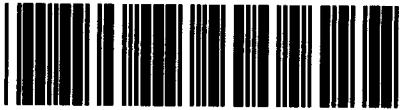




Control Number: 43891



Item Number: 24

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

SOAH DOCKET NO. 582-03-3725  
TCEQ DOCKET NO. 2003-0364-UCR  
2003-664UCR

RECEIVED

2014 DEC -5 PM 1:25

APPLICATION OF BEXAR  
METROPOLITAN WATER DISTRICT  
TO AMEND CERTIFICATE  
CONVENIENCE AND NECESSITY  
IN BEXAR COUNTY

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BEFORE THE STATE  
OFFICE OF PUBLIC UTILITY COMMISSION  
ADMINISTRATIVE  
HEARINGS  
FILED CLERK

**BSR WATER COMPANY'S (SNECKNER) REPORT  
AND REQUEST FOR CONTINUED ABATEMENT**

Pursuant to Order No. 3 in this proceeding, the parties were to file a status report, a proposed schedule leading to a hearing on the merits, or an appropriate motion by December 9, 2003. Active negotiations are still underway in this matter. Consequently, Snockner Partners, Ltd and BSR Water Company would respectfully request an additional 60-day abatement of the proceedings to continue to allow for meaningful negotiations for the purpose of resolving the outstanding issues between the parties. At the conclusion of the 60-day period, the parties will file a status report, a proposed schedule leading to a hearing on the merits, or other appropriate motion. The undersigned has contacted counsel for the parties, and they have no objection to the filing of this request for continued abatement.

Respectfully submitted,

EARL & BROWN, P.C.  
111 Soledad, Suite 1111  
San Antonio, Texas 78205  
(210) 222-1500 Phone  
(210) 222-9100 Facsimile


By:   
David L. Earl  
State Bar No. 06343030

ATTORNEY FOR  
SNECKNER PARTNERS, LTD.  
(BSR WATER COMPANY)

2014 DEC -5 AM 7:03

**CERTIFICATE OF SERVICE**

I, David L. Earl, certify that the foregoing pleading was served on all parties of record, the presiding SOAH Judge and the TCEQ Docket Clerk by facsimile transmission and 1<sup>st</sup> class USPS mail on the 23 day of December 2003:

  
David L. Earl

1. Judge Cassandra Church  
State Office of Administrative Hearings  
P.O. Box 13025  
Austin, Texas 78711-3025  
Fax: 512-475-4994
2. Janessa Glenn  
Jenkins & Gilchrist, P.C.  
2200 One American Center  
600 Congress Avenue  
Austin, Texas 78701-3248  
Fax: 512-404-3520
3. Todd Burkey  
Environmental Law Division  
Texas Commission on Environmental Quality  
P.O. Box 13087, MC 173  
Austin, Texas 78711-3087  
Fax: 512-239-0606
4. Blas Coy, Jr.  
Public Interest Council  
Texas Commission on Environmental Quality  
P.O. Box 13087, MC 103  
Austin, Texas 78711-3087  
Fax: 512-239-6377
5. TCEQ Docket Clerk  
Office of the Chief Clerk  
Texas Commission on Environmental Quality  
P.O. Box 13087, MC 105  
Austin, Texas 78711-3087  
Fax: 512-239-3311
6. Mark H. Zeppa  
Law Offices of Mark H. Zeppa, P.C.  
4833 Spicewood Springs Road, Suite 202  
Austin, Texas 78759-8436  
Fax: 512-346-6847

Law Offices of  
**EARL & BROWN**  
 A Professional Corporation  
 RiverView Towers  
 111 Soledad Street, Suite 1111  
 San Antonio, Texas 78205  
 (210) 222-1500 Telephone  
 (210) 222-9100 Facsimile

**FACSIMILE COVER SHEET**

**DATE: December 23, 2003**

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**IF YOU DO NOT RECEIVE ALL OF THE PAGES, PLEASE CONTACT Ann AT (210) 222-1500 AS SOON AS POSSIBLE.**

