

State Office of Administrative Hearings

Kristofer S. Monson
Chief Administrative Law Judge

May 1, 2025

James Ruiz
Attorney for Applicants

VIA EFILE TEXAS

Kayla Murray and Allie Soileau
Attorneys for ED

Pranjal Mehta
Attorney for OPIC

Stefanie Albright
Attorney for Ellis County

**RE: Docket Number 582-24-12113.TCEQ; Texas Commission on
Environmental Quality No. 2023-1406-DIS; Brahman Ranch
Municipal Utility District of Ellis and Johnson Counties**

Dear Parties:

Applicants Miskimon Management III, LLC and Buffalo Hills Development, LLC and Protestant Ellis County filed exceptions to the Proposal for Decision issued in this matter. Applicants and Protestant also filed replies to the exceptions. The ED filed a letter noting some errors.

Applicants' Exceptions

In its exceptions, Applicants request several additional findings they did not originally request. The ALJ does not recommend making any changes in response to them. However, the ALJ does recommend changing Finding of Fact No. 27 to

fix a typographical error and clarify the nature of the costs. Therefore, Finding of Fact 27 should read:

27. In the preliminary engineering report, Applicants estimated the District's total construction costs related to the construction of the District's water, wastewater, and drainage facilities will be \$46,400,000.

Protestant's Exceptions

Protestant's arguments largely resemble those in its closing briefs. Because those arguments were previously addressed, the ALJ does not recommend making any changes in response to them.

ED's Letter

The ED's letter noted a misspelling of Staff Attorney Kayla Murray's name and the omission of Staff Attorney Allie Soileau in Finding of Fact No. 9. Accordingly, the ALJ recommends that Finding of Fact No. 9 be amended to read:

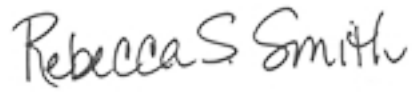
9. The hearing on the merits was held September 26, 2024, before ALJ Rebecca Smith in SOAH's hybrid hearing room in Austin, Texas, which has capabilities for persons to attend in person and by videoconference. Applicants were represented by attorney James Ruiz; Ellis County was represented by attorney Stefanie Albright; the ED was represented by attorneys Kayla Murray and Allie Soileau; and OPIC was represented by attorney Pranjal Mehta

With these changes, the Proposal for Decision is ready for consideration.

Exceptions Letter

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A handwritten signature in black ink that reads "Rebecca S. Smith". The signature is written in a cursive, slightly slanted style. The first name "Rebecca" is followed by a middle initial "S." and the last name "Smith".

Rebecca Smith,
Presiding Administrative Law Judge

CC: Service List