

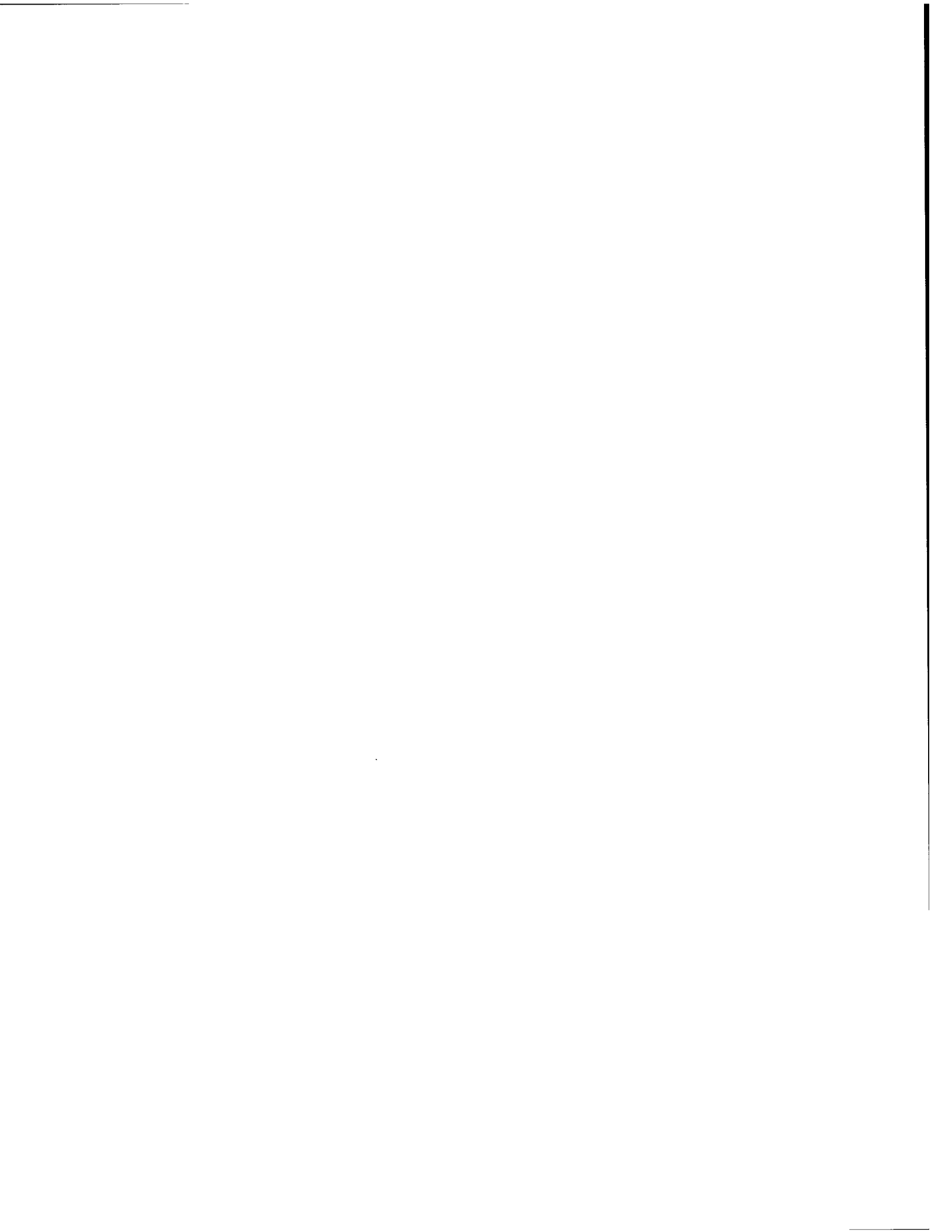


Control Number: 42860



Item Number: 27

Addendum StartPage: 0



MCGINNIS LOCHRIDGE

RECEIVED 2860  
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PUBLIC UTILITY COMMISSION  
John L. Wilson  
wilson@mcginnislaw.com  
(512) 495-6015 o  
(512) 505-6315 f

August 22, 2014

Chief Clerk  
Texas Commission on Environmental Quality  
TCEQ  
Office of the Chief Clerk, MC 105  
P.O. Box 13007  
Austin, TX 78711-3087

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY  
2014 AUG 25 AM 10: 28  
CHIEF CLERKS OFFICE

