



Control Number: 45702



Item Number: 124

Addendum StartPage: 0



Mr. Klein's Direct Line: (512) 322-5818
Email: dklein@lglawfirm.com

RECEIVED
2017 MAR -1 AM 10:12
PUBLIC UTILITY COMMISSION
FILING CLERK
816 Congress Avenue, Suite 1900
Austin, Texas 78701
Telephone: (512) 322-5800
Facsimile: (512) 472-0532
www.lg-law.com

March 1, 2017

Elizabeth Drews
Administrative Law Judge
State Office of Administrative Hearings
300 West 15th Street, Suite 504
Austin, Texas 78701

Re: PUC Docket No. 45702; SOAH Docket No. 473-16-5296.WS- Application of the City of Cibolo for Single Certification in Incorporated Area and to Decertify Portions of Green Valley Special Utility District's Sewer Certificate of Convenience and Necessity in Guadalupe County

Dear Judge Drews,

It has come to my attention that while the City of Cibolo's ("City") Proposed Findings of Fact and Conclusions of Law ("FOF") were filed at the Public Utility Commission ("Commission") at 2:59 p.m. yesterday, the City's Reply to Initial Briefs ("Reply") in this matter was not filed until 4:26 p.m. that afternoon.

The courier service we employed picked up both the FOF and Reply from my office at approximately 2:40 p.m. and arrived at the Commission at 2:50 p.m., prior to the filing deadline and with enough time to make both filings in a timely manner (as evidenced by the file stamped time on the FOF). However, for reasons I do not understand, the courier only filed the FOF with the Commission, yet filing both the FOF and Reply at SOAH. I had left the office for another out-of-town meeting yesterday afternoon, but when my support staff realized that the courier had not filed the Reply at the Commission, they immediately went back to the Commission themselves to file the Reply.

The courier's actions were entirely contrary to our written instructions to file the Reply and the FOF at the Commission first, before 3:00 p.m. Attached is a copy of our courier request slip which shows the delivery instructions (the purple ink on the request form is the courier's notes). I have no explanation for why the courier acted as he did.

7304175.1

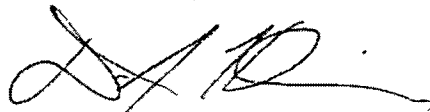
Lloyd Gosselink Rochelle & Townsend, P.C.

124

Administrative Law Judge Elizabeth Drews
March 1, 2017
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There is no prejudice to any party in this proceeding by this unfortunate situation, as (i) the version of the Reply that was filed at the Commission was the same version that was initially provided to the courier at 2:40 p.m., (ii) all parties in this matter were electronically served with a copy of the Reply prior to 3:00 p.m. (such emails are also attached hereto), and (iii) there are no responsive briefs to the Reply. I apologize for the delay in this filing and respectfully request Your Honor to accept the filing.

Sincerely,



David J. Klein

Enclosures

cc: All parties of record

MESSANGER REQUEST

Time Requested:

Time Needed: **FILE by 3:00 PM**

Date: February 28, 2017

☒ Filing & Return ☐ Pick-up ☐ Deliver and Pick-up

Name: 2 Locations: PUC and SOAH

Address: (2) **PUC**
Central Records, Room 8-100
1701 N. Congress Ave.
Austin TX 78701

(1) **SOAH**
300 W. 15th Street, Room 504
Austin, Texas 78701

Special Instructions: 1. File with Clerks at PUC 1st
2. File with SOAH 2nd
3. Return file-stamped copies from both PUC and SOAH to our office

Requested by: DSR User #

Client Name: City of Cibolo

Client Number: 3701-0

TO BE FILLED OUT BY OFFICE SERVICES

Messenger: 197
Received by: (2)

Date: Time: AM PM

2017 FEB 28 PM 3:00

If problems, Contact at Lloyd Gosselink:

Dana Rachal
(512) 322-5897

Lisette Ruiz

From: RightFax E-mail Gateway <Administrator@lglawfirm.com>
Posted At: Tuesday, February 28, 2017 2:57 PM
Conversation: Your fax has been successfully sent to To Whom it May Concern at (512) 474-9888. RE: PUC Docket #45702 - Reply Brief of City of Cibolo

Subject: Your fax has been successfully sent to To Whom it May Concern at (512) 474-9888. RE: PUC Docket #45702 - Reply Brief of City of Cibolo

Your fax has been successfully sent to To Whom it May Concern at (512) 474-9888. RE: PUC Docket #45702 - Reply Brief of City of Cibolo

From: drachal@lglawfirm.com

Time: 2/28/2017 2:44:55 PM
Sent to (512) 474-9888 with remote ID "5124749888"
Result: (0/339;0/0) Successful Send
Page record: 1 - 25
Elapsed time: 11:16 on channel 2

Lisette Ruiz

From: Dana Rachal
Sent: Tuesday, February 28, 2017 2:43 PM
To: Geoffrey Kirshbaum (Business Fax)
Cc: David Klein; Christie Dickenson; Ashleigh Acevedo; Lisette Ruiz
Subject: PUC Docket #45702 - Reply Brief of City of Cibolo
Attachments: 2017.02.28 Reply Brief of City of Cibolo - FINAL.PDF

Mr. Kirshbaum,

Please find attached the *Reply Brief of City of Cibolo* that was filed today.

Thank you,

Dana Rachal
*Legal Secretary to David J. Klein,
Stefanie Albright, and Christie Dickenson*
Lloyd Gosselink Rochelle & Townsend, P.C.
816 Congress Ave., Suite 1900
Austin, Texas 78701
(512) 322-5897 (direct line)
(512) 472-0532 (facsimile)
www.lglawfirm.com

Lisette Ruiz

From: RightFax E-mail Gateway <Administrator@lglawfirm.com>
Posted At: Tuesday, February 28, 2017 2:59 PM
Conversation: Your fax has been successfully sent to Landon Lill at (512) 936-7268. RE: PUC Docket # 45702 - Reply Brief of City of Cibolo

Subject: Your fax has been successfully sent to Landon Lill at (512) 936-7268. RE: PUC Docket # 45702 - Reply Brief of City of Cibolo

Your fax has been successfully sent to Landon Lill at (512) 936-7268. RE: PUC Docket #45702 - Reply Brief of City of Cibolo

From: drachal@lglawfirm.com

Time: 2/28/2017 2:44:42 PM
Sent to (512) 936-7268 with remote ID "5129367268"
Result: (0/339;0/0) Successful Send
Page record: 1 - 25
Elapsed time: 11:01 on channel 0

Lisette Ruiz

From: Dana Rachal
Sent: Tuesday, February 28, 2017 2:44 PM
To: Landon Lill - Public Utility Commission (Business Fax)
Cc: David Klein; Christie Dickenson; Ashleigh Acevedo; Lisette Ruiz
Subject: PUC Docket #45702 - Reply Brief of City of Cibolo
Attachments: 2017.02.28 Reply Brief of City of Cibolo - FINAL.PDF

Mr. Lill,

Please find attached the *Reply Brief of City of Cibolo* that was filed today.

Thank you,

Dana Rachal
*Legal Secretary to David J. Klein,
Stefanie Albright, and Christie Dickenson*
Lloyd Gosselink Rochelle & Townsend, P.C.
816 Congress Ave., Suite 1900
Austin, Texas 78701
(512) 322-5897 (direct line)
(512) 472-0532 (facsimile)
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