

Control Number: 43573



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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.

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FILING CLERK

SOAH DOCKET NO. 582-09-5329
TCEQ DOCKET NO. 2009-0945-UCR

APPLICATION FROM CHILDRESS CREEK	§	BEFORE THE STATE OFFICE
WATER SUPPLY CORPORATION	§	
TO AMEND CCN NO. 11000 IN BOSQUE	§	OF
AND MCLENNAN COUNTIES	§	
	§	ADMINISTRATIVE HEARINGS

EXECUTIVE DIRECTOR'S MOTION
TO DISMISS AND REMAND

The Executive Director of the Texas Commission on Environmental Quality and the Applicant (Childress Creek Water Supply Corporation) discussed the referenced case on August 7, 2009, at which time the Applicant requested that the Executive Director file this motion. The sole Protestant (Aqua Texas, Inc.) has withdrawn its protest and request for hearing. See attached Exhibit 1. This case is scheduled for a preliminary hearing on August 17, 2009.

Because the application is no longer being protested, the reason for the preliminary hearing has been rendered moot. The Executive Director moves that the case be dismissed from the docket of the State Office of Administrative Hearings (SOAH) and be remanded to the Executive Director for processing pursuant to 30 TAC Section 80.101.

WHEREFORE, PREMISES CONSIDERED, the Executive Director respectfully requests an order dismissing the case from SOAH's docket and remanding it to the Executive Director for processing pursuant to 30 TAC Section 80.101.

Respectfully Submitted,

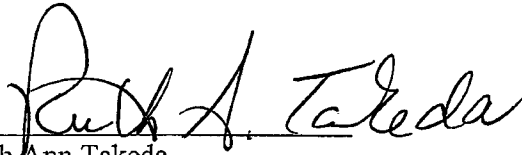
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

Mark R. Vickery
Executive Director

5

Stephanie Bergeron Perdue, Deputy Director
Office of Legal Services

Robert Martinez, Director
Environmental Law Division

By 
Ruth Ann Takeda

State Bar of Texas No. 24053592

Staff Attorney

Environmental Law Division

P.O. Box 13087, MC 173

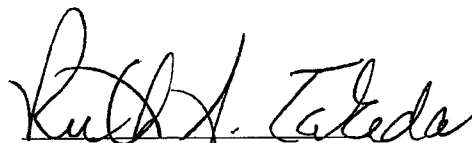
Austin, Texas 78711-3087

Tel: (512) 239-0750

Fax: (512) 239-0606

CERTIFICATE OF SERVICE

I certify that on this 12th day of August, 2009, the "Executive Director's Motion to Dismiss and Remand" was filed with the Office of the Chief Clerk at the Texas Commission on Environmental Quality, and further certify that a true and correct copy of the foregoing document was delivered via facsimile, hand-delivery, or by deposit in the U.S. Mail to the following persons in accordance with TCEQ and SOAH rules.



Ruth Ann Takeda
Staff Attorney
Environmental Law Division

The Honorable William G. Newchurch
Administrative Law Judge
State Office of Administrative Hearings
P.O. Box 13025
Austin, Texas 78711-3025
Tel: (512) 475-4993
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Ms. Patricia Coy
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Representing Childress Creek Water Supply Corporation

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Representing Aqua Texas, Inc.

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Austin, Texas 78711
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*Representing Office of Public Interest Counsel
Of the Texas Commission on Environmental
Quality*

LAW OFFICES OF MARK H. ZEPPA, P.C.

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36263-C
Debi

August 6, 2009

Via facsimile to (512) 239-8972

Mr. Doug Holcomb, PE, Manager
TCEQ Utilities & Districts Section
P O Box 13087, MC 173
Austin, Texas 78711-3087

Re: SOAH Docket No. 582-09-5329
TCEQ Docket No. 2009-0945-UCR
WITHDRAWAL OF PROTEST AND CONTESTED HEARING REQUEST
CCN application of Childress Creek Water Supply Corporation

Dear Mr. Holcomb:

I am writing on behalf of Aqua Texas, Inc., which owns and operates a retail public water utility system in Bosque and McLennan Counties. Pursuant to discussions between the parties, Aqua Texas, Inc. withdraws its protest and hearing request on this application filed on January 29, 2009.

Sincerely yours,


Mark H. Zeppa

cc: SOAH Docket Clerk
Darryl Waldock
Patricia Coy

