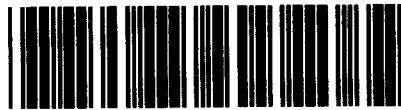




Control Number: 44052



Item Number: 13

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

SOAH DOCKET NO. 582-11-0685
TCEQ DOCKET NO. 2010-1540-UCR

RECEIVED
2015 JAN -5 AM 7:19

APPLICATION OF THE CITY OF
JARRELL TO DECERTIFY A
PORTION OF ITS CERTIFICATE OF
CONVEIENCE AND NCESSITY (CCN)
NO. 10002 FROM JARRELL
SCHWERTNER WATER SUPPLY
CORPORATION IN WILLIAMSON
COUNTY, TEXAS

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BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

**ORDER NO. 1
ESTABLISHING PREHEARING SCHEDULE AND PROCEDURES;
NOTICE OF HEARING;
AND REFERRAL TO SOAH MEDIATION**

On October 25, 2010, Administrative Law Judge (ALJ) Lilo D. Pomerleau convened a preliminary hearing. The following parties entered an appearance and were named as parties.¹

Party	Representative
City of Jarrell (Applicant)	Kerry E. Russell
Jarrell-Schwertner Water Supply Corporation	Patricia Coy
Jarrell Town Center, Ltd.	Troy Bradshaw
Executive Director (ED) of the Texas Commission on Environmental Quality (TCEQ)	Dinniah C. Tadema

The ED offered Exhibits ED-A through ED-D, which were admitted without objection to establish notice and jurisdiction. The ALJ finds that the Commission has jurisdiction to consider this application and that a State Office of Administrative Hearings (SOAH) ALJ has jurisdiction to hold a contested case hearing on the petition and issue a Proposal for Decision (PFD).

I. SCHEDULE

The following schedule was submitted by the parties and shall apply to this proceeding:

¹ Additionally, the ALJ notes that the Office of the Public Interest Council is also a statutory party.

DATE	ACTIVITY
October 25, 2010	Discovery Begins
December 17, 2010	Last day to propound written discovery; 30 days for responses
January 28, 2011	Applicant to prefile their direct cases, including all exhibits
February 18, 2011	Protestants to prefile their direct cases, including all exhibits
March 11, 2011	Executive Director to prefile his direct cases, including all exhibits
April 1, 2011	Depositions End
April 15, 2011	Written Objections to all direct cases due
April 29, 2011	Responses to objections to all direct cases due
May 6, 2011	Prehearing telephone conference
May 10-11, 2011	Hearing on the Merits
June 10, 2011	Closing Arguments Due
June 24, 2011	Replies to Closing Arguments Due; Record Closes

The hearing on the merits of the application will be held at 10:00 a.m., on May 10, 2011, at the SOAH hearing facility in the William P. Clements Building, 4th Floor, 300 West 15th Street, Austin, Texas. The parties estimate the hearing may last two days.

Because the hearing will last two days, Applicant should secure a court reporter.

II. PROCEDURES

If this matter proceeds to hearing, the parties shall comply with the procedures set forth below:

A. Discovery

Parties are free to make whatever discovery agreements suit them, but note that only those agreements that are committed to writing, signed by both parties and filed in this case are relevant and enforceable if the ALJ is called upon to resolve a dispute related to such an agreement. Parties' agreements cannot alter substantive schedule deadlines set in this or any order. If requested, it is expected that counsel can and will cooperate to make witnesses available for depositions at reasonable times and places by agreement. If agreement cannot be reached, then the parties may proceed under 30 TEX. ADMIN. CODE § 80.153.

B. Exhibits

All exhibits consisting of two or more pages must have consecutive numbering shown on each page for ease and clarity of reference and must be stapled, clipped or in a notebook form to keep all pages together. Please attempt to conform the exhibits to the requirements in the rule. 30 TEX. ADMIN. CODE § 80.127(d)(1).

Parties shall prepare a separate set, labeled and indexed, of their direct case exhibits and provide this set to the court reporter at the start of the hearing. This is the official **record set** of the evidence. The record set should contain any pertinent originals and/or certified copies of exhibits. It is not necessary to provide certified copies of documents in the exhibit sets provided to the opposing party and the ALJ if it is sufficiently clear on their copy that the exhibit in the record set is certified.

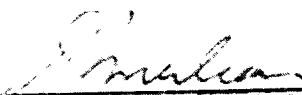
III. REFERRAL TO MEDIATION

At the preliminary hearing, the parties requested that this case be referred to mediation. This request is **GRANTED**.

IT IS, THEREFORE, ORDERED:

1. This case is hereby referred to SOAH's Alternative Dispute Resolution Team Leader, Judge Renee M. Rusch, for appointment of a mediator and a period of mediation. With the issuance of this Order, the official file in this case is transferred to Judge Rusch.
2. The mediator will schedule the mediation to take place on November 17, 2010.
3. The case shall be returned to the presiding ALJ on or before November 19, 2010, unless extended by order of the undersigned presiding ALJ upon proper motion by one or more parties.
4. The parties are ordered to appear at the mediation with a party representative (in addition to the attorney) who has full settlement authority for this matter.

SIGNED November 2, 2010.



