

Control Number: 44001



Item Number: 36

Addendum StartPage: 0

House Bill (HB) 1600 and Senate Bill (SB) 567 83rd
Legislature, Regular Session, transferred the functions
relating to the economic regulation of water and sewer
utilities from the TCEQ to the PUC effective
September 1, 2014

44001

RECEIVED

SOAH Docket No. 582-09-0655
TCEQ Docket No. 2008-1463-UCR

2014 DEC 22 AM 7:40

PUBLIC UTILITY COMMISSION
FILING CLERK

IN RE: APPLICATION BY COMMUNITY §
UTILITY COMPANY FOR WATER RATE/§
TARIFF CHANGE RE. CCN NO. 10350 §

BEFORE THE
STATE OFFICE OF
ADMINISTRATIVE HEARINGS

MEDIATED SETTLEMENT AGREEMENT

To avoid litigating the application of Community Utility Company (hereinafter "Applicant") to the Texas Commission on Environmental Quality ("TCEQ" or "Commission") for an increase/change to its water utility rates/tariff, Applicant, the Executive Director of the Commission (hereinafter "ED"), and the following ratepayer individuals ("hereinafter Protestants"): 1) Linda Hall; 2) Royce Nichols; 3) Rex Faulk; 4) Tom Wysoki; 5) Rosetta Haynes; and 6) Ralph Alley mediated their dispute and agree to the following:

- A. Applicant agrees to amend its pending TCEQ application on this matter to reflect a new water rate of:
 - 1. A flat rate of \$42.50 to be in effect until the first billing month in which all meters have been installed and are being read by Applicant;
 - 2. Once all meters have been installed and are being read, a base rate of \$29.57 and a gallonage rate of \$2.40 per 1000 gallons.
 - 3. The parties agree that all other proposed rates within Applicant's application shall remain unchanged, and accepted as proposed
- B. Applicant agrees not to seek rate case expenses accrued as a result of this application;
- C. The parties agree that no refunds shall be issued by Applicant as a result of the reduction of its charged rates;
- D. This Agreement is a legal contract between Applicant and Protestants, is enforceable by either party against the other in a court of competent jurisdiction, and is effective as of the date the last party executes this Agreement;

Sharon Cloninger, Administrative Law Judge
State Office of Administrative Hearings
P.O. Box 13025
Austin, Texas 78711-3025

Ms. LaDonna Castanuela
TCEQ Office of the Chief Clerk, MC-105
P.O. Box 13087
Austin, Texas 78711-3087

Re: **Community Utility Company; Water Rate/Tariff Change re. CCN No. 10350**
TCEQ Docket No. 2008-1463-UCR; SOAH Docket No. 582-09-0655

Judge Cloninger and Ms. Castanuela,

We no longer wish to protest this application. Accordingly, we hereby withdraw our hearing requests filed on the above-referenced matter and withdraw as parties to the cited SOAH docket.

Sincerely,

Linda Hall
Linda Hall, Protestant

1-21-09
Date

Royce Nichols
Royce Nichols, Protestant

1/21/09
Date

Rex Faulk
Rex Faulk, Protestant

1-21-9
Date

Tom Wysoki
Tom Wysoki, Protestant

1-21-09
Date

Rosetta Haynes
Rosetta Haynes, Protestant

1-21-09
Date

Ralph Alley
Ralph Alley, Protestant

1-24-09
Date



Protecting Texas
by Reducing and
Preventing Pollution

FAX TRANSMITTAL

DATE: January 15, 2009

NUMBER OF PAGES (including this cover sheet): 6

TO: Name see Fax Service List below
Organization _____
FAX Number _____

FROM: TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
Name Kyle Lucas
Division/Region ADR Program, Office of General Counsel
Telephone Number 512 239-0687
FAX Number 512-239-4015

NOTES:

re: **Community Utility Company; Water Rate/Tariff Change re. CCN No. 10350**
TCEQ Docket No. 2008-1463-UCR; SOAH Docket No. 582-09-0655

NOTICE OF JANUARY 21, 2009 MEDIATION MEETING

Fax Service List

Will Jones	866/511-5961
Les Romo	512/863-0452
Ruth Takeda	512/239-0606
Heidi Graham	512/239-6190
Elizabeth Flores	512/239-6190

