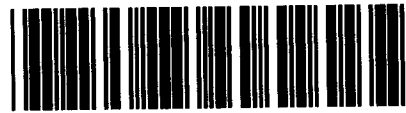




Control Number: 43943



Item Number: 44

Addendum StartPage: 0

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

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

**ORDER NO. 7
DIRECTING PARTIES TO DETERMINE EXPENSES**

On April 14, 2006, Bexar Metropolitan Water District, Petitioner in the captioned action, submitted to the State Office of Administrative Hearings ("SOAH") a letter clarifying that it seeks to dismiss the captioned action *without prejudice*. Accordingly, Petitioner stated that it is also seeking "an accounting of GBRA's expenses, not including its attorney's fees, in this proceeding." Under the rules of the Texas Commission on Environmental Quality ("TCEQ"), at 30 TAC § 80.25(e), the party initiating an action is entitled to withdraw it without prejudice if it reimburses other parties for all expenses, not including attorney's fees, that those other parties have incurred in the case.

The ALJ directs the parties (primarily the Petitioner and GBRA) to confer and determine whether they can agree upon the appropriate amount of case expenses for Petitioner to defray in order to qualify for dismissal without prejudice under 30 TAC § 80.25(e). By May 1, 2006, 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 (hearing, submission of affidavits, or other process) that will enable the ALJ to make an efficient determination of reimbursable expenses.

Other parties may also submit status reports by May 1, if desired. Any proposed procedural schedules should reflect consultation with other parties in an effort to reach agreement on an acceptable process of accounting for expenses.

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


Order No. 7

Page 2

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 19, 2006.



MIKE ROGAN
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS

STATE OFFICE OF ADMINISTRATIVE HEARINGS

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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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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****04/19/2006****DATE:****NUMBER OF PAGES INCLUDING THIS COVER SHEET:****REGARDING:****ORDER NO. 7 - DIRECTING PARTIES TO DETERMINE EXPENSES****DOCKET NUMBER:****582 05-1005****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****NOTE: IF ALL PAGES ARE NOT RECEIVED, PLEASE CONTACT RITA MCBRIDE(rmc) AT 512-475-4993**

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LAW OFFICES OF
LOUIS T. ROSENBERG, P.C.
 A PROFESSIONAL CORPORATION

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TO: Hon Mike Rogan, SOAH Administrative Judge TCEQ Docket Clerk Todd Galiga, Staff Attorney Scott Humphrey, Office of Public Interest Molly Cagle, Esq. Paul Terrill, Esq.	FAX NO: 512-475-4994 512-239-3311 512-239-0606 512-239-6377 512-542-8612 512-474-9888
DATE: April 6, 2006	SOAH Docket: 582-05-1005 TCEQ Docket: 2004-0384-UCR

SOAH Docket: 582-05-1005

TCEQ Docket: 2004-0384-UCR

2004-1384-UCR

In Re The Petition of BMW of North America to Compel Raw Water Commitment from GBRA

Please remove our firm's name from all future correspondence in connection with the above captioned matter

Your prompt attention to this matter is greatly appreciated.

Thank you,



Louis T. Rosenberg

LTR:sh

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ATTORNEY GENERAL
SAN ANTONIO, TEXAS

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