



Control Number: 43690



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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

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

CHIEF CLERK

APPLICATION OF THE CITY OF
BANDERA TO OBTAIN A
CERTIFICATE OF CONVENIENCE
AND NECESSITY IN BANDERA
COUNTY

§
§
§
§
§

BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

42690

**APPLICANT, CITY OF BANDERA'S STATUS REPORT AND MOTION TO
EXTEND ABATEMENT**

The APPLICANT, City of Bandera, hereby files this, its Status Report and Motion to
Extend Abatement, and would show the Court the following:

1. On September 2, 2009, a preliminary hearing was held in this case, and jurisdiction was proven. The City of Bandera (City), the Executive Director (ED), and the Office of Public Interest Counsel were each admitted as parties.

2. At the preliminary hearing, the ED moved to abate the case for 60 days to give the parties additional time to attempt to negotiate a settlement. All parties supported the motion. As a part of granting the motion, a status report is required to be filed by the parties by November 2, 2009.

3. On November 3, 2009, the ED and Applicant moved to abate the case for 60 additional days to give the parties additional time to attempt to negotiate a settlement. All parties supported the motion. As a part of granting the motion, a status report was required to be filed by the parties by January 4, 2010.

4. On January 4, 2010 the City of Bandera filed a Status Report and Motion to Extend Abatement to abate the case for 30 additional days to give the parties additional

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time to attempt to negotiate a settlement. All parties supported the motion. As a part of granting the motion, a status report is required to be filed by the parties by February 4, 2010.

5. The City has undertaken significant efforts to satisfy the concerns of the ED by clarifying the mapping issues brought by the ED.

6. The parties have been negotiating in good faith, and continue to negotiate in good faith.

7. The City has spoken with a representative of the Executive Director for the TCEQ. All parties believe that further negotiation is in the best interest of all parties, and no party opposes an extension of the abatement.

8. The City hereby requests an extension of the abatement for an additional thirty days to continue and conclude negotiations and achieve a settlement of all issues with all parties.

9. This extension is not sought for the purpose of delay, but rather for the purpose of coming to an agreement with all adverse parties.

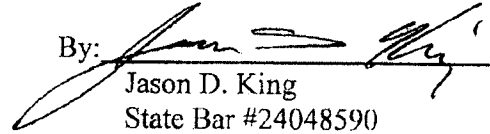
Prayer

10. For these reasons, the City asks that the Court accept its Status Report, and grant the requested extension of the abatement for thirty days to allow the parties to continue to negotiate and seek settlement of these issues.

Respectfully submitted,
Akers & Boulware-Wells, L.L.P.
6618 Sitio Del Rio Blvd Bldg E Suite 102
Austin, Texas 78730
Phone: (512) 600-2306

Facsimile: (512) 852-2292

By:


Jason D. King
State Bar #24048590

ATTORNEY FOR BANDERA

CERTIFICATE OF SERVICE

I certify that I sent a copy of the City's Status Report and Request to Extend Abatement by Facsimile and First Class Mail to the following on ~~January 4, 2010~~

February 12, 2010

Blas J. Coy, Jr.
Office of Public Interest Counsel
P.O. Box 13087, MC-103
Austin, Texas 78711-3087
512-239-6363 ph
512-239-6377 fax

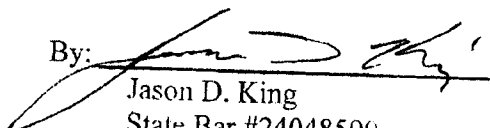
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By:


Jason D. King
State Bar #24048590

Certificate of Conference

I certify that I conferred with a representative of the Executive Director of the TCEQ on or about February 3, 2010 about this motion. No party objects to the requested extension of abatement.

By: 

Jason D. King
State Bar #24048590

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OF LAND NATURAL
CULTURE
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AKERS & BOULWARE-WELLS, LLP
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ADMINISTRATION

City of Bandera, Texas Status Report and Motion to Extend Abatement

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