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**SOAH DOCKET NO. 473-16-5823.WS  
PUC DOCKET NO. 46120**

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**CITY OF MIDLOTHIAN'S NOTICE OF § BEFORE THE STATE OFFICE  
INTENT TO SERVE AREA §  
DECERTIFIED FROM MOUNTAIN § OF  
PEAK SPECIAL UTILITY DISTRICT IN §  
ELLIS COUNTY § ADMINISTRATIVE HEARINGS**

**SOAH ORDER NO. 3  
RULING ON MOTION TO STAY PROCEEDING PENDING APPEAL; SETTING  
PREHEARING CONFERENCE**

**I. RULING ON MOTION TO STAY PROCEEDING PENDING APPEAL**

On November 10, 2016, Mountain Peak filed a motion to stay this proceeding pending the prosecution of its appeal of the Commission's decertification decision in *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 (May 1, 2015) to the Third Court of Appeals. It argued that continuing this proceeding in light of that appeal, which could ultimately hold that the decertification was improper and dispense with the need for this proceeding, was an unnecessary waste of time and effort by all involved.

Both the City and Staff filed responses in opposition to Mountain Peak's motion, stating that Mountain Peak had set forth no substantive grounds supporting the stay.

The ALJ agrees with the City and Staff. Mountain Peak provided no substantive grounds supporting its request for stay and granting such a stay would unnecessarily delay this proceeding. Mountain Peak's motion is denied.

**II. SETTING PREHEARING CONFERENCE**

The undersigned ALJ will convene a prehearing conference at **10:00 a.m. on December 8, 2016, at the SOAH hearing facilities located at the William P. Clements Office**

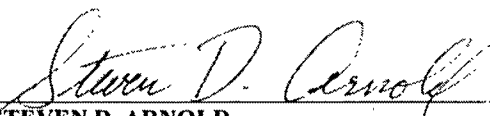
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Building, 300 West 15th, Fourth Floor, Austin, Texas. The following matters will be discussed at the prehearing conference:

1. The burden of proof in this proceeding.
2. Procedural schedule.
3. Any other motion filed by 3:00 p.m. on December 7, 2016, and emailed to the ALJ's Administrative Assistant, Erin Hurley, on that day.<sup>1</sup>
4. Any other matters that may assist in the disposition in a fair and efficient manner.

Those attending the prehearing are advised that they must check in with building security personnel in the lobby of the William P. Clements Building and be issued visitor badges before proceeding to the hearing room. The parties should allow sufficient time for the check-in procedure.

**SIGNED November 21, 2015.**

  
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STEVEN D. ARNOLD  
ADMINISTRATIVE LAW JUDGE  
STATE OFFICE OF ADMINISTRATIVE HEARINGS

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<sup>1</sup> [erin.hurley@soah.texas.gov](mailto:erin.hurley@soah.texas.gov)