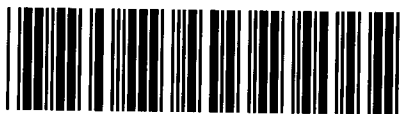




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FORMAL COMPLAINT OF	§	BEFORE THE STATE OFFICE
ADC WEST RIDGE, L.P. AND	§	OF
CENTER FOR HOUSING	§	
RESOURCES, INC. AGAINST THE	§	
CITY OF FRISCO	§	ADMINISTRATIVE HEARINGS

REPLY IN SUPPORT OF MOTION FOR CONTINUANCE

TO THE HONORABLE ADMINISTRATIVE LAW JUDGES:

COMES NOW, Complainants ADC West Ridge, L.P. and Center for Housing Resources, Inc. and file this Reply in support of their Motion for Continuance and would respectfully show as follows:

Complainants requested a 45-day continuance to all remaining deadlines in order to review the additional discovery to be produced by the City of Frisco on January 7, 2017, and the information obtained from the depositions Frisco scheduled in the days before Complainants' prefiled testimony was due and to determine whether additional depositions of Frisco's witnesses would be appropriate. The requested continuance – which is unopposed by PUC Staff – is necessary due to Frisco's refusal to produce meaningful discovery in spite of Complainants' diligent attempts.

Complainants served requests for information on Frisco and received minimal responses. Upon objection by Frisco to certain requests related to the location of Frisco's infrastructure, Complainants diligently filed a motion to compel, which was granted in part by the Administrative Law Judges after a hearing on December 6, 2016. Frisco's responses are due on January 7, 2017, less than one-week before Complainants' prefiled testimony is due. Frisco's

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refusal to provide this information at an earlier date – and without the necessity of a motion and hearing – has made it necessary for Complainants to request this continuance.

Complainants have also attempted to obtain discovery, including information regarding Frisco's infrastructure and Frisco's position on key issues, through depositions. Complainants have deposed three expert witnesses and one corporate representative. Not a single one of Frisco's expert witnesses has identified an expert opinion on the key issues in this case, in spite of being designated months ago. In fact, Frisco's outside expert designated to opine regarding CCNs and obligations thereunder had not reviewed anything related to the case, had no knowledge of Frisco's procedures for development, had no opinion on whether Complainants had complied with any procedures, and had no opinion on whether Complainants are "qualified service applicants" under 16 Tex. Admin. Code § 24.85. And, Frisco's corporate representative who was designated on limited topics related to Frisco's infrastructure could not answer any questions regarding that infrastructure. Given these actions – or lack thereof – by Frisco, Complainants have been unable to discover necessary information regarding Frisco's position or its infrastructure through reasonably diligent efforts.

Finally, Frisco scheduled depositions of three non-party witnesses in the week before Complainants' prefiled testimony is due. The information which will be obtained from these depositions underscores the need for the requested continuance.

Complainants have not had the opportunity to obtain discovery from Frisco, specifically as it relates to the items to which the Administrative Law Judges compelled Frisco to respond, because Frisco has refused to provide such discovery. Moreover, Frisco's "experts" and "corporate representative" have demonstrated through their depositions that additional discovery will likely be needed. And, Frisco's choice to schedule non-party witness depositions in the days

and week before Complainants' prefiled testimony is due highlights the need for the continuance. Thus, it is Frisco's actions in the discovery process that have created the need for Complainants' requested continuance.

Respectfully submitted,

JACKSON WALKER L.L.P.

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CERTIFICATE OF SERVICE

I hereby certify that the above and foregoing document was served as shown below on
this 22nd day of December 2016:

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