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DOCKET NO. 52394

PETITION BY BRYAN FRENCHAK	§	
TO AMEND PORTER MUNICIPAL	§	PUBLIC UTILITY COMMISSION
UTILITY DISTRICT'S CERTIFICATE	§	
OF CONVENIENCE AND NECESSITY	§	OF TEXAS
IN MONTGOMERY COUNTY BY	§	
EXPEDITED RELEASE		

**PORTER MUD OPPOSITION TO THE PETITION OF BRYAN FRENCHAK FOR
EXPEDITED RELEASE**

COMES NOW, Porter Municipal Utility District ("Porter MUD") and files this Opposition to the Petition by Bryan Frenchak ("Frenchak") for Expedited Release.

Porter MUD files this motion pursuant to 16 Tex. Admin. Code § 24.245 and Order No. 5 (AIS Item No. 12). Order No. 5 established a deadline of March 1, 2022 for this response. Therefore, this response is timely filed.

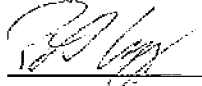
Porter MUD objects to the petition for expedited release. Porter MUD holds sewer CCN No. 20573, which is the subject of the decertification request. The Petition would deny Porter MUD's ability to serve the acreage sought to be decertified, with the resulting financial and operational harm to Porter MUD. Porter MUD has invested in infrastructure to provide service to the subject property. That investment will have no value if Porter MUD is denied the ability to serve the property. Porter MUD stands ready to provide service to the property on reasonable notice, and it objects to Frenchak's interference with Porter MUD's provision of service to the property.

Porter MUD also objects to the Petition on the basis that Frenchak has not satisfied the requirements of Texas Water Code 13.2541 and 16 Texas Administrative Code 24.245(h). Specifically, despite Frenchak's assertion, Porter MUD did not receive a copy of the complete petition on the date of the filing of the amended petition on November 30, 2022.

Attached as Exhibit A in support of this motion is the Affidavit of R. Wayne Curry,
President of Porter MUD, in opposition to Frenchak's Petition for Expedited Release.

Respectfully submitted,

Gregg Law PC



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Attorneys for Porter Municipal Utility District

CERTIFICATE OF SERVICE

By my signature above, I certify that on the 1st day of March 1, 2022, the foregoing document was serviced via first class mail and/or email to the following:

Jose M. de Leon, PE
Venturi Engineers LLC
26310 Oak Ridge Dr., Ste. 46
The Woodlands, Texas 77380
jdeleon@venturieng.com

R. Floyd Walker
Public Utility Commission of Texas
Legal Division
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
floyd.walker@puc.texas.gov

EXHIBIT A

AFFIDAVIT OF R. WAYNE CURRY

DOCKET NO. 52394

PETITION BY BRYAN FRENCHAK
TO AMEND PORTER MUNICIPAL
UTILITY DISTRICT'S CERTIFICATE
OF CONVENIENCE AND NECESSITY
IN MONTGOMERY COUNTY BY
EXPEDITED RELEASE

§
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§

PUBLIC UTILITY COMMISSION
OF TEXAS

AFFIDAVIT OF R. WAYNE CURRY IN OPPOSITION TO THE PETITION OF BRYAN
FRENCHAK FOR EXPEDITED RELEASE

State of Texas §
County of Montgomery §

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

"1. My name is R. Wayne Curry. 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 president of the Porter Municipal Utility District ("Porter MUD") and, in that capacity, am an authorized representative of Porter MUD.

3. Porter MUD is opposed to and objects to the subject application, which would result in the decertification of 99.878 acres of land from Porter MUDs sewer CCN No. 20573.

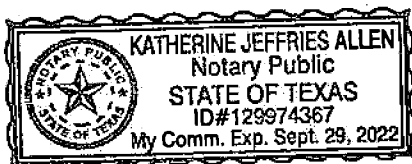
4. Decertification of the property as requested by Petitioner would deny Porter MUD the ability to serve the 99.878 acres currently within the CCN that is sought to be decertified by Montgomery Estates, LLC's Petition, resulting in financial and operational harm to CC Water Works.

5. CCWW did not receive a complete copy of the Petition by certified mail on November 30, 2022.

FURTHER AFFIANT SAYETH NOT.

R. Wayne Curry
R. Wayne Curry

SWORN AND SUBSCRIBED TO BEFORE ME by R. Wayne Curry on March 1st
2021. 2022



[Signature]
Notary Public State of Texas