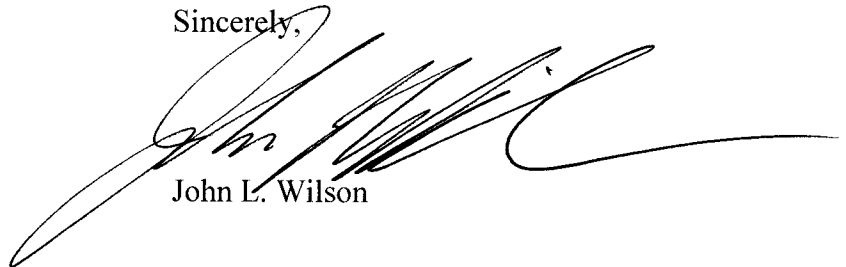
Re: TCEQ Docket No. 2013-1735-UCR; SOAH Docket No. 582-14-1052

Dear Chief Clerk, TCEQ:

Please find enclosed for filing in the above-referenced matter Equality Community Housing Corporation's Motion for Clarification. The motion will be electronically filed with the both the TCEQ Chief Clerk and with the State Office of Administrative hearings.

Thanks for your assistance in this matter

Sincerely,



John L. Wilson

JLW/jlw  
Enclosure

cc: Service List



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SOAH DOCKET NO. 582-14-1052  
TCEQ DOCKET NO. 2013-1735-UCR

APPLICATION OF DOUGLAS UTILITY §  
COMPANY TO CHANGE WATER AND §  
SEWER RATE/TARIFF IN HARRIS §  
COUNTY, TEXAS §

BEFORE THE STATE OFFICE  
OF  
ADMINISTRATIVE HEARINGS

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY  
2014 AUG 25 AM 10:28  
CHIEF CLERK'S OFFICE

EQUALITY COMMUNITY HOUSING CORPORATION  
MOTION FOR CLARIFICATION

On June 6, 2014, Administrative Law Judge (ALJ), Penny A. Wilcov, issued Order No. 2 Referring Case for Mediation (Order 2). The matter went to mediation, the parties entered into a settlement agreement, the settlement agreement was filed in this matter, and the Executive Director (ED) requested that the matter be dismissed from the State Office of Administrative Hearings (SOAH) and remanded to the Texas Commission on Environmental Quality (TCEQ). Douglas Utility Company (Douglas) subsequently filed its response providing: "Douglas must regrettably withdraw from the mediated settlement and request that this case remain on (or be restored to) the SOAH General Docket."

In Order No. 3 Regarding Motion to Dismiss and Remand and Requesting Dates for a Prehearing Conference (Order 3), the ALJ did not dismiss the case, withdrew that part of Order 2 requiring mediation, and asked the parties to submit dates for a prehearing conference "to assess whether the procedural schedule should be modified or abated to allow PUC staff preparation time . . . ." In Order 2, in addition to requiring mediation, the ALJ also ordered that: "All discovery and discovery deadlines are abated until the conclusion of the mediation process." Order 3 does not address the abatement issued by Order 2, but implies that the procedural schedule will be discussed and revised at the new prehearing conference that is to be scheduled



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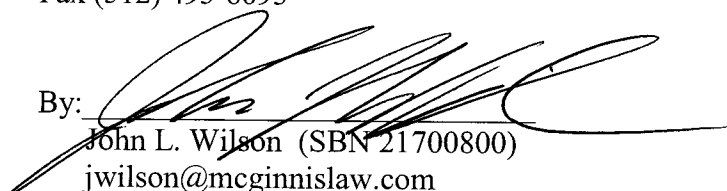
after September 19, 2014, and that the matter is abated until the prehearing conference. However, this is not clear because Order 2 indicates that the abatement is lifted upon the completion of the mediation process. Order 3 withdraws the order of mediation, thus arguably the mediation process originally ordered is completed and the previously ordered abatement is lifted. Equality Community Housing Corporation is unclear as to whether the case is under abatement.

**Request for Relief**

For the foregoing reasons, Equality Community Housing Corporation respectfully requests that the Administrative Law Judge provide clarification as to whether the case is or is not abated. If the abatement has been lifted, Equality further asks the ALJ to clarify when the abatement was lifted and to clarify the schedule for this case. If the ALJ finds that the case is no longer under abatement, Equality Community Housing Corporation requests that the schedule be revised so that it be given at least three weeks in which to file its pre-filed testimony. Equality Community Housing Corporation additionally requests any other relief to which it may be entitled.

