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DOCKET NO. 50244

**APPLICATION OF QUADVEST LP TO
AMEND A WATER CERTIFICATE OF
CONVENIENCE AND NECESSITY IN
HARRIS COUNTY**

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**PUBLIC UTILITY COMMISSION
OF TEXAS**

**ORDER NO. 10
GRANTING REQUEST FOR RECONSIDERATION, DENYING MOTION TO
INTERVENE, AND RESCINDING ORDER NO. 9 IN PART**

This Order addresses HMW Special Utility District's November 30, 2020 motion to intervene and Quadvest LP's response to Order No. 9 and request for reconsideration filed on December 8, 2020. The administrative law judge (ALJ) grants Quadvest's request for reconsideration.

In Order No. 5 filed on April 30, 2020, the ALJ found Quadvest had provided sufficient notice of the application and established April 16, 2020, as the deadline to intervene in this proceeding.

On November 30, 2020, HMW late-filed a motion to intervene. HMW stated that it has a justiciable interest in the outcome of this proceeding. HMW stated that its motion to intervene was timely because "Quadvest did not obtain service on HMW as a party to these dockets, provide further notice that they were occurring or file HMW's response dated May 7, 2020." Additionally, HMW asserted that while the Commission had not formally extended the deadline to intervene, it had done so in effect by extending the deadline for Commission Staff to request a hearing to December 29, 2020. Finally, HMW stated that no prejudice would accrue to Quadvest, no disruption of the proceeding would occur, and that the public interest would be served

No timely objections to the late-filed motion to intervene were filed by the parties. In Order No. 9 filed on December 8, 2020, the ALJ granted HMW's motion to intervene.

On December 8, 2020, Quadvest filed a request for reconsideration of Order No. 9. Quadvest stated that HMW does not have good cause for failing to file the motion to intervene on time, that granting the motion to intervene could result in substantial delay placing a substantial

burden on Quadvest, and that the public interest would not be served because granting the motion to intervene could substantially delay the provision of sewer service to the requested service area.

As an initial matter, under 16 Texas Administrative Code (TAC) § 22.74(a), copies of “document[s] or pleading[s] shall be filed with the commission filing clerk and served on all *parties*.”¹ At the time HMW filed its motion to intervene, it was not a party to this proceeding. Accordingly, Quadvest was under no obligation to serve HMW with copies of any pleading it filed in this proceeding.

When considering whether to grant a late-filed motion to intervene, the ALJ is required to consider the factors in 16 TAC § 22.104(d). The rule also authorizes the ALJ to impose limitations on the participation of an intervenor to avoid delay and prejudice to other parties. On March 31, 2020, Quadvest filed proof that it provided notice of the application to neighboring utilities, including HMW, on February 12, 2020, which complies with the requirements in Texas Water Code § 13.246(a) and 16 TAC § 24.235(b)(1)(A). Further, assuming for the sake of argument that it did not receive Quadvest’s February 12, 2020 notice, HMW admits that it received correspondence related to this proceeding on May 7, 2020, but did not file its motion to intervene until November 30, 2020, more than six months after it had actual notice of the proceeding. Finally, the ALJ is unaware of any rule or statute stating that an order extending a deadline to request a hearing also effectively extends the intervention deadline, and HMW has not identified any such rule or statute.

Based on the foregoing, the ALJ concludes that HMW lacked good cause for failing to move to intervene within the time prescribed. Additionally, Quadvest demonstrated that will be prejudiced, the proceedings will be disrupted, and the public interest is unlikely to be served if the late intervention is permitted. Accordingly, the ALJ rescinds Order No. 9 to the extent that it grants HMW’s motion to intervene. The ALJ denies HMW’s motion to intervene and HMW is not a party to this case. The procedural schedule established in Order No. 8 remains in place.

¹ Emphasis added.

Signed at Austin, Texas the 15th day of December 2020.

PUBLIC UTILITY COMMISSION OF TEXAS

A handwritten signature in black ink, appearing to read 'Isaac TA', with a long horizontal flourish extending to the right.

ISAAC TA
ADMINISTRATIVE LAW JUDGE