



Control Number: 45702



Item Number: 25

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DOCKET NO. 45702 2016 MAY 27 PM 2:35

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

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PUBLIC UTILITY COMMISSION
PUBLIC UTILITY COMMISSION
OF TEXAS

**CITY OF CIBOLO'S RESPONSE TO ORDER NO. 4 AND MOTION TO ESTABLISH A
PROCEDURAL SCHEDULE**

COMES NOW the City of Cibolo (the "City"), by and through its undersigned attorneys of record, and files its Response to Order No. 4 ("Response") requiring the City and Green Valley Special Utility District (the "District") to indicate whether they have agreed on an independent appraiser, or reached an impasse. According to Order No. 4, this Response is due by May 27, 2016. Thus, this response is timely filed. Additionally, the City requests that a procedural schedule be established.

I. BACKGROUND

On April 26, 2016, the City provided a letter to Mr. Paul Terrill, attorney for GVSUD, and Pat Allen, General Manager for GVSUD, asking whether GVSUD would be willing to agree, select, and appoint Mr. Jack Stowe, President of NewGen Strategies & Solutions, LLC to serve as the independent appraiser to conduct the appraisal in this matter. On May 13, 2016, the Administrative Law Judge in this matter issued Order No. 4, requiring the parties to indicate whether that had agreed on an independent appraiser or reached an impasse by May 27, 2016. On May 23, 2016, the City sent an additional email to Mr. Terrell and Mr. Kirshbaum, the

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attorneys of record for GVSUD, reiterating the request for appointment of an agreed independent appraiser.

On May 26, 2016, Mr. Geoffrey Kirshbaum, attorney for GVSUD, provided correspondence to the City stating that the District declined the appointment of Mr. Jack Stowe as appraiser. See Attachment A. Based on that correspondence, it is the City's belief that the parties have reached an impasse.

II. APPOINTMENT OF APPRAISER

As an impasse has occurred, the City and GVSUD are now required under Texas Water Code § 13.255(l) and 16 Texas Administrative Code § 24.120(m) to each appoint a qualified individual or firm to serve as independent appraiser. The City reaffirms its appointment of Mr. Jack Stowe, President of NewGen Strategies & Solutions, LLC to serve as the City's independent appraiser in this matter. All correspondence to Mr. Stowe should be delivered to the City's undersigned attorney of record in this matter.

III. MOTION TO ESTABLISH A PROCEDURAL SCHEDULE

With this impasse, the City also respectfully moves to establish a procedural schedule regarding the next steps in the appraisal process, in accordance with Texas Water Code § 13.255(l). To this end, the City proposes the following deadlines:

- Tuesday, June 7 Deadline for GVSUD to Appoint an Appraiser
- Tuesday, June 21 Deadline for Appointed Appraisers to meet to reach an agreed determination of the amount of compensation, if any.

IV. CONCLUSION AND PRAYER

The City respectfully requests that the Commission recognize that an impasse exists and that the City has provided notice of appointment of its Appraiser. The City also respectfully asks that the Commission establish a procedural schedule regarding the next steps in the appraisal process in accordance with Texas Water Code § 13.255(l), and to grant such other and further relief in this matter to which it may be entitled.

Respectfully submitted,

**LLOYD GOSSELINK ROCHELLE &
TOWNSEND, P.C.**

816 Congress Avenue, Suite 1900
Austin, Texas 78701
(512) 322-5800
(512) 472-0532 (Fax)



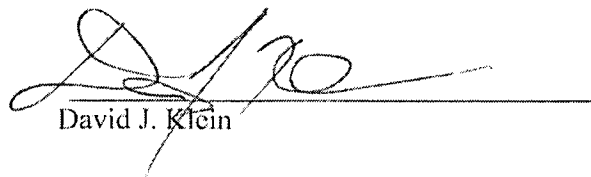
DAVID J. KLEIN
State Bar No. 24041257
dklein@lglawfirm.com

CHRISTIE DICKENSON
State Bar No. 24037667
cdickenson@lglawfirm.com

ATTORNEYS FOR THE CITY OF CIBOLO

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was transmitted by fax, hand-delivery and/or regular, first class mail on this 27th day of May, 2016 to the parties of record.



David J. Klein

ATTACHMENT A

May 26, 2016 Letter from GVSUD

ATTACHMENT A

From:5124749888

05/26/2016 11:23

#042 P.001/002

TERRILL & WALDROP

ATTORNEYS and COUNSELORS

810 West 10th Street
Austin, Texas 78701
Tel (512) 474-9100
Fax (512) 474-9888

FAX COVER SHEET**DATE : May 26, 2016****PLEASE DELIVER TO:**

NAME : David Klein		FAX NUMBER : (512) 472-0532
Christie Dickenson		
FROM : Beckie Figg, Paralegal		
CM # 9676		
TOTAL NUMBER OF PAGES SENT (Including coversheet) :		2 pages
IF YOU DO NOT RECEIVE ALL OF THE PAGES, PLEASE CALL BACK AS SOON AS POSSIBLE.		
REMARKS :		
Re: Docket No. 45702; Application of the City of Cibolo for Single Certification in Incorporated Area and to Decertify Portions of Green Valley SUD's Sewer CCN in Guadalupe County		
Attached please find correspondence from Geoff Kirshbaum dated May 26, 2016.		
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TERRILL & WALDROP

ATTORNEYS and COUNSELORS

810 West 10th Street
Austin, Texas 78701
Tel (512) 474-9100
Fax (512) 474-9888

May 26, 2016

VIA FACSIMILE: (512) 472-0532 AND EMAIL

David J. Klein
Lloyd Gosselink Rochelle & Townsend, P.C.
816 Congress Ave., Suite 1900
Austin, TX 78701

Re: PUC Docket No. 45702; *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*; Appraiser Issue

Dear David:

Subject to its Plea to the Jurisdiction and Motion to Dismiss filed in the above-referenced docket, Green Valley Special Utility District ("District") hereby responds to your request to agree to the appraiser selected by City of Cibolo ("City") to serve as "independent appraiser" in this matter. Respectfully, the District declines the City's proposal to "jointly select" Mr. Jack Stowe, President of NewGen Strategies & Solutions, LLC to serve in this role. The District will file its own appraisal in this docket, if required to do so. Based on prior correspondence from the City to the District, it appears the City has already pre-determined it will owe the District no compensation if the City's application is granted. The District disagrees and will obtain its own appraisal to facilitate payment of just and adequate compensation if the application goes forward.

Sincerely,



Geoffrey P. Kirshbaum
For the Firm