

Control Number: 43537



Item Number: 23

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

# WINSTEAD

June 2, 2005

43531

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PUBLIC UTILITY COMMISSION  
CLERK  
direct dial: 512.370.2862  
phaag@winstead.com

**Via Hand Delivery**

Ms. LaDonna Castanuela  
Office of Chief Clerk – MC 105  
Texas Commission on Environmental Quality  
12100 Park 35 Circle  
Building F, 1<sup>st</sup> Floor  
Austin, Texas 78711

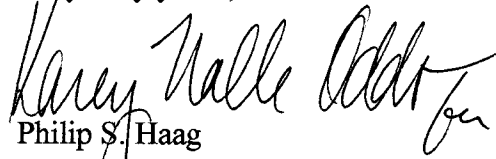
Re: SOAH DOCKET NO. 582-05-3744; TCEQ DOCKET NO. 2004-1722-UCR;  
Application by City of Lindale to Obtain Dual Certification with a Portion of  
CCN No. 10772 from the City of Tyler and to Amend CCN No. 12795 in Smith  
County, Application No. 34160-C; before the State Office of Administrative  
Hearings

Dear Ms. Castanuela:

Enclosed for filing in the above-referenced matter is the parties' Joint Motion for  
Continuance and a proposed Order for the court's consideration. Please file stamp the extra copy  
and return it to me via our awaiting courier.

Thank you for your attention to this matter.

Very truly yours,

  
Philip S. Haag

PSH:KO

Enclosures

cc: **Via Facsimile 475-4994**  
Judge Cassandra J. Church, State Office of Administrative Hearings

**Via Facsimile 936-0730**  
Carol Wood, Mediator  
Michael J. O'Malley, Mediator

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401 CONGRESS AVENUE  
AUSTIN, TEXAS 78701  
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Austin, Dallas, Fort Worth,  
Houston, Mexico City, San Antonio,  
The Woodlands, Washington DC

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SOAH DOCKET NO. 582-05-3744  
TCEQ DOCKET NO. 2004-1722-UCR

APPLICATION BY CITY OF LINDALE § BEFORE THE STATE OFFICE  
TO OBTAIN DUAL CERTIFICATION §  
WITH A PORTION OF CCN NO. 10772 §  
FROM THE CITY OF TYLER AND TO § OF  
AMEND CCN NO. 12795 IN SMITH §  
COUNTY, APPLICATION NO. 34160-C § ADMINISTRATIVE HEARINGS

JOINT MOTION FOR CONTINUANCE

COME NOW the Lindale Rural Water Supply and the City of Lindale (the “parties”) and jointly request that the court continue the parties’ June 9, 2005 deadline to attend mediation before mediators Carol Wood and Michael J. O’Malley.

Grounds

Counsel and representatives from both Lindale Rural Water Supply and the City of Lindale have met to discuss the matters in this case. The parties have come to an initial understanding without the aid of the mediators and intend to move forward with fully and finally resolving this matter in the coming weeks.

Should the parties be unable to settle their disputes without assistance from the mediators, the parties request that they be able to reschedule a formal mediation at a future date.

Prayer

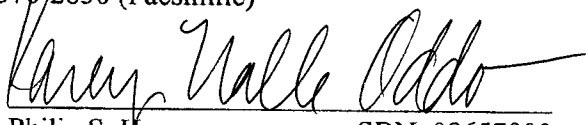
WHEREFORE, PREMISES CONSIDERED, Lindale Rural Water Supply and the City of Lindale hereby request that the court continue their formal mediation set for June 9, 2005, before mediators Carol Wood and Michael J. O’Malley, so that the parties can continue negotiations on their own. Consequently, the parties will not be filing mediation statements. Should a mediation become necessary to fully and finally settle the parties’ disputes, the parties request that they be able to contact the mediators and schedule another mediation at that time. Lindale Rural Water Supply and the City of Lindale further request any other relief to which they may be justly

entitled in law or in equity.

Respectfully submitted,

WINSTEAD SECHREST & MINICK P.C.  
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Austin, Texas 78701  
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(512) 370-2850 (Facsimile)

By:

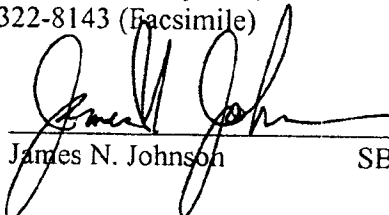
  
Philip S. Haag SBN 08657800  
Karey Nalle Oddo SBN 24013224

**ATTORNEYS FOR LINDALE RURAL  
WATER SUPPLY**

**-and-**

JOHNSON, RIAL & PARKER, P.C.  
811 Barton Springs Road, Suite 730  
Austin, Texas 78707  
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By:

  
James N. Johnson SBN 10743500

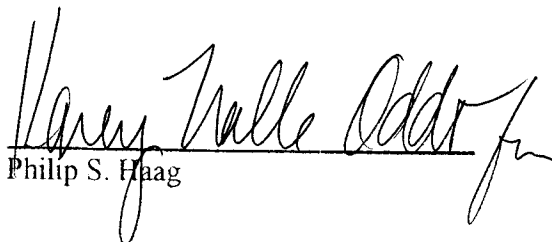
**ATTORNEY FOR CITY OF LINDALE**

**CERTIFICATE OF SERVICE**

I hereby certify a true and correct copy of the foregoing motion was forwarded by facsimile on the 2<sup>nd</sup> day of June, 2005, to

David Klein (*fax 239-0606*)  
TCEQ  
P.O. Box 13087, MC-175  
Austin, Texas 78711-3087

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

  
Philip S. Haag

SOAH DOCKET NO. 582-05-3744  
TCEQ DOCKET NO. 2004-1722-UCR

APPLICATION BY CITY OF LINDALE	§	BEFORE THE STATE OFFICE
TO OBTAIN DUAL CERTIFICATION	§	
WITH A PORTION OF CCN NO. 10772	§	
FROM THE CITY OF TYLER AND TO	§	OF
AMEND CCN NO. 12795 IN SMITH	§	
COUNTY, APPLICATION NO. 34160-C	§	ADMINISTRATIVE HEARINGS

ORDER ON THE PARTIES'  
JOINT MOTION FOR CONTINUANCE

On this day, came to be heard Lindale Rural Water Supply's and the City of Lindale's joint request that the court continue the parties' June 9, 2005 deadline to attend mediation before mediators Carol Wood and Michael J. O'Malley. The court has considered the agreed motion and finds that it is meritorious and should be GRANTED.

It is therefore **ORDERED, ADJUDGED** and **DECREED** that Lindale Rural Water Supply's and the City of Lindale's formal mediation set for June 9, 2005, before mediators Carol Wood and Michael J. O'Malley, is hereby continued so that the parties can continue negotiations on their own.

It is further **ORDERED, ADJUDGED** and **DECREED** that should Lindale Rural Water Supply and the City of Lindale be unable to fully and finally settle their disputes without the need for a formal mediation, the parties may contact the mediators and schedule another mediation at that time.

SIGNED on this the \_\_\_\_ day of June, 2005.

\_\_\_\_\_  
CASSANDRA J. CHURCH  
ADMINISTRATIVE LAW JUDGE  
STATE OFFICE OF ADMINISTRATIVE HEARINGS

**AGREED TO IN FORM AND SUBSTANCE:**

WINSTEAD SECHREST & MINICK P.C.  
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**-and-**

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By: 

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**ATTORNEY FOR CITY OF LINDALE**