

Place	2000 Census Count	July 1, 2006 Population Estimate	January 1, 2007 Population Estimate	Numerical Change 2000-06	Numerical Change 2000-07	Percent Change 2000-06	Percent Change 2000-07
Saginaw	12,374	17,076	17,429	4,702	5,055	38.0	40.9
St. Hedwig	1,875	2,111	2,120	236	245	12.6	13.1
St. Jo	977	1,001	1,009	24	32	2.5	3.3
St. Paul	630	842	871	212	241	33.7	38.3
St. Paul CDP	542	527	525	-15	-17	-2.8	-3.1
Salado CDP	3,475	3,647	3,664	172	189	4.9	5.4
Salineno CDP	304	315	312	11	8	3.6	2.6
Samnorwood CDP	39	38	38	-1	-1	-2.6	-2.6
San Angelo	88,439	87,961	88,128	-478	-311	-0.5	-0.4
San Antonio	1,150,535	1,296,265	1,312,329	145,730	161,794	12.7	14.1
San Augustine	2,475	2,581	2,634	106	159	4.3	6.4
San Benito	23,444	25,895	26,145	2,451	2,701	10.5	11.5
San Carlos CDP	2,650	2,816	2,842	166	192	6.3	7.2
Sanctuary	256	594	595	338	339	132.0	132.4
Sanderson CDP	861	805	800	-56	-61	-6.5	-7.1
Sandia CDP	431	452	452	21	21	4.9	4.9
San Diego	4,753	4,575	4,539	-178	-214	-3.7	-4.5
Sandy Hollow-Escondidas CDP	433	365	359	-68	-74	-15.7	-17.1
San Elizario CDP	11,046	11,946	11,994	900	948	8.1	8.6
San Felipe	868	929	932	61	64	7.0	7.4
Sanford	203	198	199	-5	-4	-2.5	-2.0
Sanger	4,534	6,571	6,741	2,037	2,207	44.9	48.7
San Ignacio CDP	853	993	1,002	140	149	16.4	17.5
San Isidro CDP	270	286	290	16	20	5.9	7.4
San Juan	26,229	33,431	34,164	7,202	7,935	27.5	30.3
San Leanna	384	486	477	102	93	26.6	24.2
San Leon CDP	4,365	4,622	4,620	257	255	5.9	5.8
San Manuel-Linn CDP	958	977	987	19	29	2.0	3.0
San Marcos	34,733	48,000	48,997	13,267	14,264	38.2	41.1
San Patricio	318	301	299	-17	-19	-5.3	-6.0
San Pedro CDP	668	686	687	18	19	2.7	2.8
San Perlita	680	714	713	34	33	5.0	4.9
San Saba	2,637	2,621	2,646	-16	9	-0.6	0.3
Sansom Park	4,181	4,362	4,388	181	207	4.3	5.0
Santa Anna	1,081	1,016	1,014	-65	-67	-6.0	-6.2
Santa Clara	889	962	978	73	89	8.2	10.0
Santa Cruz CDP	630	666	664	36	34	5.7	5.4
Santa Fe	9,548	10,732	10,823	1,184	1,275	12.4	13.4
Santa Maria CDP	846	895	906	49	60	5.8	7.1
Santa Monica CDP	78	77	77	-1	-1	-1.3	-1.3
Santa Rosa	2,833	3,155	3,057	322	224	11.4	7.9
Savoy	850	870	882	20	32	2.4	3.8
Scenic Oaks CDP	3,279	3,396	3,470	117	191	3.6	5.8
Schertz	18,694	28,756	29,637	10,062	10,943	53.8	58.5
Schulenburg	2,699	2,762	2,837	63	138	2.3	5.1
Scissors CDP	2,805	3,094	3,117	289	312	10.3	11.1
Scotland	438	443	441	5	3	1.1	0.7
Scottsville	263	258	259	-5	-4	-1.9	-1.5
Scurry		638	644	638	644		
Seabrook	9,443	11,359	11,521	1,916	2,078	20.3	22.0
Seadrift	1,352	1,420	1,439	68	87	5.0	6.4
Seagoville	10,823	11,945	12,194	1,122	1,371	10.4	12.7
Seagraves	2,334	2,477	2,493	143	159	6.1	6.8
Sealy	5,248	6,842	7,040	1,594	1,792	30.4	34.1
Sebastian CDP	1,864	1,883	1,892	19	28	1.0	1.5
Seguin	22,011	26,590	27,788	4,579	5,777	20.8	26.2
Selma	788	2,624	2,910	1,836	2,122	233.0	269.3
Seminole	5,910	6,103	6,173	193	263	3.3	4.5
Serenada CDP	1,847	1,916	1,971	69	124	3.7	6.7
Seth Ward CDP	1,926	1,983	1,975	57	49	3.0	2.5
Seven Oaks	131	134	134	3	3	2.3	2.3
Seven Points	1,145	1,266	1,343	121	198	10.6	17.3
Seymour	2,908	2,891	2,904	-17	-4	-0.6	-0.1
Shady Hollow CDP	5,140	4,951	4,968	-189	-172	-3.7	-3.3
Shady Shores	1,461	2,137	2,225	676	764	46.3	52.3
Shallowater	2,086	2,298	2,322	212	236	10.2	11.3
Shamrock	2,029	1,955	1,965	-74	-64	-3.6	-3.2
Shavano Park	1,754	2,931	2,960	1,177	1,206	67.1	68.8
Sheldon CDP	1,831	1,848	1,857	17	26	0.9	1.4
Shenandoah	1,503	2,208	2,266	705	763	46.9	50.8
Shepherd	2,029	2,380	2,417	351	388	17.3	19.1

