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February 8, 2008

VIA FACSIMILE

Mr. James W. Norman
Administrative Law Judge
300 West 15th Street
Austin, Texas 78701

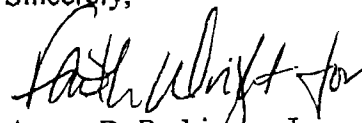
Re: *Application from the Town of Lindsay to Amend Certificate of Convenience and Necessity (CCN) No. 13025 in Cooke County; Application No. 35096-C and Application from the Town of Lindsay to Amend CCN No. 20927 in Cooke County; Application No. 35097-C; SOAH Docket No. 582-06-2023, TCEQ Docket No. 2006-0272-UCR*

Dear Judge Newchurch,

This firm represents the Town of Lindsay ("Town"). Pursuant to Order No. 5, the Town hereby submits the attached procedural schedule which has been agreed to by counsel for the Executive Director and counsel for Lindsay Pure Water Company.

Thank you very much for your attention to this matter.

Sincerely,


Arturo D. Rodriguez, Jr.

Attachment as stated in letter

cc: Service List
Mr. Pat Dillon

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

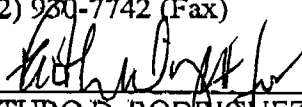
APPLICATION OF THE TOWN OF	§	BEFORE THE STATE OFFICE
LINDSAY TO AMEND WATER AND	§	
SEWER CERTIFICATES OF	§	
CONVENIENCE AND NECESSITY	§	OF
(CCN) NOS. 13025 AND 20927 IN	§	
COOKE COUNTY, TEXAS	§	
APPLICATION NOS. 35096-C & 35097-C	§	ADMINISTRATIVE HEARINGS

**CITY OF LINDSAY'S
PROPOSED SCHEDULE FOR HEARING**

DATE	ACTIVITY
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	Pre-hearing Telephone Conference at 10:00 a.m.
October 7-9, 2008	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)


ARTURO D. RODRIGUEZ, JR.
State Bar No. 00791551

ATTORNEY FOR THE CITY OF LINDSAY,
TEXAS

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Attorneys at Law

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FACSIMILE COVER PAGE

February 8, 2008

Please Deliver the Following page(s) to:

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Mr. Blas Coy, Attorney
Mr. Brian MacLeod
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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: City of Lindsay's Letter and Procedural Schedule

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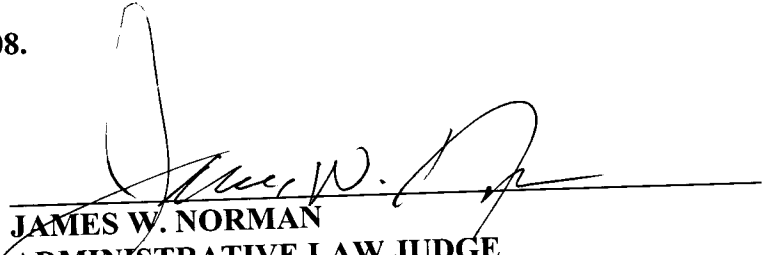
**SOAH DOCKET NO. 582-06-2023
TCEQ DOCKET NO. 2006-0272-UCR**

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

ORDER NO. 7

The prehearing conference set for October 2, 2008, will begin at **9:00 a.m.** rather than 10:00 a.m. All parties should appear in person unless otherwise notified by the Administrative Law Judge.

SIGNED September 29, 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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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

xc: Docket Clerk, State Office of Administrative Hearings

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09/29/2008

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REGARDING:

ORDER NO. 7 - (CHANGING TIME OF PREHEARING CONFERENCE

DOCKET NUMBER:

582-06-2023

JUDGE JAMES W NORMAN

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August 11, 2008

VIA FACSIMILE

Honorable James W. Norman
Administrative Law Judge
300 West 15th Street
Austin, Texas 78701

Re: *Application from the City of Lindsay to Amend Certificate of Convenience and Necessity (CCN) No. 13025 in Cooke County; Application No. 35096-C and Application from the City of Lindsay to Amend CCN No. 20927 in Cooke County; Application No. 35097-C; SOAH Docket No. 582-06-2023, TCEQ Docket No. 2006-0272-UCR*

Dear Honorable Norman:

This firm represents the City of Lindsay in the above-referenced matter. This letter serves to inform all Parties that my law firm's office location is moving on August 14 and 15, 2008. Our new address, beginning August 18, 2008, is as follows:

Russell & Rodriguez, LLP
1633 Williams Drive
Building 2, Suite 200
Georgetown, Texas 78628

Also, please note that as a result of the move, our fax number is changing to 866-929-1641. We ask for your indulgence in not scheduling any hearings or telephone conferences during this time. Additionally, we respectfully request that Parties not serve us with any pleadings or discovery requests during this period of transition.

Thank you for your attention to this matter.

Sincerely,


Arturo D. Rodriguez, Jr.

Cc: Service List
Mr. Pat Dillon

Honorable James W. Norman
August 11, 2008
Page 2 of 2

CERTIFICATE OF SERVICE

I hereby certify that on this 11th day of August, 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 of record:

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August 8, 2008

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Client Number: 1140-00

From: Arturo D. Rodriguez, Jr.

