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SOAH DOCKET NO. 582-03-3725
TCEQ DOCKET NO. 2003-0664-UCR

IN RE: THE APPLICATION OF BEXAR § BEFORE THE STATE OFFICE
METROPOLITAN WATER DISTRICT §
TO AMEND WATER CCN NO. 10675 IN §
BEXAR COUNTY § OF ADMINISTRATIVE HEARINGS

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ORDER NO. 11
REGARDING EVIDENCE IN MOTION HEARING

On August 30, 2005, Bexar Metropolitan Water District (Applicant) sought clarification on submission of evidence at the motion hearing set for *1:30 p.m. on September 1, 2005*. This Order clarifies Order No. 10 as it pertains to evidence submissions.

On August 17, 2005, San Antonio Water System (SAWS) sought to be named a party, pursuant to 30 TEX. ADMIN. CODE § 80.109. Unless there are agreed facts, or the parties agree to admission of a party, the determinations of whether an applicant for party status has a justiciable interest and may be admitted late are factual ones, based on evidence. Thus, the ALJ anticipates SAWS will offer evidence to support its request. As to the other relief sought by SAWS, the ALJ is unable to anticipate whether evidence will be offered by any party or whether it will necessary or appropriate to take evidence on those points.

The text in Order No. 10 regarding exchange of documents prior to the hearing was intended to make sure that any party appearing by telephone would have in their possession at the scheduled conference time all evidence that might be offered. This pre-exchange of documents is a requirement of a phone appearance under SOAH's rule, 1 TEX. ADMIN. CODE § 155.45. *[This point appears to be moot since, as of the time of this writing, no party has filed for a telephone appearance.]*

SIGNED August 31, 2005.


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

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AGENCY: TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ)

STYLE/CASE: IN THE APPLICATION OF BEXAR METROPOLITAN WATER
DISTRICT TO AMEND WATER CCN NO. 10675 IN BEXAR
COUNTY

SOAH DOCKET NUMBER: 582-03-3725
TCEQ DOCKET NUMBER: 2003-0664-UCR

ADMINISTRATIVE COURT

STATE OFFICE OF ADMINISTRATIVE
HEARINGS

CASSANDRA J. CHURCH
PRESIDING ADMINISTRATIVE LAW JUDGE

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REGARDING: ORDER NO. 11

FROM: JUDGE CASSANDRA J. CHURCH

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