

Control Number: 44069



Item Number: 11

Addendum StartPage: 0

House Bill (HB) 1600 and Senate Bill (SB) 567 83<sup>rd</sup>  
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

RECEIVED

SOAH DOCKET NO. 582-06-1697  
TCEQ DOCKET NO. 2005-2092-U005 JAN -6 PM 3:33

CITY OF COLLEGE STATION'S §  
APPLICATION TO AMEND §  
SEWER CERTIFICATE OF §  
CONVENIENCE AND NECESSITY §  
IN BRAZOS COUNTY §

BEFORE THE STATE OFFICE  
OF  
ADMINISTRATIVE HEARINGS

**STATUS REPORT AND UNOPPOSED  
MOTION TO EXTEND ABATEMENT PERIOD**

TO THE HONORABLE ADMINISTRATIVE LAW JUDGE:

The City of College Station ("College Station" or "City") files this Status Report and Unopposed Motion to Extend Abatement Period.

**INTRODUCTION**

In Order No. 24, the last Order issued in this docket, the ALJ requested the College Station submit a status report. Settlement efforts are ongoing and the parties request further abatement of the schedule in an attempt to settle the matter.

**BACKGROUND**

This docket has been abated with a 30-day status report due as the parties attempt to settle the case. The last report was filed on July 15, 2009, and the ALJ continued the abatement period 30 days with a status report due on August 14, 2009.

**STATUS REPORT**

College Station City Council met on July 23, 2009 to consider revisions in the draft Settlement Agreement proposed by Wellborn Special Utility District's ("Wellborn"). As a result of the July 23, 2009 meeting, the City will propose modifications to its pending CCN application as a different settlement approach to resolve the contested docket. City staff is working on a

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY  
2009 AUG 17 AM 10:48  
CHIEF CLERKS OFFICE

revised drawing of its CCN and will likely have it available for the parties review in the next 10 days.

**MOTION FOR EXTENSION OF ABATEMENT AND CONCLUSION**

College Station requests a thirty day abatement to work on settlement. Under this proposal, College Station will submit a status report to the ALJ on or before September 14, 2009. Counsel for College Station has conferred with Leonard Dougal, counsel for Wellborn, Mark Zeppa, counsel for MSH, and Kayla Murray, counsel for the Executive Director. All parties concur with this request for a thirty day abatement.

Respectfully submitted,

BICKERSTAFF HEATH DELGADO ACOSTA LLP  
816 Congress Avenue, Suite 1700  
Austin, TX 78701  
Tel: (512) 472-8021  
Fax: (512) 320-5638

By: *Bill Dugat III*  
William D. Dugat III  
State Bar No. 06173600

ATTORNEYS FOR COLLEGE STATION

2009 AUG 17 AM 10:48  
CHIEF CLERKS OFFICE  
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

**CERTIFICATE OF SERVICE**

By my signature below, I hereby certify that on this 14<sup>th</sup> day of August, 2009, a true and complete copy of the foregoing was sent to the following by facsimile, overnight delivery, or by first class mail:

<b>Parties</b>	<b>Representative / Address</b>	<b>Phone</b>
TCEQ Executive Director	Kayla Murray, Staff Attorney TCEQ, MC-175 P.O. Box 13087 Austin, TX 78711-3087	Tel: (512) 239-0600 Fax: (512) 239-0606
Office of Public Interest Counsel	Blas J. Coy, OPIC TCEQ, MC-103 P.O. Box 13087 Austin, TX 78711-3087	Tel: (512) 239-6363 Fax: (512) 239-6377
Wellborn Special Utility District	Leonard Dougal Jackson Walker, L.L.P. 100 Congress Avenue, Suite 1100 Austin, TX 78701	Tel: (512) 236-2000 Fax: (512) 236-2002
Main Street Homes-CS	Mark Zeppa Law Offices of Mark H. Zeppa, P.C. 4833 Spicewood Springs Road Suite 202 Austin, TX 78759-8436	Tel: (512) 346-4011 Fax: (512) 346-6847
The Honorable Lilo D. Pomerleau Administrative Law Judge	SOAH 300 W. 15 <sup>th</sup> Street, Ste. 504 Austin, TX 78711-3025	Tel: (512) 475-4993 Fax: (512) 475-4994
Office of the Chief Clerk	TCEQ P.O. Box 13087 (MC-105) Austin, TX 78711-3087	Tel: (512) 239-3000 Fax: (512) 239-3311