Christina Mann	<i>hand delivery</i>
Linda Hall	<i>mail delivery only</i>
Royce Nichols	<i>mail delivery only</i>
Rex Faulk	<i>mail delivery only</i>
Tom Wysoki	<i>mail delivery only</i>
Rosetta Haynes	<i>mail delivery only</i>
Ralph Alley	<i>mail delivery only</i>

Buddy Garcia, *Chairman*
Larry R Soward, *Commissioner*
Bryan W Shaw, Ph.D., *Commissioner*
Mark R Vickery, P.C., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

January 15, 2009

To: ADR Participants
Re: **Community Utility Company; Water Rate/Tariff Change re. CCN No. 10350**
TCEQ Docket No. 2008-1463-UCR; SOAH Docket No. 582-09-0655

With the consent of the identified parties, I have scheduled a mediation meeting on the above-referenced matter. The meeting details are as follows:

Wednesday, January 21, 2009; 9:30 a.m.
State Office of Administrative Hearings, Houston Office, Hearing Room No. 4
The Preserve at North Loop
2020 N. Loop (610) West, Suite 111
(west-bound service road of 610 betw TC Jester and Ella Blvd - see directions on p. 4)
Houston, Texas 77018
phone number - 713/957-0010 (contact person - Judy Hardin)

Mediation meetings are not public meetings. Attendance is restricted to the designated named parties to this matter (see attached mail list), their representatives and those consultants who are necessary to assist the parties in making decisions during negotiations. ***The mediator cannot allow other non-party individuals to attend, unless by prior unanimous agreement of all parties.***

Because mediation involves efforts to negotiate a resolution of a legal dispute, in order to encourage all participants to be completely open and frank in their discussions, all communications made by participants during and leading up to a mediation meeting are, by law, to be kept confidential, and cannot be disclosed to outside persons. Each person attending the mediation, including the mediator, is bound by state law and agency regulation not to discuss the substance of the discussions with anyone not present at the talks, and I shall ask for an oral affirmation from every participant at the outset of our meeting that this important prohibition is understood and will be honored. One notable exception to this confidentiality rule concerns information disclosed during the mediation meeting which may be obtained from sources outside the mediation, legally referred to as "independently discoverable". I will discuss the issue of confidentiality in greater detail at the

meeting, and answer any questions you may have.

A mediation meeting provides disputing parties a forum in which they may attempt to collaboratively settle their dispute and allow them the opportunity to avoid the considerable time and expense of further litigation. *The success of mediation discussions depends on the flexibility and the good-faith efforts of the participants, as well as their understanding that compromise, creative thinking and reasonable expectations often play critical roles.* If any party does not wish to attempt to negotiate in good-faith a resolution of this dispute, but prefers to proceed with litigating this matter, I will cease mediation efforts.

Mediation meetings are informal. The routine procedure I prefer to follow is to begin the meeting as a group for general presentations and opening remarks, exchanges of information, questions and issue identification. Many times, after this general session, I may separate the parties into different rooms (referred to as "caucusing"). This offers each side the opportunity to openly discuss, with or without the mediator present, matters they do not wish to share with the other side. One of the mediator's functions is to convey messages, questions and/or offers between parties during these caucus sessions.

I would appreciate your help as I prepare for the mediation meeting. All of you are more familiar with the history of this dispute and the issues involved than I. Therefore, I ask that each party to this mediation come prepared on January 21 to provide at the beginning of the meeting an explanation of the history and relevant facts of this dispute, what specific issues or concerns you believe should be addressed as part of any negotiated settlement agreement, and what you hope to accomplish through mediation. I would also ask that all parties begin considering prior to our meeting any specific suggestions, proposals or ideas which could assist in leading us to a settlement on January 21.

Though it is not required, any party who wishes to provide me a position statement, or any other information I may find useful in understanding the issues in dispute, may do so. I shall keep any transmitted information confidential, unless you provide me express authorization to share it or any component of it with another party. Because the mediator is not a decision-maker in the case, it is not necessary to serve the other participants with copies of anything sent to the mediator. Moreover, the mediator is not bound by *ex parte* rules, or the rules of civil procedure. Subject to the confidentiality rule, the mediator may talk to anyone involved in the case (i.e., any party or any party's legal or technical consultant) about any matter. There is nothing which the mediator may not be told, or may not discuss.

