

Control Number: 43585



Item Number: 50

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



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PUBLIC UTILITY COMMISSION
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Message

Status Report and Joint Motion to Continue Abatement

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OCT 17 2003

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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)

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BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

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

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BEFORE THE STATE OFFICE
OF
ADMINISTRATIVE HEARINGS

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

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BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

STATUS REPORT AND JOINT MOTION TO CONTINUE ABATEMENT

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 Status Report and Joint Motion to Continue Abatement, and in support of this motion submit the following:

Abstract

II. Basis for Motion

On September 10, 2003, the Parties filed an Agreed and Unopposed Motion to Abate. This motion requested that this proceeding be abated until October 13, 2003 in order to accommodate ongoing settlement negotiations. The Parties also stated that they anticipated filing a motion to dismiss their protests of each other's applications on October 13. In Order No. 16, issued on September 17, 2003, the ALJ granted the motion to abate and instructed the Parties to file either an agreed motion to dismiss or an updated status report by October 13, 2003.

The Parties are now pleased to report that they will be executing a comprehensive settlement agreement within the next few days. The additional delay is in large part due to the significant number of individuals on both sides that are involved in the review, approval, and execution of the draft documents. Both sides are moving as quickly as possible, however, and are confident that this settlement can be completed this week.

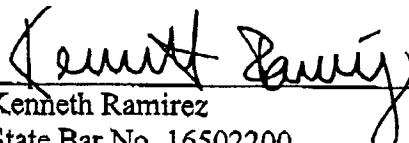
Consequently, the Parties file this status report and motion to continue the abatement period until October 17, 2003. Counsel for the Executive Director could not be reached at the time this motion was filed.

III. Prayer

For the reasons set out above, Hornsby and the City respectfully request that the ALJ abate these proceedings until October 17, 2003.

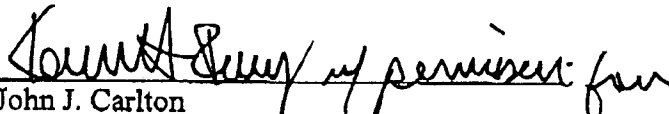
Respectfully submitted,

BRACEWELL & PATTERSON, L.L.P.
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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 13th day of October, 2003, to the following:

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

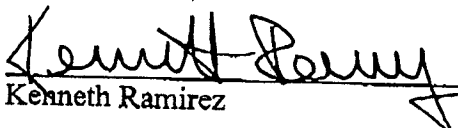
Representing: Hornsby Bend Utility
Company, Inc.

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
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Representing: Office of Public Interest
Counsel


Kenneth Ramirez



Kenneth Ramirez
Partner

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By Hand Delivery

October 13, 2003

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 Judge Sullivan:

Attached please find the original and one copy of the Status Report and Joint Motion to Continue Abatement 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.

A handwritten signature in black ink, appearing to read 'Kenneth Ramirez', written over a large, stylized 'X' mark.

Kenneth Ramirez

KR/lrc
Enclosure(s)



Administrative Law Judge
October 13, 2003
Page 2

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cc: (Via Facsimile and Regular Mail)

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Todd Galiga
Scott Humphrey
LaDonna Castañuela, TCEQ Chief Clerk