


SOAH DOCKET NO. 582-13-0757  
TCEQ DOCKET NO. 2012-2006-UCR

APPEAL BY AQUA TEXAS, INC., AQUA § BEFORE THE STATE OFFICE  
UTILITIES, INC., AQUA §  
DEVELOPMENT, INC., HARPER §  
WATER COMPANY, INC., AND §  
KERRVILLE SOUTH WATER § OF  
COMPANY, INC., DBA AQUA TEXAS §  
(AQUA TEXAS) OF THE CITY OF §  
BRAZOS BEND'S RATEMAKING §  
ACTION § ADMINISTRATIVE HEARINGS

**MEDIATOR'S REPORT ON MEDIATION**

On August 21, 2013, the remaining parties in this proceeding participated in mediation at the State Office of Administrative Hearings (SOAH) in Austin, Texas. The parties reached an agreement during the mediation. The settlement agreement will be presented to the Texas Commission on Environmental Quality (TCEQ) for approval. If the TCEQ approves the agreement, the parties will promptly file a motion to dismiss this case from SOAH's docket. This file is being returned at this time to the presiding Administrative Law Judges.

**SIGNED August 22, 2013.**

  
\_\_\_\_\_  
**HUNTER BURKHALTER**  
**ADMINISTRATIVE LAW JUDGE/MEDIATOR**  
**STATE OFFICE OF ADMINISTRATIVE HEARINGS**

cc: Renee M. Rusch, ALJ ADR Team Leader  
Kerrie Qualtrough and Craig Bennett, Presiding ALJs

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**SERVICE LIST**

**AGENCY:** Environmental Quality, Texas Commission on (TCEQ)  
**STYLE/CASE:** AQUA TEXAS INC. AQUA UTILITIES INC  
**SOAH DOCKET NUMBER:** 582-13-0757  
**REFERRING AGENCY CASE:** 2012-2006-UCR

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**STATE OFFICE OF ADMINISTRATIVE  
HEARINGS**

**ADMINISTRATIVE LAW JUDGE**  
**ALJ HUNTER BURKHALTER**

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CITY OF BRAZOS BEND

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Note: THIS CASE HAS BEEN CONSOLIDATED WITH DOCKET NO. 582-12-6658 AND 582-13-0755 FOR PURPOSE OF HEARING

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A PROFESSIONAL CORPORATION

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August 8, 2013

Judge Hunter Burkhalter  
Administrative Law Judge/Mediator  
State Office of Administrative Hearings  
300 West 15th Street  
Austin, TX 78701

*via e-filing*

*Re:* SOAH DOCKET NO. 582-13-0757; TCEQ DOCKET NO. 2012-2006-UCR;  
Appeal of Aqua Texas, Inc., Aqua Utilities, Inc., Aqua Development, Inc., Harper  
Water Company, Inc., and Kerrville South Water Company, Inc., dba Aqua Texas  
("Aqua Texas") of City of Brazos Bend Ratemaking Actions

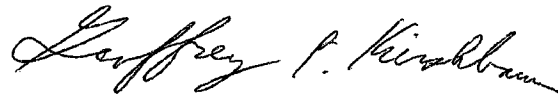
Dear Judge Burkhalter:

On July 30, 2013, you issued a letter setting a mediation in the above referenced case for August 21, 2013 at 9:00 a.m. Since issuance of that letter, counsel for Aqua Texas was notified that a client's case, *Canyon Lake Water Service Company's Application for a Rate/Tariff Change*; SOAH Docket No. 582-11-1468; TCEQ Docket No. 2010-1841-UCR, is set for the Commissioner's Agenda on August 21, 2013 at 9:30 a.m. Additionally, the TCEQ staff members for this appeal are also involved in that case and scheduled to be present at Agenda.

Earlier this week, my office contacted Melissa Ethridge at SOAH. Ms. Ethridge indicated that you would be amenable to rescheduling provided that all parties to the mediation were in agreement. Aqua Texas respectfully requests that the mediation be rescheduled to begin at 1:00 p.m. on August 21, 2013 to allow counsel for Aqua Texas to attend both events and eliminate the need to continue the date of the mediation. Counsel for Aqua Texas has contacted all of the parties to the mediation about the requested rescheduling. Parties have responded that they agree to the 1:00 p.m. start time.

