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**SOAH DOCKET NO. 473-16-4619.WS
PUC DOCKET NO. 45870**

**FORMAL COMPLAINT OF
ADC WEST RIDGE, L.P. AND
CENTER FOR HOUSING
RESOURCES, INC. AGAINST THE
CITY OF FRISCO**

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**BEFORE THE STATE OFFICE
OF
ADMINISTRATIVE HEARINGS**

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**SOAH ORDER NO. 9
DENYING COMPLAINANTS' MOTION FOR CONTINUANCE**

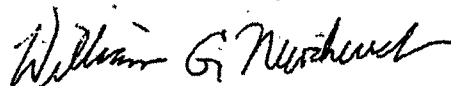
On December 20, 2016, ADC West Ridge, L.P. and Center for Housing Resources, Inc. (collectively, "Complainants") filed a Motion for Continuance (Motion) seeking a 45-day continuance of all remaining deadlines in this proceeding. In the Motion, Complainants indicated that staff (Staff) of the Public Utility Commission of Texas (Commission) does not oppose the requested continuance, but that the City of Frisco (Frisco) indicated that it would likely oppose the request. On December 22, 2016, the City of Frisco (Frisco) filed a Response to Complainants' Motion opposing any continuance. This is the first continuance sought in this proceeding.

The Motion, and subsequent Reply filed by Complainants, indicates that the continuance is sought due to the fact that the supplementation of discovery responses as ordered by the Administrative Law Judges (ALJs) in response to the parties' motions to compel, will not occur until 6 days before Complainants' prefiled testimony is due and that depending on those responses Complainants may need to take additional depositions. Frisco opposes such continuance on the basis that Complainants have not made a sufficient demonstration of the need for a continuance based on discovery under Commission Rule 22.79, which requires a showing of "surprise or discovery of facts or evidence which could not have been discovered previously through reasonably diligent effort by the moving party." After reviewing the Motion and responses thereto, the ALJs conclude that Complainants have not established sufficient need for a continuance. Therefore, the Motion is **DENIED**.

SIGNED January 4, 2017.



**METRA FARHADI
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS**



**WILLIAM G. NEWCHURCH
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS**