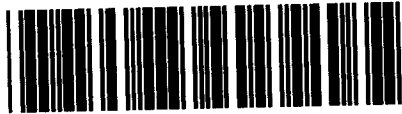


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Addendum StartPage: 0

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

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SOAH DOCKET NO. 582-05-1005
TCEQ DOCKET NO. 2004-1384-UCR

PETITION OF BEXAR METROPOLITAN §
WATER DISTRICT TO COMPEL RAW §
WATER COMMITMENT FROM §
GUADALUPE-BLANCO RIVER §
AUTHORITY §
BEFORE THE STATE OFFICE
OF
ADMINISTRATIVE HEARINGS

ORDER NO. 6
PENDING DISMISSAL OF PETITION

On April 3, 2006, Bexar Metropolitan Water District, Petitioner in the captioned action, submitted to the State Office of Administrative Hearings ("SOAH") a "Motion to Withdraw Petition to Compel Raw Water Commitment," seeking dismissal of this entire proceeding. On April 5, 2006, Guadalupe-Blanco River Authority ("GBRA") submitted a scheduled status report, which included the statement that GBRA has no objection to the requested dismissal "so long as the petition is dismissed with prejudice."

Under the rules of the Texas Commission on Environmental Quality ("TCEQ"), at 30 TAC § 80.25, the party initiating an action may withdraw it without challenge (until a proposal for decision is issued in the matter), so long as that party seeks dismissal *with prejudice*. In order to obtain dismissal *without prejudice*, the initiating party must satisfy various prerequisites described in § 80.25. Since Bexar Metropolitan, in its pending motion, has not addressed any actions taken to satisfy the requirements for dismissal *without prejudice*, the Administrative Law Judge ("ALJ") assumes that Petitioner is acquiescing to the dismissal of its petition *with prejudice*.

The ALJ will allow Petitioner until **April 15, 2006**, to submit further pleadings, if desired, to clarify the form of dismissal it seeks in this case. In the absence of any further filing, the ALJ will then dismiss this matter with prejudice. If Petitioner indicates that it seeks dismissal without prejudice (in which case it should provide an explanation of how it will qualify for such treatment), the ALJ will determine what further proceedings on that issue are necessary.

SOAH Docket No. 582-05-1005
TCEQ Docket No. 2004-1384-UCR

Order No. 6

Page 2


MAILING LIST

Based upon a request filed by the Offices of Louis T. Rosenberg, P.C., the ALJ has removed Mr. Rosenberg and Shannon Strong from the Mailing List. Parties should amend their own mailing lists accordingly.

PROCEDURAL QUESTIONS

Routine procedural and logistical questions may be directed to Rita McBride at (512) 475-3419; however, please note that SOAH support personnel are not authorized to provide general advice or the interpretation of regulations or policy.

SIGNED April 6, 2006.



MIKE ROGAN
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS

STATE OFFICE OF ADMINISTRATIVE HEARINGS
WILLIAM P. CLEMENTS BUILDING, Jr.
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AGENCY: Environmental Quality, Texas Commission on (TCEQ)
STYLE/CASE: BEXAR METROPLITIAN WATER DISTRICT
SOAH DOCKET NUMBER: 582-05-1005
REFERRING AGENCY CASE: 2004-1384-UCR

**STATE OFFICE OF ADMINISTRATIVE
HEARINGS**

ADMINISTRATIVE LAW JUDGE
ALJ MIKE ROGAN

REPRESENTATIVE / ADDRESS

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Apr 6 2006 15:01

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

xc. Docket Clerk, State Office of Administrative Hearings

STATE OFFICE OF ADMINISTRATIVE HEARINGS**WILLIAM P. CLEMENTS BUILDING, Jr.****300 West Fifteenth Street****Austin, Texas 78701****Phone (512) 475-4993****Facsimile (512) 475-4994**

DATE:

04/06/2006

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REGARDING:

ORDER NO. 6 PENDING DISMISSAL OF PETITION

DOCKET NUMBER:

582-05-1005

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