Direct Phone: (512) 930-1317

Pages: (Including Cover Sheet)

Re:

Comments: City of Lindsay's Letter to the ALJ

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

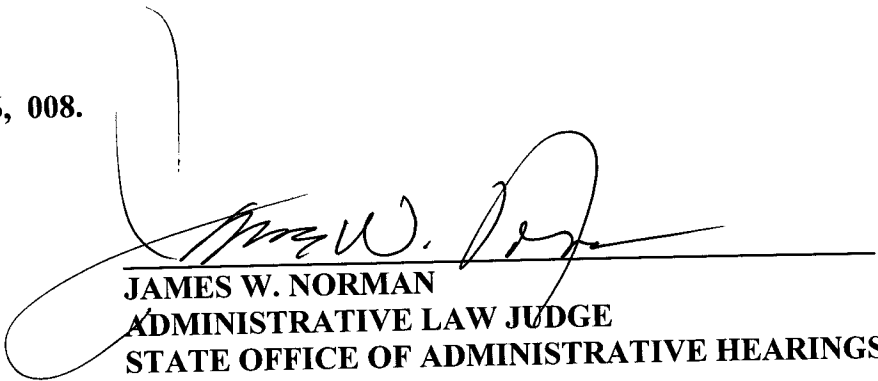
APPLICATION FROM THE TOWN OF LINDSEY TO AMEND A WATER CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) NO. 13025 IN COOKE COUNTY; APPLICATION NO. 35096-C; and APPLICATION TO AMEND A SEWER CCN IN COOKE COUNTY, TEXAS; APPLICATION NO. 35097-C	§ § § § § § § § §	BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS
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ORDER NO. 8—GRANTING JOINT MOTION TO SEVER

On October 3, 2008, pursuant to 30 TEX. ADMIN. CODE § 80.13(b), the City of Lindsay (Lindsay), Lindsay Pure Water Company, and the Executive Director filed a joint motion to sever Lindsay's application to amend its sewer CCN from its application to amend its water CCN. The motion stated that Lindsay's application for a sewer CCN is uncontested and that the motion is not opposed.

The motion is **granted**.

SIGNED October 6, 008.


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

STATE OFFICE OF ADMINISTRATIVE HEARINGS

AUSTIN OFFICE

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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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REGARDING:

ORDER NO. 8 - GRANTING JOINT MOTION TO SEVER

DOCKET NUMBER:

582-06-2023

JUDGE JAMES W NORMAN

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STATE OFFICE OF ADMINISTRATIVE HEARINGS**AUSTIN OFFICE****300 West 15th Street Suite 502****Austin, Texas 78701****Phone: (512) 475-4993****Fax: (512) 475-4994**

DATE:

10/06/2008

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October 3, 2008

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Client Number: 1140-00

From: Arturo D. Rodriguez, Jr.

Direct Phone: (512) 930-1317

Pages: 7 (Including Cover Sheet)

Re:

Comments: Joint Motion to Sever

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

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

**JOINT MOTION TO SEVER AND
REMAND TO THE EXECUTIVE DIRECTOR**

TO THE HONORABLE ADMINISTRATIVE LAW JUDGE:

COMES NOW, the City of Lindsay ("City"), Lindsay Pure Water Company ("LPWC"), and the Executive Director of the Texas Commission on Environmental Quality ("ED") and files this Motion to Sever in the above-styled matter to simplify and limit the issues in this proceeding pursuant to 30 TEX. ADMIN. CODE § 80.13(b).

I. BACKGROUND

The City filed its application seeking to amend its sewer certificate of convenience and necessity ("CCN") to include an uncertificated area. In filing the CCN amendment application, the City believes that it has the financial, managerial, and technical capability to provide continuous and adequate service in its requested service territory. On June 9, 2008, the City filed its prefiled direct testimony supporting its position that the City should properly be granted a CCN for the area within its requested service territory. On July 7, 2008, LPWC filed its responsive prefiled direct testimony. On August 7, 2008, the Executive Director filed his prefiled direct Testimony.

II. MOTION TO SEVER

LPWC has not presented any evidence to and does not contest the City's financial, managerial, and technical capability to provide continuous and adequate sewer service in the City's requested service territory. LPWC does not oppose the City's request for issuance of a CCN for the City's proposed sewer service territory.

The Executive Director filed prefiled direct testimony detailing the City's ability to provide sewer service to the entirety of the City's requested service territory. As such, there is no area being requested for sewer service by the City that is in dispute.

Severance of the City's sewer service territory amendment application from this proceeding will not prejudice any party as LPWC has made clear that its only concern is with the City's water CCN amendment application. Further, the ED does not contest the City's sewer CCN application. Additionally, severing all portions of the City's requested sewer service territory will save all parties and the Administrative Law Judge the time, effort, and expense of litigating whether the City has the capability of serving the entirety of the City's requested sewer service territory, thus reducing the costs to all parties and the State Office of Administrative Hearings and furthering the public interest.