Please let this letter serve as notice to parties that the mediation will now take place on August 21, 2013 at 1:00 p.m. Thank you for your consideration of this matter.

Sincerely,



Geoffrey P. Kirshbaum  
**THE TERRILL FIRM, P.C.**

cc: Ross Henderson *via e-mail*  
Amy Swanholm *via e-mail*  
Jim Haley *via e-mail*

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**STYLE/CASE:** AQUA TEXAS INC. AQUA UTILITIES INC  
**SOAH DOCKET NUMBER:** 582-13-0757  
**REFERRING AGENCY CASE:** 2012-2006-UCR

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**STATE OFFICE OF ADMINISTRATIVE  
HEARINGS**

**ADMINISTRATIVE LAW JUDGE**  
**ALJ CRAIG R. BENNETT**

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AQUA UTILITIES, INC.

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CITY OF BRAZOS BEND

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**Note: THIS CASE HAS BEEN CONSOLIDATED WITH DOCKET NO. 582-12-6658 AND 582-13-0755 FOR PURPOSE OF HEARING**

SOAH DOCKET NOS. 582-13-0755 and 582-13-0757  
TCEQ DOCKET NOS. 2012-1989-UCR and 2012-2006-UCR

APPEAL OF AQUA TEXAS, INC., AQUA § BEFORE THE STATE OFFICE  
UTILITIES, INC., AQUA §  
DEVELOPMENT, INC., KERRVILLE §  
SOUTH WATER COMPANY, INC., AND §  
HARPER WATER COMPANY, INC. §  
DBA AQUA TEXAS, CCN NOS. 11157, § OF  
11421, 11484, 12902, & 13201, OF CITY §  
OF KERRVILLE AND CITY OF §  
BRAZOS BEND RATEMAKING §  
ACTIONS § ADMINISTRATIVE HEARINGS

CONSOLIDATED ORDER NO. 11  
GRANTING MOTION FOR SEVERANCE AND REMAND

On June 21, 2013, Aqua Texas, Inc., Aqua Utilities, Inc., Aqua Development, Inc., Kerrville South Water Company, Inc., and Harper Water Company, Inc. d/b/a Aqua Texas (Aqua), filed a motion stating that it had reached settlement with the City of Kerrville, and that settlement had been approved by the Executive Director (ED). Therefore, according to Aqua, there are no more contested issues regarding its appeal of the decision by the City of Kerrville on Aqua's application. Aqua requests that the Administrative Law Judges sever the Kerrville appeal from the consolidated cases and remand the Kerrville appeal to the ED for further action.

**Therefore, it is ORDERED:**

1. The June 21, 2013 Joint Motion for Severance and Remand is **GRANTED**.
2. Aqua's Kerrville appeal, SOAH Docket No. 582-13-0755, TCEQ Docket No. 2012-1989-UCR, is **SEVERED** from the appeal of the decision by the City of Brazos Bend.
3. Aqua's Kerrville appeal, SOAH Docket No. 582-13-0755, TCEQ Docket No. 2012-1989-UCR, is **REMANDED** to the ED.
4. Aqua's Kerrville appeal, SOAH Docket No. 582-13-0755, TCEQ Docket No. 2012-1989-UCR, is **DISMISSED** from the docket of the State Office Administrative Hearings.

5. Aqua's Brazos Bend appeal is the sole remaining case and all future filings must be filed under SOAH Docket No. 582-13-0757.

SIGNED July 18, 2013.



KERRIE JO QUAI TROUGH  
ADMINISTRATIVE LAW JUDGE  
STATE OFFICE OF ADMINISTRATIVE HEARINGS



CRAIG R. BENNETT  
ADMINISTRATIVE LAW JUDGE  
STATE OFFICE OF ADMINISTRATIVE HEARINGS



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SERVICE LIST

AGENCY: Environmental Quality, Texas Commission on (TCEQ)  
STYLE/CASE: AQUA TEXAS INC, AQUA UTILITIES INC, AQUA  
DEVELOPMENT INC  
SOAH DOCKET NUMBER: 582-13-0755  
REFERRING AGENCY CASE: 2012-1989-UCR

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STATE OFFICE OF ADMINISTRATIVE HEARINGS ADMINISTRATIVE LAW JUDGE  
ALJ CRAIG R. BENNETT

