

**SOAH DOCKET NO. 582-23-11662  
TCEQ DOCKET NO. 2022-0534-DIS**

<b>APPLICATION OF HIGHLAND LAKES</b>	<b>§</b>	<b>BEFORE THE STATE OFFICE</b>
<b>MIDLOTHIAN I, LLC FOR THE</b>	<b>§</b>	<b>OF</b>
<b>CREATION OF FM 875 MUNICIPAL</b>	<b>§</b>	
<b>UTILITY DISTRICT OF ELLIS COUNTY</b>	<b>§</b>	<b>ADMINISTRATIVE HEARINGS</b>

**APPLICANTS EXCEPTIONS TO THE PROPOSAL FOR DECISION AND  
SUPPORTING BRIEF**

TO THE COMMISSIONERS OF THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY:

Highland Lakes Midlothian I, LLC (“Applicant”) files its Exceptions to the Proposal for Decision and Supporting Brief (“PFD”) and shows as follows:

**I. INTRODUCTION AND PROCEDURAL BACKGROUND**

On July 23, 2021, Applicant filed its Petition for creation of FM 875 Municipal Utility District of Ellis County (the “MUD”) with the Texas Commission on Environmental Quality (“Commission”) and on November 19, 2021 Applicant filed an amended petition. The MUD encompasses approximately 283.23 acres and is located within the extraterritorial jurisdiction (“ETJ”) of the City of Midlothian (“Midlothian”). A preliminary hearing was held for this matter on September 22, 2022. A contested case hearing (“CCH”) was convened by SOAH administrative law judge Ross Henderson (“ALJ”) on August 16-17, 2023.

On December 6, 2023, the ALJ issued a Proposal for Decision (“PFD”) which found that Applicant met its burden in all respects relative to granting the Petition.

**II. EXCEPTIONS**

The PFD recites the evidence that was admitted and considered in this case, but it fails to mention the testimony of Cassie Gibson. Ms. Gibson was unable to attend the hearing because she had the COVID virus. In lieu of her live, in-person testimony, Ms. Gibson’s pre-filed direct

testimony was admitted and her cross-examination from SOAH Docket No. 582-22-07138; TCEQ Docket No. 2022-0532-DIS, *Petition for the Creation of Highland Lakes Municipal Utility District No. 1 of Ellis County* was admitted. Applicant requests that this evidence also be cited in the PFD.

Applicant otherwise concurs with the PFD.

### III. CONCLUSION

WHEREFORE, PREMISES CONSIDERED, Applicant respectfully requests that the Texas Commission on Environmental Quality enter an Order consistent with the PFD's recommendation.

Respectfully submitted,

COATS | ROSE

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**ATTORNEYS FOR APPLICANT**

**CERTIFICATE OF SERVICE**

I hereby certify that on December 26, 2023, a copy of the foregoing Pleading was served on all person listed either via hand delivery, facsimile transmission, electronic mail, and/or by deposit in the U.S. Mail.

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