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Item Number: 28

Addendum StartPage: 0

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SOAH DOCKET NO. 582-03-2282
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BEFORE THE STATE OFFICE OF
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, APPLICATION §
NOS. 34068-C AND 34069-C §

OF
ADMINISTRATIVE HEARINGS

ORDER NO. 14

CONCERNING REQUEST TO SUBMIT CERTIFIED QUESTIONS

On October 13, 2003, the Administrative Law Judge issued Order No. 13 stating he would wait to hear the progress of settlement negotiations between Denton County Water Supply District No. 10 (District) and Prosper Independent School District (PISD) before considering submitting certified questions on the standing of PISD and Mahard Egg Farm, Inc. (Mahard) to be parties in this case. On October 20, 2003, PISD reported that the District rejected its offer to settle.

The Administrative Law Judge (ALJ) has determined to submit certified questions on the standing of PISD and Mahard if all reasonable possibilities of settling the case have run their course. In view of the fact that the standing issue could decide the entire controversy in this case, the ALJ believes the matter should be submitted to the Commission before going through a long hearing process.

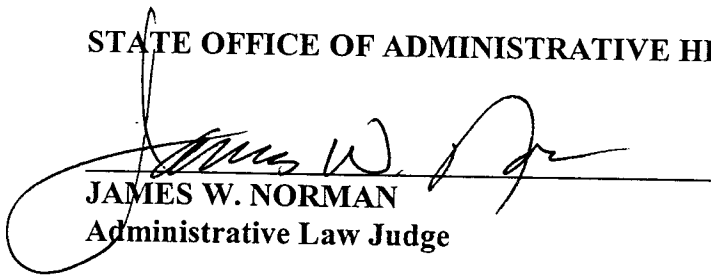
A preliminary conference is set for **October 28, 2003, at 1:30 p.m.** at the State Office of Administrative Hearings (SOAH), 4th Floor, William P. Clements Building, 300 West 15th Street, Austin, Texas to consider the following:

- Whether there is any remaining likelihood of settling the case.
- If not, the ALJ wants to discuss framing the issues and agreed facts. Obviously, the ALJ will have the final say on submitting the certified questions.

- In its response to Order No. 12, the District said it has purchased without condemnation the public utility easement across Mahard's property that will be used to interconnect the service area with the District's wholesale service provider. The ALJ wants to discuss this matter with the District and Mahard.

Issued October 21st, 2003.

STATE OFFICE OF ADMINISTRATIVE HEARINGS



JAMES W. NORMAN
Administrative Law Judge

FAX TRANSMITTAL

State Office of Administrative Hearings
P.O. Box 13025
Austin, Texas 78711-3025
(512) 475-4993

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Docket Clerk (TCEQ)	239-3311
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
Kennedy Reporting	474-6704
Maria Sanchez-Prosper ISD	512/473-2159
FROM:	Judge James W. Norman
FAX #:	(512) 475-4994
DATE:	October 21, 2003
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