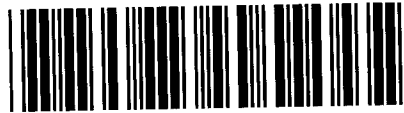


Control Number: 42854



Item Number: 42

Addendum StartPage: 0

House Bill (HB) 1600 and Senate Bill (SB) 567 83<sup>rd</sup> Legislature, Regular Session, transferred the functions relating to the economic regulation of water and sewer utilities from the TCEQ to the PUC effective September 1, 2014.



JACKSON WALKER L.L.P.  
ATTORNEYS & COUNSELORS

Ali Abazari  
(512) 236-2239 (Direct Dial)  
(512) 391-2197 (Direct Fax)  
aabazari@jw.com

June 22, 2009

**VIA FACSIMILE 475-4994 AND U. S. MAIL**

Hon. Catherine C. Egan  
Administrative Law Judge  
State Office of Administrative Hearings  
300 West 15<sup>th</sup> Street, Suite 502  
Austin, Texas 78701

RECEIVED  
2009 SEP 10 AM 11:09  
PUBLIC UTILITY COMMISSION  
FILING CLERK

RE: SOAH Docket No. 582-08-2284; TCEQ Docket No. 2008-0333-UCR; Double Diamond Utilities, Co. Application to Decertify a Portion of Certificate of Convenience and Necessity (CCN) No. 12362 from Northwest Grayson County WCID No. 1 and to Amend CCN No. 12087 in Grayson County; Application No. 35903-C

Dear Judge Egan:

Enclosed please find a Motion to Abate Proceedings for filing in the above-referenced proceeding.

Please let me know if you have any questions. Thank you for your attention to this matter.

Sincerely,

Ali Abazari

AXA:pjs  
Enclosure

cc: Mr. Art Rodriguez (Via Facsimile (866) 929-1641 and U. S. Mail)  
Russell & Rodriguez  
1633 Williams Drive  
Building 2, Suite 200  
Georgetown, Texas 78628

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY  
2009 JUN 23 AM 10:29  
CHIEF CLERKS OFFICE

Blas J. Coy, Jr. (Via Facsimile 239-6377 and U. S. Mail)  
Texas Commission on Environmental Quality  
Office of Public Interest Counsel  
MC-103, P.O. Box 13087  
Austin, Texas 78711-3087

Docket Clerk (Via Facsimile 239-3311 and U. S. Mail)  
Texas Commission on Environmental Quality  
Office of the Chief Clerk  
P.O. Box 13087  
Austin, Texas 78711

Ross W. Henderson (Via Facsimile 239-0606 and U. S. Mail)  
Staff Attorney  
Texas Commission on Environmental Quality  
MC-173, P.O. Box 13087  
P.O. Box 13087  
Austin, Texas 78711

TCEQ DOCKET NO. 2008-0333-UCR  
SOAH DOCKET NO. 582-08-0284

2009 JUN 23 AM 10: 29

BEFORE ~~THE~~ CHIEF CLERKS OFFICE

STATE OFFICE OF

ADMINISTRATIVE HEARINGS

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

§  
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§

**MOTION TO ABATE PROCEEDINGS**

TO THE HONORABLE ADMINISTRATIVE LAW JUDGE:

Double Diamond Utilities Co. ("DDU") files this Motion to Abate Proceedings requesting that the honorable Administrative Law Judge ("ALJ") abate this contested case proceeding for six (6) months, until December 21, 2009, and in support state as follows:

A preliminary hearing in the above-captioned matter was held on May 8, 2008. In Order Number 1, the ALJ memorialized the preliminary hearing in which she took jurisdiction; designated parties; and established a procedural schedule. On August 13, 2008, DDU and Northwest Grayson County WCID No. 1 (the "District") filed a joint motion to abate this proceeding, and all related deadlines, for sixty (60) days. The basis for the request was that Double Diamond, Inc., the owner of the property that is the subject of this decertification proceeding, filed a lawsuit on July 9, 2008 against the District in Grayson County, Texas concerning the legality of certain fees assessed by the District for the provision of water service (the "Lawsuit"). DDU asserted that the facts and legal issues that are at the center of the Lawsuit are relevant to this administrative proceeding. On August 22, 2008, the ALJ granted the joint motion. After the filing of several status reports and requests for extension of the abatement period, on January 9, 2009, the ALJ issued Order No. 5, abating the matter until June 21, 2009.

The Lawsuit is currently pending at the District Court of Grayson County, 59<sup>th</sup> Judicial District. DDU continues to believe that the Lawsuit involves facts and legal issues that are relevant to this administrative proceeding, thus warranting an extension of the abatement period. Counsel for DDU has spoken with counsel for the District, the Executive Director and Office of Public Interest Counsel and they have indicated that they are not opposed to abatement of the proceedings. DDU respectfully requests that the ALJ abate these proceedings for six months. DDU will notify the ALJ if the Lawsuit gets resolved prior to the expiration of the six month abatement period, should this motion be granted.

WHEREFORE, Double Diamond Utilities Co. respectfully prays that the ALJ grant this Motion to Abate Proceedings and abate this case for six (6) months, until December 21, 2009.

