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DOCKET NO. 43114

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

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PUBLIC UTILITY COMMISSION

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PUBLIC UTILITY COMMISSION
OF FILING CLERK

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COMMISSION STAFF'S REQUEST FOR ADDITIONAL TIME

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest and files this Request for Additional Time. 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. By letter dated August 4, 2009, the TCEQ sought clarification from the Applicants regarding whether they wanted the Application to be processed as an STM or as a Tex. Water. Code § 13.248 contract (AIS Item No. 9). By letter dated August 29, 2009, David Miller, representing Mountain Peak, stated that the Application was to be processed pursuant to TWC § 13.248 (AIS Item No. 10). Patrick Linder, attorney for Midlothian, stated the same intent in a letter recently filed with the Commission (AIS Item No. 15). The intent of the Application or contract, as described in TCEQ's STM form, is that "The City of Midlothian is transferring a portion of its existing water CCN to Mountain Peak SUD in exchange for a portion of Mountain Peak SUD's existing water CCN that is being transferred to the City of Midlothian" (AIS Item No. 1). Letters from the TCEQ describe the intent of the Application as a transfer and

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decertification of CCNs (AIS Item No. 12). On December 18, 2008, TCEQ staff issued an interoffice memorandum explaining that Mountain Peak had demonstrated financial, managerial, and technical capability to operate the transferred CCN portion from Midlothian (AIS Item No. 11). However, Staff was not able to find a final order in the docket approving the Application or contract. Staff is unaware as to what may have caused delay of approval by TCEQ.

Order No. 7 instructed the parties to file a joint proposed notice of approval by March 30, 2016.

II. REQUEST FOR ADDITIONAL TIME

The parties are working together to create a joint proposed notice of approval. The Applicants sent the latest draft to Staff on March 29, 2016. Staff needs additional time to provide comments and circulate them back to the Applicants. Therefore, Staff requests until April 6, 2016 for the parties to file a joint proposed notice of approval. Staff conferred with the Applicants, and they did not object to the request.

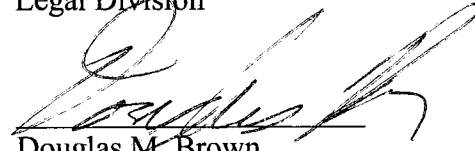
III. CONCLUSION

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

Respectfully Submitted,

Margaret Uhlig Pemberton
Division Director
Legal Division

Stephen Mack
Managing Attorney
Legal Division

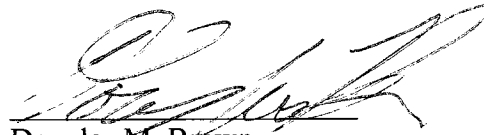


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CERTIFICATE OF SERVICE

I certify that a copy of this document was served on all parties of record on March 29, 2016
in accordance with 16 Tex. Admin. Code § 22.74.


Douglas M. Brown