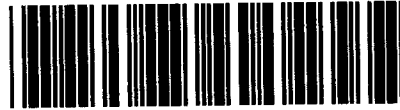


Control Number: 43922



Item Number: 28

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

43922

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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. 3
SCHEDULING PREHEARING CONFERENCE**

On December 8, 2009, Double Diamond Utilities Company (Applicant) filed a motion for continuance. On December 9, 2009, White Bluff Subdivision Ratepayers (Protestant) filed their response in opposition to Applicant's motion. Protestant's response (1) makes reference to the final order recently issued in SOAH Docket No. 582-08-0698; TCEQ Docket No. 2007-1708-UCR, contending that the current docket uses the same consolidated accounting for revenue requirements that the Commission has now rejected, and (2) requests an escrow for potentially refundable utility payments, if the motion for continuance is granted. Having considered these matters the Administrative Law Judge concludes that it would be beneficial to schedule a prehearing conference to fully consider these matters.

NOW, THEREFORE, IT IS ORDERED that a prehearing conference will be convened on **January 5, 2010, at 10:00 a.m. at the State Office of Administrative Hearings, William P. Clements Building, 300 West 15th Street, Fourth Floor, Austin, Texas.**

The Parties are requested to be prepared to address (1) the effect of the final order in TCEQ Docket No. 2007-1708-UCR, specifically, should this proceeding be dismissed or abated to allow the Applicant to file an application consistent with the recent TCEQ final order; (2) should the potentially refundable portion of utility payments be put in escrow on a going-forward basis; (3) Applicant's motion for continuance; (4) the procedural schedule for this proceeding if it is continued and not dismissed or abated, and (5) any pending motions. The Parties are invited, but not required, to provide a written statement of position on these matters prior to the prehearing conference.

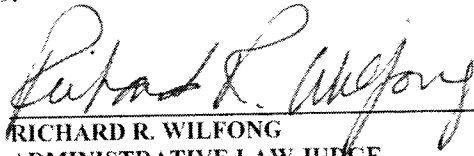
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SOAH DOCKET NO. 582-09-4288
TCLQ DOCKET NO. 2009-0505-UCR

ORDER NO. 3

PAGE 2

SIGNED December 11, 2009.



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

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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

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December 11, 2009

TEXAS
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CHIEF CLERKS OFFICE

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:

I received your Order No. 3 in the above referenced proceeding. The Order states that my Motion for Continuance along with the procedural schedule for this proceeding will be considered at the prehearing conference on January 5, 2010. According to Order No. 1, Applicant's prefiled testimony is still due this Monday, December 14, 2009. Please clarify if Order No. 3 abates the deadline for Applicant to file its prefiled testimony until after the prehearing conference is held.

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
Attorney for Double Diamond Utilities Co.

Enclosure

cc: TCEQ Chief Clerk (via fax: 512.239.3311)
Stefannie Skogen (via fax: 512.29.0606)
Shari Heino (via fax: 512.703.2785)
James B. Murphy (via fax: 512.239.6377)
Phillip Day: (via email: pbdlay@nsb-pklake.com)
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375508-1 12/08/2009

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Date: December 11, 2009

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James Murphy	OPIC	512.239.6377	512.239.4014
Philip Day		Via Email & First Class Mail	
Jack D. McCartney John T. Bell		Via Email & First Class Mail	

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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

ATTACHMENTS Correspondence

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QUALITY

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

2009 DEC 11 AM 10:02

CHIEF CLERKS OFFICE

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. 3
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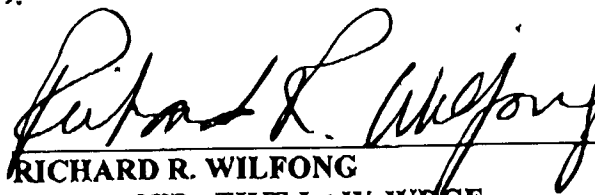
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SOAH DOCKET NO. 582-09-4288
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ORDER NO. 3

PAGE 2

SIGNED December 11, 2009.



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

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REGARDING ORDER NO. 3 - SCHEDULING PREHEARING CONFERENCE

DOCKET NUMBER: 582-09-4288

JUDGE RICHARD WILFONG

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