



Control Number: 44069



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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

44869

RECEIVED

SOAH DOCKET NO. 582-06-1697
TCEQ DOCKET NO. 2005-2092-UCR

2015 JAN -6 PM 3:36

CITY OF COLLEGE STATION'S
APPLICATION TO AMEND
SEWER CERTIFICATE OF
CONVENIENCE AND NECESSITY
IN BRAZOS COUNTY§
§
§
§
§BEFORE THE STATE OFFICE
FILING CLERK

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.14, 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 April 7, 2008 and the ALJ continued the abatement period 60 days with a status report due on June 10, 2008.

STATUS REPORT

As reported in April, the City is pursuing two options for settlement. One option is to amend the City's application to delete areas proposed by Wellborn Special Utility District ("WSUD"). The City's planning department has evaluated WSUD's proposal and the City's Planning and Development Services Director will brief the College Station City Council in

executive session on June 12, 2008 regarding a potential new CCN map, which would form the basis of a response to Wellborn's proposal.

College Station is also pursuing an alternative settlement option where it will take over the wastewater treatment plant ("WWTP") owned by Main Street Homes ("MSH") and operated by WSUD and resolve the CCN dispute at the same time. This alternative requires satisfying concerns of landowners downstream from the WWTP who are in litigation with MSH. The City is working with the downstream landowners' proposal to send effluent from the WWTP to a City lift station. This would require the City to obtain easements and construct a force main. The City is going through the budgeting process to obtain fiscal approval to build a force main. If the project survives the budgeting process, then this alternative is favored.

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 August 11, 2008. Counsel for College Station has conferred with Leonard Dougal, counsel for WSUD, 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. Dugat III
State Bar No. 06173600

ATTORNEYS FOR COLLEGE STATION

CERTIFICATE OF SERVICE

By my signature below, I hereby certify that on this 10th day of June, 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) 346-2817
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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DATE: June 10, 2008

CLIENT #: 1094.22

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Fax Number: (512) 320-5638

Send To:Confirmation No.Facsimile No.

Hon. Lilo D. Pomerleau

475-4993

475-4994

LaDonna Castanuela

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Leonard Dougal

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Mark Zeppa

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FROM: Bill Dugat*Return to Denise B.***TOTAL PAGES INCLUDING COVER SHEET:** 6☐ ORIGINAL WILL FOLLOW VIA U.S. MAIL☐ ORIGINAL WILL NOT FOLLOW

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Please see attached.

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June 10, 2008

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*)

Bickerstaff Heath Delgado Acosta LLP

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June 10, 2008

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*)