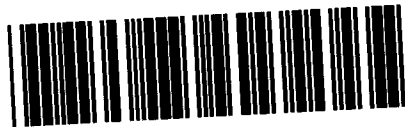


Control Number: 43945



Item Number: 12

Addendum StartPage: 0

House Bill (HB) 1600 and Senate Bill (SB) 567 83rd
Legislature, Regular Session, transferred the functions
relating to the economic regulation of water and sewer
utilities from the TCEQ to the PUC effective
September 1, 2014

43945

SOAH DOCKET NO. 582-06-2023
TCEQ DOCKET NO. 2006-0272-4014 DEC 11 PM 2:54

RECEIVED

APPLICATION FROM THE TOWN OF
LINDSAY TO AMEND A WATER
CERTIFICATE OF CONVENIENCE
AND NECESSITY (CCN) NO. 13025 IN
COOKE COUNTY; APPLICATION NO.
35096-C; and APPLICATION TO
AMEND A SEWER CERTIFICATE OF
CONVENIENCE AND NECESSITY
(CCN) IN COOKE COUNTY, TEXAS;
APPLICATION NO. 35097-C

§
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BEFORE THE STATE OFFICE
FILING CLERK

OF

ADMINISTRATIVE HEARINGS

**ORDER NO. 1
CONFIRMING ACTION TAKEN AT PRELIMINARY HEARING AND
SETTING PROCEDURAL SCHEDULE**

This Order confirms actions taken at the preliminary hearing in the above-captioned matter, which convened on July 11, 2006, in Austin, Texas.

I. JURISDICTION

Based upon documents placed in the record at the preliminary hearing, which demonstrated public notice of these applications and of the scheduling of the preliminary hearing, the Administrative Law Judge (ALJ) accepted jurisdiction over this matter on behalf of the Texas Commission on Environmental Quality (TCEQ) and the State Office of Administrative Hearings (SOAH).

II. PARTIES

The following are designated as parties to this proceeding:

- The Applicants, Town of Lindsay (represented by Arturo Rodriguez);
- The Executive Director of the TCEQ (represented by Brian MacLeod and Christiaan Siano); and
- Lindsay Pure Water Company (represented by John J. Carlton).

12

III. AGREED SCHEDULE

Subsequent to the preliminary hearing, the parties have submitted the following agreed procedural schedule, which is adopted for this proceeding:

<u>Date</u>	<u>Action</u>
July 11, 2006	Discovery begins
November 3, 2006	Discovery ends; All discovery must be served on or before October 4, 2006 (30 days for response)
December 8, 2006	Applicant testimony due
January 19, 2007	Protestant and OPIC Testimony due
February 23, 2007	ED Testimony due
March 30, 2007	Depositions end
May 4, 2007	Written objections to all testimony due
May 18, 2007	Responses to written objections to all testimony due
May 21, 2007	Prehearing telephone conference at 10:00 a.m.
May 23-25, 2007	Hearing on the Merits (HOM)

IV. GENERAL PROCEDURES

Prefiled evidence. All parties shall prefile their entire direct case evidence by the indicated date on the procedural schedule. Documents to be admitted through cross-examination need not be prefiled. The prefiled evidence should include all testimony and exhibits necessary to support the party's direct case. The parties should also bring the original copies of all exhibits and testimony to offer into the record at hearing.

Evidence that is not prefiled may not be introduced through direct examination absent a showing of good cause. Good cause will be considered on a case-by-case basis upon a showing of need, the reasonableness of not having anticipated its use, and consideration of whether other parties will be prejudiced by its late entry into the record. Therefore, all evidence under consideration for use in a direct testimony should be prefiled, although a party later may choose not to introduce every item it prefiles.

Prefiled testimony should be written as if the questions were asked by the party's representative and answered by the witness. The witness must be called to testify and adopt the prefiled testimony under oath, the testimony must be offered as an exhibit, and the witness must be passed for cross-examination by the other parties. When no party wishes to cross-examine a witness, the parties should agree to the admission of the witness' testimony so that the witness need not come to the hearing for no purpose.

Because the purpose of prefiling evidence is to shorten the length and minimize the cost of the hearing, the ALJ will discourage any non-substantive evidentiary objections to pre-filed evidence such as form-of-the-question and leading-the-witness objections. Counsel to all parties are expected to confer and reach agreements on ways to minimize all evidentiary objections.

Every page of every pre-filed document shall be appropriately numbered to allow easy identification and reference. In addition, prefiled testimony shall be on numbered lines.

Objections to prefiled testimony. Objections to prefiled testimony shall provide the specific basis for the objection and shall specifically reference the page and line number(s) of the objected-to testimony.

Exhibits used on cross examination. The parties should bring to the hearing enough copies of all exhibits they anticipate using during cross examination to distribute to all parties and the ALJ.

Discovery. Copies of discovery requests and responses should not be served on the ALJ unless the ALJ is called upon to deal with a dispute pertaining to specific requests or responses. Irrespective of the schedule and procedures established herein, the parties may exchange information on a voluntary basis at any time and through any mechanism. The ALJ encourages such voluntary discovery.

