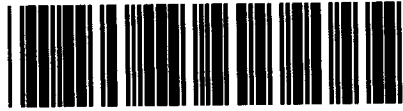




Control Number: 43891



Item Number: 12

Addendum StartPage: 0

House Bill (HB) 1600 and Senate Bill (SB) 567 83<sup>rd</sup>  
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

From:  
MAY/11/2005/WED 06:06 PM

May 11 2005 10:22

P.03  
P.003/021

43891

LAW OFFICES OF  
**LOUIS T. ROSENBERG, P.C.**  
A PROFESSIONAL CORPORATION

**LOUIS T. ROSENBERG**  
Attorneys and Counselors at Law  
**ROBERT L. WILSON, III**  
Attorneys and Counselors at Law

De Mazieres Building  
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San Antonio, Texas 78205  
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Fax (210) 225-5450  
E-mail: firm@ltrlaw.com  
Website: www.ltrlaw.com

**RECEIVED**  
2014 DEC -5 PM 4:23  
SONIA CANTU ROSENBERG  
Office Manager/Paralegal  
SHELING GARDNER  
Sr. Admin. Assist./Paralegal

May 11, 2005

State Office of Administrative Hearings  
300 W. 15<sup>th</sup> Street  
Austin, Texas 78701

Via Federal Express

CHIEF CLERKS OFFICE  
2005 MAY 12 AM 8:03

**ATTN: Docket Clerk**

RE: SOAH Docket No. 582-03-3275; TCEQ Docket No. 2003-0664-UCR, *In Re: The Application of Bexar Metropolitan Water District To Amend Water CCN No. 10675 in Bexar County*, Before the State Office of Administrative Hearings

Dear Sir or Madam:

Enclosed please find *an original* and one (1) copy of the following documents for filing in the above-referenced cause:

- (1) Motion to Substitute Counsel for Applicant, Bexar Metropolitan Water District; and
- (2) Bexar Metropolitan Water District's Motion to Set-Aside Order No. 7, to Lift Abatement, and to Enter Scheduling Order Setting Hearing on the Merits.


Copies of the above listed documents are concurrently being served on all counsel listed on the Service List for SOAH Docket Number 582-03-3275/TCEQ Docket No. 2003-0664-UCR.

2014 DEC -5 AM 7:00

State Office of Administrative Hearings  
**Attn: Docket Clerk**  
May 11, 2005  
Page 2 of 2

Please file-mark the extra copies and return same in the enclosed self-addressed, postage-paid return envelope.

Thank you,

  
Louis T. Rosenberg  
LTR:slb

- Enclosures: (1) **Original** and one (1) copy of the **Motion to Substitute Counsel for Applicant, Bexar Metropolitan Water District;**
- (2) **Original** and one (1) copy of **Bexar Metropolitan Water District's Motion to Set-Aside Order No. 7, to Lift Abatement, and to Enter Scheduling Order Setting Hearing on the Merits;** and
- (3) Self-addressed, postage-paid return envelope.

Cc: Service List

F. Gilbert Olivares, Esq., General Manager  
Adolfo Ruiz, In-House Counsel  
Bexar Metropolitan Water District

Robert L. Wilson III, Esq.  
Sonia C. Rosenberg, Office Manager

SOAH DOCKET NO. 582-03-3275  
TCEQ DOCKET NO. 2003-0664-UCR

IN RE: THE APPLICATION OF  
BEXAR METROPOLITAN  
WATER DISTRICT TO AMEND  
WATER CCN NO. 10675  
IN BEXAR COUNTY

§  
§  
§  
§  
§

BEFORE THE STATE OFFICE  
  
OF  
  
ADMINISTRATIVE HEARINGS

CHIEF CLERK'S OFFICE

2005 MAY 12 AM 8:03

TEXAS  
COMMISSION  
ON  
ELECTRICITY  
DELIVERY

MOTION TO SUBSTITUTE COUNSEL  
FOR APPLICANT, BEXAR METROPOLITAN WATER DISTRICT

COMES NOW, Applicant, Bexar Metropolitan Water District ("BexarMet"), and files this, its Motion to Substitute Counsel. In support of this Motion, Applicant shows as follows:

I.

