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Application of Quadvest, LP to Amend	*	Before the Public Utility Commission
Water Certificate of	*	of Texas
Convenience and Necessity in Harris County	*	

PUBLIC UTILITY COMMISSION  
FILING CLERK

**Motion to Reconsider Order No. 10 by HMW Special Utility District**

Comes now HMW Special Utility District of Harris and Montgomery Counties("HMW"), filing its Motion to Reconsider Order No. 10, and states as follows:

I.

The Texas Public Utility Commission("PUC")'s Administrative Law Judge issued Order No. 10 on December 15, 2020.

II.

HMW holds Certificate of Convenience No. 10342(the "CCN"), a portion of which the Petitioner seeks to decertify. HMW is a retail public utility as defined by the Texas Water Code (the "Code").

In addition, the record strongly indicates that Quadvest, L.P.("Quadvest") is (1) the actual Petitioner party in interest, (2) the *de facto* petitioner for decertification, and (3) the intended provider of water service to the tract sought to be decertified. Quadvest is also a retail public utility as defined by the Code, and the holder of CCN No. 11612.

III.

As noted in prior submissions, the PUC has never addressed the issues raised by these facts in either this docket or Docket No. 49280. Order No. 10 focuses on procedure in support of Quadvest's effort to make HMW go away, despite the fact that the decertification of HMW's CCN, on which Quadvest relies, is on appeal to the 261<sup>st</sup> District Court of Travis County. Moreover, the PUC concedes in Order No. 9 that HMW has a justiciable interest in this proceeding.

IV.

Meanwhile, as of December 15, 2020, Quadvest has moved a drilling rig onto the property in question for the undoubted purpose of drilling a water well in violation of a disputed CCN that is still held by HMW.

In a remarkable misrepresentation of the undeniable facts, Quadvest further asserts that it is Quadvest that is harmed by this scenario, and further that the public interest requires that it be permitted to go forward on its violations of applicable law.

V.

Regarding the procedural bases for Order No. 10, the PUC held in its Order No. 9 that HMW has a justiciable interest and that no party objected to its intervention. Order No. 10 now states the opposite, i. e. that HMW had notice of the proceeding and failed to meet procedural deadlines.

Nevertheless, Order No. 10 fails to discuss or take account of the following:

1. It is the PUC that extended procedural deadlines on **five** separate occasions to permit either filings by the PUC staff or to require the correction of errors by Quadvest in providing notice to interested parties. On the below date the final filing date mandated by the PUC is December 29, 2020.
1. It is now the PUC that will not **require** party status for HMW, despite its response to Quadvest's form notice letter to area utilities dated May 7, 2020, through and including today. Quadvest failed to join HMW in this proceeding, or at minimum provide specific notice of its pendency, despite its knowledge of the both PUC dockets and the appeal to the 261<sup>st</sup> District Court.
2. Notwithstanding Order No. 10, the PUC does not require a procedural rule to direct it to correct this error of notice. Rather than focusing on the **original** failure of notice, by Quadvest, the PUC now criticizes HMW for failing to correct Quadvest's mistake.
3. Finally, the PUC that seems willing to accept that Quadvest will be harmed by HMW's intervention, despite the fact that presents no facts in support of that contention, and further at this juncture it has no legal right to construct anything, let alone drill a water well, on the property covered by the disputed CCN.

VI.

Finally, any contention that HMW's intervention will constitute delay is without merit. HMW will comply with the existing procedural deadlines to make its substantive arguments. Any suggestion otherwise, or that the proceeding will be disrupted, or that the public interest will be harmed by not hearing them, is simply erroneous.

Respectfully submitted,

Law Offices of Patrick F. Timmons, Jr., P.C.

*/s/ Patrick F. Timmons, Jr.*

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Certificate of Service

I hereby certify that a true copy of the foregoing Motion to Reconsider Order No. 10 was filed electronically and served on the Petitioner, Quadvest and the PUC staff on the 15th day of December, 2020, as further provided by 16 TAC Section 22.74, and by email to [pgregg@dbcllp.com](mailto:pgregg@dbcllp.com) and [amy.davis@oag.texas.gov](mailto:amy.davis@oag.texas.gov).

*/s/ Patrick F. Timmons, Jr.*

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Patrick F. Timmons, Jr.