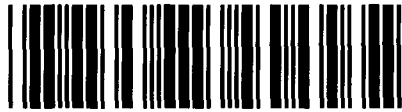


Control Number: 47918



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Addendum StartPage: 0

DOCKET NO. 47918

FILED

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 FEB -9 AM 9:09  
PUBLIC UTILITY COMMISSION  
FILED  
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 Response to the above-styled petition, and states as follows:

**I.**

On December 19, 2017, Primewood Investments, LP ("Applicant"), filed an application for expedited release of a portion of a 188.64 acre tract of land owned by the Applicant from HMW's water certificate of convenience and necessity ("CCN") No. 10342 in Montgomery County, Texas (the "Application").

**II.**

HMW holds Certificate of Convenience and Necessity No. 10342. It is a proper party to this proceeding, its Motion to Intervene having been granted on February 5, 2018.

**III.**

The Application is not administratively complete, in that HMW is a water district with boundaries that are co-extensive with its Certificate of Convenience and Necessity No. 10342. The Application makes no provision for resolving that conflict of authority, in which HMW will continue to retain its expansion authority under Texas Water Code Section 49.215.

**IV.**

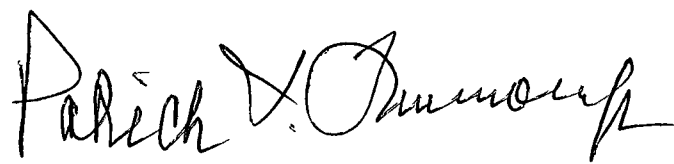
On the merits, HMW incorporates and restates the allegation in Paragraph III. above, and in its Motion to Intervene.

In addition, HMW and its predecessors have built, modified and paid for their adjacent Coe Country and Meadowood water systems, with the intent to serve its entire CCN in the immediate area, including the area for which Applicant seeks decertification. HMW currently serves, has served and is willing and able to serve all unserved portions of the entire CCN. Therefore, HMW should be permitted to serve the area, or alternatively should receive compensation for the appropriate portion of its investment in planning, design, water lines, plant and equipment that were invested with the intent to serve and have served portions of the immediate area, and can serve the area sought to be decertified. See Texas Water Code, Subsection 13.254(a-6).

In addition, in this case the Public Utility Commission ("PUC") is required to find that the Applicant is "capable of providing better service than the certificate holder". See Texas Water Code Subsection 13.254(a-8).

Wherefore premises considered, HMW moves the PUC to 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,



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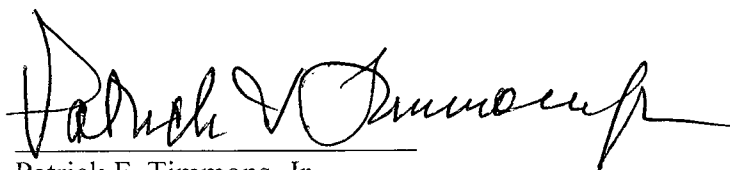
Patrick F. Timmons, Jr.  
State Bar No. 20049500  
8556 Katy Freeway, Suite 120  
Houston, Texas 77024  
(713) 465-7638 Office

(713) 465-9527 Facsimile  
pft@timmonsfirm.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 8<sup>th</sup> day of February, 2018.

Respectfully submitted,



Patrick F. Timmons, Jr.