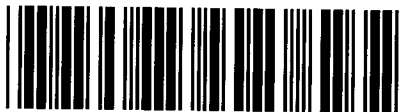


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Addendum StartPage: 0

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

Kathleen Hartnett White, *Chairman*  
R. B. "Ralph" Marquez, *Commissioner*  
Larry R. Soward, *Commissioner*  
Glenn Shankle, *Executive Director*



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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
*Protecting Texas by Reducing and Preventing Pollution*

October 19, 2005

To: Persons on the attached mailing list (By mail and facsimile as indicated)

Re: City of Lyford's Motion to Overturn concerning an Executive Director order dated September 12, 2005, issuing Water Certificate of Convenience and Necessity No. 13035 to the City; SOAH Docket No. 582-02-3005; TCEQ Docket No. 2002-0431-UCR; and Application No. 33790-C.

This letter is in response to a Motion to Overturn filed by the City of Lyford with regard to the issuance by the Executive Director of Water Certificate of Convenience and Necessity No. 13035. In the motion, Richard S. Hoffman, on the behalf of the City of Lyford, states that the City's only disagreement is with the map which differs from the map offered and agreed upon by the parties. After review of the motion, I have determined to extend the time for the Commission to act on the Motion and to request the parties other than the City file responses to the motion and to allow the City to file a reply to any responses. Thus, in accordance with Section 50.139 of the agency's rules, this letter constitutes my order extending the time for the Commission to act on the motion to **5:00 p.m. on Friday, December 16, 2005.**

In addition, the Executive Director, the Office of Public Interest Counsel, and the North Alamo Water Supply Corporation may file a response to the motion on or before **5:00 p.m. on Wednesday, November 2, 2005.** The City may file a reply to any responses on or before **5:00 p.m. on Wednesday, November 16, 2005.** To be considered timely, an original and eleven copies of any response and reply must be filed in the Office of Chief Clerk by the applicable 5:00 p.m. deadline. The mailing address for the original and eleven copies is: Office of Chief Clerk, ATTN: Agenda Docket Clerk, Mail Code 105, TCEQ, P. O. Box 13087, Austin, Texas 78711-3087.

A copy of a response to a motion or a reply to the responses may be faxed by the respective deadline to the Chief Clerk at 512/239-3311, but the original and eleven copies must be received in the Office of Chief Clerk within three days of the date of the faxed copy. On the same day, a response or a reply is filed in the Office of Chief Clerk, a copy must also be mailed to all persons on the attached mailing list.

If the motion is subsequently set on the Commission's agenda for a specific public meeting, you will be notified by letter by the Office of General Counsel of the time and place of that meeting. If you have any questions about the filing deadlines, number of copies, or mailing requirements, please contact Celeste A. Baker, Assistant General Counsel, at 512/239-5527.

Respectfully,

A handwritten signature in black ink that reads "Derek Seal".  
Derek Seal  
General Counsel

**Mailing List**

h:/counsel/lucas/petters/05/CityLyfordext.txt  
P.O. Box 13087 Austin, Texas 78711-3087 • 512/239-1000 • Internet address: www.tceq.state.tx.us

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Mailing List  
City of Lyford  
TCEQ Docket No. 2002-0431-UCR

Richard S. Hoffman  
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Austin, Texas 78701  
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TCEQ Office of Public Assistance MC 108  
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Austin, Texas 78711-3087  
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City of Lyford  
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TCEQ Alternative Dispute  
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Blas Coy  
TCEQ Office of Public Interest Counsel MC 103  
P.O. Box 13087  
Austin, Texas 78711-3087  
512/239-6363 FAX 512/239-6377

Docket Clerk  
TCEQ Office of Chief Clerk MC 105  
P.O. Box 13087  
Austin, Texas 78711-3087  
512/239-3300 FAX 512/239-3311

## MOTION TO OVERTURN

TO: Chairman Kathleen White  
Commissioner Larry Soward  
Derek Seal, General Counsel (2 copies)

DATE: 10-13-2005

FROM: LaDonna Castañuela, Chief Clerk

Applicant/Permittee: City of Lyford

Date Administratively Complete: SOAH referral received 04/08/2002

Permit Type: UCR Permit No.: 13035; Acct # 33790-C Docket No.: 2002-0431-UCR

*Note: If any dates fall on a weekend or a holiday, the next working date becomes the due date.*

MTO Filed By: Richard S. Hoffman

MTO Filed For: The City of Lyford

Order Mailed Date: 9-19-2005

Date MTO Filed (OCC date stamp): 10-10-2005

Date MTO Due: 10-12-2005  
(23 days after order mailed date)

If no action, MTO overruled: 11-03-2005  
(45 days from permit mailed date)

Possible Agenda Dates [SOS Notice Deadline]:  
10-26-2005-----[10-18-2005]

If extended, action due by: 12-19-2005  
(90 days from permit mailed date)

Possible Agenda Dates [SOS Notice Deadline]:  
11-09-2005-----[11-01-2005]  
11-30-2005-----[11-22-2005]  
12-14-2005-----[12-06-2005]

Attachments: ☒ Motion

Permit & cover letter ☒ Attached

☐ Previously submitted

Was an RTC prepared (check CID & Program) ☐ YES - if yes, attach copy ☒ NO

cc: (Tracking Sheet Only)  
Office of Public Interest Counsel  
Program Section

Environmental Law Division - Sr. Atty.  
OCC - Final Documents Team Leader