In accordance with TEXAS RULES OF CIVIL PROCEDURE 7 and 10, and 1 TAC § 155.21, Applicant, BexarMet, moves to substitute Louis T. Rosenberg (lead counsel) and Robert L. Wilson III (additional counsel) of the LAW OFFICES OF LOUIS T. ROSENBERG, P.C. and Adolfo Ruiz of BEXAR METROPOLITAN WATER DISTRICT as the authorized representatives and attorneys of record for BexarMet in this proceeding. Upon entry of an Order granting this Motion, Messrs. Rosenberg, Wilson and Ruiz would serve in lieu of Mark Zeppa, Esq. as BexarMet's attorneys of record in this matter. The address, telephone number, telecopier number and State Bar of Texas numbers of Messrs. Rosenberg, Wilson and Ruiz appear below.

II.

This Motion to Substitute Counsel is made at the request of the Board of Directors of BexarMet, and BexarMet approves this substitution. Moreover, this Motion is not made for the purpose of delay, but for good cause so that justice may be done.

**PRAYER**

WHEREFORE, PREMISES CONSIDERED, BexarMet prays that the ALJ enter an Order substituting Louis T. Rosenberg (lead counsel) and Robert L. Wilson III (additional counsel) of the LAW OFFICES OF LOUIS T. ROSENBERG, P.C. and Adolfo Ruiz (additional counsel) of BEXAR METROPOLITAN WATER DISTRICT as the authorized representatives and attorneys of record for BexarMet for all further proceedings in this matter. BexarMet further prays for all relief to which it may be entitled at law or in equity.

Respectfully submitted,

**LAW OFFICES OF LOUIS T. ROSENBERG, P.C.**  
De Mazieres Building  
322 Martinez Street  
San Antonio, Texas 78205  
Telephone: 210-225-5454  
Facsimile: 210-225-5450

By: 

Louis T. Rosenberg  
Texas State Bar No. 17271300  
Robert L. Wilson III  
Texas State Bar No. 50511773

**BEXAR METROPOLITAN WATER DISTRICT**  
2047 W. Malone  
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Telephone: 210-354-6502  
Facsimile: 210-922-5152

By: 

Adolfo Ruiz  
Texas State Bar No. 1738560

WITH PERMISSION FOR  
ADOLFO RUIZ

From:

MAY/11/2005/WED 06:06 PM

May 11 2005 10:22

P.07

P.007/021

**LAW OFFICES OF MARK H. ZEPPA, P.C.**

4835 Spicewood Springs Road

Suite 202

Austin, Texas 78759-8436

Telephone: 512-346-4011

Facsimile: 512-346-6847


By: 

Mark H. Zeppa

Texas State Bar No. 22260100

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing instrument was this the 11 day of May, 2005, forwarded by ☐ certified mail return receipt requested, ☒ facsimile transmission, ☐ hand delivery, ☐ overnight delivery, to the attached Service List for SOAH Docket Number 582-03-3725/TCEQ Docket No. 2003-0664-UCR.

  
Robert L. Wilson, III

**STATE OFFICE OF ADMINISTRATIVE HEARINGS**  
**WILLIAM P. CLEMENTS BUILDING**  
300 West Fifteenth Street  
Austin, Texas 78701  
Phone (512) 475-4993  
Facsimile (512) 475-4994

**SERVICE LIST**

AGENCY: TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ)

STYLE/CASE: IN THE APPLICATION OF BEXAR METROPOLITAN WATER  
DISTRICT TO AMEND WATER CCN NO. 10675 IN BEXAR  
COUNTY

---

~~SOAH DOCKET NUMBER: 582-03-3725~~  
TCEQ DOCKET NUMBER: 2003-0664-UCR

---

**ADMINISTRATIVE COURT**

STATE OFFICE OF ADMINISTRATIVE  
HEARINGS

CASSANDRA J. CHURCH  
PRESIDING ADMINISTRATIVE LAW JUDGE

---

**PARTIES**

**REPRESENTATIVE/ADDRESS**

TEXAS COMMISSION ON  
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BEXAR METROPOLITAN WATER  
DISTRICT  
WATER SERVICES, INC.

