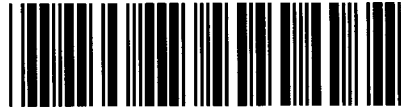




Control Number: 43572



Item Number: 56

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

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43572

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PUBLIC UTILITY COMMISSION
FILING CLERK**FACSIMILE TRANSMISSION**

TO: Cassandra Church

FROM: Ronald J. Freeman *RF*

DATE: March 13, 2006

TIME: 8:50am

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

MESSAGE

Copy of status update by Bitterblue is attached. We understand the motion for summary judgment in the Comal County court case between Bexxar Met and GBRA is set for hearing at 9 a.m. on April 10, 2006.

NUMBER OF PAGES INCLUDING THIS COVER SHEET: 5

Problems in transmission? Please contact J. J. Smith at 512/451-6689

RECIPIENT FAX NUMBER: 936-0730**CLIENT:** Bitterblue

cc: all parties of record just as original certificate of service.

alg
COPY*54*

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January 16, 2006

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, it is Bitterblue's understanding that the parties were directed to report on the status of this case by January 15. Please consider this as Bitterblue's report.

Bitterblue has consulted with attorneys representing the City of Bulverde and Guadalupe-Blanco River Authority in connection with the status of the pending litigation between those two entities and Bexar Metropolitan Water District ("Bexar Met") in Comal County District Court and in which proceeding the issue concerning the authority of Bexar Met to provide retail water service outside its boundaries is at issue. It is our understanding in discussing this matter with those attorneys that the Texas Supreme Court's order denying Bexar Met's interlocutory appeal of the jurisdiction of the Comal County District Court has now been finalized and the case has been sent back to the District Court by the Supreme Court. Therefore, jurisdiction presently lies in the District Court of Comal County. It is our further understanding that GBRA and the City of Bulverde have set a hearing on their Joint Motion for Summary Judgment for April 11 or 12, 2006. Of course, one of the bases for the summary judgment motion is related to the issue of Bexar Met's lack of statutory 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.

I e-mailed a draft of this letter to Bexar Met's counsel, Robert Wilson, asking whether his client would agree to a ninety (90) day extension of this proceeding to allow for a decision to be made on the Comal County case motion for summary judgment. He indicated his client would not agree to any continued abatement of this proceeding. Accordingly, Bitterblue would hereby request that the Bexar Met pending CCN application be continued for an additional period of at least ninety

Ronald J. Freeman
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January 10, 2006
Page 2

(90) days to allow the pending motion for summary judgment in the Comal County Court Case to be decided.

Very truly yours,



Ronald J. Freeman

RJF/gmm

CC: All Parties of Record per Attached Certificate of Service

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CERTIFICATE OF SERVICE

I hereby certify that on this the 16th day of January 2006, a true and correct copy of the foregoing letter was served on the parties of record by facsimile transmission and First Class Mail.

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ENVIRONMENTAL QUALITY

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