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0757 FOR PURPOSE OF HEARING

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AGENCY: Environmental Quality, Texas Commission on (TCEQ)  
STYLE/CASE: AQUA TEXAS INC. AQUA UTILITIES INC  
SOAH DOCKET NUMBER: 582-13-0757  
REFERRING AGENCY CASE: 2012-2006-UCR

STATE OFFICE OF ADMINISTRATIVE  
HEARINGS

ADMINISTRATIVE LAW JUDGE  
ALJ CRAIG R. BENNETT

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CITY OF BRAZOS BEND

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SOAH DOCKET NOS. 582-13-0755 and 582-13-0757  
TCEQ DOCKET NOS. 2012-1989-UCR and 2012-2006-UCR

APPEAL OF AQUA TEXAS, INC., AQUA §  
UTILITIES, INC., AQUA §  
DEVELOPMENT, INC., KERRVILLE §  
SOUTH WATER COMPANY, INC., AND §  
HARPER WATER COMPANY, INC. §  
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ACTIONS §

BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

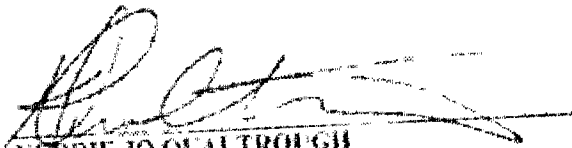
**CONSOLIDATED ORDER NO. 10  
CONTINUING EVIDENTIARY HEARING**


In response to an unopposed motion to abate, the Administrative Law Judges (ALJs) issued Consolidated Order No. 7 on May 5, 2013, and abated all the deadlines in this case. However, the evidentiary hearing is currently set for August 12-23, 2013.

The ALJs have concluded that it is necessary to continue the evidentiary hearing. In the event the remaining cases do not settle, the ALJs cannot conceive of a schedule that would allow the evidentiary hearing to begin on August 12, 2013.

Therefore, it is **ORDERED** that the evidentiary hearing scheduled for August 12-23, 2013, is **CONTINUED**. The parties may submit a proposed procedural schedule at a later date if the remaining cases do not settle.

**SIGNED June 18, 2013.**

  
KERRIE JO QUALTROUGH  
ADMINISTRATIVE LAW JUDGE  
STATE OFFICE OF ADMINISTRATIVE HEARINGS

  
CRAIG R. BENNETT  
ADMINISTRATIVE LAW JUDGE  
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**AGENCY:** Environmental Quality, Texas Commission on (TCEQ)  
**STYLE/CASE:** AQUA TEXAS INC, AQUA UTILITIES INC, AQUA  
DEVELOPMENT INC  
**SOAH DOCKET NUMBER:** 582-13-0755  
**REFERRING AGENCY CASE:** 2012-1989-UCR

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**STATE OFFICE OF ADMINISTRATIVE HEARINGS** ADMINISTRATIVE LAW JUDGE  
**ALJ CRAIG R. BENNETT**

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STYLE/CASE: AQUA TEXAS INC. AQUA UTILITIES INC  
SOAH DOCKET NUMBER: 582-13-0757  
REFERRING AGENCY CASE: 2012-2006-UCR

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STATE OFFICE OF ADMINISTRATIVE HEARINGS      ADMINISTRATIVE LAW JUDGE  
ALJ CRAIG R. BENNETT

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CITY OF BRAZOS BEND

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**SOAH DOCKET NO. 582-12-6658  
TCEQ DOCKET NO. 2012-1058-UCR**

<b>IN THE APPLICATION OF AQUA</b>	<b>§</b>	<b>BEFORE THE STATE OFFICE</b>
<b>TEXAS, INC., AQUA UTILITIES, INC.,</b>	<b>§</b>	
<b>AQUA DEVELOPMENT, INC.,</b>	<b>§</b>	
<b>HARPER WATER COMPANY, INC.,</b>	<b>§</b>	
<b>AND KERRVILLE SOUTH WATER</b>	<b>§</b>	<b>OF</b>
<b>COMPANY, INC., DBA AQUA TEXAS</b>	<b>§</b>	
<b>FOR NORTH AND SOUTH WEST</b>	<b>§</b>	
<b>REGION WATER RATE/TARIFF</b>	<b>§</b>	<b>ADMINISTRATIVE HEARINGS</b>
<b>CHANGES</b>	<b>§</b>	

