

Control Number: 43572



Item Number: 25

Addendum StartPage: 0

43572 CC

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September 13, 2005

Via Facsimile & U.S. Mail

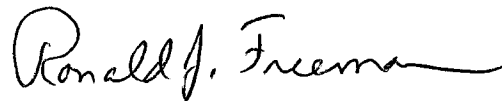
Ms. LaDonna Castañuela, Chief Clerk
Office of the Chief Clerk
Texas Commission on Environmental Quality
P.O. Box 13087, Mail Code 105
Austin, Texas 78711-3087

RE: Application of Bexar Metropolitan Water District to Amend Water CCN No. 10625 in Bexar
County, TCEQ Docket No. 2003-0664-UCR, SOAH Docket No. 582-03-3725

Dear Ms. Castañuela:

Enclosed for filing in the above referenced cause please find the Bitterblue, Inc., et al's Supplement to Motion to Intervene and For Dismissal by Summary Disposition. Because this motion is being served on you by fax, the original will be forwarded to you by mail as required by TCEQ's rules.

Very truly yours,



Ronald J. Freeman

RJF/gmm

CC: Gene Powell
Service List

Ronald J. Freeman
rfreeman@freemanandcorbett.com

Anthony S. Corbett
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SEP 14 AM 12:09
PUBLIC UTILITY COMMISSION
FILING CLERK

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

**IN RE: APPLICATION OF
BEXAR METROPOLITAN
WATER DISTRICT TO AMEND
WATER CCN NO 10675
IN BEXAR COUNTY**

§
§
§
§
§

**BEFORE THE

STATE OFFICE OF

ADMINISTRATIVE HEARINGS**

Supplement to Motion to Intervene and For Dismissal by Summary Disposition

Comes now, Bitterblue, Inc. ("Bitterblue") acting on behalf of itself and on behalf of the entities listed on **Exhibit A** hereto (the "Limited Partnerships") (collectively, Bitterblue, Inc., and the Limited Partnerships are hereafter referred to collectively as the "Movants") and files this its Motion to Intervene and for Dismissal by Summary Disposition in the referenced Docket involving an application (the "Application") for a certificate of convenience and necessity filed by Bexar Metropolitan Water District ("BMWD"), and would respectfully show as follows:

I.

Bitterblue, Inc. ("Bitterblue") heretofore filed its Motion to Intervene and For Dismissal by Summary Disposition (the "Motion") in the above-referenced cause. The Motion seeks to have Bitterblue, acting on behalf of itself and on behalf of the partnerships and landowners Bitterblue acts on behalf of, admitted as parties in the referenced Docket. Counsel for Bexar Metropolitan Water District has asked Bitterblue to specify more accurately the landowners on whose Bitterblue acts. Accordingly, Bitterly sent the letter attached as Exhibit A hereto to BMWD's attorney specifying those landowners. The purpose of this supplement to the Motion is to further clarify that Bitterblue seeks to intervene on behalf of itself and said landowners.

Wherefore, premises considered, Movants again respectfully request that they be admitted as parties to this case, and that after due consideration of this Motion in accordance with the TCEQ's rules, BMWD's application be dismissed, or, in the alternative, that BMWD be instructed to amend the Application to exclude the Properties from its Proposed Service Area.

Respectfully submitted,

Freeman & Corbett, L.L.P.
Attorneys for Movants



Ronald J. Freeman

By: Ronald J. Freeman
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CERTIFICATE OF SERVICE

I hereby certify that on this the 13th day of September, 2005, a true and correct copy of Movants' Supplement to Motion to Intervene and for Dismissal by Summary Disposition was served on the parties of record by facsimile transmission and First Class Mail.

STATE OFFICE OF ADMINISTRATIVE
HEARINGS

Cassandra J. Church
Presiding Administrative Law Judge
State Office of Administrative Hearings
P.O. Box 13025
Austin, TX 78711-3025
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TEXAS COMMISSION ON
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WATER SERVICES, INC.

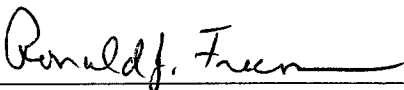
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SAN ANTONIO WATER SYSTEM

Jim Mathews
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Ronald J. Freeman

September 8, 2005

Mr. Robert L. Wilson, III
Attorneys and Counselors at Law
Law Offices of Louis T. Rosenberg, P.C.
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322 Martinez Street
San Antonio, Texas 78205

Re: State Office of Administrative Hearings Docket No. 582-03-3275
Texas Commission on Environmental Quality Docket No. 2003-0664-
UCR
***In Re: The Application of Bexar Metropolitan Water District to Amend
Water CCN No. 10675 in Bexar County***

Dear Trey:

My understanding of the relationship of Bitterblue, Inc., and the landowners of the properties on whose behalf Bitterblue, Inc., seeks to intervene is as follows:

1. Friesenhahn Tract 1 is owned by Longover Partnership. Bitterblue, Inc., has authority from Longover Partnership to intervene in this docket on its behalf as the development entity for the property.
2. Friesenhahn Tract 2 is owned by Anton B. Friesenhahn and Marjorie A. Friesenhahn. Bitterblue, Inc., has authority from the Friesenhahns to intervene on their behalf in this docket as the development entity for the property. Longover Partnership has a right of first refusal to purchase that property by 10/31/09 and Longover Partnership has also authorized Bitterblue, Inc., to intervene in this docket on its behalf as the development entity for the property.
3. Bass Residential and Commercial Tracts are both owned by Bass Properties, L. P. A management agreement between Bass Properties, L. P., and Bitterblue, Inc., to have Bitterblue, Inc., manage that property is being negotiated but has not been signed yet. However, Bitterblue has been authorized to represent Bass Properties, L. P., and intervene in the BMWWD CCN hearing on behalf of Bass Properties, L. P., as the development for the property.
4. Kinder Tract is owned by The Kinder Partnership, Ltd., whose general partner is Kinder Management, Inc., but a management agreement has been entered into between The Kinder Partnership, Ltd., and Bitterblue, Inc., whereby

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EXHIBIT A

Bitterblue, Inc., manages the property and will develop it. The management agreement authorizes Bitterblue, Inc., to take actions such as the intervention in this Docket.

Very truly yours,

A handwritten signature in cursive script that reads "Ron Freeman". The signature is written in black ink and is positioned above the printed name.

Ronald J. Freeman

cc. Gene Powell
Jamie Wilson

Ronald J. Freeman
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rffreeman@freemanandcorbett.com
tcorbett@freemanandcorbett.com