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Sherman	35,082	38,837	39,149	3,755	4,067	10.7	11.6
Shiner	2,070	2,065	2,084	-5	14	-0.2	0.7
Shoreacres	1,488	1,595	1,616	107	128	7.2	8.6
Sienna Plantation CDP	1,896	2,284	2,335	388	439	20.5	23.2
Sierra Blanca CDP	533	559	553	26	20	4.9	3.8
Siesta Shores CDP	890	1,039	1,048	149	158	16.7	17.8
Silsbee	6,393	6,525	6,590	132	197	2.1	3.1
Silverton	771	732	720	-39	-51	-5.1	-6.6
Simonton	718	875	893	157	175	21.9	24.4
Sinton	5,676	5,613	5,643	-63	-33	-1.1	-0.6
Skellytown	610	597	599	-13	-11	-2.1	-1.8
Skidmore CDP	1,013	1,267	1,335	254	322	25.1	31.8
Slaton	6,109	6,028	6,063	-81	-46	-1.3	-0.8
Smiley	453	473	477	20	24	4.4	5.3
Smithville	3,901	4,426	4,510	525	609	13.5	15.6
Smyer	480	480	475	0	-5	0.0	-1.0
Snook	568	571	575	3	7	0.5	1.2
Snyder	10,783	10,503	10,485	-280	-298	-2.6	-2.8
Socorro	27,152	32,353	33,472	5,201	6,320	19.2	23.3
Solis CDP	545	571	578	26	33	4.8	6.1
Somerset	1,550	1,757	1,782	207	232	13.4	15.0
Somerville	1,704	1,703	1,706	-1	2	-0.1	0.1
Sonora	2,924	3,050	3,060	126	136	4.3	4.7
Sour Lake	1,667	1,787	1,802	120	135	7.2	8.1
South Alamo CDP	3,101	3,291	3,316	190	215	6.1	6.9
South Fork Estates CDP	47	46	46	-1	-1	-2.1	-2.1
South Houston	15,833	16,706	16,884	873	1,051	5.5	6.6
Southlake	21,519	25,328	25,565	3,809	4,046	17.7	18.8
Southmayd	992	1,075	1,097	83	105	8.4	10.6
South Mountain	412	409	411	-3	-1	-0.7	-0.2
South Padre Island	2,422	2,842	2,906	420	484	17.3	20.0
South Point CDP	1,118	1,161	1,163	43	45	3.8	4.0
Southside Place	1,546	1,673	1,709	127	163	8.2	10.5
South Toledo Bend CDP	576	489	487	-87	-89	-15.1	-15.5
Spade CDP	100	102	102	2	2	2.0	2.0
Sparks CDP	2,974	3,201	3,218	227	244	7.6	8.2
Spearman	3,021	2,970	2,959	-51	-62	-1.7	-2.1
Splendora	1,275	1,591	1,623	316	348	24.8	27.3
Spofford	75	74	75	-1	0	-1.3	0.0
Spring CDP	36,385	37,603	37,937	1,218	1,552	3.3	4.3
Spring Garden-Terra Verde CDP	693	630	630	-63	-63	-9.1	-9.1
Springlake	135	136	136	1	1	0.7	0.7
Springtown	2,062	2,590	2,683	528	621	25.6	30.1
Spring Valley	3,611	3,616	3,681	5	70	0.1	1.9
Spur	1,088	1,031	996	-57	-92	-5.2	-8.5
Stafford	15,681	20,851	21,378	5,170	5,697	33.0	36.3
Stagecoach	455	551	562	96	107	21.1	23.5
Stamford	3,636	3,564	3,599	-72	-37	-2.0	-1.0
Stanton	2,556	2,561	2,595	5	39	0.2	1.5
Star Harbor	416	428	437	12	21	2.9	5.0
Stephenville	14,921	15,738	15,697	817	776	5.5	5.2
Sterling City	1,081	952	911	-129	-170	-11.9	-15.7
Stinnett	1,936	1,842	1,842	-94	-94	-4.9	-4.9
Stockdale	1,398	1,549	1,550	151	152	10.8	10.9
Stonewall CDP	469	510	508	41	39	8.7	8.3
Stowell CDP	1,572	1,671	1,654	99	82	6.3	5.2
Stratford	1,991	2,032	1,985	41	-6	2.1	-0.3
Strawn	739	760	768	21	29	2.8	3.9
Streetman	203	212	213	9	10	4.4	4.9
Study Butte-Terlingua CDP	267	276	275	9	8	3.4	3.0
Sudan	1,039	1,049	1,050	10	11	1.0	1.1
Sugar Land	63,328	84,622	85,750	21,294	22,422	33.6	35.4
Sullivan City	3,998	4,484	4,513	486	515	12.2	12.9
Sulphur Springs	14,551	15,544	15,771	993	1,220	6.8	8.4
Sundown	1,505	1,498	1,499	-7	-6	-0.5	-0.4
Sunnyvale	2,693	4,026	4,038	1,333	1,345	49.5	49.9
Sunray	1,950	1,890	1,879	-60	-71	-3.1	-3.6
Sunrise Beach Village	704	742	738	38	34	5.4	4.8
Sunset	339	352	355	13	16	3.8	4.7
Sunset Valley	365	493	512	128	147	35.1	40.3
Sun Valley	51	52	51	1	0	2.0	0.0

