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FORMAL COMPLAINT OF KER-SEVA
LTD. AGAINST THE CITY OF FRISCO
RFI, TEXAS

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BEFORE THE
PUBLIC UTILITY COMMISSION
STATE OFFICE OF
ADMINISTRATIVE HEARINGS

**MOTION TO SET DEADLINE TO RESPOND TO CITY OF FRISCO'S MOTION FOR
SUMMARY DECISION**

NOW COMES, Complainants Ker-Seva, Ltd., ADC West Ridge, L.P., and Center for Housing Resources, Inc. ("Complainants") and file this Unopposed Motion to Set Deadline to Respond to City of Frisco's Motion for Summary Decision and would respectfully show as follows:

On October 31, 2016, the City of Frisco ("Frisco") filed its Motion for Summary Decision.¹ Pursuant to PUC Procedural Rule 22.182, a response to a motion for summary decision must be filed within the time set by the presiding officer.² Frisco's motion, while titled a Motion for Summary Decision, appears to seek to dismiss this proceeding on jurisdictional grounds.³ To a certain extent, the motion is akin to a motion to dismiss under PUC Procedural Rule 22.181.⁴ The City's motion also has some arguments that are not based on jurisdictional grounds. A response to a motion to dismiss under Rule 22.181 is due within 20 days from receipt of the motion.⁵

Complainants conferred with counsel for Frisco and PUC to obtain an agreement for a 20 day response period for the City's Motion for Summary Decision. Frisco does not oppose a 20 day response period. Counsel for PUC, however, has a preference to extend the deadline to 30

¹ City of Frisco's Motion for Summary Decision (Oct. 31, 2016).

² 16 Tex. Admin. Code § 22.182 ("TAC").

³ City of Frisco's Motion for Summary Decision (Oct. 31, 2016).

⁴ 16 TAC § 22.181(a).

⁵ *Id.*

days, and past the Thanksgiving Holidays. Complainants do not oppose a 30 day response period. Frisco, however, states that it cannot agree to a 30 day response period.

Complainants request that the Honorable Administrative Law Judges issue an order setting the deadline for Complainants' response to Frisco's Motion for Summary Decision as either **November 21, 2016** (20 days after Frisco's filing on October 31, 2016), or **November 30, 2016** (30 day response period), as they deem appropriate given the circumstances.

Respectfully submitted,

JACKSON WALKER L.L.P.

By: 

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ATTORNEYS FOR COMPLAINANTS
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AND CENTER FOR HOUSING
RESOURCES, INC.

CERTIFICATE OF CONFERENCE

I hereby certify that I conferred with counsel representing the City of Frisco and with counsel representing the Public Utility Commission of Texas on November 9, 2016. Both the City of Frisco and the PUC are unopposed to this motion.


Ali Abazari

CERTIFICATE OF SERVICE

I hereby certify that the above and foregoing document was served as shown below on
this 9th day of November 2016:

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