<b>TO: Judge Cassandra Church</b> State Office of Administrative Hearings	<b>Fax: 512-475-4994</b>
<b>TO: Janessa Glenn</b> Jenkins & Gilchrist, P.C.	<b>Fax: 512-404-3520</b>
<b>TO: Todd Burkey</b> Environmental Law Division	<b>Fax: 512-239-0606</b>
<b>TO: Blas Coy, Jr.</b> Public Interest Council	<b>Fax: 512-239-6377</b>
<b>TO: TCEQ Docket Clerk</b>	<b>Fax: 512-239-3311</b>
<b>TO: Mark H. Zeppa</b> Law Offices of Mark H. Zeppa, P.C.	<b>Fax: 512-346-6847</b>
<b>CC: Chuck Ahrens</b> Bexar Met	<b>Fax: 210-922-5152</b>
<b>CC: David Wallace</b> Water Services, Inc.	<b>Fax: 830-438-2721</b>
<b>CC: Sunny Sneckner</b>	<b>Fax: 830-980-7286</b>
<b>FROM: David L. Earl</b>	<b>Total No. of Pages</b> <b>(including cover sheet):</b> 3
<b>MATTER: SOAH Docket No. 582-03-3725; TCEQ Docket No. 2003-0364-UCR; BSR Water Company's Request for Continued Abatement (File No. 4041)</b>	

Obb4

APPLICATION OF BEXAR  
METROPOLITAN WATER DISTRICT  
TO AMEND CERTIFICATE  
CONVENIENCE AND NECESSITY  
IN BEXAR COUNTY

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BEFORE THE STATE  
OFFICE OF  
ADMINISTRATIVE  
HEARINGS

**BSR WATER COMPANY'S (SNECKNER) REPORT  
AND REQUEST FOR CONTINUED ABATEMENT**

The Preliminary hearing was conducted in this docket on July 17, 2003. Parties were named. Bexar Metropolitan Water District (Bexar Met) announced that it was in settlement discussions with the sole protestant, Sneckner Partners, Ltd. dba BSR Water Co. (Sneckner). With the concurrence of the other named parties, Water Services, Inc. (WSI) and the TCEQ Executive Director (ED), these two parties agreed to abate the proceedings 60 days to allow for these discussions to continue.

On September 17, 2003, Mark H. Zeppa for Bexar Met and Water Services, Inc. submitted a status report and request for continued abatement of the above-styled matter. In this report, he stated that Mr. W.R. Sneckner, principle of Sneckner, was in Montana and could not be contacted to finish negotiations. Mr. Zeppa also requested a 10-day extension to allow Mr. Sneckner to return to Texas to resume the negotiations in person. The 10-day extension was granted to allow for continued negotiations.

**During the 60-day abatement, BSR Water Company (or its representatives) was in consistent contact with Bexar Met in an attempt to negotiate this matter. Bexar Met informed BSR that it would draft an agreement and forward the agreement to BSR Water Company through the undersigned. There were numerous contacts from BSR to Bexar Met during this time attempting to finalize negotiations of the outstanding matter between the parties. These contacts included, but were not limited to, the following:**

1. Telephone and personal contact immediately after the hearing in which BSR was informed that Bexar Met would be providing a draft agreement.

2. July 31, 2003; Fax to North West, attorney for Bexar Met, referencing awaiting the draft agreement and emphasizing that the negotiations were time sensitive (Attachment 1).
3. August 4, 2003; Fax sent by the law offices of Earl & Brown relaying a message from Tom Moreno of Bexar Met regarding requesting the draft agreement so it may be reviewed by BSR (Attachment 2).
4. August 14, 2003; Fax from law offices of Earl & Brown to Tom Moreno again requesting the draft agreement and emphasizing the state-imposed timeline on negotiation (Attachment 3).
5. August 15, 2003; Fax from law offices of Earl & Brown to Tom Moreno again requesting information on when a draft agreement would be forthcoming (Attachment 4).
6. August 18, 2003; Email from Chuck Ahrens of Bexar Met to David Earl of Earl & Brown, P.C. acknowledging receipt of faxes regarding status of BSR contract being drafted by Bexar Met's attorneys and requesting BSR to be patient in receiving the draft agreement (Attachment 5).
7. September 18, 2003; Letter from Earl & Brown, P.C. to North West, attorney for Bexar Met, again requesting draft agreement and confirming that, as of the date of the letter, neither BSR nor its attorneys have received any draft to consider (Attachment 6).

