



Control Number: 44069



Item Number: 29

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
TCEQ DOCKET NO. 2005-2092-UCR

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PUBLIC UTILITY COMMISSION
FILING CLERK

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. 21, 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 April 9, 2009 and the ALJ continued the abatement period 30 days with a status report due on May 15, 2009.

STATUS REPORT

On April 15, 2009, undersigned counsel for College Station met with counsel for Main Street Homes ("MSH") to review MSH's proposed revisions to the draft settlement agreement. On May 6, 2009, College Station sent MSH and Wellborn Special Utility District ("Wellborn") a revised settlement agreement and accompanying exhibits. On the same date, counsel for College Station spoke with counsel for Wellborn regarding terms of the settlement agreement and

College Station was advised that Wellborn will be providing written comments on the agreement and attachments.

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 June 15, 2009. Counsel for College Station has conferred with Leonard Dougal, counsel for Wellborn, Rick Jenkins of 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 II
State Bar No. 06173600

ATTORNEYS FOR COLLEGE STATION

CERTIFICATE OF SERVICE

By my signature below, I hereby certify that on this 15th day of May, 2009, 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


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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: May 15, 2009

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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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LP

Bickerstaff Heath Delgado Acosta LLP

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May 15, 2009

VIA FACSIMILE ONLY

The Honorable Lilo D. Pomerleau
Administrative Law Judge
State Office of Administrative Hearings
300 W. 15th 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/db
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) 320-5638 www.bickerstaff.com

May 15, 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/db
Enclosures

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

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