

Control Number: 43990



Item Number: 6

Addendum StartPage: 0

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SOAH DOCKET NO. 582-06-0425
TCEQ DOCKET NO. 2005-1516-UCR
PUBLIC UTILITY COMMISSION
FILING CLERK

APPLICATION OF TAPATIO SPRINGS §
SERVICE COMPANY, INC., §
TO AMEND CERTIFICATES §
OF CONVENIENCE AND NECESSITY §
NOS. 12122 AND 20698 IN KENDALL §
COUNTY, TEXAS §

BEFORE THE STATE OFFICE
OF
ADMINISTRATIVE HEARINGS

ORDER NO. 4
ADDRESSING REQUESTS TO MAINTAIN PARTY STATUS

On April 17, 2006, the State Office of Administrative Hearings ("SOAH") received letters about the captioned action from Michael and Judy Hail and from Allan and Lisa Newsom, seeking to maintain the writers' party status – although, on February 17, 2006, their purported representative, Al Hamilton, had withdrawn the request for persons represented by him to participate in this case. H.E. and Sandra Dubuy also submitted a letter (received on April 10, 2006), which objected to actions and statements made by Mr. Hamilton (their purported representative) but did not specifically request any relief from the Administrative Law Judge ("ALJ"). As the letters noted above do not clearly indicate that copies of them were provided to all parties in this proceeding, the ALJ is appending such copies to this order.

Under Order No. 1 in this case, ratepayers represented by Al Hamilton (including Mr. Hamilton himself) were accorded *provisional* status as parties, subject to Mr. Hamilton's providing the ALJ a final, comprehensive list of such persons (in order to allow the applicant to ascertain whether all the persons in question really were its ratepayers). However, Mr. Hamilton never provided the information needed to complete the designation of those represented by him as parties, instead submitting a "Motion to Withdraw" from the proceeding, which was granted. Thus none of the persons represented by Mr. Hamilton ever actually obtained full party status in this proceeding.

SOAH Docket No. 582-06-0425
TCEQ Docket No. 2005-1516-UCR

Order No. 4

Page 2

It is unfortunate that some of those apparently represented by Mr. Hamilton are dissatisfied with his actions in this case. However, persons who rely upon others to represent them in a proceeding generally must accept the consequences of such representatives' actions, at least within the context of the proceeding itself.

If persons formerly represented by Mr. Hamilton now wish to seek party status in this matter *again*, they may submit specific requests to that effect. (The original of any communication on this subject should be sent to the Chief Clerk of the Texas Commission on Environmental Quality, with copies sent to the ALJ and to all party representatives listed on the attached mailing list.) Such requests for party status, of course, would be a couple of months late at this point. Justifying the late entry of parties into a legal proceeding becomes progressively more difficult as time elapses from the commencement of the case and as significant procedural steps occur. In this case, important parts of the procedural schedule have already been completed, as written discovery (exchange of information relevant to the case) was concluded on March 31, 2006.

Any requests for late admission of parties in this case should be submitted as soon as possible and should include a brief but full explanation of (1) the requesting persons' interests in the case (primarily, for those formerly represented by Mr. Hamilton, confirmation that they are ratepayers of the applicant) and (2) their reason for failing to seek party status earlier. Placing this information in the form of a sworn affidavit would facilitate formal consideration of the matter in the event that another party objects to such requests for party status (which is likely). Upon evaluating all information submitted and any objections to requests for party status, the ALJ will determine what further procedure needs to be followed.

If the Dubuys, Hails, or Newsoms are accorded party status, the ALJ intends to align them with the group represented by Elizabeth Martin, Attorney – which will require them to coordinate their presentations to avoid placing duplicative or merely cumulative information in the evidentiary record.

SOAH Docket No. 582-06-0425
TCEQ Docket No. 2005-1516-UCR


Order No. 4

Page 3

PROCEDURAL QUESTIONS

Routine procedural and logistical questions may be directed to Rita McBride at (512) 475-3419; however, please note that SOAH support personnel are not authorized to provide general advice or the interpretation of regulations or policy.

