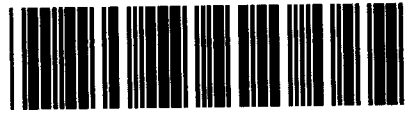


Control Number: 43965



Item Number: 32

Addendum StartPage: 0

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

RECEIVED

2014 DEC 17 AM 7:40

BEFORE THE STATE OFFICE
PUBLIC UTILITY COMMISSION,
FILING CLERK
OF

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

§
§
§
§
§
§

ADMINISTRATIVE HEARINGS

EXECUTIVE DIRECTOR'S RESPONSE TO ORDER NO. 12

TO THE HONORABLE ADMINISTRATIVE LAW JUDGE:

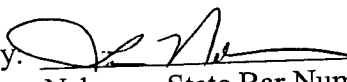
The Executive Director of the Texas Commission on Environmental Quality ("Commission" or "TCEQ") is opposed to the submittal of a certified question to the Commission on the issue of Mahard Egg Farm, Inc.'s and Prosper Independent School District's party status. While the Executive Director disagrees with the Administrative Law Judge's ruling admitting these parties, the law is not ambiguous on the issue and does not warrant commission interpretation. Furthermore, an Administrative Law Judge's ruling on party status is not a significant issue of policy or law to merit intervention by the Commission. The District's request to certify this issue is an attempt to get around the prohibition of interlocutory appeals. Allowing requests for certified questions to be used in this manner would set a bad precedent for other cases when a party receives an unfavorable ruling on party status.

Respectfully submitted,

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

Margaret Hoffman
Executive Director

Stephanie Bergeron, Director
Environmental Law Division

By: 
Lara Nehman, State Bar Number 00794358
Staff Attorney, Environmental Law Division

RECEIVED

DEC 17 2014

Mailing List
Denton County Fresh Water Supply District No. 10
to Amend Water and Sewer CCNs in Denton County
Applications Nos. 34068-C/34069-C

Certificate of Service

I hereby certify that on this 10th day of October, 2003, a copy of the attached document was sent by facsimile to the persons on this mailing list.



Lara Nehman
Staff Attorney
Environmental Law Division
Texas Commission on Environmental Quality

Mark Zeppa
4833 Spicewood Springs Rd, #202
Austin, Texas 78759-8436
Tel: 512/346-4011
Fax: 512/346-6847

Representing Denton County Water Supply

Lara Nehman, Sheridan Gilkerson
Staff Attorneys
Texas Commission on Environmental Quality
P.O. Box 13087, MC-175
Austin, Texas 78711-3087
Tel: 512/239-0600
Fax: 512/239-0606

Representing the Executive Director of the
Texas Commission on Environmental
Quality

Blas Coy
Office of the Public Interest Counsel
Texas Commission on Environmental Quality
P.O. Box 13087, MC-103
Austin, Texas 78711-3087
Tel: 512/239-6363
Fax: 512/239-6377

Representing the Office of Public Interest
of the Texas Commission on
Environmental Quality

Mailing List
Denton County Fresh Water Supply District No. 10
to Amend Water and Sewer CCNs in Denton County
Applications Nos. 34068-C/34069-C

John Turney
823 Congress Ave., Suite 706
Austin, Texas 78701
Tel: 512/476-0005
Fax: 512/476-1513

Representing Mahard Egg Farm, Inc.

Maria Sanchez
Davidson & Troilo
919 Congress, Suite 810
Austin, Texas 78701
Tel: 512/469-6006
Fax: 512-473-2159

Representing Prosper ISD

Honorable James W. Norman
State Office of Administrative Hearings
P.O. Box 13025
Austin, Texas 78711-3025
Tel: 512/475-4993
Fax: 512/475-4994

LaDonna Castañuela, Chief Clerk
Office of the Chief Clerk
Texas Commission on Environmental Quality
MC-105
P.O. Box 13087
Austin, TX 78711-3087
Tel: 512/239-3300
Fax: 512/239-3311