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PETITION OF MONTGOMERY	§	PUBLIC UTILITY COMMISSION
ESTATES, LLC TO AMEND CC	§	
WATER WORKS, INC.’S	§	OF TEXAS
CERTIFICATE OF CONVENIENCE	§	
AND NECESSITY IN CHAMBERS	§	
COUNTY BY EXPEDITED RELEASE	§	

**CC WATER WORKS, INC.’S RESPONSE TO MONTGOMERY ESTATES,
LLC’S MOTION TO COMPEL**

Montgomery Estates, LLC (Montgomery Estates) relies on 16 TAC § 22.144 in support of its position that CC Water Works, Inc. should be compelled to respond to discovery. Montgomery Estates argues that 16 TAC § 22.144 requires timely objections to discovery, a conference regarding the objections, and other prerequisites in order for CC Water Works to maintain its position that discovery is not proper in this matter. Montgomery Estates’ argument requires that 16 TAC § 22.144 applies to this matter. It does not.

As stated in CC Water Works’ prior pleading, it is well established that petitions for expedited release under TWC § 13.254 and 16 TAC § 24.245(h) are not contested cases and that no opportunity for a hearing exists. Accordingly, discovery requests are inapplicable in such cases. (See, Petition of Sunbelt Estates, LLC to Amend the City of Elmdorf’s Water Certificate of Convenience and Necessity in Bexar County by Expedited Release, Docket No. 49564, Order (Sep. 27, 2019) (Conclusion of Law No. 3: “**No opportunity for hearing on a petition for expedited release is provided under TWC § 13.254(a-5) and (a-6) or 16 TAC §**

24.245(l)”; Conclusion of Law No. 4: “Petitions for expedited release filed under TWC § 13.254(a-5) and (a-6) or 16 TAC § 24.245(l) are not contested cases”; Order No. 7 Denying Motion to Strike and Dismiss and Denying Motion to Direct Responses to Discovery, Docket No. 49280 (Nov. 20, 2019) (“With regard to HMW's motion to direct responses to discovery, the ALJ finds that, **because petitions for expedited release under TWC § 13.254 and 16 TAC § 24.245(/) are not contested cases and no opportunity for a hearing exists, a motion to direct responses to discovery is inapplicable in the present case**”).

The provision Montgomery Estates recites, 16 TAC § 22.144, applies only to contested case hearings. In the absence of a contested case hearing, that provision has no applicability. PUC precedent confirms petitions for expedited release are not contested case hearings. PUC precedent further confirms that discovery is not applicable in petitions for expedited release.

Accordingly, CC Water Works respectfully requests that Montgomery Estates' motion be denied in all respects.

Respectfully submitted,

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CERTIFICATE OF SERVICE

By my signature above, I certify that on the 5th day of January 2022 the foregoing document was serviced via first class mail and/or email to the following:

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