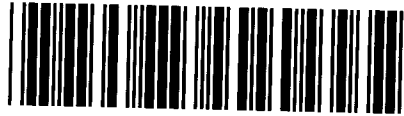


Control Number: 43551



Item Number: 58

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.

2002-0189-UCR



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PUBLIC UTILITY COMMISSION
FILING CLERK

Kenneth Ramirez
Partner

111 Congress Avenue, Suite 2300
Austin, Texas 78701-4043
Phone: 512.494.3611
Fax: 512.472.9123
kramirez@bracepatt.com
By Hand Delivery

August 6, 2002

Ms. Holly Wise, Docket Clerk
State Office of Administrative Hearings
300 W. 15th Street
P.O. Box 13025
Austin, TX 78711-3025

Re: SOAH Docket No. 582-02-3056; Application from City of Austin to Obtain a Water Certificate of Convenience and Necessity (CCN) in Travis, Hays and Williamson Counties; Application No. 33562-C

SOAH Docket No. 582-02-3056; Application from City of Austin to Obtain a Sewer Certificate of Convenience and Necessity (CCN) in Travis, Hays and Williamson Counties; Application No. 33563-C

SOAH Docket No. 582-02-3056; Application of Hornsby Bend Utility Company to Amend Certificate of Convenience and Necessity No. 20650

Dear Ms. Wise:

Attached please find the original and one copy of the City of Austin's Reply to Proposed Lists of Applicable Statutes and Rules in the above-referenced matter.

Please file the original, date-stamp the copy and return the copy to my messenger.

If you have any questions, please do not hesitate to contact me at (512) 494-3611.

Very truly yours,

Bracewell & Patterson, L.L.P.

Kenneth Ramirez

KR/jcb
Enclosure(s)

58



Holly Wise
August 2, 2002
Page 2

cc: (Via Facsimile and Regular Mail)

Christopher Lippe, Director, Water and Wastewater Utility
Andrew P. Covar, P.E., Assistant Director, Water and Wastewater Utility
Bart Jennings, Water and Wastewater Utility
Ronnie Jones, Assistant City Attorney
Mark H. Zeppa, Attorney
John J. Carlton, Attorney
John Deering, Attorney/Geoffrey Kirshbaum, Attorney
Madison Jechow, Attorney
Ronald Freeman, Attorney
Scott Humphrey, Attorney
Gary Bradley
The Honorable Kerry Sullivan
LaDonna Castañuela, TNRCC Chief Clerk

TEXAS NATURAL
RESOURCE CONSERVATION
COMMISSION

2002 AUG -7 PM 4:33
CLERK'S OFFICE

SOAH DOCKET NO. 582-02-3056
TNRCC DOCKET NO. 2002-0489-UCR

IN THE MATTER OF THE
APPLICATIONS OF THE CITY OF
AUSTIN FOR A WATER
CERTIFICATE OF CONVENIENCE
AND NECESSITY (NO. 33562-C) AND
A WASTEWATER CERTIFICATE OF
CONVENIENCE AND NECESSITY
(NO. 33563-C)

APPLICATION OF HORNSBY
BEND UTILITY COMPANY
TO AMEND CERTIFICATE
OF CONVENIENCE AND
NECESSITY NO. 20650

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

**CITY OF AUSTIN'S OBJECTIONS TO PROPOSED
LISTS OF APPLICABLE STATUTES AND RULES**

On August 1, 2002, the parties filed lists of applicable statutes and rules. The City of Austin ("City") objects to the designation of certain proposed provisions as being applicable and relevant to this proceeding as follows:

STATUTES:

1. Texas Water Code Chapter 5

The City objects to the entire chapter being designated as suggested by the Aligned Parties because not all sections are relevant to this proceeding, but has no objections to the sections suggested by the Lower Colorado River Authority ("LCRA").

2. Texas Water Code Chapter 13

The City objects to the Aligned Parties' designation of the entire chapter because not all sections are relevant to this proceeding, but has no objection to LCRA's list of applicable sections, except Section 13.241. In section 13.241, part (d) is not applicable because facilities constructed by the City will be part of the City's centralized, regional system.

The City has no objection to provisions suggested by Hornsby Bend Utility Company ("Hornsby") and the Executive Director ("ED"), except to the extent that the entire

subchapter G is designated; the City reiterates its qualified agreement to LCRA's designations in subchapter G (see above).

3. Texas Water Code Chapter 26

The City objects to the Aligned Parties' designation of Chapter 26. Chapter 26 is not relevant to the determination of whether an entity should be granted a certificate of convenience and necessity.

