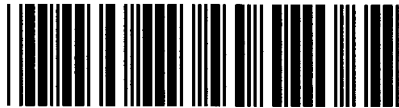


Control Number: 43585



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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



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PUBLIC UTILITY COMMISSION  
FILING CLERK

August 20, 2003

Kenneth Ramirez  
Partner

111 Congress Avenue, Suite 2300  
Austin, Texas 78701-4043  
Phone: 512.494.3611  
Fax: 512.472.9123  
kramirez@bracepatt.com

By Hand Delivery and Facsimile

Ms. Holly Wise, Docket Clerk  
State Office of Administrative Hearings  
300 W. 15th Street  
P.O. Box 13025  
Austin, TX 78711-3025

Re: SOAH Docket No. 582-02-3056; Application from City of Austin to Obtain a Water Certificate of Convenience and Necessity (CCN) in Travis, Hays and Williamson Counties; Application No. 33562-C; and Application from City of Austin to Obtain a Sewer Certificate of Convenience and Necessity (CCN) in Travis, Hays and Williamson Counties; Application No. 33563-C

SOAH Docket No. 582-02-3056; Application of Hornsby Bend Utility Company to Amend Certificate of Convenience and Necessity No. 20650

SOAH Docket No. 582-02-3056; Application of Hornsby Bend Utility Company to Amend Certificate of Convenience and Necessity No. 11978

Dear Ms. Wise:

Attached please find the original and one copy of Second Joint Motion to Extend Time for Filing Prefiled Testimony in the above-referenced matter. Please file the original, date-stamp the copy and return the copy to my messenger.

If you have any questions, please do not hesitate to contact me at (512) 494-3611.

Very truly yours,

Bracewell & Patterson, L.L.P.

Kenneth Ramirez

KR/lrc  
Enclosure(s)

43



Ms. Holly Wise

August 20, 2003

Page 2

cc: **(Via Facsimile and Regular Mail)**

John J. Carlton

Casey L. Ware

Geoffrey Kirshbaum

Todd Galiga

Scott Humphrey

The Honorable Kerry Sullivan

LaDonna Castañuela, TCEQ Chief Clerk

SOAH DOCKET NO. 582-02-3056  
TCEQ DOCKET NOS. 2002-0189-UCR and 2000-0112-UCR

IN THE MATTER OF THE  
APPLICATIONS OF THE CITY OF  
AUSTIN FOR A WATER  
CERTIFICATE OF CONVENIENCE  
AND NECESSITY (NO. 33562-C) AND  
A WASTEWATER CERTIFICATE OF  
CONVENIENCE AND NECESSITY  
(NO. 33563-C)

§ BEFORE THE STATE OFFICE  
§  
§  
§ OF  
§  
§ ADMINISTRATIVE HEARINGS  
§  
§  
§

APPLICATION OF HORNSBY  
BEND UTILITY COMPANY  
TO AMEND CERTIFICATE  
OF CONVENIENCE AND  
NECESSITY NO. 20650

§ BEFORE THE STATE OFFICE  
§  
§ OF  
§  
§ ADMINISTRATIVE HEARINGS  
§  
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§

APPLICATION OF HORNSBY  
BEND UTILITY COMPANY  
TO AMEND CERTIFICATE  
OF CONVENIENCE AND  
NECESSITY NO. 11978

§ BEFORE THE STATE OFFICE  
§  
§ OF  
§  
§ ADMINISTRATIVE HEARINGS  
§

**SECOND JOINT MOTION TO EXTEND TIME**  
**FOR FILING PREFILED TESTIMONY**

TO THE ADMINISTRATIVE LAW JUDGE:

**I. Introduction**

The City of Austin ("City") and Hornsby Bend Utility Company, Inc. ("Hornsby"), also referred to as "the Parties," file this Second Joint Motion to Extend Time for Filing Prefiled Testimony in the above-referenced proceeding, and in support of this motion submit the following:

## **II. Basis for Motion**

Since the Parties' Joint Motion to Extend Time for Filing Prefiled Testimony, which was granted on August 1, 2003, the Parties have successfully completed a second day of mediation that culminated in a written document outlining all major components of a complete settlement. The Parties are now finalizing a detailed settlement agreement, and have every reason to believe this matter will be settled once and for all. Finalizing the settlement agreement will take more time, however, and the Parties file today's motion to allow them the opportunity to continue finalizing the detailed settlement agreement rather than finalizing and submitting prefiled testimony. Once again, today's motion does not seek any continuance on the actual hearing date—currently scheduled to begin on October 6, 2003—but seeks only extensions on certain intermediate deadlines. Specifically, the Parties request that the scheduled dates be changed so that the Applicants file prefiled testimony on September 12, 2003; the Executive Director files prefiled testimony on September 26, 2003; and objections and motions to strike testimony and evidence are due October 1, 2003. Counsel for the Executive Director has no objection to these extensions. The Parties seek these extensions in the interest of judicial economy and not for the sake of delay.

## **III. Prayer**

The City and Hornsby respectfully request that the ALJ issue an order extending these deadlines for the reasons stated above.

Respectfully submitted,

BRACEWELL & PATTERSON, L.L.P.  
111 Congress Avenue, Suite 2300  
Austin, Texas 78701-4043  
Telephone: (512) 472-7800  
Facsimile: (512) 472-9123

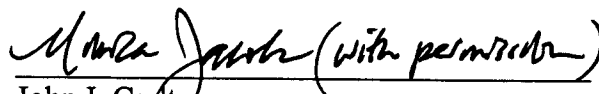


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Kenneth Ramirez  
State Bar No. 16502200  
Monica Jacobs  
State Bar No. 24007433

ATTORNEYS FOR THE CITY OF AUSTIN

ARMBRUST & BROWN, L.L.P.  
100 Congress Avenue, Suite 1300  
Austin, Texas 78701-2744  
Telephone: (512) 435-2308  
Facsimile: (512) 435-2360



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John J. Carlton  
State Bar No. 03817600  
Casey L. Ware  
State Bar No. 24033436

ATTORNEYS FOR HORNSBY BEND  
UTILITY COMPANY, INC.

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing pleading has been sent by Facsimile and Regular U.S. Mail, on this 20th day of August, 2003, to the following:

John J. Carlton  
Casey L. Ware  
Armbrust & Brown, L.L.P.  
100 Congress Avenue, Suite 1300  
Austin, Texas 78701-2744

Representing: Hornsby Bend Utility  
Company, Inc.

Geoffrey Kirshbaum  
Todd Galiga  
Legal Services Division  
Texas Commission on Environmental  
Quality  
P.O. Box 13087, MC-173  
Austin, TX 78711-3087

Representing: The Executive Director

Scott Humphrey  
Public Interest Counsel  
Texas Commission on Environmental  
Quality  
P.O. Box 13087, MC-103  
Austin, Texas 78711-3087

Representing: Office of Public Interest  
Counsel

  
\_\_\_\_\_  
Kenneth Ramirez