In addition to the above emails, fax transmittals and letters, a number of phone calls were made on behalf of BSR Water Company to Bexar Met and/or its representatives requesting the draft agreement so that it could be meaningfully considered and reviewed as part of the negotiation process. A draft agreement was not received from Bexar Met until September 22, 2003, five days after the request for the 10-day extension submitted by Bexar Met. This draft agreement, together with a proposed Letter of Intent that was submitted Bexar Met more than 65 days after the abatement of the matter for negotiation, provided BSR Water Company only four business days to review and attempt to negotiate on the agreement.

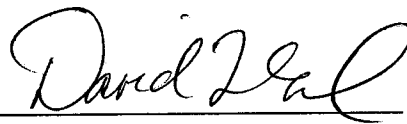
Based on the above information, it should be apparent that Sneckner Partners Ltd. and BSR Water Company have been diligent in pursuing negotiations with Bexar Met, but have only received a draft agreement (over 20 pages in length) on September 22, 2003 and has had less than five business days to review and negotiate said agreement.

In light of the above, Sneckner Partners, Ltd. and BSR Water Company hereby respectfully request an additional 60-day abatement to allow meaningful negotiations with Bexar Met for the purpose of resolving the outstanding issues between the parties.

The undersigned has contacted Mr. Mark Zeppa , attorney for Bexar Met and Water Services, Inc., regarding a continued abatement, and Mr. Zeppa has no objection to the filing of the request for continued abatement. Additionally, the undersigned has contacted Mr. Blas Coy, Jr., Public Interest Counsel, and has contacted the office of Mr. Todd Burkey, Environmental Law Division, and has received no opposition from the same regarding the filing for the continued abatement.

Respectfully submitted,

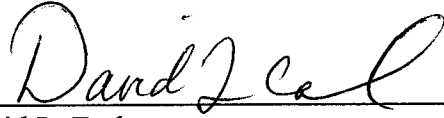
EARL & BROWN, P.C.  
111 Soledad, Suite 1111  
San Antonio, Texas 78205  
(210) 222-1500 Phone  
(210) 222-9100 Facsimile

By:   
David L. Earl  
State Bar No. 06343030

ATTORNEY FOR  
SNECKNER PARTNERS, LTD.  
(BSR WATER COMPANY)

**CERTIFICATE OF SERVICE**

I, David L. Earl, certify that the foregoing pleading was served on all parties of record, the presiding SOAH Judge and the TCEQ Docket Clerk by facsimile transmission and 1<sup>st</sup> class USPS mail on the 29<sup>th</sup> day of September 2003:



David L. Earl

1. Judge Cassandra Church  
State Office of Administrative Hearings  
P.O. Box 13025  
Austin, Texas 78711-3025  
Fax: 512-475-4994
2. Janessa Glenn  
Jenkins & Gilchrist, P.C.  
2200 One American Center  
600 Congress Avenue  
Austin, Texas 78701-3248  
Fax: 512-404-3520
3. Todd Burkey  
Environmental Law Division  
Texas Commission on Environmental Quality  
P.O. Box 13087, MC 173  
Austin, Texas 78711-3087  
Fax: 512-239-0606
4. Blas Coy, Jr.  
Public Interest Counsel  
Texas Commission on Environmental Quality  
P.O. Box 13087, MC 103  
Austin, Texas 78711-3087  
Fax: 512-239-6377
5. TCEQ Docket Clerk  
Office of the Chief Clerk  
Texas Commission on Environmental Quality  
P.O. Box 13087, MC 105  
Austin, Texas 78711-3087  
Fax: 512-239-3311
6. Mark H. Zeppa  
Law Offices of Mark H. Zeppa, P.C.  
4833 Spicewood Springs Road, Suite 202  
Austin, Texas 78759-8436  
Fax: 512-346-6847

