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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 PUBLIC UTILITY COMMISSION
FILING CLERK

OF

ADMINISTRATIVE HEARINGS

ORDER NO. 13

CONCERNING RESPONSES TO ORDER NO. 12 AND CONSIDERING ORDER NO. 9

On or before October 10, 2003, all the parties responded to Order No. 12. Denton County Fresh Water Supply District No. 10 (District) stated its belief that there is very little chance it will settle with Mahard Egg Farm, Inc. (Mahard) but was more equivocal on the possibility of settling with the Prosper Independent School District (PISD). Mahard agreed that settlement with the District is unlikely, but also said it would withdraw from the proceeding if the District and PISD settle. The District does not want to wait until after its October 16 meeting for the submission of certified questions, but PISD believes it is a good idea to wait.

The Administrative Law Judge (ALJ) does not believe it is wise expend party or State Office of Administrative Hearings resources in considering the issue of submitting certified questions and does not believe it is wise to waste Texas Commission on Environmental Quality time on certified questions if there is a reasonable possibility of settlement. In view of Mahard's willingness to withdraw if PISD and the District settle, it appears that a settlement of the entire case will depend on PISD and the District settling. In addition, the ALJ has also not decided whether to submit certified questions—the Executive Director has opposed doing so. Based on these considerations, submission of certified questions will not be considered until after the District's October 16 meeting and the parties have reported back on the progress of settlement negotiations.

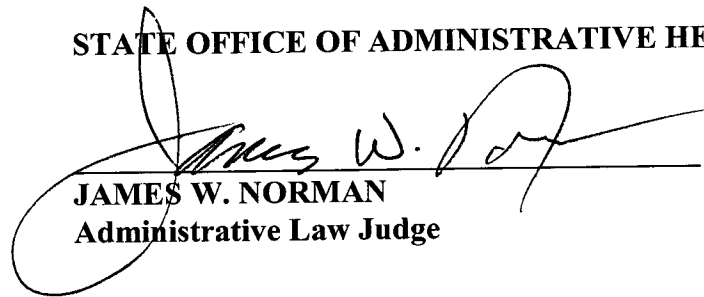
The parties shall report the progress of settlement negotiations as soon as possible after the District's October 16 meeting.

Concerning Order No. 9, the ALJ has determined not to issue a proposal for decision disposing of this case without evidentiary hearing.

The preliminary conference set in this case for October 16, 2003, at 9:00 a.m. **is canceled**. If any party believes that holding the conference will be useful, it may request that it be reinstated.

Issued October 13, 2003.

STATE OFFICE OF ADMINISTRATIVE HEARINGS

A handwritten signature in black ink, appearing to read "James W. Norman", is written over a horizontal line. The signature is stylized with a large loop at the beginning and a long, sweeping tail.

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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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 6, 2003
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