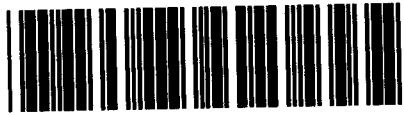


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SOAH DOCKET NO. 582-03-2282 RECEIVED
TCEQ DOCKET NO. 2003-0033-UCR
2014 DEC 17 AM 7:41

APPLICATION OF DENTON COUNTY § BEFORE THE PUBLIC UTILITY COMMISSION
FRESH WATER SUPPLY DISTRICT § OF TEXAS
NO. 10 TO AMEND WATER AND § COMMISSION ON
SEWER CCN'S IN DENTON COUNTY §
(APPLICATION NOS. 34068-C/34069-C) § ENVIRONMENTAL QUALITY

**DENTON COUNTY FRESH WATER SUPPLY DISTRICT NO. 10's
RESPONSE TO ORDER NO. 7**

In Order No. 6, Presiding Judge James Norman overruled Denton County Fresh Water District No. 10's (the "District") motion to dismiss Mahard Egg Farm (Mahard) and Prosper Independent School District (PISD) for lack of standing in this case under Chapter 13 of the Texas Water Code and the TCEQ procedural rules. As noted in Judge Norman's order, this case raised issues not previously addressed on point in prior decisions of the TCEQ. The District feels that these are fundamental issues going to the heart of its rights to due process permitting before this agency without interference by outside parties with no interest in the merits of the application at issue.

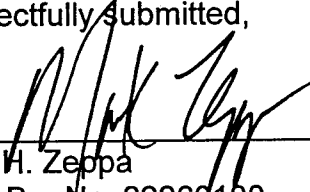
For this reason, the District plans to submit the issue of Mahard's and PISD's standing to the TCEQ Commissioners on a motion for certified questions pursuant to SOAH Rule 155.35. This standing matter is clearly a matter of agency policy and interpretation of Chapter 13 of the Texas Water Code and the TCEQ's procedural rules, which fundamentally affects parties' rights to hearings or licenses without hearings. Under SOAH Rule 155.35, certified questions

Executive Director as announced by Ms. Nehman at the last prehearing conference.]

On September 3, the District executed Rule 11 Agreements with Mahard and PISD agreeing that they would not have to file testimony until the certified questions are resolved. As an example, a copy of the Mahard-District agreement as drafted by the undersigned is attached.

The parties contemplated presenting the Presiding Judge with either a revised hearing schedule or a motion to remand this docket to the Executive Director for administrative approval when the certified questions are ruled on.

Respectfully submitted,

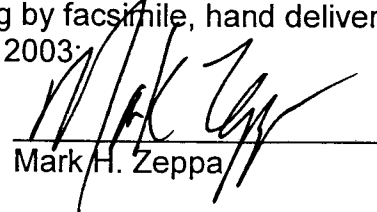


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ATTORNEY FOR DENTON COUNTY FRESH
WATER SUPPLY DISTRICT NO. 10

CERTIFICATE OF SERVICE

I, Mark H. Zeppa, attorney for DCFWSD #10, certify that true and correct copies of the foregoing pleading were served on the following by facsimile, hand delivery or first class USPS mail on the 3rd day of September 2003:


Mark H. Zeppa

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