Respectfully submitted,

MCGINNIS LOCHRIDGE  
600 Congress Avenue, Suite 2100  
Austin, Texas 78701  
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Fax (512) 495-6093

By:   
John L. Wilson (SBN 21700800)

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Phil Haag (SBN 08657800)  
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ATTORNEYS FOR EQUALITY COMMUNITY  
HOUSING CORPORATION



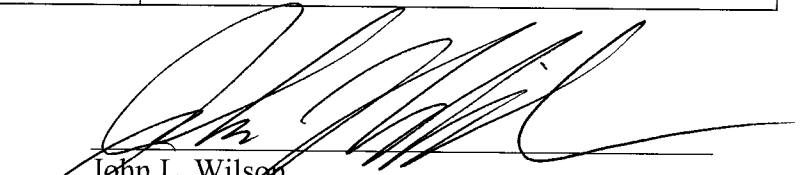
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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing document has been served as indicated below upon the following on the 22nd day of August, 2014.

Mark Zeppa 4833 Spicewood Springs Rd., #202 Austin, TX 78759 512 346-4011 attorney for Douglas Utility Company markzeppa@austin.rr.com mark@zeppalaw.com	Mail _____ Fax _____ E-mail <input checked="" type="checkbox"/> _____
Garrett Arthur TCEQ, Office of Public Interest Counsel MC-103 P.O. Box 13807 Austin, TX 78711-3087 512-239-5757 Garrett.arthur@tceq.texas.gov	Mail _____ Fax _____ E-mail <input checked="" type="checkbox"/> _____
Brian MacLeod TCEQ, MC - 173 P.O. Box 13807 Austin, TX 78711-3087 512-239-0750 Brian.macleod@tceq.texas.gov	Mail _____ Fax _____ E-mail <input checked="" type="checkbox"/> _____
Karl E. Wolf Fountainview Homeowners Association 5523 Mendota lane Houston, TX 77032 713-301-7149 kwolffsr@att.net	Mail _____ Fax _____ E-mail <input checked="" type="checkbox"/> _____

  
\_\_\_\_\_  
John L. Wilson



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TCEQ DOCKET NO. 2013-1735-UCR**

<b>APPLICATION OF DOUGLAS UTILITY</b>	§	<b>BEFORE THE STATE OFFICE</b>
	§	
<b>COMPANY TO CHANGE WATER AND</b>	§	
	§	<b>OF</b>
<b>SEWER RATE/TARIFF IN HARRIS</b>	§	
	§	
<b>COUNTY, TEXAS</b>	§	<b>ADMINISTRATIVE HEARINGS</b>

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By: 

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Phil Haag (SBN 08657800)

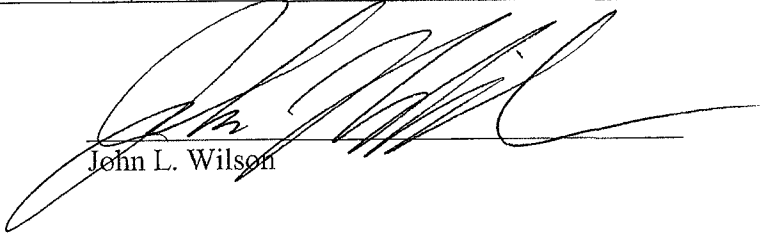
[phaag@mcginnislaw.com](mailto:phaag@mcginnislaw.com)

ATTORNEYS FOR EQUALITY COMMUNITY  
HOUSING CORPORATION

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Garrett Arthur TCEQ, Office of Public Interest Counsel MC-103 P.O. Box 13807 Austin, TX 78711-3087 512-239-5757 Garrett.arthur@tceq.texas.gov	Mail _____ Fax _____ E-mail <u>  x  </u>
Brian MacLeod TCEQ, MC - 173 P.O. Box 13807 Austin, TX 78711-3087 512-239-0750 Brian.macleod@tceq.texas.gov	Mail _____ Fax _____ E-mail <u>  x  </u>
Karl E. Wolf Fountainview Homeowners Association 5523 Mendota lane Houston, TX 77032 713-301-7149 kwolffsr@att.net	Mail _____ Fax _____ E-mail <u>  x  </u>

  
\_\_\_\_\_  
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