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DOCKET NO. 57439

PETITION OF CIVITAS	§	BEFORE THE PUBLIC UTILITY
CYPRESSWOOD OWNER I, LLC	§	
APPEALING THE DECISION OF	§	COMMISSION OF TEXAS
HARRIS COUNTY WATER CONTROL	§	
AND IMPROVEMENT DISTRICT	§	
NO. 99 TO CHANGE RATES	§	

**HARRIS COUNTY WCID NO. 99’S MOTION FOR LEAVE TO REPLY TO
COMMISSION STAFF AND APPELLANT’S RESPONSES TO MOTION TO DISMISS**

Pursuant to 16 Texas Administrative Code (TAC) §§ 22.78(a) and 22.181(e)(4), Harris County Water Control and Improvement District No. 99 (Harris County WCID No. 99 or District) timely files this Motion for Leave to Reply to Commission Staff (Staff) and Civitas Cypresswood Owner I, LLC’s (Civitas) responses to Harris County WCID No. 99’s Motion to Dismiss.

I. MOTION FOR LEAVE TO REPLY

On December 13, 2024, Civitas filed its Petition appealing a Harris County WCID No. 99 rate change decision under Texas Water Code (TWC) § 13.043(b)(4) and 16 TAC § 24.101(c)(4).¹ On January 16, 2025, as part of its response, the District filed a Motion to Dismiss the Appeal based on: (1) timeliness; (2) standing; and (3) other jurisdictional concerns.² Civitas and Staff both filed responses.³ Responsive pleadings are ordinarily due “within five working days after receipt of the pleading to which response is made.”⁴ However, 16 TAC § 22.181(e)(4) states, “[r]eplies to a response to a motion to dismiss may be made only by leave of and as directed by

¹ Petition (Dec. 13, 2024).

² Harris County Water Control and Improvement District No. 99’s Response to Original Petition of Civitas Cypresswood Owner I, LLC Pursuant to Texas Water Code § 13.043 for Review of Decision to Change Rates, Response to Petitioner’s Request for Establishment of Interim Rates, and Motion to Dismiss for Lack of Jurisdiction (Jan. 16, 2025).

³ Civitas Cypresswood Owner I, LLC’s Response to Harris County Water Control and Improvement District No. 99’s Motion to Dismiss (Feb. 5, 2025); Commission Staff’s Response to Harris County WCID No. 99’s Motion to Dismiss (Feb. 5, 2025).

⁴ 16 TAC § 22.78(a).


the presiding officer.” Therefore, the District respectfully requests leave to reply to Staff and Civitas’s respective responses to the District’s Motion to Dismiss.

A reply is necessary to draw attention to and correct factual inaccuracies and misrepresentations, as well as new and misleading legal arguments, contained in both Commission and Staff’s responses. The District could not have anticipated or addressed these alleged facts and contentions in its initial Motion to Dismiss.

II. CONCLUSION AND PRAYER

For the foregoing reasons, Harris County WCID No. 99 respectfully requests leave to file a reply to Staff and Civitas’s responses to the District’s Motion to Dismiss.

Respectfully submitted,

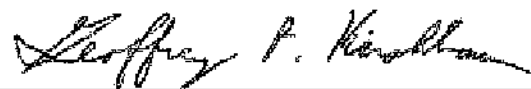
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ATTORNEYS FOR AQUA TEXAS, INC.

CERTIFICATE OF SERVICE

I hereby CERTIFY that, unless otherwise ordered by the presiding officer, notice of the filing of this document was provided to all parties of record via electronic mail on February 12, 2025, in accordance with the Orders Suspending Rules issued in Project No. 50664.


Geoffrey P. Kirshbaum