

Control Number: 43943



Item Number: 35

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

<b>PETITION OF BEXAR METROPOLITAN WATER DISTRICT TO COMPEL RAW WATER COMMITMENT FROM GUADALUPE-BLANCO RIVER AUTHORITY</b>	§ § § § §	<b>BEFORE THE STATE OFFICE  OF  ADMINISTRATIVE HEARINGS</b>
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**UNCONTESTED MOTION TO EXTEND DEADLINE FOR  
SUBMITTING JURISDICTIONAL AND PRELIMINARY MOTIONS**

TO THE HONORABLE ADMINISTRATIVE LAW JUDGE:

COMES NOW Guadalupe-Blanco River Authority ("**GBRA**") and, pursuant to Tex. R. Civ. P. 5 and 1 Tex. Admin. Code §§ 155.19(c) and 155.29(c)(2), files this motion to extend for three (3) weeks the deadline in Order No. 1 for submitting jurisdictional and preliminary motions. GBRA has contacted counsel for Petitioner Bexar Metropolitan Water District ("**BexarMet**") and counsel for BexarMet agrees to the proposed extension and does not oppose the filing of this motion. The Executive Director and the Office of Public Interest Counsel support the requested extension.

Order No. 1 was adopted by the Administrative Law Judge ("**ALJ**") on January 13, 2005. The schedule set forth in Order No. 1 was based on an agreed schedule presented by the parties at the preliminary hearing. At that time, Bexar Met and GBRA both supported a request to refer this matter to mediation and GBRA was optimistic that mediation could begin within the month. It seems we were too optimistic about the timing of mediation. In fact, it took several weeks to coordinate everyone's schedules; last week, we finally established **February 24, 2005** as the first date when Mr. Lucas, counsel for each party and a decision maker for each party would be available for a full day of mediation. We are pleased to advise you that we are now set for mediation that day.

The first filing deadline under Order No. 1 unfortunately precedes, rather than follows a legitimate, good faith effort to resolve this case through mediation. GBRA believes that filing its jurisdictional and preliminary motion *prior* to the February 24th mediation will NOT enhance the likelihood of settlement. Just the opposite is true. Further, on February 5, 2005, two new members were elected to the BexarMet Board of Directors. Those members were sworn into office at a Board meeting on February 14, and, at that same meeting, BexarMet elected all new Board officers.

Extending the deadline for three (3) weeks allows the parties the opportunity to pursue meaningful settlement negotiations and, depending upon progress made on the 24th, subsequently proceed with motion practice or advise your honor of progress and seek further filing extensions for good cause. Moving this deadline does not impact any other deadline in this proceeding. Discovery and case preparation by all parties can proceed timely regardless of a brief extension of the deadline for filing preliminary motions.

**PRAYER**

GBRA respectfully requests a three-week extension of the deadline for submitting jurisdictional and preliminary motions, until March 9, 2005, to provide the parties an opportunity for mediation prior to engaging in motion practice. This extension request is not opposed by any party in this case.

Respectfully submitted,

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ATTORNEYS FOR GUADALUPE-  
BLANCO RIVER AUTHORITY

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing Uncontested Motion to Extend Deadline for Submitting Preliminary and Jurisdictional Motions and Draft Order were served on the following person(s) via electronic mail and/or facsimile on February 15, 2005.

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

<b>PETITION OF BEXAR METROPOLITAN WATER DISTRICT TO COMPEL RAW WATER COMMITMENT FROM GUADALUPE-BLANCO RIVER AUTHORITY</b>	§ § § § §	<b>BEFORE THE STATE OFFICE  OF  ADMINISTRATIVE HEARINGS</b>
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**ORDER NO. 2  
GRANTING UNCONTESTED MOTION TO EXTEND DEADLINE FOR  
SUBMITTING JURISDICTIONAL AND PRELIMINARY MOTIONS**

This Order grants the unopposed motion of Guadalupe Blanco River Authority ("GBRA") to extend the deadline set forth in Order No. 1 for submitting jurisdictional and preliminary motions. That deadline is hereby extended from February 15, 2005 to March 9, 2005. No other requirement or deadline in Order No. 1 is affected by this Order.

**SIGNED February 15, 2005**

\_\_\_\_\_  
**MIKE ROGAN  
ADMINISTRATIVE LAW JUDGE  
STATE OFFICE OF ADMINISTRATIVE HEARINGS**



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## BROADCAST FACSIMILE TRANSMITTAL PAGE

DATE: February 15, 2005  
TO: Brenda Bishop, SOAH Docket Clerk      FAX: 936-0730  
PAGES:      CLIENT/MATTER: GUA 160/23007  
FROM: Molly Cagle

MESSAGE:

Hard Copy Follows: Yes No

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# Vinson&Elkins

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February 15, 2005

**Via Hand Delivery**

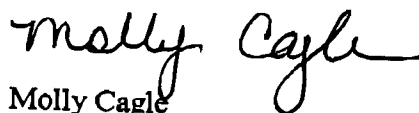
LaDonna Castañuela  
Chief Clerk  
Texas Commission on Environmental Quality  
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P.O. Box 13087  
Austin, TX 78711-3087

Re: 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

Dear Ms. Castañuela:

Enclosed for filing in the above referenced docket is Guadalupe-Blanco River Authority's Uncontested Motion to Extend Deadline for Submitting Jurisdictional and Preliminary Motions and a proposed Order approving same. I also have enclosed an additional copy of the Motion and proposed Order. Can you please date stamp this copy and return it to the courier. Thank you.

Respectfully submitted,

  
Molly Cagle

cc: Judge Mike Rogan  
Brenda Bishop, SOAH Docket Clerk (via fax 512-936-0730)  
Service List

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