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DOCKET NO. 49926

**APPLICATION OF CRYSTAL CLEAR
SPECIAL UTILITY DISTRICT FOR A
NAME CHANGE AND TO AMEND ITS
SEWER CERTIFICATE OF
CONVENIENCE AND NECESSITY IN
COMAL, HAYS, AND GUADALUPE
COUNTIES**

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BEFORE THE

PUBLIC UTILITY COMMISSION

OF TEXAS

MCLB LAND, LLC'S MOTION TO INTERVENE

TO THE HONORABLE COMMISSION:

COMES NOW, MCLB Land, LLC ("MCLB Land") and files this Motion to Intervene and, in support thereof, would respectfully show the following.

I. AUTHORIZED REPRESENTATIVE

In accordance with title 16 Tex. Admin. Code ("TAC") § 22.101, Gilbert Wilburn, PLLC is intervenor MCLB Land's authorized representative in this matter, will be in charge of this case on behalf of MCLB Land, and shall be the attorneys of record to receive all communications from the other parties as follows:

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II. STANDING TO INTERVENE

On September 3, 2019, Crystal Clear Special Utility District (CCSUD) filed an application to amend sewer Certificate of Convenience and Necessity ("CCN") No. 21086, and supplemented its application with additional information on December 2, 2019. CCSUD provided public notice of its CCN application on January 15 and 22, 2020. Therefore, in accordance with 16 TAC § 22.103 and the procedural schedule established in Order No. 4, MCLB Land's Motion to Intervene within 30 days of published notice is timely.

In its original and supplemented application, CCSUD identified persons who have requested sewer service from CCSUD. One of the developments seeking sewer services is the new 410-lot, 73-acre Independence Trail residential development owned by MCLB Land in Hays County. Independence Trail is already within CCSUD's water CCN area, CCN No. 10297, and plans to receive water service from CCSUD once the subdivision is built. Together with CCSUD, MCLB Land is also a co-permittee for TPDES Permit No. WQ0015266002 which is currently pending before the Texas Commission on Environmental Quality ("TCEQ").¹ Once issued, the TPDES permit will authorize wastewater discharges from the wastewater treatment plant that will treat sewage generated by the Independence Trail homeowners.

MCLB Land is an affected person with standing to intervene in this docket pursuant to 16 TAC § 22.103(b)(2) because it has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application. That is, MCLB Land may be adversely affected by the outcome of the proceeding. Specifically, if CCSUD's sewer CCN application is not granted, MCLB Land's Independence Trail subdivision will not have sewer service for more than its 400 planned homeowners. As the property owner and developer, MCLB Land has an unique interest in ensuring that its development is provided safe and affordable sewer service.

III. PRAYER

WHEREFORE, PREMISES CONSIDERED, MCLB Land respectfully prays that the Commission grant its Motion to Intervene in this CCN proceeding.

Respectfully submitted,

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¹ The Executive Director of the TCEQ issued a decision on February 7, 2020 finding that the application meets the requirements of applicable law and providing an opportunity to request a contested case hearing.

Helen S. Gilbert

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ATTORNEYS FOR MCLB LAND, LLC

CERTIFICATE OF SERVICE

I hereby certify that I have or will serve a true and correct copy of the foregoing document via hand delivery, facsimile, electronic mail, overnight mail, U.S. mail, or Certified Mail Return Receipt Requested on all parties on the 11th of February 2020.

Helen S. Gilbert

Helen S. Gilbert