

U.S. Postal Service

CERTIFIED MAIL RECEIPT

PHILLIP S. HAAG
WINSTEAD, SECHREST & MINICK P.C.
100 CONGRESS AVENUE, STE. 800
AUSTIN, TEXAS 78701-4042

REBECCA CREEK MUNICIPAL
UTILITY DISTRICT

SOAH Docket No. 582-02-2414
TNRCC Docket No. 2002-0335-UCR

Sent To

Street, Apt. No.,
or PO Box No.

City, State, ZIP+4

PS Form 3800, January 2001 See Reverse for Instructions

U.S. Postal Service
CERTIFIED MAIL RECEIPT

JOHN O. HOUCHINS
13738 KINGSRIDE
HOUSTON, TEXAS 77079

REBECCA CREEK MUNICIPAL
UTILITY DISTRICT
SOAH Docket No. 582-02-2414
TNRCC Docket No. 2002-0335-UCR

Sent To

Street, Apt. No.,
or PO Box No.

City, State, ZIP+4

PS Form 3800, January 2001 See Reverse for Instructions

U.S. Postal Service
CERTIFIED MAIL RECEIPT

WILFRED LUCKO
SPRING BRANCH INDIAN HILLS
WATER SUPPLY CORPORATION
P.O. BOX 486
SPRING BRANCH, TEXAS 78070

REBECCA CREEK MUNICIPAL
UTILITY DISTRICT
SOAH Docket No. 582-02-2414
TNRCC Docket No. 2002-0335-UCR

Sent To

Street, Apt. No.,
or PO Box No.

City, State, ZIP+4

PS Form 3800, January 2001 See Reverse for Instructions

U.S. Postal Service
CERTIFIED MAIL RECEIPT

MAYES FULLER AND ASSOCIATES
CERTIFIED PUBLIC ACCOUNTANTS
P.O. BOX 19848
HOUSTON, TEXAS 77224-9848

REBECCA CREEK MUNICIPAL
UTILITY DISTRICT
SOAH Docket No. 582-02-2414
TNRCC Docket No. 2002-0335-UCR

Sent To

Street, Apt. No.,
or PO Box No.

City, State, ZIP+4

PS Form 3800, January 2001 See Reverse for Instructions

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

INTEROFFICE MEMORANDUM

TO: LaDonna Castanuela, Chief Clerk

DATE: March 26, 2002

THRU: Doug Holcomb, P.E., Manager
Utilities & Districts Section
Water Supply Division

FROM: *mx* Victoria Harkins, Ph.D., P.E., Team Leader
Utility Certification and Rate Analysis Team
Water Supply Division

SUBJECT: Docket No 2002-0335-UCR; Application from Rebecca Creek Municipal Utility District to Obtain a Water Certificate of Convenience and Necessity (CCN) in Comal County, Application No. 33572-C

TEXAS NATURAL
RESOURCE CONSERVATION
COMMISSION
2002 MAR 27 PM 4:44
CHIEF CLERK'S OFFICE

We hereby transfer the official file for the above application to the Chief Clerk's Office. Please refer this application to the State Office of Administrative Hearings and request that a hearing be scheduled.

This utility's application is being protested by SRS Properties, Spring Branch Indian Hills Water Supply Corporation (WSC), Canyon Lake WSC, and Canyon Lake Estates WSC. The TNRCC's staff also wish to protest the application.

Staff estimates 15 people will attend this hearing. Attached is a mailing list which includes all the protestants.

The staff assigned to this case are.

Technical - Brian Dickey

Legal -

If we may be of further service regarding this matter, please call.

Michelle Adams

you Victoria Harkins, Ph.D., P.E.

VH/ac

cc TNRCC Public Interest Counsel; ATTN: Vic McWherter
TNRCC Agency Communications; ATTN: Andy Saenz, Manager
TNRCC Chief Clerk's Office; ATTN: Melanie Mohair
TNRCC, Legal Division; ATTN: Scott Humphrey



STATE OFFICE
OF
ADMINISTRATIVE
HEARINGS

PUBLIC HEARING REGISTRATION
ALL PERSONS IN ATTENDANCE ARE REQUESTED TO COMPLETE
PLEASE PRINT CLEARLY

CCN/A1328/CO

Date: 2-6-03

Name: SARA ANDERSON Occupation: ATTORNEY

Mailing Address: 1100 Louisiana #400 Houston 77002
Street or P.O. Box City State Zip

Daytime Phone: (713 652-6500) Fax Number: () 713 652-6515

Representing: ☐ Self ☒ Other (specify): SPANISH COYE Public Utility District

Mailing Address: 1100 Louisiana No. 400 Houston 77002
Street or P.O. Box City State Zip

Daytime Phone: (SAME)

Title of matter being considered: SCF Water Co. CCN Application

Your position regarding the matter being considered: ☐ In Favor ☒ Opposed ☐ Undecided ☐ Observer

RECEIVED

MAR 01 2006

TCEQ
CENTRAL FILE ROOM



STATE OFFICE
OF
ADMINISTRATIVE
HEARINGS

PUBLIC HEARING REGISTRATION
ALL PERSONS IN ATTENDANCE ARE REQUESTED TO COMPLETE
PLEASE PRINT CLEARLY

Date: 2-6-03

Name: J.W. Ramshur Occupation: Gen. Contr./Delv.

Mailing Address: P.O. Box 955 Humble TX 77338
Street or P.O. Box City State Zip

Daytime Phone: (281 446-5687) Fax Number: 281 446-5630

Representing: ☒ Self ☐ Other (specify): _____

Mailing Address: _____
Street or P.O. Box City State Zip

Daytime Phone: () _____

Title of matter being considered: SCF WATER Co, L.P.

Your position regarding the matter being considered: ☐ In Favor ☐ Opposed ☐ Undecided ☐ Observer



STATE OFFICE
OF
ADMINISTRATIVE
HEARINGS

PUBLIC HEARING REGISTRATION
ALL PERSONS IN ATTENDANCE ARE REQUESTED TO COMPLETE
PLEASE PRINT CLEARLY

Date: 2-6-03

Name: Todd Galiga (John Deering will be) Occupation: Attorney
(+nc EO attorney of record)

Mailing Address: Box 13087 MC173 Austin TX 78711
Street or P.O. Box City State Zip

Daytime Phone: (512) 239-0600 Fax Number: (512) 239-0606

Representing: ☐ Self ☒ Other (specify): Executive Director

Mailing Address: _____
Street or P.O. Box City State Zip

Daytime Phone: () _____

Title of matter being considered: SCF Water Company

Your position regarding the matter being considered: ☐ In Favor ☐ Opposed ☐ Undecided ☐ Observer



STATE OFFICE
OF
ADMINISTRATIVE
HEARINGS

PUBLIC HEARING REGISTRATION
ALL PERSONS IN ATTENDANCE ARE REQUESTED TO COMPLETE
PLEASE PRINT CLEARLY

Date: 2-6-03

Name: Brian Dickey Occupation: Staff Engineer

Mailing Address: TCEQ MC-153
Street or P.O. Box City State Zip

Daytime Phone: (512) 239-0963 Fax Number: () 239-6972

Representing: ☐ Self ☐ Other (specify): E.D.

Mailing Address: _____
Street or P.O. Box City State Zip

Daytime Phone: () _____

Title of matter being considered: CCN Hearing for SCF

Your position regarding the matter being considered: ☐ In Favor ☐ Opposed ☐ Undecided ☐ Observer



STATE OFFICE
OF
ADMINISTRATIVE
HEARINGS

PUBLIC HEARING REGISTRATION
ALL PERSONS IN ATTENDANCE ARE REQUESTED TO COMPLETE
PLEASE PRINT CLEARLY

Date: 2.6.03

Name: Melba T. Pourteau Occupation: Ass't. City Attorney

Mailing Address: 900 Bagby City Hall Annex Houston TX 77002
Street or P.O. Box 3rd floor City State Zip

Daytime Phone: (713) 437 6709 Fax Number: (713) 247-1017

Representing: ☐ Self ☒ Other (specify): City of Houston

Mailing Address: as above
Street or P.O. Box City State Zip

Daytime Phone: () _____

Title of matter being considered: Water CCN Application of SCF Water Co.

Your position regarding the matter being considered: ☐ In Favor ☒ Opposed ☐ Undecided ☐ Observer

SARA J. ANDERSON
ATTORNEY AT LAW

SMITH, MURDAUGH, LITTLE
& BONHAM, L.L.P.

