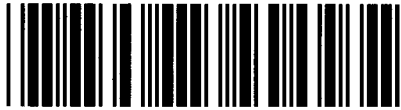


Control Number: 43537



Item Number: 9

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**

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September 15, 2005

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PUBLIC UTILITY COMMISSION  
FILING 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

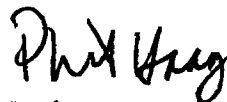
Re: SOAH DOCKET NO. 582-05-3744; TCEQ DOCKET NO. 2004-1722-UCR;  
Application by City of Lindale to Obtain Dual Certification with a Portion of  
CCN No. 10772 from the City of Tyler and to Amend CCN No. 12795 in Smith  
County, Application No. 34160-C; before the State Office of Administrative  
Hearings

Dear Ms. Castanuela:

Enclosed for filing in the above-referenced matter is the parties' Joint 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

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WINSTEAD SECHREST & MINICK  
Attorneys and Counselors  
A Professional Corporation

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

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9

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 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

2005 NOV 15 PM 4:56  
CHIEF CLERK'S OFFICE

Respectfully submitted,

WINSTEAD SECHREST & MINICK P.C.  
401 Congress Avenue, Suite 2100  
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(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  
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(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  
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(512) 239-1297 (Telephone)  
(512) 239-0606 (Facsimile)

By: David Klein SBN 24041257

Respectfully submitted,

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(512) 370-2850 (Facsimile)

By:

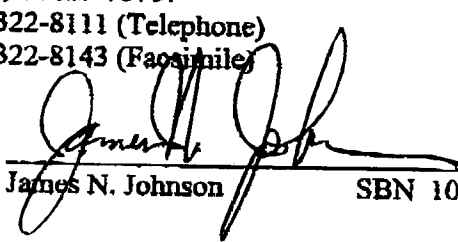
Philip S. Haag SBN 08657800  
Karey Nalle Oddo SBN 24013224

**ATTORNEYS FOR LINDALE RURAL  
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**-and-**

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David Klein SBN 24041257

09/15/2005 10:28 FAX 5122390808

TCEQ Legal Services

003/003

Respectfully submitted,

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Philip S. Haag SBN 08657800  
Karey Nalle Oddo SBN 24013224

**ATTORNEYS FOR LINDALE RURAL  
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(512) 239-0606 (Facsimile)

By:

David Klein

SBN 24041257

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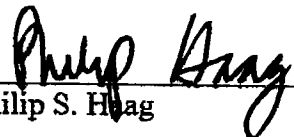
**CERTIFICATE OF SERVICE**

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. Hoag

Austin\_1\290873\1  
44091-1 9/9/2005

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**WINSTEAD**direct dial: 512-370-2862  
phaag@winstead.com**FAX COVER SHEET**

1381-44091-1

PLEASE DELIVER TO:	COMPANY	PHONE NO.	FAX NO.
JUDGE CASSANDRA J. CHURCH	STATE OFFICE OF ADMINISTRATIVE HEARINGS		475-4994
JAMES N. JOHNSON	JOHNSON, RIAL & PARKER, P.C.		322-8143
DAVID J. KLEIN	TCEQ		239-0606
BLAS J. COY, JR.	TCEQ, OFFICE OF THE PUBLIC INTEREST COUNSEL		239-6377

**MESSAGE:** Please see the attached Joint Status Report in SOAH matter No. 582-05-3744 and TCEQ matter No. 2004-1722-UCR, which was filed with the TCEQ today.

**NO. OF PAGES** 7 **INCLUDING COVER SHEET.**

**FROM:** PHILIP S. HAAG **PHONE NO.:** 512-370-2862  
**DATE:** SEPTEMBER 15, 2005 **TIME IN:** 3:05 ~~PM~~ PM

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