

Control Number: 43922



Item Number: 16

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

RECEIVED

2014 DEC -9 AM 9:52

2010 MAY -7 PM 3:55

CHIEF CLERKS OFFICE

PUBLIC UTILITY COMMISSION FILING CLERK DOCKET NO. 582-09-4288

TCEQ DOCKET NO. 2009-0505-UCR

APPLICATION OF DOUBLE DIAMOND UTILITIES COMPANY, INC. TO CHANGE WATER RATE TARIFF FOR SERVICE IN HILL, PALO PINTO, AND JOHNSON COUNTIES

§ § § § § § § §

BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

DOUBLE DIAMOND UTILITIES CO.'S OBJECTIONS TO THE PREFILED TESTIMONY AND EXHIBITS OF ELSIE PASCUA AND BRIAN DAVID DICKEY ON BEHALF OF THE EXECUTIVE DIRECTOR

TO THE HONORABLE ADMINSTRATIVE LAW JUDGE:

COMES NOW, Double Diamond Utilities, Co. ("DDU") and files its objections to the prefiled testimony and exhibits of Elsie Pascua and Brian David Dickey on behalf of the Executive Director in the above-styled matter.

Objections to Elsie Pascua's Testimony and Exhibits

DDU makes the following objections to portions of Elsie Pascua's prefiled testimony as well as the exhibits introduced through Elsie Pascua's testimony. DDU moves to strike each portion of the testimony referenced below, as well as the exhibit or specific parts of exhibits that are outlined below.

- 1. Page 9, line 15 "This means..." - line 17, "... its application."

DDUS objects to this portion of Ms. Pascua's testimony as speculation. Ms. Pascua has not been qualified as a person with a particular or specialized knowledge, based on education or experience in legal matters and administrative hearing procedures.

Objections to Brian David Dickey's Testimony and Exhibits

DDU makes the following objections to portions of Brian David Dickey's prefiled testimony as well as the exhibits introduced through Brian David Dickey's testimony. DDU

moves to strike each portion of the testimony referenced below, as well as the exhibit or specific parts of exhibits that are outlined below.

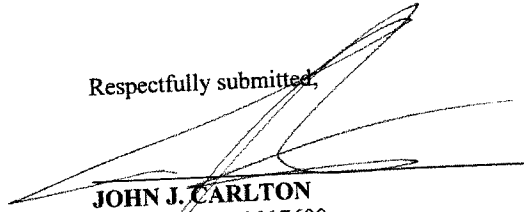
1. **Page 4, line 19 "DDU is seeking..." – line 20, "... combined."**

DDUS objects to this portion of Mr. Dickey's testimony as speculation. Mr. Dickey the witness has no personal knowledge of whether DDU is seeking one tariff or two in the event of non-consolidation of the White Bluff and The Retreat water systems.

2. **Page 6, line 9 "The failure to meet..." – line 11, "... proposed rates."**

DDUS objects to this portion of Mr. Dickey's testimony as speculation. Mr. Dickey has not been qualified as a person with a particular or specialized knowledge, based on education or experience in legal matters and administrative hearing procedures.

Respectfully submitted,



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(512) 436-2360 – Telecopy

**ATTORNEY FOR DOUBLE DIAMOND
UTILITIES CO.**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was delivered via facsimile, via first class mail, via electronic mail or by hand delivery on the 7th day of May, 2010 to the following:

Shari Heino
Mathews & Freeland, L.L.P.
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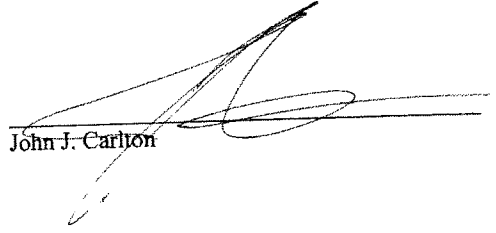
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Representative for the Cliffs Utility Committee
90 Glen Abbey Drive S
Graford, Texas 76449

Jack D. McCartney and
John T. Bell
Representatives for the Retreat Homeowners Group
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John J. Carlton

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2010 MAY -7 PM 3:55
CHIEF CLERKS OFFICE

SOAH

State Office of Administrative Hearings



Cathleen Parsley
Chief Administrative Law Judge

May 6, 2010

CHIEF CLERKS OFFICE

MAY - 6 AM 11:40

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

Re: *SOAH Docket No. 582-09-4288; TCEQ Docket No. 2009-0505-UCR; Application of Double Diamond Utilities Company, Inc. to Change Water Rate Tariff for Service in Hill, Palo Pinto, and Johnson Counties*

TO ALL PARTIES OF RECORD:

This letter is to inform you that the pre-hearing conference for the above-mentioned matter which is scheduled in Order No. 4 for May 26, 2010, will begin at 9:00 a.m.