713/652-6500
713/652-6515 (FAX)
1100 LOUISIANA STREET, SUITE 400
HOUSTON, TEXAS 77002-5211
sanderson@smithmur.com

**STATE OFFICE OF ADMINISTRATIVE HEARINGS
300 WEST 15TH STREET, STE. 502
AUSTIN, TEXAS 78701
(512) 475-4993
FAX (512) 475-4994
DOCKET (512) 475-3445**

CONFIRMATION OF REQUEST TO DOCKET CASE

TO: MELANIE MOHAIR VIA FACSIMILE 239-3311
TX COMM ON ENVIRONMENTAL QUALITY

FROM: HOLLY WISE
DEPUTY CLERK

DATE: December 3, 2002

RE: SETTINGS OF HEARING(S)

At your request, the following hearing(s) have been set:

<u>Docket Number</u>	<u>Case</u>	<u>Date</u>	<u>Time</u>	<u>Hearing Location</u>
582-03-1247 2002-1242-UCR	SCF Water Co	tbd	tbd	<u>William P. Clements Bldg</u> <u>300 W 15th Street</u> <u>4th Floor</u> <u>Austin, TX 78701</u>

Administrative law judge(s) will be assigned at a later date.

All parties will be notified in the event of a change of location of the hearing.

Please remember that you are responsible for providing the court reporter or equipment to record the hearing, as required by your agency.

If you have any questions regarding any of the information stated herein, please call.

*** TX REPORT ***

TRANSMISSION OK

TX/RX NO 1783
CONNECTION TEL 9 2393311
SUBADDRESS
CONNECTION ID TCEQ
ST. TIME 12/03 12:31
USAGE T 00'28
PGS. SENT 1
RESULT OK

**STATE OFFICE OF ADMINISTRATIVE HEARINGS
300 WEST 15TH STREET, STE. 502
AUSTIN, TEXAS 78701
(512) 475-4993
FAX (512) 475-4994
DOCKET (512) 475-3445**

CONFIRMATION OF REQUEST TO DOCKET CASE

TO: MELANIE MOHAIR VIA FACSIMILE 239-3311
TX COMM ON ENVIRONMENTAL QUALITY

FROM: HOLLY WISE
DEPUTY CLERK

DATE: December 3, 2002

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582-03-1247 2002-1242-UCR	SCF Water Co	tbd	tbd	<u>William P. Clements Bldg</u> <u>300 W 15th Street</u> <u>4th Floor</u> <u>Austin, TX 78701</u>

Administrative law judge(s) will be assigned at a later date.

All parties will be notified in the event of a change of location of the hearing.

**STATE OFFICE OF ADMINISTRATIVE HEARINGS
300 WEST 15TH STREET, STE. 502
AUSTIN, TEXAS 78701
(512) 475-4993
FAX (512) 475-4994
DOCKET (512) 475-3445**

AMENDED CONFIRMATION OF REQUEST TO DOCKET CASE

TO: MELANIE MOHAIR VIA FACSIMILE 239-3311
TX COMM ON ENVIRONMENTAL QUALITY

FROM: HOLLY WISE
DEPUTY CLERK

DATE: December 3, 2002

RE: SETTINGS OF HEARING(S)

At your request, the following hearing(s) have been set:

<u>Docket Number</u>	<u>Case</u>	<u>Date</u>	<u>Time</u>	<u>Hearing Location</u>
582-03-1247 2002-1242-UCR	SCF Water Co	02/06/03	10:00 am	<u>William P. Clements Bldg</u> <u>300 W 15th Street</u> <u>4th Floor</u> <u>Austin, TX 78701</u>

Administrative law judge(s) will be assigned at a later date.

All parties will be notified in the event of a change of location of the hearing.

Please remember that you are responsible for providing the court reporter or equipment to record the hearing, as required by your agency.

If you have any questions regarding any of the information stated herein, please call.

*** TX REPORT ***

TRANSMISSION OK

TX/RX NO 1786
CONNECTION TEL 9 2393311
SUBADDRESS
CONNECTION ID TCEQ
ST. TIME 12/03 16:30
USAGE T 00'28
PGS. SENT 1
RESULT OK

**STATE OFFICE OF ADMINISTRATIVE HEARINGS
300 WEST 15TH STREET, STE. 502
AUSTIN, TEXAS 78701
(512) 475-4993
FAX (512) 475-4994
DOCKET (512) 475-3445**

AMENDED CONFIRMATION OF REQUEST TO DOCKET CASE

TO: MELANIE MOHAIR VIA FACSIMILE 239-3311
TX COMM ON ENVIRONMENTAL QUALITY

FROM: HOLLY WISE
DEPUTY CLERK

DATE: December 3, 2002

RE: SETTINGS OF HEARING(S)

At your request, the following hearing(s) have been set:

<u>Docket Number</u>	<u>Case</u>	<u>Date</u>	<u>Time</u>	<u>Hearing Location</u>
582-03-1247 2002-1242-UCR	SCF Water Co	02/06/03	10:00 am	<u>William P. Clements Bldg</u> <u>300 W 15th Street</u> <u>4th Floor</u> <u>Austin, TX 78701</u>

Administrative law judge(s) will be assigned at a later date.

All parties will be notified in the event of a change of location of the hearing.

(Revised - 4/2001)	FOR SOAH USE ONLY	(req. form)
Date complete request received by SOAH:	Proceeding date for by SOAH 2/6/03 10 AM	SOAH Docket Number & type of case. 58203- 1241

REQUEST TO DOCKET CASE (Please type or print)**PLEASE CHECK ACTION(S) REQUESTED:**

☐ SETTING OF HEARING ☐ ASSIGNMENT OF ALJ ☐ ALTERNATIVE DISPUTE RESOLUTION (ADR)

REFERRING AGENCY NAME: TCEQ AGENCY NO.: FILE/CASE NO.: 2002-1242-UCR

NAME/STYLE OF THE CASE SCF WATER COMPANY

DATE APPLICATION FILED AT AGENCY: DOCKET NO SUFFIX, if applicable: UCR

PROCEEDING DATE(S) REQUESTED (Include range of dates if possible). February 4, 2003 ~~10 AM~~ 2/5 or 6/03

EXPECTED NUMBER OF HOURS (if less than a day) OR DAYS NEEDED FOR PROCEEDING: HOURS DAYS

☐ ADMIN. FINE ☐ GRIEVANCE ☐ ENFORCEMENT ☐ CONTRACT CLAIM (Gov't Code 2260) ☐ OTHER

SPECIAL NEEDS OR ACCOMMODATIONS: HEARING IN AUSTIN SEATING FOR 15 PEOPLE

IF ADR REQUESTED PLEASE DESCRIBE PROCESS NEEDED:

☐ PREHEARING CONFERENCE REQUESTED

☐ CASE FILE and/or ☐ HEARING IS CONFIDENTIAL (Specify applicable statute):

NAME OF INDIVIDUAL SENDING REQUEST FORM: Melanie Mohair PHONE NO 239-2578 FAX NO.: 239-3311

PARTIES AND REPRESENTATIVES

PARTY REPRESENTED BY: ☐ SELF ☐ ATTORNEY

☐ OTHER, if so, relationship: REPRESENTATIVE'S NAME:

PARTY'S NAME John Deering

ADDRESS:

PHONE No.: FAX No.:

PARTY REPRESENTED BY: ☐ SELF ☐ ATTORNEY

☐ OTHER, if so, relationship: REPRESENTATIVE'S NAME:

PARTY'S NAME:

ADDRESS:

PHONE No.: FAX No.:

PLEASE LIST ADDITIONAL PARTIES AND/OR REPRESENTATIVES ON EXTRA FORM PROVIDED.

SEND TO: STATE OFFICE OF ADMINISTRATIVE HEARINGS
ATTN: Deputy Clerk
William P. Clements Building
300 West 15th Street, Suite 504
Austin Texas 78701

OR

Post Office Box 13025
Austin, Texas 78711-3025
Docket Phone No (512) 475-3445
Fax No (512) 475-4994

PLEASE FORWARD A COPY OF THE APPLICATION, APPEAL, OR COMPLAINT WITH THIS REQUEST FORM, AS WELL AS ANY OTHER PLEADING FILED IN THE CASE TO DATE. A REQUEST IS NOT COMPLETE WITHOUT ALL OF THESE ITEMS WHICH HAVE BEEN GENERATED IN THE CASE. A COPY OF THE NOTICE OF PROCEEDING MUST BE FORWARDED TO SOAH AT THE SAME TIME IT IS MAILED TO THE PARTIES.

