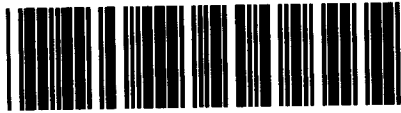




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Addendum StartPage: 0

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

44069

RECEIVED

SOAH DOCKET NO. 582-06-1697  
 TCEQ DOCKET NO. 2005-2092015 JAN -6 PM 3:35

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  
 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. 22, 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 a 30-day status report due as the parties attempt to settle the case. The last report was filed on May 15, 2009 and the ALJ continued the abatement period 30 days with a status report due on June 15, 2009.

**STATUS REPORT**

On June 3, 2009, counsel for Wellborn Special Utility District ("Wellborn") provided to College Station and Main Street Homes ("MSH") Wellborn's proposed revisions to the settlement agreement and accompanying exhibits, which the parties have been negotiating for an extended period. College Station is in the process of reviewing Wellborn's proposal and plans to provide a response to all parties within the next 30 days. College Station also is expecting to

hear from MSH regarding MSH's comments on Wellborn's proposed revisions as well as MSH's comments on revisions College Station sent to MSH on May 6, 2009.


**MOTION FOR EXTENSION OF ABATEMENT AND CONCLUSION**

College Station requests a thirty day abatement to work through the latest set of settlement agreement documents. Under this proposal, College Station will submit a status report to the ALJ on or before July 15, 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:

  
William D. Dugat III  
State Bar No. 06173600

**ATTORNEYS FOR COLLEGE STATION**

**CERTIFICATE OF SERVICE**

By my signature below, I hereby certify that on this 15<sup>th</sup> day of June, 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

**Bickerstaff Heath Delgado Acosta LLP***A Registered Limited Liability Partnership*

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<http://www.bickerstaff.com>

*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: June 15, 2009

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 Fregeolle-Burk

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Please see attached.

LP

# Bickerstaff Heath Delgado Acosta LLP

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

June 15, 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-UCR; *City of College Station's Application to Amend Sewer Certificate of Convenience and Necessity in Brazos County*

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/aa  
Enclosure

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