Discovery disputes. The parties are expected to attempt to resolve discovery disputes between themselves; however, significant disputes which cannot be resolved should be brought to the ALJ's attention – in the form of a written motion copied to all parties – as they occur. Any request for relief should include a copy of any discovery correspondence necessary for an informed ruling on the dispute.

Responses to motions. Except as otherwise provided in this Order, parties may respond to motions within one week after receipt of the motion. Motions shall be actually delivered to other parties the same day they are delivered to the ALJ. Rulings will be based on the written pleadings unless the ALJ determines that a prehearing conference is necessary.

Agreed modifications to procedural schedule. The parties may agree to alter the procedural schedule, with the exception of the hearing date. Such agreements should be in writing. Any changes to the hearing date must be approved by the ALJ following a motion filed by one or more parties.

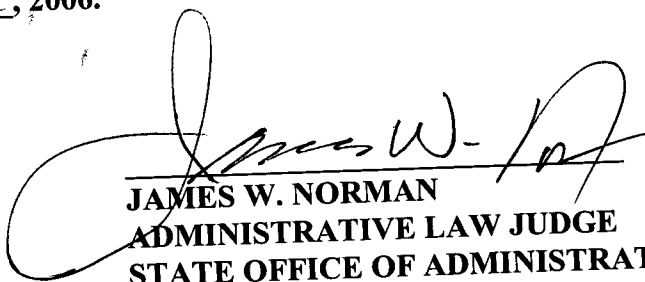
Conferring prior to seeking relief. The parties are directed to confer and attempt in good faith to negotiate an agreed resolution to all procedural and discovery disputes prior to seeking relief from the ALJ. Any party seeking relief shall certify that this attempt has been made.

Telephone conferences. If a party desires a telephone conference for any purpose, that party is responsible for arranging a time for the conference call and for setting up the call. The party must ascertain that the ALJ is available.

Mailing List. When submitting to the ALJ any pleading or correspondence relating to this matter, the sender must submit the original of the document to the Docket Clerk of the TCEQ, whose address is noted on the attached mailing list. One copy should be provided to the ALJ and one copy to each other person on the mailing list.

Clarification or modification of procedures. Any party seeking clarification or modification of this Order or any procedures relating to this hearing may file a written motion with the ALJ.

SIGNED July 12, 2006.



JAMES W. NORMAN
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: TOWN OF LINDSAY
SOAH DOCKET NUMBER: 582-06-2023
REFERRING AGENCY CASE: 2006-0272-UCR

**STATE OFFICE OF ADMINISTRATIVE
HEARINGS**

ADMINISTRATIVE LAW JUDGE
ALJ JAMES W. NORMAN

REPRESENTATIVE / ADDRESS

PARTIES

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LINDSAY PURE WATER COMPANY

xc: Docket Clerk, State Office of Administrative Hearings

STATE OFFICE OF ADMINISTRATIVE HEARINGS

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Facsimile (512) 475-4994

07/12/2006

DATE:

NUMBER OF PAGES INCLUDING THIS COVER SHEET:

REGARDING: ORDER NO. 1 - CONFIRMING ACTION TAKEN AT PRELIMINARY HEARING AND SETTING
PROCEDURAL SCHEDULE

582-06-2023

DOCKET NUMBER:

JUDGE JAMES NORMAN

FROM:

BLAS J. COY, JR.

(512) 239-6377

JOHN J CARLTON

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ARTURO D. RODRIGUEZ, JR. (RUSSELL, MOORMAN
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TCEQ Docket Clerk, Fax Number 512/239-3311

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PGS. 8
TX/RX INCOMPLETE -----
TRANSACTION OK
(1) 92396377
(2) 94352360
(3) 99307742
(4) 92390606
(5) 92393311
ERROR INFORMATION -----

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****07/12/2006**

DATE:

NUMBER OF PAGES INCLUDING THIS COVER SHEET:

REGARDING: **ORDER NO. 1 - CONFIRMING ACTION TAKEN AT PRELIMINARY HEARING AND SETTING
PROCEDURAL SCHEDULE****582-06-2023**

DOCKET NUMBER:

JUDGE JAMES NORMAN

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582-06-2023

SOAH DOCKET NO. ~~582-06-2024~~
TCEQ DOCKET NO. ~~2006-0004-UCR~~

Lindsay Don
APPLICATION OF THE CITY OF
~~VALLEY VIEW~~ TO OBTAIN A
SEWER CERTIFICATE OF
CONVENIENCE AND NECESSITY
(CCN) IN COOKE COUNTY, TEXAS
APPLICATION NO. 35090-C