**SOAH DOCKET NOS. 582-13-0755 and 582-13-0757  
TCEQ DOCKET NOS. 2012-1989-UCR and 2012-2006-UCR**

<b>APPEAL OF AQUA TEXAS, INC., AQUA</b>	<b>§</b>	<b>BEFORE THE STATE OFFICE</b>
<b>UTILITIES, INC., AQUA</b>	<b>§</b>	
<b>DEVELOPMENT, INC., KERRVILLE</b>	<b>§</b>	
<b>SOUTH WATER COMPANY, INC., AND</b>	<b>§</b>	
<b>HARPER WATER COMPANY, INC.</b>	<b>§</b>	
<b>DBA AQUA TEXAS, CCN NOS. 11157,</b>	<b>§</b>	<b>OF</b>
<b>11421, 11484, 12902, &amp; 13201, OF CITY</b>	<b>§</b>	
<b>OF KERRVILLE AND CITY OF</b>	<b>§</b>	
<b>BRAZOS BEND RATEMAKING</b>	<b>§</b>	<b>ADMINISTRATIVE HEARINGS</b>
<b>ACTIONS</b>	<b>§</b>	

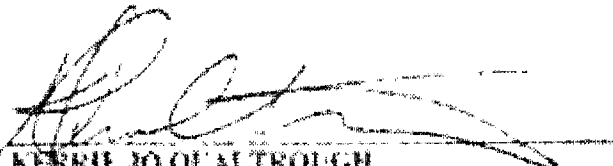
**CONSOLIDATED ORDER NO. 9  
GRANTING JOINT MOTION FOR SEVERANCE AND REMAND**


On May 8, 2013, the Executive Director (ED) filed a joint motion requesting that the application filed by Aqua Texas, Inc., Aqua Utilities, Inc., Aqua Development, Inc., Harper Water Company, Inc., and Kerrville South Water Company, Inc., d/b/a Aqua Texas (Aqua Texas) for the North Region, application no. 37234-R, be remanded to the ED. According to the ED, Aqua Texas and the protesting parties in the North Region have reached settlement, and the ED will approve the applicable tariff. Therefore, the ED asserts that there are no substantive issues, and the application should be remanded, leaving no remaining issues under SOAH Docket No. 582-12-6658. The Administrative Law Judges (ALJs) agree with the ED that the joint motion to remand should be granted.

**Therefore, it is ORDERED:**

1. The May 8, 2013 Joint Motion for Remand is **GRANTED**.
2. Under SOAH Docket No. 582-12-6658, TCEQ Application No. 37234-R is **REMANDED** to the ED for further administrative action. There now remain no pending matters in SOAH Docket No. 582-12-6658, so that docket is **DISMISSED**, as all matters have been remanded to the ED.
3. Future consolidated orders will be issued under SOAH Docket Nos. 582-13-0755 and 582-13-0757, and the parties should reference those docket numbers in any future filings.

**SIGNED May 10, 2013.**

  
KERRIE JO QUALTROUGH  
ADMINISTRATIVE LAW JUDGE  
STATE OFFICE OF ADMINISTRATIVE HEARINGS

  
CRAIG R. BENNETT  
ADMINISTRATIVE LAW JUDGE  
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STYLE/CASE: AQUA UTILITIES, INC., AQUA TEXAS, INC. AQUA  
DEVELOPMENT, INC  
SOAH DOCKET NUMBER: 582-12-6658  
REFERRING AGENCY CASE: 2012-1058-UCR

STATE OFFICE OF ADMINISTRATIVE  
HEARINGS

ADMINISTRATIVE LAW JUDGE  
ALJ CRAIG R. BENNETT

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Note: THIS CASE HAS BEEN CONSOLIDATED WITH DOCKET NO. 582-13-0755 AND 582-13-0757 FOR PURPOSE OF HEARING.

