

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 relating to the PUC effective

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

SOAH

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CHIEF, CLERKS OFFICE BEFORE THE STATE OFFICE **DOUBLE FROM** APPLICATION DIAMOND UTILITIES CO., A TEXAS CERTIFICATE CORPORATION, NECESSITY AND CONVENIENCE OF (CCN) NO. 12087, TO DECERTIFY A PORTION OF CCN NO. 12362 FROM COUNTY **GRAYSON** NORTHWEST WCID 1 AND TO AMEND CCN NO. COUNTY. **GRAYSON ADMINISTRATIVE HEARINGS** IN 12087. **APPLICATION NO. 35903-C**

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



Jan 9 2009 02:38pm

STATE OFFICE OF ADMINISTRATIVE HEARINGS

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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

Received:

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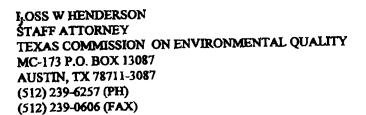
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IMPROVEMENT DISTRICT NO. 1





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REGARDING:

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

DOCKET NUMBER:

582-08-2284

JUDGE CATHY C EGAN

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