To...	
Cc...	
Subject:	Docket Change

Case Name:	SCF WATER CO
Docket Number:	* 582-03-1247
ALJ:	* WOOD
Date:	* Wed 10/01/2003

Type of Action:	
*	Remand Dismissed

Asterisk denotes a required field.

Setting Date and Time	
On/To Date and Time:	None None
From Date and Time:	None None
Duration:	0 hours
Special Instructions:	

Disposition of Case/File	
Date Order Signed:	Mon 09/01/2003 3:48 PM
Disposition of case file:	
Assigned to ALJ:	

Measures Reporting

Notice of Hearing:	None	Amended PFD Issued:	None
Hearing on Merits:	None	Remand Dismissed:	None
Record Closed:	None	Remand Hearing:	None
PFD/FO/DO Issued:	None	Remand Record Closed:	None
Was this an Admin. Penalty Case?		Remand PFD Issued:	None
Was a Fine Recommended?		Amended Remand PFD Issued:	None
Amount of fine (\$):	\$0.00	PFD Changed by Referring Agency:	None
		PFD Overturned/ Remanded by a Court:	None

Mediation (MSC) / ADR Information

Date Mediation Requested:	None
Date Mediation Granted/Ordered:	None
Date Mediation Denied:	None
Date Mediation Successful:	None
Date Mediation Unsuccessful:	None
Date Referred to TCEQ:	None
Date For Telephonic Mediation:	None

LOG OF FILMS IN FILE (Con't)

File No. 31349-C et al

[illegible]

31349-C / 31350-C
File Number 31351 31352

A-154-L
Administrative Review No.

CCN
Style
Tarrant

Name of Utility

County

LOG OF ITEMS IN FILE

Date	No.	Item of Description
8/30/96	1	Applications
9/11	2	Receipt
9/12	3	Overlap
9/19	4	Accept Ltr
9-11	5	Payment of Fee
9-20	6	Receipt
10-1	7	Wentlake offer to take over Lake Tarrant MUD #3
10-3	8	" " " " " " " #2
10-14	9	Notice + 2/4/97 - MUD #3
10-14	10	" " " " MUD #2
10-14	11	Ltr: Wentlake - MUD #2
10-15	12	Ltr: " " MUD #3
10-23	13	Ltr: Wentlake - offer of Mediation
10-24	14	Ltr: Wentlake: " " "
10-31	15	Ltr: Trophy Club: request for notice of hearing
11-6	16	City of Keller - Protest Ltr.
11-15	17	Ltr from Nelson - Mediation Plan

CCN APPLICATION
WATER/SEWER

Lake Turner MUD#3

Utility Name

A-154-6

Administrative Review Number

Tarrant/Denton

County

9/16/96

Review Completion Date

CCN No. (if amendment)

A0749

A0750

Kenneth L. Petersen Jr.
Contact Person

ADMINISTRATIVE REVIEW CHECKLIST

FILING CLERK

YES NO

1. Original and 2 copies of Application
2. Original and 2 copies of State Hwy. County Map
3. Original and 2 copies of Large-scale Map
4. Filing fee of ~~\$100~~ \$200.00
5. Three copies of Proposed Notices (publishers, neighboring utilities, customers)
6. Original and 2 copies of Tariff
7. Articles of Incorporation & Charter for WSC's (if necessary)
8. Inspection report letter or Plans & Specs. approval letter
9. Comptroller's Certificate of Good Standing
10. City Consent (if necessary)

✓
✓
✓
✓
✓
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✓
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—
✓
✓
✓

STAFF REVIEW

Name of Reviewer

I have reviewed this application and recommend it to be:

DATE

Accepted for filing, please send attached notices to the utility.

Not accepted for filing, please send attached letter to the utility.

Additional information requested in letter above has not been received, please send attached letter.

There has been no response to the above request letters, the application is not administratively complete and should be returned.

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

INTEROFFICE MEMORANDUM

TO: Lara Nehman, Legal Services DATE: July 13, 1999

THRU: *JB* Steve Blackhurst, Manager, Utility Rates & Services Section
Irene Montelongo, Senior Attorney, Legal Services

FROM: *Doug* Doug Holcomb, Utility Rates & Services Section

SUBJECT: Application No. 31252-C of the Town of Westlake for a Water
CCN

Application No. 31253-C of the Town of Westlake for a Sewer
CCN

Application No. 31349-C of Lake Turner MUD No. 2 for a
Water CCN

Application No. 31350-C of Lake Turner MUD No. 2 for a
Sewer CCN

Application No. 31351-C of Lake Turner MUD No. 3 for a
Water CCN

Application No. 31352-C of Lake Turner MUD No. 3 for a
Sewer CCN

The referenced applications were transferred to SOAH on December 10, 1996 after the applicants protested each others applications and could not resolve the disputes locally. In early 1997 the parties requested time to mediate the issues privately without TNRCC involvement. There was a preliminary hearing scheduled on March 27, 1997. Although the parties reportedly eventually reached some resolution, there has been no formal communications since then.

According to TNRCC records since the applications were filed the Lake Turner MUDs have both changed names (Circle T MUDs) and both are shown as inactive. There have reportedly been some changes at the Town of Westlake according to newspaper articles staff has reviewed.

I recommend that the parties be contacted to determine what we should do with the cases. Perhaps the applications could be remanded from SOAH back to the ED to dismiss or a motion filed to have the ALJ dismiss them.

Please let me know how I can help with this.

J:\RATES\UTILITYS\DOCS\31252.MEM

31252-6-31349
thru
31352 AH

P.O. BOX 12068
CAPITOL BUILDING
AUSTIN TEXAS 78711
512/463-0109
FAX 512/463-0923
TDD 512/475-3758

JANE NELSON
STATE SENATOR

Committees

HEALTH AND HUMAN SERVICES VICE CHAIR
EDUCATION
NOMINATIONS
STATE AFFAIRS

DISTRICT OFFICE
3700 FORUMS DRIVE, SUITE 107
FLOWER MOUND TEXAS 75028
(214) 724-0066
FAX (214) 724-0750

November 14, 1996

Mr. Doug Holcomb, P.E.
Utilities Certification and Assistance
Water Utility Division
Texas Natural Resource Conservation Commission
P.O. Box 13087
Austin, TX 78711-3087

RECEIVED

NOV 15 1996

NATURAL RESOURCE CONSERVATION
UTILITY RATES AND SERVICES

Dear Mr. Holcomb:

As you know, I am working to help facilitate mediation meetings between the City of Westlake and the Lake Turner MUDs #2 and 3 in regard to both entities' applications for Certificates of Convenience and Necessity (CCNs), which are currently pending before the Texas Natural Resource Conservation Commission.

It is my understanding that the applications may have or will soon become eligible for administrative proceedings within the State Office of Administrative Hearings (SOAH). Please be advised that both parties have indicated their desire to work to resolve their differences through private mediation, and are currently working through my office to initiate such meetings. This is to request that the TNRCC delay further action on the CCN applications pending the result of our ongoing efforts toward resolution.

Thank you for your assistance in this matter.

Very truly yours,

Jane Nelson

Senator Jane Nelson

LLOYD, GOSSELINK, BLEVINS, ROCHELLE,
BALDWIN & TOWNSEND, P. C.
ATTORNEYS AT LAW

111 CONGRESS AVENUE, SUITE 1800
AUSTIN, TEXAS 78701
TELEPHONE (512) 322-5800
TELECOPIER (512) 472-0532

Mr. Rochelle's Direct Line:
(512) 322-5810

mrochelle@lglawfirm.com

807 SOUTH AUSTIN AVENUE*
GEORGETOWN, TEXAS 78626
TELEPHONE (512) 930-1317
*BY APPOINTMENT ONLY

April 3, 2000

The Honorable William G. Newchurch
Administrative Law Judge
State Office of Administrative Hearings
Suite 502
300 W. 15th Street
P.O. Box 13025
Austin, Texas 78711-3025

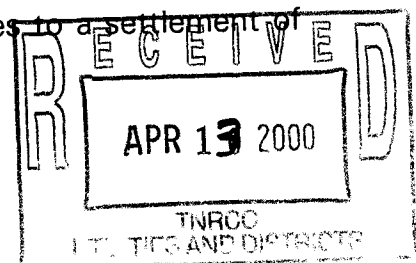
VIA HAND DELIVERY

1996-1897 & 1996-1898-UCR
Re: Application of Town of Westlake for Certificate of Convenience
and Necessity: SOAH Docket No. 582-97-0175 (Water CCN)
(140300:1.2)

Dear Judge Newchurch:

By your issuance of Order No. 11, you granted the request of my client, the Town of Westlake ("Westlake") to abate the discovery and hearing process in the above-referenced matter so as to allow the parties additional time to explore settlement of their dispute. No party opposed that request. In Order No. 11, the deadline for serving discovery was extended to April 4, 2000; the deadline for responses to such discovery was extended to May 1, 2000; the deadline for completing depositions was extended to May 22, 2000; and, the hearing on the merits was rescheduled to June 15-16, 2000.