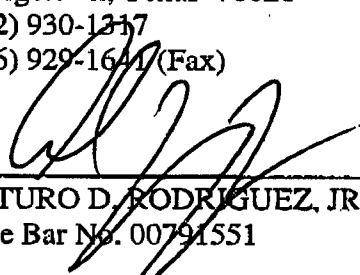
Because the City's requested sewer CCN service territory is uncontested, the parties hereby requests that Your Honor, pursuant to 30 TEX. ADMIN. CODE § 80.13(b), sever the City's requested sewer CCN amendment application to the Executive Director for handling administratively and, thus, leaving only the City's request to amend its water CCN for consideration in this proceeding.

III. CONCLUSION

Based on the foregoing, the City, LPWC, and the ED respectfully request that the Administrative Law Judge grant the request as discussed above.

Respectfully submitted,

RUSSELL & RODRIGUEZ, L.L.P.
1633 Williams Drive, Building 2, Suite 200
Georgetown, Texas 78628
(512) 930-1317
(866) 929-1641 (Fax)



ARTURO D. RODRIGUEZ, JR.
State Bar No. 00791551

**ATTORNEY FOR THE CITY OF LINDSAY,
TEXAS**

AMBRUST & BROWN, L.L.P.
100 Congress Avenue, Suite 1300
Austin, Texas 78701
(512) 435-2306
(512) 435-2308 (fax)

JOHN CARLTON
State Bar No. 03817600

**TEXAS COMMISSION ON ENVIRONMENTAL
QUALITY**
Robert Martinez, Director
Environmental Law Division

By: _____
Brian D. MacLeod
Staff Attorney
Environmental Law Division
State Bar of Texas No. 12783500
P.O. Box 13087 - MC 173
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Respectfully submitted,

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**TEXAS COMMISSION ON ENVIRONMENTAL
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Robert Martinez, Director
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CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of October 2008, a true and correct copy of the foregoing document has been sent via facsimile, first class mail, or hand-delivered to the following:

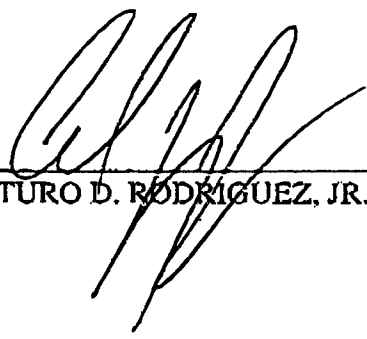
Mr. James Norman
Administrative Law Judge
300 West 15th Street
Austin, Texas 78701
Fax: 475-4994

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Docket Clerk
Office of the Chief Clerk - MC 105
Texas Commission on Environmental Quality
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Austin, Texas 78711-3087
Fax: 239-3311



ARTURO D. RODRIGUEZ, JR.

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

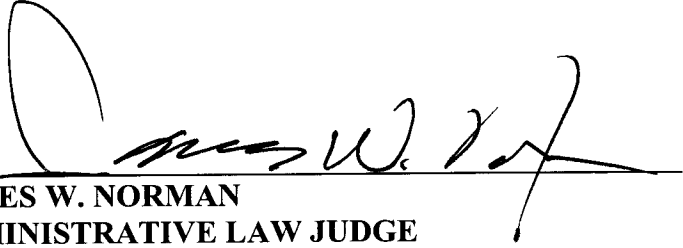
APPLICATION FROM THE TOWN OF LINDSEY TO AMEND A WATER CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) NO. 13025 IN COOKE COUNTY; APPLICATION NO. 35096-C; and APPLICATION TO AMENDE A SEWER CCN IN COOKE COUNTY, TEXAS; APPLICATION NO. 35097-C	§ § § § § § § § §	BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS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

ORDER NO. 9—SETTING POST-HEARING SCHEDULE

On October 17, 2008, the parties proposed a schedule for filing briefs and reply briefs in this case. The proposal is **granted**. The following is ordered:

- **November 19, 2008.** Closing Arguments to be filed with citations to the evidentiary record.
- **December 19, 2008.** Replies to Closing Arguments to be filed with citations to the record.

SIGNED October 24, 2008.



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

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

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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

STATE OFFICE OF ADMINISTRATIVE HEARINGS

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Austin, Texas 78701

Phone: (512) 475-4993

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DATE:

10/24/2008

NUMBER OF PAGES INCLUDING THIS COVER SHEET:

24

REGARDING:

ORDER NO. 9 - SETTING POST HEARING SCHEDULE

DOCKET NUMBER:

582-06-2023

JUDGE JAMES W NORMAN

FAX TO:

FAX TO:

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JOHN J CARLTON

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

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REGARDING:

ORDER NO. 9 - SETTING POST HEARING SCHEDULE

DOCKET NUMBER:

582-06-2023**JUDGE JAMES W NORMAN****FAX TO:****FAX TO:**

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TCEQ Docket Clerk, Fax Number 512/239-3311

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R&R
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PHONE (512) 930-1317
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WWW.TXADMINLAW.COM

October 17, 2008

VIA FACSIMILE

Honorable James W. Norman
Administrative Law Judge
300 West 15th Street
Austin, Texas 78701

Re: *Application from the City of Lindsay to Amend Certificate of Convenience and Necessity (CCN) No. 13025 in Cooke County; Application No. 35096-C and Application from the City of Lindsay to Amend CCN No. 20927 in Cooke County; Application No. 35097-C; SOAH Docket No. 582-06-2023, TCEQ Docket No. 2006-0272-UCR*

Dear Honorable Norman:

This firm represents the City of Lindsay in the above-referenced matter. As you will recall, at the conclusion of the Hearing on the Merits on this matter all Parties were instructed to confer and establish a post-hearing schedule. Below are the agreed deadlines:

November 19, 2008 - Closing Arguments to be filed

December 19, 2008 - Replies to Closing Arguments to be filed

Thank you for your attention to this matter.

