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

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FORMAL COMPLAINT OF § BEFORE THE STATE OFFICE
KER-SEVA LTD., ADC WEST RIDGE, § PUBLIC UTILITY COMMISSION
L.P., AND CENTER FOR HOUSING § FILING CLERK
RESOURCES, INC. AGAINST THE § OF
CITY OF FRISCO § ADMINISTRATIVE HEARINGS

SOAH ORDER NO. 5
GRANTING CITY OF FRISCO'S MOTION FOR REMOVAL OF KER-SEVA, LTD.
AND SETTING DEADLINE FOR RESPONSES TO
MOTION FOR SUMMARY DECISION

On October 31, 2016, the City of Frisco (Frisco) filed a Motion for Removal of Ker-Seva, Ltd. (Ker-Seva) as a Party. Ker-Seva filed its response on November 7, 2016, and Frisco filed a reply on November 8, 2016. The basis for the Motion for Removal is that, because Ker-Seva has sold the property that is the subject of this proceeding, it no longer has any justiciable interest in this matter. In response, Ker-Seva identified a development agreement and an annexation agreement, but failed to demonstrate how a decision by the Public Utility Commission of Texas (Commission) in this case would affect Ker-Seva through such agreements. Additionally, in its reply, Frisco highlighted that the property at issue in this matter is not subject to the development agreement, and the annexation agreement expired in 2011. Therefore, the Administrative Law Judges (ALJs) find that Frisco's Motion for Removal should be, and is, **GRANTED**.

Also, on October 31, 2016, Frisco filed a Motion for Summary Decision (Motion). As contemplated at the prehearing conference, and memorialized in SOAH Order No. 3, Complainants and Commission Staff will file responses to Frisco's Motion. On November 9, 2016, Complainant's filed a motion requesting designation of a deadline to respond to Frisco's Motion. Complainants state that Frisco does not oppose a 20-day deadline of November 21, 2016, but does oppose a 30-day deadline of November 30, 2016. While Complainants do not have a preference between the two deadlines, Commission Staff prefers a 30-day deadline. After having reviewed the procedural schedule set out in SOAH Order No. 3, and in consideration of the Thanksgiving holidays, the ALJs find that a 30-day deadline to

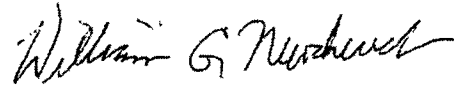
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respond to Frisco's Motion is appropriate. Therefore, it is **ORDERED** that the deadline to respond to Frisco's Motion is **November 30, 2016**.

SIGNED November 16, 2016.



MEITRA FARHADI
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS



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