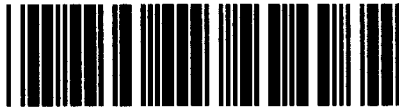




Control Number: 43922



Item Number: 6

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

RECEIVED

SOAH DOCKET NO. 582-09-428
TCEQ DOCKET NO. 2009-0505-UCR

2010 OCT 20 PM 2:39
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TEXAS
COMMISSION ON ENVIRONMENTAL
QUALITY

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

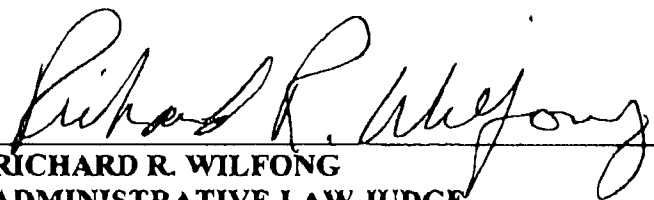
**ORDER NO. 10
RESCINDING ORDER NO. 9**

On October 14, 2010, Double Diamond Utilities Company, Inc. (Double Diamond), filed a joint motion to withdraw testimony and pleadings and stipulation of agreed rates. On October 19, 2010, the Administrative Law Judge (ALJ) issued Order No. 9 granting the joint motion and remanding the case to the Executive Director (ED) for approval of the stipulated rates. By letter dated October 19, 2010, Double Diamond advised that all contested issues have not been resolved. Specifically, The Cliffs has not joined in the settlement and those issues regarding consolidation remain contested. Therefore, the ALJ's remand to the ED was inappropriate.

NOW, THEREFORE, IT IS ORDERED that the ALJ's Order No. 9 is rescinded to allow the contested case hearing to be convened to litigate the remaining contested issues. The hearing on the merits scheduled to commence on Thursday, October 21, 2010, is cancelled and will be rescheduled on either November 22 and 23, 2010, or December 6 and 7, 2010. The parties are requested to confer and select one of these dates for the hearing to be reset, and to advise the ALJ of their selection within seven (7) business days from the date of this order.

IT IS FURTHER ORDERED that Double Diamond's motion to withdraw testimony and pleadings is **GRANTED**. No ruling is made regarding the stipulation of agreed rates.

SIGNED October 20, 2010.


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

STATE OFFICE OF ADMINISTRATIVE HEARINGS

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CHIEF CLERK'S OFFICE

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TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

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

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QUALITY

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DATE:

CHIEF CLERKS OFFICE 10/20/2010

NUMBER OF PAGES INCLUDING THIS COVER SHEET:

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REGARDING:

ORDER NO. 10 - RESCINDING ORDER NO. 9

DOCKET NUMBER:

582-09-4288

JUDGE RICHARD WILFONG

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October 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

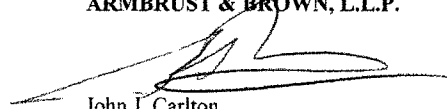
Dear Judge Wilfong:

Pursuant to Order No. 10, I have conferred with the participating parties regarding a new hearing date. The parties and their witnesses are available for a 2-day hearing on the water rates for The Cliffs Subdivision on December 6-7.

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

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