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Attorney  
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Fax 512/346-6847



From:

MAY/11/2005/WED 06:06 PM

May 11 2005 19:22

P. 10

P. 010/021

SOAH DOCKET NO. 582-03-3725  
TCEQ DOCKET NO. 2003-0664-UCR

SERVICE LIST

PAGE 2

BSR WATER COMPANY - Lead Attorney  
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David L. Earl  
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A Professional Corporation  
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COURTESY COPY OF ORDER MAILED OR  
FAXED TO THE FOLLOWING PARTY:

CITY OF BULVERDE

Bruce Wasinger  
Attorney  
Bickersstaff, Heath, Smiley, Pollen, Kever &  
McDaniel, L.L.P.  
816 Congress, Suite 1700  
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BSR WATER COMPANY  
(SNECKNER PARTNERS, LTD.)

Janessa Glenn  
Attorney  
600 Congress Avenue  
Austin, Texas 78701  
Tel 512/499-3858  
Fax 512/404-3520

---

xc: Docket Clerk, State Office of Administrative Hearings  
Docket Clerk, Office of the Chief Clerk, TCEQ, Fax No. (512) 239-3311

SOAH DOCKET NO. 582-03-3275  
TCEQ DOCKET NO. 2003-0664-UCR

IN RE: THE APPLICATION OF	§	BEFORE THE STATE OFFICE
BEXAR METROPOLITAN	§	
WATER DISTRICT TO AMEND	§	OF
WATER CCN NO. 10675	§	
IN BEXAR COUNTY	§	ADMINISTRATIVE HEARINGS

---

BEXAR METROPOLITAN WATER DISTRICT's  
MOTION TO SET-ASIDE ORDER NO. 7, TO LIFT ABATEMENT, and TO ENTER  
SCHEDULING ORDER SETTING HEARING ON THE MERITS

---

COMES NOW, Applicant, Bexar Metropolitan Water District ("BexarMet"), and files this, its "Motion to Set-Aside Order No. 7, to Lift Abatement, and to Enter Scheduling Order Setting Hearing on the Merits." In support of this Motion, BexarMet shows as follows:

**I. INTRODUCTION and RELIEF REQUESTED**

On February 16, 2005, the Honorable ALJ entered Order No. 7 extending the previously-entered abatement in this cause *until September 1, 2005*.<sup>1</sup> The Order was entered at the request of protestant, BSR Water Company ("BSR"), on grounds that a civil lawsuit BSR filed against San Antonio Water System ("SAWS")<sup>2</sup> would allegedly "impact[] several of the issues to be addressed in this proceeding." According to BSR's Motion, counsel for BSR was "unable to reach counsel for Bexar Metropolitan Water District Water Services, Inc. [sic]" to ascertain

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<sup>1</sup> This case had previously been abated numerous times at the request of protestant, BSR.

<sup>2</sup> The lawsuit, styled *BSR Water Co., et al. v. City of San Antonio, et al.*, is pending under Cause No. Cause No 2004-CI-02288 in the 224th District Court of Bexar County, Texas. The suit is hereinafter referred to as the "SAWS lawsuit."

BexarMet's position concerning the requested abatement. Thus, the 9 month abatement was entered by default.

