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APPLICATION OF DENTON COUNTY §  
 FRESH WATER SUPPLY DISTRICT §  
 NO. 10 TO AMEND WATER AND §  
 SEWER CCNS IN DENTON COUNTY §  
 (APPLICATION NOS. 34068-C/34069-C) §

BEFORE THE STATE OFFICE  
 OF  
 ADMINISTRATIVE HEARINGS

**PROSPER INDEPENDENT SCHOOL DISTRICT'S  
 RESPONSE TO ORDER NO. 11**

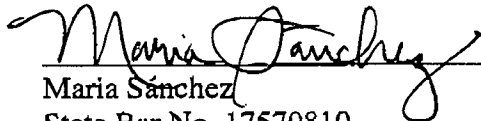
COMES NOW Prosper Independent School District ("Prosper ISD"), by and through its attorney, and files its response to Order No. 11.

Prosper ISD would like to inform the Administrative Law Judge that it has made offer to the Applicant that will be considered at the District's regular meeting on October 16, 2003. Prosper ISD did not want to file its pre-filed testimony until the Applicant had filed its direct testimony. Prosper ISD's position is that Applicant has the burden of proof in this proceeding. In addition, Prosper ISD as a public entity did not want to spend the time and resources to prepare pre-filed testimony if it was going to reach a settlement with the Applicant. Prosper ISD was planning to file a motion to extend the deadline to file pre-filed testimony. However, before filing such motion, Prosper ISD's counsel conferred with Sheidan Gilkerson, Staff Attorney. Ms. Gilkerson advised Prosper ISD's counsel that the staff was planning to request a continuance. Based on that conversation, Prosper ISD assumed that Staff was going to request that the deadline for all parties to file pre-filed testimony be extended. In hindsight, Prosper ISD realizes that it should have requested that the proceeding be abated or that the deadline to file its pre-filed testimony be extended.

Based on the foregoing, Prosper ISD would request, that in the event the Administrative Law Judge denies the Applicant's motion to Submit Certified Questions and to Abate the Proceeding, that the deadlines for all parties to file pre-filed testimony and hearing be extended. Extending this deadline and hearing date would not prejudice any of the parties as none of the parties have filed their direct case.


Respectfully submitted,

DAVIDSON & TROILO, P.C.  
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Facsimile: (512) 473-2159

By:   
Maria Sánchez  
State Bar No. 17570810  
Attorney for Prosper ISD

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document has been sent by first class mail and/or by facsimile to all parties of record on this the 29<sup>th</sup> day of September 2003.

  
Maria Sánchez

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TERRY TOPHAM  
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**TELECOPY TRANSMITTAL LETTER**

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TO:	Blas Coy	239-6377
	Docket Clerk	239-3311
	Mark Zeppa	346-6847
	Lara K. Nehman, Sheridan Gilkerson	239-0606
	John Turney	476-1513
	Judge James W. Norman	475-4994
FROM:	Maria Sanchez	
FAX NO.:		
RE:	Prosper ISD's Response to Order No. 11	
DATE:	September 29, 2003	

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This transmission consists of a total of 3 pages, including this cover page. If you do not receive all pages, or if any difficulty in transmission occurs, please contact Maria at 512-469-6006 or 800-635-7832.

**Message:**

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SEP 30 2003

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