



Control Number: 42854



Item Number: 36

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House Bill (HB) 1600 and Senate Bill (SB) 567 83rd
Legislature, Regular Session, transferred the functions
relating to the economic regulation of water and sewer
from the TCEQ to the PUC effective

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

SOAH DOCKET NO. 582-08-2284
DOCKET NO. 2008-0333-UCR

2009 JAN -9 PM 2:41

CHIEF CLERKS OFFICE

APPLICATION FROM DOUBLE §
DIAMOND UTILITIES CO., A TEXAS §
CORPORATION, CERTIFICATE OF §
CONVENIENCE AND NECESSITY §
(CCN) NO. 12087, TO DECERTIFY A §
PORTION OF CCN NO. 12362 FROM §
NORTHWEST GRAYSON COUNTY §
WCID 1 AND TO AMEND CCN NO. §
12087, IN GRAYSON COUNTY, §
APPLICATION NO. 35903-C §

BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

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2009 SEP 10 AM 11:10
PUBLIC UTILITY COMMISSION
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**ORDER NO. 5
GRANTING EXTENSION OF ABATEMENT, AND
CONTINUING THE PREHEARING CONFERENCE
AND HEARING ON THE MERITS**

Order No. 4, issued on December 3, 2008, granted the parties' requested abatement and directed the parties to submit a status report by December 21 2008. The parties were further advised that the hearing on the merits set for January 21-23, 2009, would be continued unless a party filed a request to retain the hearing date by December 14, 2008. No such request was filed.

On December 22, 2008, Double Diamond Utilities Company (DDU) filed a Status Report (status report) and Proposed Revised Scheduling Order (Motion). According to DDU, Double Diamond, Inc., the owner of the property that is the subject of this decertification proceeding, filed a lawsuit against the District in Grayson County, Texas concerning the legality of certain fees assessed by the District for the provision of water service. DDU contends that several motions are pending before the 59th Judicial District County of Grayson County, Texas, that "could have an impact of the current proceeding." DDU asked that Order No. 4 be revised to continue the abatement indefinitely. Instead of submitting a proposed revised scheduling order, DDU requested that the parties be permitted to submit a status report every 30 days. The first status report would be due on January 21, 2009. No one filed an objection to DDU's proposal.

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The ALJ finds good cause to grant DDU's request to abate this matter for an extended period of time, but not indefinitely. Therefore, the matter is abated until June 21, 2009, unless a party files a written request to reset the case for hearing. The prehearing conference set on January 14, 2009, and the hearing on the merits set for January 21-23, 2009 are continued and will be reset later. The parties are directed to file status report with the ALJ every 30 days with the first status report due on January 21, 2009.

SIGNED January 09, 2009.



CATHERINE C. EGAN
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS

STATE OFFICE OF ADMINISTRATIVE HEARINGS

AUSTIN OFFICE

300 West 15th Street Suite 502

Austin, Texas 78701

Phone: (512) 475-4993

Fax: (512) 475-4994

SERVICE LIST

AGENCY: Environmental Quality, Texas Commission on (TCEQ)

STYLE/CASE: DOUBLE DIAMOND UTILITIES

SOAH DOCKET NUMBER: 582-08-2284

REFERRING AGENCY CASE: 2008-0333-UCR

**STATE OFFICE OF ADMINISTRATIVE
HEARINGS**

**ADMINISTRATIVE LAW JUDGE
ALJ CATHY C. EGAN**

REPRESENTATIVE / ADDRESS

PARTIES

BLAS J. COY, JR.
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
OFFICE OF PUBLIC INTEREST COUNSEL
P.O. BOX 13087, MC-103
AUSTIN, TX 78711-3087
(512) 239-6363 (PH)
(512) 239-6377 (FAX)
bc coy@tceq.state.tx.us

OFFICE OF PUBLIC INTEREST COUNSEL

DOCKET CLERK
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
OFFICE OF THE CHIEF CLERK
PO BOX 13087
AUSTIN, TX 78711
(512) 239-3300 (PH)
(512) 239-3311 (FAX)

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

ARTURO D. RODRIGUEZ, JR.
RUSSELL & RODRIGUEZ, L.L.P.
1633 WILLIAMS DRIVE BUILDING 2, SUITE 200
GEORGETOWN, TX 78628
(512) 930-1317 (PH)
(866) 929-1641 (FAX)
arodriguez@txadminlaw.com

NORTHWEST GRAYSON WATER CONTROL AND
IMPROVEMENT DISTRICT NO. 1

ROSS W HENDERSON
STAFF ATTORNEY
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
MC-173 P.O. BOX 13087
AUSTIN, TX 78711-3087
(512) 239-6257 (PH)
(512) 239-0606 (FAX)

EXECUTIVE DIRECTOR

SCOTT SHOEMAKER
STAFF ATTORNEY
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
MC-173 P.O. BOX 13087
AUSTIN, TX 78711-3087
(512) 239-0600 (PH)
(512) 239-0606 (FAX)

EXECUTIVE DIRECTOR

ALI ABAZARI
ATTORNEY AT LAW
JACKSON WALKER, L.L.P.
100 CONGRESS AVENUE, SUITE 1100
AUSTIN, TX 78701
(512) 236-2239 (PH)
(512) 391-2197 (FAX)

DOUBLE DIAMOND UTILITIES CO.

xc: Docket Clerk, State Office of Administrative Hearings

STATE OFFICE OF ADMINISTRATIVE HEARINGS**AUSTIN OFFICE****300 West 15th Street Suite 502****Austin, Texas 78701****Phone: (512) 475-4993****Fax: (512) 475-4994**TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

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REGARDING: ORDER NO. 5- GRANTING EXTENSION OF ABATEMENT, AND CONTINUING THE
PREHEARING CONFERENCE AND HEARING ON THE MERITS

DOCKET NUMBER:

582-08-2284JUDGE CATHY C EGANFAX TO:
ALI ABAZARIFAX TO:
(512) 391-2197ARTURO D. RODRIGUEZ, JR. (RUSSELL & RODRIGUEZ,
L.L.P.)

(866) 929-1641

BLAS J. COY, JR. (TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY)

(512) 239-6377

ROSS W HENDERSON (TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY)

(512) 239-0606

SCOTT SHOEMAKER (TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY)

(512) 239-0606

DOCKET CLERK (TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY)

(512) 239-3311

KX & Associates

(214) 630-9200

Kennedy Court Reporting Services

(512) 474-6704

TCEQ Docket Clerk, Fax Number 512/239-3311

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