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**DOCKET NO. 45702**

**APPLICATION OF CITY OF CIBOLO §  
FOR SINGLE CERTIFICATION IN §  
INCORPORATED AREA AND TO §  
DECERTIFY PORTIONS OF GREEN §  
VALLEY SPECIAL UTILITY DISTRICT §  
SEWER CERTIFICATE OF §  
CONVENIENCE AND NECESSITY IN §  
GUADALUPE COUNTY §**

**PUBLIC UTILITY COMMISSION**

**OF TEXAS**

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**GREEN VALLEY SPECIAL UTILITY DISTRICT'S REPLY TO CITY OF CIBOLO'S  
RESPONSE TO ORDER NO. 2 AND APPOINTMENT OF APPRAISER**

COMES NOW, Green Valley Special Utility District ("GVSUD" or the "District") and files this Reply to City of Cibolo's Response to Order No. 2 and Appointment of Appraiser in the above referenced docket subject to GVSUD's Plea to the Jurisdiction and Motion to Dismiss previously filed. In support, GVSUD would show as follows.

The City of Cibolo ("Cibolo" or the "City") contends that GVSUD is obligated to appoint an appraiser and engage in a discussion with the City's appointed appraiser within the next 10 days.<sup>1</sup> The City asserts it has "commenced the portion of the CCN decertification process described in Texas Water Code §13.255(l) and 16 Tex. Admin. Code §24.120(m)" which sets forth certain appraisal process deadlines.<sup>2</sup> However, in Order No. 3, the Honorable Administrative Law Judge ("ALJ") clarified that "all procedural deadlines applicable to this type of proceeding, as required by 16 TAC §24.120, are calculated from the date the Commission issues an order deeming the application sufficient and establishing a procedural schedule."<sup>3</sup>

<sup>1</sup> City of Cibolo's Response to Order No. 2 (May 11, 2016); City of Cibolo's Appointment of Appraiser (May 11, 2016).

<sup>2</sup> *Id.*

<sup>3</sup> Order No. 3 Granting Motion to Intervene (April 28, 2016). This point was also stated in Order No. 2 (April 12, 2016) where the ALJ ruled that the application is not considered filed according to P.U.C. SUBST. R. 24.8(a).

The City is prematurely and improperly attempting to prosecute its application in violation of the Presiding Officer's orders and pressure GVSUD into participating in a single certification "appraisal process" not yet commenced. In addition to the Court's rulings in Order Nos. 2 and 3: (1) GVSUD has not yet received a ruling on its Plea to the Jurisdiction and Motion to Dismiss filed in this docket;<sup>4</sup> (2) Commission Staff is not required to provide its additional comments on administrative completeness and a proposed procedural schedule, if appropriate, until May 23, 2016;<sup>5</sup> and (3) the Commission has scheduled June 9, 2016 to consider a possible preliminary order based on lists of issues due May 12, 2016 that would govern future events in this case.<sup>6</sup>

In reply to the City's May 11, 2016 filings, GVSUD respectfully requests the ALJ issue another order clarifying that neither the TWC §13.255(l) and P.U.C. SUBST. R. 24.120(m) appraisal process, nor any other deadline within TWC §13.255 or P.U.C. SUBST. R. 24.120, has commenced. GVSUD requests that this order specify no such deadlines shall commence until the Commission: (1) finds the City's application administratively complete; (2) rules on GVSUD's jurisdictional issues; and (3) establishes a procedural schedule if jurisdiction is established. Further, GVSUD requests that if such a procedural schedule is established over its jurisdictional objections, it specifically include deadlines applicable to the appraisal process described in the City's May 11, 2016 pleadings so that all parties are aware of same. Until then, GVSUD requests that the ALJ specifically relieve the District from all such deadline obligations.

### **Conclusion and Prayer**

Subject to its Plea to the Jurisdiction and Motion to Dismiss, Green Valley Special Utility District respectfully requests the ALJ issue an order as described herein specifically relieving the

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<sup>4</sup> GVSUD's Plea to the Jurisdiction and Motion to Dismiss with Debt Information Listing (April 29, 2016).

<sup>5</sup> Order No. 2 (April 12, 2016).

<sup>6</sup> Order Requesting List of Issues (May 4, 2016).

District from the "appraisal process" asserted in City of Cibolo's May 11, 2016 pleadings and all other single certification process deadlines. GVSUD requests all other and further relief to which it is justly entitled at law or in equity.

Respectfully submitted,

By: 

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**ATTORNEYS FOR GREEN VALLEY SPECIAL  
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## CERTIFICATE OF SERVICE

I hereby CERTIFY that on May 12, 2016, a true and complete copy of the above was sent by the method indicated to counsel of record at the following addresses in accordance with P.U.C. PROC. R. 22.74:

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