§
§
§
§
§
§

BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

Town of Lindsay's
~~CITY OF VALLEY VIEW'S~~
PROPOSED SCHEDULE FOR HEARING

DATE	ACTIVITY
July 11, 2006	Preliminary Hearing held; Discovery Begins
November 3, 2006	Discovery Ends; All discovery must be served on or before October 4, 2006 (30 days for response)
December 8, 2006	Applicant Testimony Due
January 19, 2007	Protestant and OPIC Testimony Due
February 23, 2007	ED Testimony Due
March 30, 2007	Depositions End
May 4, 2007	Written Objections to all Testimony Due;
May 18, 2007	Responses to Written Objections to all Testimony Due
May 21, 2007	Pre-hearing Telephone Conference at 10:00 a.m.
May 23-25, 2007	Hearing on the Merits (HOM)

Respectfully submitted,

Russell & Rodriguez, L.L.P.
102 West Morrow, Suite 103
Georgetown, Texas 78626
(512) 930-1317
(512) 930-7742 (Fax)

[Signature]
ARTURO D. RODRIGUEZ, JR.
State Bar No. 00791551

Town of Lindsay
ATTORNEY FOR THE ~~CITY OF VALLEY~~
VIEW, TEXAS

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

INTEROFFICE MEMORANDUM

TO: LaDonna Castanuela, Chief Clerk

THRU: *DK* Doug Holcomb, P.E., Section Manager
3/17 Utilities & Districts Section
Water Supply Division

DATE: March 21, 2006

FROM: *TB* Tammy Benter, Team Leader
3/16 Utilities & Districts Section
Water Supply Division

SUBJECT: Docket No. 2006-0272-UCR; Application from the Town of Lindsay to Amend a Water Certificate of Convenience and Necessity (CCN) No. 13025 in Cooke County; Application No. 35096-C

Docket No. 2006-0272-UCR; Application from the Town of Lindsay to Amend a Sewer Certificate of Convenience and Necessity (CCN) No. 20927 in Cooke County; Application No. 35097-C

CN: 601118607; RN: 104296488 (water) and 104315569 (sewer)

We hereby transfer the official file for the above referenced applications to the Chief Clerk's Office. Please refer these applications to the State Office of Administrative Hearings and request that a hearing be scheduled.

These applications have been protested by Lindsay Pure Water Company and various landowners. Lindsay Pure Water Company is concerned that the applications may affect a settlement reached between Lindsay Pure Water Company and the applicant in 2002 to address portions of the requested area. The majority of the landowners feel they don't need service from the Town of Lindsay. Additional concerns listed by the landowners include concerns about the Town of Lindsay's capability to serve its current customers, future city limits implications, future property tax implications, and the possibility of restrictions imposed on their property rights

The individuals on the attached mailing list protested these applications. Staff estimates 30 people to attend this hearing.

The staff assigned to these cases are:

Technical *T.T.* Tuyet Truong and Tammy Benter
3/16/06
Legal -

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

Doug Holcomb
Doug Holcomb, P.E., Section Manager

**SOAH DOCKET NO. 582-06-2023
TCEQ DOCKET NO. 2006-0272-UCR**

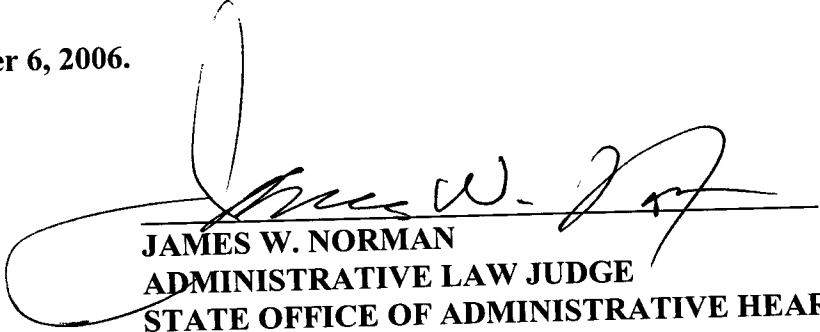
APPLICATION OF THE TOWN OF	§	BEFORE THE STATE OFFICE
LINDSAY TO AMEND WATER AND	§	
SEWER CERTIFICATES OF	§	OF
CONVENIENCE AND NECESSITY NOS.	§	
10325 AND 20927, APPLICATION NOS.	§	ADMINISTRATIVE HEARINGS
35096-C & 35097-C		

**ORDER NO. 2
ABATING CASE**

On November 3, 2006, the parties to this case filed a joint motion to abate this case until January 8, 2007, based on their representation that they have begun settlement negotiations and need time to complete the negotiations and develop a settlement agreement.

The motion is **granted**. On or before January 8, 2007, the parties shall file a report on the status of this case.

ISSUED November 6, 2006.


**JAMES W. NORMAN
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: TOWN OF LINDSAY

SOAH DOCKET NUMBER: 582-06-2023

REFERRING AGENCY CASE: 2006-0272-UCR

**STATE OFFICE OF ADMINISTRATIVE
HEARINGS**

ADMINISTRATIVE LAW JUDGE

ALJ JAMES W. NORMAN

REPRESENTATIVE / ADDRESS

PARTIES

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TOWN OF LINDSAY

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(512) 435-2360 (FAX)
(512) 785-8355 (CELL)

LINDSAY PURE WATER COMPANY

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

xc: Docket Clerk, State Office of Administrative Hearings

STATE OFFICE OF ADMINISTRATIVE HEARINGS
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Facsimile (512) 475-4994

11/06/2006

DATE:

4

NUMBER OF PAGES INCLUDING THIS COVER SHEET:

REGARDING:

ORDER NO. 2 - ABATING CASE

DOCKET NUMBER:

582-06-2023

FROM:

JUDGE JAMES NORMAN

FAX TO:

FAX TO:

BLAS J. COY, JR.

