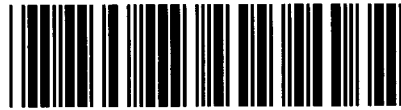




Control Number: 43551



Item Number: 16

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.

RECEIVED
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PUBLIC UTILITY COMMISSION
FILING CLERK

SOAH Docket No. 582-00-0545
TNRCC Docket No. 2000-01127

CHIEF OF COURSE

IN THE MATTER OF THE
APPLICATION OF HORNSBY
BEND UTILITY COMPANY
TO AMEND SEWER CERTIFICATE OF
CONVENIENCE AND NECESSITY
NO. 20650

§ BEFORE THE STATE
§ OFFICE OF ADMINISTRATIVE
§ HEARINGS
§
§
§

MOTION TO CONTINUE POSTPONEMENT OF PROCEEDING

To The Honorable Judge of the State Office Of Administrative Hearings:

COMES NOW The City of Austin ("Austin"), and files this Motion To Continue Postponement Of Proceeding, and in support thereof would respectfully show the following:

On April 18, 2000, a preliminary hearing was held in this case. During the preliminary hearing, the parties agreed to postpone further proceeding in the case until October 3, 2000 to allow Austin to complete the development of a master plan report to address the long-range wastewater infrastructure needs required to provide regional wastewater service to the Harris Branch, Gilleland Creek and portions of the Wilbarger Creek watersheds in northeast Austin. The parties agreed that completion of the master plan report was required for Austin and Hornsby Bend Utility Company, Inc. (Applicant) to attempt to resolve their differences regarding wastewater service to the proposed sewer utility service area in this case. At that time, the parties believed that the master plan report could be completed before October 3, 2000, and that the parties would have a sufficient amount of time to resolve their differences regarding wastewater service to the proposed sewer utility service area in this case. On April 20, 2000, the administrative law judge issued Order No. 1, which postponed further proceedings in this case until October 3, 2000, and requested a status report from the Applicant on or before that date.

Since that time, Austin's consultant, Weston, has been working very diligently to complete the development of the master plan report. Weston is in the process of addressing comments received from Austin on the Preliminary Draft Master Plan Report on August 24, 2000. A final version of the report will be delivered to Austin on or before October 6, 2000. To attempt to resolve its differences with the Applicant, Austin needs a sufficient amount of time to evaluate the Final Master Plan Report. Austin also needs an additional amount of time to attempt to resolve its differences with Hornsby Bend regarding wastewater service to the proposed sewer utility service area in this case. Austin anticipates that its evaluation of the Final Master Plan Report should be completed within 30 days after it receives the Final Master Plan Report from Weston. The City also anticipates that it would need an additional 60 days to attempt to resolve its differences with Hornsby Bend.

Motion to Continue
Postponement of Proceeding

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Austin believes that information contained in the Final Master Plan Report may have the tendency to make the existence of a fact that is of consequence to the determination in this case more probable than it would be without the evidence. Therefore, Austin moves that further proceedings remain postponed until January 2, 2001 to allow Austin to complete its evaluation of the Final Master Plan Report and attempt to resolve its differences with Hornsby Bend. Austin suggests that that Applicant be required to file a status report on December 4, 2000 concerning the parties' attempts to resolve their differences.

This motion is not intended to delay the proceeding but rather to ensure that Austin and the Applicant have a sufficient amount of time to attempt to resolve their differences regarding wastewater service to the proposed sewer utility service area in this case. The Executive Director and the Public Interest Counsel have no objection to this Motion. The Applicant did not respond to the request made in this motion.

For the above reasons, Austin respectfully requests that the judge grant this Motion.


Respectfully submitted,



RONNIE JONES
Assistant City Attorney
P.O. Box 1546
Austin, Texas 78767-1546
(512) 499-2568
(512) 499-2912 (Fax)

CERTIFICATE OF SERVICE

I hereby certify that on the 2nd day of October, 2000, a true and correct copy of the Motion To Continue Postponement of Proceeding was served via first class mail, facsimile, or hand delivered to the following parties on the attached mailing list.



RONNIE JONES

Motion to Continue
Postponement of Proceeding

John Carlton
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100 Congress Avenue, Suite 1300
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Austin, Texas 78711-3087
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Motion to Continue
Postponement of Proceeding



City of Austin
Law Department

Andrew Martin, City Attorney

Norwood Tower, 114 West 7th Street, P.O. Box 1088
Austin, Texas 78767-8804
(512)499-2268

Writer's Direct Line

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Writer's Fax Line

512 / 499-2912

October 2, 2000

Ms. LaDonna Castanuela, Chief Clerk
Office of the Chief Clerk, MC 105
Texas Natural Resource Conservation Commission
P.O. Box 13087
Austin, Texas 78711-3087

VIA FACSIMILE (512) 239-3311

SUBJECT: In the Matter of the Application of Hornsby Bend Utility Company to Amend
Sewer Certificate of Convenience and Necessity No. 20650

Dear Ms. Castanuela:

Attached please find a facsimile copy of the Motion to Continue Postponement of Proceeding. Please file the attached pleading in the above-referenced proceeding. As prescribed by the TNRCC's procedural rules, the original of this document will be delivered to your office via First Class Mail.

A copy of this filing is being served on the parties to this matter as indicated on the attached service list.

Should you have any questions, please feel free to contact me at the phone number listed above.

Sincerely,

Ronnie Jones
Assistant City Attorney

RJ/bjl

Attachment

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Hornsby Bend Utility Company
SOAH Docket No. 582-00-0545
TNRCC Docket No. 2000-0112

1. Article Addressed to:

Mr. Thom Farrell
Hornsby Bend Utility
3223 Park Hills Drive
Austin, Texas 78746

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

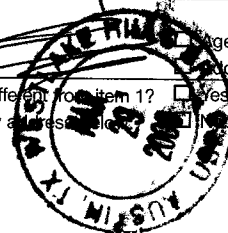
TAM FARRELL

C. Signature

 Agent

D. Is delivery address different from item 1? Yes

If YES, enter delivery address: _____ Addressee



3. Service Type

- Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number (Copy from service label)

2-280-604-305