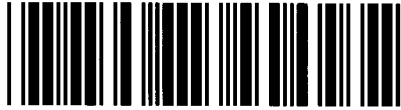




Control Number: 43535



Item Number: 9

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.

43535

FAX TRANSMITTAL



TCEQ
Protecting Texas
by Reducing and
Preventing Pollution

DATE: April 12, 2004

Total Pages (including this cover sheet):

9

TO: Name See Below

Organization _____

Telephone Number _____

FAX Number _____

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 PUBLIC UTILITY COMMISSION
 FILING CLERK

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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9

Kathleen Hartnett White, *Chairman*
R. B. "Ralph" Marquez, *Commissioner*
Larry R. Soward, *Commissioner*
Margaret Hoffman, *Executive Director*



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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
Protecting Texas by Reducing and Preventing Pollution

PUBLIC UTILITY COMMISSION
FILING CLERK

April 12, 2004

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

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

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

Kerry E. Russell
Angela K. Moorman
Russell, Moorman & Rodriguez, L.L.P.
Texas Heritage Plaza
102 West Morrow Street, Suite 103
Georgetown, Texas 78626
Tel.: (512) 930-1317
Fax: (512) 864-7744

Representing: City of Royse City

Mark H. Zeppa
Law Office of Mark H. Zeppa, P.C.
4833 Spicewood Springs, Road, Suite 202
Austin, Texas 78759-8436
Tel.: (512) 346-4011
Fax: (512) 346-6847

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

Skip Newsom
Fisher & Newsom, P.C.
3724 Jefferson Street, Suite 210
Austin, Texas 78731-6222
Tel.: (512) 477-4121
Fax: (512) 477-2860

Representing: City of Fate

Susan E. Potts
David J. Klein
Potts & Reilly, L.L.P.
401 West 15th Street, Suite 850
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**

Page 2

Leonard H. Dougal
Jackson Walker, L.L.P.
100 Congress Avenue, Suite 1100
Austin, Texas 78701
Tel.: (512) 236-2000
Fax: (512) 236-2002

Representing: Blackland Water Supply
Corporation

Geoffrey P. Kirshbaum, Staff Attorney
James D. Parker, Staff Attorney
TCEQ Environmental Law Division
MC-173, P.O. Box 13087
Austin, Texas 78711-3087
Tel.: (512) 239-6257
Fax: (512) 239-0606

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

Blas J. Coy, Jr., Public Interest Counsel
TCEQ Office of the Public Interest Counsel
MC-103, P.O. Box 13087
Austin, Texas 78711-3087
Tel.: (512) 239-6361
Fax: (512) 239-6377

Representing: the Public Interest Counsel
of the Texas Commission
on Environmental Quality

TCEQ Docket Clerk
MC-105, P.O. Box 13087
Austin, Texas 78711-3087
Tel.: (512) 239-3300
Fax: (512) 239-3311

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.

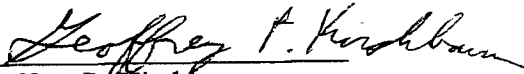
In the alternative, the Executive Director respectfully requests that the ALJ extend the deadline to propound written discovery requests in SOAH Docket Nos. 582-04-0253 and 582-04-1268 to correspond to the deadlines agreed upon by the Executive Director and certain parties in each Rule 11 Agreement described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

Respectfully submitted,

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

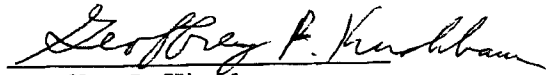
Margaret Hoffman
Executive Director

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 12th 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

Kathleen Hartnett White, *Chairman*
R. B. "Ralph" Marquez, *Commissioner*
Larry R. Soward, *Commissioner*
Margaret Hoffman, *Executive Director*



CB

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

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:

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"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

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

Kerry E. Russell
Angela K. Moorman
Russell, Moorman & Rodriguez, L.L.P.
Texas Heritage Plaza
102 West Morrow Street, Suite 103
Georgetown, Texas 78626
Tel.: (512) 930-1317
Fax: (512) 864-7744

Representing: City of Royse City

Mark H. Zeppa
Law Office of Mark H. Zeppa, P.C.
4833 Spicewood Springs, Road, Suite 202
Austin, Texas 78759-8436
Tel.: (512) 346-4011
Fax: (512) 346-6847

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Skip Newsom
Fisher & Newsom, P.C.
3724 Jefferson Street, Suite 210
Austin, Texas 78731-6222
Tel.: (512) 477-4121
Fax: (512) 477-2860

Representing: City of Fate

Susan E. Potts
David J. Klein
Potts & Reilly, L.L.P.
401 West 15th Street, Suite 850
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

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Page 2

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100 Congress Avenue, Suite 1100
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Tel.: (512) 236-2000
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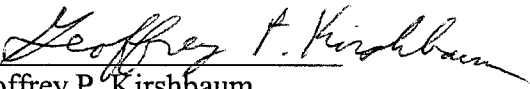
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TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

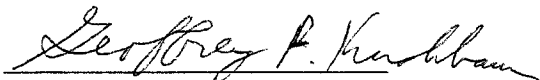
Margaret Hoffman
Executive Director

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