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PUC DOCKET NO. 53594

PETITION BY MONTGOMERY	§	
COUNTY LAND INVESTMENTS, INC.	§	PUBLIC UTILITY COMMISSION
TO AMEND T&W WATER SERVICE	§	
COMPANY’S CERTIFICATE OF	§	OF TEXAS
CONVENIENCE AND NECESSITY IN	§	
MONTGOMERY COUNTY BY	§	
STREAMLINED EXPEDITED	§	
RELEASE	§	

**MONTGOMERY COUNTY LAND INVESTMENTS, INC.’S REPLY
TO T&W WATER SERVICE COMPANY’S RESPONSE TO ORDER NO. 5**

COMES NOW, Montgomery County Land Investments, Inc.’s (Applicant) and files this Reply to T&W Water Service Company’s (T&W) Response to Order No. 5. T&W objects to the Petition on the basis that the Applicant had not satisfied the requirements of Texas Water Code § 13.2541 and 16 Texas Administrative Code § 24.245(h), specifically T&W alleges that the Applicant did not provide “adequate” notice of the area to be decertified. It is unclear what this means and what was inadequate about the notice. As the certification states on the petition, the petition and attached documents were mailed by certified mail, return receipt requested, on May 11, 2022. Records of the Applicant’s legal counsel demonstrate that the petition was mailed, although legal counsel cannot locate the green card indicating receipt of the petition – either it was never returned or was unintentionally discarded. Attached to this Reply as Exhibit A is the May 11, 2022 email string between legal counsel’s legal assistant and the firm’s mailroom clerk requesting that the petition be mailed by certified mail. Also attached hereto as Exhibit B is the firm’s Postage Meter Log Sheet. The highlighted log entry is the entry for the certified mailing to T&W. Client/Matter number 4419.01 is the firm’s account number for the Applicant, and CMRRR stands for “certified mail, return receipt requested.” The petition filed by the Applicant and mailed to T&W adequately identified the area to be decertified.

T&W further objects to the administrative completeness of the Application because it would allegedly deny T&W of the ability to serve the property. Notably, T&W does not allege that it is providing service to the Applicant's property or allege that it has water facilities or lines committed to or serving the Applicant's property. *See General Land Office v. Crystal Clear Water Supply Corp.*, 449 S.W.3d 130 (Tex. App. – Austin 2014, pet. denied); *Johnson County Special Utility District v. Public Utility Commission of Texas*, No. 03-17-00160-CV, 2018 WL 2170259 (Tex. App. – Austin May 11, 2018, pet. denied) (mem. op.) at *8 (citing *Crystal Clear Water*); *Mountain Peak Special Util. Dist. v. Public Util. Comm'n of Tex.*, No. 03-16-00796-CV, 2017 WL 5078034 (Tex. App. – Austin, Nov. 2, 2017 pet. denied) (mem. op.) (discussing and applying analysis from *Crystal Clear Water*). The Applicant is not receiving water service from T&W, and any alleged damages to T&W will be addressed as part of the appraisal process of this docket.

The Applicant respectfully requests that its petition be declared administratively complete, and that the Application be processed in accordance with the Texas Water Code and Public Utility Commission of Texas's rules and granted.

Respectfully submitted,

Emily W. Rogers
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erogers@bickerstaff.com

Kimberly G. Kelley
State Bar No. 24086651
kkelley@bickerstaff.com

Bickerstaff Heath Delgado Acosta LLP
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Telephone: (512) 472-8021
Facsimile: (512) 320-5638

BY: Emily W. Rogers
Emily W. Rogers
Attorney for Montgomery County Land
Investments, Inc.

CERTIFICATE OF SERVICE

I certify that a copy of this document was served on all parties of record via email on November 11, 2022, in accordance with the requirements of 16 Tex. Admin. Code § 22.74 and PUC Order No. 2 in Docket No. 50664.

Emily W. Rogers

Exhibit A

From: [Rae Fregeolle-Burk](#)
To: [Fran Cardiel](#)
Subject: RE: Certified mailing for today
Date: Wednesday, May 11, 2022 2:55:00 PM

Thanks!

