



Control Number: 51933



Item Number: 5

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DOCKET NO. 51933

2021 MAY -4 PM 2: 07

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

PUBLIC UTILITY COMMISSION
OF TEXAS

**CC WATER WORKS, INC.'S RESPONSE TO PETITION OF MONTGOMERY
ESTATES, LLC FOR EXPEDITED RELEASE AND MOTION FOR LEAVE TO FILE
THE RESPONSE**

COMES NOW, CC Water Works, Inc. ("CCWW") and files this Response to Petition of Montgomery Estates, LLC for Expedited Release and Motion for Leave to File the Response.

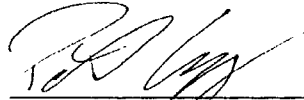
CCWW files this motion pursuant to 16 Tex. Admin. Code § 24.245 and Order No. 1 (AIS Item No. 2). Montgomery Estates, LLC's Petition (AIS Item No. 1), would deny CCWW's ability to serve some or all of the acreage sought to be decertified, with the resulting financial and operational harm to CCWW.

Attached as Exhibit A in support of this motion is the Affidavit of Alan Karl in Opposition of the Petition of Montgomery Estates, LLC for Expedited Release.

Order No. 1 set a deadline of May 3, 2021 for CCWW to file a response to the petition. By this motion CCWW seeks leave to file this response one day late. In support of its request, CCWW asserts that it did not receive proper notice of the petition as required by 16 Tex. Admin. Code § 24.245. Specifically, as attested to in Exhibit A, CCWW did not receive a mailed copy of the petition. That resulted in a delay in CCWW's knowledge of the petition and a delay in obtaining counsel to represent CCWW in the matter (CCWW retained the undersigned counsel on the same day as this filing). Further, CCWW asserts there can be no harm found in the one-day delay in the filing of this response, particularly recognizing that the Administrative Law Judge has found the petition to be administratively incomplete (see Order No. 2 (AIS Item No. 4)).

Respectfully submitted,

DUBOIS, BRYANT & CAMPBELL, LLP



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(512) 457-8000
(512) 457-8008 (fax)

Attorneys for CC Water Works, Inc.

CERTIFICATE OF SERVICE

By my signature above, I certify that on the 4th day of May, 2021, the foregoing document was serviced via first class mail and/or email to the following:

Danielle Lam
Lloyd Gosselink, Rochelle & Townsend, P.C.
816 Congress Ave., Suite 1900
Austin, Texas 78701
dlam@lglawfirm.com

Arnett D. Caviel
Public Utility Commission of Texas
Legal Division
1701 N. Congress Avenue
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EXHIBIT A

AFFIDAVIT OF ALAN KARL

DOCKET NO. 51933

PETITION OF MONTGOMERY
ESTATES, LLC TO AMEND CC
WATER WORKS, INC.'S
CERTIFICATE OF CONVENIENCE
AND NECESSITY IN CHAMBERS
COUNTY BY EXPEDITED RELEASE

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PUBLIC UTILITY COMMISSION

OF TEXAS

**AFFIDAVIT OF ALAN KARL IN OPPOSITION OF THE PETITION OF
MONTGOMERY ESTATES, LLC EXPEDITED RELEASE PURSUANT
TO TEXAS WATER CODE § 13.2541(b) AND 16 TEX. ADMIN. CODE §24.245**

State of Texas §
County of Chambers §

BEFORE ME, the undersigned notary, personally appeared Alan Karl, the affiant, a person who is known to me. After administering an oath, the affiant testified that:

"1. My name is Alan Karl. I am over the age of eighteen years, of sound mind, and am capable of making this affidavit. The facts stated in the affidavit are within my personal knowledge and are true and correct.

2. I am the authorized representative, Co-owner and President of CC Water Works, Inc. ("CCWW"), the Protestant in the above-captioned matter. CCWW is the holder of Certificate of Convenience and Necessity No. 13038.

3. Decertification of the property as requested by Petitioner would deny CCWW's ability to serve some or all of the acreage currently within CCWW's CCN that is sought to be decertified by Montgomery Estates, LLC's Petition, resulting in financial and operational harm to CCWW.

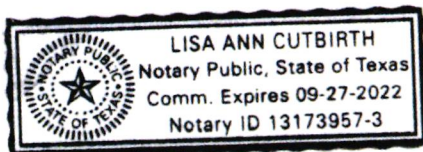
4. CCWW is opposed to Montgomery Estates, LLC's request for expedited release of the property in question.

5. CCWW did not receive a copy of the Petition by mail, and only recently became aware of the Petition through indirect communication."

FURTHER AFFIANT SAYETH NOT.

Alan J. Karl
Alan Karl

SWORN AND SUBSCRIBED TO BEFORE ME by Alan Karl on 4 May, 2021.



Lisa Ann Cutbirth
Notary Public State of Texas