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AGENCY: Environmental Quality, Texas Commission on (TCEQ)  
STYLE/CASE: AQUA TEXAS INC, AQUA UTILITIES INC, AQUA  
DEVELOPMENT INC  
SOAH DOCKET NUMBER: 582-13-0755  
REFERRING AGENCY CASE: 2012-1989-UCR

STATE OFFICE OF ADMINISTRATIVE  
HEARINGS

ADMINISTRATIVE LAW JUDGE  
ALJ CRAIG R. BENNETT

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Note: THIS CASE HAS BEEN CONSOLIDATED WITH DOCKET NO. 582 12-6658 AND 582-13  
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**AGENCY:** Environmental Quality, Texas Commission on (TCEQ)  
**STYLE/CASE:** AQUA TEXAS INC. AQUA UTILITIES INC  
**SOAH DOCKET NUMBER:** 582-13-0757  
**REFERRING AGENCY CASE:** 2012-2006-UCR

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**STATE OFFICE OF ADMINISTRATIVE  
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**ADMINISTRATIVE LAW JUDGE**  
**ALJ CRAIG R. BENNETT**

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CITY OF BRAZOS BEND

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Note: THIS CASE HAS BEEN CONSOLIDATED WITH DOCKET NO. 582-12-6658 AND 582-13-0755 FOR PURPOSE OF HEARING

SOAH DOCKET NO. 582-12-6658  
TCEQ DOCKET NO. 2012-1058-UCR

IN THE APPLICATION OF AQUA § BEFORE THE STATE OFFICE  
TEXAS, INC., AQUA UTILITIES, INC., §  
AQUA DEVELOPMENT, INC., §  
HARPER WATER COMPANY, INC., §  
AND KERRVILLE SOUTH WATER § OF  
COMPANY, INC., DBA AQUA TEXAS §  
FOR NORTH AND SOUTH WEST §  
REGION WATER RATE/TARIFF § ADMINISTRATIVE HEARINGS  
CHANGES §

SOAH DOCKET NOS. 582-13-0755 and 582-13-0757  
TCEQ DOCKET NOS. 2012-1989-UCR and 2012-2006-UCR


APPEAL OF AQUA TEXAS, INC., AQUA § BEFORE THE STATE OFFICE  
UTILITIES, INC., AQUA §  
DEVELOPMENT, INC., KERRVILLE §  
SOUTH WATER COMPANY, INC., AND §  
HARPER WATER COMPANY, INC. §  
DBA AQUA TEXAS, CCN NOS. 11157, § OF  
11421, 11484, 12902, & 13201, OF CITY §  
OF KERRVILLE AND CITY OF §  
BRAZOS BEND RATEMAKING §  
ACTIONS § ADMINISTRATIVE HEARINGS


CONSOLIDATED ORDER NO. 5  
ADOPTING INTERIM RATES FOR THE CITY OF BRAZOS BEND

On February 8, 2013, Aqua Texas, Inc., Aqua Utilities, Inc., Aqua Development, Inc., Harper Water Company, Inc., and Kerrville South Water Company, Inc., d/b/a Aqua Texas (Aqua Texas) filed a motion asking that interim rates be adopted for service provided by Aqua Texas within the City of Brazos Bend. Aqua Texas and the City of Brazos Bend, with the concurrence of the Executive Director (ED) of the Texas Commission on Environmental Quality (TCEQ) and the Office of Public Interest Counsel (OPIC) of the TCEQ, agree to the proposed interim rates. In light of such agreement, the Administrative Law Judges (ALJs) find it appropriate to implement the interim rates.

**THEREFORE, IT IS ORDERED** that the interim rates reflected on Exhibit A to Aqua Texas' motion (and attached hereto as Exhibit A as well) are hereby **ADOPTED**, to be effective February 1, 2013. The order is adopted subject to the following provisions agreed to by the parties: (1) All other portions of Aqua Texas' proposed tariff included in the pending Application shall be in effect on an interim basis pending the final outcome of this proceeding; (2) The parties acknowledge that, depending on provisions in the final order, rates may ultimately be adjusted and a refund or surcharge ordered pursuant to Texas Water Code §13 .043(a) based on the effective date Aqua Texas proposed in its Application to Brazos Bend (February 21, 2012); and (3) Agreement to these interim rates is not an admission by any party that such rates are just and reasonable.

**SIGNED February 13, 2013.**

  
KERRIE JO QU'ALTROUGH  
ADMINISTRATIVE LAW JUDGE  
STATE OFFICE OF ADMINISTRATIVE HEARINGS

  
CRAIG R. BENNETT  
ADMINISTRATIVE LAW JUDGE  
STATE OFFICE OF ADMINISTRATIVE HEARINGS

**EXHIBIT A**  
**INTERIM RATES**

MINIMUM MONTHLY CHARGES: \*

Monthly Minimum Charge by Meter Size

	(Includes 0 Gallons)
5/8" x 3/4"	\$41.00
1"	\$102.50
1 1/2"	\$205.00
2"	\$328.00
3"	\$656.00
4"	\$1,025.00
6"	\$2,050.00
8"	\$3,280.00
10"	\$4,715.00
12"	\$8,815.00

\* Monthly Minimum Charge for any meter size larger than 12" will be calculated using American Water Works Association ("AWWA") approved meter equivalency factors.

