



Control Number: 44069



Item Number: 37

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

44069

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

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2015 JAN -6 PM 3:36
SOAH DOCKET NO. 582-06-1697
TEQ DOCKET NO. 2005-2092-UCR

2009 MAY 19 AM 9:45

PUBLIC UTILITY COMMISSION
CITY OF COLLEGE STATION'S § BEFORE THE STATE OFFICE
APPLICATION TO AMEND § CHIEF CLERKS OFFICE
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. 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:



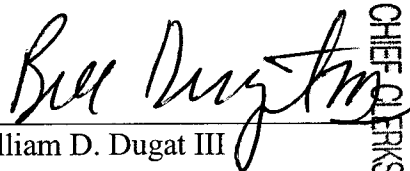
William D. Dugat III
State Bar No. 06173600

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 |



William D. Dugat III

CHIEF CLERKS OFFICE

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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

CHIEF CLERKS OFFICE

2009 MAY 19 AM 9:45

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

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*)