SIGNED April 20, 2006.



MIKE ROGAN
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS

Sandra Dubuy
325 Wild Turkey
Boerne, TX. 78006

April 5, 2006

Honorable Mike Rogan
Administrative Law Judge
State Office of Administrative Hearings
William P. Clements Building, Room 504
300 West 15th Street
Austin, TX. 78701

Re: Motion to Withdraw- SOAH Doc. #582-06-0425
TCEQ Docket No. 2005-1516-UCR

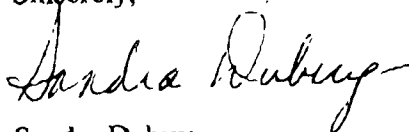
Dear Sir,

I am asking that you review the attached letter regarding the above cited matter.

Please advise me if I need to present any additional letters to prevent Mr. Al Hamilton from any additional misrepresentation of my position.

Thank you for your attention to this matter.

Sincerely,



Sandra Dubuy
830-537-3241

Sandra Dubuy
325 Wild Turkey
Boerne, TX 78006

Ms Mary Alice Boehm-McKaughan
TCEQ
P.O Box 13087 MC-175
Austin, TX 78711-3087

Re: Motion to Withdraw- SOAH Doc.#582-06-0425

Dear Ms. McKaughan,

My wife, Sandra, and I recently were made aware of this motion being presented by Mr. Al Hamilton.

It is true that my wife did sign the original petition, which was circulated in the Tapatio Springs area. Mr. Hamilton was to represent the listed residents protesting a rate increase and pass-thru of construction charges of a proposed pipeline.

At some point, Mr. Hamilton, changed his mind as to representing the listed residents. At no time was there discussion as to his plan to side with the Tapatio Springs Service Company. For Mr. Hamilton to state, that he continues to represent the listed ratepayers, is disingenuous. It is a false statement. The motion should be disallowed.

If Sandra had to have her affidavit signed to present to the commission, any list of ratepayers given by Mr. Hamilton should also have the same requirements. In addition, any dialog given by Mr. Hamilton to any court should be suspect based on his most recent misstated, misleading, inaccurate presentations.

Thank you for your attention to this matter.

Respectfully,

H.E.Dubuy
830-537-3241

April 11, 2006

Judge Mike Rogan
State Office of Administrative Hearings
William P Clements Bldg
300 West 15th Street, Rm 504
Austin Tx 78701

Re Tapatio Springs Service Company CCN Expansion Protest
SOAH Docket No 582-06-0425
TCEQ Docket No. 2005-1516-UCR

Dear Judge Rogan

I was represented by Al Hamilton in the protest against the expansion of the CCN for Tapatio Springs Service Company but now I have found out that he has withdrawn my protest. Al Hamilton does not have my permission to withdraw and I would like to remain a party in this protest

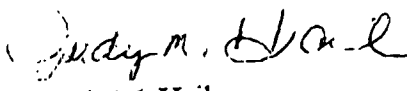
I am a current ratepayer. My primary concern is the result of this expansion is a reduction in water to each ratepayer. The representatives for Tapatio Springs Service Company contend that due to their status as a privately owned corporation they do not wish to supply information to the ratepayers. They will not explain the supply of water nor the possible rate increase necessary

Thank you for your assistance in this matter. On March 13, 2006, I initially placed this request with Mary Alice Boehm-McKaughan, TCEQ. She asked me to forward my request to you

Sincerely,



Michael W Hail
410 Paradise Point
Boerne TX 78006
hailm@pvtc.com
830-537-3189 fax



Judy M. Hail
same address

Name *Allan and Lisa Newsom*
Address *412 Paradise Point*
Boerne, Texas 77346

Date *4-12-2006*

Honorable Mike Rogan
Administrative Law Judge
State Office Of Administrative Hearings
William P. Clements Building, Room 504
300 West 15th Street
Austin, TX 78701

Re: SOAH Docket No. 582-06-0425
TCEQ Docket No. 2005-1516-UCR

Dear Sir,

As a present ratepayer, I had been represented by Al Hamilton in the protest against the expansion of the CCN for Tapatio Springs Service Company to service 5000-acres adjoining their property. I have recently found out that Mr. Hamilton not only withdrew the protest but, in fact, stated support for the CCN amendment. I was not contacted nor informed of the submission and would like to remain a party in this protest. I would appreciate any advice and assistance in this matter.

