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DOCKET NO. 43114

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PUBLIC UTILITY COMMISSION
PUBLIC UTILITY COMMISSION
FILING CLERK
OF

TEXAS

APPLICATION OF CITY OF §
MIDLOTHIAN AND MOUNTAIN §
CREEK SUD FOR SALE, TRANSFER, §
OR MERGER OF CERTIFICATE §
RIGHTS IN ELLIS COUNTY (36233-C) §

COMMISSION STAFF'S RESPONSE TO ORDER NO. 3

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest and files this Response to order No. 3. In support thereof, Staff shows the following:

I. BACKGROUND

On October 30, 2008, the City of Midlothian (Midlothian) and Mountain Peak Special Utility District (Mountain Peak) (collectively Applicants) filed an application for the sale, transfer, or merger (STM or (Application) of facilities and certificates of convenience and necessity (CCN) in Ellis County with the Texas Commission on Environmental Quality (TCEQ). Effective September 1, 2014, the Public Utility Commission of Texas (PUC or Commission) began the economic regulation of water and sewer utilities. This case formerly pending at the TCEQ was transferred to the Commission on September 1, 2014. Staff can find no record of a final order ever being issued by TCEQ.

Order No. 3 instructed the Applicants to file a proposed notice and allowed Staff the opportunity to review the outcome of pending cases (Docket Nos 42928 and 4430) and file an additional procedural schedule. The Applicants timely filed a proposed notice on November 13, 2015.

II. PROPOSED PROCEDURAL SCHEDULE

Notices of approval were issued in Docket Nos. 42928 and 44030, and no party timely filed a motion for rehearing. Staff is currently reviewing the proposed notice filed by the Applicants

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and is in the process of determining whether the proposed notice comports with the practices in the above described dockets or whether good cause exists in this case to recommend that notice requirements be waived.

Therefore, Staff proposes the following procedural schedule:

| | |
|---|-------------------|
| Deadline for Staff to file a recommendation and/or an additional procedural schedule. | December 18, 2015 |
|---|-------------------|

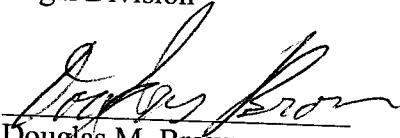
IV. CONCLUSION

Staff respectfully requests the entry of an order consistent with the above recommendations.

Respectfully Submitted,

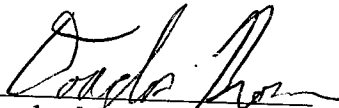
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DOCKET NO. 43114
CERTIFICATE OF SERVICE

I certify that a copy of this document was served on all parties of record on December 2, 2015 in accordance with 16 Tex. Admin. Code § 22.74.



Douglas M. Brown