(512) 239-6377

JOHN J CARLTON

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ARTURO D. RODRIGUEZ, JR. (RUSSELL, MOORMAN
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TCEQ Docket Clerk, Fax Number 512/239-3311

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*** MULTI TX/RX REPORT ***

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PGS 3
TX/RX INCOMPLETE -----
TRANSACTION OK
(1) 92396377
(2) 94352360
(3) 99307742
ERROR INFORMATION -----

STATE OFFICE OF ADMINISTRATIVE HEARINGS**WILLIAM P. CLEMENTS BUILDING, Jr.**

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Austin, Texas 78701

Phone (512) 475-4993

Facsimile (512) 475-4994

11/06/2006

DATE:

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TCEQ Docket Clerk, Fax Number 512/239-3311**NOTE: IF ALL PAGES ARE NOT RECEIVED, PLEASE CONTACT SUSAN BRYSON(sbr) AT 512-475-4993**

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*** MULTI TX/RX REPORT ***

TX/RX NO 0044
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TRANSACTION OK
(1) 92393311
(2) 92390606
ERROR INFORMATION -----

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****11/06/2006**

DATE:

4

NUMBER OF PAGES INCLUDING THIS COVER SHEET:

ORDER NO. 2 - ABATING CASE

REGARDING:

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*** MULTI TX/RX REPORT ***

TX/RX NO 0045
PGS. 4
TX/RX INCOMPLETE (1) 92396377
TRANSACTION OK (2) 94352360
(3) 99307742
(4) 92390606
(5) 92393311
ERROR INFORMATION -----

STATE OFFICE OF ADMINISTRATIVE HEARINGS
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300 West Fifteenth Street
Austin, Texas 78701
Phone (512) 475-4993
Facsimile (512) 475-4994

DATE:

11/06/2006

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*** TX REPORT ***

TRANSMISSION OK

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DESTINATION ID	
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TIME USE	00'28
PAGES SENT	4
RESULT	OK

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:

11/06/2006

NUMBER OF PAGES INCLUDING THIS COVER SHEET:

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ENVIRONMENTAL QUALITY)

(512) 239-0606

TCEQ Docket Clerk, Fax Number 512/239-3311**NOTE: IF ALL PAGES ARE NOT RECEIVED, PLEASE CONTACT SUSAN BRYSON(sbr) AT 512-475-4993**

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**SOAH DOCKET NO. 582-06-2023
TCEQ DOCKET NO. 2006-0272-UCR**

APPLICATION OF THE TOWN OF	§	BEFORE THE STATE OFFICE
LINDSAY TO AMEND WATER AND	§	
SEWER CERTIFICATES OF	§	OF
CONVENIENCE AND NECESSITY NOS.	§	
10325 AND 20927, APPLICATION NOS.	§	ADMINISTRATIVE HEARINGS
35096-C & 35097-C		

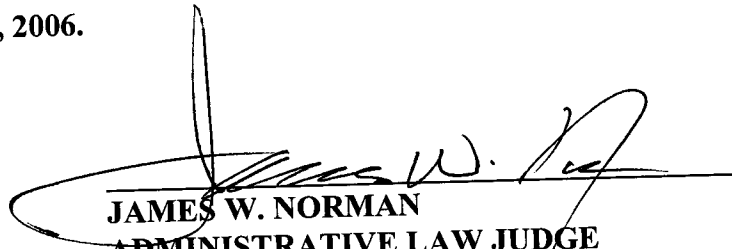
ORDER NO. 3

CONTINUING ABATEMENT

On January 10, 2007, the City of Lindsay submitted a status report on this case stating that it is continuing to negotiate with Lindsay Pure Water Company in an attempt to resolve this case. It said a settlement has not been reached, but the parties are continuing their efforts to settle. The City of Lindsay asked that the abatement be continued for 60 days to permit the parties an opportunity to settle the case.

The request is **granted**. The case continues to be abated. On or before March 12, 2007, the parties shall file a report on the status of this case.

ISSUED January 11, 2006.


JAMES W. NORMAN
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: TOWN OF LINDSAY

SOAH DOCKET NUMBER: 582-06-2023

REFERRING AGENCY CASE: 2006-0272-UCR

**STATE OFFICE OF ADMINISTRATIVE
HEARINGS**

ADMINISTRATIVE LAW JUDGE

ALJ JAMES W. NORMAN

REPRESENTATIVE / ADDRESS

PARTIES

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LINDSAY PURE WATER COMPANY

BRIAN MACLEOD
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STATE OFFICE OF ADMINISTRATIVE HEARINGS
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01/11/2007

DATE:

3

NUMBER OF PAGES INCLUDING THIS COVER SHEET:

ORDER NO. 3 - CONTINUING ABATEMENT

REGARDING:

582-06-2023

DOCKET NUMBER:

JUDGE JAMES NORMAN

FROM:

FAX TO:

FAX TO:

BLAS J. COY, JR.

