



Control Number: 43529



Item Number: 16

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.

43519

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

RECEIVED
2014 OCT 13 AM 9:55
PUBLIC UTILITY COMMISSION
FILING OFFICE

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

ORDER NO. 8
CLARIFYING CONDITIONAL DISMISSAL

On October 25, 2005, counsel for the Executive Director of the Texas Commission on Environmental Quality ("TCEQ") filed a status report and request for clarification, stating that the Executive Director construes the recent request of Lake Granbury Ranch Property Owners Association to dismiss the captioned action as a request to withdraw the pending applications (which have now been assigned to the association) with prejudice, under 30 TEX. ADMIN. CODE ("TAC") § 80.25(a).

Upon reviewing the file, the Administrative Law Judge ("ALJ") agrees that the Executive Director's interpretation of the association's request for dismissal is reasonable. The association has made no attempt to establish any of the circumstances under which an application might be withdrawn or dismissed *without* prejudice, under 30 TAC § 80.25. Moreover, a withdrawal with prejudice in this instance is unlikely to inconvenience the association in any way, since any future application on its part to change rates would be expected to reflect circumstances readily distinguishable from those associated with the present applications.

If the association wishes to challenge the conclusion that the pending applications should be dismissed with prejudice, it should file pleadings to that effect immediately, as the ALJ still intends for the dismissal of this action from the docket of the State Office of Administrative Hearings ("SOAH") to become final on November 1, 2005 (absent properly filed objections from any party).

Consistent with 30 TAC § 80.25(b), finalization of the dismissal from SOAH will entail remand of this action and the pending applications to the Executive Director for entry of an order dismissing them with prejudice.

RECOGNIZING SUBSTITUTION OF COUNSEL

The ALJ acknowledges the substitution of Dawn Burton, Staff Attorney, as counsel for the Executive Director in this proceeding.

PROCEDURAL QUESTIONS

Routine procedural and logistical questions may be directed to Rita McBride at (512) 475-3419; however, please note that SOAH support personnel are not authorized to provide general advice or the interpretation of regulations or policy.

SIGNED October 27, 2005.



MIKE ROGAN
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS

STATE OFFICE OF ADMINISTRATIVE HEARINGS

WILLIAM P. CLEMENTS BUILDING, Jr.

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SERVICE LIST

**AGENCY: TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
(TCEQ)**

STYLE/CASE: FALL CREEK UTILITY CO INC

SOAH DOCKET NUMBER: 582-05-1528

REFERRING AGENCY CASE: 2004-1201-UCR

**STATE OFFICE OF
ADMINISTRATIVE HEARINGS**

**MIKE ROGAN
ADMINISTRATIVE LAW JUDGE**

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DATE:

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NUMBER OF PAGES INCLUDING THIS COVER SHEET:

5

REGARDING:

**ORDER NO. 8 CLARIFYING CONDITIONAL
DISMISSAL**

DOCKET NUMBER:

582-05-1528

FROM:

JUDGE MIKE ROGAN

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*** MULTI TX/RX REPORT ***

TX/RX NO 3173
PGS. 5
TX/RX INCOMPLETE
TRANSACTION OK
ERROR INFORMATION

(4) 92911006
(1) 92396377
(2) 92390606
(3) 98176453995
(5) 92393311

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*** MULTI TX/RX REPORT ***

TX/RX NO 3174
PGS. 5
TX/RX INCOMPLETE
(1) 92911006
(2) 95122911006
TRANSACTION OK
ERROR INFORMATION

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*** ERROR TX REPORT ***

TX FUNCTION WAS NOT COMPLETED

TX/RX NO 3175
RECIPIENT ADDRESS 92911006
DESTINATION ID
ST. TIME 10/27 09:02
TIME USE 00'00
PAGES SENT 0
RESULT NG #0018 BUSY/NO SIGNAL

*Called office to confirm
fax, but no one called me
back in time for our mail
to go out. Mailed 10/27.
- RP*

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