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

HMSC, LLC REQUEST FOR WITHDRAWAL OF PETITION

COMES NOW, HMSC, LLC, petitioner in this matter, and files this request for withdrawal of petition without prejudice, 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. On October 31, 2017, Commission Staff filed the Commission Staff's Recommendation on Final Disposition recommending approval of Petitioner's application. The revised procedural schedule

¹ Petition at 2 (Aug. 30, 2017).

set forth a deadline for HMSC to file a reply to both McCoy's response and Commission Staff's final recommendation of November 7, 2017. In Order No. 5, filed on November 8, 2017, the Administrative Law Judge granted an extension to HMSC until 5:00 pm on November 9, 2017 to file its reply to both McCoy's Response and Commission Staff's Final Recommendation. Therefore, this pleading is timely filed.

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.

On November 21, 2017, a Notice of Voluntary Dismissal of the lawsuit was filed in the Western District following the agreement of McCoy and HMSC to settle all claims related to the petition to decertify the Property and provide for service of the Property by McCoy.

II. STATUS OF THE PETITION

Pursuant to Proposed Order of the Commission dated November 10, 2017, HMSC's Petition was scheduled to be considered at an open meeting of the Commission on November 17, 2017. However, on November 15, 2017, the Western District issued an order granting McCoy's First Amended Application for Temporary Restraining Order and Setting a Hearing on McCoy's Motion for Preliminary Injunction. The Petition was subsequently removed from consideration by the Commission prior to the November 17, 2017 scheduled meeting.

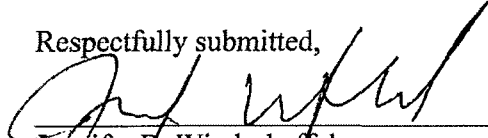
III. REQUEST FOR WITHDRAWAL

As mentioned above, McCoy and HMSC reached agreement regarding service to the part of the Property currently scheduled for development on November 21, 2017. Since McCoy will be providing water service to part of the Property, HMSC believes that good cause exists for the withdrawal of its Petition to decertify. Therefore, HMSC respectfully requests that the Commission find good cause for the withdrawal without prejudice of the Petition from consideration by the Commission.

CONCLUSION

For the reasons stated above, HMSC respectfully requests that good cause be found and its petition to Withdraw the Petition without prejudice be granted.

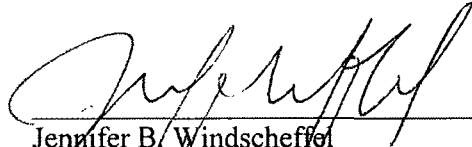
Respectfully submitted,



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 28, 2017, in accordance with 16 TAC § 22.74.

A handwritten signature in black ink, appearing to read "Jennifer B. Windscheffel", is written over a horizontal line.

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