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DOCKET NO. 49280

**PETITION OF PREVILLAGE, LLC TO §
AMEND HMW SPECIAL UTILITY §
DISTRICT'S WATER CERTIFICATE §
OF CONVENIENCE AND NECESSITY §
IN HARRIS COUNTY BY EXPEDITED §
RELEASE §**

PUBLIC UTILITY COMMISSION

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**QUADVEST, LP'S RESPONSE TO HMW SPECIAL UTILITY
DISTRICT'S MOTION TO STRIKE AND DISMISS
APPLICATION TO DECERTIFY**

COMES NOW Quadvest, LP ("Quadvest"), on behalf of Previllage, LLC ("Previllage"), and, pursuant to Order No. 4 (Docket No. 49280-13), responds to HMW Special Utility District's ("HMW") Motion to Strike and Dismiss the Application to Decertify (Docket No. 49280-5).

As identified in Order No. 4, HMW asserts the following issues in support of its motion to dismiss: (1) the property is not situated in Montgomery County; (2) the application does not assert the property is of a particular size; and (3) the applicant's general attestation, by notarized affidavit, that the property is not receiving water from HMW, is false.

On April 1, 2019, Quadvest filed on behalf of Previllage the Petition to Amend HMW Special Utility District's Water Certificate of Convenience and Necessity in Harris County by Expedited Release (the "Application") (Docket No.49280-1). The Application included an affidavit of Ahmet Ozan, General Partner of Previllage, which provides: (1) a recorded copy of the Warranty Deed with Vendor's Lien, with attached property description noting the property in Harris County; (2) a General Warranty Deed, with attached maps; and (3) a copy of the certified mail receipt to HMW dated April 29, 2019. The Affidavit also provides that "[t]he Property is not receiving water service from HMW SUD or any other water service provider. Previllage, LLC has not requested water service from HMW SUD or paid any fees or charges to initiate or maintain water service and there are no billing records or other documents indicating an existing account for the Property."

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On May 3, 2019, Quadvest filed on behalf of Previllage an amended Application for Expedited Release in Harris County (the "Amended Application") (Docket No. 49280-11). The Amended Application contained a revised affidavit of Ahmet Ozan clarifying that the property to be decertified is located in Harris County (See Ozan affidavit at Para. 2 in Amended Application), thus addressing any assertion that the county was not properly identified. The original Application and the Amended Application identify the property with specificity. The Ozan affidavit identifies and attests to the specific property boundaries to be decertified. (See Ozan affidavit at Para. 2 in Amended Application ("Attachment A is a true and correct copy of a map identifying the Property, its location, and the areas of the CCN")). Thus, contrary to HMW's assertion, the application does identify the property in a manner that satisfies Texas Water Code § 13.254(a-5).

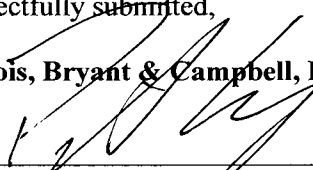
HMW's assertion regarding Previllage's attestation that the property is not receiving water from HMW is an assertion without merit. Previllage presented the Ozan affidavit as detailed evidence confirming the absence of service in the area to be decertified (see Ozan affidavit at Para. 3). HMW provided nothing in its motion to contradict the evidence presented by Previllage. The Commission has consistently found that a properly attested affidavit is sufficient evidence to satisfy the showing required by Texas Water Code § 13.254(a-5).

Therefore, Quadvest, on behalf of Previllage, requests that the Administrative Law Judge deny HMW's Motion to Strike and Dismiss Application to Decertify.

Respectfully submitted,

DuBois, Bryant & Campbell, LLP

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CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing document was served on the persons as indicated below on this the 10th day of July 2019:

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