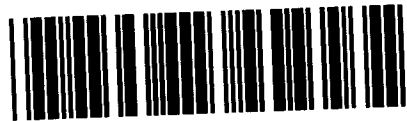


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Addendum StartPage: 0

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SOAH DOCKET NO. 582-03-2282
 TCEQ DOCKET NOS. 2003-0033-UCR 2014 DEC 17 AM 7:27

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

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BEFORE THE STATE COMMISSION
 FILING CLERK
 OF
 ADMINISTRATIVE HEARINGS

EXECUTIVE DIRECTOR'S MOTION TO DISMISS AND REQUEST FOR REMAND

TO THE HONORABLE ADMINISTRATIVE LAW JUDGE:

The Executive Director of the Texas Commission on Environmental Quality ("Commission" or "TCEQ") respectfully files this Motion to Dismiss and Request for Remand to the Executive Director ("ED") the Application by Denton County Fresh Water Supply District No. 10 (the "District") to Amend its Water and Sewer Certificates of Convenience and Necessity Nos. 13021 and 20923 (the "Application"). In support of this Motion, the Executive Director asserts the following:

1. Order No. 20 issued December 3, 2003 stated that the Prosper Independent School District ("PISD") requested permission to withdraw from this case. The Honorable James W. Norton granted the request and cancelled the preliminary conference set for December 4, 2003. The Judge further asked the ED whether she agreed with the request to remand.
2. Order No. 21 issued on December 15, 2003, required the ED to respond regarding the status of this case.
3. The ED agrees with the District. This case should be dismissed from the SOAH docket and the District's Application should be remanded to the ED for further processing.

Based upon the foregoing, the Executive Director respectfully requests that the Application be dismissed and remanded to the Executive Director.

Respectfully submitted,

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

Margaret Hoffman
Executive Director

Stephanie Bergeron, Director
Environmental Law Division

By: 

Sheridan L. Gilkerson
Staff Attorney
Environmental Law Division
State Bar No. 24034458

P.O. Box 13087, MC-173
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(512) 239-0606 (Fax)

ATTORNEYS FOR
THE EXECUTIVE DIRECTOR
OF THE TEXAS COMMISSION
ON ENVIRONMENTAL
QUALITY

CERTIFICATE OF SERVICE

I hereby certify that on this **16th day of December**, a true and correct copy of the foregoing document was delivered via facsimile, hand delivery, interagency mail, or by deposit in the U.S. Mail to all persons on the attached mailing list.



Sheridan L. Gilkerson
Staff Attorney
Environmental Law Division

MAILING LIST**APPLICATION OF DENTON COUNTY FRESH WATER SUPPLY DISTRICT NO. 10
TO AMEND WATER AND SEWER CCNS IN DENTON COUNTY (APPLICATIONS
NOS. 34068-C/34069-C)**

Mark Zeppa
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Fax: 512/346-6847

Representing Denton County Water Supply

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Representing the Executive Director of the
Texas Commission on Environmental
Quality

Blas Coy
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Honorable James W. Norman
State Office of Administrative Hearings
P.O. Box 13025
Austin, Texas 78711-3025
Tel: 512/475-4993
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LaDonna Castañuela, Chief Clerk
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F A X T R A N S M I T T A L

DATE: December 16, 2003 NUMBER OF PAGES (including this cover sheet): 6

TO: Name See List Below
 Organization _____
 FAX Number _____

FROM: **TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**
 Name Sheridan Gilkerson, Staff Attorney
 Division/Region Office of Legal Services/Environmental Law
 Telephone Number (512) 239-2223
 FAX Number (512) 239-0606 or (512) 239-0626

NOTES:

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

Mark Zeppa Fax: 512/346-6847
 Honorable James W. Norman Fax: 512/475-4994
 Blas Coy Fax: 512/239-6377

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Kathleen Hartnett White, *Chairman*
R. B. "Ralph" Marquez, *Commissioner*
Larry R. Soward, *Commissioner*
Margaret Hoffman, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

December 16, 2003

Honorable James W. Norman
State Office of Administrative Hearings
P.O. Box 13025
Austin, Texas 78711-3025

RE: 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; SOAH Docket No. 582-03-2282; TCEQ Docket No. 2003-0033-UCR.

Dear Judge Norman:

Enclosed please find the Executive Director's Motion to Dismiss and Request for Remand for the above referenced matter. All parties have been copied.

Sincerely,

A handwritten signature in black ink, appearing to read "SG", written over a horizontal line.

Sheridan L. Gilkerson
Staff Attorney
Environmental Law Division

cc: Mailing List

Enclosure