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Surfside Beach	763	870	877	107	114	14.0	14.9
Sweeny	3,624	3,905	3,963	281	339	7.8	9.4
Sweetwater	11,415	10,886	10,849	-529	-566	-4.6	-5.0
Taft	3,396	3,437	3,434	41	38	1.2	1.1
Taft Southwest CDP	1,721	1,609	1,609	-112	-112	-6.5	-6.5
Tahoka	2,910	2,805	2,808	-105	-102	-3.6	-3.5
Talco	570	598	604	28	34	4.9	6.0
Talty	1,028	1,265	1,281	237	253	23.1	24.6
Tatum	1,175	1,168	1,171	-7	-4	-0.6	-0.3
Taylor	13,575	16,307	17,202	2,732	3,627	20.1	26.7
Taylor Lake Village	3,694	5,256	5,334	1,562	1,640	42.3	44.4
Taylor Landing		221	221	221	221		
Teague	4,557	5,116	5,175	559	618	12.3	13.6
Tehuacana	307	308	305	1	-2	0.3	-0.7
Temple	54,514	58,421	59,204	3,907	4,690	7.2	8.6
Tenaha	1,046	1,029	1,033	-17	-13	-1.6	-1.2
Terrell	13,606	17,665	18,093	4,059	4,487	29.8	33.0
Terrell Hills	5,019	5,032	5,097	13	78	0.3	1.6
Texarkana	34,782	36,555	37,078	1,773	2,296	5.1	6.6
Texas City	41,521	43,904	44,224	2,383	2,703	5.7	6.5
Texhoma	371	334	311	-37	-60	-10.0	-16.2
Texline	511	525	525	14	14	2.7	2.7
The Colony	26,531	35,849	35,654	9,318	9,123	35.1	34.4
The Hills	1,492	1,770	1,768	278	276	18.6	18.5
The Woodlands CDP	55,649	65,584	66,945	9,935	11,296	17.9	20.3
Thompsons	236	295	306	59	70	25.0	29.7
Thorndale	1,278	1,414	1,416	136	138	10.6	10.8
Thornton	525	527	521	2	-4	0.4	-0.8
Thorntonville	442	417	421	-25	-21	-5.7	-4.8
Thrall	710	903	921	193	211	27.2	29.7
Three Rivers	1,878	1,777	1,764	-101	-114	-5.4	-6.1
Throckmorton	905	836	875	-69	-30	-7.6	-3.3
Tierra Bonita CDP	160	167	169	7	9	4.4	5.6
Tierra Grande CDP	362	345	341	-17	-21	-4.7	-5.8
Tiki Island	1,016	1,103	1,087	87	71	8.6	7.0
Timbercreek Canyon	406	443	444	37	38	9.1	9.4
Timpson	1,094	1,114	1,132	20	38	1.8	3.5
Tioga	754	930	950	176	196	23.3	26.0
Tira	248	259	265	11	17	4.4	6.9
Toco	89	86	87	-3	-2	-3.4	-2.2
Todd Mission	146	160	160	14	14	9.6	9.6
Tolar	504	661	690	157	186	31.2	36.9
Tomball	9,089	11,053	11,333	1,964	2,244	21.6	24.7
Tom Bean	941	1,024	1,016	83	75	8.8	8.0
Tool	2,275	2,447	2,470	172	195	7.6	8.6
Tornillo CDP	1,609	1,693	1,703	84	94	5.2	5.8
Toyah	100	89	90	-11	-10	-11.0	-10.0
Tradewinds CDP	163	164	164	1	1	0.6	0.6
Trent	318	312	312	-6	-6	-1.9	-1.9
Trenton	662	711	716	49	54	7.4	8.2
Trinidad	1,091	1,139	1,140	48	49	4.4	4.5
Trinity	2,721	2,835	2,818	114	97	4.2	3.6
Trophy Club	6,350	7,732	7,753	1,382	1,403	21.8	22.1
Troup	1,949	2,197	2,247	248	298	12.7	15.3
Troy	1,378	1,383	1,399	5	21	0.4	1.5
Tuleta CDP	292	370	377	78	85	26.7	29.1
Tulia	5,117	4,963	4,996	-154	-121	-3.0	-2.4
Tulsita CDP	20	23	23	3	3	15.0	15.0
Turkey	494	479	478	-15	-16	-3.0	-3.2
Tuscola	714	752	748	38	34	5.3	4.8
Tye	1,158	1,165	1,162	7	4	0.6	0.3
Tyler	83,650	95,359	96,913	11,709	13,263	14.0	15.9
Tynan CDP	301	306	309	5	8	1.7	2.7
Uhland	386	446	456	60	70	15.5	18.1
Uncertain	150	147	147	-3	-3	-2.0	-2.0
Union Grove	346	367	365	21	19	6.1	5.5
Universal City	14,849	16,932	17,048	2,083	2,199	14.0	14.8
University Park	23,324	22,811	22,293	-513	-1,031	-2.2	-4.4
Utopia CDP	241	286	277	45	36	18.7	14.9
Uvalde	14,929	15,698	15,422	769	493	5.2	3.3
Uvalde Estates CDP	1,972	1,809	1,760	-163	-212	-8.3	-10.8

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Valentine	187	202	192	15	5	8.0	2.7
Valley Mills	1,123	1,204	1,230	81	107	7.2	9.5
Valley View	737	786	779	49	42	6.6	5.7
Val Verde Park CDP	1,945	2,028	2,025	83	80	4.3	4.1
Van	2,362	2,585	2,653	223	291	9.4	12.3
Van Alstyne	2,502	2,784	2,827	282	325	11.3	13.0
Vanderbilt CDP	411	408	407	-3	-4	-0.7	-1.0
Van Horn	2,435	2,206	2,204	-229	-231	-9.4	-9.5
Van Vleck CDP	1,411	1,326	1,312	-85	-99	-6.0	-7.0
Vega	936	964	972	28	36	3.0	3.8
Venus	1,892	2,332	2,435	440	543	23.3	28.7
Vernon	11,660	11,273	11,375	-387	-285	-3.3	-2.4
Victoria	60,603	62,047	62,447	1,444	1,844	2.4	3.0
Vidor	11,440	11,362	11,370	-78	-70	-0.7	-0.6
Villa del Sol CDP	132	137	139	5	7	3.8	5.3
Villa Pancho CDP	386	407	409	21	23	5.4	6.0
Villa Verde CDP	891	936	941	45	50	5.1	5.6
Vinton	1,892	2,121	2,132	229	240	12.1	12.7
Volente		385	385	385	385		
Waco	113,726	119,939	120,487	6,213	6,761	5.5	5.9
Waelder	947	1,006	998	59	51	6.2	5.4
Wake Village	5,129	5,591	5,641	462	512	9.0	10.0
Waller	2,092	2,310	2,368	218	276	10.4	13.2
Wallis	1,172	1,319	1,338	147	166	12.5	14.2
Walnut Springs	755	818	822	63	67	8.3	8.9
Warren City	343	367	368	24	25	7.0	7.3
Waskom	2,068	2,155	2,162	87	94	4.2	4.5
Watauga	21,908	23,205	23,294	1,297	1,386	5.9	6.3
Waxahachie	21,426	26,150	26,918	4,724	5,492	22.0	25.6
Weatherford	19,000	23,118	23,610	4,118	4,610	21.7	24.3
Webberville		308	312	308	312		
Webster	9,083	10,458	11,087	1,375	2,004	15.1	22.1
Weimar	1,981	2,062	2,123	81	142	4.1	7.2
Weinert	177	192	192	15	15	8.5	8.5
Weir	591	709	716	118	125	20.0	21.2
Wellington	2,275	2,129	2,090	-146	-185	-6.4	-8.1
Wellman	203	188	187	-15	-16	-7.4	-7.9
Wells	769	770	781	1	12	0.1	1.6
Wells Branch CDP	11,271	11,699	12,300	428	1,029	3.8	9.1
Weslaco	26,935	32,030	32,680	5,095	5,745	18.9	21.3
West	2,692	2,752	2,791	60	99	2.2	3.7
Westbrook	203	198	198	-5	-5	-2.5	-2.5
West Columbia	4,255	4,402	4,438	147	183	3.5	4.3
Westdale CDP	295	309	309	14	14	4.7	4.7
Westlake	207	207	196	0	-11	0.0	-5.3
West Lake Hills	3,116	3,147	3,193	31	77	1.0	2.5
West Livingston CDP	6,612	6,974	6,982	362	370	5.5	5.6
Westminster	390	428	445	38	55	9.7	14.1
West Odessa CDP	17,799	18,797	18,915	998	1,116	5.6	6.3
Weston	635	605	604	-30	-31	-4.7	-4.9
West Orange	4,111	3,890	3,903	-221	-208	-5.4	-5.1
Westover Hills	658	649	645	-9	-13	-1.4	-2.0
West Pearsall CDP	349	305	287	-44	-62	-12.6	-17.8
West Sharyland CDP	2,947	3,144	3,173	197	226	6.7	7.7
West Tawakoni	1,462	1,670	1,706	208	244	14.2	16.7
West University Place	14,211	14,798	14,963	587	752	4.1	5.3
Westway CDP	3,829	4,081	4,086	252	257	6.6	6.7
Westworth Village	2,124	2,922	3,165	798	1,041	37.6	49.0
Wharton	9,237	9,411	9,417	174	180	1.9	1.9
Wheeler	1,378	1,349	1,385	-29	7	-2.1	0.5
White Deer	1,060	1,033	1,034	-27	-26	-2.5	-2.5
Whiteface	465	446	442	-19	-23	-4.1	-4.9
Whitehouse	5,346	6,874	6,826	1,528	1,480	28.6	27.7
White Oak	5,624	6,056	6,116	432	492	7.7	8.7
Whitesboro	3,760	3,992	3,875	232	115	6.2	3.1
White Settlement	14,831	15,333	15,345	502	514	3.4	3.5
Whitewright	1,740	1,782	1,706	42	-34	2.4	-2.0
Whitney	1,833	2,042	2,084	209	251	11.4	13.7
Wichita Falls	104,197	102,958	103,640	-1,239	-557	-1.2	-0.5
Wickett	455	429	425	-26	-30	-5.7	-6.6
Wild Peach Village CDP	2,498	2,567	2,570	69	72	2.8	2.9

