



Control Number: 44069



Item Number: 3

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

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CHIEF CLERKS OFFICE

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

APPLICATION OF THE CITY OF
COLLEGE STATION TO AMEND
SEWER CERTIFICATES OF
CONVENIENCE AND NECESSITY IN
BRAZOS COUNTY

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BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

SOAH DOCKET NO. 582-07-1251
TCEQ DOCKET NO. 2006-1664-UCR

APPLICATION OF WELLBORN
SPECIAL UTILITY DISTRICT AND
MAIN STREET HOMES TO OBTAIN
A SEWER CERTIFICATE OF
CONVENIENCE AND NECESSITY
IN BRAZOS COUNTY, TEXAS;
(APPLICATION NO. 35206-C)

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BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

JOINT MOTION TO WITHDRAW PROTESTS AND REMAND

TO THE HONORABLE ADMINISTRATIVE LAW JUDGES:

The City of College Station ("City"), and Wellborn Special Utility District ("WSUD"), and Main Street Homes ("MSH") file this Joint Motion to Withdraw Protests and Remand, and in support thereof shows the following:

Background

The City filed with the Texas Commission on Environmental Quality ("TCEQ") an application to amend CCN No. 20126 ("College Station Application") to certificate an area within its city limits and extraterritorial jurisdiction. Wellborn and MSH filed with the TCEQ a joint application for a sewer CCN (the "Joint Application") to serve the Meadow Creek Subdivision, which is a subdivision owned and developed by MSH. The College Station

Subdivision, which is a subdivision owned and developed by MSH. The College Station Application and the Joint Application overlap in area. Wellborn and MSH filed with the TCEQ protests of the approval of the College Station Application. College Station filed with the TCEQ a protest of the approval of the Joint Application. The College Station Application has been docketed as TCEQ Docket No. 2005-2092-UCR and SOAH Docket No. 582-06-1697 ("College Station Docket"). The Joint Application has been docketed as TCEQ Docket No. 2006-1664-UCR and SOAH Docket No. 582-07-1251 ("Joint Docket").

The City, Wellborn, and MSH have reached an agreement that resolves the dispute between the parties. Under the terms of the Settlement Agreement, College Station has excluded area, including the Meadow Creek Subdivision, from the College Station Application and withdraws its protest of the Joint Application, and Wellborn and MSH withdraw their protest of the College Station Application.

Withdrawal of Protests


Wellborn and MSH withdraw their protests of the College Station Application and each is withdrawing as a party to the College Station Docket. College Station withdraws its protest of the Joint Application and is withdrawing as a party to the Joint Docket.

Motion to Remand

College Station requests the ALJ remand the Amended College Station Application to the Executive Director of TCEQ for an agreed or uncontested order granting the Amended College Station Application. Wellborn and MSH request the ALJ remand the Joint Application to the Executive Director of TCEQ for an agreed or uncontested order granting the Joint Application.

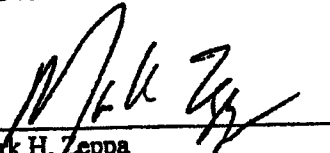
Respectfully submitted,

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By: 
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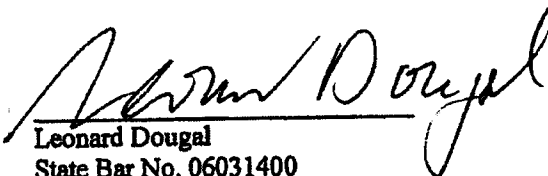
ATTORNEYS FOR COLLEGE STATION

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Ali Abazari
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ATTORNEYS FOR WELLBORN SPECIAL
UTILITY DISTRICT

CERTIFICATE OF SERVICE

By my signature below, I hereby certify that on this 13th day of November, 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
	Ross Henderson, Staff Attorney TCEQ, MC-175 P.O. Box 13087 Austin, TX 78711-3087	Tel: (512) 239-6257 Fax: (512) 239-0606
	Stephanie Skogen, Staff Attorney TCEQ, MC-175 P.O. Box 13087 Austin, TX 78711-3087	Tel: (512) 239-0575 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
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
The Honorable Thomas H. Walston 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
Brazos County	Tina Snelling Brazos County Courthouse 300 E. 26 th Street, Suite 325 Bryan, TX 77803	Fax: (979) 361-4357


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COMMISSION
ON ENVIRONMENTAL
QUALITY
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