Sincerely,

Richard R. Wilfong
Administrative Law Judge

RRW/sb

cc: Mailing List

SOAH

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CHIEF CLERKS OFFICE

2 MAY - 6 AM 11:40

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

AGENCY: Environmental Quality, Texas Commission on (TCEQ)
STYLE/CASE: DOUBLE DIAMOND UTILITIES COMPANY, INC
SOAH DOCKET NUMBER: 582-09-4288
REFERRING AGENCY CASE: 2009-0505-UCR

STATE OFFICE OF ADMINISTRATIVE HEARINGS

ADMINISTRATIVE LAW JUDGE
ALJ RICHARD WILFONG

REPRESENTATIVE / ADDRESS

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xc Docket Clerk, State Office of Administrative Hearings

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05/06/2010

DATE

3

NUMBER OF PAGES INCLUDING THIS COVER SHEET:

LETTER REGARDING PREHEARING

REGARDING:

582-09-4288

DOCKET NUMBER:

JUDGE RICHARD WILFONG

FAX TO:

FAX TO:

PHILLIP DAY

VIA REGULAR MAIL

JACK D. MCCARTNEY

VIA REGULAR MAIL

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Kennedy Court Reporting Services

(512) 474-6704

TCEQ Docket Clerk, Fax Number 512/239-3311

NOTE: IF ALL PAGES ARE NOT RECEIVED, PLEASE CONTACT SUSAN BRYSON(sbr) (512) 475-4993

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CHIEF CLERKS OFFICE

MAY - 6 AM 11: 40

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

TEXAS
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ON ENVIRONMENTAL
QUALITY

2010 APR 29 PM 4:47

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

Protecting Texas by Reducing and Preventing Pollution

April 29, 2010

The Honorable Richard R. Wilfong
State Office of Administrative Hearings
300 West 15th Street, Room 504
Austin, Texas 78701-1649

Re: Water Rate/Tariff Change Application of Double Diamond Utilities Co., Certificate of Convenience and Necessity No. 12087, in Hill, Palo Pinto, and Johnson Counties, Texas, Application No. 36220-R; SOAH Docket No. 582-09-4288; TCEQ Docket No. 2009-0505-UCR

Dear Judge Wilfong:

At 2:55 p.m. today, the Executive Director (ED) attempted to fax his prefiled testimony without the attachments, a total of fifty pages, to the State Office of Administrative Hearings (SOAH). Shortly thereafter, SOAH contacted me and said that twelve pages of the fax had gone through but that I was not permitted to send faxes to SOAH over thirty-five pages in length. I spoke with your assistant, who said that tomorrow's hand delivery would be sufficient but that I should attach a letter explaining what occurred. I did receive a fax confirmation stating that all fifty pages were sent, but I do not know if you received them. I have attached the activity log for our fax machine, circling the two times the fax attempted to go through, and the fax confirmation page. Please let me know if you have any questions.

Sincerely,

Stefanie Skogen
Staff Attorney
Environmental Law Division

Enclosure

cc: Mailing List

04/29/2010 15:47 FAX 5122390606

TCEQ Legal Services

001

*** ACTIVITY MANAGEMENT REPORT TX ***

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*** ACTIVITY MANAGEMENT REPORT RX ***

ST. TIME	DESTINATION TEL/ID	NO.	MODE	PGS.	RESULT
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04/29/2010 15:14 FAX 5122390606

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*** TX REPORT ***

TRANSMISSION OK

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PAGES SENT	50
RESULT	OK



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by Reducing and
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FAX TRANSMITTAL