Since the 9 month abatement was obtained without input from BexarMet's former counsel,<sup>3</sup> the BSR lawsuit versus SAWS has metamorphosized into an attempt by BSR to circumvent the exclusive jurisdiction of the Texas Commission on Environmental Quality ("TCEQ") to determine and regulate the authority of competing applicants to provide retail water service in a given geographical area. Moreover, BSR's lawyers have used the pending SAWS lawsuit offensively, in an effort to have BexarMet (a non-party to that suit) relinquish rights or privileges BexarMet seeks to obtain through this proceeding; namely, the right to provide water service to a portion of Bexar County comprising the CCN amendment applied for herein.

The SAWS lawsuit is being utilized by BSR as nothing more than a vehicle to impermissibly supplant this proceeding (which doesn't even involve SAWS), and to illegally undermine the TCEQ's exclusive authority (now delegated to the ALJ) to determine whether CCN No. 10675 should be amended, as requested by BexarMet in its application. Such a scenario is contrary to the letter and spirit of TEXAS WATER CODE § 13.242 and 30 TAC § 291, and should not be condoned by this tribunal. Continuing the existing abatement would only serve to encourage BSR to persist in its efforts to divest the TCEQ of its exclusive authority to grant or deny CCNs. Thus, adjudication of this administrative matter must proceed immediately, so as to promptly and expeditiously determine the merits of the competing CCN applications in accordance with the criteria set-forth in 30 TAC § 291.102. In that regard, BexarMet seeks an

---

<sup>3</sup> BexarMet was previously represented by counsel other than its present, undersigned attorneys.

Order setting-aside Order No. 7, lifting the present abatement, and setting forth a discovery schedule and date for hearing on the merits.

**II. THE SAWS LAWSUIT IS NOT A RELATED PROCEEDING and THERE IS NO  
PRIMARY OR CONCURRENT JURISDICTION BETWEEN TCEQ  
AND THE BEXAR COUNTY DISTRICT COURT**

Although devoid of both law and facts, the BSR Motion resulting in the 9 month abatement alludes to parallelism between this proceeding and the SAWS lawsuit. The argument is almost one of "reverse primary jurisdiction" wherein BSR tacitly asserts that the district court considering the SAWS lawsuit has primary jurisdiction over the TCEQ concerning BexarMet's CCN application being considered herein. This is simply incorrect and a distortion of the law. There are no issues in this case that are within the district court's jurisdiction, and the SAWS lawsuit (wherein SAWS but *not* BexarMet is a party) is not sufficiently-related to this case (wherein BexarMet but *not* SAWS is a party) so as to justify abatement of this administrative proceeding. In fact, the only common thread to the two proceedings is BSR.

Primary jurisdiction is a jurisprudential law doctrine that arises in administrative proceedings when a court and an agency have concurrent original jurisdiction over a dispute.<sup>4</sup> If a trial court determines an agency has primary jurisdiction, *the court* should abate the lawsuit and suspend final adjudication of the claim until the agency has had an opportunity to act.<sup>5</sup> In such a case, courts must ask whether the policies underlying the primary jurisdiction doctrine

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<sup>4</sup> See *Cash America International, Inc. v. Bennett*, 35 S.W.3d 12, 18 (Tex.2000).

<sup>5</sup> *Subaru of America, Inc. v. David McDavid Nissan, Inc.*, 84 S.W.3d 212, 221 (Tex.2002).

require the court to defer to the agency's expertise and responsibility to develop regulatory policy.<sup>6</sup>

The primary jurisdiction doctrine requires courts to permit *an administrative agency* to initially decide an issue when: (1) an agency is typically staffed with experts trained in handling the complex problems in the agency's purview; and (2) great benefit is derived from an agency's uniformly interpreting its laws, rules, and regulations, where courts and juries may reach different results under similar fact situations.<sup>7</sup>

In its present form, the SAWS lawsuit involves claims, *inter alia*, that SAWS tortiously deprived BSR of the right to provide retail water service to the geographical area made the subject of BexarMet Application to Amend CCN 10675 in Bexar County. In addition to ignoring the irrefutable fact that TCEQ (and not SAWS) is the arbiter of the right to provide retail water service in Texas,<sup>8</sup> the BSR lawsuit claims in no way implicate BexarMet's application to amend CCN 10675, or TCEQ action thereon. Thus, the suggestion, whether implicit or otherwise, that the SAWS lawsuit will "impact[] several of the issues to be addressed in this proceeding" is simply inaccurate, and cannot serve as a legitimate basis for continued abatement of this matter.

