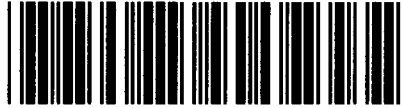


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DOCKET NO. 46923
SOAH DOCKET NO. 473-17-5770.WS

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2017 OCT -3 AM 10:00

APPLICATION OF WOLFE AIRPARK CIVIC CLUB, INC. TO OBTAIN A WATER CERTIFICATE OF CONVENIENCE AND NECESSITY IN BRAZORIA COUNTY	§ § § § § §	PUBLIC UTILITY COMMISSION OF TEXAS
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**WOLFE AIRPARK CIVIC CLUB, INC.'S MOTION TO
MODIFY AND EXTEND PROCEDURAL SCHEDULE**

TO THE HONORABLE ADMINISTRATIVE LAW JUDGE:

NOW COMES WOLFE AIRPARK CIVIC CLUB, INC. (Applicant), and files this Motion to Modify and Extend the September 19, 2017 Procedural Schedule, and will show the following:

1. At the time of the telephonic prehearing conference on September 14, 2017, Applicant indicated that it would file a Motion to Dismiss Walker's Complaint for failure to state a valid claim, and anticipated a Summary Dismissal of Walker's Complaint.
2. On September 20, 2017, Applicant filed a Motion to Dismiss Joe Walker's Complaint and Request to Consolidate Proposed Issues.
3. However, on September 21, 2017 the PUC submitted a Draft Preliminary Order that had expanded the Applicant's proposed issues.
4. Furthermore, on September 27, 2017 the PUC filed its Recommendation to deny Applicant's Motion to Dismiss, which made the dispute more complicated.

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5. On Sept 28, 2017, Walker filed his response to Applicant's Motion to Dismiss stating at **Item d "I have substantial documentation for the verification of every one of my points."** See Exhibit 1, Paragraph d.
6. To adequately prepare for its response to Walker's complaint, Applicant is submitting discovery requests to obtain the documentation referred to by Walker which may support his contentions.
7. In light of these developments and Walker's statement regarding his documentary evidence, Applicant requests that the Procedural Schedule be modified to allow for appropriate discovery regarding Walker's complaint and his opposition to Applicant's request for a CCN.
8. Attached as Exhibit 2 is a Proposed Procedural Schedule. This schedule allows discovery to continue through November 17, 2017, extends all other deadlines, and proposes a Hearing on the Merits on March 15 and 16, 2018.

WHEREFORE, Applicant requests that the Procedural Schedule be extended.

Respectfully submitted,

/s/John C. Hampton

BY:

John C. Hampton
Texas Bar No. 08873200
17918 Western Pass Lane
Houston, Texas 77095
Tel. (281) 386-9959
Fax (281) 858-6781
jhampton@johnhamptonlaw.net

CERTIFICATE OF ATTEMPTED CONFERENCE

I certify that prior to filing this pleading, I attempted to confer with Ashley Nwonuma, Counsel for PUC, via email ashley.nwonuma@puc.texas.gov, and on Joe Walker via email joewalk@hal-pc.org, inviting both parties to participate in a phone conference on October 2, 2017.

At the phone conference:

- Counsel for PUC did not oppose the motion so long as the additional deadlines were also extended and that the Hearing on the Merits would be set in March or April of 2018, and
- Joe Walker, although notified by email joewalk@hal-pc.org at 11:30 am of a phone conference at 1:30 pm, could not be reached and did not return the call or email by the time the motion was filed.

/s/John C. Hampton

JOHN C. HAMPTON

CERTIFICATE OF SERVICE

I certify that a true copy of this document, together with any attachments, has been served on October 2, 2017 on the Legal Division of the Texas PUC by serving Ashley Nwonuma via email ashley.nwonuma@puc.texas.gov, and on Joe Walker via email joewalk@hal-pc.org.

/s/John C. Hampton

JOHN C. HAMPTON

**PUC DOCKET NO. 46923
SOAH DOCKET NO. 473-17-5770.WS**

**APPLICATION OF WOLFE
AIRPARK CIVIC CLUB, INC. TO
OBTAIN A WATER CERTIFICATE
OF CONVENIENCE AND
NECESSITY IN BRAZORIA COUNTY**

**§ PUBLIC UTILITY COMMISSION
§
§ OF TEXAS
§
§**

**APPLICANT'S MOTION TO DISMISS JOE WALKER'S COMPLAINT AND
REQUEST TO CONSOLIDATE PROPOSED ISSUES**

RESPONSE

Pursuant to the Order of Referral Dated August 23, 2017, Wolfe Airpark Civic Club Inc. has asked for the dismissal of my complaint. Please deny the applicant's request for the following reasons.

- a. As a Registered Profession Engineer under Texas law, I am an expert in matters concerning the interpretations of Texas Civil Statutes concerning water systems. My understanding of how the water system is built, was designed, is intended to be operated, and has been operated is accurate. The claims by the Applicant concerning these matters are invalid and incorrect.
- b. I have lived at the site and used the water system for many years.
- c. I, as a lot owner, own the water system.
- d. I have substantial documentation for the verification of every one of my points.
- e. All of my points submitted in my initial response were valid.
- f. Please note that as a responder to the Harvey Hurricane event, I was only just notified by email of the Applicant's motion to dismiss me from the proceedings.
Applicant's motion for dismissal is therefore opposed.

Respectfully submitted,



Joe Walker PE

9/26/2017

Certificate of notification. I hereby certify that ...

John Hampton was copied by email

Ashley Nwoma was copied by email

Public Utility Commission of Texas, Central Records, by USPS



Joe Walker PE

Exhibit 1

DOCKET NO. 46923
SOAH DOCKET NO. 473-17-5770.WS

APPLICATION OF WOLFE	§	PUBLIC UTILITY COMMISSION
AIRPARK CIVIC CLUB, INC. TO	§	
OBTAIN A WATER CERTIFICATE	§	OF TEXAS
OF CONVENIENCE AND	§	
NECESSITY IN BRAZORIA COUNTY	§	

EXHIBIT 2

APPLICANT'S PROPOSED AMENDED PROCEDURAL SCHEDULE

EVENT	DEADLINE
Discovery Closes	November 17, 2017
Applicant Direct Testimony	December 15, 2017
Intervenor Direct Testimony	January 19, 2018
Staff Direct Testimony	February 16, 2018
Rebuttal Testimony	February 23, 2018
Prehearing/ Settlement Conference	March 7, 2018
Hearing on the Merits	March 15/16, 2018