



Control Number: 43572



Item Number: 15

Addendum StartPage: 0

N3572 CC

LAW OFFICES OF
LOUIS T. ROSENBERG, P.C.
A PROFESSIONAL CORPORATION

RECEIVED

LOUIS T. ROSENBERG
Attorneys and Counselors at Law

ROBERT L. WILSON, III
Attorneys and Counselors at Law

De Mazieres Building
322 Martinez Street
San Antonio, Texas 78205
Phone (210) 225-5454
Fax (210) 225-5450

E-mail: firm@ltrlaw.com
Website: www.ltrlaw.com

September 2, 2005

2014 OCT 28 AM 8:08
SONIA CANTU ROSENBERG
Office Manager/Paralegal
PUBLIC UTILITY COMMISSION
FILING CLERK
SHELLY L. BAKER
Sr. Admin. Assist./Paralegal

Honorable Cassandra J. Church
Administrative Law Judge
State Office of Administrative Hearings
300 W. 15th Street
Austin, Texas 78701

Via Fax 512/475-4994

Total Pages: 7

RE: SOAH Docket No. 582-03-3725; TCEQ Docket No. 2003-0664-UCR, *In Re: The Application of Bexar Metropolitan Water District To Amend Water CCN No. 10675 in Bexar County*, Before the State Office of Administrative Hearings

Dear Judge Church:

Please find enclosed two (2) letters from the Honorable Frank Madla relating to his legislative intent, as the author of SB 1494. These letters are sent in response to your pre-hearing inquiries concerning the applicability of SB 1494 to BexarMet's pending CCN application. Because no testimony or documentary evidence concerning SB 1494 was presented at yesterday's hearing, I do not proffer these letters as Exhibits, but simply to apprise you of the Senator's position on the legislation he authored.

It remains our position that the existing parties to this action, and particularly the Executive Director, can fully analyze this and all other issues relating the BexarMet's application.

Thank you for your attention to this matter.

Sincerely,

LAW OFFICES OF LOUIS T. ROSENBERG, P.C.



Robert L. Wilson III

- Enclosures: 1. Letter of March 25, 2004 from Sen. Frank Madla to Margaret Hoffman
2. Letter of April 1, 2004 from Sen. Frank Madla to Margaret Hoffman

Cc: Service List

F. Gilbert Olivares, Esq., General Manager
Adolfo Ruiz, In-House Counsel
Bexar Metropolitan Water District

**SOAH SERVICE LIST
FOR
SOAH Docket Number 582-03-3725
TCEQ Docket No. 2003-0664-UCR.**

Todd Galiga, Esq.
Texas Commission on Environmental
Quality
Fax: 512/239-3434 or 0606

Blas Coy, Jr., Esq.
Office of the Public Interest Counsel
Texas Commission on Environmental
Quality
Fax: 512/239-6377

David L. Earl
Law Offices of Earl & Brown
Fax: 210-222-9100

Janessa Glenn, Esq.
Fax: 512/404-3520
*For BSR Water Company
(Sneckner Partners, Ltd.)*

Seagal V. Wheatley, Esq.
Jenkins & Gilchrist
Fax: 246-5999

Jim Mathews, Esq.
Mathews & Freeland, LLP
Fax: 512/703-2785

Ronald J. Freeman
Freeman & Corbett, LLP
Fax: 512-453-0865

With Courtesy Copies to:

State Office of Administrative Hearings
- ATTN: Docket Clerk
P.O. Box 13025
Austin, Texas 78711
(via first class mail)

LaDonna Castañuela, Esq. (MC-105)
Chief Clerk
Texas Commission on Environmental
Quality
P.O. Box 13087
Austin, Texas 78711-3087
(via fax: 512-239-3311)

THIS FAX TRANSMISSION IS CONFIDENTIAL. IF YOU HAVE RECEIVED THIS TRANSMISSION IN ERROR, OR IF YOU HAVE ANY PROBLEMS RECEIVING THIS TRANSMISSION, PLEASE CALL (210) 225-5454. THANK YOU.

