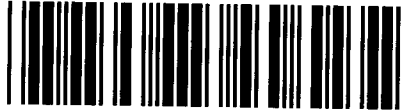




Control Number: 43585



Item Number: 4

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.



43585

RECEIVED

JUL 07 2003

111 Congress Avenue, Suite 2300
Austin, Texas 78701-4043
Phone: 512.472.7800
Toll Free: 800.472.1401

Fax Cover Letter

TEXAS NATURAL RESOURCES
CONSERVATION COMMISSION
UTILITIES AND DISTRICTS
Hon. Kerry Sullivan

Please deliver the following pages to

475-4994

John Carlton/Casey Ware

435-2360

John Deering/Geoffrey Kirshbaum

239-0626

Scott Humphrey

239-6377

LaDonna Castanuela

239-3311

This fax is from Kenneth Ramirez

and is being transmitted on July 3, 2003 at PM. The length of this fax, (including the cover letter), is 5 pages. (Client/Matter #: 016928.000013)

The fax machine number is 512.472.9123. If you do not receive all pages, please call 512.472.7800.

Message**CONFIDENTIALITY NOTICE:**

This fax from the law firm of Bracewell & Patterson, L.L.P. contains information that is confidential or privileged, or both. This information is intended only for the use of the individual or entity named on this fax cover letter. Any disclosure, copying, distribution or use of this information by any person other than the intended recipient is prohibited. If you have received this fax in error, please notify us by telephone immediately at 512.472.7800 so that we can arrange for the retrieval of the transmitted documents at no cost to you.

4

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
§
§

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

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

**RULE 11 AGREEMENT TO EXTEND TIME TO TAKE
DEPOSITIONS AND TO FILE PREFILED TESTIMONY**

A. Introduction

The City of Austin ("City") and Hornsby Bend Utility Company ("Hornsby") file this agreement, made pursuant to Texas Rules of Civil Procedure 11 and 191.1, and 1 TAC § 155.31 to extend time to notice and take depositions, and to file prefiled testimony. Geoffrey Kirshbaum, representing the Executive Director, does not oppose the time extensions found in this agreement.

1. Discovery in this hearing is governed by Order No. 11, a scheduling order signed by Judge Sullivan on June 13, 2003. Under Order No. 11, the parties are to conclude depositions

by July 3, 2003, and Applicants are to file their prefiled testimony by August 1, 2003. The case is set for hearing beginning on October 6, 2003.

B. Agreement

1. The City and Hornsby agree to extend the time for taking depositions to July 11, 2003.

2. The City and Hornsby agreed to extend the time when each must file its prefiled testimony to August 8, 2003.

3. The City and Hornsby agree that no additional witnesses will be added to either parties' witness lists.

4. The signatures below evidence the City's and Hornsby's intent that this shall serve as a Rule 11 agreement, enforceable upon filing with the State Office of Administrative Hearings.

Respectfully submitted,

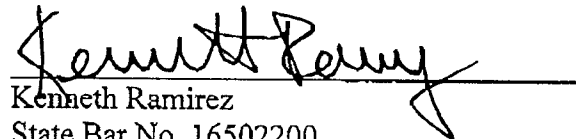
BRACEWELL & PATTERSON, L.L.P.

111 Congress Avenue, Suite 2300

Austin, Texas 78701-4043

Telephone: (512) 472-7800

Facsimile: (512) 472-9123



Kenneth Ramirez

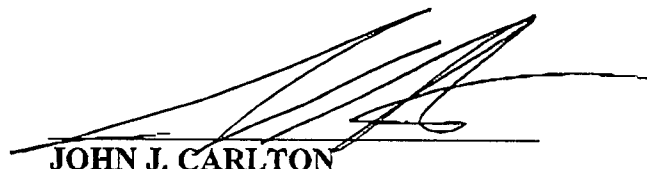
State Bar No. 16502200

Monica Jacobs

State Bar No. 24007433

ATTORNEYS FOR THE CITY OF AUSTIN

AGREED:



JOHN J. CARLTON

CASEY L. WARE

ARMBRUST & BROWN, L.L.P.

100 Congress Avenue, Suite 1300

Austin, Texas 78701-2744

(512) 435-2300 - Telephone

(512) 435-2360 - Telecopy

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 ^{3rd} day of July, 2003, to the following:

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

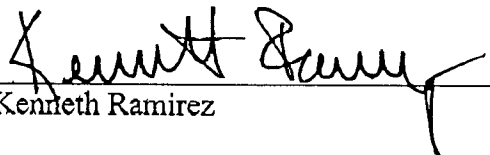
Representing: Hornsby Bend Utility
Company, Inc.

John Deering
Geoffrey Kirshbaum
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