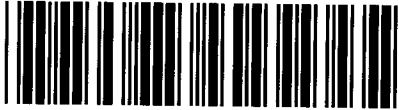


Control Number: 43572



Item Number: 81

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

# Jenkins & Gilchrist

A PROFESSIONAL CORPORATION

401 CONGRESS AVENUE  
SUITE 2500  
AUSTIN, TX 78701-3799

(512) 499-3800  
FACSIMILE (512) 499-3810

www.jenkins.com

Janessa M. Glenn  
(512) 499-3858  
jglenn@jenkins.com

RECEIVED

CHICAGO, ILLINOIS  
2014 NOV 13 AM 11:00  
(312) 25-3400

DALLAS, TEXAS  
(214) 855-4500  
PUBLIC UTILITIES COMMISSION

HOUSTON, TEXAS  
(713) 951-3300

LOS ANGELES, CALIFORNIA  
(310) 820-8800

PASADENA, CALIFORNIA  
(626) 578-7400

SAN ANTONIO, TEXAS  
(210) 246-5000

WASHINGTON, D.C.  
(202) 326-1500

July 27, 2006

Docket Clerk  
State Office of Administrative Hearings  
300 W. 15<sup>th</sup> Street, Suite 502  
Austin, Texas 78701

*Via Courier*

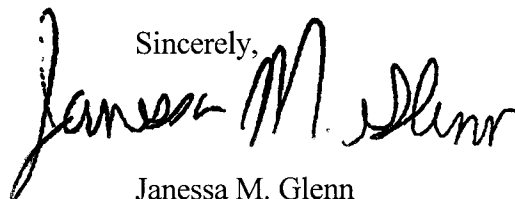
Re: State Office of Administrative Hearing Docket No. 582-03-3275;  
TCEQ Docket No. 2003-0664-UCR *In Re: The Application of Bexar  
Metropolitan Water District to Amend Water CCN No. 10675 in Bexar Met*

Dear Clerk:

Enclosed for filing is the original and two copies of BSR's Motion Re-Urging Summary Disposition and Supporting San Antonio Water System's Second Motion to Intervene and Adoption of Bitterblue's Motion For Summary Disposition. 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 BEXAR METROPOLITAN WATER DISTRICT TO AMEND WATER CCN NO 10675 IN BEXAR COUNTY</b>	<b>§ § § § §</b>	<b>BEFORE THE  STATE OFFICE OF  ADMINISTRATIVE HEARINGS</b>
--	----------------------------------	---

**BSR'S MOTION RE-URGING SUMMARY DISPOSITION AND  
SUPPORTING SAN ANTONIO WATER SYSTEM'S  
SECOND MOTION TO INTERVENE AND ADOPTION OF  
BITTERBLUE'S MOTION FOR SUMMARY DISPOSITION**

---

COMES NOW, BSR Water Company ("BSR") and files this Motion Re-urging Summary Disposition and Supporting San Antonio Water System's ("SAWS") "Second Motion to Intervene and Adoption of Bitterblue's Motion for Summary Disposition," 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." On or about July 17, 2006, SAWS filed its "Second Motion to Intervene and Adoption of Bitterblue's Motion for Summary Disposition." On July 19, 2006, BSR filed its "Motion in Support of Bitterblue's Motion to Revise and Clarify Order No. 22," wherein BSR sought dismissal of Bexar Met's entire Application.

As evidenced by these filings, it appears that Bitterblue, BSR and SAWS all agree that Bexar Met's entire Application at issue in this matter should be dismissed because Bexar Met lacks the statutory authority to service the requested area. Both Bitterblue and BSR have specifically sought summary disposition dismissing Bexar Met's Application, and SAWS seeks that same relief in the event its request for intervention is granted and it becomes a party in this proceeding.

## **II. MOTION FOR SUMMARY DISPOSITION AND SUPPORT OF SAWS' MOTION TO INTERVENE**

BSR re-urges its request for summary disposition dismissing Bexar Met's entire Application based on lack of statutory authority, as requested in BSR's July 19, 2006 filing.

