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PUBLIC UTILITY COMMISSION
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APPLICATION OF QUADVEST LP TO	§	PUBLIC UTILITY COMMISSION
AMEND A SEWER CERTIFICATE OF	§	
CONVENIENCE AND NECESSITY IN	§	OF TEXAS
HARRIS COUNTY	§	

**ORDER NO. 4
REQUIRING SEPARATE FILINGS, DENYING MOTIONS TO INTERVENE AND
ABATE, AND DENYING REQUEST FOR RECONSIDERATION**

I. Filings

On November 3, 2020, this docket was created to address Quadvest LP’s requested sewer certificate of convenience and necessity amendment, which was severed from Docket No. 50244.¹

On November 30, 2020, HMW Special Utility District filed two pleadings: a motion to intervene, and a motion to abate and reconsider Order No. 1 in Docket No. 50244.² The style of these pleadings list Docket No. 50244 and this docket. However, copies of the pleadings do not appear in the filings for this docket on the Commission’s Interchange. In other words, HMW filed its pleadings in Docket No. 50244, but not in this docket.

The administrative law judge (ALJ) directs Central Records to place duplicates of HMW’s November 30, 2020 pleadings from Docket No. 50244 into this docket.

All interested persons, including HMW, are admonished to make separate filings in each docket going forward.

Because the pleadings were not filed in this docket, the ALJ has not yet ruled on them in this docket. The ALJ does so now, as set forth below.

II. The Request for Reconsideration and Motion to Abate

On November 30, 2020, HMW filed a request for reconsideration of Order No. 1 in Docket No. 50244 and a motion to abate this proceeding. HMW stated that it has appealed the decertification of a portion of its certificate of convenience and necessity that is the subject of this

¹ *Application of Quadvest L.P. to Amend a Water Certificate of Convenience and Necessity in Harris County*, Docket No. 50244 (Pending).

² *Id* at AIS item numbers 28 and 42.

proceeding.³ The ALJ denies the request for reconsideration and motion to abate. The procedural schedule established in Order No. 3 of this docket remains in place.

III. The Motion to Intervene

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.

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.”⁴ 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 Docket No. 50244.

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 in Docket No. 50244 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

³ See *Petition of Previllege, LLC to Amend HMW Special Utility District’s Water Certificate of Convenience and Necessity in Harris County by Expedited Release*, Docket No. 49280, Order (Dec. 13, 2019).

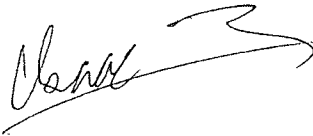
⁴ Emphasis added.

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. Accordingly, the ALJ denies HMW's motion to intervene and HMW is not a party to this case.

Signed at Austin, Texas the 8th day of January 2021.

PUBLIC UTILITY COMMISSION OF TEXAS



**ISAAC TA
ADMINISTRATIVE LAW JUDGE**