CHARGES PER 1,000 GALLONS USED:

**Gallage Charge**

1 to 20,000 Gallons	\$3.66
More than 20,000 Gallons	\$4.20
Regional Pass-Through Gallage Charge	\$0.2384

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**STYLE/CASE:** AQUA UTILITIES, INC., AQUA TEXAS, INC. AQUA  
DEVELOPMENT, INC  
**SOAH DOCKET NUMBER:** 582-12-6658  
**REFERRING AGENCY CASE:** 2012-1058-UCR

**STATE OFFICE OF ADMINISTRATIVE  
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**ADMINISTRATIVE LAW JUDGE**  
**ALJ CRAIG R. BENNETT**

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Note: THIS CASE HAS BEEN CONSOLIDATED WITH DOCKET NO. 582-13-0755 AND 582-13-0757 FOR PURPOSE OF HEARING.



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**AGENCY:** Environmental Quality, Texas Commission on (TCEQ)  
**STYLE/CASE:** AQUA TEXAS INC, AQUA UTILITIES INC, AQUA  
DEVELOPMENT INC  
**SOAH DOCKET NUMBER:** 582-13-0755  
**REFERRING AGENCY CASE:** 2012-1989-UCR

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**STATE OFFICE OF ADMINISTRATIVE HEARINGS**                      **ADMINISTRATIVE LAW JUDGE**  
**ALJ CRAIG R. BENNETT**

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Note: THIS CASE HAS BEEN CONSOLIDATED WITH DOCKET NO. 582-12-6658 AND 582-13-0757 FOR PURPOSE OF HEARING.

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**STYLE/CASE:** AQUA TEXAS INC. AQUA UTILITIES INC  
**SOAH DOCKET NUMBER:** 582-13-0757  
**REFERRING AGENCY CASE:** 2012-2006-UCR

**STATE OFFICE OF ADMINISTRATIVE  
HEARINGS**

**ADMINISTRATIVE LAW JUDGE**  
**ALJ CRAIG R. BENNETT**

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Note: THIS CASE HAS BEEN CONSOLIDATED WITH DOCKET NO. 582-12-6658 AND 582-1J-0755 FOR PURPOSE OF HEARING

SOAH DOCKET NO. 582-12-6658  
TCEQ DOCKET NO. 2012-1058-UCR

IN THE APPLICATION OF AQUA § BEFORE THE STATE OFFICE  
TEXAS, INC., AQUA UTILITIES, INC., §  
AQUA DEVELOPMENT, INC., §  
HARPER WATER COMPANY, INC., §  
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CHANGES §

SOAH DOCKET NOS. 582-13-0755 and 582-13-0757  
TCEQ DOCKET NOS. 2012-1989-UCR and 2012-2006-UCR

APPEAL OF AQUA TEXAS, INC., AQUA § BEFORE THE STATE OFFICE  
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SOUTH WATER COMPANY, INC., AND §  
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DBA AQUA TEXAS, CCN NOS. 11157, § OF  
11421, 11484, 12902, & 13201, OF CITY §  
OF KERRVILLE AND CITY OF §  
BRAZOS BEND RATEMAKING §  
ACTIONS § ADMINISTRATIVE HEARINGS


CONSOLIDATED ORDER NO. 4  
GRANTING MOTION TO SUSPEND INTERIM RATE REQUEST  
AND CANCELLING FEBRUARY 13, 2013 HEARING


On February 8, 2013, Aqua Texas, Inc., Aqua Utilities, Inc., Aqua Development, Inc., Harper Water Company, Inc., and Kerrville South Water Company, Inc., d/b/a Aqua Texas (Aqua Texas) filed a "Motion to Suspend Municipal Interim Rate Request for City of Kerrville and Request for Hearing Cancellation." In this motion, Aqua Texas stated that it was close to reaching a final rate settlement with the City of Kerrville and no longer wanted to pursue its interim rate request. Therefore, Aqua Texas asked the Administrative Law Judges (ALJs) to suspend the request for interim rate relief and cancel the February 13, 2013 hearing. The ALJs agree with Aqua Texas's motion.