As stated in my February 28, 2000 request for abatement of the discovery and hearing schedules in this matter, the city managers of Westlake and the City of Keller ("Keller") jointly engaged the services of a third-party consultant to assist in the resolution of several settlement issues. This consultant's report was completed, delivered to Keller and Westlake, and has led to a proposed settlement scenario between these cities. I have recently forwarded to my client proposed settlement documents, which I expect will be forwarded on to Keller in the near future for its consideration. Based on the progress which has been made to date, and my understanding of the essential agreement by the parties to a settlement of

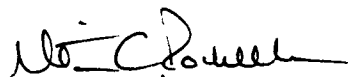


this matter, I fully expect this matter to be resolved outside of the context of a contested case hearing.

Therefore, please consider this letter as the request of my client for abatement of these proceedings. Westlake believes that such abatement is appropriate, given the costs associated with discovery and hearing, and the real possibility of settlement and resolution of these matters. Such abatement will enable the parties to fully explore their settlement options and will ensure that they spend their efforts in resolving the issues between them instead of pursuing discovery and hearing preparation in this matter. Westlake would request that the discovery and hearing schedules in this proceeding be abated without additional rescheduling of such proceedings at this time. Of course, such schedules could be reinitiated by you on your own initiative or upon motion of any party. I have discussed this proposal with counsel for Keller and the Executive Director and I do not believe they object to this proposal.

I hereby certify that by copy of this letter I am providing notice of this request to the parties of record in the above-referenced docket. Inasmuch as the April 4, 2000 deadline for discovery is fast approaching, I would appreciate your prompt response to this request for an abatement of these proceedings.

Sincerely,



Martin C. Rochelle

MCR/ldp
1403\CO\ltr000403mc:1

cc: Mayor Scott Bradley
Mr. Trent Petty
Mr. Stan Lowry
Mr. Larry Fuson, P.E.
Attached Mailing List

MAILING LIST

Mr. Skip Newsom
Fisher & Newsom, P.C.
111 Congress Avenue
Suite 820
Austin, Texas 78701-4043

Mr. Mike Booth
Booth, Ahrens & Werkenthin
Suite 1515
515 Congress Avenue
Austin, Texas 78701

Mr. Hal L. Sanders
Strasburger & Price, L.L.P.
2600 One American Center
600 Congress Avenue
Austin, Texas 78701

Ms. Lara Nehman (MC 173)
Staff Attorney
TNRCC
P.O. Box 13087
Austin, Texas 78711-3087

Mr. Blas J. Coy, Jr.
Public Interest Counsel MC-103
TNRCC
P.O. Box 13087
Austin, Texas 78711-3087

Office of the Chief Clerk MC-105
TNRCC
P.O. Box 13087
Austin, Texas 78711-3087

Docket Clerk
State Office of Administrative Hearings
300 W. 15th Street, Suite 502
Austin, Texas 78711-3025

AH

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

INTEROFFICE MEMORANDUM

TO: Mamie Black, Acting Chief Clerk

DATE: December 10, 1996

THRU: DH Sally Gutierrez, Director, Water Utilities Division

FROM: DH Steve Blackhurst, Manager, Utility Rates & Services Section
Irene Montelongo, Legal Division

SUBJECT: Docket No. 96-1897-UCR; Application of the Town of Westlake for a Water Certificate of Convenience and Necessity (CCN) and to Decertify a Portion of CCN No. 12311 issued to the City of Fort Worth, in Denton and Tarrant Counties; Application No. 31252-C

Docket No. 96-1898-UCR; Protest of the Application of the Town of Westlake for a Sewer Certificate of Convenience and Necessity (CCN) in Denton and Tarrant Counties; Application No. 31253-C

We hereby transfer the official files for the above applications to the Chief Clerk's Office. Please refer these applications to the State Office of Administrative Hearings and request that a hearing be scheduled.

This utility's applications are being protested by Trophy Club MUD #1, the City of Keller, Hillwood/Willowbend, Ltd., Lake Turner MUD No. 2, Lake Turner MUD No. 3, and Maguire Thomas Partners-Westlake Southlake Partnership and MTP-IBM Phase II/III Joint Venture. They are also requesting a hearing on this matter. The proposed water and sewer service areas overlap proposed water and sewer service areas of Lake Turner MUD #2 and #3 as requested in Applications No. 31349-C, No. 31350-C, No. 31351-C and No. 31352-C. The staff recommends that Applications No. 31349-C, No. 31350-C, No. 31351-C and No. 31352-C of Lake Turner MUD No. 2 and Lake Turner MUD No. 3 be consolidated with these applications because many of the issues may be the same for these applications. They also overlap the certificated service areas of the City of Keller, the City of Southlake and the City of Fort Worth. The applicant is requesting dual certification with the City of Keller and the City of Southlake. The applicant is also requesting to decertify a portion of CCN No. 12311 of the City of Fort Worth. The City of Fort Worth has not protested this request. Staff estimates 30 people will attend this hearing. Attached is a mailing list.

The staff assigned to this case are:

Technical - Albert Holck/George Freitag

Legal -

If we may be of further service regarding this matter, please call.

Doug Helcomb

for Steve Blackhurst

Irene Montelongo

cc: TNRCC Public Interest Counsel; ATTN: Mark Alvarado
TNRCC Agency Communications; ATTN: Patrick Crimmins, Acting Director

Barry R. McBee, *Chairman*
R. B. "Ralph" Marquez, *Commissioner*
John M. Baker, *Commissioner*
Dan Pearson, *Executive Director*



TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

Protecting Texas by Reducing and Preventing Pollution

December 10, 1996

Ms. Sarah K. Walls
Cantry and Hanger
2100 Burnett Plaza
801 Cherry Street
Fort Worth, Texas 76102

Re: Docket No. 96-1897-UCR; Protests of the Application of the Town of Westlake for a Water Certificate of Convenience and Necessity (CCN) and to Decertify a Portion of CCN No. 12311 issued to the City of Fort Worth, in Denton and Tarrant Counties; Application No. 31252-C

Docket No. 96-1898-UCR; Protests of the Application of the Town of Westlake for a Sewer Certificate of Convenience and Necessity (CCN) in Denton and Tarrant Counties; Application No. 31253-C

Dear Ms. Walls:

The Texas Natural Resource Conservation Commission (TNRCC) received protests to your applications for CCNs of the Town of Westlake for water and sewer utility service in Denton and Tarrant Counties. The Commission's Chief Clerk has assigned Docket Nos. 96-1897-UCR and 96-1898-UCR to this matter. Any further communications should refer to these docket numbers. V.T.C.A Water Code, Section 13.246 provides that affected parties may protest the applications and request a hearing on whether a CCN should be granted. Trophy Club MUD #1, the City of Keller, Hillwood/Willowbend, Ltd., Lake Turner MUD No. 2, Lake Turner MUD No. 3 and Maguire Thomas Partners-Westlake Southlake Partnership and MTP-IBM Phase II/III Joint Venture have protested the referenced applications.

This matter has been referred to the State Office of Administrative Hearings to schedule a hearing. When a hearing has been scheduled, you will receive a notice of hearing which explains when and where the hearing will be held.

It is understood that efforts are being made to mediate these protests. At any time that the protestants and the applicant can reach an agreement, please inform this office as soon as possible. A hearing may not be necessary if the parties reach an agreement over the proposed service areas.

In order to review these CCN applications, the staff of the TNRCC may need additional information regarding your utility's service. You may be receiving Staff Requests for Information (RFI's) within a few weeks. We would appreciate your cooperation in providing the information requested.

