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DOCKET NO. 44541

APPLICATION OF CITY OF HEATH TO §
AMEND A CERTIFICATE OF §
CONVENIENCE AND NECESSITY AND §
TO DECERTIFY A PORTION OF §
FORNEY LAKE WATER SUPPLY §
CORPORATION'S SERVICE AREA IN §
ROCKWALL COUNTY §

PUBLIC UTILITY COMMISSION

2015 APR 30 PM 2:34
PUBLIC UTILITY COMMISSION
FILING CLERK
OF TEXAS

CITY OF HEATH'S RESPONSE TO ORDER NO. 3

Now comes the City of Heath ("Heath") and files its Response to Order No. 3 and in support thereof would show the following.

Order No. 3 requires the City of Heath to clarify whether it's April 8, 2015 Response to Order No. 1 was a request for summary decision on the issue of whether a determination of compensation will be required in this proceeding. The City of Heath confirms that its Response to Order No. 1 was not a request for summary decision pursuant to PUC Procedural Rule 22.182. Instead, the City's response was its submittal in response to the requirement of Order No. 1 that the City file "comments/recommendations regarding how this petition should be processed..."

Forney Lake Water Supply Corporation has not alleged in this proceeding that any of its property will be rendered useless or valueless as a result of Heath's request for single certification. Instead, FLWSC's Response to Order No. 1 requests additional time to understand Heath's application.

The City believes, based on limited information provided to it by Forney Lake WSC, that single certification as requested by its application would not result in the property of Forney Lake being rendered useless or valueless. In order to confirm its belief the City filed its First Request for Information to Forney Lake WSC seeking, among other things, information concerning whether the single certification as requested by Heath has the potential to render any of Forney Lake's property useless or valueless. Additionally, the City of Heath is currently seeking an agreement with Forney Lake WSC concerning depositions of its personnel and witnesses. If that discovery allows Heath to establish that there is no genuine issue as to any material fact related to whether single certification as requested by Heath would render Forney

Lake WSC's property useless or valueless, Heath reserves the right to file a motion for summary decision pursuant to PUC Procedural Rule 22.182 at that time.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jim Mathews", is written over a horizontal line.

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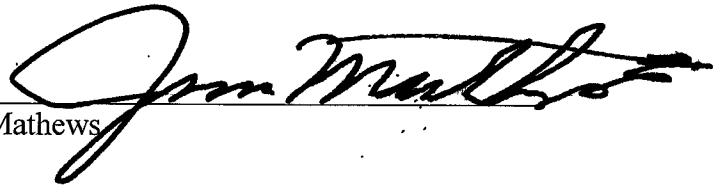
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Heath's Response to Order No. 3 was served on all parties of record in this proceeding on this 30th day of April, 2015, by hand-delivery, facsimile, electronic mail, and/or First Class Mail.

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A handwritten signature in black ink, appearing to read "Jim Mathews", is written over a horizontal line.