



Control Number: 43572



Item Number: 17

Addendum StartPage: 0

43572
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September 2, 2005

Via Fax: (512) 475-4995

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

Re: In Re: Application of Bexar Metropolitan Water District to Amend Water CCN
No. 10675 in Bexar County, TCEQ Docket No. 2003-0664-UCR, SOAH Docket
No. 582-03-3725

Dear Judge Church:

Robert Wilson's September 2, 2005 letter proffers to you two letters to apprise you of Senator Frank Madla's position on S.B. 1494, which amended Bexar Metropolitan Water District's enabling legislation. San Antonio Water System (SAWS) objects to consideration of these letters. First, they are not offered as evidence in this matter. Secondly, after-the-fact statements by individual legislators are not legislative history. *Brown v. De La Cruz*, 156 S.W.3d 560 (Tex. 2004). Finally, although interpretation of S.B. 1494 will become an issue if SAWS is admitted as a party in this case, the limited issue concerning S.B. 1494 that is before you at this time is whether the passage of that legislation affecting BexarMet's jurisdiction after parties were admitted into this case contributes to good cause or extenuating circumstances to support SAWS' request for admission as a party.

BexarMet's vigor in resisting SAWS admission as a party and asserting that existing parties will pursue this jurisdictional issue is belied by the fact that no such party, including the Executive Director, has previously brought this issue to this tribunal's attention.

Sincerely,


Jim Mathews

cc: Service List
Steve Kosub