Sincerely,


Arturo D. Rodriguez, Jr.

Cc: Ms. Betsy Fleitman
Mr. Pat Dillon

Honorable James W. Norman
October 17, 2008
Page 2 of 2

CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of October, 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 of record:

Mr. John Carlton, Attorney
Armbrust & Brown, LLP
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Austin, Texas 78701
Fax: 512/435-2360

Mr. Blas Coy, Attorney
Office of Public Interest Counsel
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P.O. Box 13087
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Fax: 239-6377

Mr. Brian MacLeod, Attorney
Mr. Christiaan Siano
Environmental Law Division
TCEQ - MC 173
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Docket Clerk
Office of the Chief Clerk - MC 105
Texas Commission on Environmental Quality
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ARTURO D. RODRIGUEZ, JR.

RUSSELL & RODRIGUEZ, L.L.P.

Attorneys at Law

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E-mail: arodriguez@txadminlaw.com

Fax (866) 929-1641

FACSIMILE COVER PAGE

October 17, 2008

Please Deliver the Following page(s) to:

Mr. James W. Norman

Mr. John Carlton, Attorney

Mr. Blas Coy, Attorney

Mr. Brian MacLeod

TCEQ Chief Clerk

Mr. Pat Dillon

Fax Number: (512) 475-4994

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: Post Hearing Deadlines

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ARMBRUST & BROWN, L.L.P.

ATTORNEYS AND COUNSELORS

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512-435-2300

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JOHN CARLTON
(512) 435-2308
jcarlton@abainstin.com

November 1, 2006

Via Facsimile (512) 475-4994James W. Norman
Administrative Law Judge
State Office of Administrative Hearings
300 West 15th Street
Austin, Texas 78701

2028
Re: SOAH Docket No. 582-06-0203; TCEQ Docket No. 2006-0272-UCR; *Application of the Town of Lindsay to Amend Water and Sewer Certificates of Convenience and Necessity (CCN) Nos. 13025 and 20927 in Cooke County, Texas; Application Nos. 35096-C & 35097-C*

Dear Judge Norman:

The Town of Lindsay and Lindsay Pure Water Company have entered into a Rule 11 Agreement to extend Lindsay Pure Water Company's deadline to propound discovery and postpone the obligation to file any Motions to Compel Discovery to November 10, 2006. A copy of the Rule 11 Agreement is attached for filing.

Thank you for your attention to this matter. If you have any questions, please do not hesitate to contact me.

Sincerely,

ARMBRUST & BROWN, L.L.P.
John J. Carlton
Attorney for Lindsay Pure Water Company

Enclosure

cc: Arturo D. Rodriguez (via fax: (512) 930-7742)
Blas J. Coy (via fax: (512) 239-6377)
Brian MacLeod (via fax: (512) 239-0606)
Christiaan Siano (via fax: (512) 239-0606)
TCEQ Docket Clerk (via fax: (512) 239-3311)

259696-1 10/30/2006

Oct-27-06 04:13pm From-ARMBRUST & BROWN, L.L.P.

5124352360

T-524 P.02/02 F-831

ARMBRUST & BROWN, L.L.P.**ATTORNEYS AND COUNSELORS**100 CONGRESS AVENUE, SUITE 1300
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jcarlton@ababrown.com

October 27, 2006

VIA FACSIMILE: (512) 930-7742

Arturo D. Rodriguez, Jr.
Russell & Rodriguez, L.L.P.
102 West Morrow Street, Suite 103
Georgetown, Texas 78626

Re: SOAH Docket No. 582-06-0203; TCEQ Docket No. 2006-0272-UCR; *Application of the Town of Lindsay to Amend Water and Sewer Certificates of Convenience and Necessity (CCN) Nos. 13025 and 20927 in Cooke County, Texas*; Application Nos. 35096-C & 35097-C

Dear Art:

This is an agreement pursuant to Texas Rules of Civil Procedure 11 and 191.1, TCEQ Rule 80.125, and Order No. 1, in this proceeding. This letter serves to extend Lindsay Pure Water Company's deadline to propound discovery from October 27, 2006, to November 10, 2006. This also serves to postpone the obligation to file any Motions to Compel Discovery to no sooner than November 10, 2006.

Upon your review and agreement to the proposal set forth in this letter, please memorialize this agreement by your signature below.

Sincerely,

ARMBRUST & BROWN, L.L.P.