Law Offices of  
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111 Soledad Street, Suite 1111  
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(210) 222-9100 Facsimile

**FACSIMILE COVER SHEET**

**DATE: July 31, 2003**

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**IF YOU DO NOT RECEIVE ALL OF THE PAGES, PLEASE CONTACT Ann AT (210) 222-1500 AS SOON AS POSSIBLE.**

<b>TO: North West</b> <b>CC: Tom Moreno</b> <b>CC: Sunny Sneckner</b> <b>CC: Seagal Wheatley</b>	<b>Fax: 340-2715</b> <b>Fax: 922-5152</b> <b>Fax: 830-980-7286</b> <b>Fax: 246-5999</b>
<b>FROM: David Earl</b>	<b>Total No. of Pages</b> <b>(including cover sheet): 1</b>
<b>FILE NO: 4041</b>	<b>MATTER: Water Purchase Agreement</b>
<b>MESSAGE:</b> <b>Mr. West,</b>  <b>I have made attempts to contact your office regarding the status of the agreement between BSR Water Company and Bexar Met.</b>  <b>As you know from my previous messages, Tom Moreno has advised us that you would produce the initial draft of a Water Purchase Agreement between the parties. Please understand that this is a time sensitive issue in light of the administrative action pending at the TCEQ.</b>  <b>Please forward us a draft for our review as soon as possible, or contact our office if there is any information that you require or if your office does not intend to prepare the initial draft of the agreement.</b>  <b>Thank you.</b>	

Law Offices of  
**EARL & BROWN**  
 A Professional Corporation  
 RiverView Towers  
 111 Soledad Street, Suite 1111  
 San Antonio, Texas 78205  
 (210) 222-1500 Telephone  
 (210) 222-9100 Facsimile

**FACSIMILE COVER SHEET**

**DATE:** August 4, 2003

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**IF YOU DO NOT RECEIVE ALL OF THE PAGES, PLEASE CONTACT Ann AT (210) 222-1500 AS SOON AS POSSIBLE.**

<b>TO:</b> Sunny Sneckner	<b>Fax:</b> 830-980-7286
<b>FROM:</b> Ann for David Earl	<b>Total No. of Pages</b> (including cover sheet): 1
<b>FILE NO:</b> 4041	<b>MATTER:</b> Water Purchase Agreement
<b>MESSAGE:</b> Tom Moreno phoned this morning during your meeting and mentioned that the agreement will be forthcoming this week. Thank you.	

Law Offices of  
**EARL & BROWN**  
A Professional Corporation  
RiverView Towers  
111 Soledad Street, Suite 1111  
San Antonio, Texas 78205  
(210) 222-1500 Telephone  
(210) 222-9100 Facsimile

**FACSIMILE COVER SHEET**

**DATE:** August 14, 2003

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**IF YOU DO NOT RECEIVE ALL OF THE PAGES, PLEASE CONTACT Ann AT (210) 222-1500 AS SOON AS POSSIBLE.**

<b>TO:</b> Tom Moreno <b>CC:</b> North West <b>CC:</b> Sunny Sneckner <b>CC:</b> Seagal Wheatley	<b>FAX:</b> 922-5152 <b>FAX:</b> 340-2715 <b>FAX:</b> 830-980-7286 <b>FAX:</b> 246-5999
<b>FROM:</b> David Earl	<b>Total No. of Pages</b> (including cover sheet): 1
<b>FILE NO:</b> 4041	<b>MATTER:</b> Water Purchase Agreement
<b>MESSAGE:</b> Tom,  It is our understanding that a draft contract would be received by Friday, August 8, 2003.  To date, we have not received any documents or a draft contract for review. As you know, we are under a state-imposed timeline on this matter and are still operating under the good-faith assumption that a draft contract would be forthcoming.  Please advise, as soon as possible, as to when the contract will be received for our review.  Thank you.	

