

Control Number: 43945



Item Number: 15

Addendum StartPage: 0

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

43945

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QUALITY

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SOAH DOCKET NO. 582-06-2014 DEC 11 PM 3:20
TCEQ DOCKET NO. 2006-0272-UCR

PUBLIC UTILITY COMMISSION
FILING CLERK

BEFORE THE STATE OFFICE

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

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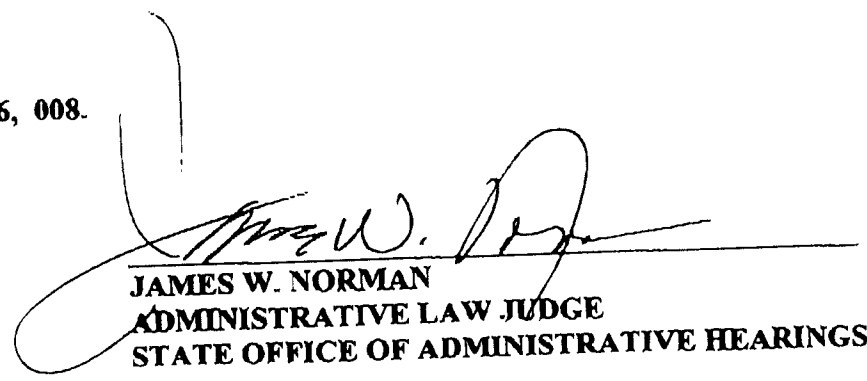
ADMINISTRATIVE HEARINGS

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

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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
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REGARDING:

ORDER NO. 8 - GRANTING JOINT MOTION TO SEVER

DOCKET NUMBER:

582-06-2023

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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

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BEFORE THE STATE OFFICE

OF

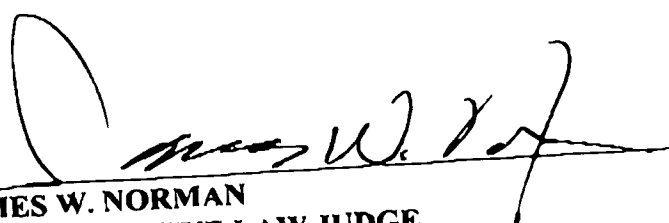
ADMINISTRATIVE HEARINGS

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

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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**

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ORDER NO. 9 - SETTING POST HEARING SCHEDULE

DOCKET NUMBER:

582-06-2023

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TEXAS
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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**

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**BEFORE THE STATE OFFICE
OF
ADMINISTRATIVE HEARINGS**

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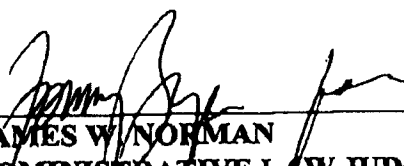
TEXAS
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**ORDER NO. 10
GRANTING REQUEST FOR CONTINUANCE
OF CLOSING ARGUMENT DEADLINE**

On November 14, 2008, the parties filed a Joint Motion of Continuance of the closing argument deadline for at least forty-five (45) days to work out a settlement agreement. Under the circumstances, the Administrative Law Judge finds the request has merit.

IT IS, THEREFORE, ORDERED that the request for continuance is **GRANTED**. The parties are ordered to file a status report by **January 5, 2009**, or in lieu of the status report, file a motion to dismiss, or an agreed upon date for closing arguments.

SIGNED November 19, 2008.



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

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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

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582-86-2023
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JUDGE JAMES W. NORMAN**FAX TO:****BLAS J. COY, JR.****FAX TO:****(512) 239-6377****JOHN J CARLTON****(512) 435-2360****ARTURO D. RODRIGUEZ, JR. (RUSSELL & RODRIGUEZ, L.L.P.)****(866) 929-1641****BRIAN MACLEOD (TEXAS COMMISSION ON ENVIRONMENTAL QUALITY)****(512) 239-0606****DOCKET CLERK (TEXAS COMMISSION ON ENVIRONMENTAL QUALITY)****(512) 239-3311****TCEQ Docket Clerk, Fax Number 512/239-3311****NOTE: IF ALL PAGES ARE NOT RECEIVED, PLEASE CONTACT SUSAN BRYSON(sbr) (512) 475-4993**

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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**

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BEFORE THE STATE OFFICE

OF


ADMINISTRATIVE HEARINGS

**ORDER NO. 11
DISMISSING CASE AND REMANDING TO THE EXECUTIVE DIRECTOR**

On April 2, 2009, the City of Lindsay (Applicant) filed a Motion to Dismiss and Remand to the Executive Director, pursuant to Tex. Admin. Code § 80.101, because the parties have reached a settlement. As it appears to have merit, the request is granted.

IT IS, THEREFORE, ORDERED that the Motion to Dismiss and Remand is **GRANTED**, and this matter is remanded to the Commission's Executive Director and hereby **DISMISSED** from the docket of the State Office of Administrative Hearings.

SIGNED April 8, 2009.



**SUZANNE FORMBY MARSHALL
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS**

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582-06-2023

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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
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ADMINISTRATIVE LAW JUDGE
ALJ SUZANNE FORMBY. MARSHALL

REPRESENTATIVE / ADDRESS

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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 | § § § § § § § | BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|-----------------------------------------------------------------------------|

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 Protestant 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.¹

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.

¹ 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.

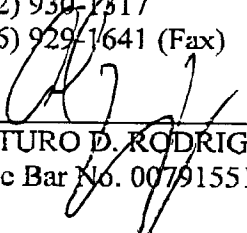
III. PRAYER

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

ATTORNEY FOR LINDSAY

CERTIFICATE OF SERVICE

I hereby certify that on this 2nd 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:

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FACSIMILE COVER PAGE

April 2, 2009

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| Mr. Blas Coy, Attorney | Fax Number: | (512) 239-6377 |
| Mr. Brian MacLeod | Fax Number: | (512) 239-0606 |
| TCEQ Chief Clerk | Fax Number: | (512) 239-3311 |
| Ms. Betsy Fleitman | Fax Number: | (940) 665-4910 |
| Mr. Pat Dillon | 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

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corla

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March 20, 2009

VIA FACSIMILE

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

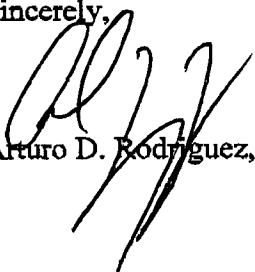
Re: *Application from the City of Lindsay to Amend Certificate of Convenience and Necessity (CCN) No. 13025 in Cooke County; Application No. 35096-C and Application from the City of Lindsay to Amend CCN No. 20927 in Cooke County; Application No. 35097-C; SOAH Docket No. 582-06-2023, TCEQ Docket No. 2006-0272-UCR*

Dear Honorable Norman:

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

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

CERTIFICATE OF SERVICE

I hereby certify that on this 20th 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:

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March 20, 2009

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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

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Coila

**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

**CITY OF LINDSAY'S
STATUS REPORT**

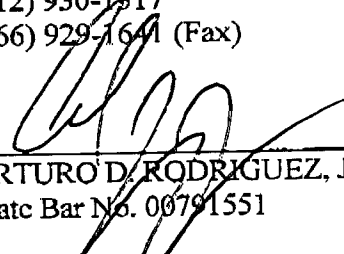
Your Honor requested a status report from the parties regarding settlement discussions. The City hereby provides the following status report.

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.

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ATTORNEY FOR THE CITY OF LINDSAY,
TEXAS

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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:

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FACSIMILE COVER PAGE

January 5, 2009

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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: Status Report

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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 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|----------------------------------------------------------------------------------|

**ORDER NO. 10
GRANTING REQUEST FOR CONTINUANCE
OF CLOSING ARGUMENT DEADLINE**

On November 14, 2008, the parties filed a Joint Motion of Continuance of the closing argument deadline for at least forty-five (45) days to work out a settlement agreement. Under the circumstances, the Administrative Law Judge finds the request has merit.

