



Control Number: 43535



Item Number: 38

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*  
Margaret Hoffman, *Executive Director*



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CCN/12827/2003-14-0253/19  
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**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**  
*Protecting Texas by Reducing and Preventing Pollution*

April 12, 2004

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

TEXAS  
COMMISSION ON  
ENVIRONMENTAL  
QUALITY  
2004 APR 12 PM 4:19  
CHIEF CLERKS OFFICE

Re: Applications of City of Royse City to Amend Water Certificate of Convenience and Necessity ("CCN") No. 12827 and Obtain a Sewer CCN in Rockwall and Hunt Counties, Texas; Consolidated Docket, SOAH Docket Nos. 582-04-0253 and 582-04-1268; TCEQ Docket Nos. 2003-0737-UCR, 2003-0738-UCR, and 2003-1289-UCR.

Dear Ms. Castañuela:

Please find enclosed for filing in the above-referenced matter:

"Executive Director's Motion to Extend Procedural Deadlines."

Please return two file-stamped copies.

If you have any questions, please do not hesitate to contact me at (512) 239-6257. Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Geoffrey P. Kirshbaum".

Geoffrey P. Kirshbaum  
Staff Attorney  
Environmental Law Division

Enclosures

38

**MAILING LIST**

**City of Royse City, Verandah Communities, L.P., Parker Creek Estates, L.P., and  
City of Fate**

**SOAH Docket Nos. 582-04-0253, 582-04-1268, and 582-04-2730**

**TCEQ Docket Nos. 2003-0737-UCR, 2003-0738-UCR, 2003-1289-UCR and 2003-1491-  
UCR**

The Honorable Craig R. Bennett  
Administrative Law Judge  
State Office of Administrative Hearings  
P.O. Box 13025  
Austin, Texas 78711-3025  
Tel.: (512) 475-4993  
Fax: (512) 475-4994

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Angela K. Moorman  
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Representing: City of Royse City

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Representing: Verandah Communities, L.P.,  
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and Parker Creek Estates, L.P.

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Representing: City of Fate

Susan E. Potts  
David J. Klein  
Potts & Reilly, L.L.P.  
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Austin, Texas 78701  
Tel.: (512) 469-7474  
Fax: (512) 469-7480

Representing: Honorable Dean M. Gandy

**MAILING LIST**

**City of Royse City, Verandah Communities, L.P., Parker Creek Estates, L.P., and  
City of Fate**

**SOAH Docket Nos. 582-04-0253, 582-04-1268 and 582-04-2730**

**TCEQ Docket Nos. 2003-0737-UCR, 2003-0738-UCR, 2003-1289-UCR, and  
2003-1491-UCR**

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Representing: Blackland Water Supply  
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Representing: the Executive Director of the  
Texas Commission on  
Environmental Quality

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TCEQ Office of the Public Interest Counsel  
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Representing: the Public Interest Counsel  
of the Texas Commission  
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TCEQ Docket Clerk  
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Austin, Texas 78711-3087  
Tel.: (512) 239-3300  
Fax: (512) 239-3311

SOAH DOCKET NOS. 582-04-0253, 582-04-1268 and 582-04-2730  
TCEQ DOCKET NOS. 2003-0737-UCR,  
2003-0738-UCR, 2003-1289-UCR and 2003-1491-UCR

APPLICATIONS OF THE CITY OF  
ROYSE CITY TO AMEND WATER  
CCN NO. 12827 AND TO OBTAIN A  
SEWER CCN IN COLLIN, ROCKWALL  
AND HUNT COUNTIES, TEXAS;  
APPLICATION NOS. 34270-C AND  
34277-C

APPLICATION OF VERANDAH  
COMMUNITIES, L.P. TO OBTAIN A  
SEWER CCN IN HUNT AND  
ROCKWALL COUNTIES, TEXAS;  
APPLICATION NO. 34267-C

APPLICATIONS OF PARKER CREEK  
ESTATES, L.P. TO OBTAIN A WATER  
AND A SEWER CCN IN ROCKWALL  
COUNTY, TEXAS; APPLICATION  
NOS. 34297-C AND 34301-C

APPLICATIONS OF THE CITY OF FATE  
TO AMEND WATER CCN NO. 12889  
AND TO AMEND SEWER CCN NO.  
20856 IN ROCKWALL COUNTY, TEXAS;  
APPLICATION NOS. 34361-C AND  
34362-C

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CHIEF CLERKS OFFICE

2004 JUN 12 PM 4:19

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

**EXECUTIVE DIRECTOR’S MOTION TO EXTEND PROCEDURAL DEADLINES**

COMES NOW, the Executive Director of the Texas Commission on Environmental Quality (“TCEQ” or “Commission”), by and through a representative of the Commission’s Environmental Law Division, and files the Executive Director’s Motion to Extend Procedural Deadlines. The Executive Director requests that procedural deadlines in SOAH Docket Nos. 582-04-0253 and 582-04-1268 be extended to match those in SOAH Docket No. 582-03-2730 so that this consolidated proceeding may be litigated concurrently in all dockets.

