



Control Number: 43572



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House Bill (HB) 1600 and Senate Bill (SB) 567 83<sup>rd</sup>  
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

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

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ORDER NO. 21  
SETTING RESPONSE DATES

On May 12, 2006, Bitterblue, Inc. (Bitterblue) filed a Supplement to Motion to Dismiss by Summary Disposition. On May 24, 2006, Bexar Metropolitan Water District (Bexar Met) responded, opposing the motion. Additional oral argument was heard on May 30, 2006.

On June 11, 2006, Bexar Met filed a factual stipulation from a pending District Court case<sup>1</sup> regarding dates surrounding the referral of the pending Application to State Office of Administrative Hearings (SOAH) and requested that this stipulation be entered into the summary disposition record in this case. On June 12, 2006, Bitterblue opposed inclusion of the factual stipulation on the grounds that it was untimely and also contended that the referral date occurred after the effective date of the governing legislation.<sup>2</sup>

As the date of the referral of this case to SOAH for contested case hearing is a material fact to consideration of Bitterblue's motion, all parties should have an opportunity to respond. The

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<sup>1</sup> *City of San Antonio, acting by and through the San Antonio Water System, v. Kathleen Harnett White, et al.*, Cause No. D-1-GV-000053, Travis County Dist. Court, 200<sup>th</sup> Judicial District.

<sup>2</sup> Act of June 18, 2003, 78<sup>th</sup> Leg., R. S., Ch. 375, 2003 Gen. Laws 1593 ("SB 1494" or the Act). In pertinent part, it states as follows in regard to the effective date:

SECTION 5. ... (c) The repeal of Sections 6, 6a, and 20, Chapter 306, Acts of the 49<sup>th</sup> Legislature, Regular Session, 1945 (Article 8280-126, Vernon's Texas Civil Statutes), does not affect a pending application for a certificate of convenience and necessity that has been referred by the Texas Commission on Environmental Quality to the State Office of Administrative Hearings before the effective date of this Act. An application referred before the effective date of this Act is governed by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

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following abbreviated response calendar<sup>3</sup> is hereby set:

Date/Deadline	Activity/Filing
June 16, 2006	Bexar Met files clarification of which date in the referral process it considers the date of referral for purposes of applying SB 1494, if it believes it to be a date other than the date of filing the "Request to Docket Case" form, per 1 TEX. ADMIN. CODE §§ 155.7 and 155.9. Bexar Met should supply authority or argument in support of its position.
June 23, 2006	Responses to Bexar Met's request for inclusion of the stipulations in the record and to its argument in favor of the referral date it contends is definitive.

SIGNED June 14, 2006.



CASSANDRA J. CHURCH  
ADMINISTRATIVE LAW JUDGE  
STATE OFFICE OF ADMINISTRATIVE HEARINGS

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<sup>3</sup> The parties are advised that the presiding ALJ will be on annual leave from June 15-23, 2006, and will review the filings of parties on this issue promptly upon her return.

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**AGENCY: TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
(TCEQ)**

**STYLE/CASE: IN THE APPLICATION OF BEXAR METROPOLITAN WATER  
DISTRICT TO AMEND WATER CCN NO. 10675 IN BEXAR  
COUNTY**

**SOAH DOCKET NUMBER: 582-03-3725**

**TCEQ DOCKET NUMBER: 2003-0664-UCR**

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**ADMINISTRATIVE COURT**

**STATE OFFICE OF ADMINISTRATIVE  
HEARINGS**

**CASSANDRA J. CHURCH  
PRESIDING ADMINISTRATIVE LAW JUDGE**

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

REGARDING: ORDER NO. 21 - SETTING RESPONSE DATES

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