

Control Number: 43943



Item Number: 43

Addendum StartPage: 0

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. 8
EXTENDING DEADLINE FOR REPORT

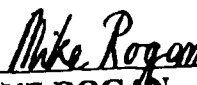
On May 2, 2006, Guadalupe-Blanco River Authority ("GBRA"), an intervenor in the captioned action, submitted to the State Office of Administrative Hearings ("SOAH") a scheduled status report, indicating that the parties have been prevented from fully discussing the appropriate level of GBRA's reimbursable expenses in this proceeding, because of out-of-town personal commitments on the part of one party representative. GBRA proposed leaving the record open for an additional two weeks to allow the parties further opportunity to resolve questions regarding the appropriate expenses.

Based upon the parties' representations, the ALJ hereby extends until **May 23, 2006**, the deadline to propose an appropriate amount of case expenses for Petitioner to defray in order to qualify for dismissal without prejudice under 30 TAC § 80.25(e). By that date, Petitioner shall submit to the ALJ a brief written status report, indicating whether the parties have reached an agreement regarding expenses or expect to be able to do so within a reasonably short time thereafter. If no agreement is then anticipated, the report should include a proposal for a procedural mechanism that will enable the ALJ to make an efficient determination of reimbursable expenses. Other parties may also submit status reports by May 23, if desired.

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 May 8, 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, STE. 100
AUSTIN, TX 78746
(512) 542-8400 (PH)
(512) 542-8612 (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**

From: 5129360770

05/08/2006 13 26 FAX 512 936 0770

SOAH

May 8 2006 13:26

P. C.

104/004

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**

DATE:

05/08/2006

NUMBER OF PAGES INCLUDING THIS COVER SHEET:

4

REGARDING:

ORDER NO. 8 - EXTENDING DEADLINE FRO REPORT

DOCKET NUMBER

582-05-1005

FROM:

JUDGE MIKE ROGANFAX TO:FAX TO:

PAUL TERRILL

(512) 474-9888

MOLLY CAGLE

(512) 542-8612

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**NOTE: IF ALL PAGES ARE NOT RECEIVED, PLEASE CONTACT RITA MCBRIDE(rmc) AT 512 475-4993**

The information contained in this facsimile message is privileged and confidential information intended only for the use of the above-named recipient(s) or the individual or agent responsible to deliver it to the intended recipient. You are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone, and return the original message to us at the address via the U.S. Postal Service. Thank you.

CHIEF CLERK'S OFFICE

MAY - 8 PM 1:2

CLERK'S OFFICE

Vinson & Elkins

Molly Cagle mcagle@velaw.com
Tel 512.542.8552 Fax 512.236.3280

May 2, 2006

Via Facsimile 475-4994

Mr. Mike Rogan
Administrative Law Judge
State Office of Administrative Hearings
300 West 15th Street, Suite 502B
Austin, Texas 78701


Re: SOAH Docket No. 582-05-1005
TCEQ Docket No. 2004-1384-UCR
Status Report in Response to Order No. 7

Dear Judge Rogan:

Guadalupe-Blanco River Authority ("**GBRA**") encloses with this letter its Status Report in the above referenced case.

Thank you for your time and attention to this matter.

Very truly yours,


Molly Cagle

Enclosure

cc: LaDonna Castañuela (*Via Facsimile*)
Service List (*Via Facsimile*)

699994_1.DOC

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

IN RE THE PETITION OF	§	BEFORE
BEXAR METROPOLITAN	§	
WATER DISTRICT	§	THE TEXAS COMMISSION
TO COMPEL RAW WATER	§	
COMMITMENT FROM	§	ON ENVIRONMENTAL
GUADALUPE-BLANCO	§	
RIVER AUTHORITY	§	QUALITY

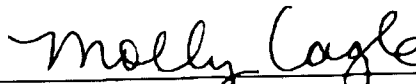
STATUS REPORT

This status report is submitted on behalf of Guadalupe-Blanco River Authority ("GBRA") in response to Order No. 7, Directing Parties to Determine Expenses, and request for status report.

Because of extended, out-of-town personal commitments, counsel for GBRA was not able to confer with Bexar Metropolitan Water District ("Bexar Met") during the period proposed for conference in Order No. 7. The undersigned advised Mr. Paul Terrill via phone message yesterday that a summary of expenses would be forthcoming today, and that GBRA would file a status report with the Judge taking responsibility for the lack of activity regarding resolution of expenses. A summary of expenses has now been sent to Mr. Terrill for his consideration. We apologize to Your Honor and to BexarMet for any inconvenience our delay in conferring regarding expenses, or submission of this status report may have caused.

