



Control Number: 43585



Item Number: 61

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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43585

September 15, 2004

Mr. Glenn Shankle
Executive Director
TCEQ
MC 109
P.O. Box 13087
Austin, TX 78711-3087

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2014 NOV -4 AM 10:44
PUBLIC UTILITY COMMISSION
FILING CLERK

RE: Hornsby Bend Utility Company
City of Austin, Texas
TCEQ Docket Nos. 2002-0189-UCR and 200-0112-UCR

Dear Mr. Shankle:

The above-referenced utilities filed competing applications for wastewater service areas in eastern Travis County and then entered a settlement agreement designating service areas and transfer of service areas under the existing certificates.

Austin Estates Limited Partnership, a client of this firm, owns land located within the area subject to the settlement agreement.

Austin Estates Limited Partnership is concerned regarding the effect of the settlement agreement on the availability and cost of wastewater service. Austin Estates Limited Partnership objects to not receiving actual notice of the TCEQ's consideration and possible approval of the agreement designating service areas. Austin Estates Limited Partnership was known by the parties to the settlement as a person directly affected by the agreement designating service areas/transferring CCN because Austin Estates Limited Partnership was a party to an agreement captioned "Agreement to Provide Wastewater Service. However, notice was not mailed contrary to TCEQ rules, specifically rule 291.112(c)(1) requiring mailed notice to customers affected by a transfer of a CCN and 291.106(d). Additionally and alternatively, the settlement agreement constituted a major amendment of the application requiring new notice under rule 281.23(a).

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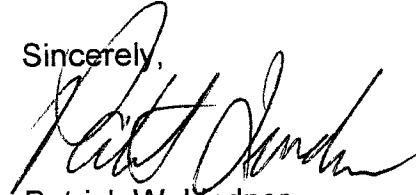
SEP 23 2004

PCD #: 141413

ENVIRONMENTAL QUALITY

If final action on these applications has not been taken, Austin Estates Limited Partnership requests a contested hearing. If final action has been taken, Austin Estates Limited Partnership requests reconsideration by the Executive Director or a rehearing by the Commission. If final action has been taken and the request for reconsideration/motion for rehearing is not timely, Austin Estates Limited Partnership requests the Commission to reopen the matter under rule 50.17(a).

Sincerely,

A handwritten signature in black ink, appearing to read "Patrick W. Lindner", written over the word "Sincerely,".

Patrick W. Lindner
For the Firm

PWL:md

Cc:

Crockett Camp, Austin Estates Limited Partnership

Doug Holcomb, MC 109, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087

Latius R. Prikl, Phillips & Prikl, L.L.P., 515 Congress Ave., Ste. 2600, Austin, Texas 78711