

Control Number 46120



Item Number 9

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PUC DOCKET NO. 46120

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SOAH DOCKET NO. 473-16-5823.WS

2016 AUG 25 PM 4:11

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

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PUBLIC UTILITY COMMISSION  
BEFORE THE CLERK

**PUBLIC UTILITY COMMISSION  
OF TEXAS**

**RULE 11 AGREEMENT**  
**AMONG MOUNTAIN PEAK SUD AND THE CITY OF MIDLOTHIAN**

Mountain Peak Special Utility District ("Mountain Peak") and the City of Midlothian, Texas ("Midlothian"), pursuant to Texas Rule of Civil Procedure 11, agree as follows:

Midlothian filed a notice of intent to serve in the above-captioned matter initiating the proceedings before the Public Utility Commission of Texas ("PUC") to determine the amount of compensation, if any, owed by Midlothian to Mountain Peak arising from the decertification authorized by PUC Docket No. 44394. Each party has indicated that each has retained its own appraiser. No scheduling order has been issued in the above-captioned matter. This proceeding was referred to State Office of Administrative Hearings ("SOAH"), but there is not yet a preliminary order from the PUC identifying issues to be addressed at SOAH. The parties filed a motion requesting SOAH suspend a presumed deadline for the filing of each party's appraisal.

An order has not yet been issued on that motion.

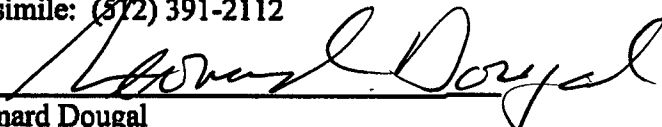
Texas Water Code § 13.254(e) creates presumed default deadlines for the parties to submit appraisals by August 30, 2016, and for the PUC to determine the compensation by September 29, 2016. Because of the referral of this matter to SOAH, the presumed statutory deadlines – which the PUC has previously held are merely directory – will not control the procedural schedule in this case.

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For these reasons, Mountain Peak and Midlothian agree to suspend the presumed deadline of August 30, 2016 for Mountain Peak and Midlothian to each submit their appraisals and agree to file their appraisals when ordered to do so by the presiding officer. By signing below, counsel for each party acknowledges the agreement on behalf of the party.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document is being served on the following parties on August 25, 2016, via facsimile and e-mail:

**Attorneys for the Public Utility Commission of Texas:**

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