Rae Fregeolle-Burk | Legal Assistant | Bickerstaff Heath Delgado Acosta LLP
3711 S. MoPac Expwy | Building One | Suite 300 | Austin, TX | 78746
Phone 512.472.8021 | Fax 512.320.5638

rfburk@bickerstaff.com | www.bickerstaff.com



From: Fran Cardiel <FCardiel@bickerstaff.com>
Sent: Wednesday, May 11, 2022 2:55 PM
To: Rae Fregeolle-Burk <rfburk@bickerstaff.com>
Subject: RE: Certified mailing for today

This certified mailing is ready and will go out today.

Thanks,

Fran Cardiel | Office Services Clerk | Bickerstaff Heath Delgado Acosta LLP
3711 S. Mo-Pac | Building One | Suite 300 | Austin, TX | 78746
Phone 512.472.8021 | Fax 512.320.5638

fcardiel@bickerstaff.com | www.bickerstaff.com



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From: Rae Fregeolle-Burk <rfburk@bickerstaff.com>
Sent: Wednesday, May 11, 2022 1:54 PM
To: Fran Cardiel <FCardiel@bickerstaff.com>
Subject: Certified mailing for today

Please print one copy of the attached and mail today, via certified mail, to the following:

T&W Water Service Company
P.O. Box 2927

Conroe, Texas, 77305

Please bill 4419-01.

Thanks!

Rae Fregeolle-Burk | Legal Assistant | Bickerstaff Heath Delgado Acosta LLP
3711 S. MoPac Expwy | Building One | Suite 300 | Austin, TX | 78746
Phone 512.472.8021 | Fax 512.320.5638

rfburk@bickerstaff.com | www.bickerstaff.com



Exhibit B

Postage Meter Log Sheet

Date	Personal or Client?	Sender	Client/Matter	Brief Description (used for billing)	Total
Example: 2/20/2020	Client	Fran for Gunnar	1434.18 - XYZ County	Overnight shipping for ...	\$XX.XX
Example: 2/22/2020	Personal	Ted Castleberry	Ted's employee acct	FedEx charges for personal mail	\$XX.XX
5/2/2022	CLIENT	SRAM for GTT	3231.153	CMRRR LTR	\$7.33
" "	Personal	Fran for Claudia	Claudia's employee acct	Priority mail (large envelope)	\$9.45
" "	Client	Fran for Lori	3303.18	CMRRR (large envelope)	\$8.76
" "	"	SRAM for GTT	4255.02	CMRRR LTR	\$7.33
" "	"	" "	" "	REG MAIL LTR	.53
5/3/2022	Client	Fran for Lori	4408.01	CMRRR (large envelope)	\$9.96
5/4/2022	Personal	Fran for Susan	Susan's employee acct	Reg. mail (letter)	\$0.53
" "	Client	Fran for Lori	3303.21	CMRRR (large envelope)	\$9.56
5/5/2022	CLIENT	SRAM for GTT	3231.150	CMRRR LTR	\$7.33
5/5/22	Personal	Josh Katz	81000-1111	Letter	\$0.73
" "	Client	Fran for Lori	3303.21	CMRRR + priority (large envelope)	\$16.05
" "	" "	Fran for Philip	4274.13	CMRRR (large envelope)	\$8.56
" "	" "	" "	" "	Reg. mail (large envelope)	\$1.13
" "	" "	Fran for Josh	3116.03	" "	\$1.96
" "	" "	" "	" "	CMRRR (large envelope)	\$8.76
5-6-2022	CLIENT	SRAM for GTT	3231.147	CMRRR REG LTR	\$7.33
5-9-2022	Client	AL for Lori	3303.21	CMRRR Reg Letter	\$7.33
" "	" "	" "	" "	" "	\$7.33
" "	Firm	Fran for Vanessa	175.00	Reg. mail (letter)	\$0.53
5.11.22	Client	Dennis for Gregory	3574.10	Bubble mailer	\$4.50
" "	" "	" "	" "	" " 4x4.60	\$18.40
" "	" "	Fran for Emily	4419.01	CMRRR (large envelope)	\$8.76
" "	" "	Fran for Lori	3303.18	" "	\$8.16
5-12-22	CLIENT	SRAM for GTT	3231.150	REG MAIL LETTER	.53
" "	" "	Fran for Lori	3303.21	CMRRR (large envelope)	\$8.96