De Mazieres Building, 322 Martinez Street, San Antonio, Texas 78205
Phone (210) 225-5454 ♦ Fax (210) 225-5450 ♦ E-Mail: firm@ltrlaw.com ♦ Website: www.ltrlaw.com

**Frank Madla**Texas State Senate
District 191319 S.E. Military Dr., Suite 101
San Antonio, Texas 78214-2850
(512) 837-0404
FAX (512) 923-6521P.O. Box 12065
Austin, Texas 78711
(512) 463-0118
FAX (512) 464-1017
Dial 711 For Relay Calls

March 25, 2004

Ms. Margaret Hoffman
Executive Director
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

Dear Ms. Hoffman:

At the request of Bexar Metropolitan Water District (BexarMet), I introduced and passed Senate Bill 1494 relating to the powers of BexarMet, during the 78th Legislative Session. My intent, among other things (see enclosure), was to repeal antiquated expansion provisions in BexarMet's enabling act that were inconsistent with the Federal Court's decision in the 1996 court case, *Rios v. BexarMet, et al*, and to remove BexarMet's ability to regulate groundwater.

It is my understanding that some confusion has arisen in a pending certification-related application, specifically TCEQ CCN Amendment Application #34354-C, concerning the effect of this bill on BexarMet's ability to expand in the future. I understand the pending application has been deemed administratively complete and was uncontested. Finally, it is also my understanding the application is for land located within Bexar County.

Based on the above, please accept this letter to clarify that it was not my intent to restrict or abridge certain powers of BexarMet existing in BexarMet's enabling statute or general law, especially the power to expand or acquire additional certificates of convenience and necessity.

Should you need additional information regarding the legislative intent of SB 1494, please do not hesitate to contact me.

Yours truly,

Frank Madla

FM/ja

enclosure

cc: Ms. Stephanie Bergeron, Environmental Law Division
Mr. Robert Martinez, Environmental Law Division

State Affairs
Infrastructure Development & Security

COMMITTEES
Intergovernmental Relations, Chairman

Veterans Affairs & Military Installations
Subcommittee on Base Realignment & Closure



STATEMENT OF LEGISLATIVE INTENT**SB 1494****by Frank Madla**

It is the intent of the Committee Substitute for Senate Bill 1494 to clarify the powers and duties within, and only within, the boundaries of the Bexar Metropolitan Water District.

Nothing contained in the Committee Substitute for Senate Bill 1494 shall be interpreted to diminish, or in any other manner affect, the Springhills Water Management District or the Bandera County River Authority, nor restrict, modify, or affect in any manner or to any extent the authority, powers and functions of the Springhills Water Management District or Bandera County River Authority nor amend any law or statute relating thereto.

**Frank Madla**Texas State Senate
District 191313 S.E. Military Dr., Suite 101
San Antonio, Texas 78214-2860
(210) 927-9484
FAX (210) 922-9621
P.O. Box 13068
Austin, Texas 78711
(512) 483-0119
FAX (512) 483-1017
Dial 711 For Relay Calls

April 1, 2004

Ms. Margaret Hoffman
Executive Director
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

Re: Senate Bill 1494

Dear Ms. Hoffman:

Please accept this letter as one to address issues raised by your staff concerning Senate Bill 1494 and its effect on Bexar Metropolitan Water District's (BexarMet) ability to secure additional certificated areas within and outside of Bexar County. As expressed in my letter of March 26, 2004 (attached), SB 1494 was enacted to remove antiquated annexation provisions from BexarMet's enabling act in recognition of the *Rios v. BexarMet* federal voting rights decision, and to remove BexarMet's groundwater management responsibilities.

Further, as I stated in my letter of March 26, it was not my intent that SB 1494 restrict or abridge any of BexarMet's powers granted by its enabling statute or general law, other than those named above. I specifically did not intend SB 1494 to limit BexarMet's power to expand or acquire additional certificates of convenience and necessity (CCN). The committee substitute presented to the Senate Natural Resources Committee, along with my brief statement of legislative intent, was adopted without objection.

This letter is provided to further emphasize that my sponsorship of SB 1494 was directed, as stated above, to removing antiquated provisions of BexarMet's 1945 act and to conform it to the *Rios v. BexarMet* decision. It was in no way intended to diminish the TCEQ's jurisdiction to grant BexarMet CCNs in connection with any such application duly processed by the Commission, whether the certificated area sought is within or outside of Bexar County. In other words, if the Commission finds BexarMet's application is qualified, SB 1494 should not be an obstacle to its approval.

I would appreciate your assistance in resolving this issue as soon as possible. Should you have any questions, or wish to discuss this further, please do not hesitate to contact me.

Yours truly,


Frank Madla

FM/ja

State Affairs
Infrastructure Development & SecurityCOMMITTEES
Intergovernmental Relations, ChairmanVeterans Affairs & Military Installations
Subcommittee on Base Realignment & Closure

enclosure

cc: Ms. Carolyn Brittin, Office of the Executive Director