



Control Number: 47556



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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 §

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**HMSC, LLC REPLY TO BOTH MCCOY'S RESPONSE AND COMMISSION STAFF'S
FINAL RECOMMENDATION**

COMES NOW, HMSC, LLC, petitioner in this matter, and files this Reply to both McCoy's Response and Public Utility Commission of Texas ("Commission") Staff's Final Recommendation, and presents the following:

I. BACKGROUND

On August 30, 2017, HMSC, LLC ("HMSC") filed a petition for a streamlined expedited release of 292.16 acres (the "Property") from McCoy Water Supply Corporation's ("McCoy") water certificate of convenience and necessity No. 10649 in Atascosa County, Texas, pursuant to Tex. Water Code Ann. § 13.254(a-5) (West 2008 and Supp. 2016) and 16 Tex. Admin. Code § 24.113(l). HMSC asserted in its Petition and continues to assert that the Property is not receiving water service from McCoy¹.

On September 28, 2017, McCoy filed a motion to intervene. McCoy also filed a response to Order No. 3 on October 17, 2017. On October 24, 2017, Commission staff requested a one-week extension to file a recommendation on final disposition of Petitioner's application. In Order No. 4, filed on October 26, 2017, the Administrative Law Judge ordered Staff to file a recommendation on final disposition by October 31, 2017 and revised the procedural schedule. The revised procedural schedule sets forth a deadline for HMSC to file a reply to both McCoy's

¹ Petition at 2 (Aug., 30, 2017).

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response and Commission Staff's final recommendation of November 7, 2017. Therefore, this pleading is timely filed.

On October 31, 2017, Commission Staff filed the Commission Staff's Recommendation on Final Disposition recommending approval of Petitioner's application.

Concurrently with the filing of McCoy's response on October 17, 2017, McCoy also filed an action against Petitioner, the City of Jourdanton, the Commission and Commissioners Kenneth Anderson, Jr., and Brandy Marty Marquez, in their official capacity as Commissioners, and Brian H. Lloyd in his official capacity as Executive Director of the Commission in the United States District Court for the Western District of Texas San Antonio Division ("Western District"). The lawsuit is currently still pending in the Western District; however, on November 2, 2017, the judge ordered an extension of the deadline for defendants to file answers in the lawsuit, and ordered plaintiff to file a status report by December 1, 2017.

II. STATUTORY APPROVAL DEADLINE

Pursuant to 16 TAC § 24.113(1)(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, 2017, deemed HMSC's Petition administratively complete; therefore the 60-day deadline for administrative approval is December 11, 2017.²

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

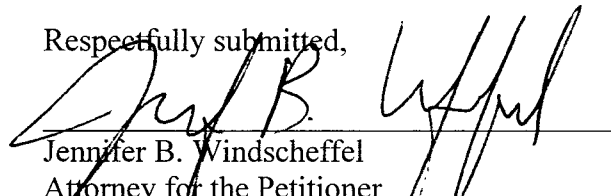
**III. HSMC REPLY TO BOTH MCCOY'S RESPONSE
AND COMMISSION STAFF'S FINAL RECOMMENDATION**

Pursuant to 16 TAC § 22.4(b) the time for filing documents may be extended upon filing of a motion, prior to the expiration of the applicable period of time, showing that there is good cause for such extension of time. The facts and information regarding this matter are complex, and HSMC requests an extension to enable consultation with its professionals to fully analyze this information so that it may file an accurate reply to the Commission. Commission Staff and McCoy are unopposed to this request for a deadline extension. Therefore, HSMC respectfully requests that the ALJ find good cause to extend HSMC's deadline to file a reply to both McCoy's Response and Commission Staff's Final Recommendation until November 14, 2017.

IV. CONCLUSION

For the reasons stated above, HSMC respectfully requests the entry of and order extending HSMC's deadline to file a reply to both McCoy's Response and Commission Staff's Final Recommendation to November 14, 2017.

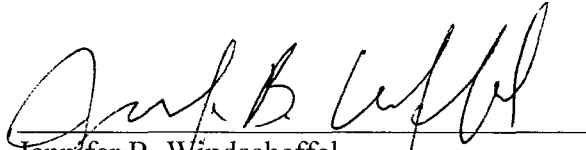
Respectfully submitted,



Jennifer B. Windscheffel
Attorney for the Petitioner
State Bar Card No. 24046456

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document will be served on all parties of record on November 7, 2017, in accordance with 16 TAC § 22.74.


Jennifer B. Windscheffel
Attorney for the Petitioner
State Bar Card No. 24046456