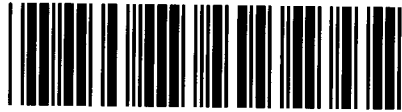




Control Number: 43529



Item Number: 11

Addendum StartPage: 0

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
utilities from the TCEQ to the PUC effective
September 1, 2014.

WENDALL CORRIGAN BRANIFF
ATTORNEY AT LAW

10625 Legends Lane
Austin, Texas 78747

43529
2014 OCT 13 AM 9:55

PUBLIC UTILITY COMMISSION
FILING CLERK

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October 14, 2005

The Honorable Mike Rogan
Administrative Law Judge
State Office of Administrative Hearings
P.O. Box 13025
Austin, TX 78711-3025

Re: SOAH DOCKET NO. 582-05-1528; TCEQ DOCKET NO. 2004-1201-UCR
Application of Fall Creek Utility Company, Inc. to Raise Water and Sewer utility Rates in Hood
County, Texas

Dear Judge Rogan:

Enclosed herewith please find the undersigned legal counsel's reply to your request for a Status Report. I am emailing this document to all parties today. Unfortunately, the computer I am working on today does not support my handwriting software, so my signature will not be included in the emailed documents. I am also mailing copies of the enclosed to all parties, which will contain my signature.

Thank you for your patience. Should you require any additional information, please feel free to contact me.

Yours truly,

Wendall Corrigan Braniff

cc: Certificate of Service

SOAH DOCKET NO. 582-05-1528
TCEQ DOCKET NO. 2004-1201-UCR

APPLICATIONS OF FALL CREEK
UTILITY COMPANY, INC. TO RAISE
WATER AND SEWER UTILITY RATES
IN HOOD COUNTY, TEXAS

§ BEFORE THE STATE OFFICE
§
§
§ OF
§
§ ADMINISTRATIVE HEARINGS

STATUS REPORT

TO: The Honorable Mike Rogan, Administrative Law Judge, State Office of
Administrative Hearings, 300 W. 15th Street, Austin, Texas 78711

COMES NOW, former counsel to Fall Creek Utility Company, Inc., Applicant in the
above referenced proceeding and files this Status Report to the Administrative Law Judge
("ALJ").

I. BACKGROUND

In 2004, Fall Creek Utility Company, Inc., Applicant filed an application for water and
sewer rate increases. Several ratepayers opposed the application, and on January 25, 2005, the
State Office of Administrative Hearings ("SOAH") conducted a preliminary rate hearing during
which notices of the rate increase were reviewed by the parties and admitted to the record and
jurisdiction over the application was taken by the ALJ. The Applicant corporation, Texas
Commission on Environmental Quality ("TCEQ") represented by counsel for the Executive
Director, and the TCEQ Office of Public Interest Counsel also represented by counsel, were
named parties. Opposing ratepayers, including the Lake Granbury RV Ranch Homeowner's
Association ("HOA"), were admitted and consolidated as parties, and also designated their legal
counsel.

The Administrative Law Judge then adjourned the proceeding, directing the parties to
determine whether they could negotiate a settlement. After discussions, the ALJ reconvened the
hearing, and the parties reported and agreed that a settlement had been negotiated which
involved the sale of the Applicant corporation's stock to the HOA.

An application for the stock sale was submitted to TCEQ for review and approval. The
application was approved by TCEQ, and the closing of the sale was completed on July 29, 2005.

II. SALE OF CORPORATE STOCK

On July 29, 2005, Mrs. Charlotte Garrett, the sole owner of 100% of the stock of Fall
Creek Utility Company, Inc. sold 100% of the stock of the corporation to the HOA. Through the
stock sale, all assets, accounts, liabilities, facilities, licenses, contracts, service agreements,
including pending matters such as a TCEQ order requiring the corporation to complete repairs
and upgrades to the sewer system, and the Applicant corporation's rate case which is the subject

of this proceeding, were converted to the sole ownership and control of the HOA effective July 29, 2005.

At the time of the closing, counsel for the HOA stated that the HOA had not yet determined whether it would continue to pursue the corporation's rate application. The undersigned attorney therefore requested that counsel for the HOA file the Applicant corporation's Status Report, after deciding whether the application would be pursued or withdrawn. The undersigned attorney then retired from private law practice.

III. CURRENT STATUS

The undersigned attorney received the ALJ's Order No. 5, Reiterating Request for Status Report, dated October 14, 2005, and telephoned counsel for the HOA, but was unable to make contact, therefore left a message regarding the Status Report. The HOA now owns and controls 100% of the stock of Fall Creek Utility Company, Inc., the corporation that filed the application pending before the ALJ in this proceeding. The undersigned attorney no longer represents Fall Creek Utility Company, Inc., and continues to be unaware of the corporation's plans.

NOW THEREFORE, the undersigned attorney respectfully requests that the ALJ redirect the request for a Status Report to counsel for the HOA, which is the owner of 100% of the stock of Fall Creek Utility Company, Inc., the corporation that is the Applicant in this proceeding.

Respectfully submitted,

WENDALL CORRIGAN BRANIFF
ATTORNEY AT LAW

By: _____
Wendall Corrigan Braniff
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Texas Bar Association No. 04842500

FORMER COUNSEL TO APPLICANT, FALL CREEK
UTILITY COMPANY, INC.

SOAH DOCKET NO. 582-05-1528
TCEQ DOCKET NO. 2004-1201-UCR

APPLICATION OF FALL CREEK UTILITY COMPANY, INC. TO RAISE
WATER AND SEWER UTILITY RATES IN HOOD COUNTY, TEXAS

CERTIFICATE OF SERVICE

I, Wendall Corrigan Braniff, former counsel to Applicant, Fall Creek Utility Company, Inc. in the above-referenced dockets, certify that true and correct copies of the foregoing Status Report have been served on the persons listed below by hand delivery, fax and/or 1st class USPS mail on the 17th day of October 2005.

The Honorable Mike Rogan
State Office of Administrative Hearings
P.O. Box 13025
Austin, Texas 78711-3025
Tel.: (512) 475-4993
Fax: (512) 475-4994

Gabriel Soto, Staff Attorney
TCEQ Environmental Law Division
MC-175
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Tel.: (512) 239-0600
Fax: (512) 239-0606

Representing: the Executive Director of the
Texas Commission on Environmental
Quality

Christina Mann
TCEQ Office of the Public Interest Counsel
MC-I03
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Representing TCEQ Office of the Public
Interest Counsel

Keith Bradley, Attorney
Bradley & Cain
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Cleburne, Texas 76031
Tel.: (817) 645-3993
Fax: (817) 645-3995

Representing: Parties Opposing Application
including the Lake Granbury RV Ranch
Homeowners Association.

Wendall Corrigan Braniff

FACSIMILE COVER PAGE

To : • The Honorable Mike Rogan

Sent : 10/14/2005 at 3:46:08 PM

Subject :

From : Wendall Corrigan Braniff

Pages : 5 (including Cover)

Please see enclosed Status Report.