John J. Carlton
Attorney for Lindsay Pure Water Company

AGREED:

Arturo D. Rodriguez, Jr., for the Town of Lindsay

259536-1 10/27/2006

ARMBRUST & BROWN, L.L.P.
ATTORNEYS AND COUNSELORS

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AUSTIN, TEXAS 78701-2744
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FACSIMILE COVER PAGE

Date: November 1, 2006

NAME:	COMPANY:	FACSIMILE NO.:	TELEPHONE NO.:
James W. Norman, ALJ	State Office of Administrative Hearings	(512) 475-4994	
Arturo D. Rodriguez	Russell & Rodriguez, L.L.P.	(512) 930-7742	(512) 930-1317
Blas J. Coy, Jr.	Office of Public Interest Counsel	(512) 239-6377	(512) 239-6363
Brian MacLeod Christiaan Siano	Texas Commission on Environmental Quality	(512) 239-0606	(512) 239-0750 (512) 239-0600
Docket Clerk	Texas Commission on Environmental Quality	(512) 239-3311	(512) 239-3311

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- ☐ Urgent
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RE: SOAH Docket No. 582-06-0203; TCEQ Docket No. 2006-0272-UCR; *Application of the Town of Lindsay to Amend Water and Sewer Certificates of Convenience and Necessity (CCN) Nos. 13025 and 20927 in Cooke County, Texas; Application Nos. 35096-C & 35097-C*

ATTACHMENTS: Rule 11 Agreement

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252890-1 08/23/2006

ARMBRUST & BROWN, L.L.P.
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AMY BARRERA
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jcarlton@abaustin.com

October 19, 2006

VIA FACSIMILE (512) 475-4994 &
FIRST CLASS MAIL

James W. Norman
Administrative Law Judge
State Office of Administrative Hearings
300 West 15th Street
Austin, Texas 78701

2023
Re: SOAH Docket No. 582-06-0203, TCEQ Docket No. 2006-0272-UCR; *Application of the Town of Lindsay to Amend Water and Sewer Certificates of Convenience and Necessity (CCN) Nos. 13025 and 20927 in Cooke County, Texas*; Application Nos. 35096-C & 35097-C


Dear Judge Norman:

The Town of Lindsay, Lindsay Pure Water Company and the Executive Director have entered into a Rule 11 Agreement regarding discovery. A copy of the Rule 11 Agreement is attached for filing.

Thank you for your attention to this matter. If you have any questions, please do not hesitate to contact me.

Sincerely,

ARMBRUST & BROWN, L.L.P.


Amy L. Barrera
Legal Secretary to John J. Carlton

Enclosure

cc: Arturo D. Rodriguez
Blas J. Coy
Brian MacLeod
Christiaan Siano
TCEQ Docket Clerk

258857-1 10/19/2006

ARMBRUST & BROWN, L.L.P.

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October 18, 2006

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Arturo D. Rodriguez, Jr.
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Georgetown, Texas 78626

VIA FACSIMILE: (512) 239-0606

Brian MacLeod
TCEQ - MC 173
P.O. Box 13087
Austin, Texas 78711-3087

Re: SOAH Docket No. 582-06-0203; TCEQ Docket No. 2006-0272-UCR; *Application of the Town of Lindsay to Amend Water and Sewer Certificates of Convenience and Necessity (CCN) Nos. 13025 and 20927 in Cooke County, Texas; Application Nos. 35096-C & 35097-C*

Dear Art and Brian:

This is an agreement pursuant to Texas Rules of Civil Procedure 11 and 191.1, TCEQ Rule 80.125, and Order No. 1, in this proceeding. This letter serves to extend the production of documents by Lindsay Pure Water Company and the Town of Lindsay to Monday, October 23, 2006. This letter also serves to extend the deadline to propound discovery from October 18, 2006 to Friday, October 27, 2006.

Upon your review and agreement to the proposal set forth in this letter, please memorialize this agreement by your signature below.

Sincerely,

ARMBRUST & BROWN, L.L.P.

John J. Carlton / with permission AB.
John J. Carlton
Attorney for Lindsay Pure Water Company

AGREED:

Arturo D. Rodriguez, Jr., for the Town of Lindsay

Brian MacLeod, for the Executive Director

258583-1 10/18/2006

Oct-18-06 08:54am

From-ARMBRUST & BROWN, L.L.P.

5124352360

T-488 P.02/02 F-582

ARMBRUST & BROWN, L.L.P.

ATTORNEYS AND COUNSELORS

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JOHN J. CARLTON
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jcarlton@ablaw.com

October 18, 2006

VIA FACSIMILE: (512) 930-7742

VIA FACSIMILE: (512) 239-0606

Arturo D. Rodriguez, Jr.
Russell & Rodriguez, L.L.P.
102 West Morrow Street, Suite 103
Georgetown, Texas 78626Brian MacLeod
TCEQ - MC 173
P.O. Box 13087
Austin, Texas 78711-3087Re: SOAH Docket No. 582-06-0203; TCEQ Docket No. 2006-0272-UCR; *Application of the Town of Lindsay to Amend Water and Sewer Certificates of Convenience and Necessity (CCN) Nos. 13025 and 20927 in Cooke County, Texas; Application Nos. 35096-C & 35097-C*

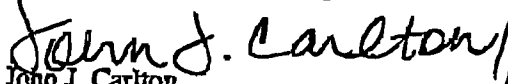
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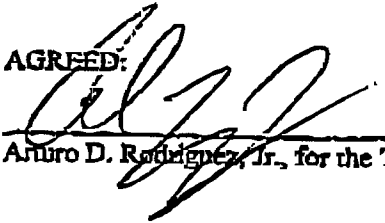
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Sincerely,

ARMBRUST & BROWN, L.L.P.


