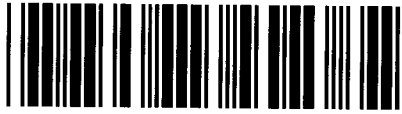




Control Number: 43535



Item Number: 3

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.

also filed a competing CCN application for a portion of the same service territory for which Royse City has protested and requested a public hearing. The Verandah Communities and Royse City applications were consolidated and set for a preliminary hearing on December 2, 2003. Due to a scheduling conflict with Verandah Communities' counsel, the jurisdictional hearing in the Verandah Communities and Royse City applications was moved to January 5, 2003. A copy of Order No. 1 in said docket is attached hereto as Exhibit A.

Royse City received from the Chief Clerk of the Texas Commission on Environmental Quality a notice of Parker Creek Estates, L.P.'s jurisdictional hearing to be held on January 5, 2003. A telephone call to the Texas Commission on Environmental Quality docket clerk revealed that the Parker Creek Estates jurisdictional hearing is not consolidated with the Verandah Communities and Royse City applications. Thus, the State Office of Administrative Hearings will conduct a separate jurisdictional hearing for the Parker Creek Estates application. As Royse City will have two jurisdictional hearings on areas that are contained within its CCN application, Royse City asserts that the jurisdictional hearings in the above-styled cases should be consolidated.

II. Legal Argument

The Texas Commission on Environmental Quality allows that related cases or claims be consolidated if consolidation will not prejudice any party.¹ Royse City understands that Parker Creek Estates and Verandah Communities are represented by the same counsel. As both the Parker Creek Estates and Verandah Communities' CCN applications request area sought by Royse City's application, no prejudice will come to

¹ 30 TEX. ADMIN. CODE § 80.13.

any party if the jurisdictional hearings are consolidated. Further, judicial economy would dictate that the cases be consolidated.

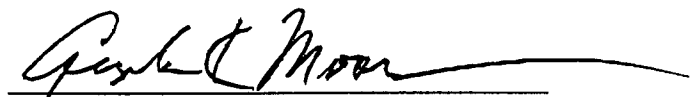
If consolidation is not possible, Royse City requests in the alternative that the two jurisdictional hearings be set at different times on January 5, 2003, in order to allow Royse City the opportunity to appear at both hearings.

III. Prayer

For the above reasons, Royse City asks the Court that the jurisdictional hearings in the above-reference cases be consolidated or, in the alternative, set for different times. Royse City further prays for any such further relief to which it is justly entitled.

Respectfully submitted,

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(512) 930-1317
(512) 864-7744 (Fax)



KERRY E. RUSSELL
State Bar No. 17417820

ANGELA K. MOORMAN
State Bar No. 24007700

ATTORNEYS FOR THE CITY OF ROYSE
CITY, TEXAS

CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of December, 2003, a true and correct copy of the foregoing document has been sent via facsimile, first class mail, or hand-delivered to the following counsel of record:

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Angela K. Moorman

SOAH DOCKET NO. 582-04-0253
TCEQ DOCKET NOS. 2003-0737-UCR and 2003-0738-UCR

APPLICATION OF THE CITY OF
ROYCE CITY TO AMEND WATER
CCN AND TO OBTAIN SEWER CCN
IN COLLIN, ROCKWALL, AND HUNT
COUNTIES

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BEFORE THE STATE OFFICE
OF
ADMINISTRATIVE HEARINGS

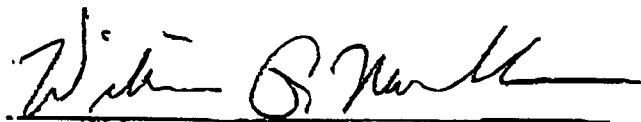
APPLICATION OF VERANDAH
COMMUNITIES, LP TO OBTAIN
SEWER CCN IN HUNT AND
ROCKWALL COUNTIES

ORDER NO. 1
GRANTING MOTION TO RESET PRELIMINARY HEARING

On October 3, 2003, Verandah Communities, LP (Verandah) filed a motion, which it served on the City of Royce City, the Executive Director (ED), and the Public Interest Counsel (PIC), to move the date of the scheduled preliminary hearing from December 2, 2003, to a date during the first three weeks of January 2004. Verandah's counsel has a scheduling conflict. Royce City does not object to the motion, and the statutory Parties have not timely filed an objection to it.

The motion is granted. The preliminary hearing concerning these Applications will be held beginning at 10:00 a.m., January 5, 2004, at the William P. Clements Office Building, Fourth Floor, 300 West 15th Street, Austin, Texas. The Applicants and the ED shall work with the Commission's Chief Clerk to ensure that all required notice of the new preliminary hearing date is given.

Signed October 9, 2003.



William G. Newchurch
Administrative Law Judge
State Office of Administrative Hearings

**STATE OFFICE OF ADMINISTRATIVE HEARINGS
WILLIAM P. CLEMENTS BUILDING
300 West Fifteenth Street
Austin, Texas 78701
Phone (512) 475-4993
Facsimile (512) 475-4994**

SERVICE LIST

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

STYLE/CASE: CITY OF ROYSE CITY

SOAH DOCKET NUMBER: 582-04-0253

TCEQ DOCKET NUMBERS: 2003-0737-UCR & 2003-0738-UCR

ADMINISTRATIVE COURT

**STATE OFFICE OF ADMINISTRATIVE
HEARINGS**

**WILLIAM G. NEWCHURCH
PRESIDING ADMINISTRATIVE LAW JUDGE**

PARTIES

REPRESENTATIVE/ADDRESS

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SOAH DOCKET NO. 582-04-0253

SERVICE LIST

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TCEQ DOCKET NOs. 2003-0737-UCR & 2003-0738-UCR

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