Ms. Sarah K. Walls
Page 2

The staff will recommend that Applications No. 31349-C, No. 31350-C, No. 31351-C and No. 31352-C of Lake Turner MUD No. 2 and Lake Turner MUD No. 3 be consolidated with these applications because many of the issues are the same.

If you have questions about this process or what material you should bring with you to the hearing, please contact Albert Holck at (512) 239-6960.

Sincerely,



FOR Doug Holcomb, P. E.
Utility Certification and
Rate Design Section
Water Utilities Division

DEH/AH/mmr

cc: TNRCC, Region 4 Office
Attached Mailing List

PROPOSED MAILING LIST FOR DOCKET NO. 96-1897-UCR AND DOCKET NO. 96-1898-UCR
(Applications No. 31252-C and No. 31253-C)

PROPOSED MAILING LIST FOR DOCKET NO. 96-1901-UCR,
DOCKET NO. 96-1902-UCR, DOCKET NO. 96-1903-UCR, AND DOCKET NO. 96-1904-UCR,
(Applications No. 31349-C, No. 31350-C, No. 31351-C, No. 31352-C)

Mr. Timothy G. Green
Coats, Rose, Yale, Holm, Ryman & Lee
800 First City Tower
1001 Fannin
Houston, Texas 77002-6707

Representing Lake Turner MUD No. 2
Lake Turner MUD No. 3

Mr. Andy Barrett
McGinnis, Lochridge & Kilgore, L.L.P.
1300 Capitol Center
919 Congress Avenue
Austin, Texas 78701
(512)495-6000
Fax (512) 495-6093

Representing Lake Turner MUD No. 2
Lake Turner MUD No. 3

Mr. Dwight A. Shupe
Hughes & Luce, L.L.P.
1717 Main Street, Suite 2800
Dallas, Texas 75201

Representing Hillwood/Willowbend, Ltd.
(Lake Turner MUD No. 2)
(Lake Turner MUD No. 3)

Mr. Lyle H. Drescher, City Manager
City of Keller
158 S. Main
Keller, Texas 76248

Representing City of Keller

Mr. Skip Newsom, Fisher & Newsom, P.C.
111 Congress Avenue, Suite 820
Austin, Texas 78701-4043
(512) 477-4121
Fax (512) 477-4136

Representing City of Keller

Mr. Frank R. Booth
Booth & Dillon
NationsBank Tower, Suite 1212
515 Congress Avenue
Austin, Texas 78701-3503

Representing Trophy Club Municipal Utility District No. 1

Mr. Robert G. West
Michener Larimore Swindle Whitaker Flowers Sawyer Reynolds & Chalk, L.L.P.
3500 City Center Tower II
301 Commerce Street
Fort Worth, Texas 76102-4186
(817) 335-4417

Representing Trophy Club Municipal Utility District No. 1

Mr. R. L. Guinn, Director
3500 Lincoln Plaza
500 North Akard Street
Dallas, Texas 75201

Lake Turner MUD No. 1

Mr. Tom Allen
Maguire Thomas Partners
9 Village Circle, Suite 500
Westlake, Texas 76262

Representing Maguire Thomas Partners-Westlake
Southlake Partnership

John J. Carlton
Strasburger & Price, L.L.P.
2600 One American Center
600 Congress Avenue
Austin, Texas 78701

Representing Maguire Thomas Partners
MTP-IBM Phase II/III Joint Venture

Mr. Martin C. Rochelle
Lloyd, Gosselink, Fowler, Blevins & Mathews, P.C.
111 Congress Avenue, Suite 1800
Austin, Texas 78701
(512) 322-5800
Fax (512) 472-0532

Representing Town of Westlake

Ms. Sarah K. Walls
Cantry and Hanger
2100 Burnett Plaza
801 Cherry Street
Fort Worth, Texas 76102

Representing Town of Westlake

Mr. Rick Frederick
624 Walnut Grove
Roanoke, Texas 76262

Representing Walnut Grove Water System
(not a protest but request for notice of hearing)

Legislative Contact
Senator Jane Nelson
P. O. Box 2068
Capitol Building
Austin, Texas 78711

Senator Jane Nelson
District Office
3700 Forums Drive, Suite 107
Flower Mound, Texas 75028



JANE NELSON
STATE SENATOR

P.O. BOX 12068
CAPITOL BUILDING
AUSTIN, TEXAS 78711
512/463-0109
FAX: 512/463-0923
TDD: 1-800-735-2989

DISTRICT OFFICE
3700 FORUMS DRIVE, SUITE 107
FLOWER MOUND, TEXAS 75028
(972) 724-0066
FAX (972) 724-0750

Committees:

HEALTH AND HUMAN SERVICES, VICE CHAIR
CRIMINAL JUSTICE
STATE AFFAIRS
FINANCE

February 13, 1997

Mr. Doug Holcomb, P.E.
Utilities Certification and Assistance
Water Utility Division
Texas Natural Resource Conservation Commission
P.O. Box 13087
Austin, TX 78711-3087

Dear Mr. Holcomb:

As you know, I have worked to help facilitate private meetings between the City of Westlake and the Lake Turner MUDs #2 and 3 in regard to the entities' applications for Certificates of Convenience and Necessity (CCNs) from the Texas Natural Resource Conservation Commission (TNRCC).

I am informed by the mediator agreed upon by both parties that initial meetings have now taken place and that highly significant progress has been made. It is my understanding that while work remains to be done, the progress to date is such that both parties have or will petition TNRCC to temporarily suspend efforts to proceed with the administrative hearing process related to the CCN applications. The purpose of this letter is to add my voice to that request in order that we provide every reasonable opportunity for the private mediation effort to produce positive results.

If you have any questions, please contact Steve Roddy in my Austin office at (512) 463-0109. I appreciate your assistance in this matter.

Very truly yours,

A handwritten signature in cursive script, reading "Jane Nelson".

Senator Jane Nelson

RECEIVED

FEB 19 1997

T> NATURAL RESOURCE CONS COMM
UTILITY RATES AND SERVICES

Paul C. Isham

Attorney at Law
507 Crossland Blvd.
Grand Prairie, Texas 75052
(972) (214) 263-0507 (Metro)
(972) (214) 264-0585 (FAX)

November 11, 1996

City Office
P. O. Box 534045
Grand Prairie, TX 75053-4045
44-000-8025
214-263-1870 (FAX)
972-237-8025
972-237-8030 (FAX)

Doug Lee Holcomb, P.E. FAX: 512-239-5533
Texas Natural Resource Conservation Commission
P.O. Box 13087
Austin, Texas 78711-3087

**Re: CCN's; Town of Westlake and Lake Turner
Municipal Utility Districts #2 and #3**

Dear Mr. Holcomb:

Please be advised that I serve as Town Attorney for the Town of Westlake, Texas. As you know, both the Town of Westlake and the Lake Turner Municipal Utility Districts #2 and #3 seek certificates of convenience and necessity to provide service to the Town. Senator Jane Nelson has offered to assist in mediating the dispute between the Town and the MUDs concerning service within the Town and the competing CCNs.

This letter will confirm my telephone conversation with Steve Roddy in Senator Nelson's office concerning the need to request TNRCC to delay action on the applications for CCNs so that the parties can attempt to resolve the disputes through mediation. Thus, the Town of Westlake requests that you delay action on the CCNs for a reasonable period of time so that the matter can be mediated.

If you have any questions concerning this request, please contact me.

Sincerely yours,


Paul C. Isham
Town Attorney

cc: Steve Roddy
Martin Rochelle
Mayor Scott Bradley

RECEIVED

NOV 13 1996

TX NATURAL RESOURCE CONS COMM
UTILITY RATES AND SERVICES

COATS, ROSE, YALE, HOLM, RYMAN & LEE

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

800 FIRST CITY TOWER

1001 FANNIN

HOUSTON, TEXAS 77002-6707

TELEPHONE (713) 651-0111

TELECOPIER (713) 651-0220

November 15, 1996

Mr. Doug Holcomb
Texas Natural Resource Conservation Commission
P. O. Box 13087
Austin, Texas 78711-3087

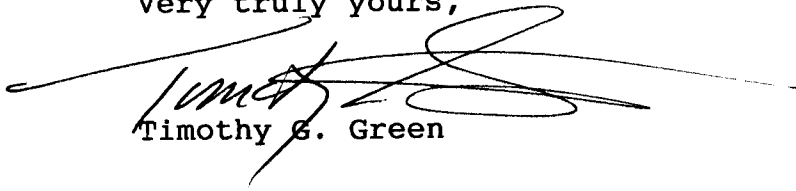
Re: Lake Turner Municipal Utility District Nos. 2 and 3
Applications for Certificate of Convenience and
Necessity; and Town of Westlake Certificate of
Convenience and Necessity

Dear Doug:

Please be advised that effective November 14, 1996, this law firm has been retained to act as general counsel to Lake Turner Municipal Utility District Nos. 2 and 3 ("MUD 2" and "MUD 3"). Also, effective such date, MUD 2 and MUD 3 each has retained Mr. Andy Barrett at McGinnis, Lockridge & Kilgore, L.L.P. to act as its legal counsel on all matters related to its application for a Certificate of Convenience and Necessity.

