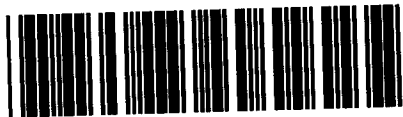


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Item Number: 44

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
TCEQ DOCKET NO. 2005-2092-UCR

2007 DEC -6 AM 10:31

PUBLIC UTILITY COMMISSION
FILING CLERK
CITY OF COLLEGE STATION'S
APPLICATION TO AMEND
SEWER CERTIFICATE OF
CONVENIENCE AND NECESSITY
IN BRAZOS COUNTY§
§
§
§
§BEFORE THE STATE OFFICE
CHIEF CLERKS OFFICE
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.11, the last Order issued in this Docket, the ALJ requested that College Station submit a status report. 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. On October 5, 2007, College Station requested an indefinite abatement with a report due every 60 days as the parties attempted settlement. The ALJ granted the City's motion in Order No. 11.

STATUS REPORT

The City has two different settlement proposals on which the parties are now focused. One proposal is a global settlement with parties in related litigation that, if successful, would result in the City obtaining the area it seeks in the application subject to this docket. If the proposal and settlement are not successful, WSUD and the City are negotiating service territories which may alter the area the City seeks in its application that is subject to this docket.

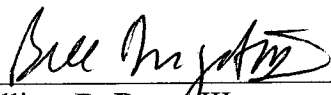
MOTION FOR EXTENSION OF ABATEMENT AND CONCLUSION

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 February 5, 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
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Tel: (512) 472-8021
Fax: (512) 320-5638

By:



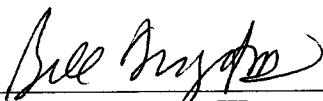
William D. Dugal III
State Bar No. 06173600

ATTORNEYS FOR COLLEGE STATION

CERTIFICATE OF SERVICE

By my signature below, I hereby certify that on this 5th day of December, 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
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



William D. Dugat III

CHIEF CLERKS OFFICE

2007 DEC - 6 AM 10: 32

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

**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**

§
§
§
§
§

**BEFORE THE STATE OFFICE
OF
ADMINISTRATIVE HEARINGS**

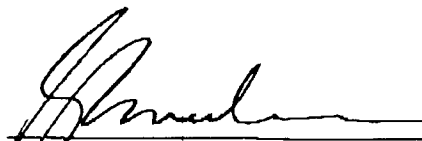
ORDER NO. 11

GRANTING REQUEST FOR ADDITIONAL ABATEMENT

On October 5, 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. Subsequently, a new settlement offer and terms were discussed; the parties believe that a settlement is still possible. Additional time is needed because two of the parties involved have governing bodies that meet periodically.

Applicant's request for an additional abatement period has merit and is GRANTED. College Station shall file a status report on or before December 5, 2007.

SIGNED October 17, 2007.



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

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
OCT 17 2007

STATE OFFICE OF ADMINISTRATIVE HEARINGS**AUSTIN OFFICE****300 West 15th Street Suite 502****Austin, Texas 78701****Phone: (512) 475-4993****Fax: (512) 475-4994****SERVICE LIST****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****STATE OFFICE OF ADMINISTRATIVE
HEARINGS****ADMINISTRATIVE LAW JUDGE****ALJ LILO D. POMERLEAU****REPRESENTATIVE / ADDRESS****PARTIES**

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J. W. MCFARLANE, TRUSTEE

xc: Docket Clerk, State Office of Administrative Hearings

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DATE:

10/17/2007

NUMBER OF PAGES INCLUDING THIS COVER SHEET:

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REGARDING:

ORDER NO. 11- GRANTING REQUEST FOR ADDITIONAL ABATEMENT

DOCKET NUMBER:

582-06-1697

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NOTE: IF ALL PAGES ARE NOT RECEIVED, PLEASE CONTACT NORMA LOPEZ(nlo) (512) 475-4993

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TEXAS
COMMISSION
ON ENVIRONMENTAL
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TCEQ

Bickerstaff Heath Delgado Acosta LLP

816 Congress Avenue Suite 1700 Austin, Texas 78701 (512) 472-8021 Fax (512) 320-5638 www.bickerstaff.com

December 5, 2007

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

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2007 DEC - 6 AM 10: 31
CHIEF CLERKS OFFICE

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*)