Assuming an agreement is reached, the terms of that agreement may be included in a written settlement agreement document and signed by the participants or their representatives at the conclusion of the meeting. **Thus it is imperative that each party or representative attend with the authority to negotiate and enter a binding agreement on behalf of yourself or your respective client. If you believe you may need a lawyer or other consultant to review any agreement before signing, then please ensure that those persons are in attendance.**

In accordance with confidentiality rules, please be aware that notes taken by participants during the mediation will be collected and destroyed by the mediator at the end of the session, assuming no agreement is reached. **Experience has shown that mediation meetings can last well into the late afternoon/evening, so please plan accordingly.** Should you have questions, please do not hesitate to call me at 512/239-0687.

Sincerely,



Kyle Lucas, Attorney-Mediator

Alternative Dispute Resolution Program, Office of General Counsel
Texas Commission on Environmental Quality
P.O. Box 13087, MC-222
Austin, Texas 78711-3087
512/239-0687 FAX 512/239-4015
email: klucas@tceq.state.tx.us

cc: Attached ADR Mailing List

DIRECTIONS TO SOAH OFFICE (copied from SOAH website)

- From **U.S. 290**, exit onto **Loop 610** heading **East**.
- Immediately go to the far right lane on **610** and take the **first exit**.
- Go through the first traffic light and turn **left** at the **second light** onto **East TC Jester Blvd.**
- Go **under 610** and through the stop light; Get in the right lane.
- Enter **The Preserve at North Loop** at the **second entrance** and proceed through parking lot.
- Pass through the great natural Duck Crossing, to the first building past the Post Office/UPS/Airborne drop boxes (on your right).
- SOAH is located in the rear of the building on the first floor.

Community Utility Company
Water Rate/Tariff Change re. CCN No. 10350
TCEQ Docket No. 2008-1463-UCR; SOAH Docket No. 582-09-0655

ADR MAILING LIST

Representing APPLICANT,
Community Utility Company:

Will C. Jones IV
The Jones Law Firm
1201 Rio Grande St., Ste. 100
Austin, Texas 78701
512/391-9292 FAX 866/511-5961

Les Romo
Law Office of Les Romo
307 Shannon Lane
Georgetown, Texas 78628
512/868-5600 FAX 512/863-0452

FOR THE EXECUTIVE DIRECTOR:

Ruth Takeda, Staff Attorney
TCEQ Environmental Law Div., MC-173
P. O. Box 13087
Austin, Texas 78711-3087
512/239-6635 FAX 512/239-0606

Heidi Graham
TCEQ Water Utility Division, MC-153
P.O. Box 13087
Austin, Texas 78711-3087
512/239-0844 FAX 512/239-6190

Elizabeth Flores
TCEQ Water Utility Division, MC-153
P.O. Box 13087
Austin, Texas 78711-3087
512/239-6846 FAX 512/239-6190

FOR PUBLIC INTEREST COUNSEL

Christina Mann, Staff Attorney
TCEQ Public Interest Counsel, MC-103
P. O. Box 13087
Austin, Texas 78711-3087
512/239-4014 FAX 512/239-6377

PROTESTANT Ratepayers:

Representing Sweet Gum
Linda Hall
33311 Sweet Gum Lane
Magnolia, Texas 77354
281/935-5914

Representing Forest Manor
Royce Nichols
23306 Fantasia
Huffman, Texas 77336
281/324-1448

Rex Faulk
1810 Hickory Manor
Huffman, Texas 77336
281/324-2561

Representing Heathergate
Tom Wysoki
20603 Berry Thicket
Crosby, Texas 77532
713/924-7086

Rosetta Haynes
20608 Berry Thicket
Crosby, Texas 77532
281/324-6559

Ralph Alley
402 Indian Shores Rd.
Crosby, Texas 77532
281/324-2908

SOAH Docket No. 582-09-0655
TCEQ Docket No. 2008-1463-UCR

IN RE: APPLICATION BY COMMUNITY § BEFORE THE
 § STATE OFFICE OF
UTILITY COMPANY FOR WATER RATE/§ ADMINISTRATIVE HEARINGS
 §
TARIFF CHANGE RE. CCN NO. 10350 §