\_\_\_\_\_  
William D. Dugat III

CHIEF CLERKS OFFICE

2009 AUG 17 AM 10: 48

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY



PITNEY BOWES  
02 1P \$ 001.39<sup>0</sup>  
0003842495 AUG 14 2009  
MAILED FROM ZIP CODE 78701

Costa LLP

105  
mental Quality



# Bickerstaff Heath Delgado Acosta LLP

816 Congress Avenue Suite 1700 Austin, Texas 78701 (512) 472-8021 Fax (512) 320-5638 www.bickerstaff.com

August 14, 2009

VIA FACSIMILE AND U.S. MAIL

La Donna Castañuela  
Office of the Chief Clerk - MC 105  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, TX 78711-3087

CHIEF CLERKS OFFICE

2009 AUG 17 AM 10:48

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

Re: SOAH Docket No. 582-06-1697; TCEQ Docket No. 2005-2092-UCR; *City of College Station's Application to Amend Sewer Certificate of Convenience and Necessity in Brazos County*

Dear Ms. Castañuela:

Enclosed for filing is an original and one copy of the Status Report and Unopposed Motion to Extend Abatement Period in connection with the above-referenced matter. Please file the original and have the copy filed-stamped and returned to me in the enclosed self-addressed, stamped envelope.

Should you have questions or need to reach me, please call (512) 472-8021.

Sincerely,



William D. Dugat III

WDD/dfb  
Enclosures

cc: The Honorable Lilo D. Pomerleau (*via facsimile only*)  
Administrative Law Judge

All Parties of Record (*via facsimile and/or mail*)

# Bickerstaff Heath Delgado Acosta LLP

816 Congress Avenue Suite 1700 Austin, Texas 78701 (512) 472-8021 Fax (512) 320-5638 www.bickerstaff.com

August 14, 2009

VIA FACSIMILE ONLY

The Honorable Lilo D. Pomerleau  
Administrative Law Judge  
State Office of Administrative Hearings  
300 W. 15<sup>th</sup> Street, Suite 504  
Austin, TX 78711-3025

Re: SOAH Docket No. 582-06-1697; TCEQ Docket No. 2005-2092-UC *City of College Station's Application to Amend Sewer Certificate of Convenience and Necessity in Brazos County*

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY  
2009 AUG 17 AM 10:48  
CHIEF CLERK'S OFFICE

Dear Judge Pomerleau:

Enclosed is a copy of the Status Report and Unopposed Motion to Extend Abatement Period in connection with the above-referenced matter. The original is being filed with the TCEQ and a copy is being served on each of the parties.

Should you have questions or need to reach me, please call (512) 472-8021.

Sincerely,



William D. Dugat III

WDD/dfb  
Enclosure

cc: All Parties of Record (*via facsimile and/or mail*)

# Bickerstaff Heath Delgado Acosta LLP

816 Congress Avenue Suite 1700 Austin, Texas 78701 (512) 472-8021 Fax (512) 320-6638 www.bickerstaff.com

August 14, 2009

VIA FACSIMILE AND U.S. MAIL

La Donna Castañuela  
Office of the Chief Clerk - MC 105  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, TX 78711-3087

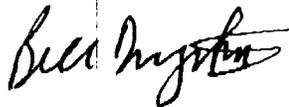
Re: SOAH Docket No. 582-06-1697; TCEQ Docket No. 2005-2092-UCR; *City of College Station's Application to Amend Sewer Certificate of Convenience and Necessity in Brazos County*

Dear Ms. Castañuela:

Enclosed for filing is an original and one copy of the Status Report and Unopposed Motion to Extend Abatement Period in connection with the above-referenced matter. Please file the original and have the copy filed-stamped and returned to me in the enclosed self-addressed, stamped envelope.

Should you have questions or need to reach me, please call (512) 472-8021.

Sincerely,



William D. Dugat III

WDD/dfb  
Enclosures

cc: The Honorable Lilo D. Pomerleau (via facsimile only)  
Administrative Law Judge

All Parties of Record (via facsimile and/or mail)

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY  
2009 AUG 14 AM 9:09  
CHIEF CLERKS OFFICE