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SOAH DOCKET NO. 582-03-2282
TCEQ DOCKET NOS. 2003-0055-UCR
2003 DEC 17 AM 7:51

PUBLIC UTILITY COMMISSION
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APPLICATION OF DENTON COUNTY §
FRESH WATER SUPPLY DISTRICT §
NO. 10 TO AMEND WATER §
AND SEWER CERTIFICATES OF §
CONVENIENCE AND NECESSITY §
NOS. 13021 AND 20923 IN §
DENTON COUNTY, TEXAS §

BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

RESPONSE OF MAHARD EGG FARM, INC. TO ORDER NO. 12

TO THE HONORABLE ADMINISTRATIVE LAW JUDGE:

Now comes Mahard Egg Farm, Inc. and files this RESPONSE OF MAHARD EGG FARM, INC. ("MAHARD") TO ORDER NO. 12, and in support thereof would show as follows:

Order No. 12 issued by the Administrative Law Judge directs responses by the parties to certain questions stated in the order. As directed, Mahard's responses to such questions are set forth below.

1. Is there any possibility of a District/Mahard settlement?

There have been discussions between representatives of Mahard and those of the Applicant. No settlement agreement has been proposed. Mahard believes that a settlement is not likely.

2. If the District and PISD settle, will Mahard want to proceed as the sole protestant?

Proper accommodation of PISD is a major factor in this proceeding. Given that consideration, together with the expense and other burdens associated with the litigation, if the District and PISD settle, Mahard would withdraw from the proceeding.

3. Would it be a good idea to wait on certified questions until after October 16?

As indicated in the District's recent filings, shortly after the entry of Order No. 6 Mahard agreed not to oppose a motion by the District to certify the standing questions to

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FAX SERVICE COVER SHEET

Pages: 3	File Number: 30437
Date: October 10, 2003	From: John B. Turney

Hon. James W. Norman, ALJ	(512) 936-0730
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Lara K. Nehman, Sheridan Gilkerson	(512) 239-0606
Blas Coy	(512) 239-6377
Docket Clerk, Office of Chief Clerk	(512) 239-3311
Maria Sanchez	(512) 473-2159

Re: *Application of Denton County Fresh Water Supply District No. 10 to Amend Water and Sewer Certificates of Convenience and Necessity Nos. 13021 and 20923 in Denton County.*
 SOAH Docket No. 582-03-2282. TCEQ Docket No. 2003-0033-UCR

Mahard Egg Farm, Inc., Response to Order No. 12

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the Commission. In keeping with that agreement, Mahard takes no position on the timing of such certification.

Respectfully submitted,

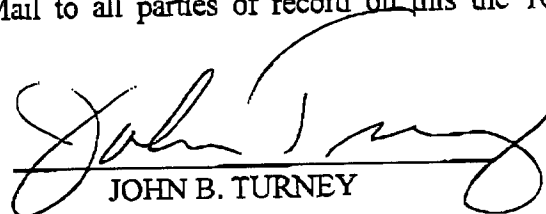
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JOHN B. TURNEY
State Bar No. 20342500
ATTORNEYS FOR MAHARD EGG FARM, INC.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been forwarded via facsimile and U.S. Mail to all parties of record on this the 10th day of October, 2003.



JOHN B. TURNEY