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PETITION OF HMSC, LLC TO §  
AMEND MCCOY WATER SUPPLY §  
CORPORATION'S WATER §  
CERTIFICATE OF CONVENIENCE §  
AND NECESSITY IN ATASCOSA §  
COUNTY BY EXPEDITED RELEASE §

PUBLIC UTILITY COMMISSION

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**COMMISSION STAFF'S RECOMMENDATION ON FINAL DISPOSITION**

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and files this response to Order No. 3, Staff's Recommendation on Final Disposition. In support thereof, Staff shows the following:

**I. BACKGROUND**

On August 30, 2017, HMSC, LLC (HMSC) filed a petition (Petition) for a streamlined expedited release of 292.16 acres from McCoy Water Supply Corporation's (McCoy) water certificate of convenience and necessity (CCN) No. 10649 in Atascosa County, Texas, pursuant to Tex. Water Code Ann. § 13.254(a-5) (West 2008 and Supp. 2016) (TWC) and 16 Tex. Admin. Code § 24.113(l) (TAC). HMSC asserts that the Property is not receiving water service from McCoy.<sup>1</sup> On September 28, 2017, McCoy filed a motion to intervene. McCoy also filed a response to Order No. 3 on October 17, 2017.

In Order No. 3, filed on October 10, 2017, the Administrative Law Judge ordered Staff to file a recommendation on final disposition by October 24, 2017. Therefore, this pleading is timely filed.

**II. STATUTORY APPROVAL DEADLINE**

Pursuant to 16 TAC § 24.113(l)(5), the Commission must render a decision on a petition for expedited release "no later than the 60th calendar day after a presiding officer by order determines that the petition is administratively complete." Order No. 3, issued on October 10,

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<sup>1</sup> Petition at 2 (Aug. 30, 2017).

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2017, deemed HMSC's Petition administratively complete; therefore the 60-day deadline for administrative approval is December 11, 2017.<sup>2</sup>

### **III. RECOMMENDATION ON FINAL DISPOSITION**

Pursuant to 16 TAC § 22.4(b), Staff may request that the time allowed for filing any documents be extended for good cause. Staff requests an extension to thoroughly analyze all available information in order to render its recommendation. HMSC and McCoy are both unopposed to the deadline extension. Therefore, Staff requests that the ALJ find good cause to extend Staff's deadline to file a recommendation on final disposition one week to October 31, 2017, and extend HMSC's deadline to file a reply to both McCoy's response and Staff's final recommendation one week to November 7, 2017.

### **IV. CONCLUSION**

For the reasons stated above, Staff respectfully requests the entry of an order extending Staff's deadline to file a recommendation on final disposition to October 31, 2017, and HMSC's deadline to file a reply to both McCoy's response and Staff's final recommendation to November 7, 2017.

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<sup>2</sup> The deadline cited in Order No. 3, December 9, 2017, is on a Saturday. The next business day is Monday, December 11, 2017.

**DATED:** October 24, 2017

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF  
TEXAS LEGAL DIVISION**

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**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on October 24, 2017, in accordance with 16 TAC § 22.74.

Rosemary E. Hambright  
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