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JOHN J CARLTON

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ARTURO D. RODRIGUEZ, JR. (RUSSELL, MOORMAN
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TCEQ Docket Clerk, Fax Number 512/239-3311

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PGS. 3
TX/RX INCOMPLETE -----

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(3) 99307742
(4) 92390606
(5) 92393311

ERROR INFORMATION -----

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01/11/2007

DATE:

3

NUMBER OF PAGES INCLUDING THIS COVER SHEET:

ORDER NO. 3 - CONTINUING ABATEMENT

REGARDING:

582-06-2023

DOCKET NUMBER:

JUDGE JAMES NORMAN

FROM:

FAX TO:

FAX TO:

BLAS J. COY, JR.

(512) 239-6377

JOHN J CARLTON

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ARTURO D. RODRIGUEZ, JR. (RUSSELL, MOORMAN
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JN

SOAH DOCKET NO. 582-06-2023
TCEQ DOCKET NO. 2006-0272-UCR

APPLICATION OF THE TOWN OF	§	BEFORE THE STATE OFFICE
LINDSAY TO AMEND WATER AND	§	
SEWER CERTIFICATES OF	§	
CONVENIENCE AND NECESSITY	§	OF
(CCN) NOS. 13025 AND 20927 IN	§	
COOKE COUNTY, TEXAS	§	
APPLICATION NOS. 35096-C & 35097-C	§	ADMINISTRATIVE HEARINGS

THE EXECUTIVE DIRECTOR'S STATUS REPORT

TO THE HONORABLE ADMINISTRATIVE LAW JUDGE:

The Executive Director concurs with the status report filed by Applicant the City of Lindsay, and agrees that the case should be abated for an additional 60 days.

Texas Commission on Environmental Quality

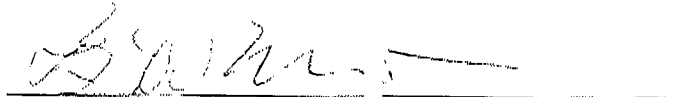
Mr. Brian MacLeod

STATE BAR NO. 12783500 Environmental Law
Division

TCEQ - MC 173

P.O. Box 13087

Austin, TX 78711-3087



ATTORNEY FOR THE EXECUTIVE
DIRECTOR

CERTIFICATE OF SERVICE

I hereby certify that on this 10th of January 2007 a true and correct copy of the foregoing document has been sent via facsimile, first class mail, or hand-delivered to the following counsel or party representatives of record:

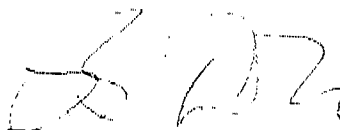
Mr. James W. Norman
Administrative Law Judge
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Russell and Rodriguez, L.L.P.
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Docket Clerk
Office of the Chief Clerk - MC 105
Texas Commission on Environmental Quality
P.O. Box 13087
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Fax: 239-3311



Brian MacLeod

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DATE:

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TO:

Name

Judge James W. Norman

Organization

SOAH

FAX Number

475-6994

FROM:

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Name

Brian MacLeod

Division/Region

Environmental Law

Telephone Number

(512) 239-0606 0750

FAX Number

(512) 239-0606

NOTES:

JN

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FACSIMILE COVER PAGE

January 10, 2007

Please Deliver the Following page(s) to:

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Mr. John Carlton, Attorney
Mr. Blas Coy, Attorney
Mr. Brian MacLeod
TCEQ Chief Clerk
Mr. Pat Dillon

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Fax Number: (512) 435-2360
Fax Number: (512) 239-6377
Fax Number: (512) 239-0606
Fax Number: (512) 239-3311
Fax Number: (972) 680-0003

Client Number: 1140-00

From: Arturo D. Rodriguez, Jr.

Direct Phone: (512) 930-1317

Pages: 3 (Including Cover Sheet)

Re:

Comments: Status Report

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**SOAH DOCKET NO. 582-06-2023
TCEQ DOCKET NO. 2006-0272-UCR**

APPLICATION OF THE TOWN OF	§	BEFORE THE STATE OFFICE
LINDSAY TO AMEND WATER AND	§	
SEWER CERTIFICATES OF	§	
CONVENIENCE AND NECESSITY	§	OF
(CCN) NOS. 13025 AND 20927 IN	§	
COOKE COUNTY, TEXAS	§	
APPLICATION NOS. 35096-C & 35097-C	§	ADMINISTRATIVE HEARINGS

**CITY OF LINDSAY'S
STATUS REPORT**

Pursuant to Order No. 2, Your Honor requested a status report from the parties. The City of Lindsay ("City") provides the following status report.