On behalf of my clients, enclosed herein please find letters addressed to you regarding possible mediation of the matters affecting their application for a Certificate of Convenience and Necessity.

Very truly yours,



Timothy G. Green

TGG:jhw

cc: Board of Directors MUD 2 and MUD 3 w/enclosures
State Senator Jane Nelson w/enclosures
Mr. Andy Barrett w/enclosures
Mr. Darcy Anderson w/enclosures
Hillwood Development
Mr. Ike Shupe w/enclosures

RECEIVED

NOV 19 1996

LAKE TURNER MUNICIPAL UTILITY DISTRICT NO. 2
c/o COATS, ROSE, YALE, HOLM, RYMAN & LEE, P.C.
1001 FANNIN, SUITE 800
HOUSTON, TEXAS 77002-6707

November 14, 1996

Mr. Doug Holcomb
Texas Natural Resource Conservation Commission
P. O. Box 13087
Austin, Texas 78711-3087

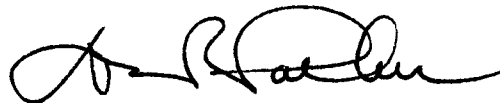
Re: Lake Turner Municipal Utility District No. 2 Application
for Certificate of Convenience and Necessity; and Town of
Westlake Certificate of Convenience and Necessity

Dear Mr. Holcomb:

On behalf of Lake Turner Municipal Utility District No. 2 (the
"District"), I am writing regarding the above matter.

The District intends to engage in discussions with the Town of
Westlake with the mutual objective of resolution of differences,
but does not request mediation of the above matters under the
auspices of the Texas Natural Resource Conservation Commission
("TNRCC"). Instead, the District asks that the above matters
proceed before the TNRCC as soon as is practicable.

Sincerely,

A handwritten signature in black ink, appearing to read 'Donna Parker', with a stylized, flowing script.

Donna Parker
President

cc: Board of Directors
State Senator Jane Nelson

LAKE TURNER MUNICIPAL UTILITY DISTRICT NO. 3
c/o COATS, ROSE, YALE, HOLM, RYMAN & LEE, P.C.
1001 FANNIN, SUITE 800
HOUSTON, TEXAS 77002-6707

November 14, 1996

Mr. Doug Holcomb
Texas Natural Resource Conservation Commission
P. O. Box 13087
Austin, Texas 78711-3087

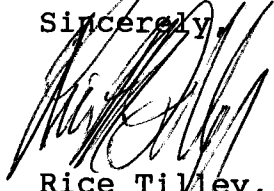
Re: Lake Turner Municipal Utility District No. 3 Application
for Certificate of Convenience and Necessity; and Town of
Westlake Certificate of Convenience and Necessity

Dear Mr. Holcomb:

On behalf of Lake Turner Municipal Utility District No. 3 (the
"District"), I am writing regarding the above matter.

The District intends to engage in discussions with the Town of
Westlake with the mutual objective of resolution of differences,
but does not request mediation of the above matters under the
auspices of the Texas Natural Resource Conservation Commission
("TNRCC"). Instead, the District asks that the above matters
proceed before the TNRCC as soon as is practicable.

Sincerely,



Rice Tilley, Jr.
President

cc: Board of Directors
State Senator Jane Nelson



JANE NELSON
STATE SENATOR

P O BOX 12068
CAPITOL BUILDING
AUSTIN, TEXAS 78711
512/463-0109
FAX 512/463-0923
TDD 512/475-3758

DISTRICT OFFICE
3700 FORUMS DRIVE, SUITE 107
FLOWER MOUND, TEXAS 75028
(214) 724-0066
FAX (214) 724-0750

31349
1110
21052
Committees.

HEALTH AND HUMAN SERVICES, VICE CHAIR
EDUCATION
NOMINATIONS
STATE AFFAIRS

November 14, 1996

Mr. Doug Holcomb, P.E.
Utilities Certification and Assistance
Water Utility Division
Texas Natural Resource Conservation Commission
P.O. Box 13087
Austin, TX 78711-3087

RECEIVED

NOV 15 1996

NATURAL RESOURCE CONSERVATION COMMISSION
UTILITY RATES AND SERVICES

Dear Mr. Holcomb:

As you know, I am working to help facilitate mediation meetings between the City of Westlake and the Lake Turner MUDs #2 and 3 in regard to both entities' applications for Certificates of Convenience and Necessity (CCNs), which are currently pending before the Texas Natural Resource Conservation Commission.

It is my understanding that the applications may have or will soon become eligible for administrative proceedings within the State Office of Administrative Hearings (SOAH). Please be advised that both parties have indicated their desire to work to resolve their differences through private mediation, and are currently working through my office to initiate such meetings. This is to request that the TNRCC delay further action on the CCN applications pending the result of our ongoing efforts toward resolution.

Thank you for your assistance in this matter.

Very truly yours,

Jane Nelson

Senator Jane Nelson

Fisher & Newsom, P.C.

ATTORNEYS AT LAW

111 CONGRESS AVENUE, SUITE 820
AUSTIN, TEXAS 78701-4043
(512) 477-4121
FAX (512) 477-4136

31349
thru
31352
LAS COLINAS OFFICE:
4201 WINGREN, SUITE 106
IRVING, TEXAS 75062
(972) 281-5820
FAX: (972) 650-7105

Skip Newsom*

November 1, 1996

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NOV 5 1996

**TX NATURAL RESOURCE CONSERVATION COMM
UTILITY RATES AND SERVICES**

Mr. Doug Holcomb, P.E.
Utility Certification & Rate Design Section
Water Utility Division
Texas Natural Resource Conservation Commission
P.O. Box 13087
Austin, Texas 78711-3087

Re: Applications of Lake Turner Municipal Utility District No. 2 and Lake Turner
Municipal Utility District No. 3 for Water and Sewer Certificates of Convenience
and Necessity; Denton & Tarrant Counties, Texas

Dear Mr. Holcomb:

This firm represents the City of Keller, Texas. The above-referenced applications for water service seek certification to service areas which overlap areas certificated to the City of Keller under Certificate of Convenience and Necessity (CCN) No. 10975 and within which the City of Keller currently maintains both service facilities and customers. The City of Keller remains willing and able to furnish continuous and adequate water service within such areas and issuance of the water certificates as proposed by the above-referenced applications would prejudice the City of Keller's interests. Accordingly, please accept this letter as the City of Keller's written protest and request for public hearing concerning these applications. The City of Keller would withdraw its protest and request for public hearing if the water service areas requested by the above applications were adjusted to exclude any and all areas currently certificated to the City of Keller under CCN No. 10975.

We understand that the Commission's Alternative Dispute Resolution process has been proposed to assist in the resolution of the conflict between the above applications and the applications filed by the Town of Westlake. As the holder of the CCN for water service in a large portion of this area of dispute, the City of Keller also has a keen interest in such resolution efforts and desires to participate in such process for the common good of the area and its existing and future water customers.

*Board Certified, Administrative Law--Texas Board of Legal Specialization

Mr. Doug Holcomb
November 1, 1996
Page 2

As always, we appreciate your attention to this matter and should you desire additional information relative to the above, please contact me at your convenience.

Yours very truly,

A handwritten signature in black ink, appearing to read "Skip Newsom". The signature is fluid and cursive, with the first name "Skip" written in a larger, more prominent script than the last name "Newsom".

Skip Newsom

SN:ra

cc: Senator Jane Nelson
Chief Clerk
Steve Blackhurst
Irene Montelongo
Ken Peterson
Martin C. Rochelle
Frank R. Booth
Lyle Dresher
Stan Lowry

Fisher & Newsom, P.C.

