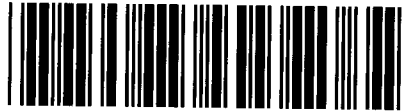


Control Number: 43690



Item Number: 13

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

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

43690

SOAH DOCKET NO. 582-09-5331
TCEQ DOCKET NO. 2009-1007-UCR

2010 MAY 10 AM 8:05

CHIEF CLERKS OFFICE

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

APPLICATION OF CITY OF BANDERA
 TO DECERTIFY A PORTION OF
 CERTIFICATE OF CONVENIENCE AND
 NECESSARY NO. 12865 AND TO
 OBTAIN A WATER CCN IN BANDERA
 COUNTY

ORDER NO. 6
 GRANTING MOTION TO DISMISS AND REMAND

On May 6, 2010, the Executive Director of the Texas Commission on Environmental Quality filed a Motion to Dismiss and Remand. The Executive Director has now received necessary documentation to process the application, and there are no protesting parties.

It is therefore ordered that the Executive Director's Motion to Dismiss and Remand is GRANTED and that this matter is dismissed from the docket of the State Office of Administrative Hearings and remanded to the Executive Director

Signed May 10, 2010.

Rebecca S. Smith RECEIVED
 REBECCA S. SMITH
 ADMINISTRATIVE LAW JUDGE
 STATE OFFICE OF ADMINISTRATIVE HEARINGS
 JUL 19 2010
 TCEQ
 CENTRAL FILER ROOM

STATE OFFICE OF ADMINISTRATIVE HEARINGS

AUSTIN OFFICE

300 West 15th Street Suite 502

Austin, Texas 78701

Phone: (512) 475-4993

Fax: (512) 475-4994

DATE:

05/10/2010

NUMBER OF PAGES INCLUDING THIS COVER SHEET:

2

REGARDING:

ORDER NO. 6 - GRANTING MOTION TO DISMISS & REMAND

DOCKET NUMBER

582-09-5331JUDGE REBECCA SMITHFAX TO:FAX TO:

JASON D. KING

(512) 233-0801

DOUGLAS BROWN (TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY)

(512) 239-3434

BLAS J. COY, JR (TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY)

(512) 239-6377

TCEQ Docket Clerk, Fax Number 512/239-3311

NOTE: IF ALL PAGES ARE NOT RECEIVED, PLEASE CONTACT ELIZABETH SLICK(1st) (512) 475-4993

The information contained in this facsimile message is privileged and confidential information intended only for the use of the above-named recipient(s) or the individual or agent responsible to deliver it to the intended recipient. You are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone, and return the original message to us at the address via the U.S. Postal Service. Thank you

TEXAS
COMMISSION ON
ENVIRONMENTAL
QUALITY
2010 MAY 10 AM 8:05
CHIEF CLERKS OFFICE

Bryan W. Shaw, Ph.D., *Chairman*
Buddy Garcia, *Commissioner*
Carlos Rubinstein, *Commissioner*
Mark R. Vickery, P.G., *Executive Director*



TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

27 MAY -6 PM 4:11

CHIEF CLERKS OFFICE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

May 6, 2010

Honorable Rebecca Smith
Administrative Law Judge
State Office of Administrative Hearings
William P. Clements Building
300 W. 15th Street, Suite 504
Austin, Texas 78701-1649

Re: City of Bandera; TCEQ Docket No. 2009-1007-UCR
SOAH Docket No.582-09-5331

Dear Judge Smith:

Please find enclosed the Executive Director's Motion to Dismiss and Remand for the City of Bandera. If you have any questions, please contact me at (512) 239-2253.

Sincerely,

A handwritten signature in cursive script that reads "Douglas Brown".

Douglas Brown
Staff Attorney
Environmental Law Division

cc: Jason King
Blas Coy
Chief Clerk
John Lock

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2010 MAY -6 PM 4:11

SOAH DOCKET NO. 582-09-5331
TCEQ DOCKET NO. 2009-1007-UCR

CHIEF CLERKS OFFICE

APPLICATION OF CITY OF	§	BEFORE THE STATE OFFICE
BANDERA TO DECERTIFY A	§	
PORTION OF CERTIFICATE OF	§	OF
CONVENIENCE AND NECESSITY	§	
NO. 12865 AND TO OBTAIN A	§	ADMINISTRATIVE HEARINGS
WATER CCN IN BANDERA COUNTY	§	

EXECUTIVE DIRECTOR'S MOTION TO DISMISS AND REMAND

The Executive Director (ED) of the Texas Commission on Environmental Quality (TCEQ) files this Motion to Dismiss and Remand and shows in support thereof the following:

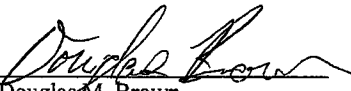
On September 2, 2009, a preliminary hearing was held in this case, and it was subsequently abated several times. The ED needed further documentation to process the application. The ED has now received the needed documentation, and is ready to complete the processing of this application. The ED has conferred with the Office of Public Interest Council (OPIC) and Applicant, and they have no objections to this motion. Therefore, in light of the fact that there are no protesting parties, the ED requests that the Administrative Law Judge dismiss this case from SOAH's docket and remand the matter to the Executive Director to be processed in conformity with TCEQ rules.

Respectfully submitted,

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

Mark R. Vickery P.G., Executive Director

Robert Martinez, Director
Environmental Law Division

By: 
Douglas M. Brown
Staff Attorney
State Bar of Texas No. 24048366
P.O. Box 13087, MC-173
Austin, Texas 78711-3087
Phone: (512) 239-2253
Fax: (512) 239-3434

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

270 MAY -6 PM 4:11

CHIEF CLERKS OFFICE

Service List
City of Bandera
TCEQ Docket No. 2009-1007-UCR

Honorable Rebecca Smith
Administrative Law Judge
State Office of Administrative Hearings
William P. Clements Building
300 W. 15th Street, Suite 504
Austin, Texas 78701-1649

Jason King
6618 Sitio Del Rio Blvd.
Building 3, Ste. 102
Austin, Texas 78730
(512) 233-0801 Fax

Blas Coy
TCEQ
Office of Public Interest

Docket Clerk
TCEQ
Chief Clerk's Office

John Lock
TCEQ
Water Utilities