



Control Number: 43922



Item Number: 7

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

SOAH DOCKET NO. 582-09-4288
TCEQ DOCKET NO. 2009-0009-0000

2010 OCT 19 PM 2:20

CHIEF CLERKS OFFICE

PUBLIC UTILITY COMMISSION
FILING OFFICE

BEFORE THE STATE OFFICE

OF

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

ADMINISTRATIVE HEARINGS

ORDER NO. 9

**GRANTING MOTION TO WITHDRAW TESTIMONY AND PLEADINGS
AND DISMISSING CASE FROM SOAH DOCKET AND REMANDING TO
EXECUTIVE DIRECTOR**

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.

NOW, THEREFORE, IT IS ORDERED that the motion to withdraw testimony and pleadings is GRANTED and the case is DISMISSED from the docket of the State Office of Administrative Hearings and REMANDED to the Executive Director for entry of an order approving the stipulated rates.

SIGNED October 19, 2010.

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

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2010 OCT 19 PM 2:20

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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THE RETREAT HOMEOWNERS GROUP

xc: Docket Clerk, State Office of Administrative Hearings

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DATE:

10/19/2010

NUMBER OF PAGES INCLUDING THIS COVER SHEET:

4

REGARDING:

ORDER NO. 9 - GRANTING MOTION TO WITHDRAW TESTIMONY AND PLEADINGS AND DISMISSING CASE FROM SOAH DOCKET AND REMANDING TO EXECUTIVE DIRECTOR

DOCKET NUMBER:

582-09-4288

JUDGE RICHARD WILFONG

**FAX TO:
PHILLIP DAY**

**FAX TO:
VIA REGULAR MAIL**

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VIA REGULAR MAIL

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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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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2010 OCT 19 PM 2:19
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

October 8, 2010

CHIEF CLERKS OFFICE

OCT 8 PM 3:33

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

The Honorable Richard R. Wilfong
State Office of Administrative Hearings
P.O. Box 13025
Austin, Texas 78711-3025

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

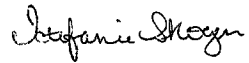
Dear Judge Wilfong:

While preparing for the evidentiary hearing in this case that begins on October 21, 2010, the Executive Director (ED) discovered several calculation errors related to the loans and payroll burdens and some typographical errors in his prefiled testimony. The ED has corrected those errors and is providing those corrections marked in red to all the parties. The ED also replaced Attachment EP-29 to more clearly show the ED's loan allocations. The following lists the locations of the corrections:

- Ex. ED-1
 - Page 2 of the index
 - Page number: line number – 7:11-12, 17, 19; 12:17-18; 13:5-8; 15:18-20, 24-25; 18:7-8, 23-24; 19:8
 - Attachments EP-5, -6, -7, -8, -14, -16, -29
- Ex. ED-2
 - Page number: line number – 1:5-6; 11:10-12; 16:7; 19:3, 8, 11; 20:7
 - Attachments BDD-13, -18

The ED has only made those corrections that relate to The Cliffs, as it is the only system still at issue in this case. Please let me know if you have any questions.

Sincerely,



Stefanie Skogen
Staff Attorney
Environmental Law Division

Enclosure

cc: Mailing list

CERTIFICATE OF SERVICE

I certify that on October 8, 2010, a copy of the foregoing document was sent by first class mail, agency mail, electronic mail, and/or facsimile to the persons on the attached mailing list.

Stefanie Skogen
Stefanie Skogen, Staff Attorney
Environmental Law Division

Mailing List
Double Diamond Utility Co.
SOAH Docket No. 582-09-4288
TCEQ Docket No. 2009-0505-UCR

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October 19, 2010

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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 Order No. 9 in the above referenced proceeding. Your Order states that the case is being dismissed and remanded back to the Executive Director. Unfortunately, Double Diamond Utilities has not reached an agreement with The Cliffs and those matters need to be resolved in a hearing, which we were prepared to follow through with this week.

If you have any questions, please do not hesitate to contact me.

Sincerely,

ARMBRUST & BROWN, PLLC

John J. Carlton

cc: Parties of Record

401247-1 10/19/2010

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2010 OCT 19 PM 3: 25
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October 14, 2010

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VIA HAND DELIVERY

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:

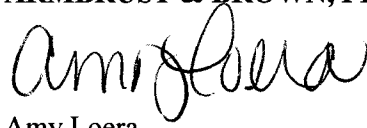
Enclosed for filing in the above referenced case is a Joint Motion to Withdraw Testimony and Stipulate Agreed Rates for the White Bluff and The Retreat Subdivisions.

Please acknowledge receipt of the above by file-stamping the extra copy of this letter, and return to me via courier.

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

Sincerely,

ARMBRUST & BROWN, PLLC



Amy Loera
Legal Secretary to John J. Carlton

Enclosure

cc: TCEQ Chief Clerk
Stefannie Skogen
Shari Heino
James B. Murphy
Phillip Day:
Jack D. McCartney & John T. Bell

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