**Therefore, it is ORDERED:**

1. Aqua Texas's Motion to Suspend Municipal Interim Rate Request for City of Kerrville and Request for Hearing Cancellation is **GRANTED**.
2. Aqua Texas's request for interim rate relief is **SUSPENDED**.
3. The February 13, 2013 hearing on Aqua Texas's request for interim rate relief is **CANCELLED**.
4. All other dates in the procedural schedule remain the same.

**SIGNED February 11, 2013.**

  
KERRIE JO QUALTROUGH  
ADMINISTRATIVE LAW JUDGE  
STATE OFFICE OF ADMINISTRATIVE HEARINGS

  
CRAIG R. BENNETT  
ADMINISTRATIVE LAW JUDGE  
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**SOAH DOCKET NUMBER:** 582-12-6658  
**REFERRING AGENCY CASE:** 2012-1058-UCR

**STATE OFFICE OF ADMINISTRATIVE  
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**ADMINISTRATIVE LAW JUDGE**  
**ALJ CRAIG R. BENNETT**

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AQUA UTILITIES, INC.

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Note: THIS CASE HAS BEEN CONSOLIDATED WITH DOCKET NO. 582-13-0755 AND 582-13-0757 FOR PURPOSE OF HEARING

**STATE OFFICE OF ADMINISTRATIVE HEARINGS**

**AUSTIN OFFICE**  
300 West 15th Street Suite 502  
Austin, Texas 78701  
Phone: (512) 475-4993  
Fax: (512) 322-2061

**SERVICE LIST**

**AGENCY:** Environmental Quality, Texas Commission on (TCEQ)  
**STYLE/CASE:** AQUA TEXAS INC, AQUA UTILITIES INC, AQUA  
DEVELOPMENT INC  
**SOAH DOCKET NUMBER:** 582-13-0755  
**REFERRING AGENCY CASE:** 2012-1989-UCR

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**STATE OFFICE OF ADMINISTRATIVE  
HEARINGS**

**ADMINISTRATIVE LAW JUDGE**  
**ALJ CRAIG R. BENNETT**

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**REPRESENTATIVE / ADDRESS**

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Note: THIS CASE HAS BEEN CONSOLIDATED WITH DOCKET NO. 582-12-6658 AND 582-13-0757 FOR PURPOSE OF HEARING.

**STATE OFFICE OF ADMINISTRATIVE HEARINGS**

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**SERVICE LIST**

**AGENCY:** Environmental Quality, Texas Commission on (TCEQ)  
**STYLE/CASE:** AQUA TEXAS INC. AQUA UTILITIES INC  
**SOAH DOCKET NUMBER:** 582-13-0757  
**REFERRING AGENCY CASE:** 2012-2006-UCR

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**STATE OFFICE OF ADMINISTRATIVE  
HEARINGS**

**ADMINISTRATIVE LAW JUDGE**  
**ALJ CRAIG R. BENNETT**

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**REPRESENTATIVE / ADDRESS**

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CITY OF BRAZOS BEND

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**Note: THIS CASE HAS BEEN CONSOLIDATED WITH DOCKET NO. 582-12-6658 AND 582-13-0755 FOR PURPOSE OF HEARING**

**TEXAS COMMISSION  
ON ENVIRONMENTAL QUALITY**

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**TRANSMITTAL OF ADMINISTRATIVE RECORD**

**DATE:** November 19, 2012

**TO:** SOAH Natural Resources Docket Clerk

**THRU:** Melissa Chao, Section Manager  
TCEQ Agenda / Final Documents Section

**FROM:** *KA* Katha Anderson, TCEQ SOAH Docket Coordinator

**RE:** Aqua Texas, Inc., Aqua Utilities, Inc.; Application No. 37414-A  
SOAH Docket No. 582-13-0757; TCEQ Docket No. 2012-2006-UCR

Pursuant to 30 TAC ' 80.6(b)(4) regarding referrals to SOAH, a copy of the Chief Clerk=s case file is attached. Please find **certified** copies of the following documents:

- 1. the appeal;
- 2. public hearing notice and Chief Clerk's affidavit

If any of these documents are not included as enclosures with this memo, please notify Melissa Chao, Section Manager at (512) 239-5234.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



STATE OF TEXAS  
COUNTY OF TRAVIS

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I, Bridget C. Bohac, Chief Clerk of the Texas Commission on Environmental Quality, do hereby certify that the attached mailing list provides the persons to whom the notice of the public hearing for Aqua Texas, Inc., Aqua Utilities, Inc. SOAH Docket No. 582-13-0757, TCEQ Docket No. 2012-2006-UCR, was mailed on November 8, 2012. Given under my hand and the seal of the Texas Commission on Environmental Quality, this the 8th day of November, 2012.