Place	2000 Census Count	July 1, 2006 Population Estimate	January 1, 2007 Population Estimate	Numerical Change 2000-06	Numerical Change 2000-07	Percent Change 2000-06	Percent Change 2000-07
Willamar CDP	15	15	14	0	-1	0.0	-6.7
Willis	3,985	4,867	4,969	882	984	22.1	24.7
Willow Park	2,849	3,510	3,656	661	807	23.2	28.3
Wills Point	3,496	3,832	3,895	336	399	9.6	11.4
Wilmer	3,393	3,705	3,666	312	273	9.2	8.0
Wilson	532	507	506	-25	-26	-4.7	-4.9
Wimberley CDP	3,797	4,289	4,386	492	589	13.0	15.5
Windcrest	5,105	5,086	5,142	-19	37	-0.4	0.7
Windemere CDP	6,868	7,108	7,466	240	598	3.5	8.7
Windom	245	247	247	2	2	0.8	0.8
Windthorst	440	468	466	28	26	6.4	5.9
Winfield	499	562	566	63	67	12.6	13.4
Wink	919	872	886	-47	-33	-5.1	-3.6
Winnie CDP	2,914	3,181	3,157	267	243	9.2	8.3
Winnsboro	3,584	4,040	4,252	456	668	12.7	18.6
Winona	582	647	667	65	85	11.2	14.6
Winters	2,880	2,778	2,746	-102	-134	-3.5	-4.7
Wixon Valley	235	226	231	-9	-4	-3.8	-1.7
Wolfe City	1,566	1,617	1,633	51	67	3.3	4.3
Wolfforth	2,554	3,082	3,140	528	586	20.7	22.9
Woodbranch	1,305	1,459	1,494	154	189	11.8	14.5
Woodcreek	1,274	1,442	1,476	168	202	13.2	15.9
Woodloch	247	265	268	18	21	7.3	8.5
Woodsboro	1,685	1,618	1,615	-67	-70	-4.0	-4.2
Woodson	296	305	321	9	25	3.0	8.4
Woodville	2,415	2,431	2,469	16	54	0.7	2.2
Woodway	8,733	8,391	8,328	-342	-405	-3.9	-4.6
Wortham	1,082	1,262	1,335	180	253	16.6	23.4
Wyldwood CDP	2,310	2,592	2,606	282	296	12.2	12.8
Wylie	15,132	31,957	33,881	16,825	18,749	111.2	123.9
Yantis	321	377	406	56	85	17.4	26.5
Yoakum	5,731	5,791	5,779	60	48	1.0	0.8
Yorktown	2,271	2,317	2,331	46	60	2.0	2.6
Yznaga CDP	103	106	108	3	5	2.9	4.9
Zapata CDP	4,856	5,574	5,622	718	766	14.8	15.8
Zapata Ranch CDP	88	89	91	1	3	1.1	3.4
Zavalla	647	633	626	-14	-21	-2.2	-3.2
Zuehl CDP	346	365	370	19	24	5.5	6.9
State of Texas	20,851,820	23,507,783	23,834,206	2,655,963	2,982,386	12.7	14.3

Source: Texas State Data Center, Population Estimates and Projections Program

# State Office of Administrative Hearings



Cathleen Parsley  
Chief Administrative Law Judge

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY  
2009 MAY 19 PM 4: 26  
CHIEF CLERKS OFFICE

TO: Docket Clerk  
Office of Chief Clerk  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

RE: *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 Cook County, Texas*

On \_\_\_\_\_, the following items were delivered to the Chief Clerk's Office.

(1) Red rope with certified documents.

**Transcripts** dated October 7, 8, and 9, 2008

Exhibits LPWC1, and Final copy LPWC Ex. 1A;

Also LPWC Exhibits 1B; 2;3;4;5;6;78;9;10; and 11

ED Exhibits 2, 3, and 4

**Reporter Set of Exhibits:** LPWC, TCEQ Exhibits 1 – D admitted at 7/11/06 hearing; Applicant's Exhibits 1, 2, and 3

Judicial Notice Documents 1 & 2

Applicant's Exhibits 1, 2, 3, 4, and 5

(other records sent under separate cover)

Your signature below acknowledges receipt of the above referenced documents from the State Office of Administrative Hearings.

*Rachel Stanford*  
Signature of Receiving Party

Date

RECEIVED  
MAY 29 2009

TCEQ  
CENTRAL FILE ROOM

JWN/eb  
5/18/09

# State Office of Administrative Hearings



Cathleen Parsley  
Chief Administrative Law Judge

TO: **DOCKET CLERK**  
**OFFICE OF CHIEF CLERK**  
**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**  
**P.O. BOX 13087**  
**AUSTIN, TX 78711-3087**

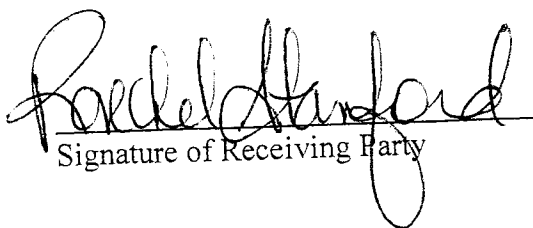
TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY  
2009 MAY 19 PM 4: 25  
CHIEF CLERKS OFFICE

RE: *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 Cook County, Texas*

On \_\_\_\_\_, the following items were delivered to the Chief Clerk's Office.

