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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.


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.

300 West Fifteenth Street

Austin, Texas 78701

Phone (512) 475-4993

Facsimile (512) 475-4994

SERVICE LIST

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

PARTIES

MOLLY CAGLE
ATTORNEY
2801 VIA FORTUNA, 100
AUSTIN, TX 78746
(512) 542-8552 (PH)
(512) 236-3280 (FAX)

GBRA

PAUL TERRILL
ATTORNEY
810 W 10TH STREET
AUSTIN, TX 78701
(514) 474-9100 (PH)
(512) 474-9888 (FAX)

BEXAR METROPOLITAN WATER DIST.

ROGER NEVOLA
ATTORNEY
BEXAR COUNTY COURTESY COPY
PO BOX 2103
AUSTIN, TX 78767
(512) 499-0500 (PH)
(512) 499-0575 (FAX)

MARK ZEPPA

SCOTT HUMPHREY
ATTORNEY
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
OFFICE OF PUBLIC INTEREST COUNSEL
P.O. BOX 13087
AUSTIN, TX 78711-3087
(512) 239-6960 (PH)
(512) 239-6377 (FAX)

TCEQ

TODD GALIGA
STAFF ATTORNEY, EXECUTIVE DIRECTOR
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
, MC-173 PO 13087
AUSTIN, TX 78711-3087
(512) 239-0600 (PH)
(512) 239-0606 (FAX)

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

04/06/2006

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FROM:

JUDGE MIKE ROGAN

FAX TO:

FAX TO:

MOLLY CAGLE

(512) 236-3280

PAUL TERRILL

(512) 474-9888

ROGER NEVOLA

(512) 499-0575

SCOTT HUMPHREY (TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY)

(512) 239-6377

TODD GALIGA (TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY)

(512) 239-0606

TCEQ Docket Clerk, Fax Number 512/239-3311

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WILLIAM P. CLEMENTS BUILDING, Jr.

300 West Fifteenth Street

Austin, Texas 78701

Phone (512) 475-4993

Facsimile (512) 475-4994

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