



Control Number: 44069



Item Number: 41

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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SOAH DOCKET NO. 582-06-1697 2015 JAN -7 AM 9:35
TCEQ DOCKET NO. 2005-2092-UCR

PUBLIC UTILITY COMMISSION
FILING CLERK

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

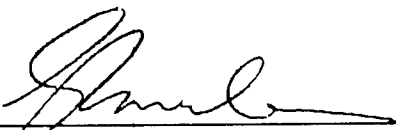
ORDER NO. 10

GRANTING REQUEST FOR ADDITIONAL ABATEMENT

On August 29, 2007, the City of College Station (College Station or Applicant) timely filed a status report requesting that the abatement period in this case be continued. The parties participated in mediation but the dispute was not resolved. However, a new settlement offer has been proffered and College Station requests additional time for the party to consider this offer.

Applicant's request for an additional abatement period has merit and is GRANTED. College Station shall file a status report on or before October 5, 2007. If a settlement of all contested issues cannot be reached, Applicant may submit a revised schedule or three proposed dates for a prehearing conference.

SIGNED September 6, 2007.



LILLO D. POMERLEAU
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS

STATE OFFICE OF ADMINISTRATIVE HEARINGS

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AGENCY: Environmental Quality, Texas Commission on (TCEQ)
STYLE/CASE: CITY OF COLLEGE STATION
SOAH DOCKET NUMBER: 582-06-1697
REFERRING AGENCY CASE: 2005-2092-UCR

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ALJ LILO D. POMERLEAU

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REGARDING:

ORDER NO. 10 - GRANTING REQUEST FOR ADDITIONAL ABATEMENT

DOCKET NUMBER:

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

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.

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2007 OCT -5 PM 2:21
CHIEF CLERKS OFFICE

INTRODUCTION

In Order No.10, the last Order issued in this Docket, the ALJ requested that College Station submit a revised schedule or three dates for a prehearing conference, if settlement on all contested issues could not be reached. Settlement negotiations are still active and the parties request further abatement of the schedule in an attempt to settle the matter.

BACKGROUND

A preliminary hearing in the above-captioned matter was held on June 6, 2006. In Order Number 1, the ALJ set out the prehearing and hearing schedule. On August 3, 2006, College Station filed a motion to abate the schedule while the parties conducted settlement negotiations. In Order Number 2, dated August 4, 2006, the ALJ granted the abatement and required College Station to submit a status report on October 3, 2006. On October 3, 2006, College Station filed an unopposed motion to extend the abatement period. College Station settled with all protesting

parties except for Main Street Homes ("MSH") and Wellborn Special Utility District ("WSUD"). In Orders Number 3 and 4, the ALJ dismissed the parties who settled with College Station. In Order Number 5, the ALJ granted College Station's October 3, 2006 request for an extension of the abatement period and ordered College Station to file a status report on or before January 5, 2007. College Station submitted a status report and request for abatement extension, which the ALJ granted in Order Number 6. The ALJ also ordered College Station to file a status report on or before March 5, 2007. College Station submitted a status report and request for abatement extension, which the ALJ granted in Order Number 7. The ALJ also ordered College Station to file a status report on or before June 6, 2007. College Station submitted a status report on June 6, 2007 requesting an additional 60 days to conduct mediation. In Order Number 8, the ALJ granted the extension and required a report on or before August 6, 2007. On that date, College Station requested an abatement to participate in an August 9, 2007 mediation, which the ALJ granted in Order No. 9. The mediation was unsuccessful, but the City subsequently offered a new settlement proposal to MSH and WSUD. College Station filed a status report and request to extend the abatement, which the ALJ granted in Order No. 10

STATUS REPORT

On August 28, 2007, College Station transmitted a new settlement offer to MSH and WSUD. On October 1, WSUD responded to the City's August 28, 2007 settlement offer indicating that some terms of the offer may be acceptable and requested a meeting to see if resolution is possible. The City is considering the October 1, 2007 response.

MOTION FOR EXTENSION OF ABATEMENT

College Station has conferred with counsel for WSUD and for MSH. All believe that settlement is possible, but will continue to take time. Since two of the three parties (WSUD and

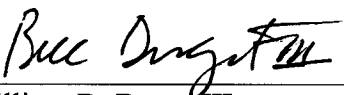
the City) have governing bodies that only meet periodically, each settlement proposal requires time to be put before the elected officials. Rather than requesting 60 day abatements, the parties concur with a City request that this matter be abated indefinitely and that the City report every 60 days during the abatement.

CONCLUSION

College Station requests 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 December 5, 2007. 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
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By: 

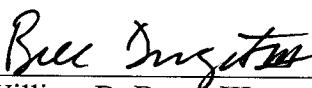
William D. Dugat III
State Bar No. 06173600

ATTORNEYS FOR COLLEGE STATION

CERTIFICATE OF SERVICE

By my signature below, I hereby certify that on this 5th day of October, 2007, 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
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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) 239-0000 Fax: (512) 239-0002
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
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William D. Dugat III

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

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SOAH DOCKET NO. 582-B-1107
TCEQ DOCKET NO. 2005-2092-UCR

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

OR

ADMINISTRATIVE HEARING

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MOTION TO EXTEND ABATEMENT PERIOD**

TO THE HONORABLE ADMINISTRATIVE LAW JUDGE

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an unopposed motion to extend the abatement period. College Station filed with all pending

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OCT 5 11 09 AM '07

TEXAS
COMMISSION ON
ENVIRONMENTAL
QUALITY

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CERTIFICATE OF SERVICE

By my signature below, I hereby certify that on this 5th day of October, 2007, a true and complete copy of the foregoing was sent to the following by facsimile, overnight delivery, or by first class mail:

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