

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



AN INTERIM ORDER regarding the petition by Miskimon Management III, LLC and Buffalo Hills Development, LLC for the creation of Brahman Ranch Municipal Utility District of Ellis County and Johnson County; TCEQ Docket 2023-1406-DIS.

On November 8, 2023, the Texas Commission on Environmental Quality (Commission) considered during its open meeting numerous requests for a contested case hearing concerning the petition by Miskimon Management III, LLC and Buffalo Hills Development, LLC for the creation of Brahman Ranch Municipal Utility District of Ellis County and Johnson County (District). The hearing requests were evaluated under the requirements in the applicable statutes and Commission rules, including 30 Texas Administrative Code Chapter 55, Subchapter G. The Commission also considered the responses to the hearing requests filed by the Executive Director and Office of Public Interest Counsel; replies to responses; and all timely public comment.

After evaluation of all relevant filings, the Commission determined to grant the hearing requests of the City of Midlothian and Ellis County and deny the remaining hearing requests. The Commission referred the petition to the State Office of Administrative Hearings (SOAH) for a contested case hearing on the petition. The Commission also referred this matter to the Commission's Alternative Dispute Resolution (ADR) Program, to run concurrently with SOAH preliminary hearing scheduling efforts.

NOW, THEREFORE, BE IT ORDERED BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY that:

1. The requests for a contested case hearing submitted by the City of Midlothian and Ellis County are hereby GRANTED;
2. All remaining hearing requests are hereby DENIED;
3. The Chief Clerk shall REFER this matter to SOAH for a contested case hearing on the Petition;
4. This matter is hereby REFERRED to the Commission's Alternative Dispute Resolution Program, to run concurrently with the SOAH preliminary hearing scheduling process; and
5. If any provision, sentence, clause or phrase of this Order is for any reason held to be invalid, the invalidity of any portion shall not affect the validity of the remaining portions of the Order.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



Jon Niermann, Chairman

11/14/23

Date Signed