One box containing: Case file  
Exhibits pertaining to hearing:  
Applicant Exhibits 1 – 8  
Executive Director Exhibits A – D  
Executive Director Exhibits 1- 4  
Lindsay Pure Water Exhibits 1- 11

Your signature below acknowledges receipt of the above referenced documents from the State Office of Administrative Hearings.

  
Signature of Receiving Party

\_\_\_\_\_  
Date

**RECEIVED**

**MAY 29 2009**

TCEQ  
CENTRAL FILE ROOM

JN/sb

**CCN/13025/SO**

## **CROSS REFERENCE SHEET**

FILE NAME/NUMBER: Town of Lindsay;  
CCN No. 13025

---

DATE: July 11, 2006; October 2, 2008

---

### **REGARDING:**

- 1 Tape for a **SOAH HEARING** held on July 11, 2006.
- 1 CD for a **SOAH HEARING** held on October 2, 2008.

**SEE:**

**RECEIVED**

**MAY 29 2009**

**TCEQ  
CENTRAL FILE ROOM**

FILE NAME / NUMBER: SOAH Hearing; CCN/13025/SO

---

LOCATION: CENTRAL FILE ROOM, TAPE SHELF

---



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

**APPLICATION OF THE TOWN OF  
LINDSAY TO AMEND WATER  
CERTIFICATES OF  
CONVENIENCE AND NECESSITY  
(CCN) NOS. 13025 IN  
COOKE COUNTY, TEXAS  
APPLICATION NOS. 35096-C**

§  
§  
§  
§  
§  
§

**BEFORE THE STATE OFFICE**

**OF**

**ADMINISTRATIVE HEARINGS**

**CHIEF CLERK'S OFFICE**

**2009 APR - 2 9:30**

**TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY**

**CITY OF LINDSAY'S MOTION TO DISMISS AND REMAND**

TO THE HONORABLE ADMINISTRATIVE LAW JUDGE:

COMES NOW Applicant, the City of Lindsay ("Lindsay"), and submits this, its *Motion to Dismiss and Remand* Lindsay's Application to Amend Water Certificate of Convenience and Necessity ("CCN") No. 13025 in Cooke County, Application No. 35096-C, to the Executive Director of the Texas Commission on Environmental Quality (the "Commission" or "TCEQ") in accordance with Texas Administrative Code title 30, section 80.101, and in support thereof would respectfully show the following:

**I. BACKGROUND**

The jurisdictional hearing in this docket was held on July 11, 2006. The only Protester to Lindsay's Application, as identified at the jurisdictional hearing and in Order No. 1, was Lindsay Pure Water Company.

On October 3, 2008, a *Joint Motion to Sever and Remand to the Executive Director* was filed seeking to remand Lindsay's sewer CCN application to the ED as uncontested. On October 6, 2008, Order No. 8 was issued granting the Joint Motion. On October 7, 2008, a Hearing on the Merits was begun, which concluded on October 9, 2009. On November 14, 2008, the Parties filed a *Joint Motion for Continuance* seeking to extend the period for Closing Arguments as the

Parties were attempting to reach a settlement. Order No. 10 was issued on November 19, 2008, granting the Joint Motion. On January 8, 2009, the City of Lindsay filed a Status Report with Your Honor indicating that the parties had settled and were working towards preparing the Settlement Agreement to be executed that would resolve all of the issues between the Parties. The Settlement Agreement was executed on March 9, 2009, and is attached hereto as Exhibit 1. The City of Lindsay amended their Application on March 19, 2009, removing the area of the Settlement from its Application. Protestant Lindsay Pure Water Company withdrew its protest on March 27, 2009. There are no remaining issues between the Parties.

## II. ARGUMENT AND AUTHORITIES

Texas Administrative Code title 30, section 80.101 provides:

At the request of the applicant, a judge shall remand an application to the executive director if all timely hearing requests have been withdrawn or denied or, if parties have been named, all parties to a contested case reach a settlement so that no facts or issues remain controverted. After remand, the application shall be uncontested and the applicant is deemed to have agreed to the action of the executive director. The executive director may act on the application or set it for a commission meeting.<sup>1</sup>

Section 80.101 requires that the Administrative Law Judge remand an application to the Executive Director of the Commission ("Executive Director"), based on an applicant's request, where all timely hearing requests have been withdrawn or where no facts or issues remain controverted.

All named parties who identified themselves as Protestants to the Prosper Application have filed documents with the Commission and with the Administrative Law Judge withdrawing their protests to the Prosper Application, and thus withdrawing as Protestants to this proceeding.

---

<sup>1</sup> 30 TEX. ADMIN. CODE § 80.101 (2004).

Prosper hereby requests that the Administrative Law Judge remand the Application to the Executive Director for further action as an uncontested matter.

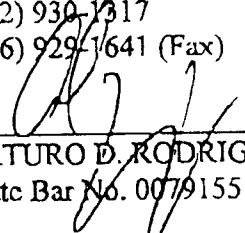
### III. PRAYER

WHEREFORE, PREMISES CONSIDERED, the City of Lindsay respectfully requests that the Administrative Law Judge remand Lindsay's Application to Amend Water Certificate of Convenience and Necessity ("CCN") No. 13025 in Cooke County, Application No. 35097-C, to the Executive Director of the Texas Commission on Environmental Quality in accordance with Texas Administrative Code title 30, section 80.101, and for such other and further relief to which it may be entitled.

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 LINDSAY**

**CERTIFICATE OF SERVICE**

I hereby certify that on this 2<sup>nd</sup> day of April, 2009, 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 15<sup>th</sup> Street  
Austin, Texas 78701  
Fax: 475-4994

Mr. Brian MacLeod, Attorney  
Environmental Law Division  
TCEQ - MC 173  
P.O. Box 13087  
Austin, Texas 78711-3087  
Fax: 239-0606

John Carlton  
Armbrust & Brown, L.L.P.  
100 Congress Avenue, Suite 1300  
Austin, Texas 78701  
Fax: 435-2360

Mr. Blas Coy, Attorney  
Office of Public Interest Counsel  
TCEQ - MC 103  
P.O. Box 13087  
Austin, Texas 78711-3087  
Fax: 239-6377

Docket Clerk  
Office of the Chief Clerk - MC 105  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087  
Fax: 239-3311

CHIEF CLERKS OFFICE

2009 APR - 2 AM 9:30

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

  
ARTURO D. RODRIGUEZ, JR.

## RUSSELL &amp; RODRIGUEZ, L.L.P.

Attorneys at Law

1633 Williams Drive, Building 2, Suite 200, Georgetown, Texas 78628

Phone (512) 930-1317

E-mail: arodriguez@txadminlaw.com

Fax (866) 929-1641

## FACSIMILE COVER PAGE

April 2, 2009

*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  
Ms. Betsy Fleitman  
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: (940) 665-4910  
Fax Number: (972) 680-0003

Client Number: 1140-00

From: Arturo D. Rodriguez, Jr.

