



Control Number 46120



Item Number 7

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P.U.C. DOCKET NO. 46120  
SOAH DOCKET NO. 473-16-5823.WS

2016 AUG 22 PM 2:16  
PUC OF TEXAS  
FILING CLERK

<b>CITY OF MIDLOTHIAN'S NOTICE OF</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>INTENT TO SERVE AREA</b>	<b>§</b>	
<b>DECERTIFIED FROM MOUNTAIN</b>	<b>§</b>	<b>OF TEXAS</b>
<b>PEAK SPECIAL UTILITY DISTRICT IN</b>	<b>§</b>	
<b>ELLIS COUNTY</b>	<b>§</b>	

**ORDER OF REFERRAL**

The Public Utility Commission of Texas (Commission) refers this docket to the State Office of Administrative Hearings (SOAH) and requests the assignment of an administrative law judge (ALJ) to conduct a hearing and issue a proposal for decision, if such is necessary in the event one or more issues are contested by the parties.

In order to develop a list of the issues to be addressed in this docket, as well as any necessary statement of Commission policy, precedent, and/or position on any threshold legal or policy issue(s) relevant to this proceeding City of Midlothian and Mountain Peak Special Utility District, shall, and the Commission Staff and any other interested party may, file with the Commission a list of issues to be addressed in the docket by **September 6, 2016**. This pleading may also (1) identify any issue(s) which should not be addressed in the docket, and (2) identify any threshold legal and/or policy issue(s) which should be briefed for purposes of a preliminary order. Specific explanations should support proposals included in the pleading pursuant to (1) and (2). Parties shall not file responses to any pleading submitted in response to this Order, unless specifically requested.

All subsequent pleadings in this docket must contain both the SOAH and PUC docket numbers to allow for efficient processing. Parties shall make filings in accordance with 16 Tex. Admin. Code § 22.71(c) (TAC) regarding the number of copies to be filed or 16 TAC § 22.71(d) regarding the number of confidential items to be provided.

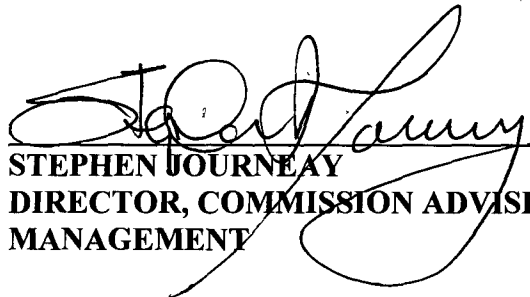
The Commission will issue and provide to SOAH a preliminary order which includes a list of issues and areas that must be addressed in this proceeding, pursuant to Tex. Gov't Code

Ann. § 2003.049(e) (West 2016) (APA), and any necessary statement of Commission policy, precedent, or position on threshold issues, or combination thereof, relevant to this proceeding, pursuant to APA § 2001.058(c). The Commission will consider and possibly adopt a preliminary order in this docket in the open meeting currently scheduled to convene on **September 22, 2016**.

The Commission defers to the SOAH ALJ for a ruling on the motion to intervene of Mountain Peak Special Utility District and the motion of the City of Midlothian for suspension of the requirement to file appraisal reports.

SIGNED AT AUSTIN, TEXAS the 22<sup>d</sup> day of August 2016.

**PUBLIC UTILITY COMMISSION OF TEXAS**

  
STEPHEN JOURNEAY  
DIRECTOR, COMMISSION ADVISING & DOCKET  
MANAGEMENT