---

<sup>6</sup> See *Southwestern Bell Tel. Co. v. Public Util. Comm'n*, 735 S.W.2d 663, 669-70 (Tex.App.-Austin 1987, no writ).

<sup>7</sup> *Butnaru v. Ford Motor Co.*, 84 S.W.3d 198, 208 (Tex 2002).

<sup>8</sup> See TEXAS WATER CODE § 13.242, *see also* 30 TAC § 291.

**III. BSR IS USING THE SAWS LAWSUIT TO COERCE A DESIRED  
OUTCOME IN THIS PROCEEDING WHICH DOES NOT RELATE TO THE MERITS  
OF THE CCN APPLICATIONS**

Further, since obtaining the abatement set-forth in Order No. 7, BSR has threatened to join BexarMet as a Defendant in its pending lawsuit against SAWS.<sup>9</sup> BexarMet maintains that the existing suit against SAWS is unmeritorious, and that the threatened (but not yet filed) claims against BexarMet – civil conspiracy and tortious interference with contract – are frivolous. In addition, BexarMet disputes that any of the issues in the pending district court suit would have any impact, whatsoever, on this administrative proceeding or its outcome.

To the contrary, the outcome of *this proceeding* will, in all reasonable probability, be dispositive of the state district court action. Moreover, the state district court action is likely to be abated until the conclusion of this case because the issues to be decided in the civil lawsuit -- whether SAWS and/or BexarMet deprived BSR of an opportunity to obtain a CCN for the portion of Bexar County made the basis of the application *sub judice* -- are within the exclusive jurisdiction of the TCEQ. In such instances where jurisdiction over an issue presented to a trial court lies exclusively with a state agency, the district court lacks jurisdiction, and abatement is incumbent upon that court.<sup>10</sup>

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<sup>9</sup> BSR's counsel in the SAWS lawsuit has sent numerous letters and a draft "Amended Petition" to the undersigned threatening to join BexarMet as a Defendant in said suit unless BexarMet makes numerous concessions regarding the CCN Application being determined in this case.

<sup>10</sup> *See Friends of Canyon Lake, Inc. v. Guadalupe-Blanco River Authority*, 96 S.W.3d 519 (Tex.App.-Austin 2002, writ denied); *See also Dubai Petroleum Co. v. Kazi*, 12 S.W.3d 71 (Tex. 2000) ("the requirement of seeking a remedy with the administrative agency is jurisdictional rather than a matter going solely to a plaintiff's right to relief").

If any proceeding should be abated, it is the SAWS lawsuit. This is true because BSR cannot prove its claims against SAWS (or threatened claims against BexarMet) unless and until the award of the CCN made the basis of this proceeding is granted or denied in favor of BexarMet. Thus, there exists no basis for abatement of this case, and the issues presented herein are ripe for ALJ consideration.

**IV. ABATEMENT OF THIS ADMINISTRATIVE PROCEEDING  
IS NOT NECESSARY AND SHOULD BE LIFTED**

For all of the reasons set-forth herein, this contested matter should proceed *post haste*. However, by virtue of Order No. 7, the parties are hamstrung from engaging in discovery, further developing the merits of the competing applications, or from preparing for hearing on the merits. Indeed, an abatement is a present suspension of all proceedings in a suit.<sup>11</sup> Once abated, the suit is held in suspended animation and may be revived when the reason for abatement is removed.<sup>12</sup> During abatement, the court and the parties are prohibited from proceeding in any manner.<sup>13</sup>