Respectfully submitted,

JACKSON WALKER L.L.P.  
100 Congress Avenue, Suite 1100  
Austin, Texas 78701  
Telephone: (512) 236-2000  
Facsimile: (512) 236-2002

By: 

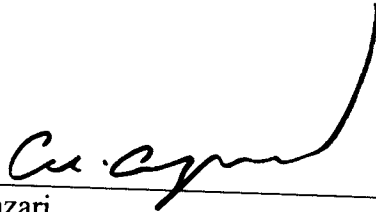
Leonard H. Dougal 06031400  
Ali Abazari - 00796094

ATTORNEYS FOR DOUBLE DIAMOND  
UTILITIES CO.

**CERTIFICATE OF CONFERENCE**

I hereby certify that I have conferred with counsel for the District, the Executive Director of the Texas Commission on Environmental Quality and Office of Public Interest Counsel and all parties have indicated that they are unopposed to this Motion.

Certified this 22<sup>nd</sup> day of June, 2009.

  
\_\_\_\_\_  
Ali Abazari

**CERTIFICATE OF SERVICE**

This is to certify that on this 22<sup>nd</sup> day of June, 2009, a true and correct copy of the foregoing document was served on the following parties as indicated below:

Mr. Art Rodriguez  
Russell & Rodriguez  
102 West Morrow Street, Suite 103  
Georgetown, Texas 78628

**Via facsimile (512) 930-7742 and U.S. Mail**

Mr. Blas Coy (MC-103)  
Office of Public Interest Counsel  
Texas Commission on Environmental Quality  
P. O. Box 13087  
Austin, Texas 78711-3087

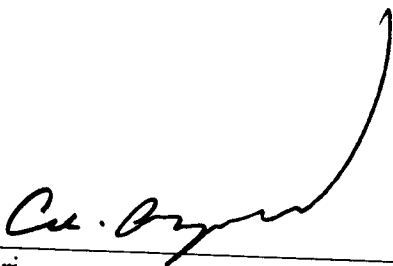
**Via facsimile 239-6377 and U.S. Mail**

Mr. Ross Henderson (MC-173)  
Environmental Law Division  
Texas Commission on Environmental Quality  
P. O. Box 13087  
Austin, Texas 78711-3087

**Via facsimile 239-0606 and U.S. Mail**

Docket Clerk (MC-105)  
Office of the Chief Clerk  
Texas Commission on Environmental Quality  
P. O. Box 13087  
Austin, Texas 78711-3087

**Via Facsimile 239-3311 and U.S. Mail**

  
\_\_\_\_\_  
Ali Abazari

CHIEF CLERKS OFFICE

JUL 23 AM 10:29

TEXAS  
COMMISSION  
ON ENVIRONMENTAL QUALITY

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

JUN 22 PM 2:05

**TCEQ DOCKET NO. 2008-0333-UCR  
SOAH DOCKET NO. 582-08-0284**

CHIEF CLERKS OFFICE

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

BEFORE THE

STATE OFFICE OF

ADMINISTRATIVE HEARINGS

**MOTION TO ABATE PROCEEDINGS**

TO THE HONORABLE ADMINISTRATIVE LAW JUDGE:

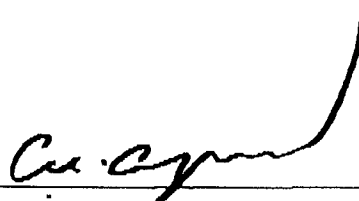
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Texas Commission on Environmental Quality  
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Austin, Texas 78711-3087

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Texas Commission on Environmental Quality  
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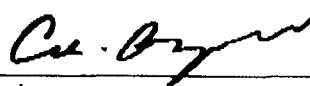
Docket Clerk (MC-105)  
Office of the Chief Clerk  
Texas Commission on Environmental Quality  
P. O. Box 13087  
Austin, Texas 78711-3087

**Via Facsimile 239-3311 and U.S. Mail**

CHIEF CLERKS OFFICE

JUN 22 09 11 29 AM

TEXAS  
COMMISSION ON  
ENVIRONMENTAL QUALITY



Ali Abazari





JACKSON WALKER L.L.P.  
ATTORNEYS & COUNSELORS

TEXAS  
COMMISSION ON ENVIRONMENTAL  
QUALITY

JUN 22 PM 2:45

CHIEF CLERKS OFFICE

FACSIMILE

DATE: June 22, 2009

DIRECT DIAL NUMBER: (512) 236-2239

FROM: Ali Abazari

DIRECT FAX NUMBER: (512) 391-2197

NAME	COMPANY NAME	FACSIMILE NUMBER	PHONE NUMBER
Hon. Catherine C. Egan	State Office of Administrative Hearings	475-4994	475-4993
Art Rodriguez	Russell & Rodriguez	(866) 929-1641	(512) 930-1317
Blas Coy	Texas Commission on Environmental Quality	239-6377	239-6363
Docket Clerk	Texas Commission on Environmental Quality	239-3311	239-3300
Rose Henderson	Texas Commission on Environmental Quality	239-0606	239-6257

**PLEASE CALL (512) 236-2231  
IF YOU DO NOT RECEIVE ALL PAGES.**

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CLIENT/MATTER NO.: 128243/00002

TK ID: AXA2 PAGE COUNT: 6

MESSAGE: