

Control Number: 43529



Item Number: 8

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.

43519

RECEIVED

2014 OCT 13 AM 9:55

PUBLIC UTILITY COMMISSION  
FILING CLERK

**BRADLEY & CAIN, L.L.C.**  
**Attorneys at Law**  
**13 East Henderson Street**  
**Cleburne, Texas 76031**  
**(817) 645-3993**  
**Fax # (817) 645-3995**  
**email: kcannon@bradleyandcain.com**

**FACSIMILE COVER SHEET**

Date: July 8, 2005

To: Ms. LaDonna Castanuela  
Office of the Chief Clerk

Fax: 512-475-4994

From: Keri L. Cannon

Re: Application of Fall Creek Utility Company, Inc. for a rate change in Hood County,  
Texas; SOAH Docket No. 582-05-1528; TCEQ Docket No. 2004-1201-UCR

Special Note:

Total Pages Including Cover Sheet: 8

\*\*\*\*\*

If you do not receive all pages, please contact our office at the telephone number listed above:

**Confidentiality Notice**

The documents accompanying this telecopy transmission contain confidential information which is legally privileged. The information is intended only for the use of the recipient named above. If you have received this telecopy in error, please notify us immediately by telephone to arrange for return of the telecopied documents to us, and you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited.

8

KEITH BRADLEY  
MEMBER STATE BAR COLLEGE

D. SCOTT CAIN  
MEMBER STATE BAR COLLEGE

**BRADLEY & CAIN, L.L.C.**  
**ATTORNEYS AT LAW**

13 E. Henderson St. • Cleburne, Texas 76031  
817-645-3993 • Fax 817-645-3995  
Metro 817-517-2522  
email: info@bradleyandcain.com

KIMBERLY SIKES

July 8, 2005

Ms. LaDonna Castanuela  
Office of the Chief Clerk  
TCEQ Docket Clerk  
MC-105  
P.O. Box 13087  
Austin, Texas 78711-3087

Via Fax # 512-475-4994

RE: Application of Fall Creek Utility Company, Inc. for a rate change in Hood  
County, Texas; SOAH Docket No. 582-05-1528; TCEQ Docket No. 2004-1201-  
UCR

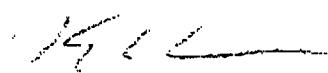
Dear Ms. Castanuela:

Enclosed please find Lake Granbury RV Ranch Property Owners Association and  
Fall Creek Utility Company, Inc.'s Joint Motion for Abatement in the above referenced  
cause. Please file this Motion with the Court.

I am also sending you the original and one copy of the Motion via regular United  
States Mail. Please file the enclosed Motion with the Court and return a file marked copy  
to me in the enclosed self-addressed and stamped envelope.

I am forwarding a copy of same to the other parties as shown below. If you have  
any questions, please do not hesitate to contact my office.

Sincerely,



Keri L. Cannon

Cc: Ms. Wendall Corrigan Braniff  
10625 Legends Lane  
Austin, Texas 78747  
512.291.1005  
512.291.1006 FAX

Via Certified Mail #70022410000095548078  
Return Receipt Requested

Mr. Gabriel Soto  
TCEQ Environmental Law Division  
MC-173  
P.O. Box 13087  
Austin, Texas 78711-3087  
512-239-0600  
512-239-0606 FAX

Via Certified Mail #70022410000095548313  
Return Receipt Requested

Christina Mann  
TCEQ Office of the Public Interest Counsel  
MC-103  
P.O. Box 13087  
Austin, Texas 78711-3087  
512-239-4014  
512-239-6377 FAX

Via Certified Mail #70022410000095548320  
Return Receipt Requested

Lake Granbury RV Ranch Property Owners Association  
Attention: Mr. Gene Floyd  
7001 Garret Ranch Road  
Granbury, Texas 76049

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

<b>APPLICATION OF FALL CREEK</b>	<b>§</b>	<b>BEFORE THE STATE</b>
<b>UTILITY COMPANY, INC.</b>	<b>§</b>	<b>OFFICE OF</b>
<b>FOR A RATE CHANGE</b>	<b>§</b>	<b>ADMINISTRATIVE HEARINGS</b>
<b>IN HOOD COUNTY, TEXAS</b>	<b>§</b>	

**LAKE GRANBURY RV RANCH PROPERTY OWNERS ASSOCIATION AND FALL CREEK UTILITY COMPANY, INC.'S JOINT MOTION FOR ABATEMENT**

**TO THE HONORABLE ADMINISTRATIVE LAW JUDGE:**

NOW COMES, LAKE GRANBURY RV RANCH PROPERTY OWNERS ASSOCIATION (the "POA") and FALL CREEK UTILITY COMPANY, INC. ("Fall Creek") and file this their Joint Motion for Abatement in the above referenced cause and in support of which, would respectfully show the Administrative Law Judge as follows:

**I.**

1. On April 27, 2004, Fall Creek filed a rate change application with the Texas Commission on Environmental Quality ("TCEQ"). The POA protested the rate change and a hearing was held on January 25, 2005. The POA is the only party protesting the application. A mediated settlement conference was held and an agreed schedule was adopted.