The issues in this case have too long been obscured by BSR's unmeritorious continuance and abatement requests. The abatement prescribed by Order No. 7 is unnecessary, and serves

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<sup>11</sup> *In re Kimball Hill Homes Tex., Inc.*, 969 S.W.2d 522, 527 (Tex.App.--Houston [14th Dist.] 1998, orig. proceeding); *America Online, Inc. v. Williams*, 958 S.W.2d 268, 272 (Tex.App.--Houston [14th Dist.] 1997, no pet.); *Permanente Med. Ass'n v. Johnson*, 917 S.W.2d 515, 517 (Tex.App.--Waco 1996, orig. proceeding); *Lumbermens Mut. Cas. Co. v. Garza*, 777 S.W.2d 198, 199 (Tex.App.--Corpus Christi 1989, orig. proceeding)

<sup>12</sup> *Permanente Med. Ass'n*, 917 S.W.2d at 517; *Lumbermens*, 777 S.W.2d at 199.

<sup>13</sup> *Messmer v. State Farm County Mut. Ins. Co.*, 972 S.W.2d 774, 778 (Tex.App.--Corpus Christi 1998, no pet.); *Lumbermens*, 777 S.W.2d at 199.

only to empower BSR in its attempts to extort an outcome to this contested case that it could never obtain on the merits of the competing CCN applications. It is time to lift the abatement and let those merits be determined by the only tribunal with competent jurisdiction – the ALJ.

**CERTIFICATE OF CONFERENCE**

Prior to filing this Motion, the undersigned substituted counsel for BexarMet attempted to reach counsel for BSR by telephone to confer regarding the relief requested herein. BexarMet's counsel received no response to the voice mail message left for David Earl. Counsel for BexarMet also attempted to contact counsel for TCEQ, but was advised that such counsel would be unavailable until May 16, 2005. Vic McWherter, Esq., advised that the Public Interest Counsel does not oppose this Motion.

**PRAYER**

WHEREFORE, PREMISES CONSIDERED, BexarMet prays that the ALJ enter an Order setting-aside Order No. 7, lifting the present abatement, and setting forth a discovery schedule and date for hearing on the merits. BexarMet further prays for all relief to which it may be entitled at law or in equity.



Respectfully submitted,

**LAW OFFICES OF LOUIS T. ROSENBERG, P.C.**

De Mazieres Building  
322 Martinez Street  
San Antonio, Texas 78205  
Telephone: 210-225-5454  
Facsimile: 210-225-5450

By: 

Louis T. Rosenberg  
Texas State Bar No. 17271300  
Robert L. Wilson III  
Texas State Bar No. 50511773

-And

**BEXAR METROPOLITAN WATER DISTRICT**

2047 W. Malone  
San Antonio, Texas 78225  
Telephone: 210-354-6502  
Facsimile: 210-922-5152

By: 

Adolfo Ruiz  
Texas State Bar No. 1738560

*Attorneys for Applicant,  
Bexar Metropolitan Water District*

From:

MAY/11/2005/WED 06:07 PM

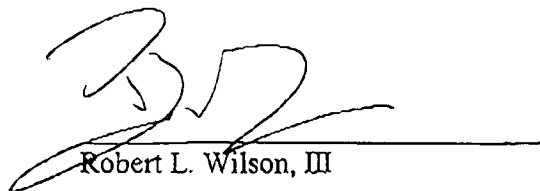
May 11 2005 10:24

P.19

P 019/021

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument was this the 10<sup>th</sup> day of May, 2005, forwarded by ☐ certified mail return receipt requested, ☒ facsimile transmission, ☐ hand delivery, ☐ overnight delivery, to the attached Service List for SOAH Docket Number 582-03-3725/TCEQ Docket No. 2003-0664-UCR.