Direct Phone: (512) 930-1317

Pages: 5 (Including Cover Sheet)

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*

Comments: Motion to Dismiss and Remand

TEXAS  
COMMISSION  
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QUALITY  
2009 APR -2 AM 9:30  
CHIEF CLERKS OFFICE

Mar-27-08 02:25pm

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

5124352360

T-038 P 02/02 F-786

**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) 435-2308  
jcarlton@ababrown.com

March 27, 2009

**VIA FACSIMILE: (512) 239-3311 &  
VIA FIRST CLASS MAIL**

LaDonna Castañuela, Chief Clerk  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711

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 Ms. Castañuela:

Lindsay Pure Water Company has entered into an agreement with the City of Lindsay resolving the matters in dispute relating to the application referenced above. Lindsay Pure Water Company hereby withdraws its protest, request for hearing, comments, and all objections to the application in the above-referenced proceedings.

If you have any questions, please contact me at your convenience

Sincerely,

**ARMBRUST & BROWN, L.L.P.**

John J. Carlton

cc: Jim Myrick  
Art Rodriguez  
Brian MacLeod

355915-1 03/23/2009

CHIEF CLERKS OFFICE

MAR 27 PM 2:32

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

Mar-27-09 02:25pm

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

5124352360

Mar 27 2009 02:26pm

T-039 P.01/02 F-786

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

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

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

MAR 27 PM 2:32

FACSIMILE 512-435-2360

CHIEF CLERKS OFFICE

**FACSIMILE COVER PAGE**

Date: March 27, 2009

NAME:	COMPANY:	FACSIMILE NO.:	TELEPHONE NO.:
Docket Clerk	Texas Commission on Environmental Quality	(512) 239-3311	(512) 239-3311
Arturo D. Rodriguez	Russell & Rodriguez, L.L.P.	(866) 929-1641	(512) 930-1317
Brian MacLeod	Texas Commission on Environmental Quality	(512) 239-0606	(512) 239-0750

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

From: John J. Carlton	Telephone No.: (512) 435-2375
Client/Matter No.: 52515.0101	Total No. of Pages Sent: 2

**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:** Protest Withdrawal

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 03/24/2008

**R&R**  
RUSSELL & RODRIGUEZ, L.L.P.  
ATTORNEYS AT LAW

1633 WILLIAMS DRIVE  
BUILDING 2, SUITE 200  
GEORGETOWN, TEXAS 78628

PHONE (512) 930-1317  
FAX (866) 929-1641  
WWW.TXADMINLAW.COM

Email: arodriguez@txadminlaw.com

March 20, 2009

VIA FACSIMILE

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

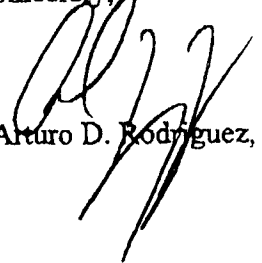
Re: *Application from the City of Lindsay to Amend Certificate of Convenience and Necessity (CCN) No. 13025 in Cooke County; Application No. 35096-C and Application from the City of Lindsay to Amend CCN No. 20927 in Cooke County; Application No. 35097-C; SOAH Docket No. 582-06-2023, TCEQ Docket No. 2006-0272-UCR*

Dear Honorable Norman:

The City of Lindsay provides this status report as some time has passed since we informed Your Honor that the City of Lindsay and Lindsay Pure Water Company had come to a settlement. The settlement has been memorialized and executed by both parties. Yesterday, the City of Lindsay submitted its revised service territory map in compliance with the settlement agreement. The City of Lindsay anticipates that Lindsay Pure Water Company will withdraw its protest of the above-referenced application within the next ten days as a result of the submission of the revised service territory.

Thank you for your attention to this matter.

Sincerely,

  
Arturo D. Rodriguez, Jr.

Cc: Ms. Betsy Fleitman  
Mr. Pat Dillon

CHIEF CLERKS OFFICE

MAR 20 AM 10:54

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY



Honorable James W. Norman  
March 20, 2009  
Page 2 of 2

### CERTIFICATE OF SERVICE

I hereby certify that on this 20<sup>th</sup> day of March, 2009, 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  
100 Congress Avenue, Suite 1300  
Austin, Texas 78701  
Fax: 512/435-2360

Mr. Blas Coy, Attorney  
Office of Public Interest Counsel  
TCEQ - MC 103  
P.O. Box 13087  
Austin, Texas 78711-3087  
Fax: 239-6377

Mr. Brian MacLeod, Attorney  
Mr. Christiaan Siano  
Environmental Law Division  
TCEQ - MC 173  
P.O. Box 13087  
Austin, Texas 78711-3087  
Fax: 239-0606

Docket Clerk  
Office of the Chief Clerk - MC 105  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087  
Fax: 239-3311

CHIEF CLERKS OFFICE

MAR 20 AM 10:54

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

  
ARTURO D. RODRIGUEZ, JR.

## RUSSELL &amp; RODRIGUEZ, L.L.P.

Attorneys at Law

1633 Williams Drive, Building 2, Suite 200, Georgetown, Texas 78628

Phone (512) 930-1317

E-mail: arodriguez@txadminlaw.com

Fax (866) 929-1641

## FACSIMILE COVER PAGE

March 20, 2009

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  
Ms. Betsy Fleitman  
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: (940) 665-4910  
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: *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*

Comments: Status Report

TEXAS  
COMMISSION ON  
ENVIRONMENTAL  
QUALITY  
MAR 20 AM 10:54  
CHIEF CLERKS OFFICE

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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  
CERTIFICATES OF  
CONVENIENCE AND NECESSITY  
(CCN) NOS. 13025 IN  
COOKE COUNTY, TEXAS  
APPLICATION NOS. 35096-C**

§  
§  
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§  
§

**BEFORE THE STATE OFFICE**

**OF**

**ADMINISTRATIVE HEARINGS**

2009 JAN -5 PM 12:23  
CHIEF CLERKS OFFICE

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

**CITY OF LINDSAY'S  
STATUS REPORT**

Your Honor requested a status report from the parties regarding settlement discussions. 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. While settlement appears to be close, no written agreement has been approved by a signatory with authority to bind the parties. The holidays have slowed negotiating, memorializing, and approving the settlement agreement. As such, the City respectfully requests a continued abatement for thirty (30) days in order to allow the Parties to continue with the negotiation and memorialization of a settlement agreement. Lindsay Pure Water Company has been consulted about the abatement and supports it. The undersigned has not heard from the Executive Director regarding continued abatement.