LILLO D. POMERLEAU
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS

STATE OFFICE OF ADMINISTRATIVE HEARINGS

AUSTIN OFFICE
300 West 15th Street Suite 502
Austin, Texas 78701
Phone: (512) 475-4993
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SERVICE LIST

AGENCY: Environmental Quality, Texas Commission on (TCEQ)
STYLE/CASE: CITY OF JARRELL
SOAH DOCKET NUMBER: 582-11-0685
REFERRING AGENCY CASE: 2010-1540-UCR

**STATE OFFICE OF ADMINISTRATIVE
HEARINGS**

ADMINISTRATIVE LAW JUDGE
ALJ LILO D. POMERLEAU

REPRESENTATIVE / ADDRESS

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xc: Docket Clerk, State Office of Administrative Hearings

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582-11-0685

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TEXAS COMMISSION
ON ENVIRONMENTAL QUALITY[eFiling Search](#) [eFiling Home](#) [TCEQ Home](#)**Thank you for filing your document on this pending docket number.**

You will receive an e-mail confirmation showing exactly what was filed and your filing confirmation number 626298092010306 that you can print for your records.

Please Remember: Documents to be considered at a Commission meeting:

- For documents of 20 pages or less (including cover letter, mailing list, and attachments) there is no need to provide hard copies to the Office of the Chief Clerk.
- For documents more than 20 pages, please also file 7 copies with the Office of the Chief Clerk by the required deadline pursuant to 30 TAC Section 1.10(d). Please include the confirmation number you receive after you submit your document to this system.

Documents to be considered by the State Office of Administrative Hearings (SOAH):

A copy of all filings related to a case pending at the SOAH must also be served on the SOAH Administrative Law Judge and the other party representatives in that proceeding.

If you do not receive an email confirmation within 24 hours, we may not have received your filing. Please note, successful submittal of your electronic filings does not guarantee that they are timely filed. If you have any questions, call the Office of the Chief Clerk at 512-239-3300.

To report problems with the e-Filings system contact chiefclk@tceq.state.tx.us

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Last Modified 12/4/08

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Norma Lopez

From: donotreply@tceq.state.tx.us
Sent: Tuesday, November 02, 2010 8:17 AM
To: Norma Lopez
Subject: TCEQ Confirmation: Your Filing on Permit Number/Docket Number 2010-1540-UCR was received.

Attachments: ORDER NO. 1.pdf

FILING CONFIRMATION NUMBER 626298092010306

REGULATED ENTITY NAME CITY OF JARRELL

RN NUMBER: RN105962666

PERMIT NUMBER: A1925

DOCKET NUMBER: 2010-1540-UCR

COUNTY: WILLIAMSON

PRINCIPAL NAME: CITY OF JARRELL

CN NUMBER: CN602777716

FROM

NAME: LILO POMERLEAU

E-MAIL: norma.lopez@soah.state.tx.us

COMPANY: SOAH

ADDRESS: PO BOX 13025
AUSTIN TX78711-3025

PHONE:

DOCUMENT NAME: ORDER NO. 1.pdf

Based on 30 TAC Section 1.10(h), the TCEQ General Counsel has waived the filing requirements of Section 1.10(c) to allow the filing of documents using this online system. The General Counsel also has waived the requirements of Section 1.10(e) so that the time of filing your documents is the time this online system receives your filings. Filings are considered timely if received by close of business (usually 5:00 p.m. CST) on the deadline date unless otherwise ordered. If your document is 20 pages or less (including cover letter, mailing list, and attachments) and it is for Commission consideration at an open meeting, the General Counsel has also waived the requirement of Section 1.10(d) to file paper copies with the Office of the Chief Clerk.

11/02/2010



Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

TO: LaDonna Castanuela, Chief Clerk

DATE: September 14, 2010

THRU: *9/16/10*
Tammy Benter, Manager
Utilities & Districts Section
Water Supply Division

9/16/10
Lisa Fuentes, Team Leader
Utilities Financial Review Team
Water Supply Division

9/16/10
Vera Poe, P.E., Team Leader
Utilities Technical Review Team
Water Supply Division

FROM: *9/17/10*
John Lock, PE
Utilities Technical Review Team
Water Supply Division

SUBJECT: Application under Water Code Section 13.255 from the City of Jarrell, A1925, to decertify a portion of Certificate of Convenience and Necessity (CCN) No. 10002 from Jarrell Schwertner Water Supply Corporation (WSC) in Williamson County, Application No. 36697-C

TCEQ Docket # 2010-1540-UCR

CN: 602777716
CN: 600657803

RN: pending (City of Jarrell)
RN: 101457513 (Jarrell Schwertner WSC)

The Texas Commission on Environmental Quality (TCEQ) received this application on May 13, 2010 and accepted it for filing on July 19, 2010. The application was filed by the City of Jarrell to take over its retail water service area located within the corporate limits of the City of Jarrell pursuant to Texas Water Code 13.255.

We hereby transfer the official file for the above application to the Chief Clerk's Office. Please refer this application to the State Office of Administrative Hearings and request that a hearing be scheduled. We estimate that approximately 10 people could attend the preliminary hearing in this matter. Enclosed is a mailing list.

The staffs assigned to this case are:

Technical- John Lock, P.E.

Legal -

If we may be of further service regarding this matter, please call.

Tammy Benter
Lisa Fuentes, Team Leader
9/17/10
TB/JL/lh

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
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