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DOCKET NO. 43114

APPLICATION OF CITY OF
MIDLOTHIAN AND MOUNTAIN
PEAK SPECIAL UTILITY DISTRICT
FOR SALE, TRANSFER AND MERGER
OF CERTIFICATE RIGHTS IN
ELLIS COUNTY

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PUBLIC UTILITY COMMISSION

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**CITY OF MIDLOTHIAN'S
NOTICE OF APPEARANCE**

TO THE HONORABLE JUDGE SUSAN E. GOODSON:

NOW COMES, the City of Midlothian, Texas (City or Midlothian) and files this Notice of Appearance and Response to Order No. 1 (Aug. 21, 2015).

I. NOTICE OF APPEARANCE

Pursuant to the Order, the contact information for the authorized representatives of the City follows:

Patrick W. Lindner
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Paul M. Gonzalez
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7550 West IH-10, Suite 800
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Michael G. Adams, P.E., Executive Director of Engineering & Utilities, will be the City's designated business representative in this matter. The City requests that all City representatives be sent copies of motions, orders, correspondence and other documents; however, if only one legal representative is served, the City requests that Paul González be served.

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II. RESPONSE TO ORDER NO. 1

The City observes that items appearing under Item No. 13 on the PUC Interchange for this docket reflect that the matter was being processed by the Texas Commission on Environmental Quality (TCEQ) under a different style, as agreed upon by the parties: *Contract Service Agreement Pursuant to Texas Water Code, Section 13.248, from Mountain Peak Special Utility District (SUD), Certificate of Convenience and Necessity (CCN) No. 10908, to Transfer a Portion of CCN No. 11706 from the City of Midlothian and to Decertify a Portion of CCN No. 10908, in Ellis County; Application No. 36233-C*. The revised style accurately reflects the “swap” of areas that was contemplated by the parties at the time. There has been no dispute as to the limited areas being exchanged, although it is unclear from the record whether a final order was ever issued by the TCEQ.¹ In fact, Mountain Peak Special Utilities District has been serving customers in the area given up by the City for several years, and the City has been ready, willing and able to serve customers in the area given up by Mountain Peak.

The City believes that no hearing is needed. Should a hearing be determined to be necessary, the City recommends and requests that the informal disposition process contemplated under PUC Subst. R. 24.11(a) be followed in order to save both time and costs for all involved.

Respectfully submitted,

DAVIDSON, TROILO, REAM & GARZA, P.C.

By: 

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¹ No final order appears on the PUC Interchange.

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ATTORNEYS FOR THE CITY OF MIDLOTHIAN

CERTIFICATE OF SERVICE

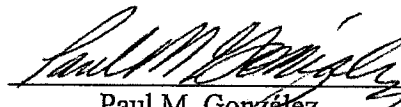
I hereby certify that a true and correct copy of the foregoing document has been delivered by First Class Mail, facsimile and/or electronic mail to the following persons on this 9th September 2015:

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