John J. Carlton *with permission RB.*
Attorney for Lindsay Pure Water Company

AGREED:


Arturo D. Rodriguez, Jr., for the Town of Lindsay

Brian MacLeod, for the Executive Director

258583-1 10/18/2006

10-19-06 16:39 From-Armbrust & Brown L L P
08:55am From-ARMERUST & BROWN, L.L.P.

512 435 2360

T-393 P 005/005 F-713

5124352360

T-490 P 02/02 F-593

ARMBRUST & BROWN, L.L.P.
ATTORNEYS AND COUNSELORS

100 CONGRESS AVENUE, SUITE 1300
AUSTIN, TEXAS 78701-2744
512-435-2300

FACSIMILE 512-435-2360

JOHN J. CARLTON
(512) 435-2305
jcarlton@ababrown.com

October 18, 2006

VIA FACSIMILE: (512) 930-7742

VIA FACSIMILE: (512) 239-0606

Arturo D. Rodriguez, Jr.
Russell & Rodriguez, L.L.P.
102 West Morrow Street, Suite 103
Georgetown, Texas 78626

Brian MacLeod
TCEQ - MC 175
P.O. Box 13087
Austin, Texas 78711-3087

Re: SOAH Docket No. 582-06-0203; TCEQ Docket No. 2006-0272-UCR; *Application of the Town of Lindsay to Amend Water and Sewer Certificates of Convenience and Necessity (CCN) Nos. 13025 and 20927 in Cooke County, Texas; Application Nos. 35096-C & 35097-C*

Dear Art and Brian:

This is an agreement pursuant to Texas Rules of Civil Procedure 11 and 191.1, TCEQ Rule 80.125, and Order No. 1, in this proceeding. This letter serves to extend the production of documents by Lindsay Pure Water Company and the Town of Lindsay to Monday, October 23, 2006. This letter also serves to extend the deadline to propound discovery from October 18, 2006 to Friday, October 27, 2006.

Upon your review and agreement to the proposal set forth in this letter, please memorialize this agreement by your signature below.

Sincerely,

ARMBRUST & BROWN, L.L.P.

John J. Carlton / with permission AB.
John J. Carlton
Attorney for Lindsay Pure Water Company

AGREED:

Arturo D. Rodriguez, Jr., for the Town of Lindsay

Brian MacLeod
Brian MacLeod, for the Executive Director

258583-1 10/18/2006

10/19/06 THU 16:54 [TX/RX NO 6480]

ARMBRUST & BROWN, L.L.P.
ATTORNEYS AND COUNSELORS

100 CONGRESS AVENUE, SUITE 1300
AUSTIN, TEXAS 78701-2744
512-435-2300

FACSIMILE 512-435-2360

FACSIMILE COVER PAGE

Date: October 19, 2006

NAME:	COMPANY:	FACSIMILE NO.:	TELEPHONE NO.:
James W. Norman, ALJ	State Office of Administrative Hearings	(512) 476-4994	
Arturo D. Rodriguez	Russell & Rodriguez, L.L.P.	(512) 930-7742	(512) 930-1317
Blas J. Coy, Jr.	Office of Public Interest Counsel	(512) 239-6377	(512) 239-6363
Brian MacLeod Christiaan Siano	Texas Commission on Environmental Quality	(512) 239-0606	(512) 239-0750 (512) 239-0600
Docket Clerk	Texas Commission on Environmental Quality	(512) 239-3311	(512) 239-3311

Please call us immediately if the document you receive is incomplete or illegible.

From: Amy Barrera	Telephone No.: (512) 435-2375
Client/Matter No.: 52515.0101	Total No. of Pages Sent: 5

REMARKS:

- ☐ Urgent
 ☐ For Your Review
 ☐ Reply ASAP
 ☐ Please Comment
☐ Original To Follow Via:
 ☐ Hand Delivery
 ☐ Federal Express
 ☐ First Class Mail

RE: SOAH Docket No. 582-06-0203; TCEQ Docket No. 2006-0272-UCR; *Application of the Town of Lindsay to Amend Water and Sewer Certificates of Convenience and Necessity (CCN) Nos. 13025 and 20927 in Cooke County, Texas; Application Nos. 35096-C & 35097-C*

ATTACHMENTS: Rule 11 Agreement

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL, AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE 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 NOTIFY US IMMEDIATELY BY TELEPHONE (COLLECT), AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U. S. POSTAL SERVICE. THANK YOU.

