



Control Number: 44069



Item Number: 19

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

RECEIVED

SOAH DOCKET NO. 582-06-1697
2015 JAN -6 PM 3:31 CEQ DOCKET NO. 2005-2092-UCR 2008 DEC 11 AM 10:02

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

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BEFORE THE STATE OFFICE
CHIEF CLERKS 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. 17, the last Order issued in this docket, the ALJ requested that 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 60-day status reports due as the parties attempt to settle the case. The last report was filed on October 10, 2008 and the ALJ continued the abatement period 60 days with a status report due on December 9, 2008.

STATUS REPORT

On September 30, 2008, College Station sent to the parties in this proceeding and to parties in a related proceeding, a written settlement agreement. College Station received general concurrence with Main Street Homes ("MSH") and Wellborn Special Utility District ("Wellborn") on the framework of the agreement and College Station is revising the agreement to address specific details and hopes to send the revised draft within the next two weeks. On

November 4, 2008, undersigned counsel sent a letter to counsel for Wellborn transmitting a drawing of the CCN area that College Station proposes to amend in this docket once settlement is finalized.

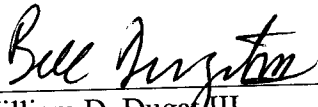
MOTION FOR EXTENSION OF ABATEMENT AND CONCLUSION

College Station requests continuation of an indefinite abatement with a requirement to report every 60 days. Under this proposal, College Station will submit a status report to the ALJ on or before February 9, 2009. Counsel for College Station has conferred with Leonard Dougal, counsel for Wellborn, Rick Jenkins of MSH and MSH's counsel, Mark Zeppa, and Kayla Murray, counsel for the Executive Director. All parties concur with this request.

Respectfully submitted,

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

By:



William D. Dugan III
State Bar No. 06173600

ATTORNEYS FOR COLLEGE STATION

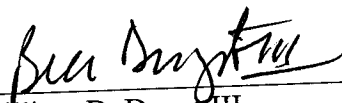
CERTIFICATE OF SERVICE

2008 DEC 11 AM 10:02

CHIEF CLERKS OFFICE

By my signature below, I hereby certify that on this 9th day of December, 2008, a true and complete copy of the foregoing was sent to the following by facsimile, overnight delivery, or by first class mail:

Parties	Representative / Address	Phone
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 th 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

Bickerstaff Heath Delgado Acosta LLP

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

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2008 DEC 11 AM 10:02

December 9, 2008

CHIEF CLERKS OFFICE

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/db
Enclosures

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

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

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The information contained in this facsimile is privileged & confidential. It is intended only for the use of the individual or entity named below. If you have received this transmission in error, please notify us by telephone collect and return it to us at the above address. Thank you.

DATE: December 9, 2008

CLIENT #: 1094.22

TELECOPIER COVER SHEET

Fax Number: (512) 320-5638

<u>Send To:</u>	<u>Confirmation No.</u>	<u>Facsimile No.</u>
Hon. Lilo D. Pomerleau	475-4993	475-4994
LaDonna Castanuela	239-3000	239-3311
Kayla Murray	239-0600	239-0606
Blas J. Coy	239-6363	239-6377
Leonard Dougal	236-2000	236-2002
Mark Zeppa	346-4011	346-6847

FROM: Bill Dugat
Return to Denise B.

TOTAL PAGES INCLUDING COVER SHEET: 6

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TELECOPIER OPERATOR: _____ TIME: _____ a.m./p.m.

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MESSAGE:

Please see attached.

CHIEF CLERKS OFFICE

2008 DEC -9 11:03

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