Bridget C. Bohac  
Bridget C. Bohac, Chief Clerk  
Texas Commission on Environmental Quality

SEAL

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## **NOTICE OF HEARING** **AQUA TEXAS, INC., AQUA UTILITIES, INC.** **SOAH Docket No. 582-13-0757** **TCEQ Docket No. 2012-2006-UCR**

### **PETITION.**

Aqua Texas, Inc., Aqua Utilities, Inc., 1100 Clayton Lane, Suite 400W, Austin, Texas 78723 has filed a petition with the Texas Commission on Environmental Quality (TCEQ) appealing the ratemaking actions of the City of Brazos Bend, 1905 Canaveral Court, Brazos Bend, Texas 76048 and motion for interim rate relief, in Hood County, Texas (Application No. 37414-A)

### **CONTESTED CASE HEARING.**

The State Office of Administrative Hearings (SOAH) will conduct a preliminary hearing on this petition at:

**10:00 a.m. - December 10, 2012**  
**William P. Clements Building**  
**300 West 15th Street, 4th Floor**  
**Austin, Texas 78701**

The purpose of a preliminary hearing is to establish jurisdiction, name the parties, establish a procedural schedule for the remainder of the proceeding, allow an opportunity for settlement discussions, and to address other matters as determined by the judge. The evidentiary hearing phase of the proceeding will be similar to a civil trial in state district court. The hearing will be conducted in accordance with Chapter 2001, Texas Government Code; Chapter 13, Texas Water Code; TCEQ rules, including 30 Texas Administrative Code (TAC) Chapter 291; and the procedural rules of the TCEQ and SOAH, including 30 TAC Chapter 80 and 1 TAC Chapter 155. To participate in the evidentiary hearing as a party, you must attend the preliminary hearing and show you would be affected by the petition in a way not common to members of the general public.

### **INFORMATION.**

Information concerning your participation in this hearing may be obtained by contacting Blas Coy, TCEQ Office of Public Interest Counsel (MC 103), P.O. Box 13087, Austin, TX 78711-3087, telephone 512-239-6363. For additional information, please



contact the TCEQ Water Supply Division, Utilities & Districts Section (MC 153), P.O. Box 13087, Austin, TX 78711-3087, telephone 512-239-4691. General information regarding the TCEQ can be found at our web site at <http://www.tceq.texas.gov/>.

Persons with disabilities who plan to attend this hearing and who need special accommodations at the hearing should call the SOAH Docketing Department at 512-475-3445, at least one week prior to the hearing.

Issued: November 8, 2012

*Bridget C. Bohac*

Bridget C. Bohac, Chief Clerk  
Texas Commission on Environmental Quality

**MAILING LIST**  
**AQUA TEXAS, INC., AQUA UTILITIES, INC.**  
**SOAH Docket No. 582-13-0757**  
**TCEQ Docket No. 2012-2006-UCR**

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*Representing: Aqua Texas*

Robert L. Laughman, President  
Aqua Texas, Inc.  
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Austin, Texas 78723  
*Representing: Aqua TexasTexas*

Mayor Vernon Oechsle  
City of Brazos Bend  
1905 Canaveral Court  
Brazos Bend, Texas 76048  
*Representing: City of Brazos Bend*

Commission on Environmental Quality  
P. O. Box 13087  
Austin, Texas 78711-3087  
***Via electronic mail:***

Ross Henderson, Staff Attorney, Environmental Law Division (MC 173)  
Kamal Adhikari, Technical Staff, Water Supply Division, Utilities & Districts  
Section (MC 153)  
Debi Loockerman, Financial Staff, Water Supply Division, Utilities & Districts  
Section (MC 153)  
Blas Coy, Office of Public Interest Counsel (MC 103)