Under the circumstances, GBRA respectfully requests that the Judge leave the record open in this matter for at least two weeks, to allow GBRA to file any papers which may be appropriate. We are hopeful that reimbursement of expenses will be resolved by that date as well.

Respectfully submitted,



Molly Cagle/State Bar No. 03591800
David P. Blanke/State Bar No. 02453600
VINSON & ELKINS L.L.P.
The Terrace 7
2801 Via Fortuna, Suite 100
Austin, Texas 78746
Telephone: (512) 542-8552
Facsimile: (512) 236-3280

Roger Nevola/State Bar No. 14937500
LAW OFFICES OF ROGER NEVOLA
P.O. Box 2103
Austin, Texas 78767-2103
Telephone: (512) 499-0500
Facsimile: (512) 499-0575

ATTORNEYS FOR GUADALUPE-BLANCO
RIVER AUTHORITY

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Guadalupe-Blanco River Authority's Status Report was served on the following person(s) via electronic mail and/or facsimile on May 2, 2006.

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

Docket Clerk
Office of the Chief Clerk
P. O. Box 13087
Austin, Texas 78711-3087
PH: 239-3300
FAX: 512/239-3311

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

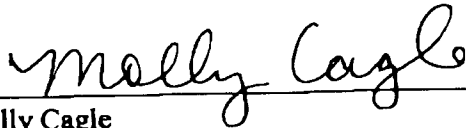
Todd Galiga, Staff Attorney
Texas Commission on Environmental Quality
P. O. Box 13087, MC-173
Austin, Texas 78711-3087
PH: 512/239-0600
FAX: 512/239-0606
Email: tgaliga@tceq.state.tx.us

OFFICE OF PUBLIC INTEREST
COUNSEL, TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

Scott Humphrey
Office of the Public Interest Counsel
Texas Commission on Environmental Quality
P. O. Box 13087, MC-103
Austin, Texas 78711-3087
PH: 512/239-6363
FAX: 512/239-6377
Email: shumphre@tceq.state.tx.us

BEXAR METROPOLITAN WATER
DISTRICT

Paul M. Terrill
Hazen & Terrill, P.C.
810 W 10th Street
Austin, Texas 78701-2785
PH: 512/474-9100
FAX: 512/474-9888
Email: pterrill@hazen-terrell.com


Molly Cagle

699969_1 DOC

699969_1 DOC

Vinson & Elkins

Facsimile

Molly Cagle mcagle@velaw.com
Tel 512 542 8662 Fax 512 236 3280

From:

Molly Cagle

Date:

May 2, 2006

Regarding:

Number of Pages:

5

Hard Copy Follows:

No

① TO: Mike Rogan, SOAH Administrative Law Judge FAX: (512) 475-4994
PHONE: (512) 475-4994

② TO: Docket Clerk, TCEQ FAX: (512) 239-3311
PHONE: (512) 239-3300

TO: Todd Galiga, Staff Attorney FAX: (512) 239-0606
PHONE: (512) 239-0600

TO: Scott Humphrey, Office of the Public Interest Counsel FAX: (512) 239-6377
PHONE: (512) 239-6363

TO: Paul M. Terrill FAX: (512) 474-9888
PHONE: (512) 474-9100

PAGES (including this transmittal page) CLIENT/MATTER: GUA160/23007

RE: SOAH Docket No. 582-05-1005; TCEQ Docket No. 2004-0384-UCR

MESSAGE: Please see attached GBRA's Status Report in response to SOAH Order No. 7

Confidentiality Notice: The information contained in this FAX may be confidential and/or privileged. This FAX is intended to be reviewed initially by only the individual named above. If the reader of this TRANSMITTAL PAGE is not the intended recipient or a representative of the intended recipient, you are hereby notified that any review, dissemination or copying of this FAX or the information contained herein is prohibited. If you have received this FAX in error, please immediately notify the sender by telephone and return this FAX to the sender at the address below. Thank you.

ml

Vinson&Elkins

Molly Cagle mcagle@velaw.com
Tel 512.542.8552 Fax 512.236.3280

April 21, 2005

Ms. LaDonna Castañuela
Chief Clerk
Texas Commission on Environmental Quality
12100 Park 35 Circle, Building F, Room 1101
P.O. Box 13087
Austin, TX 78711-3087

Via Facsimile & First Class Mail

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, please find Guadalupe-Blanco River Authority's ("**GBRA**'s") Reply to the Response of Bexar Metropolitan Water District to GBRA's Motion to Dismiss. Thank you.

Respectfully submitted,


Molly Cagle

cc: Hon. Mike Rogan (*via facsimilie*)
Brenda Bishop, SOAH Docket Clerk (*via facsimilie*)
Service List (*via facsimilie and electronic mail*)

562515_1.DOC