**II.**

2. Having conducted settlement negotiations, Fall Creek and the POA reached a settlement agreement, contingent upon the TCEQ approval of the POA's stock purchase application, which was filed on March 1, 2005. The parties agree that, upon the TCEQ approval of the POA's stock purchase application, the application for a rate increase will be assigned and transferred to the POA who will either pursue the application as an uncontested matter or will withdraw the application.

**LAKE GRANBURY RV RANCH PROPERTY OWNERS ASSOCIATION AND FALL CREEK UTILITY COMPANY, INC.'S JOINT MOTION FOR ABATEMENT, Page 1**

3. The POA and Fall Creek are currently of the understanding that the TCEQ has approved the POA's stock purchase application, however, the parties are awaiting the written approval letter from the TCEQ.

### III.

4. In order to allow the parties to complete all settlement negotiations and agreements and to obtain a written letter from the TCEQ approving the POA's stock purchase application, the parties request that this matter be abated for a period of ninety (90) days.

WHEREFORE, PREMISES CONSIDERED, Lake Granbury RV Ranch Property Owners Association and Fall Creek Utility Company, Inc. respectfully request that the Administrative Law Judge issue an order abating the procedural schedule until October 4, 2005.

Respectfully submitted,

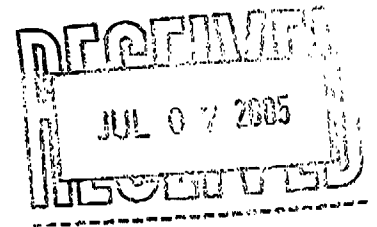


D. SCOTT CAIN	24025279
KEITH BRADLEY	00783707
KIMBERLY SIKES	24039175
KERI L. CANNON	24045611

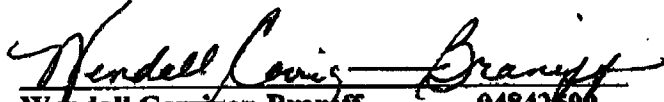
BRADLEY & CAIN, L.L.C.  
Attorneys at Law  
13 Henderson  
Cleburne, Texas 76031  
(817) 645-3993  
(817) 645-3995 - FAX

**ATTORNEYS FOR LAKE GRANBURY  
RV RANCH PROPERTY OWNERS  
ASSOCIATION**


**LAKE GRANBURY RV RANCH PROPERTY OWNERS ASSOCIATION AND FALL CREEK  
UTILITY COMPANY, INC.'S JOINT MOTION FOR ABATEMENT, Page 2**



AGREED:

  
Wendall Corrigan Braniff 04842600  
Attorney for Fall Creek Utility Company, Inc.

Braniff Attorneys Counselors  
10625 Legends Lane  
Austin, Texas 78747  
Tel: 512.291.1005  
Fax: 512.291.1006

  
Keri L. Cannon 24045611  
Attorney for Lake Granbury RV Ranch  
Property Owners Association

Bradley & Cain, LLC  
13 Henderson  
Cleburne, Texas 76031  
(817) 645-3993  
(817) 645-3995 - FAX

LAKE GRANBURY RV RANCH PROPERTY OWNERS ASSOCIATION AND FALL CREEK  
UTILITY COMPANY, INC.'S JOINT MOTION FOR ABATEMENT, Page 3

**CERTIFICATE OF CONFERENCE**

I certify that on July 6, 2005, I contacted counsel for Fall Creek Utility Company, Inc., Ms. Wendall Corrigan Braniff, and on July 7, 2005 I contacted Mr. Gabriel Soto of the TCEQ Environmental Law Division and Ms. Christina Mann of the TCEQ Office of the Public Interest Counsel and they are each in agreement with this abatement.



Keri L. Cannon  
Attorney for Lake Granbury RV  
Ranch Property Owners Association



**CERTIFICATE OF SERVICE**

A true and correct copy of this document was forwarded to all attorneys of record, on this the 8 day of July, 2005, as follows:

Ms. Wendall Corrigan Braniff  
10625 Legends Lane  
Austin, Texas 78747  
512.291.1005  
512.291.1006 FAX

Via Certified Mail #70022410000095548078  
Return Receipt Requested

Mr. Gabriel Soto  
TCEQ Environmental Law Division  
MC-173  
P.O. Box 13087  
Austin, Texas 78711-3087  
512-239-0600  
512-239-0606 FAX

Via Certified Mail #70022410000095548313  
Return Receipt Requested

Christina Mann  
TCEQ Office of the Public Interest Counsel  
MC-103  
P.O. Box 13087  
Austin, Texas 78711-3087  
512-239-4014  
512-239-6377 FAX

Via Certified Mail #70022410000095548320  
Return Receipt Requested



Keri L. Cannon  
Attorney for Lake Granbury RV  
Ranch Property Owners Association