ATTORNEYS AT LAW

111 CONGRESS AVENUE, SUITE 820
AUSTIN, TEXAS 78701-4043
(512) 477-4121
FAX (512) 477-4136

CHIEF CLERK'S OFFICE

31349-C
thru

31352-C
LAS COLINAS OFFICE:
4201 WINGREN, SUITE 106
IRVING, TEXAS 75062
(972) 281-5820
FAX: (972) 650-7105

Skip Newsom*

November 1, 1996

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TX NATURAL RESOURCE CONSV COMM
UTILITY RATES AND SERVICES

Mr. Doug Holcomb, P.E.
Utility Certification & Rate Design Section
Water Utility Division
Texas Natural Resource Conservation Commission
P.O. Box 13087
Austin, Texas 78711-3087

Re: Applications of Lake Turner Municipal Utility District No. 2 and Lake Turner Municipal Utility District No. 3 for Water and Sewer Certificates of Convenience and Necessity; Denton & Tarrant Counties, Texas

Dear Mr. Holcomb:

This firm represents the City of Keller, Texas. The above-referenced applications for water service seek certification to service areas which overlap areas certificated to the City of Keller under Certificate of Convenience and Necessity (CCN) No. 10975 and within which the City of Keller currently maintains both service facilities and customers. The City of Keller remains willing and able to furnish continuous and adequate water service within such areas and issuance of the water certificates as proposed by the above-referenced applications would prejudice the City of Keller's interests. Accordingly, please accept this letter as the City of Keller's written protest and request for public hearing concerning these applications. The City of Keller would withdraw its protest and request for public hearing if the water service areas requested by the above applications were adjusted to exclude any and all areas currently certificated to the City of Keller under CCN No. 10975.

We understand that the Commission's Alternative Dispute Resolution process has been proposed to assist in the resolution of the conflict between the above applications and the applications filed by the Town of Westlake. As the holder of the CCN for water service in a large portion of this area of dispute, the City of Keller also has a keen interest in such resolution efforts and desires to participate in such process for the common good of the area and its existing and future water customers.

*Board Certified, Administrative Law--Texas Board of Legal Specialization

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014113 1A

Mr. Doug Holcomb
November 1, 1996
Page 2

As always, we appreciate your attention to this matter and should you desire additional information relative to the above, please contact me at your convenience.

Yours very truly,

A handwritten signature in black ink, appearing to read "Skip Newsom". The signature is fluid and cursive, with the first name "Skip" written in a larger, more prominent script than the last name "Newsom".

Skip Newsom

SN:ra

cc: Senator Jane Nelson
Chief Clerk
Steve Blackhurst
Irene Montelongo
Ken Peterson
Martin C. Rochelle
Frank R. Booth
Lyle Dresher
Stan Lowry

**MICHENER, LARIMORE, SWINDLE, WHITAKER, FLOWERS,
SAWYER, REYNOLDS & CHALK, L.L.P.**

ATTORNEYS & COUNSELORS
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

3500 CITY CENTER TOWER II
301 COMMERCE STREET
FORT WORTH, TEXAS 76102-4186
(817) 335-4417
METRO (817) 429-6268

WRITER'S DIRECT DIAL NUMBER
878-0511

FAX (817) 335-6935

14621.040

October 28, 1996

**CERTIFIED MAIL NO. P-959-610-621
RETURN RECEIPT REQUESTED**

Texas Natural Resource Conservation Commission
Water Utilities Division
Utility Rates and Services Section, MC-153
P.O. Box 13087
Austin, Texas 78711-3087

RECEIVED
OCT 31 1996

CONSERVATION COMMISSION
UTILITY RATES & SERVICES SECTION

**Re: Applications of Lake Turner Municipal Utility District No. 2 and Lake
Turner Municipal Utility District No. 3 for Water/Sewer Certificates of
Convenience and Necessity (CCN) in Denton and Tarrant Counties.**

Gentlemen:

Trophy Club Municipal Utility District No. 1 has received the formal Notices mailed on October 3, 1996, regarding the above referenced Applications filed by Lake Turner Municipal Utility District No. 2 and Lake Turner Municipal Utility District No. 3. Trophy Club MUD #1 is listed in Section 16 of these Applications.

Trophy Club MUD #1 has annexed and presently provides municipal water supply and sewer collection services to about 450 acres in the Town of Westlake commonly referred to as the "Solana" office park and located on the south side of Highway 114 immediately east of the proposed service area of Lake Turner MUD #2 and Lake Turner MUD #3. The location of the Trophy Club MUD #1 service area in Westlake is generally shown in Attachment "D" to the applications filed by Lake Turner MUDs 2 and 3.

It appears from the applications that the proposed utility service areas for Lake Turner MUDs 2 and 3 do not include any area that is within the area of Westlake annexed by Trophy Club MUD #1. If this is correct then Trophy Club MUD #1 makes no objection to the applications. If this is not correct and the proposed service area extends

Texas Natural Resource Conservation Commission
October 28, 1996
Page 2

in any way into the jurisdictional boundaries of Trophy Club MUD #1, then Trophy Club MUD #1 does object to the applications to the extent of such overlap.

Trophy Club MUD #1 requests that it be kept on the mailing list regarding these two applications so that it may monitor the activity on the applications as an interested party. Trophy Club MUD #1 does not itself request a hearing on these applications. However, if a hearing is scheduled, Trophy Club MUD #1 requests that it be notified of such hearing so that it may attend the hearing as an observer.

Respectfully submitted,

Frank R. Booth
Booth & Dillon
NationsBank Tower, Suite 1212
515 Congress Avenue
Austin, Texas 78701-3503
(512) 478-9506
STATE BAR NO. 02647000

Robert G. West
Michener Larimore Swindle Whitaker Flowers
Sawyer Reynolds & Chalk, L.L.P.
3500 City Center Tower II
301 Commerce Street
Fort Worth, Texas 76102-4186
(817) 335-4417
STATE BAR NO. 21205500

By: 

ROBERT G. WEST

Attorneys for Trophy Club Municipal Utility
District No. 1

Texas Natural Resource Conservation Commission
October 28, 1996
Page 3


CERTIFICATE OF SERVICE

I hereby certify by my signature below that a true and correct copy of the above and foregoing document has been sent by U.S. Mail, postage prepaid, on this 28th day of October, 1996, to the following:

Mr. Kenneth L. Petersen, Jr.
Small, Craig & Werkenthin
Suite 1100, 100 Congress Avenue
Austin, TX 78701-4099
Attorney for Lake Turner MUDs 2 and 3

Ms. Sarah K. Walls
Cantey & Hanger
2100 Burnett Plaza
801 Cherry Street
Fort Worth, TX 76102
Attorney for Town of Westlake

Mr. Martin C. Rochelle
Lloyd, Gosselink, Fowler, Blevins & Mathews, P.C.
111 Congress Avenue, Suite 1800
Austin, TX 78701
Special Counsel for Town of Westlake



ROBERT G. WEST

LLOYD, GOSSELINK, FOWLER, BLEVINS & MATHEWS, P. C.
ATTORNEYS AT LAW

111 CONGRESS AVENUE
SUITE 1800
AUSTIN, TEXAS 78701
TELEPHONE (512) 322-5800
TELECOPIER (512) 472-0532

Mr. Rochelle's Direct Line:
(512) 322-5810

111 SOLEDAD STREET*
SUITE 300
SAN ANTONIO, TEXAS 78205
TELEPHONE (210) 212-5888
TELECOPIER (210) 212-5889
*BY APPOINTMENT ONLY

October 23, 1996

Mr. Douglas Holcomb, P.E.
Texas Natural Resource
Conservation Commission
Water Utility Division
Utility Rates and Services Section, MC-153
P.O. Box 13087
Austin, Texas 78711-3087

RECEIVED
OCT 23 1996

CONSERVATION COMMISSION
UTILITY RATES AND SERVICES SECTION

Re: Applications of Lake Turner Municipal Utility District No. 2
and Lake Turner Municipal Utility District No. 3 for Water
and Sewer Certificates of Convenience and Necessity
(1403:1.2)

Dear Mr. Holcomb:

On behalf of my client, the Town of Westlake, please accept this letter as the written protest and request for hearing concerning the above-referenced applications. As you know, the Town of Westlake has pending applications for water and sewer certificates of convenience and necessity for areas covered by the above-referenced applications, and such areas are entirely within the corporate boundaries of Westlake. Therefore, issuance of certificates pursuant to the above-referenced applications would prejudice Westlake's interest in being the water and sewer utility purveyor within its corporate boundaries. At the present time, Westlake knows of no proposed adjustment to the above-referenced applications which would cause it to withdraw its request for hearing.

