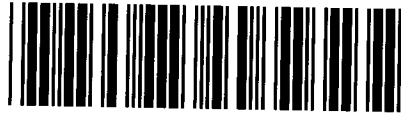




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Addendum StartPage: 0

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

43572

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July 19, 2006

Docket Clerk  
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*Via Courier*

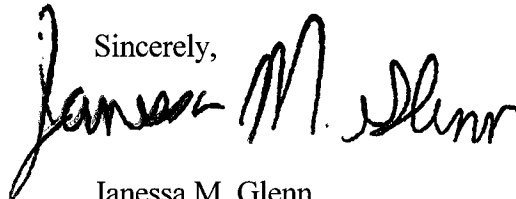
Re: State Office of Administrative Hearing Docket No. 582-03-~~3275~~, <sup>3725</sup>  
TCEQ Docket No. 2003-0664-UCR In Re: *The Application of Bexar  
Metropolitan Water District to Amend Water CCN No. 10675 in Bexar Met*

Dear Clerk:

Enclosed for filing is the original and two copies of BSR's Motion in Support of Bitterblue's Motion to Revise and Clarify Order No. 22, and for the Dismissal of Bexar Met's Application. Please file-stamp the extra copy and return it to us with the courier.

Thank you for your assistance in this matter. If there are any questions or problems, please feel free to contact my secretary, Ly Nguyen, at 512-499-3879.

Sincerely,



Janessa M. Glenn

JMG:ltm

Enclosures

cc (w/encl.): Parties of Record (*Via Facsimile & First Class Mail*)

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

<b>IN RE: APPLICATION OF</b>	<b>§</b>	<b>BEFORE THE</b>
<b>BEXAR METROPOLITAN</b>	<b>§</b>	
<b>WATER DISTRICT TO AMEND</b>	<b>§</b>	<b>STATE OFFICE OF</b>
<b>WATER CCN NO 10675</b>	<b>§</b>	
<b>IN BEXAR COUNTY</b>	<b>§</b>	<b>ADMINISTRATIVE HEARINGS</b>

**BSR'S MOTION IN SUPPORT OF BITTERBLUE'S MOTION TO  
REVISE AND CLARIFY ORDER NO. 22,  
AND FOR THE DISMISSAL OF BEXAR MET'S APPLICATION**

---

COMES NOW, BSR Water Company ("BSR") and files this Motion in Support of Bitterblue's Motion to Revise and Clarify Order No. 22, and for the Dismissal of Bexar Met's Application, and would respectfully show as follows:

**I. BACKGROUND**

On or about July 13, 2006, Bitterblue, Inc. ("Bitterblue") filed its "Motion to Revise and Clarify Order No. 22 Ruling on Motion for Dismissal by Summary Disposition." In that Motion, Bitterblue argued that Bexar Met's entire Application at issue in this matter should have been dismissed in Order No. 22, rather than just that portion related to the "Kinder Tract." Bitterblue's argument espouses the logical conclusion of the holding in Order No. 22 regarding the date of referral of this matter to SOAH, combined with the recognition of a decision by Judge Steel of the Comal County Court that Bexar Met cannot serve any area outside its current CCN boundaries.

## **II. ADOPTION OF BITTERBLUE'S MOTION**

BSR fully agrees with the position taken by Bitterblue in its Motion to Revise and Clarify Order No. 22, and adopts that argument by reference as if fully set out herein. In Order No. 22, this tribunal recognized the ruling of Judge Gary Steel of the 274<sup>th</sup> District Court ruled in Comal County that Bexar Met cannot provide water service outside its statutory boundaries, and further that it has no authority to annex or incorporate additional area into its statutory boundaries. Based on this conclusion, Bexar Met cannot serve any of the tracts that are the subject of its Application. BSR respectfully asserts that Order No. 22 should not have been limited to the "Kinder tract."

## **III. Request for Summary Disposition**

Accordingly, BSR adopts and re-urges the request by Bitterblue (made both in its motion for summary disposition filed on September 13, 2005, as supplemented on May 12, 2006, and in its June 13, 2006, Motion to Revise and Clarify Order No. 22) that the entire Bexar Met Application that is the subject of this proceeding be dismissed. There is no need for an evidentiary hearing in this matter because BexarMet lacks the statutory authority to provide water service in the requested area.

## **IV. Prayer**

BSR requests that that Bexar Met's Application be dismissed in its entirety and for such other relief to which BSR may be entitled.

Respectfully submitted,

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(210) 246-5999 (Facsimile)

By: 

SEAGAL V. WHEATLEY

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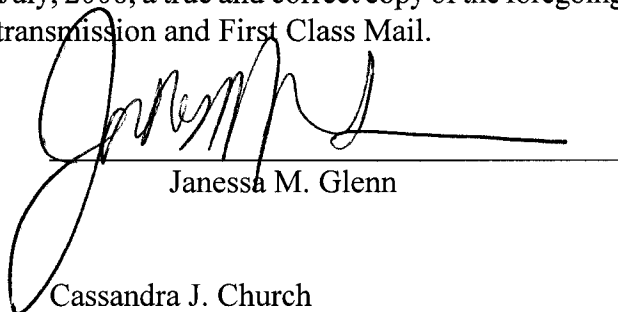
JANESSA M. GLENN

State Bar No. 50511631

**ATTORNEYS FOR BSR Water Company**

**CERTIFICATE OF SERVICE**

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



Janessa M. Glenn

STATE OFFICE OF ADMINISTRATIVE  
HEARINGS

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