

Control Number: 43572



Item Number: 89

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

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August 7, 2006

Docket Clerk
State Office of Administrative Hearings
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Austin, Texas 78701

Via Courier

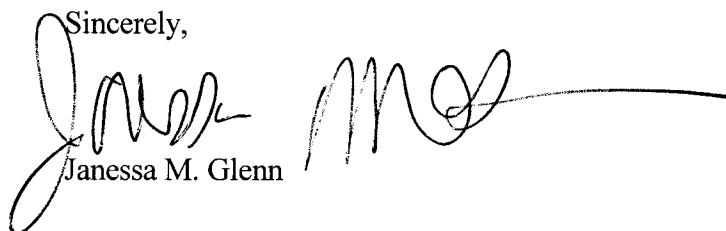
Re: State Office of Administrative Hearing Docket No. 582-03-³⁷²⁵~~3275~~;
TCEQ Docket No. 2003-0664-UCR *In Re: The Application of Bexar
Metropolitan Water District to Amend Water CCN No. 10675 in Bexar Met*

Dear Clerk:

Enclosed for filing is the original and two copies of BSR's Supplemental Response to Applicant's Motion to Dismiss BSR Water Co. and Bitterblue, Inc. as Parties. 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*)

89

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

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

**BSR'S SUPPLEMENTAL RESPONSE TO APPLICANT'S MOTION TO DISMISS
BSR WATER CO. AND BITTERBLUE, INC. AS PARTIES**

COMES NOW, BSR Water Company ("BSR") and files this Supplemental Response to Applicant's Motion to Dismiss BSR Water Co. and Bitterblue, Inc. as Parties, and would respectfully show as follows:

I. SUPPLEMENTAL RESPONSE

On or about July 27, 2006, Applicant Bexar Metropolitan Water District ("Bexar Met") filed its Motion to Dismiss BSR Water Co. and Bitterblue, Inc. as Parties. Bexar Met alleges that BSR no longer maintains a justiciable interest with respect to Bexar Met's Application.

On August 1, 2006, BSR filed its Response to Bexar Met's Motion to Dismiss, setting forth the numerous reasons why Bexar Met's request for dismissal is unsupportable, and why BSR must remain a party in this matter. Those arguments are not repeated here, but are fully adopted by reference. By letter dated August 4, 2006, Bexar Met seeks a "prompt ruling" on its Motion to Dismiss. Again, Bexar Met's request must be denied.

Bexar Met claims that BSR is no longer an "affected party" concerning Bexar Met's Application based on an agreement between BSR and SAWS, whereby those two entities have filed

with the Texas Commission on Environmental Quality ("TCEQ") an Intent to Sell Facilities and Transfer BSR's current CCN # 12842 to SAWS. This transfer is the sole basis for Bexar Met's erroneous argument that BSR no longer has a justicible interest in this matter. As BSR noted in its original Response, that transfer has not yet been approved by the TCEQ. SAWS and BSR remain hopeful that the transfer will be approved in the near future, but it very well could be many months before the final approval is given. Bexar Met's request for a dismissal of BSR from this proceeding is unquestionably premature and, in any event, will substantively lack merit even once the transfer of CCN #12842 is final.

In its August 4, 2006 letter, Bexar Met claims that BSR and Bitterblue are seeking a prompt ruling on their respective Motions for Summary Disposition against Bexar Met in an effort to avoid first being dismissed from this case for lack of a justicible interest. The flaw in that argument is there is absolutely no merit to Bexar Met's request to dismiss BSR or Bitterblue. Ironically, Bexar Met's pleading is a thinly veiled effort to silence the protestants in this case in hopes that it will be allowed to service an area for which it lacks statutory authority to service in the first instance.

II. Prayer

BSR requests that that Bexar Met's Motion to Dismiss BSR as a party be denied in its entirety and for such other relief to which BSR may be entitled.

Respectfully submitted,

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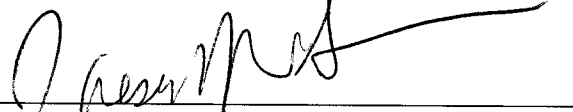
JANESSA M. GLENN

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ATTORNEYS FOR BSR Water Company

CERTIFICATE OF SERVICE

I hereby certify that on this the 7th day of August, 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

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