



Control Number: 45702



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SOAH DOCKET NO. 473-16-5296.WS
PUC 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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**CITY OF CIBOLO'S RESPONSE TO ORDER NO. 3
REQUIRING STATEMENT REGARDING COURT REPORTER**

I. RESPONSE

COMES NOW the City of Cibolo ("City"), by and through its undersigned attorneys of record, and files this Response to Order No. 3 requiring a statement regarding whether a court reporter will be present at the hearing on the merits.

On September 9, 2016, the Administrative Law Judge issued Order No. 3 in this matter, in part establishing a deadline of October 3, 2016 for the parties to confirm that a court reporter will be provided at the hearing and address how the court reporter's fees will be paid. The City has confirmed with Kennedy Reporting Services that a court reporter will be present at the hearing on the merits scheduled for January 17 – 18, 2017. As to the payment of the court reporter, the City recommends that 1 Tex. Admin. Code § 155.423(e) be applied in this case, which provides:

(e) Transcripts. The court reporter shall make a stenographic record of the proceeding but shall prepare a transcript only on the request of a party or the judge. If a proceeding lasts longer than one day, the judge may order that a transcript be prepared. Costs of a transcript ordered by any party ordinarily shall be paid by that party. If SOAH has recorded the proceeding, the referring agency shall inform SOAH of the need to deliver a copy of the original recording to a court reporter.

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It is the City's understanding that so long as a transcript is purchased, there will not be any other charges from the court reporter; and, given that the City anticipates purchasing a transcript in this matter, there should be no other charges. Counsel for the City has conferred with counsel for Green Valley Special Utility District (the "District"), and counsel for the District does not oppose this filing.

Respectfully submitted,

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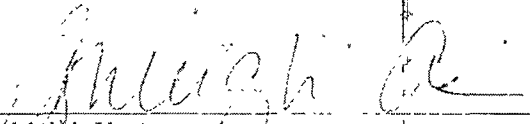
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ATTORNEYS FOR THE CITY OF CIBOLO

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 30th day of September, 2016 to the parties of record.


Ashleigh K. Acevedo