



Control Number: 43965



Item Number: 110

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SOAH DOCKET NO. 582-03-2282
TCEQ DOCKET NO. 2003-0033-UCR

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APPLICATION OF DENTON COUNTY	§	BEFORE THE STATE OFFICE
FRESH WATER SUPPLY DISTRICT NO.	§	FILING CLERK
10 TO AMEND WATER AND SEWER	§	
CERTIFICATES OF CONVENIENCE	§	OF
AND NECESSITY NOS. 13021 AND 20923	§	
IN DENTON COUNTY, APPLICATION	§	
NOS. 34068-C AND 34069-C	§	ADMINISTRATIVE HEARINGS

ORDER NO. 11

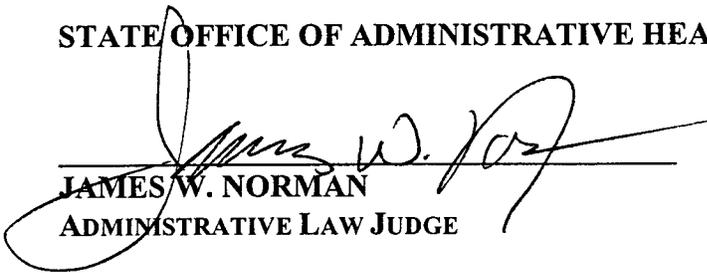
CONCERNING ORDER NO. 9 AND MOTIONS TO SUBMIT CERTIFIED QUESTIONS AND TO ABATE BY DENTON COUNTY FRESH WATER SUPPLY DISTRICT NO. 10

On September 24, 2003, the Administrative Law Judge issued Order No. 9, stating his intention to issue a proposal for decision resolving this case without evidentiary hearing based on the failure of Denton County Fresh Water Supply District No. 10 (District) to file its direct case or request an extension. Order No. 9 gave the parties 20 days to file their opposition. On the same day, the District filed motions to submit certified questions and to abate the hearing schedule.

The ALJ is not certain whether the District's motions are meant as a response or opposition to Order No. 9. If they are, the ALJ will consider them. However, the ALJ still does not understand the District's (and the protesting parties') decision to ignore the hearing schedule in view of the clear provisions of SOAH Rule 155.35 and Texas Commission on Environmental Quality Rule 80.131, saying that only the ALJ may abate a proceeding and submit certified questions. The District shall clarify whether its motions to submit certified questions and to abate are meant to be a response to Order No. 9.

Issued 29th day of September, 2003

STATE OFFICE OF ADMINISTRATIVE HEARINGS



JAMES W. NORMAN
ADMINISTRATIVE LAW JUDGE

FAX TRANSMITTAL

State Office of Administrative Hearings
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Austin, Texas 78711-3025
(512) 475-4993

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Mark Zeppa-Denton City Water	346-6847
Lara K. Nehman, Sheridan Gilkerson-TCEQ	239-0606
Kerry Russell-City of Prosper	512/864-7744
John Turney-Mahard Egg Farm, Inc.	476-1513
Maria Sanchez-Prosper ISD	512/473-2159
FROM:	Judge James W. Norman
FAX #:	(512) 475-4994
DATE:	September 29, 2003
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