

Control Number: 43572



Item Number: 99

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

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

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PUBLIC UTILITY COMMISSION
OFFICE CLERK

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

ORDER NO. 26
ABATING ALL FURTHER PROCEEDINGS,
RULING ON REQUESTS FOR CHANGES IN PARTY STATUS,
AND SUBMISSION OF RECORDS UNDER SEAL

On September 8, 2006, the Executive Director (ED) of Texas Commission on Environmental Quality (TCEQ) filed a motion to dismiss the pending application on the basis that Bexar Metropolitan Water District (Bexar) lacks legal capacity to serve the service territory sought in this application.¹ On September 20, 2006, Bexar filed its motion to Dismiss and Remand the pending application.

Based on those motions, the Administrative Law Judge (ALJ) hereby *abates* all further proceedings, including any deadlines for further submissions, either as ordered or as agreed to by the parties. The hearing on the merits now set for October 30-November 1, 2006, is hereby *cancelled*. The ALJ will evaluate the pending motions in light of the provisions in 30 TEX. ADMIN. CODE § 80.25 before issuing further orders or recommendations to the Commission in this case.

Other pending motions are disposed of as follows:

Bexar Met's motion to dismiss Bitterblue, Inc., and BSR Water Company (BSR) as parties in this case is denied.

On July 14, 2006, San Antonio Water System (SAWS) filed its Second Motion to Intervene

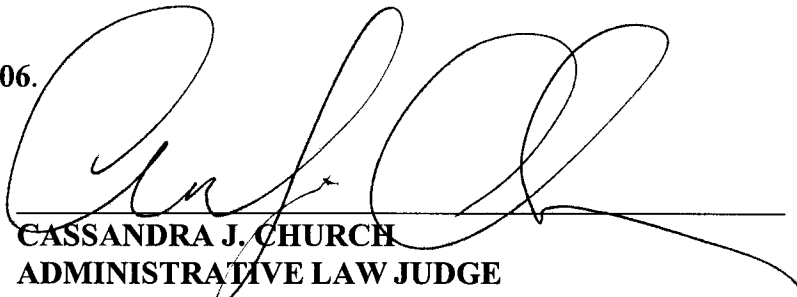
¹ Bitterblue, Inc., and BSR Water Company filed motions requesting summary relief on substantially the same grounds.

aa

and for Adoption of Bitterblue's Motion for Summary Judgement. SAWS's motion for intervention is denied. As SAWS's request to appear as a party is denied, it lacks standing to request procedural relief.

On August 11, 2006, BSR supplemented the previously-filed testimony of Seagal V. Wheatley, Esq., with materials marked confidential. However, BSR did not set forth the basis for seeking confidentiality. On or before September 29, 2006, BSR shall file reasons as to why this matter should be sealed, consistent with the guidelines in TEX. R. CIV. P 76a, withdraw the supplementing testimony, or withdraw the request for confidentiality.² *Pending a final order on this matter, all parties and the Chief Clerk of TCEQ, shall keep this submission sealed.*

SIGNED September 21, 2006.



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

² The Texas Rules of Civil Procedure do not govern SOAH hearings but may be applied by ALJs to achieve a just result. The ALJ concludes it would appropriate to apply the guidelines in Rule 76a here.

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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 AND 582-06-0837

TCEQ DOCKET NUMBER: 2003-0664-UCR AND 2005-1880-UCR

ADMINISTRATIVE COURT

**STATE OFFICE OF ADMINISTRATIVE
HEARINGS**

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

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SOAH DOCKET NO. 582-06-0837
TCEQ DOCKET NO. 2005-1880-UCR

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SOAH DOCKET NO. 582-03-3725
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SOAH DOCKET NO. 582-06-0837
TCEQ DOCKET NO. 2005-1880-UCR

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SOAH DOCKET NOS.:

582-03-3725 and 582-06-0837

TCEQ DOCKET NOS.:

2003-0664-UCR and 2005-1880-UCR

REGARDING:

**ORDER NO.26 - ABATING ALL FURTHER PROCEEDINGS,
RULING ON REQUESTS FOR CHANGES IN PARTY STATUS, AND SUBMISSION
OF RECORDS UNDER SEAL**

FROM:

JUDGE CASSANDRA J. CHURCH AND JUDGE HENRY D. CARD

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Seagal V. Wheatly (BSR Water Company)	210/246-5999
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Ronald Freeman (Bitterblue, Inc.)	453-0865

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