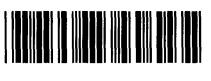


Control Number: 49433



Item Number: 4

Addendum StartPage: 0

## **DOCKET NO. 49433**

§

§

§

PETITION OF LGI HOMES – TEXAS, LLC, BIG SKY LLC, AND MINDY L. KOEHNE (TRUSTEE) TO AMEND BOLIVAR WATER SUPPLY CORPORATION'S WATER CERTIFICATE OF CONVENIENCE AND NECESSITY IN DENTON BY EXPEDITED RELEASE PUBLIC UTILITY COMMISSIAMO: 27

PUBLIC UTILITY COMMISSION FILING CLERK

**OF TEXAS** 

## BOLIVAR WATER SUPPLY CORPORATION'S ORIGINAL ANSWER AND MOTION TO INTERVENE

Bolivar Water Supply Corporation (Bolivar) has a unique justiciable interest in this case as the current CCN holder whose current and future utility operations and financial integrity will be directly affected by the Public Utility Commission's (PUC) certification order(s) on the petition. Bolivar requests full /intervenor status. Bolivar also requests a contested hearing on all relevant issues of fact and law in this case. Since any relief granted LGI Homes, Texas LLC (LGI), Big Sky LLC (Big Sky), and Mindy L. Koehne (Trustee) (together, Petitioners) will be adverse in some fashion to Bolivar, under the Texas Administrative Procedures Act, said order(s) must be based on a contested case record compiled under the Texas Rules of Evidence,

Texas Water Code 13.254 requires the PUC to make various findings of fact and conclusions of law based upon the contested case record. It is the petitioner's burden to prove each finding conclusion; Petitioners have not done so. Furthermore, Bolivar disputes the representations Petitioners have made. Petitioners will have to prove them at trial.

Bolivar stands ready willing and able to provide continuous and adequate water utility service to its certificated service areas. Bolivar has Texas Commission on Environmental Quality (TCEQ) quality service capacities in place to day or in the planning and development phase. Presumably some of these service capacities would be rendered useless if the petition is granted. This governmental taking must be compensated in the manner required by the Texas Constitution.

WHEREFORE, premises considered, Bolivar prays that it be allowed to intervene in this docket to defend its CCN and/or right to compensation. Bolivar prays the PUC conduct a full contested hearing on this application.

Respectfully submitted,

LAW OFFICES OF MARK H. ZEPPA, PC 4833 Spicewood Springs Road, Suite 202 Austin, TX 78759 (512) 346-4011 FAX (512) 346-6847 (512) 289-4599

Math A. Zam

By:

Mark H. Zeppa State Bar No. 22260100

## CERTIFICATE OF SERVICE

I, Mark H. Zeppa, counsel for the Applicant, certify the foregoing pleading was served in

accordance with 16 TAC § 22.74 on May 9, 2019.

Maket Top

Mark H. Zeppa