MEDIATED SETTLEMENT AGREEMENT

To avoid litigating the application of Community Utility Company (hereinafter "Applicant") to the Texas Commission on Environmental Quality ("TCEQ" or "Commission") for an increase/change to its water utility rates/tariff, Applicant, the Executive Director of the Commission (hereinafter "ED"), and the following ratepayer individuals ("hereinafter Protestants"): 1) Linda Hall; 2) Royce Nichols; 3) Rex Faulk; 4) Tom Wysoki; 5) Rosetta Haynes; and 6) Ralph Alley mediated their dispute and agree to the following:

- A. Applicant agrees to amend its pending TCEQ application on this matter to reflect a new water rate of:
 - 1. A flat rate of \$42.50 to be in effect until the first billing month in which all meters have been installed and are being read by Applicant;
 - 2. Once all meters have been installed and are being read, a base rate of \$29.57 and a gallonage rate of \$2.40 per 1000 gallons.
 - 3. The parties agree that all other proposed rates within Applicant's application shall remain unchanged, and accepted as proposed
- B. Applicant agrees not to seek rate case expenses accrued as a result of this application;
- C. The parties agree that no refunds shall be issued by Applicant as a result of the reduction of its charged rates;
- D. This Agreement is a legal contract between Applicant and Protestants, is enforceable by either party against the other in a court of competent jurisdiction, and is effective as of the date the last party executes this Agreement:

Settlement Agreement; Community Utility Co.
SOAH Docket 582-09-0655

E. In consideration of the provisions listed above and actions to be taken by Applicant, Protestants hereby agree to withdraw their hearing requests filed on this matter and withdraw as protesting parties to the above-cited SOAH docketed hearing (Withdrawal form attached and labeled as "Attachment 1").

Mitchell M. Martin, Jr.
Applicant Representative

Mitchell M. Martin, Jr.
[print name]

JAN 21st 2009
Date

Linda Hall
Linda Hall, Protestant

1-21-09
Date

Royce Nichols
Royce Nichols, Protestant

1/21/09
Date

Rex Faulk
Rex Faulk, Protestant

1-21-09
Date

Tom Wysoki
Tom Wysoki, Protestant

1-21-09
Date

Rosetta Haynes
Rosetta Haynes, Protestant

1-21-09
Date

Ralph Alley
Ralph Alley, Protestant

1-21-09
Date

Ruth A. Takeda
For the Executive Director, witness only

Ruth A. Takeda
[print name]

01-21-2009
Date

Sharon Cloninger, Administrative Law Judge
State Office of Administrative Hearings
P.O. Box 13025
Austin, Texas 78711-3025

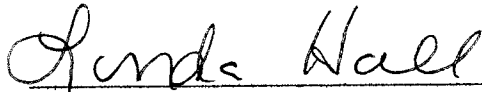
Ms. LaDonna Castanuela
TCEQ Office of the Chief Clerk, MC-105
P.O. Box 13087
Austin, Texas 78711-3087

Re: **Community Utility Company**; Water Rate/Tariff Change re. CCN No. 10350
TCEQ Docket No. 2008-1463-UCR; SOAH Docket No. 582-09-0655

Judge Cloninger and Ms. Castanuela,

We no longer wish to protest this application. Accordingly, we hereby withdraw our hearing requests filed on the above-referenced matter and withdraw as parties to the cited SOAH docket.

Sincerely,



Linda Hall, Protestant

1-21-09

Date



Royce Nichols, Protestant

1/21/09

Date



Rex Faulk, Protestant

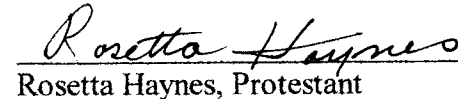
Date



Tom Wysocki, Protestant

1-21-09

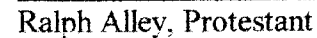
Date



Rosetta Haynes, Protestant

1-21-09

Date



Ralph Alley, Protestant

Date

MEDIATION MEETING SIGN-IN SHEET

Community Utility Co.; Water Rate/Tariff Change re. CCN No. 10350
SOAH Docket No. 582-09-0655; TCEQ Docket No. 2008-1463-UCR
Wednesday, January 21, 2009; 9:30 a.m.
Houston, Texas

