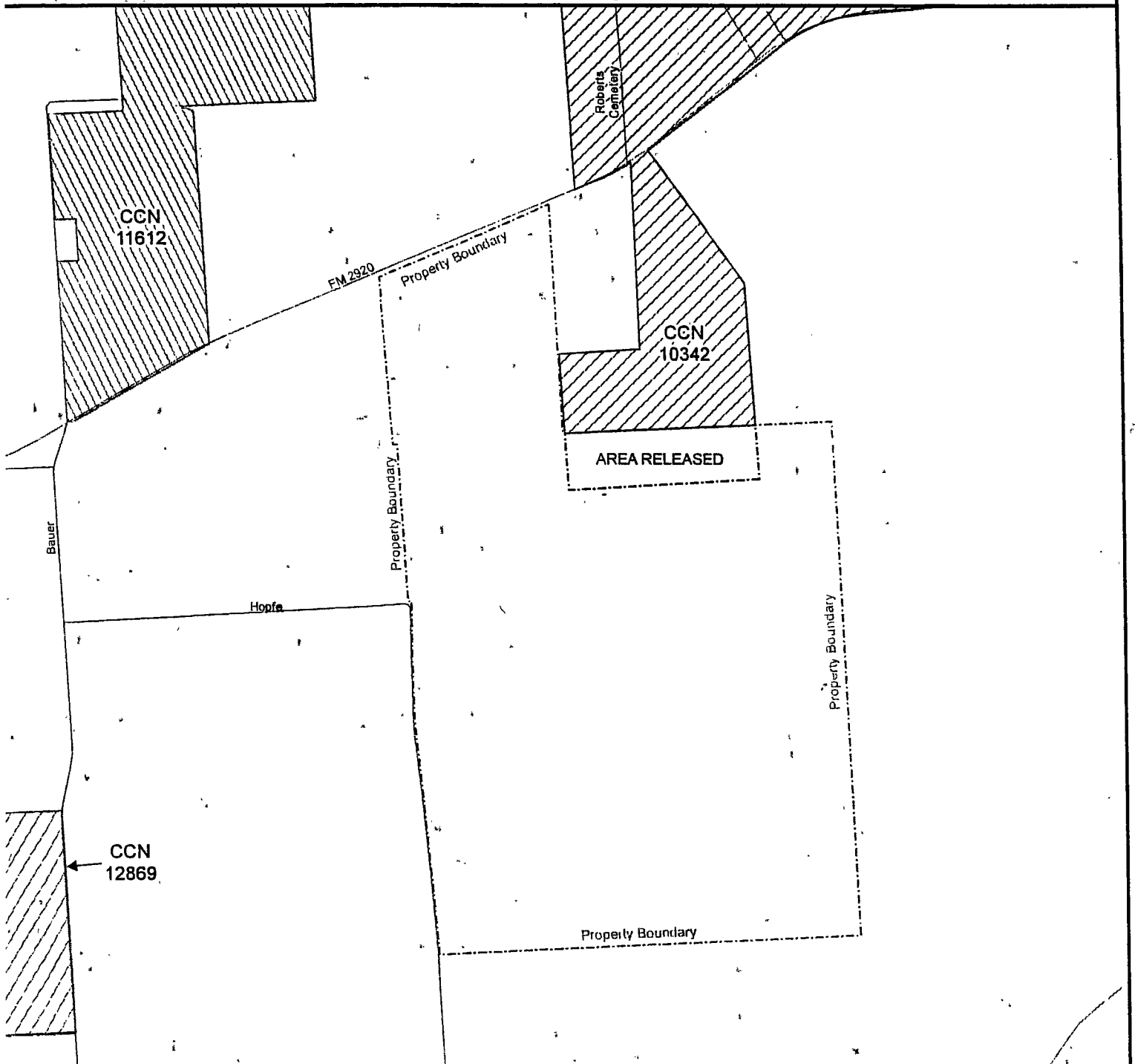
## **Certificate of Convenience and Necessity No. 10342**

to provide continuous and adequate water utility service to that service area or those service areas in Harris and Montgomery Counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 46648 are on file at the Commission offices in Austin, Texas; and are a matter of official record available for public inspection; and be it known further that these presents do evidence the authority and the duty of H-M-W SUD to provide such utility service in accordance with the laws of this State and Rules of this Commission, subject only to any power and responsibility of this Commission to revoke or amend this Certificate in whole or in part upon a subsequent showing that the public convenience and necessity would be better served thereby.

Issued at Austin, Texas, the 28<sup>th</sup> day of FEBRUARY 2017.




H-M-W SUD  
Portion of Water Service Area  
CCN No. 10342  
PUC Docket No. 46648



Petition by McAlister Opportunity Fund 2012 to Amend H-M-W SUD's CCN by Expedited Release in  
Harris County



Public Utility Commission of Texas  
1701 N. Congress Ave.

**Water CCN Service Areas**

-  10342 - H-M-W SUD
-  11612 - Quadvest LP
-  12869 - Bayou Shadows

-  Area Released
-  Property Boundary

0 700 1,400  
Feet



Map by: Komal Patel  
Date created: January 9, 2013