Additionally, BSR believes that SAWS has properly shown good cause and extenuating circumstances with respect to its request for intervention, and further has shown that the hearing progress will not be unreasonably delayed by naming SAWS a party at this time. This is particularly true given that there is no need for an evidentiary hearing in this matter at all because Bexar Met lacks the requisite authority to provide water service in the requested area. BSR supports the Motion to Intervene filed by SAWS.

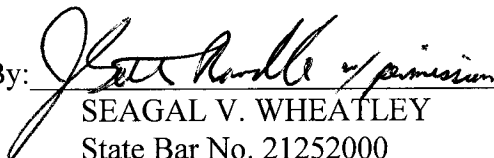
## **IV. Prayer**

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,


**JENKENS & GILCHRIST**

A Professional Corporation  
Weston Centre, Suite 900  
112 East Pecan Street  
San Antonio, Texas 78205  
(210) 246-5000 (Telephone)  
(210) 246-5999 (Facsimile)

By:  *with permission* SBN 24037332  
SEAGAL V. WHEATLEY  
State Bar No. 21252000

**JENKENS & GILCHRIST,**

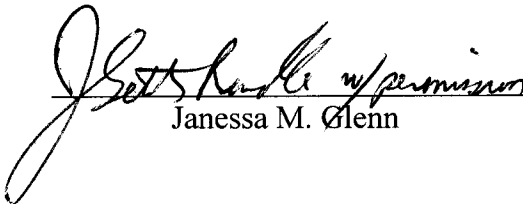
A Professional Corporation  
401 Congress Avenue, Suite 2500  
Austin, Texas 78701  
Telephone: (512) 499-3800  
Telecopy: (512) 499-3810

By:  *with permission* SBN 24037332  
JANESSA M. GLENN  
State Bar No. 50511631

**ATTORNEYS FOR BSR Water Company**

**CERTIFICATE OF SERVICE**

I hereby certify that on this the 27<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

Cassandra J. Church  
Presiding Administrative Law Judge  
State Office of Administrative Hearings  
P.O. Box 13025  
Austin, TX 78711-3025  
Fax: (512) 936-0730

TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

Docket Clerk  
Office of the Chief Clerk  
Texas Commission on Environmental  
Quality  
MC-105  
P.O. Box 13087  
Austin, Texas 78711-3087  
Tel: (512) 239-3300  
Fax: (512) 239-3311

TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

Todd Burkey & Todd Galiga  
Attorney  
Texas Commission on Environmental Quality  
MC-175  
P.O. Box 13087  
Austin, TX 78711-3087  
Fax: (512) 239-3434

OFFICE OF PUBLIC INTEREST COUNSEL  
OF THE TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

Blas Coy, Jr.  
Office of the Public Interest Council  
Texas Commission on Environmental Quality  
MC-103  
P.O. Box 13087  
Austin, TX 78711-3087  
Fax: (512) 239-6377

BEXAR METROPOLITAN WATER  
DISTRICT & WATER SERVICES INC.

Robert Wilson III  
115 E. Travis, Ste. 1230  
San Antonio, TX 78205  
Fax: (210) 223-4200

Adolfo Ruiz  
Bexar Metropolitan Water District  
2047 W. Malone  
San Antonio, TX 78225  
Fax: (210) 922-5152

BITTERBLUE INC.

Ronald J. Freeman  
Freeman & Corbett, LLP  
8500 Bluffstone Cove, Ste. B-104  
Austin, TX 78759  
Fax: (512) 453-0865

CITY OF BULVERDE

Bruce Wasinger  
Attorney  
Bickerstaff, Heath, Smiley, Pollen, Kever &  
McDaniel, LLP.  
816 Congress Avenue, Suite 1700  
Austin, TX 78701-2443  
(512) 320-5638

SAN ANTONIO WATER SYSTEM

Jim Mathews  
Mathews & Freeland, L.L.P.  
P.O. Box 1568  
Austin, TX 78767  
Tele: (512) 404-7800  
Fax: (512) 703-2785