4. Texas Health & Safety Code Chapter 341

The City objects to the Aligned Parties' designation of Chapter 341 except for Sections 341.001(3) and 341.031(a), which provide the drinking water standards mentioned in 30 TAC § 291.102(a)(1).

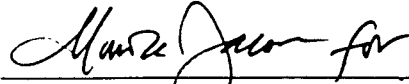
RULES AND POLICIES

The City objects to the inclusion of part (b) of 30 TAC section 291.102 and The Feasibility of Regionalization, August 3, 1999 document because facilities constructed by the City will be part of the City's centralized, regional system; therefore, this rule and policy are not applicable.

Consequently, the City requests that the Administrative Law Judge ("ALJ") find that the statutes, rules, and policies to which the City objects are not relevant to this proceeding and that the ALJ not include them in the ALJ's order concerning applicable statutes, rules, and policies.

Respectfully submitted,

BRACEWELL & PATTERSON, L.L.P.
111 Congress Avenue, Suite 2300
Austin, Texas 78701-4043
Telephone: (512) 472-7800
Facsimile: (512) 472-9123



Kenneth Ramirez
State Bar No. 16502200
Monica Jacobs
State Bar No. 24007433

-and-

Ronnie Jones
State Bar No. 00786003
Assistant City Attorney
City of Austin
P.O. Box 1546
Austin, Texas 78767-1546
Telephone: (512) 974-2568
Facsimile: (512) 974-2912

ATTORNEYS FOR THE CITY OF AUSTIN

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing pleading has been sent by Facsimile and Regular U.S. Mail, on this 6th day of August, 2002, to the following:

Mark Zeppa
Law Offices of Mark H. Zeppa, P.C.
4833 Spicewood Springs Road, Suite 202
Austin, Texas 78759-8436

Representing: AquaSource Utility, Inc.,
AquaSource Development Company,
Creedmoor-Maha WSC, and City of
Mustang Ridge

John J. Carlton
Ambrust, Brown, & Davis, L.L.P.
100 Congress Avenue, Suite 1300
Austin, Texas 78701-3087

Representing: Hornsby Bend Utility
Company, Inc.

John Deering
Geoffrey Kirshbaum
Texas Natural Resource Conservation Commission
P.O. Box 13087, MC-173
Austin, TX 78711-3087

Representing: The Executive Director

Capital Pacific Holdings, LLC
c/o Gary Bradley
Bradley Development
The Castle
1111 West 11th Street
Austin, Texas 78703

Madison Jechow
Lower Colorado River Authority
P.O. Box 220
Austin, Texas 78767-0220

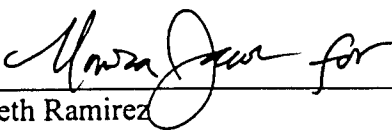
Representing: Lower Colorado River
Authority

Scott Humphrey
Public Interest Counsel
Texas Natural Resource Conservation
Commission
P.O. Box 13087, MC-103
Austin, Texas 78711-3087

Representing: Office of Public Interest
Counsel

The Honorable Kerry Sullivan
Administrative Law Judge
State Office of Administrative Hearings
300 W. 15th Street
P.O. Box 13025
Austin, Texas 78711-3025

TNRCC Docket Clerk
Office of Chief Clerk
Texas Natural Resource Conservation Commission
P.O. Box 13087, MC-105
Austin, Texas 78711-3087



Kenneth Ramirez



200 AUG -6 PM 4:30
CHIEF CLERK'S OFFICE

111 Congress Avenue, Suite 2300
Austin, Texas 78701-4043
Phone: 512.472.7800
Toll Free: 800.472.1401

Fax Cover Letter

Please deliver the following pages to	<u>Mark Zeppa</u>	<u>346-6847</u>
	<u>John Carlton</u>	<u>435-2360</u>
	<u>Ronald Freeman</u>	<u>453-0865</u>
	<u>Gary Bradley</u>	<u>474-6919</u>
	<u>John Dearing/Geoffrey Kirshbaum</u>	<u>239-0626</u>
	<u>Madison Jechow</u>	<u>473-4010</u>
	<u>Scott Humphrey</u>	<u>239-6377</u>
	<u>Hon. Kerry Sullivan</u>	<u>475-4994</u>
	<u>LaDonna Castanuela</u>	<u>239-3311</u>

This fax is from Kenneth Ramirez
and is being transmitted on August 6, 2002 at PM. The length of this fax, (including the cover letter),
is 5 pages. (Client/Matter #: 016928.000013)

The fax machine number is 512.472.9123. If you do not receive all pages, please call 512.472.7800.

Message

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