  
Robert L. Wilson, III

**STATE OFFICE OF ADMINISTRATIVE HEARINGS**  
**WILLIAM P. CLEMENTS BUILDING**  
300 West Fifteenth Street  
Austin, Texas 78701  
Phone (512) 475-4993  
Facsimile (512) 475-4994

**SERVICE LIST**

AGENCY: TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ)

STYLE/CASE: IN THE APPLICATION OF BEXAR METROPOLITAN WATER  
DISTRICT TO AMEND WATER CCN NO. 10675 IN BEXAR  
COUNTY

---

SOAH DOCKET NUMBER: 582-03-3725  
TCEQ DOCKET NUMBER: 2003-0664-UCR

---

**ADMINISTRATIVE COURT**

STATE OFFICE OF ADMINISTRATIVE  
HEARINGS

CASSANDRA J. CHURCH  
PRESIDING ADMINISTRATIVE LAW JUDGE

---

**PARTIES**

**REPRESENTATIVE/ADDRESS**

TEXAS COMMISSION ON  
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BEXAR METROPOLITAN WATER  
DISTRICT  
WATER SERVICES, INC.

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From:

MAY/11/2005/WED 06.08 PM

May 11 2005 10:24

P. 21

P. 021/021

004/004

STATE OFF ADMIN HEARINGS

SOAH DOCKET NO. 582-03-3725  
TCEQ DOCKET NO. 2003-0664-UCR

SERVICE LIST

PAGE 2

BSR WATER COMPANY - Lead Attorney  
(SNECKNER PARTNERS, LTD.)

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Law Offices of Earl & Brown  
A Professional Corporation  
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COURTESY COPY OF ORDER MAILED OR  
FAXED TO THE FOLLOWING PARTY:

CITY OF BULVERDE

Bruce Wasinger  
Attorney  
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McDaniel, L.L.P.  
816 Congress, Suite 1700  
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Tel 512/472-8021  
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BSR WATER COMPANY  
(SNECKNER PARTNERS, LTD.)

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Austin, Texas 78701  
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xc: Docket Clerk, State Office of Administrative Hearings  
Docket Clerk, Office of the Chief Clerk, TCEQ, Fax No. (512) 239-3311

LAW OFFICES OF  
**LOUIS T. ROSENBERG, P.C.**  
A PROFESSIONAL CORPORATION

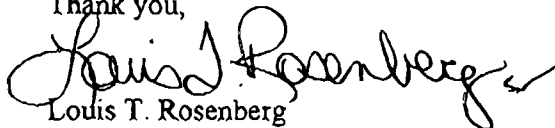
**FACSIMILE TRANSMITTAL**

<b>TO:</b> SOAH SERVICE LIST FOR SOAH Docket Number 582-03-3725/ TCEQ Docket No. 2003-0664-UCR. (See list of names below)		CHIEF CLERKS OFFICE 2005 MAY 12 AM 8:02 RECEIVED ON 5/12/05 C.A.
<b>DATE:</b> May 11, 2005	<b>REF NO.</b> 04-91-H (SOAH-CCN)	
<b>FROM:</b> Louis T. Rosenberg	<b>Number of Pages Including This Cover Fax:</b> 21	
<b>HARD COPY FOLLOWS:</b> NO	<b>TRANSMITTED BY:</b> SB	

Dear Counsel:

Attached please find the following documents which have been forwarded to SOAH today for filing.

Thank you,

  
Louis T. Rosenberg  
LTR:slb

- Attachments: (1) May 11, 2005 transmittal letter to the SOAH Docket Clerk;
- (2) Motion to Substitute Counsel for Applicant, Bexar Metropolitan Water District; and
- (3) Bexar Metropolitan Water District's Motion to Set-Aside Order No. 7, to Lift Abatement, and to Enter Scheduling Order Setting Hearing on the Merits.

Cc: Service List Attached

F. Gilbert Olivares, Esq., General Manager  
Adolfo Ruiz, In-House Counsel  
Bexar Metropolitan Water District

Robert L. Wilson III, Esq.  
Sonia C. Rosenberg, Office Manager

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TCEQ Docket No. 2003-0664-UCR.**

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