Name	Organization	Telephone No
1. [Handwritten]	[Handwritten]	[Handwritten]
2. Rowetta Haynes	Heathergate	281-324-6559
3. Charles Haynes	Heathergate	281-324-6559
4. [Handwritten]	[Handwritten]	[Handwritten]
5. [Handwritten]	[Handwritten]	[Handwritten]
6. [Handwritten]	Southwest Gas	830-612-7546
7. Bob Fenner	BID Environmental	512-264-9124
8. Mitch Martin, Jr.	Community Utility	281-444-7747
9. Les Romo	ATTORNEY for Community Utility	512-868-5600
10. Michael Martin	COMMUNITY UTILITY	281-444-7747
11. Ruth Takeda	TCEQ/ED	512-239-6635
12. [Handwritten]	[Handwritten]	[Handwritten]
13. [Handwritten]	[Handwritten]	[Handwritten]
14. [Handwritten]	TCEQ/ED	512-239-0844
15. Elizabeth Flores	TCEQ/ED	512.239.6846
16. Stefanie Skogen	TCEQ/ED	(512) 239-0575
17. Kirk Lucas	TCEQ ADK	512-239-0687
18. [Handwritten]	[Handwritten]	[Handwritten]



Protecting Texas
by Reducing and
Preventing Pollution

FAX TRANSMITTAL

DATE: January 28, 2009

NUMBER OF PAGES (including this cover sheet).

7

TO: Name see Fax Service List below

Organization _____

FAX Number _____

FROM: TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Name Kyle Lucas

Division/Region ADR Program, Office of General Counsel

Telephone Number 512 239-0687

FAX Number 512-239-4015

NOTES:

re: **Community Utility Company; Water Rate/Tariff Change re. CCN No. 10350**
TCEQ Docket No. 2008-1463-UCR; SOAH Docket No. 582-09-0655

NOTICE OF SETTLEMENT

Fax Service List

Sharon Cloninger, ALJ	512/475-4994
Les Romo	512/863-0452
Ruth Takeda	512/239-0606
Heidi Graham	512/239-6190
Elizabeth Flores	512/239-6190

LaDonna Castañuela	<i>hand delivery</i>
Christina Mann	<i>hand delivery</i>
Linda Hall	<i>mail delivery only</i>
Royce Nichols	<i>mail delivery only</i>
Rex Faulk	<i>mail delivery only</i>
Tom Wysoki	<i>mail delivery only</i>
Mechelle Brazzell	<i>mail delivery only</i>
Rosetta Haynes	<i>mail delivery only</i>
Ralph Alley	<i>mail delivery only</i>



Buddy Garcia, *Chairman*
Larry R. Soward, *Commissioner*
Bryan W. Shaw, Ph.D., *Commissioner*
Mark R. Vickery, P.G., *Executive Director*

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

January 28, 2009

Sharon Cloninger, Administrative Law Judge
State Office of Administrative Hearings
P.O. Box 13025
Austin, Texas 78711-3025

Ms. LaDonna Castanuela
Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087


provided ORIGINAL via hand delivery

Re: **Community Utility Company, Water Rate/Tariff Change re. CCN No. 10350**
TCEQ Docket No. 2008-1463-UCR; SOAH Docket No. 582-09-0655

Ms. Castanuela and Judge Cloninger:

On behalf of the ADR Program of the TCEQ, I conducted a mediation on the above-referenced matter on January 21, 2009 in Houston. Enclosed please find the full and final negotiated settlement agreement reached at that meeting, along with a withdrawal form from the one protestant ratepayer who was not a party to the agreement. Should you have questions, please call me at 512/239-0687.

Sincerely,



Kyle Lucas, Attorney-Mediator
Alternative Dispute Resolution Program, Office of General Counsel
Texas Commission on Environmental Quality
P.O. Box 13087, MC-222
Austin, Texas 78711-3087
512/239-0687 FAX 512/239-4015

cc: attached ADR Mailing List
encl settlement agreement w/ attached withdrawal form; Brazzell withdrawal

Community Utility Company
Water Rate/Tariff Change re. CCN No. 10350
TCEQ Docket No. 2008-1463-UCR; SOAH Docket No. 582-09-0655

ADR MAILING LIST

Representing APPLICANT,
Community Utility Company:

Les Romo
Law Office of Les Romo
307 Shannon Lane
Georgetown, Texas 78628
512/868-5600 FAX 512/863-0452

FOR THE EXECUTIVE DIRECTOR:

Ruth Takeda, Staff Attorney
TCEQ Environmental Law Div., MC-173
P. O. Box 13087
Austin, Texas 78711-3087
512/239-6635 FAX 512/239-0606

Heidi Graham, Elizabeth Flores
TCEQ Water Utility Division, MC-153
P.O. Box 13087
Austin, Texas 78711-3087
FAX 512/239-6190

FOR PUBLIC INTEREST COUNSEL

Christina Mann, Staff Attorney
TCEQ Public Interest Counsel, MC-103
P. O. Box 13087
Austin, Texas 78711-3087
512/239-4014 FAX 512/239-6377

FOR THE CHIEF CLERK, TCEQ

LaDonna Castañuela
TCEQ Chief Clerk's Office, MC-105
P.O. Box 13087
Austin, Texas 78711-3087

SOAH

Sharon Cloninger, Admin Law Judge
State Office of Administrative Hearings
P.O. Box 13025
Austin, Texas 78711-3025
FAX 512/475-4994

PROTESTANT Ratepayers:

Representing Sweet Gum

Linda Hall
33311 Sweet Gum Lane
Magnolia, Texas 77354
281/935-5914

Representing Forest Manor

Royce Nichols
23306 Fantasia
Huffman, Texas 77336
281/324-1448

Rex Faulk

1810 Hickory Manor
Huffman, Texas 77336
281/324-2561

Representing Heathergate

Tom Wysoki
20603 Berry Thicket
Crosby, Texas 77532
713/924-7086

Mechelle Brazzell (withdrawn)

502 Heathergate Lane
Crosby, Texas 77532
832/473-5334

Rosetta Haynes

20608 Berry Thicket
Crosby, Texas 77532
281/324-6559

Ralph Alley

402 Indian Shores Rd.
Crosby, Texas 77532
281/324-2908

SOAH Docket No. 582-09-0655
TCEQ Docket No. 2008-1463-UCR

IN RE: APPLICATION BY COMMUNITY § BEFORE THE
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UTILITY COMPANY FOR WATER RATE/§
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E. In consideration of the provisions listed above and actions to be taken by Applicant, Protestants hereby agree to withdraw their hearing requests filed on this matter and withdraw as protesting parties to the above-cited SOAH docketed hearing (Withdrawal form attached and labeled as "Attachment 1").

Mitchell M. Martin, Jr. Mitchell M. Martin, Jr. Jan 21st 2009
Applicant Representative [print name] Date

Linda Hall _____ 1-21-09
Linda Hall, Protestant Date

Royce Nichols _____ 1/21/09
Royce Nichols, Protestant Date

Rex Faulk _____ 1-21-09
Rex Faulk, Protestant Date

Tom Wysoki _____ 1-21-09
Tom Wysoki, Protestant Date

Rosetta Haynes _____ 1-21-09
Rosetta Haynes, Protestant Date

Ralph Alley _____ 1-24-09
Ralph Alley, Protestant Date

Ruth A. Takeda Ruth A. Takeda 01-21-2009
For the Executive Director, witness [print name] Date
only

Sharon Cloninger, Administrative Law Judge
State Office of Administrative Hearings
P.O. Box 13025
Austin, Texas 78711-3025

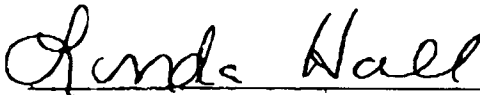
Ms. LaDoma Castanuela
TCEQ Office of the Chief Clerk, MC-105
P.O. Box 13087
Austin, Texas 78711-3087

Re: **Community Utility Company; Water Rate/Tariff Change re. CCN No. 10350**
TCEQ Docket No. 2008-1463-UCR; SOAH Docket No. 582-09-0655

Judge Cloninger and Ms. Castanuela,

We no longer wish to protest this application. Accordingly, we hereby withdraw our hearing requests filed on the above-referenced matter and withdraw as parties to the cited SOAH docket.

