



Control Number: 43537



Item Number: 7

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

September 15, 2005

43531  
RECEIVED

2014 OCT 15 PM 3:34

direct dial: 512.370.2862  
FACSIMILE: 512.370.2850  
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

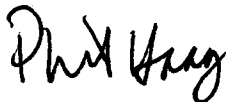
Re: SOAH DOCKET NO. 582-05-3744; TCEQ DOCKET NO. 2004-1722-UCR;  
Application by City of Lindale to Obtain Dual Certification with a Portion of  
CCN No. 10772 from the City of Tyler and to Amend CCN No. 12795 in Smith  
County, Application No. 34160-C; before the State Office of Administrative  
Hearings

Dear Ms. Castanuela:

Enclosed for filing in the above-referenced matter is the parties' Joint Status Report, as  
requested by Judge Church. 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 239-0606**

David Klein, TCEQ

**Via Facsimile 239-6377**

Blas J. Coy, Jr., TCEQ Office of the Public Interest Counsel

**Via Facsimile 322-8143**

James N. Johnson, Counsel for City of Lindale

SUITE 2100  
401 CONGRESS AVENUE  
AUSTIN, TEXAS 78701

PH 512.370 2800  
FAX 512 370 2850  
WINSTEAD.COM

Austin, Dallas, Fort Worth,  
Houston, Mexico City San Antonio,  
The Woodlands, Washington DC

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

<b>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</b>	<b>§ § § § § §</b>	<b>BEFORE THE STATE OFFICE  OF  ADMINISTRATIVE HEARINGS</b>
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------	-----------------------------------------------------------------------------

**JOINT STATUS REPORT**

Lindale Rural Water Supply Corporation and the City of Lindale (the "parties") submit this joint status report as requested by the Administrative Law Judge in Order No. 2.

Counsel and representatives from both Lindale Rural Water Supply Corporation and the City of Lindale have been working to resolve this matter amicably and without the need of either SOAH intervention or a formal mediation. The parties have come to an initial understanding but request additional time to complete settlement discussions. The parties estimate that they will require an additional 90 days, through December 15, 2005, to fully and finally settle this matter.


**PRAYER**

WHEREFORE, PREMISES CONSIDERED, Lindale Rural Water Supply Corporation and the City of Lindale hereby request that SOAH allow the parties an additional 90 days, through December 15, 2005, to attempt to settle this matter. Should the parties not be able to resolve this dispute on their own, the parties request that they be able to contact the mediators and schedule a formal mediation at that time. The Parties will provide a supplemental Status Report by November 15, 2005. The parties further request any other relief to which they may be justly entitled in law or in equity.

Respectfully submitted,

WINSTEAD SECHREST & MINICK P.C.  
401 Congress Avenue, Suite 2100  
Austin, Texas 78701  
(512) 370-2800 (Telephone)  
(512) 370-2850 (Facsimile)

By:



Philip S. Haag

Karey Nalle Oddo

SBN 08657800

SBN 24013224

**ATTORNEYS FOR LINDALE RURAL  
WATER SUPPLY CORPORATION**

**-and-**

JOHNSON, RIAL & PARKER, P.C.  
811 Barton Springs Road, Suite 730  
Austin, Texas 78707  
(512) 322-8111 (Telephone)  
(512) 322-8143 (Facsimile)

By:

James N. Johnson

SBN 10743500

**ATTORNEY FOR CITY OF LINDALE**

**APPROVED AS TO FORM AND SUBSTANCE:**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
P.O. Box 13087, MC-175  
Austin, Texas 78711-3087  
(512) 239-1297 (Telephone)  
(512) 239-0606 (Facsimile)

By:

David Klein

SBN 24041257

Respectfully submitted,

WINSTEAD SECHREST & MINICK P.C.  
401 Congress Avenue, Suite 2100  
Austin, Texas 78701  
(512) 370-2800 (Telephone)  
(512) 370-2850 (Facsimile)

By:

Philip S. Haag                      SBN 08657800  
Karey Nalle Oddo                  SBN 24013224

**ATTORNEYS FOR LINDALE RURAL  
WATER SUPPLY CORPORATION**

**-and-**

JOHNSON, RIAL & PARKER, P.C.  
811 Barton Springs Road, Suite 730  
Austin, Texas 78707  
(512) 322-8111 (Telephone)  
(512) 322-8143 (Facsimile)

By:

  
James N. Johnson                  SBN 10743500

**ATTORNEY FOR CITY OF LINDALE**

**APPROVED AS TO FORM AND SUBSTANCE:**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
P.O. Box 13087, MC-175  
Austin, Texas 78711-3087  
(512) 239-1297 (Telephone)  
(512) 239-0606 (Facsimile)

By:

David Klein                      SBN 24041257

Respectfully submitted,

WINSTEAD SECHREST & MINICK P.C.  
401 Congress Avenue, Suite 2100  
Austin, Texas 78701  
(512) 370-2800 (Telephone)  
(512) 370-2850 (Facsimile)

By:

Philip S. Haag SBN 08657800  
Karey Nalle Oddo SBN 24013224

**ATTORNEYS FOR LINDALE RURAL  
WATER SUPPLY CORPORATION**

**-and-**

JOHNSON, RIAL & PARKER, P.C.  
811 Barton Springs Road, Suite 730  
Austin, Texas 78707  
(512) 322-8111 (Telephone)  
(512) 322-8143 (Facsimile)

By:

James N. Johnson SBN 10743500

**ATTORNEY FOR CITY OF LINDALE**

**APPROVED AS TO FORM AND SUBSTANCE:**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
P.O. Box 13087, MC-175  
Austin, Texas 78711-3087  
(512) 239-1297 (Telephone)  
(512) 239-0606 (Facsimile)

