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PUBLIC UTILITY COMMISSION
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CITY OF MIDLOTHIAN NOTICE OF §
INTENT TO PROVIDE WATER §
SERVICE TO LAND DECERTIFIED §
FROM MOUNTAIN PEAK SPECIAL §
UTILITY DISTRICT §

ADMINISTRATIVE HEARINGS

COMMISSION STAFF'S RESPONSE

Commission Staff (Staff) of the Public Utility Commission (Commission) of Texas files its Response. In support of its Response, Staff states the following:

I. Background

On July 1, 2016, the City of Midlothian notified the Commission of its intent to provide retail water service to an approximately 97.7-acre tract of land that was decertified in Docket No. 44394.¹ The decertified area was in Mountain Peak Special Utility District's certificated service area. With regard to this type of proceeding, the Texas Water Code requires that the Commission determine whether any property has been rendered useless or valueless.² To the extent that monetary compensation is required due to property being rendered useless or valueless, appraisals may be necessary.³

On August 23, 2016, the City of Midlothian and Mountain Peak Special Utility District jointly requested that the appraisal portion of this proceeding be abated.

II. Staff's Response

Staff neither supports nor opposes the City of Midlothian and Mountain Peak Special Utility District's request to abate the appraisal portion of this proceeding. The State Office of Administrative Hearings will issue an appropriate and comprehensive procedural schedule that will address all the issues, which includes appraisal, involved in this proceeding.

¹ See generally *Petition of City of Midlothian to Amend Mountain Peak Special Utility District's Certificate of Convenience and Necessity by Expedited Release in Ellis County*, Docket No. 44394, Order (May 1, 2015).

² See generally Tex. Water Code § 13.254(d), (e).

³ See generally Tex. Water Code § 13.254(f)-(g-1).

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III. Conclusion

Staff neither supports nor opposes the request to abate the appraisal portion of this proceeding.

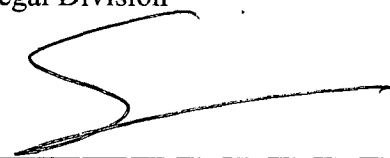
Date: August 29, 2016

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF
TEXAS LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director
Legal Division

Stephen Mack
Managing Attorney
Legal Division

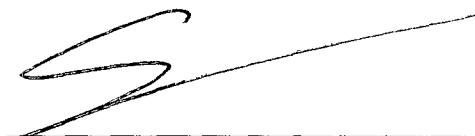


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CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on August 29, 2016, in accordance with 16 TAC § 22.74.



Sam Chang