

Control Number: 43572



Item Number: 43

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

43572

FREEMAN & CORBETT, LLP

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April 19, 2006

PUBLIC UTILITY COMMISSION
FILING CLERK*Via Facsimile & U.S. Mail*

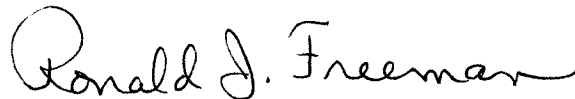
Ms. Cassandra J. Church
Presiding Administrative Law Judge
State Office of Administrative Hearings
P.O. Box 13025
Austin, Texas 78711-3025

Re: 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

Dear Ms. Church:

Pursuant to your Order of Abatement in this case, Bitterblue is filing this additional status report. Attached is a copy of the letter from Judge Steel in the pending Comal County case involving Bexar Met and GBRA. Judge Steel's letter indicates that he has granted GBRA's motion for summary judgment in that case holding that Bexar Met has no authority to provide retail water service outside its boundaries. It is our understanding that it is primarily on this basis of this pending litigation involving a threshold issue in the CCN case that you abated the Bexar Met CCN case before you. Because Judge Steel's holding was the basis of Bitterblue's Motion for Summary Disposition in the referenced docket pending before you, Bitterblue respectfully requests that its motion for summary disposition be granted and that Bexar Met's application be dismissed as to any areas outside of its boundaries. This would include all of the areas which Bitterblue owns or controls as stated in its petition for intervention which you earlier granted.

Very truly yours,



Ronald J. Freeman

CC: All Parties of Record per Attached Certificate of Service

Ronald J. Freeman
rfreeman@freemanandcorbett.com

Anthony S. Corbett
tcorbett@freemanandcorbett.com

43

CERTIFICATE OF SERVICE

I hereby certify that on this the 19th day of April, 2006, a true and correct copy of the foregoing letter was served on the parties of record by facsimile transmission and First Class Mail.

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

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BEXAR METROPOLITAN WATER
DISTRICT

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WATER SERVICES, INC.

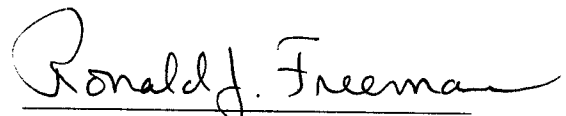
Mark H. Zeppa
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CITY OF BULVERDE

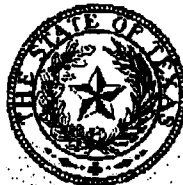
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SAN ANTONIO WATER SYSTEM

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Ronald J. Freeman

274TH JUDICIAL DISTRICT

COUNTIES OF:
GUADALUPE
COMAL
HAYSRICK ROBERTS
OFFICIAL COURT REPORTERKATHY PAPE
COURT COORDINATORGARY L. STEEL
DISTRICT JUDGE

April 18, 2006

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RE: City of Bulverde, Texas, et al
vs.
Bexar Metropolitan Water District
Cause #C2003-1201A, Comal County, Texas

Dear Counsel,

Defendant, Bexar Metropolitan Water District's, claims of mootness and its plea to the jurisdiction of this Court are denied. Further, Plaintiffs, City of Bulverde and Guadalupe Blanco River Authority's Motion for Summary Judgment is granted in all parts insofar as Bexar Metropolitan Water District cannot provide services outside of its District, its District is limited to its statutory boundaries as defined by Senate Bill 1494 and it does not have the authority to annex and therefore expand the boundaries of its District.

Bexar Metropolitan Water District's Motion for Summary Judgment is denied and all relief not specifically granted herein is denied.

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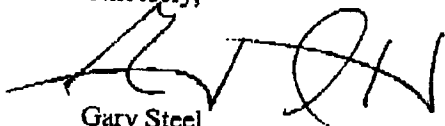
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GUAD DIST COURT

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Plaintiff's counsel shall prepare the Order as a final Judgment, forward it to Defendant's counsel for approval as to form and then forward same to the Court for signature.

Sincerely,

A handwritten signature in black ink, appearing to read 'G. Steel', written over a horizontal line.

Gary Steel
274th District Judge

GS:kp

cc: Court file