

# State Office of Administrative Hearings

Kristofer S. Monson  
Chief Administrative Law Judge

January 4, 2024

**SERVED VIA EFILE TEXAS**

**Natalie Scott, Kevin Bartz, and Randall Wilburn, for Applicant  
Emily Rogers and Kimberly Kelley, for Protestants  
Harrison Malley, for the ED  
Jessica Anderson and Josiah Mercer, for OPIC**

**RE: Docket Number 582-23-11662.TCEQ; Texas Commission on  
Environmental Quality No. 2022-0534-DIS; *Application of  
Highland Lakes Midlothian I, LLC for the Creation of FM 875  
Municipal Utility District of Ellis County***

Dear Parties:

A proposal for decision (PFD) was issued in this case on December 4, 2023. Highland Lakes Midlothian I, LLC (Applicant), Staff of the Executive Director (ED) of the Texas Commission on Environmental Quality (TCEQ or Commission), and City of Midlothian and Ellis County (Protestants) filed exceptions and Applicant filed a reply.

Applicant and the ED both support the PFD. Applicant excepts to the PFD only because it does not mention that Cassie Gibson presented testimony. The ALJ notes that the PFD mentions only witnesses that testified in person and who were subject to cross-examination. Ms. Gibson's resume and testimony were admitted as Applicant's Exs. 17 and 18, but she did not appear at the hearing because she was waived for cross-examination. The ALJ considered Ms. Gibson's testimony when issuing the PFD. No change is required based on Applicant's exceptions.

The substance of Protestants' exceptions were extensively presented at the hearing and in closing arguments and were duly considered by the ALJ when

Exceptions Letter

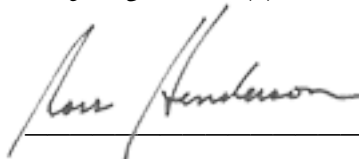
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drafting the PFD. Accordingly, the ALJ recommends no changes based on Protestants' exceptions.

The PFD is ready for the Commission's review.

ALJ Signature(s):

A handwritten signature in cursive script, appearing to read "Ross Henderson", is written above a horizontal line.

Ross Henderson

Presiding Administrative Law Judge

CC: Service List