252890-1 08/23/2006

Kathleen Hartnett White, *Chairman*
Larry R. Soward, *Commissioner*
Glenn Shankle, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

276 OCT 12 PM 1:05

TCEQ
ST. OFF
JF

October 11, 2006

The Honorable James W. Norman
Administrative Law Judge
State Office Administrative Hearings
300 West 15th Street, Room 502
Austin, Texas 78701

RE: SOAH Docket No. 582-06-2023; TCEQ Docket No. 2006-0272-UCR;
Applications of the Town of Lindsay amend a Water and Sewer Certificates of
Convenience and Necessity in Cooke County

Dear Judge Norman:

Enclosed please find the Rule 11 Agreement on the Executive Director's First Requests for Disclosure, Interrogatories, and Requests for Production to the Town of Lindsay. Should you have any questions or concerns, please do not hesitate to contact me at (512) 239-0750.

Sincerely,

A handwritten signature in black ink, appearing to read "B. D. MacLeod", written over a horizontal line.

Brian D. MacLeod
Staff Attorney
Environmental Law Division

Kathleen Hartnett White, *Chairman*
Larry R. Saward, *Commissioner*
Martin A. Hubert, *Commissioner*
Glenn Shackle, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

October 10, 2006

TO: THE TOWN OF LINDSAY

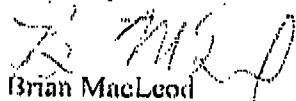
c/o Arturo D. Rodriguez, Jr.
Russell & Rodriguez, L.L.P.
102 West Morrow Street, Suite 103
Georgetown, Texas 78626
TEL.: (512) 930-1317
FAX: (512) 930-7742

Re: Rule 11 Agreement on The Executive Director's First Requests For Disclosure, Interrogatories, And Requests For Production To The Town Of Lindsay; TCEQ Docket No. 2006-0272-UCR; SOAH Docket No. 582-06-2023

Dear Mr. Rodriguez:

Please sign below indicating that we agree that the ED can preserve responding to Lindsay's objections to the ED's discovery without lodging an objection within 10 days of when the objection was made. This agreement is being entered because it appears likely that the ED will be able to get the information requested without filing a motion to compel and to file such just to meet the deadline would be an inefficient way to proceed. The parties to this agreement confirm that the ED will have 30 days from the date of this letter to file a motion to compel on the referenced discovery should the parties be unable to solve any differences informally. If you have any questions or comments, please call me at (512) 239-0750.

Sincerely,


Brian MacLeod
Staff Attorney
Environmental Law Division

AGREED:


Arturo D. Rodriguez, Jr., Attorney for the City of Princeton

Mailing List
City of THE TOWN OF LINDSAY
SOAH Docket Nos. 582-06-1641
TCEQ Docket Nos. 2006-0044-UCR

The Town of Lindsay

Arturo Rodriguez, Jr., Esq.,
Russell & Rodriguez, L.L.P.
102 West Morrow Street, Suite 103
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Tel: (512) 930-1317
Fax (512) 930-7742

TCEQ Public Interest Counsel

Blas J. Coy, Jr.
P.O. Box 13087 (MC 103)
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Tel: (512) 239-6361
Fax: (512) 239-6377

TCEQ Executive Director

Brian MacLeod
P.O. Box 13087 (MC 173)
Austin, Texas 78711-3087
Tel: (512) 239-0750
Fax: (512) 239-0606

TCEQ Chief Clerk:

Docket Clerk
TCEQ Office of Chief Clerk
P.O. Box 13087 (MC 105)
Austin, Texas 78711-3087
Fax: (512) 239-3311

Protestant

Lindsay Pure Water Company
John J. Carleton
Attorney at Law
Armrust & Brown, LLP
100 Congress Avenue, Suite 1300
Austin, Texas 78701-2744
Tel: (512) 435-2308
Fax: (512) 435-2360

Enrique Bustnet Whitt, *Chairman*
Larry R. Soward, *Commissioner*
Glenn Shandor, *Executive Director*

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

October 11, 2006

The Honorable James W. Norman
Administrative Law Judge
State Office Administrative Hearings
300 West 15th Street, Room 502
Austin, Texas 78701

RE: SOAH Docket No. 582-06-2023; TCEQ Docket No. 2006-0272-UCR;
Applications of the Town of Lindsay amend a Water and Sewer Certificate of
Convenience and Necessity in Cooke County

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Sincerely,



Brian D. MacLeod
Staff Attorney
Environmental Law Division

10/10/2006 17 22 FAX 5122390606

TCEQ Legal Services

003/000

Nathan H. Barnett, Attorney
 Cary R. Sawyer, Attorney
 Steven A. Hubert, Attorney
 Glenn Stuchlik, Attorney



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas' Air, Water, and Preserving Polluted Air

October 10, 2006

TO: THE TOWN OF LINDSAY

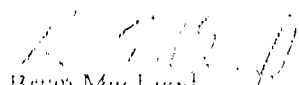
c/o Arturo D. Rodriguez, Jr.
 Russell & Rodriguez, L.L.P.
 101 West Morrow Street, Suite 103
 Georgetown, Texas 78626
 TEL: (512) 930-1317
 FAX: (512) 930-7742

Re Rule 11 Agreement on The Executive Director's First Requests For Disclosure, Interrogatories, And Requests For Production To The Town Of Lindsay; TCEQ Docket No. 2006-0272-UCK; SOAH Docket No. 587-06-2023