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

**CERTIFICATE OF SERVICE**

I hereby certify that on this 5th of January 2009, 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 15<sup>th</sup> Street  
Austin, Texas 78701  
Fax: 475-4994

Mr. Brian MacLeod, Attorney  
Environmental Law Division  
TCEQ - MC 173  
P.O. Box 13087  
Austin, Texas 78711-3087  
Fax: 239-0606

John Carlton  
Armbrust & Brown, L.L.P.  
100 Congress Avenue, Suite 1300  
Austin, Texas 78701  
Fax: 435-2360

Mr. Blas Coy, Attorney  
Office of Public Interest Counsel  
TCEQ - MC 103  
P.O. Box 13087  
Austin, Texas 78711-3087  
Fax: 239-6377

Docket Clerk  
Office of the Chief Clerk - MC 105  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087  
Fax: 239-3311

CHIEF CLERKS OFFICE

2009 JAN -5 PM 1:09

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY  
ARTURO D. RODRIGUEZ, JR.

## RUSSELL &amp; RODRIGUEZ, L.L.P.

Attorneys at Law

1633 Williams Drive, Building 2, Suite 200, Georgetown, Texas 78628

Phone (512) 930-1317

E-mail: arodriguez@txadminlaw.com

Fax (866) 929-1641

## FACSIMILE COVER PAGE

January 5, 2009

*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: Status Report

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY  
2009 JAN -5 PM 12:23  
CHIEF CLERKS OFFICE

**R&R**  
RUSSELL & RODRIGUEZ, L.L.P.  
ATTORNEYS AT LAW

TEXAS HERITAGE PLAZA  
102 W. MORROW STREET, SUITE 103  
GEORGETOWN, TEXAS 78626

Email: [arodriguez@badminlaw.com](mailto:arodriguez@badminlaw.com)

PHONE (512) 930-1317  
FAX (512) 930-7742  
WWW.TXADMINLAW.COM

August 11, 2008

**VIA FACSIMILE**

Honorable James W. Norman  
Administrative Law Judge  
300 West 15<sup>th</sup> 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:

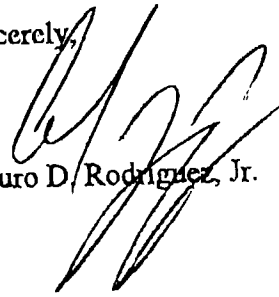
This firm represents the City of Lindsay in the above-referenced matter. This letter serves to inform all Parties that my law firm's office location is moving on August 14 and 15, 2008. Our new address, beginning August 18, 2008, is as follows:

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

CHIEF CLERK'S OFFICE  
AUG 11 PM 4:46

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

### CERTIFICATE OF SERVICE

I hereby certify that on this 11<sup>th</sup> 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:

Mr. John Carlton, Attorney  
Armbrust & Brown, LLP  
100 Congress Avenue, Suite 1300  
Austin, Texas 78701  
Fax: 512/435-2360

Mr. Blas Coy, Attorney  
Office of Public Interest Counsel  
TCEQ - MC 103  
P.O. Box 13087  
Austin, Texas 78711-3087  
Fax: 239-6377

Mr. Brian MacLeod, Attorney  
Mr. Christiaan Siano  
Environmental Law Division  
TCEQ - MC 173  
P.O. Box 13087  
Austin, Texas 78711-3087  
Fax: 239-0606

Docket Clerk  
Office of the Chief Clerk - MC 105  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087  
Fax: 239-3311

CHIEF CLERK'S OFFICE

AUG 11 PM 4:46

  
ARTURO D. RODRIGUEZ, JR.

AUG-11-2008(MON) 16:31

Received:

Russell & Rodriguez, LLP

Aug 11 2008 04:44pm  
(FAX) 512 930 7742

P. 001/003

RUSSELL & RODRIGUEZ, L.L.P.

Attorneys at Law

Texas Heritage Plaza, 102 West Morrow Street, Suite 103, Georgetown, Texas 78626

Phone (512) 930-1317

E-mail: arodriguez@txadminlaw.com

Fax (512) 930-7742

FACSIMILE COVER PAGE

August 8, 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  
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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: (Including Cover Sheet)

Re:

Comments: City of Lindsay's Letter to the ALJ

NOTICE: The following material is intended for the use of the individual or entity to which it is addressed. The material may contain information that is attorney-client privileged, or otherwise confidential and exempt from disclosure under law. If you are not the specified recipient, do not read this material. Any use, dissemination or copying of this material is strictly prohibited. If you have received this material in error, please notify us by telephone at the above number and return to us by U.S. Mail.



**R&R**  
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ATTORNEYS AT LAW

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PHONE (512) 930-1317  
FAX (512) 930-7742  
WWW.TXADMLAW.COM

CHIEF CLERK'S OFFICE  
AUG 11 2008 3:31 PM

August 11, 2008

**VIA FACSIMILE**

Honorable James W. Norman  
Administrative Law Judge  
300 West 15<sup>th</sup> 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*

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Cc: Service List  
Mr. Pat Dillon

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

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TCEQ - MC 173  
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Docket Clerk  
Office of the Chief Clerk - MC 105  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087  
Fax: 239-3311

CHIEF CLERKS OFFICE

AUG 11 PM 4:31

  
ARTURO D. RODRIGUEZ, JR.

## RUSSELL &amp; RODRIGUEZ, L.L.P.

Attorneys at Law

Texas Heritage Plaza, 102 West Morrow Street, Suite 103, Georgetown, Texas 78626

Phone (512) 930-1317

E-mail: arodriguez@txadminlaw.com

Fax (512) 930-7742

## FACSIMILE COVER PAGE

August 8, 2008

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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) 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: (Including Cover Sheet)

Re:

Comments: City of Lindsay's Letter to the ALJ

AUG-11-2008(MON) 14:54

Received:

Russell & Rodriguez, LLP

Aug 11 2008 03:07pm  
(FAX) 512 930 7742

P 002/003

**R&R**

RUSSELL & RODRIGUEZ, L.L.P.  
ATTORNEYS AT LAW

TEXAS HERITAGE PLAZA  
102 W. MORROW STREET, SUITE 103  
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WWW.TXADMINLAW.COM

August 11, 2008

VIA FACSIMILE

Honorable James W. Norman  
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Austin, Texas 78701

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Arturo D. Rodriguez, Jr.

Cc: Service List  
Mr. Pat Dillon

CHIEF CLERKS OFFICE  
AUG 11 PM 3:10

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

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P.O. Box 13087  
Austin, Texas 78711-3087  
Fax: 239-3311

CHIEF CLERKS OFFICE

AUG 11 PM 3:10

  
ARTURO D. RODRIGUEZ, JR.

