



Control Number: 44069



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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

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SOAH DOCKET NO. 582-06-1697  
TCEQ DOCKET NO. 2005-2092-UCR PUBLIC UTILITY COMMISSION  
FILING CLERK

CITY OF COLLEGE STATION'S § BEFORE THE STATE OFFICE  
APPLICATION TO AMEND §  
SEWER CERTIFICATE OF § OF  
CONVENIENCE AND NECESSITY §  
IN BRAZOS COUNTY § 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.15, 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 June 10, 2008 and the ALJ continued the abatement period 60 days with a status report due on August 11, 2008.

**STATUS REPORT**

On August 6, 2008, College Station sent to the parties in this proceeding and to parties in a related proceeding, a comprehensive settlement proposal outline which summarizes the ongoing negotiations. College Station is seeking concurrence with the position expressed in the outline and, once the parties agree with the points in the proposal, the parties will document the points with a settlement agreement. Under the proposal sent by the City, the City would acquire

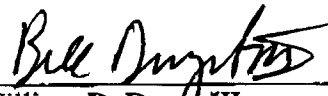
its CCN and additional service territory sought by Wellborn Special Utility District ("Wellborn") in the subdivision developed by Main Street Homes ("MSH"), the wastewater treatment plant ("WWTP") operated by Wellborn would be taken offline and effluent from the MSH subdivision would be sent to a City lift station. This would require the City to obtain easements and construct a force main. The City is moving forward with surveying the easement for the force main.

**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 October 10, 2008. 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.

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. Dugot III  
State Bar No. 06173600

**ATTORNEYS FOR COLLEGE STATION**

**CERTIFICATE OF SERVICE**

By my signature below, I hereby certify that on this 11<sup>th</sup> day of August, 2008, 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. Dugan III

# **Bickerstaff Heath Delgado Acosta LLP**

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DATE: August 11, 2008

CLIENT #: 1094.22

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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  
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### **MESSAGE:**

Please see attached.

# Bickerstaff Heath Delgado Acosta LLP

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August 11, 2008

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/db  
Enclosure

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