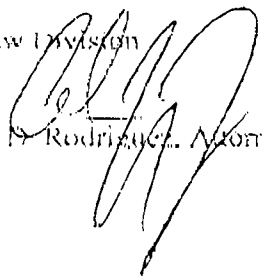
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Sincerely,


 Brian MacLeod
 Staff Attorney
 Environmental Law Division

AGREED:


 Arturo D. Rodriguez, Attorney for the City of Princeton

Mailing List

City of THE TOWN OF LINDSAY
SOAH Docket Nos. 582-06-1641
TCEQ Docket Nos. 2006-0044-UCR

The Town of Lindsay

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TCEQ Chief Clerk:

Docket Clerk
TCEQ Office of Chief Clerk
P.O. Box 13087 (MC 105)
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Protestant

Lindsay Pure Water Company
John J. Carleton
Attorney at Law
Armstrong & Brown, LLP
100 Congress Avenue, Suite 1300
Austin, Texas 78701-2744
Tel: (512) 435-2308
Fax: (512) 435-2360



Protecting Texas
by Reducing and
Preventing Pollution

FAX TRANSMITTAL

DATE: Oct. 11, 2006NUMBER OF PAGES (including this cover sheet) 1

TO: Name The Honorable James W. Norman
Organization State Office of Administrative Hearings
FAX Number (512) 475-4994

FROM: TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Name Brian MacLeod, Staff Attorney, MC 173
Division/Region Environmental Law Division
Telephone Number (512) 239-0750
FAX Number (512) 239-0606

NOTES:

RE: TCEQ Docket No. 2006-0272-UCR;
SOAH Docket No. 582-06-2023;
Applications of the Town of Lindsay amend a Water and Sewer Certificates of
Convenience and Necessity in Cooke County

Rule 11 Agreement

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If you have received this facsimile in error, please notify us by telephone immediately and return the original message to us at Texas Commission on Environmental Quality, Litigation Division, MC 175, P. O. Box 13700, Austin, Texas 78711-3087 by First Class Mail via the United States Postal Services. Thank you.

PLEASE CALL AS SOON AS POSSIBLE IF ALL PAGES ARE NOT RECEIVED OR IF THERE ARE ANY OTHER PROBLEMS WITH THE TRANSMITTAL OF THIS FAX.

**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

JOINT MOTION FOR ABATEMENT

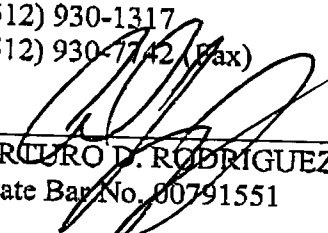
TO THE HONORABLE ADMINISTRATIVE LAW JUDGE:

COMES NOW, the City of Lindsay, Lindsay Pure Water, and the Executive Director ("ED") of the Texas Commission on Environmental Quality ("TCEQ") and files this Joint Motion for Abatement, and respectfully shows the Administrative Law Judge ("ALJ") the following:

1. The Parties have begun settlement negotiations and would like the opportunity to memorialize a settlement in writing, if settlement occurs.
2. All Parties jointly request an abatement of this proceeding until January 8, 2007, to allow the Parties time to develop a settlement agreement and to allow the ED time to review such agreement. A Status Report will be filed on or before January 8, 2007, updating Your Honor regarding the need for continued scheduling of the hearing or the status of the case.
3. The Office of Public Interest Counsel ("OPIC") has not participated in this proceeding, therefore no attempts were made to determine if OPIC was agreeable to such abatement.
4. This Motion is not for delay, but so justice may be served.

Respectfully submitted,

RUSSELL & RODRIGUEZ, L.L.P.
 102 W. Morrow Street, Suite 103
 Georgetown, Texas 78626
 (512) 930-1317
 (512) 930-7742 (Fax)



 ARTURO D. RODRIGUEZ, JR.
 State Bar No. 00791551

ATTORNEY FOR LINDSAY

Armbrust & Brown, L.L.P.
 100 Congress Avenue, Suite 1300
 Austin, Texas 78701

 JOHN CARLTON
 State Bar No.

**ATTORNEY FOR LINDSAY PURE WATER
 COMPANY**

Texas Commission on Environmental Quality
 Environmental Law Division
 TCEQ - MC 173
 P.O. Box 13087
 Austin, TX 78711-3087

 Mr. Brian MacLeod
 State Bar No. 12783500

**ATTORNEY FOR THE EXECUTIVE
 DIRECTOR**

Respectfully submitted,

RUSSELL & RODRIGUEZ, L.L.P.
102 W. Morrow Street, Suite 103
Georgetown, Texas 78626
(512) 930-1317
(512) 930-7742 (Fax)

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JOHN CARLTON
State Bar No.

**ATTORNEY FOR LINDSAY PURE WATER
COMPANY**

Texas Commission on Environmental Quality
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Austin, TX 78711-3087

Mr. Brian MacLeod
State Bar No. 12783500

**ATTORNEY FOR THE EXECUTIVE
DIRECTOR**