



Control Number: 43943



Item Number: 41

Addendum StartPage: 0

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

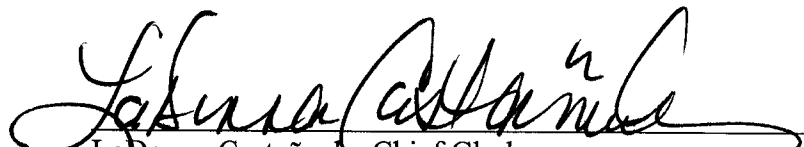


STATE OF TEXAS §

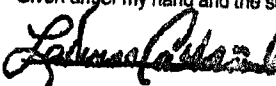
COUNTY OF TRAVIS §

I, LaDonna Castañuela, Chief Clerk of the Texas Commission on Environmental Quality, do hereby certify that the attached mailing list provides the persons to whom the notice of the public hearing for Bexar Metropolitan Water District, SOAH Docket No. 582-05-1005, TCEQ Docket No. 2004-1384-UCR, was mailed on November 22, 2004.

Given under my hand and the seal of the Texas Commission on Environmental Quality, this the 29<sup>th</sup> day of November, 2004.

  
LaDonna Castañuela, Chief Clerk  
Texas Commission on Environmental Quality

(SEAL)

THE STATE OF TEXAS  
COUNTY OF TRAVIS  
I hereby certify that this is a true and correct copy of a  
Texas Commission on Environmental Quality document,  
which is filed in the permanent records of the Commission.  
Given under my hand and the seal of office on  
 DEC 06 2004  
LaDonna Castañuela, Chief Clerk  
Texas Commission on Environmental Quality

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
COUNTY OF TRAVIS



I hereby certify that this is a true and correct copy of a Texas Commission on Environmental Quality document, which is filed in the permanent records of the Commission. Given under my hand and the seal of office on

*LaDonna Castañuela* DEC 06 2004

LaDonna Castañuela, Chief Clerk  
Texas Commission on Environmental Quality

**NOTICE OF HEARING**  
**BEXAR METROPOLITAN WATER DISTRICT (BMWD)**  
**SOAH Docket No. 582-05-1005**  
**TCEQ Docket No. 2004-1384-UCR**

**PETITION.** Bexar Metropolitan Water District, has applied with the Texas Commission on Environmental Quality (TCEQ) to compel a raw water commitment from the Guadalupe-Blanco River Authority for use in Comal County, Texas under Texas Water Code Section 11.041; (Application No. 34494-A).

**CONTESTED CASE HEARING.** The State Office of Administrative Hearings (SOAH) will conduct a formal contested case hearing on this application at:

**10:00 a.m. – January 11, 2005**  
**William P. Clements Building**  
**300 West 15<sup>th</sup> Street, 4<sup>th</sup> Floor**  
**Austin, Texas 78701**

The hearing will be a legal proceeding similar to a civil trial in state district court. The hearing will be conducted in accordance with Chapter 2001, Texas Government Code; Chapter 11, Texas Water Code; TCEQ rules, including 30 Texas Administrative Code (TAC) Chapter 291; and the procedural rules of the TCEQ and SOAH, including 30 TAC Chapter 80 and 1 TAC Chapter 155. To participate in the hearing as a party, you must attend the hearing and show you would be affected by the petition in a way not common to members of the general public.

**INFORMATION.** For information concerning the hearing process, please contact the TCEQ Office of the Public Interest Counsel (MC 103), P.O. Box 13087, Austin, TX 78711-3087. For additional information, contact the TCEQ Water Supply Division, Utilities & Districts Section (MC 153), P.O. Box 13087, Austin, TX 78711-3087, telephone 512-239-4691. General information regarding the TCEQ can be found at our web site at [www.TCEQ.state.tx.us](http://www.TCEQ.state.tx.us).

Persons with disabilities who plan to attend this hearing and who need special accommodations at the hearing should call the SOAH Docketing Department at 512-475-3445, at least one week prior to the hearing.

Issued: November 22, 2004

*LaDonna Castañuela*

LaDonna Castañuela, Chief Clerk  
Texas Commission on Environmental Quality

Todd Galiga, Staff Attorney, Environmental Law Division (MC 173)  
Brian MacLeod, Staff Attorney, Environmental Law Division (MC 173)  
Brian Dickey, Technical Staff, Water Supply Division, Utilities & Districts Section  
(MC 153)  
Elsie Pascua, Financial Staff, Water Supply Division, Utilities & District Section  
(MC 153)  
Blas Coy, Office of Public Interest Counsel (MC 103)  
Andy Saenz, Agency Communications Division, Media Relations (MC 118)  
Dell Sites, Support Services Division, Telecommunications Section (MC 217)

U.S. Postal Service™

**CERTIFIED MAIL™ RECEIPT**

*(Domestic Mail Only; No Insurance Coverage Provided)*

For delivery information visit our website at [www.usps.com](http://www.usps.com)®

**OFFICIAL USE**

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	

Postmark  
Here

GUADALUPE BLANCO RIVER  
AUTHORITY  
ATTN GENERAL MANAGER  
933 E COURT ST  
SEGUIN TX 78155

City, State, ZIP+4

PS Form 3800, June 2002

See Reverse for Instructions

7003 3110 0003 0827 9095

COMMISSION ON ENVIRONMENTAL QUALITY  
INTEROFFICE MEMORANDUM

TO LaDonna Castanuela, Chief Clerk

THRU *MA* Earl Lott, Manager  
Utilities and Districts Section  
Water Supply Division

FROM *MA* Michelle Abrams, Team Leader  
Utilities Financial Review Team  
Water Supply Division

DATE: September 14, 2004

SUBJECT: Docket No. 2004-1384-UCR; Petition of Bexar Metropolitan Water District (BexarMet), Certificate of Convenience and Necessity (CCN) No. 10675, to Compel Raw Water Commitment from Guadalupe-Blanco River Authority (GBRA), CCN No. 12977 in Comal County under Texas Water Code Section 13.043(f); Application No. 34494-A

We hereby transfer the official file for the above application to the Chief Clerk's Office. Please refer this application to the State Office of Administrative Hearings (SOAH) and request that a hearing be scheduled.

We received the Petition of Bexar Metropolitan Water District on January 16, 2004. BexarMet began its efforts to secure raw water from GBRA in March of 2003. Despite repeated requests from BexarMet, GBRA refused to commit to the 2000 acre-feet per year. On August 6, 2003, GBRA announced its intention to increase its basin-wide Firm Water Rate from \$80.00 to \$84.00 per acre-foot per year. On August 8, 2003, BexarMet again requested 2000 acre-feet of water. One month later, BexarMet increased its request for a commitment of Canyon Lake water to 3000 acre-feet per year. GBRA has continued to refuse BexarMet's request. Per TWC 11.041 (a), any person entitled to receive or use water from any conserved or stored supply may present to the commission a written petition showing that the party owning or controlling the water supply fails or refuses to supply the available water to the petitioner, or that the price or rental demanded for the available water is not reasonable or just or is discriminatory.

The staff assigned to this case are:

Technical - Brian Dickey

Financial - Elsie Pascua

Legal -

If we may be of further service regarding this matter, please call.

*Michelle Abrams*

Michelle Abrams, Team Leader

EL/MA/ac

cc: TCEQ Public Interest Counsel; ATTN: Blas Coy  
TCEQ Agency Communications; ATTN: Andy Saenz, Director  
TCEQ Chief Clerk's Office; ATTN: Melanie Mohair  
TCEQ Legal Office; ATTN: Robert Martinez