DATE: April 29, 2010 NUMBER OF PAGES (including this cover sheet):

TO: Name Please see details below

Organization _____

FAX Number _____

FROM: TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Name Stefanie Skogen

Division/Region Environmental Law Division

Telephone Number (512) 239-0575

FAX Number (512) 239-0606

Double Diamond Utility Co., Inc.;
SOAH Docket No. 582-09-4288; TCEQ Docket No. 2009-0505-UCR;

**Executive Director's Direct Testimony of Elsie Pascua and
Direct Testimony of Brian David Dickey**

cc: The Honorable Richard R. Wilfong
State Office of Administrative Hearings
Fax: (512) 475-4994

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

JUL 28 PM 3:38

CHIEF CLERKS OFFICE

SOAH DOCKET NO. 582-09-4288
TCEQ DOCKET NO. 2009-0505-UCR

APPLICATION OF DOUBLE
DIAMOND UTILITIES COMPANY,
INC. TO CHANGE WATER RATE
TARIFF FOR SERVICE IN HILL,
PALO PINTO, AND JOHNSON
COUNTIES

BEFORE THE STATE OFFICE

OF

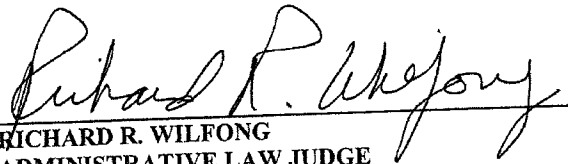
ADMINISTRATIVE HEARINGS

**ORDER NO. 8
SETTING HEARING**

On July 22, 2010, Double Diamond Utilities Company, Inc. (Double Diamond), filed a letter in accordance with Order No. 7, providing two alternative dates for the hearing on the merits.

NOW, THEREFORE, IT IS ORDERED the hearing on the merits will convene at 9:00 a.m. on October 21, 2010 at the State Office of Administrative Hearings in the William P. Clements Building, 300 West 15th Street, 4th Floor, Austin, Texas. The hearing is scheduled to last two days. Double Diamond is required to arrange for a court reporter to record the hearing and prepare a transcript.

SIGNED July 28, 2010.


RICHARD R. WILFONG
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2010 JUL 28 PM 3:38

STATE OFFICE OF ADMINISTRATIVE HEARINGS

CHIEF CLERKS OFFICE

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Austin, Texas 78701
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SERVICE LIST

AGENCY: Environmental Quality, Texas Commission on (TCEQ)
STYLE/CASE: DOUBLE DIAMOND UTILITIES COMPANY, INC
SOAH DOCKET NUMBER: 582-09-4288
REFERRING AGENCY CASE: 2009-0505-UCR

STATE OFFICE OF ADMINISTRATIVE HEARINGS ADMINISTRATIVE LAW JUDGE
ALJ RICHARD WILFONG

REPRESENTATIVE / ADDRESS PARTIES

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July 27, 2010

VIA FACSIMILE (512) 475-4994

Richard Wilfong
Administrative Law Judge
State Office of Administrative Hearings
300 W. 15th Street, Suite 502
Austin, Texas 78701

Re: SOAH Docket No. 582-09-4288; TCEQ Docket No. 2009-0505-UCR; Application of Double Utilities Company, Inc. to Change Water Rate Tariff for Service in Hill, Palo Pinto, and Johnson Counties

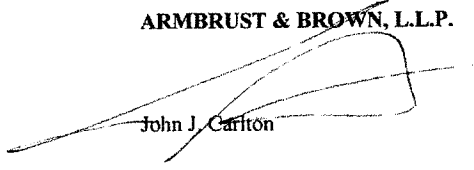
Dear Judge Wilfong:

Pursuant to Order No. 7, I have contacted the parties regarding a new evidentiary hearing date. The parties and their witnesses are only available for a 2 day hearing on the water rates for The Cliffs Subdivision on October 21-22 or November 16-19. These were the only dates between now and the end of November that all parties were available.

Thank you for your attention to this matter. If you have any questions, please do not hesitate to contact me.

Sincerely,

ARMBRUST & BROWN, L.L.P.



John J. Carlton

cc: Parties of Record

CHIEF CLERKS OFFICE

JUL 27 PM 12:47

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY