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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, APPLICATION
NOS. 34068-C AND 34069-C

BEFORE THE STATE OFFICE
FILING CLERK
OF
ADMINISTRATIVE HEARINGS

ORDER NO. 12

CONCERNING MOTION FOR CERTIFIED QUESTIONS AND FOR ABATEMENT OF THE CASE

Denton County Fresh Water Supply District No. 10 (District) has requested that this case be abated and that certified questions be submitted to the Texas Commission on Environmental Quality concerning Prosper Independent School District (PISD)'s and Mahard Egg Farm, Inc. (Mahard)'s standing as parties in this case.

On October 1, 2003, PISD informed the Administrative Law Judge (ALJ) that it had made a settlement offer to the District that will be considered at the District's regular meeting on October 16, 2003.

The ALJ wants to make certain it is necessary to submit certified questions before considering doing so. It appears there is some possibility that the case could be settled. PISD and the District may settle their case on October 16. The ALJ has the following questions:

- Is there any possibility of a District/Mahard settlement?
- If the District and PISD settle, will Mahard want to proceed as the sole protestant?
- Would it be a good idea to wait on certified questions until after October 16?

At their earliest convenience, the District and Mahard shall respond to the first question, Mahard shall respond to the second question, and all the parties shall respond to third question.

It appears from the District's responses that all the parties would like for the issue of Mahard's and PISD's standing to be submitted in certified questions; however, the ALJ is not completely certain and is particularly not certain of the Executive Director's position. **At their earliest convenience**, the Executive Director, PISD, and Mahard shall submit their views on this issue and state the reasons for their viewpoint.

Issued this 6th day of October, 2003.

STATE OFFICE OF ADMINISTRATIVE HEARINGS



JAMES W. NORMAN
Administrative Law Judge

FAX TRANSMITTAL

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DATE:	October 6, 2003
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If any pages of this transmittal are not received, please contact Tracy-Lynn Lewis at 512/475-4993.

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