IT IS, THEREFORE, ORDERED that the request for continuance is **GRANTED**. The parties are ordered to file a status report **by January 5, 2009**, or in lieu of the status report, file a motion to dismiss, or an agreed upon date for closing arguments.

SIGNED November 19, 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
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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

PARTIES

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xc: Docket Clerk, State Office of Administrative Hearings

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DATE: **11/19/2008**

NUMBER OF PAGES INCLUDING THIS COVER SHEET: **4**

REGARDING: **ORDER NO. 10 - GRANTING REQUEST FOR CONTINUANCE OF CLOSING ARGUMENT**
DEADLINE

DOCKET NUMBER: **582-06-2023**

JUDGE JAMES W NORMAN

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BLAS J. COY, JR.

FAX TO:

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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: **11/19/2008**NUMBER OF PAGES INCLUDING THIS COVER SHEET: **4**REGARDING: **ORDER NO. 10 - GRANTING REQUEST FOR CONTINUANCE OF CLOSING ARGUMENT**
DEADLINEDOCKET NUMBER: **582-06-2023****JUDGE JAMES W NORMAN****FAX TO:**
BLAS J. COY, JR.**FAX TO:**
(512) 239-6377**JOHN J CARLTON****(512) 435-2360****ARTURO D. RODRIGUEZ, JR. (RUSSELL & RODRIGUEZ,
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ENVIRONMENTAL QUALITY)****(512) 239-0606****DOCKET CLERK (TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY)****(512) 239-3311****TCEQ Docket Clerk, Fax Number 512/239-3311****NOTE: IF ALL PAGES ARE NOT RECEIVED, PLEASE CONTACT SUSAN BRYSON(sbr) (512) 475-4993**

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SN

**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 CONTINUANCE

TO THE HONORABLE ADMINISTRATIVE LAW JUDGE:

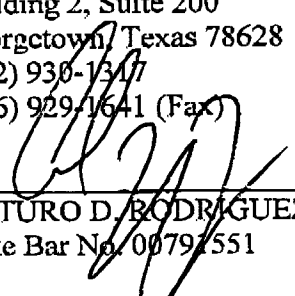
COMES NOW, the City of Lindsay, Lindsay Pure Water, and the Executive Director ("ED") of the Texas Commission on Environmental Quality ("TCEQ") and files this Joint Motion for Continuance, and respectfully shows the Administrative Law Judge ("ALJ") the following:

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,

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COMPANY**

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Mr. Brian MacLeod
State Bar No. 12783500

**ATTORNEY FOR THE EXECUTIVE
DIRECTOR**

Respectfully submitted,

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Respectfully submitted,

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**ATTORNEY FOR THE EXECUTIVE
DIRECTOR**

CERTIFICATE OF SERVICE

I hereby certify that on this 14th 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:

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November 14, 2008

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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

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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**

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§
§
§

BEFORE THE STATE OFFICE

OF


ADMINISTRATIVE HEARINGS

**ORDER NO. 11
DISMISSING CASE AND REMANDING TO THE EXECUTIVE DIRECTOR**

On April 2, 2009, the City of Lindsay (Applicant) filed a Motion to Dismiss and Remand to the Executive Director, pursuant to Tex. Admin. Code § 80.101, because the parties have reached a settlement. As it appears to have merit, the request is granted.

IT IS, THEREFORE, ORDERED that the Motion to Dismiss and Remand is **GRANTED**, and this matter is remanded to the Commission's Executive Director and hereby **DISMISSED** from the docket of the State Office of Administrative Hearings.

SIGNED April 8, 2009.


**SUZANNE FORMBY MARSHALL
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS**

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**TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY**

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 SUZANNE FORMBY. MARSHALL****REPRESENTATIVE / ADDRESS****PARTIES**

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