The City continues to negotiate with Lindsay Pure Water Company in an attempt to resolve the issues in this proceeding. A settlement has not been reached yet. The City feels both parties are continuing with their efforts to settle. As such, the City respectfully requests a continued abatement for sixty (60) days in order to allow the Parties to continue with such settlement negotiations.

Respectfully submitted,

Russell & Rodriguez, L.L.P.

102 West Morrow, Suite 103

Georgetown, Texas 78626

(512) 930-1317

(512) 930-7742 (Fax)

ARTURO D. RODRIGUEZ, JR.

State Bar No. 00791551

ATTORNEY FOR THE CITY OF LINDSAY,
TEXAS

CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of January 2007, a true and correct copy of the foregoing document has been sent via facsimile, first class mail, or hand-delivered to the following counsel or party representatives of record:

Mr. James W. Norman
Administrative Law Judge
300 West 15th Street
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P.O. Box 13087
Austin, Texas 78711-3087
Fax: 239-3311



ARTURO D. RODRIGUEZ, JR.

SOAH DOCKET NO. 582-06-2023
TCEQ DOCKET NO. 2006-0272-UCR

APPLICATION OF THE TOWN OF	§	BEFORE THE STATE OFFICE
LINDSAY TO AMEND WATER AND	§	
SEWER CERTIFICATES OF	§	OF
CONVENIENCE AND NECESSITY NOS.	§	
10325 AND 20927, APPLICATION NOS.	§	ADMINISTRATIVE HEARINGS
35096-C & 35097-C		

ORDER NO. 4

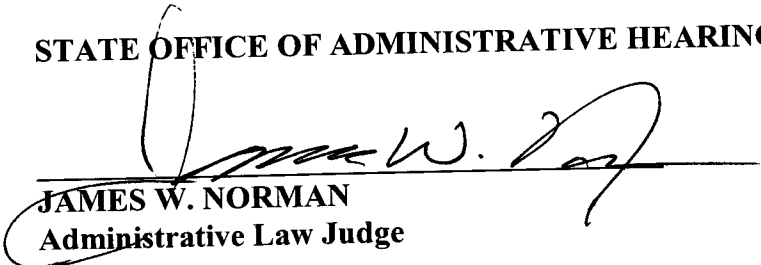
CONTINUING ABATEMENT

On April 13, 2007, the City of Lindsay submitted a status report on this case stating that it is continuing to negotiate with Lindsay Pure Water Company in an attempt to resolve this case. It said a settlement has not been reached, but the parties are continuing their efforts to settle. The City of Lindsay asked that the abatement be continued for 60 days to permit the parties an opportunity to settle the case.

The request is **granted**. **The case continues to be abated. On or before June 18, 2007,** the parties shall file a report on the status of this case.

Issued April 16, 2007.

STATE OFFICE OF ADMINISTRATIVE HEARINGS


JAMES W. NORMAN
Administrative Law Judge

STATE OFFICE OF ADMINISTRATIVE HEARINGS

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Facsimile (512) 475-4994

SERVICE LIST

AGENCY: Environmental Quality, Texas Commission on (TCEQ)

STYLE/CASE: TOWN OF LINDSAY

SOAH DOCKET NUMBER: 582-06-2023

REFERRING AGENCY CASE: 2006-0272-UCR

**STATE OFFICE OF ADMINISTRATIVE
HEARINGS**

**ADMINISTRATIVE LAW JUDGE
ALJ JAMES W. NORMAN**

REPRESENTATIVE / ADDRESS

PARTIES

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LINDSAY PURE WATER COMPANY

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

xc: Docket Clerk, State Office of Administrative Hearings

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REGARDING:

ORDER NO. 4 - CONTINUING ABATEMENT

DOCKET NUMBER:

582-06-2023

FROM:

JUDGE JAMES NORMAN

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FAX TO:

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JOHN J CARLTON

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ARTURO D. RODRIGUEZ, JR. (RUSSELL, MOORMAN
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TCEQ Docket Clerk, Fax Number 512/239-3311

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(5) 92393311

ERROR INFORMATION

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DATE:

04/16/2007

NUMBER OF PAGES INCLUDING THIS COVER SHEET:

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REGARDING:

ORDER NO. 4 - CONTINUING ABATEMENT

DOCKET NUMBER:

582-06-2023

FROM:

JUDGE JAMES NORMAN

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BLAS J. COY, JR.

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FACSIMILE COVER PAGE

April 13, 2007

Please Deliver the Following page(s) to:

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Mr. Blas Coy, Attorney
Mr. Brian MacLeod
TCEQ Chief Clerk
Mr. Pat Dillon

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Fax Number: (512) 239-6377
Fax Number: (512) 239-0606
Fax Number: (512) 239-3311
Fax Number: (972) 680-0003

Client Number: 1140-00

From: Arturo D. Rodriguez, Jr.