Law Offices of  
**EARL & BROWN**  
A Professional Corporation  
RiverView Towers  
111 Soledad Street, Suite 1111  
San Antonio, Texas 78205  
(210) 222-1500 Telephone  
(210) 222-9100 Facsimile

**FACSIMILE COVER SHEET**

**DATE: August 15, 2003**

**CONFIDENTIALITY NOTICE:** *The document(s) accompanying this facsimile message is privileged and confidential information intended solely for the use of the intended recipient. You are hereby notified that any disclosure, dissemination, distribution, or reproduction of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone, and return this original message to this office at the above address via the United States Postal Service.*

**IF YOU DO NOT RECEIVE ALL OF THE PAGES, PLEASE CONTACT Ann AT (210) 222-1500 AS SOON AS POSSIBLE.**

<b>TO: Tom Moreno</b> <b>CC: North West</b> <b>CC: Sunny Sneckner</b> <b>CC: Seagal Wheatley</b>	<b>Fax: 922-5152</b> <b>Fax: 340-2715</b> <b>Fax: 830-980-7286</b> <b>Fax: 246-5999</b>
<b>FROM: David Earl</b>	<b>Total No. of Pages</b> <b>(including cover sheet): 1</b>
<b>FILE NO: 4041</b>	<b>MATTER: Water Purchase Agreement</b>
<b>MESSAGE:</b> Tom,  Please let me know when I may expect the draft contract for review.  Thank you.	

**Ann Roach**

**From:** Chuck Ahrens [cahrens@boxarmet.org]  
**Sent:** Monday, August 18, 2003 5:30 PM  
**To:** dean@gearlandbrown.com  
**Subject:** BSR contract

David,

We are in receipt of your faxes regarding the status of the BSR contract that Mr. West is drafting for your review.

I know that Mr. West is moving quickly to draft this agreement and that we have provided him the deal points to be included.

I hope that you will be patient and allow for this document to be drafted, however, we understand if you must proceed in a different direction.

Call me if you have any questions or you may contact North O. West at 340-2200.

Thanks.

Chuck

8/20/2003

Law Offices of  
**EARL & BROWN**  
A Professional Corporation  
RiverView Towers  
111 Soledad Street, Suite 1111  
San Antonio, Texas 78205  
(210) 222-1500 Telephone  
(210) 222-9100 Facsimile

**FACSIMILE COVER SHEET**

**DATE: September 18, 2003**

**CONFIDENTIALITY NOTICE:** *The document(s) accompanying this facsimile message is privileged and confidential information intended solely for the use of the intended recipient. You are hereby notified that any disclosure, dissemination, distribution, or reproduction of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone, and return this original message to this office at the above address via the United States Postal Service.*

**IF YOU DO NOT RECEIVE ALL OF THE PAGES, PLEASE CONTACT Ann AT (210) 222-1500 AS SOON AS POSSIBLE.**

<b>TO:</b> North West <b>CC:</b> Sunny Sneckner <b>CC:</b> Seagal Wheatley <b>CC:</b> Jannessa Glenn <b>CC:</b> Chuck Ahrens	<b>Fax:</b> 210-340-2715 <b>Fax:</b> 830-980-7286 <b>Fax:</b> 210-246-5999 <b>Fax:</b> 512-404-3520 <b>Fax:</b> 210-922-5152
<b>FROM:</b> David Earl	<b>Total No. of Pages</b> <b>(including cover sheet):</b> 10
<b>FILE NO:</b> 4041	<b>MATTER:</b> BSR/Bexar Met Draft Agreement
<b>MESSAGE:</b>  Please see attached.	