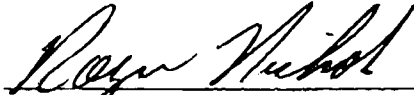
Sincerely,



Linda Hall, Protestant

1-21-09

Date



Royce Nichols, Protestant

1/21/09

Date



Rex Faulk, Protestant

1-21-09

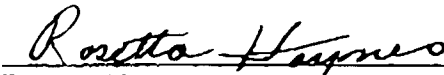
Date



Tom Wyeoki, Protestant

1-21-09

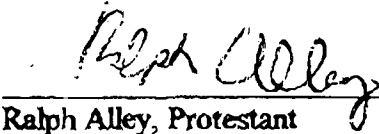
Date



Rosetta Haynes, Protestant

1-21-09

Date



Ralph Alley, Protestant

1-24-09

Date

Attachment 1

Sharon Cloninger, Administrative Law Judge
State Office of Administrative Hearings
P.O. Box 13025
Austin, Texas 78711-3025

Re: **Community Utility Company**; Water Rate/Tariff Change re. CCN No. 10350
TCEQ Docket No. 2008-1463-UCR; SOAH Docket No. 582-09-0655

Judge Cloninger,

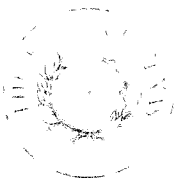
Due to difficulty in continuing my participation in this matter, I hereby withdraw my hearing request filed on the above-referenced matter and withdraw as a party to the cited SOAH docket.

Sincerely,


Mechelle Brazzell, Protestants

1-7-09
Date

Buddy Garcia, *Chairman*
Larry R. Soward, *Commissioner*
Bryan W. Shaw, Ph.D., *Commissioner*
Mark R. Vickery, P.G., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

January 15, 2009

To: ADR Participants
Re: **Community Utility Company**; Water Rate/Tariff Change re. CCN No. 10350
TCEQ Docket No. 2008-1463-UCR; SOAH Docket No. 582-09-0655

With the consent of the identified parties, I have scheduled a mediation meeting on the above-referenced matter. The meeting details are as follows:

Wednesday, January 21, 2009; 9:30 a.m.
State Office of Administrative Hearings, Houston Office, Hearing Room No. 4
The Preserve at North Loop
2020 N. Loop (610) West, Suite 111
(west-bound service road of 610 betw TC Jester and Ella Blvd - see directions on p. 4)
Houston, Texas 77018
phone number - 713/957-0010 (contact person - Judy Hardin)

Mediation meetings are not public meetings. Attendance is restricted to the designated named parties to this matter (see attached mail list), their representatives and those consultants who are necessary to assist the parties in making decisions during negotiations. ***The mediator cannot allow other non-party individuals to attend, unless by prior unanimous agreement of all parties.***

Because mediation involves efforts to negotiate a resolution of a legal dispute, in order to encourage all participants to be completely open and frank in their discussions, all communications made by participants during and leading up to a mediation meeting are, by law, to be kept confidential, and cannot be disclosed to outside persons. Each person attending the mediation, including the mediator, is bound by state law and agency regulation not to discuss the substance of the discussions with anyone not present at the talks, and I shall ask for an oral affirmation from every participant at the outset of our meeting that this important prohibition is understood and will be honored. One notable exception to this confidentiality rule concerns information disclosed during the mediation meeting which may be obtained from sources outside the mediation, legally referred to as "independently discoverable". I will discuss the issue of confidentiality in greater detail at the

Assuming an agreement is reached, the terms of that agreement may be included in a written settlement agreement document and signed by the participants or their representatives at the conclusion of the meeting. **Thus it is imperative that each party or representative attend with the authority to negotiate and enter a binding agreement on behalf of yourself or your respective client. If you believe you may need a lawyer or other consultant to review any agreement before signing, then please ensure that those persons are in attendance.**

In accordance with confidentiality rules, please be aware that notes taken by participants during the mediation will be collected and destroyed by the mediator at the end of the session, assuming no agreement is reached. **Experience has shown that mediation meetings can last well into the late afternoon/evening, so please plan accordingly.** Should you have questions, please do not hesitate to call me at 512/239-0687.

Sincerely,



Kyle Lucas, Attorney-Mediator

Alternative Dispute Resolution Program, Office of General Counsel

Texas Commission on Environmental Quality

P.O. Box 13087, MC-222

Austin, Texas 78711-3087

512/239-0687 FAX 512/239-4015

email: klucas@tceq.state.tx.us

cc: Attached ADR Mailing List

Community Utility Company
Water Rate/Tariff Change re. CCN No. 10350
TCEQ Docket No. 2008-1463-UCR; SOAH Docket No. 582-09-0655

ADR MAILING LIST

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