Direct Phone: (512) 930-1317

Pages: 3 (Including Cover Sheet)

Re:

Comments: Status Report

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**SOAH DOCKET NO. 582-06-2023
TCEQ DOCKET NO. 2006-0272-UCR**

APPLICATION OF THE TOWN OF	§	BEFORE THE STATE OFFICE
LINDSAY TO AMEND WATER AND	§	
SEWER CERTIFICATES OF	§	
CONVENIENCE AND NECESSITY	§	OF
(CCN) NOS. 13025 AND 20927 IN	§	
COOKE COUNTY, TEXAS	§	
APPLICATION NOS. 35096-C & 35097-C	§	ADMINISTRATIVE HEARINGS

**CITY OF LINDSAY'S
STATUS REPORT**

Pursuant to Order No. 3, Your Honor requested a status report from the parties. The City of Lindsay ("City") inadvertently failed to file the requested Status Report. As such, the City hereby provides the following status report.

The City continues to negotiate with Lindsay Pure Water Company in an attempt to resolve the issues in this proceeding. A settlement has not been reached yet. The City feels both parties are continuing with their efforts to settle. As such, the City respectfully requests a continued abatement for sixty (60) days in order to allow the Parties to continue with such settlement negotiations.

Respectfully submitted,

Russell & Rodriguez, L.L.P.

102 West Morrow, Suite 103

Georgetown, Texas 78626

(512) 930-1317

(512) 930-7742 (Fax)


ARTURO D. RODRIGUEZ, JR.

State Bar No. 00791551

ATTORNEY FOR THE CITY OF LINDSAY,
TEXAS

CERTIFICATE OF SERVICE

I hereby certify that on this 13th of April 2007, a true and correct copy of the foregoing document has been sent via facsimile, first class mail, or hand-delivered to the following counsel or party representatives of record:


Mr. James W. Norman
Administrative Law Judge
300 West 15th Street
Austin, Texas 78701
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Environmental Law Division
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Office of the Chief Clerk - MC 105
Texas Commission on Environmental Quality
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ARTURO B. RODRIGUEZ, JR.

SOAH DOCKET NO. 582-06-2023
TCEQ DOCKET NO. 2006-0272-UCR

APPLICATION OF THE TOWN OF	§	BEFORE THE STATE OFFICE
LINDSAY TO AMEND WATER AND	§	
SEWER CERTIFICATES OF	§	OF
CONVENIENCE AND NECESSITY NOS.	§	
10325 AND 20927, APPLICATION NOS.	§	ADMINISTRATIVE HEARINGS
35096-C & 35097-C		

ORDER NO. 5

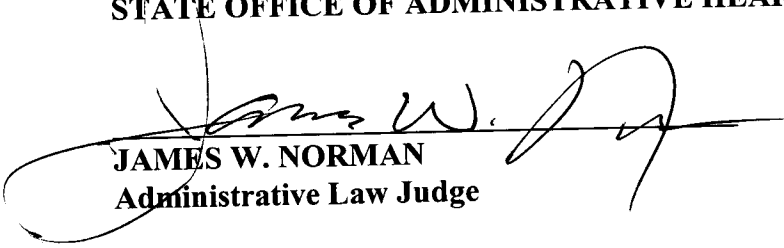
LIFTING ABATEMENT

On January 25, 2008, the City of Lindsay submitted a status report on this case requesting that the abatement be lifted because the parties have not been able to reach a settlement. The City of Lindsay stated that the parties will attempt to agree on a hearing schedule and submit it by February 8, 2008. There has been no opposition to the request that the abatement be lifted.

The City of Lindsay's request to lift the abatement is **granted**. **On or before February 8, 2008**, the parties shall submit a proposed hearing schedule.

Issued February 4, 2008.

STATE OFFICE OF ADMINISTRATIVE HEARINGS


JAMES W. NORMAN
Administrative Law Judge

STATE OFFICE OF ADMINISTRATIVE HEARINGS

AUSTIN OFFICE

300 West 15th Street Suite 502

Austin, Texas 78701

Phone: (512) 475-4993

Fax: (512) 475-4994

SERVICE LIST

AGENCY: Environmental Quality, Texas Commission on (TCEQ)

STYLE/CASE: TOWN OF LINDSAY

SOAH DOCKET NUMBER: 582-06-2023

REFERRING AGENCY CASE: 2006-0272-UCR

**STATE OFFICE OF ADMINISTRATIVE
HEARINGS**

ADMINISTRATIVE LAW JUDGE

ALJ JAMES W. NORMAN

REPRESENTATIVE / ADDRESS

PARTIES

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TOWN OF LINDSAY

JOHN J CARLTON
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LINDSAY PURE WATER COMPANY

BRIAN MACLEOD
STAFF ATTORNEY
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
MC-175 P.O. BOX 13087
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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

xc: Docket Clerk, State Office of Administrative Hearings

STATE OFFICE OF ADMINISTRATIVE HEARINGS

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REGARDING:

ORDER NO. 5 - LIFTING ABATEMENT

DOCKET NUMBER:

582-06-2023

JUDGE JAMES W NORMAN

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REGARDING:

ORDER NO. 5 - LIFTING ABATEMENT

DOCKET NUMBER:

582-06-2123**JUDGE JAMES W NORMAN****FAX TO:****FAX TO:**

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**SOAH DOCKET NO. 582-06-2023
TCEQ DOCKET NO. 2006-0272-UCR**

APPLICATION OF THE TOWN OF	§	BEFORE THE STATE OFFICE
LINDSAY TO AMEND WATER AND	§	
SEWER CERTIFICATES OF	§	
CONVENIENCE AND NECESSITY	§	OF
(CCN) NOS. 13025 AND 20927 IN	§	
COOKE COUNTY, TEXAS	§	
APPLICATION NOS. 35096-C & 35097-C	§	ADMINISTRATIVE HEARINGS

**CITY OF LINDSAY'S
STATUS REPORT**

The City of Lindsay last filed a Status Report on June 21, 2007. During the abatement, the City has continued to negotiate with Lindsay Pure Water Company ("Lindsay PWC") in an attempt to resolve the issues in this proceeding. A settlement was not accomplished. As such, the City respectfully requests that the abatement be lifted. The City will work with Lindsay PWC, counsel for the Executive Director, and counsel for the Office of Public Interest to agree to a procedural schedule by February 8, 2008. The City will notify your Honor on or before February 8, 2008, of the proposed schedule or will request a preliminary hearing with your Honor to determine a schedule if one cannot be agreed upon.

Respectfully submitted,

Russell & Rodriguez, L.L.P.

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ARTURO D. RODRIGUEZ, JR.

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ATTORNEY FOR THE CITY OF LINDSAY,
TEXAS

CERTIFICATE OF SERVICE

I hereby certify that on this 25th of January 2008, a true and correct copy of the foregoing document has been sent via facsimile, first class mail, or hand-delivered to the following counsel or party representatives of record:

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FACSIMILE COVER PAGE

January 25, 2008

Please Deliver the Following page(s) to:

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Mr. Blas Coy, Attorney

Mr. Brian MacLeod

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Comments: City of Lindsay's Status Report

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**SOAH DOCKET NO. 582-06-2023
TCEQ DOCKET NO. 2006-0272-UCR**

APPLICATION FROM THE TOWN OF LINDSAY TO AMEND A WATER CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) NO. 13025 IN COOKE COUNTY; APPLICATION NO. 35096-C; and APPLICATION TO AMEND A SEWER CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) IN COOKE COUNTY, TEXAS; APPLICATION NO. 35097-C	§ § § § § § § § § §	BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS
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**ORDER NO. 6
SETTING HEARING SCHEDULE**

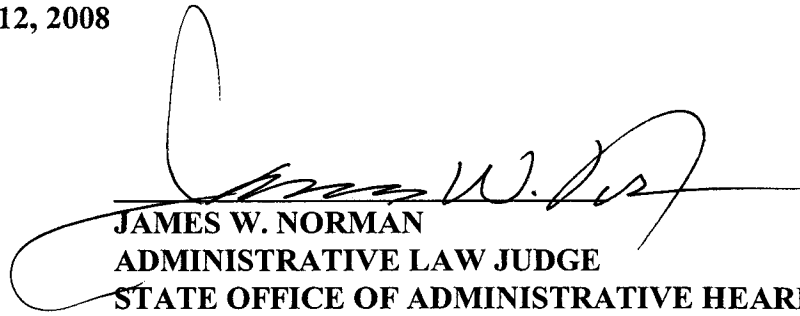
Jurisdictional, party status, and procedural issues have already been addressed in Order No. 1, dated July 12, 2006. This order revises the hearing schedule originally ordered and sets a hearing to begin on October 7, 2008. The parties have submitted the following agreed procedural schedule, which is adopted for this proceeding:

<u>Date</u>	<u>Action</u>
February 8, 2008	Discovery begins
May 2, 2008	Discovery ends; All discovery must be served on or before April 2, 2008 (30 days for response)
June 9, 2008	Applicant testimony due
July 7, 2008	Protestant and OPIC Testimony due
August 8, 2008	ED Testimony due
August 29, 2008	Depositions end
September 12, 2008	Written objections to all testimony due
September 26, 2008	Responses to written objections to all testimony due
October 2, 2008	Prehearing telephone conference at 10:00 a.m. ¹

¹ The Administrative Law Judge may conclude that a live pre-hearing conference is needed.

October 7-9, 2008 Hearing on the Merits (HOM)

SIGNED February 12, 2008



JAMES W. NORMAN
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS

STATE OFFICE OF ADMINISTRATIVE HEARINGS

AUSTIN OFFICE

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SERVICE LIST

AGENCY: Environmental Quality, Texas Commission on (TCEQ)

STYLE/CASE: TOWN OF LINDSAY

SOAH DOCKET NUMBER: 582-06-2023

REFERRING AGENCY CASE: 2006-0272-UCR

**STATE OFFICE OF ADMINISTRATIVE
HEARINGS**

**ADMINISTRATIVE LAW JUDGE
ALJ JAMES W. NORMAN**

REPRESENTATIVE / ADDRESS

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