



Control Number: 42964



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SOAH DOCKET NO. 582-06-1767  
TCEQ DOCKET NO. 2006-0144-UCR

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PUBLIC UTILITY COMMISSION  
FILING CLERK

APPLICATION OF THE CITY OF § BEFORE THE STATE  
OFFICE §  
BONHAM TO OBTAIN DUAL §  
CERTIFICATION WITH A PORTION OF §  
CERTIFICATE OF CONVENIENCE §  
AND NECESSITY (CCN) NO. 12406 FROM §  
SOUTHWEST FANNIN COUNTY SUD, §  
TO OBTAIN DUAL CERTIFICATION §  
WITH A PORTION OF CCN NO. 10170 § OF  
FROM WHITE SHED WATER SUPPLY §  
CORPORATION, TO DECERTIFY A §  
PORTION OF CCN NO. 11753 FROM §  
BOIS D'ARC MUD, AND TO AMEND §  
CCN NOS. 11186 AND 20460 IN FANNIN §  
COUNTY, TEXAS APPLICATION §  
NOS. 35091-C & 35092-C § ADMINISTRATIVE  
HEARINGS §

**JOINT MOTION TO AMEND APPLICATIONS AND WITHDRAW PROTESTS**

TO THE HONORABLE ADMINISTRATIVE LAW JUDGE:

COMES NOW, the City of Bonham ("Bonham") and the Bois D'arc Municipal Utility District ("MUD") and files this Joint Motion to Amend Application and Withdraw Protest and in support thereof would show the following:

**I. Factual Background**

MUD and Bonham have filed competing certificate of convenience and necessity ("CCN") applications for portions of the same service territory. MUD's application is currently docketed as SOAH DOCKET NO. 582-05-3021. MUD and Bonham have executed settlement agreements that address their concerns with each other's CCN applications. The settlement agreements amend each entity's requested service territory and provide for a withdrawal of protest of each application.

## **II. Amendment of Application**

Bonham hereby amends its requested water CCN service territory in the above-referenced docket. A copy of Bonham's amended requested water CCN service territory is attached hereto and incorporated herein for all purposes as Exhibit A. Exhibit A reflects a reduction in water service territory due to the settlement agreement Bonham executed with MUD. The area in brown identifies the area for which Bonham seeks single certification. The area in red indicates the area for which Bonham and MUD have agreed upon for dual-certification.

## **III. Withdrawal of Protest**

By signature of counsel below, MUD hereby withdraws its protest of Bonham's CCN application, as amended above, and moves that MUD be dismissed as a party to this docket.

## **V. Prayer**

For the above reasons, MUD and Bonham pray that Your Honor grant the withdrawal of protests and sever the dockets as requested above.

Respectfully submitted,

**RUSSELL & RODRIGUEZ, L.L.P.**

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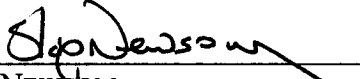
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BY  \_\_\_\_\_

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**ATTORNEYS FOR BOIS D'ARC MUD**

### **CERTIFICATE OF SERVICE**

I hereby certify that on this 17th day of October 2006, a true and correct copy of the foregoing document has been sent via facsimile, first class mail, or hand-delivered to the following:

**State Office of Administrative Hearings**

Honorable Craig R. Bennett  
Honorable Suzanne Formby Marshall  
Administrative Law Judge  
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