



Control Number: 47918



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RECEIVED

PETITION OF PRIMEWOOD *
INVESTMENTS, LP *
TO AMEND H-M-W SPECIAL *
UTILITY DISTRICT'S *
CERTIFICATE OF CONVENIENCE *
AND NECESSITY IN MONTGOMERY *
COUNTY BY EXPEDITED RELEASE *

2018 MAR 21 AM 9:15
PUBLIC UTILITY COMMISSION
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FILING CLERK
OF TEXAS

RESPONSE OF HMW SPECIAL UTILITY DISTRICT

Comes now the HMW SPECIAL UTILITY DISTRICT OF HARRIS AND MONTGOMERY COUNTIES (“HMW”), filing its Exceptions to the Proposed Order of the Administrative Law Judge (“ALJ”) in the above-styled petition, and states as follows:

I.

HMW takes exception to Findings of Fact No. 3, No. 14, No. 16 and No. 18, in that:

1. The ALJ has not conducted any fact-finding exercise of the type contemplated by Texas General Land Office v. Crystal Clear Water Supply Corporation, 449 SW3d 130, 139-140 (Tex. App.-Austin 2014).
2. HMW identified property in its Response and Motion to Intervene that will be rendered less valuable if the application is granted, for the common sense reason that HMW will have no opportunity to use it to serve the particular real property held by the Applicant.
3. HMW’s existing CCN is itself a property right. While it is not vested, it clearly has a current value. If the application is granted, its value will be diminished. That is in fact the point of the Water Code provisions that provide for compensation. Neither is it to be excluded from consideration merely because its potential decertification is the primary issue of the application. See Houston & North Texas Motor Freight Lines v.

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Johnson, 159 SW2d 905, 907 (Civ. App. Galveston 1941); Dye Trucking Co. v. Miller, 397 SW2d 507, 511 (Civ. App.-Austin 1965); and Brazosport Savings & Loan Association v. American Savings & Loan Association, 342 SW2d 747, 550-551 (Tex. Sup. 1961).

II.

HMW takes further exception to Conclusions of Law No. 5, No. 6 and No. 7, for the reasons set forth in Section I. above.

Wherefore, premises considered, HMW moves the PUC to sustain its exceptions, or alternatively deny the Application as not administratively complete, or alternatively to deny it on its merits, or alternatively to require the payment of compensation to HMW, and for such other and further relief as the PUC deems just.

Respectfully submitted,



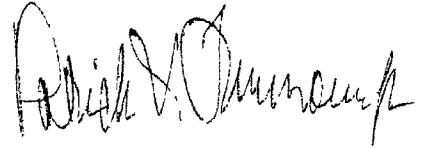
Patrick F. Timmons, Jr.
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(713) 465-9527 Facsimile
pft@timmonslawfirm.com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Response of HMW Special Utility District, has been forwarded to Primewood Investments, LP, by and through its attorney of record, David J. Klein, Lloyd Gosselink, 816 Congress Avenue, Suite 1900, Austin, Texas 78701, via facsimile to (512) 472-0532, and Matthew A. Arth, Attorney for the Texas Public

Utility Commission, 1701 N. Congress Avenue, P.O. Box 13326, Austin, Texas 78711-3326, via facsimile to (512) 936-7268, on this 20th day of March, 2018.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Patrick F. Timmons, Jr.", written in a cursive style.

Patrick F. Timmons, Jr.