By:

  
David Klein

SBN 24041257

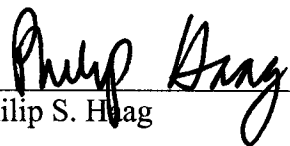
**CERTIFICATE OF SERVICE**

I hereby certify a true and correct copy of the foregoing motion was forwarded by facsimile on the 15th day of September, 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

James N. Johnson (*fax 322-8143*)  
Johnson, Rial & Parker, P.C.  
811 Barton Springs Road, Suite 730  
Austin, Texas 78707

  
\_\_\_\_\_  
Philip S. Haag

WINSTEAD

TEXAS  
COMMISSION ON  
ENVIRONMENTAL  
QUALITY

November 15, 2005

2005 NOV 17 PM 2: 26

CHIEF CLERK'S OFFICE

direct dial: 512.370.2862  
phaag@winstead.com

**Facsimile & regular mail**

Ms. LaDonna Castanuela  
Office of Chief Clerk – MC 105  
Texas Commission on Environmental Quality  
P.O. Box 13087  
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 Status Report, as  
requested by Judge Church. Please file stamp the extra copy and return it to me ~~via our awaiting~~  
~~courier~~ in the envelope provided

Thank you for your attention to this matter.

Very truly yours,

*Georgia Confield / Phil Haag*  
Philip S. Haag

PSH:KO

Enclosures

cc: **Via Facsimile 475-4994**  
Judge Cassandra J. Church, State Office of Administrative Hearings  
**Via Facsimile 239-0606**  
David Klein, TCEQ  
**Via Facsimile 239-6377**  
Blas J. Coy, Jr., TCEQ Office of the Public Interest Counsel  
**Via Facsimile 322-8143**  
James N. Johnson, Counsel for City of Lindale

SUITE 2100  
401 CONGRESS AVENUE  
AUSTIN, TEXAS 78701

PH 512.370 2800  
FAX 512 370 2850  
WINSTEAD.COM

Austin, Dallas, Fort Worth,  
Houston, Mexico City, San Antonio,  
The Woodlands, Washington DC



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

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

**JOINT STATUS REPORT**

Lindale Rural Water Supply Corporation and the City of Lindale (the "parties") submit this joint status report as stipulated in the previous status report, dated September 15, 2005.

Counsel and representatives from both Lindale Rural Water Supply Corporation and the City of Lindale have been working to resolve this matter amicably and without the need of either SOAH intervention or a formal mediation. The parties have tentatively agreed to a service area map and are currently reviewing the terms and conditions of a proposed settlement agreement. To the extent there any remaining issues, the parties intend to meet on December 2, 2005 to work them out. The parties estimate that they will settle this matter prior to the December 15 date, earlier estimated.

**PRAYER**

Should the parties not be able to resolve this dispute on their own, the parties request that they be able to contact the mediators and schedule a formal mediation at that time. The Parties will provide a status Report by December 15, 2005. The parties further request any other relief to which they may be justly entitled in law or in equity.

Respectfully submitted,

WINSTEAD SECHREST & MINICK P.C.  
401 Congress Avenue, Suite 2100  
Austin, Texas 78701  
(512) 370-2800 (Telephone)  
(512) 370-2850 (Facsimile)

By: 

Philip S. Haag  
Karey Nalle Oddo

SBN 08657800  
SBN 24013224

**ATTORNEYS FOR LINDALE RURAL  
WATER SUPPLY CORPORATION**

**-and-**

JOHNSON, RIAL & PARKER, P.C.  
811 Barton Springs Road, Suite 730  
Austin, Texas 78707  
(512) 322-8111 (Telephone)  
(512) 322-8143 (Facsimile)

By: 

James N. Johnson

SBN 10743500

**ATTORNEY FOR CITY OF LINDALE**

**APPROVED AS TO FORM AND SUBSTANCE:**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
P.O. Box 13087, MC-175  
Austin, Texas 78711-3087  
(512) 239-1297 (Telephone)  
(512) 239-0606 (Facsimile)

By: \_\_\_\_\_

David Klein

SBN 24041257

Respectfully submitted,

WINSTEAD SECHREST & MINICK P.C.  
401 Congress Avenue, Suite 2100  
Austin, Texas 78701  
(512) 370-2800 (Telephone)  
(512) 370-2850 (Facsimile)

By:

Philip S. Haag SBN 08657800  
Karey Nalle Oddo SBN 24013224

**ATTORNEYS FOR LINDALE RURAL  
WATER SUPPLY CORPORATION**

-and-

JOHNSON, RIAL & PARKER, P.C.  
811 Barton Springs Road, Suite 730  
Austin, Texas 78707  
(512) 322-8111 (Telephone)  
(512) 322-8143 (Facsimile)

By:

James N. Johnson SBN 10743500

**ATTORNEY FOR CITY OF LINDALE**

**APPROVED AS TO FORM AND SUBSTANCE:**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
P.O. Box 13087, MC-175  
Austin, Texas 78711-3087  
(512) 239-1297 (Telephone)  
(512) 239-0606 (Facsimile)

By:

  
David Klein

SBN 24041257


**CERTIFICATE OF SERVICE**

I hereby certify a true and correct copy of the foregoing motion was forwarded by facsimile on the 15th day of November, 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

James N. Johnson (*fax 322-8143*)  
Johnson, Rial & Parker, P.C.  
811 Barton Springs Road, Suite 730  
Austin, Texas 78707

  
\_\_\_\_\_  
Philip S. Haag