Sincerely,

Name

Lisa Newsom
Allan Newsom

STATE OFFICE OF ADMINISTRATIVE HEARINGS**WILLIAM P. CLEMENTS BUILDING, Jr.****300 West Fifteenth Street****Austin, Texas 78701****Phone (512) 475-4993****Facsimile (512) 475-4994****SERVICE LIST****AGENCY:** Environmental Quality, Texas Commission on (TCEQ)**STYLE/CASE:** TAPATIO SPRINGS SERVICE CO, INC**SOAH DOCKET NUMBER:** 582-06-0425**REFERRING AGENCY CASE:** 2005-1516-UCR**STATE OFFICE OF ADMINISTRATIVE
HEARINGS****ADMINISTRATIVE LAW JUDGE
ALJ MIKE ROGAN****REPRESENTATIVE / ADDRESS****PARTIES****ELIZABETH R MARTIN
ATTORNEY AT LAW
P. O. BOX 1764
BOERNE, TX 78006
(830) 816-8686 (PH)
(830) 816-8282 (FAX)****RATEPAYERS****ERIC SHERER
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(210) 696-9675 (FAX)****RANGER CREEK HOA****KATHY H BROWN
STAFF ATTORNEY
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
ENVIRONMENTAL LAW DIVISION
, MC-173 P.O. BOX 13087
AUSTIN, TX 78711-3087
(512) 239-3417 (PH)
(512) 239-0606 (FAX)****TEXAS COMMISSION ON ENVIRONMENTAL QUALITY****MARY ALICE BOEHM-MCKAUGHAN
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AUSTIN, TX 78711-3087
(512) 239-6361 (PH)
(512) 239-6377 (FAX)****TCEQ PUBLIC INTEREST COUNCIL**

PATRICK LINDNER
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7550 IH-10 WEST, NORTHWEST CENTER, SUITE 800
SAN ANTONIO, TX 78229
(210) 349-6484 (PH)
(210) 349-0041 (FAX)

TAPATIO SPRINGS SERVICE CO.

xc: Docket Clerk, State Office of Administrative Hearings

STATE OFFICE OF ADMINISTRATIVE HEARINGS

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Facsimile (512) 475-4994

DATE: 04/20/2006

NUMBER OF PAGES INCLUDING THIS COVER SHEET: 10

REGARDING: ORDER NO. 4 - ADDRESSING REQUESTS TO MAINTAIN PARTY STATUS

DOCKET NUMBER 582 06 0425

FROM: JUDGE MIKE ROGAN

FAX TO:

FAX TO:

ALLAN & LISA NEWSOM

VIA REGULAR MAIL

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(830) 816-8282

ERIC SHERER

(210) 696-9675

H E & SANDRA DUBUY

VIA REGULAR MAIL

MICHAEL & JUDY HAIL

(830) 537-3189

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(512) 239-6377

TCEQ Docket Clerk, Fax Number 512/239-3311

NOTE: IF ALL PAGES ARE NOT RECEIVED, PLEASE CONTACT RITA MCBRIDE(rmc) AT 512 475-4993

COPIES OF LETTERS FROM H.E. & SANDRA DUBUY, MICHAEL & JUDY HAIL AND ALLAN & LISA NEWSOM ARE ALSO BEING SENT WITH THIS ORDER AND COURTESY COPIES OF THIS ORDER WILL BE SENT TO RESPECTIVE PERSONS.

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