## RUSSELL &amp; RODRIGUEZ, L.L.P.

Attorneys at Law

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## FACSIMILE COVER PAGE

August 8, 2008

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Mr. Brian MacLeod  
TCEQ Chief Clerk  
Mr. Pat Dillon

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Fax Number: (972) 680-0003

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

CHIEF CLERKS OFFICE

AUG 11 PM 3:10

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY2008 NOV 14 PM 1:47  
CHIEF CLERKS OFFICESOAH DOCKET NO. 582-06-2023  
TCEQ DOCKET NO. 2006-0272-UCRAPPLICATION 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 FOR CONTINUANCE

TO THE HONORABLE ADMINISTRATIVE LAW JUDGE:

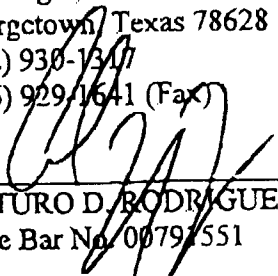
COMES NOW, the City of Lindsay, Lindsay Pure Water, and the Executive Director ("ED") of the Texas Commission on Environmental Quality ("TCEQ") and files this Joint Motion for Continuance, and respectfully shows the Administrative Law Judge ("ALJ") the following:

1. A Hearing on the Merits was held in this matter on October 6-8, 2008. Closing Arguments are due on November 19, 2008.
2. The City of Lindsay and Lindsay Pure Water have worked toward settlement and would like the opportunity to memorialize a potential settlement. Settlement necessitates approval from the City's City Council which meets only once a month.
3. All Parties jointly request a continuance of the closing argument deadline for at least forty-five (45) days, to allow the Parties time to develop the written settlement agreement. A Status Report will be filed on or before January 5, 2009, updating Your Honor regarding the need for continued scheduling of the closing arguments or the status of the case.
4. 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.
5. This Motion is not for delay, but so justice may be served.

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. 00797551

**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.**  
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 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.**  
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 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**

**CERTIFICATE OF SERVICE**

I hereby certify that on this 14<sup>th</sup> day of November, 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:

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

Mr. Brian MacLeod, Attorney  
Environmental Law Division  
TCEQ - MC 173  
P.O. Box 13087  
Austin, Texas 78711-3087  
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TCEQ - MC 103  
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Fax: 239-6377

Docket Clerk  
Office of the Chief Clerk - MC 105  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087  
Fax: 239-3311

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY  
2008 NOV 14 PM 1:47  
CHIEF CLERKS OFFICE

  
ARTURO D. RODRIGUEZ, JR.

## RUSSELL &amp; RODRIGUEZ, L.L.P.

Attorneys at Law

1633 Williams Drive, Building 2, Suite 200, Georgetown, Texas 78628

Phone (512) 930-1317

E-mail: arodriguez@txadminlaw.com

Fax (866) 929-1641

2008 NOV 14 PM 1:47  
CHIEF CLERKS OFFICETEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

## FACSIMILE COVER PAGE

November 14, 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

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Client Number: 1140-00

From: Arturo D. Rodriguez, Jr.

Direct Phone: (512) 930-1317

Pages: 6 (Including Cover Sheet)

Re:

Comments: Joint Motion for Continuance

**R&R**  
RUSSELL & RODRIGUEZ, LLP.  
ATTORNEYS AT LAW

1633 WILLIAMS DRIVE  
BUILDING 2, SUITE 200  
GEORGETOWN, TEXAS 78628

Email: [arodriguez@txadminlaw.com](mailto:arodriguez@txadminlaw.com)

PHONE (512) 930-1317  
FAX (866) 929-1641  
WWW.TXADMINLAW.COM

October 17, 2008

VIA FACSIMILE

Honorable James W. Norman  
Administrative Law Judge  
300 West 15<sup>th</sup> 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

CONFIDENTIAL  
OCT 17 PM 2 36  
CHIEF CLERK'S OFFICE

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

### CERTIFICATE OF SERVICE

I hereby certify that on this 17<sup>th</sup> 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  
100 Congress Avenue, Suite 1300  
Austin, Texas 78701  
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Office of Public Interest Counsel  
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P.O. Box 13087  
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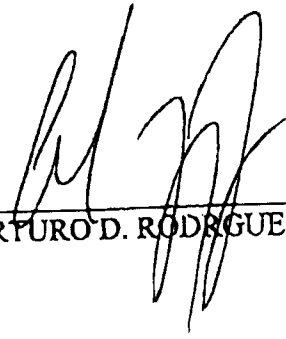
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CHIEF CLERK'S OFFICE

OCT 17 PM 2:26

CAL  
N  
ITAL

  
ARTURO D. RODRIGUEZ, JR.

## RUSSELL &amp; RODRIGUEZ, L.L.P.

Attorneys at Law

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Client Number: 1140-00

From: Arturo D. Rodriguez, Jr.

Direct Phone: (512) 930-1317

Pages: 3 (Including Cover Sheet)

Re:

Comments: Post Hearing Deadlines

**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**

RECEIVED - 3 PM 4:58  
OCT 01 2008  
CHIEF OF OFFICE

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

**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,

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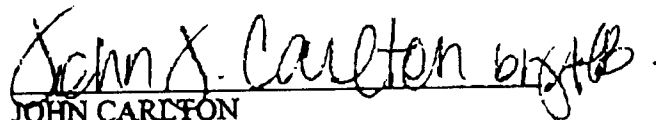
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**CERTIFICATE OF SERVICE**

I hereby certify that on this 3<sup>rd</sup> 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:

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COMMISSION  
ON ENVIRONMENTAL  
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ARTURO D. RODRIGUEZ, JR.

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QUALITY

## FACSIMILE COVER PAGE

October 3, 2008

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Comments: Joint Motion to Sever

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

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BEFORE THE STATE OFFICE  
OF  
ADMINISTRATIVE HEARINGS

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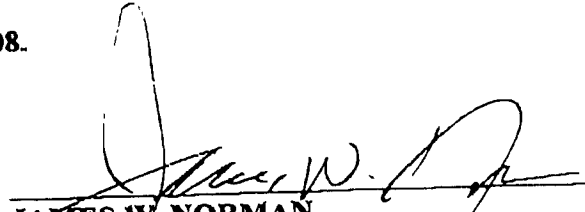
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TEXAS  
COMMISSION ON  
GOVERNMENTAL  
ETHICS

**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

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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xc: Docket Clerk, 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

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**STATE OFFICE OF ADMINISTRATIVE  
HEARINGS**

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

---

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LINDSAY PURE WATER COMPANY

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## STATE OFFICE OF ADMINISTRATIVE HEARINGS

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