

Control Number: 43585



Item Number: 45

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

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TEXAS NATURAL RESOURCES
CONSERVATION COMMISSION
UTILITIES AND DISTRICTS

September 10, 2003

Kenneth Ramirez
Partner

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Austin, Texas 78701-4043
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By Plane Delivery

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2003 NOV -4 AM 10:23
PUBLIC UTILITY COMMISSION
FILING CLERK

Administrative Law Judge
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 ALJ:

Attached please find the original and one copy of the Agreed and Unopposed Motion to Abate 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)

45



Administrative Law Judge
September 10, 2003
Page 2

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

John J. Carlton
Geoffrey Kirshbaum
Todd Galiga
Scott Humphrey
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)

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

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

§ BEFORE THE STATE OFFICE
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AGREED AND UNOPPOSED MOTION TO ABATE

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 Agreed and Unopposed Motion to Abate in the above-referenced proceeding, and in support of this motion submit the following:

II. Basis for Motion

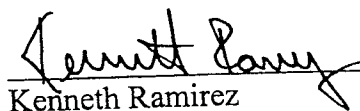
Since the Parties' Second Joint Motion to Extend Time for Filing Prefiled Testimony, which was granted on August 22, 2003 in Order No. 15, considerable progress has been made toward finalizing a settlement agreement. The Parties have met twice to discuss their draft agreement and have apprised counsel for the Executive Director of its terms. The Parties are also in the process of submitting maps of the final CCN areas to the Executive Director for approval. In short, only a few details remain to be dealt with before the Parties execute the settlement agreement and file motions to withdraw from the contested case hearing. Accordingly, the Parties request that the ALJ abate these proceedings until October 13, 2003. In addition to executing the settlement agreement, the Parties will file, on or before October 13, 2003, motions to withdraw their protests to each other's applications. Once again, the Parties file today's motion to allow them the opportunity to focus fully on the settlement process rather than having to focus on deadlines designed to lead to hearing. The Parties do not anticipate that any further abatements will be required. Counsel for the Executive Director has no objection to this abatement. The Parties seek this abatement 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 abating this matter for 30 days for the reasons stated above.

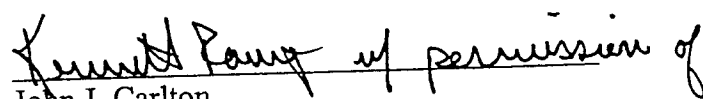
Respectfully submitted,

BRACEWELL & PATTERSON, L.L.P.
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Telephone: (512) 472-7800
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State Bar No. 16502200
Monica Jacobs
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ATTORNEYS FOR THE CITY OF AUSTIN

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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 10th day of September, 2003, to the following:

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

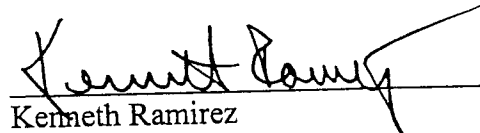
Representing: Hornsby Bend Utility
Company, Inc.

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

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LEGAL DIVISION

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