## I. REVISED PROCEDURAL SCHEDULE

Earlier today, in Order No. 2 applicable to State Office of Administrative Hearings ("SOAH") Docket No. 582-04-2730, the Honorable Administrative Law Judge ("ALJ") extended the last day to propound written discovery on the parties until May 10, 2004 and revised several other deadlines. Currently, the Executive Director has entered into a Rule 11 agreement with City of Royse City ("Royse City"), allowing for an extended deadline for responses to the Executive Director's first round of discovery requests in exchange for an April 16, 2004 deadline for the last day for the Executive Director to propound written discovery requests to Royse City. The Executive Director has entered into a similar Rule 11 agreement with Honorable Dean M. Gandy for an April 19, 2004 deadline to propound written discovery requests. The Executive Director has also entered into similar Rule 11 agreements with City of Fate and Blackland WSC to grant the Executive Director a May 6, 2004 deadline to propound written discovery requests to those two entities. The Executive Director has not entered into a Rule 11 agreement with Verandah Communities, L.P., Verandah Freshwater Supply District, or Parker Creek Estates, L.P.

This morning's SOAH Order extends the deadline to serve discovery for all parties until May 10, 2004 in only SOAH Docket No. 582-03-2730 without extending the deadline for parties to serve discovery in SOAH Docket Nos. 582-04-0253 and 582-04-1268. However, the Executive Director believes it would be very difficult to confine any discovery requests that may be propounded on May 10, 2004 to only issues related to SOAH Docket No. 582-03-2730. The Executive Director submits that it would also be appropriate to extend the other deadlines outlined in today's ALJ Order. Therefore, the Executive Director respectfully requests that the

Honorable ALJ extend deadlines in SOAH Docket Nos. 582-04-0253 and 582-04-1268 to match those in SOAH Docket No. 582-03-2730.

## **II. CONCLUSION**

The Executive Director respectfully requests that the ALJ extend deadlines in SOAH Docket Nos. 582-04-0253 and 582-04-1268 to match those in SOAH Docket No. 582-03-2730 so that this consolidated proceeding may be litigated concurrently. The Executive Director has conferred with representatives for all parties participating in SOAH Docket Nos. 582-04-0253 and 582-04-1268 except City of Fate (contact was attempted but unsuccessful), and those parties support the Executive Director's motion.

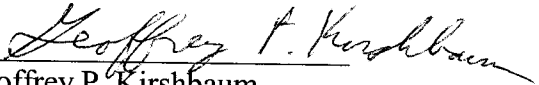
In the alternative, the Executive Director respectfully requests that the ALJ extend the deadline to propound written discovery requests in SOAH Docket Nos. 582-04-0253 and 582-04-1268 to correspond to the deadlines agreed upon by the Executive Director and certain parties in each Rule 11 Agreement described above.

Respectfully submitted,

TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

Margaret Hoffman  
Executive Director

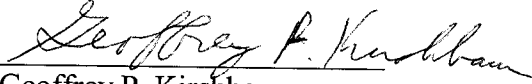
Stephanie Bergeron, Director  
Environmental Law Division

By   
Geoffrey P. Kirshbaum  
Staff Attorney  
Environmental Law Division  
State Bar of Texas No. 24029665  
MC-173, P.O. Box 13087  
Austin, Texas 78711-3087  
Phone: (512) 239-0600  
Fax: (512) 239-0606



**CERTIFICATE OF SERVICE**

I hereby certify that on this 12<sup>th</sup> day of April, 2004, a true and correct copy of the foregoing Executive Director's Motion to Extend Procedural Deadlines was sent by first class mail, agency mail and/or facsimile to all persons on the attached mailing list.



Geoffrey P. Kirshbaum  
Staff Attorney  
Environmental Law Division  
Texas Commission on Environmental Quality


**TCEQ**

 Protecting Texas  
 by Reducing and  
 Preventing Pollution

# F A X T R A N S M I T T A L

 DATE: April 12, 2004 Total Pages (including this cover sheet):

9
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**TO:** Name See Below  
 Organization \_\_\_\_\_  
 Telephone Number \_\_\_\_\_  
 FAX Number \_\_\_\_\_

**FROM:** TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Name Geoff Kirshbaum  
 Title Attorney  
 Telephone Number 512) 239-6257  
 FAX Number 512) 239-0626 / 239-3434

PLEASE CALL AS SOON AS POSSIBLE IF ALL PAGES ARE NOT RECEIVED OR IF THERE ARE ANY OTHER PROBLEMS WITH THE TRANSMITTAL OF THIS FAX.

**NOTES:**

**Re:** Application of the City of Royse City to Amend Water CCN and Obtain Sewer CCN in Collin, Rockwall, and Hunt Counties; Application of Verandah Communities, LP to Obtain sewer CCN in Hunt and Rockwall Counties; Application of Parker Creek Estates, L.P. to Obtain a Water and Sewer CCN in Rockwall County, Texas, Application Nos. 34297-C and 34301-C; Docket Nos. 2003-0737-UCR, 2003-0738-UCR and 2003-1289-UCR. - Executive Director's Motion to Extend Procedural Deadlines

**cc:** The Honorable Craig R. Bennett; 475-4994  
 Kerry E. Russell; 1-864-7744  
 Mark H. Zeppa; 346-6847  
 Skip Newsom; 477-2860  
 David J. Klein; 469-7480  
 LaDonna Castañuela, 239-3311  
 Blas Coy; 239-6377

**CONFIDENTIAL / ATTORNEY-CLIENT PRIVILEGE / ATTORNEY WORK**

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