Westlake has been asked by Senator Jane Nelson to participate in the Commission's Alternative Disputes Resolution ("ADR") program in seeking to resolve its differences with the Lake Turner Municipal Utility Districts No. 2 and No. 3. Westlake has agreed to participate in this ADR process, and trusts that such process will benefit the citizens, and consumers, in this community.

Mr. Douglas Holcomb, P.E.
October 23, 1996
Page 2

If you have questions concerning this matter, or I may be of service to you or your staff, please call me at your earliest opportunity.

Sincerely,

A handwritten signature in dark ink, appearing to read "Martin C. Rochelle". The signature is fluid and cursive, with the first name "Martin" and last name "Rochelle" clearly distinguishable.

Martin C. Rochelle

MCR/ldp
1403/000-011.LTR

cc: The Honorable Jane Nelson
Mr. Scott Bradley
Ms. Sarah Walls
Mr. Paul Phy
Mr. Ken Petersen
Ms. Maria Sanchez
Mr. Skip Newsom
Mr. Bob West
Mr. John Carlton

TOWN OF WESTLAKE

3 Village Circle
Suite 207 Solana
Westlake, Texas 76262
Metro (817) 430-0941
Fax (817) 430-1812

October 21, 1996

Senator Jane Nelson
3700 Forums Drive, Suite 107
Flower Mound, Texas 75028

Dear Jane:

This follows up on my letter dated October 3, 1996, accepting your offer to involve the Texas Natural Resource Conservation Commission in a mediation of the dispute with Lake Turner Municipal Utility Districts No. 2 and 3 concerning the provision of water and sewer utilities within the boundaries of the Town of Westlake. I indicated in the letter that I would be out of the country from October 26 through November 2, 1996. **My plans have changed and now I expect to be out of the country from November 1 through November 15, 1996.**

We look forward to resolving this matter in the very near future. Thank you for your assistance.

With best regards, I remain

Very truly yours,

Scott Bradley
Scott Bradley

SB:dr

cc: Martin Rochelle, Esq.
Lloyd, Gosselink, Fowler, Blevins & Mathews, P.C.
111 Congress Avenue, Suite 1800
Austin, Texas 78701

RECEIVED

TEXAS NATURAL RESOURCE
CONSERVATION COMMISSION

The Honorable Jane Nelson
October 21, 1996
Page 2

Mr. Douglas Holcomb, P.E.
Utility Rates and Services Section
Water Utilities Division
Texas Natural Resource Conservation Commission
P.O. Box 13087
Austin, Texas 78711-3087

Mr. Steve Blackhurst, P.E.
Texas Natural Resource Conservation Commission
P.O. Box 13087
Austin, Texas 78711-3087

Maria Sánchez, Esq.
Staff Attorney, Legal Division
Texas Natural Resource Conservation Commission
P.O. Box 13087
Austin, Texas 78711-3087

Kenneth L. Petersen, Jr., Esq.
Small, Craig & Werkinthin
Suite 1100, 100 Congress Avenue
Austin, Texas 78701-4099

TOWN OF WESTLAKE

3 Village Circle
Suite 207 Solana
Westlake, Texas 76262
Metro (817) 430-0941
Fax (817) 430-1812

RECEIVED
OCT 11 1996

October 10, 1996

CONSERVATION COMMISSION

Rice M. Tilley, Jr., Esq., President
Lake Turner Municipal Utility District No. 3
c/o Paul W. Phy, General Counsel
8300 Douglas Avenue, Suite 800
Dallas, Texas 75225-5826

Rice M. Tilley, Jr., Esq.
Law, Snakard & Gambill, A P.C.
Suite 3200, 500 Throckmorton Street
Fort Worth, Texas 76102
(President, Lake Turner Municipal Utility District No. 3)

Dear Mr. Tilley:

The Board of Aldermen of the Town of Westlake at its regularly scheduled monthly meeting will consider ratifying the Town's previously communicated offer to abolish Lake Turner Municipal Utility District No. 3 and vest all of the District's assets and obligations in the Town as provided under Section 43.074 of the Local Government Code.

The Board is also posting notice so that you and any other Board members or other representatives of your District may directly question the Aldermen and the Town's consultants concerning the offer. We very much hope you personally will be able to attend the meeting and discuss this important matter with us.

The Board will meet at the following place and time:

Place: Town Hall
3 Village Circle, Suite 207
Westlake, Texas 76262

Time: Monday, October 14, 1996
7:00 p.m.

HH
31349 thru
31352

Rice M. Tilley, Jr., Esq.
October 10, 1996
Page 2

If you would like directions, or if you have any questions, please telephone Town Secretary Ginger Crosswy at (817) 430-0941 or Mayor Scott Bradley at (817) 877-2801. A message may be left at either number, day or night.

With kind regards, I remain

Very truly yours,



Scott Bradley
Mayor

SB:dr

cc: Martin Rochelle, Esq.
Lloyd, Gosselink, Fowler, Blevins & Mathews, P.C.
111 Congress Avenue, Suite 1800
Austin, Texas 78701

Kenneth L. Petersen, Jr., Esq.
Small, Craig & Werkinthin
Suite 1100, 100 Congress Avenue
Austin, Texas 78701-4099

Mr. Carroll Huntress
P. O. Box 593
Roanoke, Texas 76262

Mr. Howard Dudley
1650 West Dove Road
Westlake, Texas 76262

Mr. Al Oien
1440 West Dove Road
Westlake, Texas 76262

Rice M. Tilley, Jr., Esq.
October 10, 1996
Page 3

Mr. Jerry Moore
P. O. Box 674
Westlake, Texas 76262

Mr. Fred Held
4105 Aspen Lane
Westlake, Texas 76262

Mr. Douglas Holcomb, P.E.
Utility Rates and Services Section
Water Utilities Division
Texas Natural Resource Conservation Commission
P.O. Box 13087
Austin, Texas 78711-3087

Mr. Steve Blackhurst, P.E.
Texas Natural Resource Conservation Commission
P.O. Box 13087
Austin, Texas 78711-3087

Ms. Irene Montelongo
Texas Natural Resource Conservation Commission
P.O. Box 13087
Austin, Texas 78711-3087

TOWN OF WESTLAKE

3 Village Circle
Suite 207 Solana
Westlake, Texas 76262
Metro (817) 430-0941
Fax (817) 430-1812

AH

31349 thru
31352

October 10, 1996

Ms. Donna Parker, President
Lake Turner Municipal Utility District No. 2
c/o Paul W. Phy, General Counsel
8300 Douglas Avenue, Suite 800
Dallas, Texas 75225-5826

Ms. Donna Parker
Vice President of Administration
Fort Worth Chamber of Commerce
777 Taylor Street
Fort Worth, Texas 76102
(President, Lake Turner Municipal Utility District No. 2)

Dear Ms. Parker:

The Board of Aldermen of the Town of Westlake at its regularly scheduled monthly meeting will consider ratifying the Town's previously communicated offer to abolish Lake Turner Municipal Utility District No. 2 and vest all of the District's assets and obligations in the Town as provided under Section 43.074 of the Local Government Code.

The Board is also posting notice so that you and any other Board members or other representatives of your District may directly question the Aldermen and the Town's consultants concerning the offer. We very much hope you personally will be able to attend the meeting and discuss this important matter with us.

The Board will meet at the following place and time:

Place:

Town Hall
3 Village Circle, Suite 207
Westlake, Texas 76262

Time:

Monday, October 14, 1996
7:00 p.m.

Ms. Donna Parker
October 10, 1996
Page 2

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With kind regards, I remain

Very truly yours,



Scott Bradley
Mayor

SB:dr

cc: Martin Rochelle, Esq.
Lloyd, Gosselink, Fowler, Blevins & Mathews, P.C.
111 Congress Avenue, Suite 1800
Austin, Texas 78701

Kenneth L. Petersen, Jr., Esq.
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P. O. Box 674
Westlake, Texas 76262

Ms. Donna Parker
October 10, 1996
Page 3

Mr. Fred Held
4105 Aspen Lane
Westlake, Texas 76262

Mr. Douglas Holcomb, P.E.
Utility Rates and Services Section
Water Utilities Division
Texas Natural Resource Conservation Commission
P.O. Box 13087
Austin, Texas 78711-3087

Mr. Steve Blackhurst, P.E.
Texas Natural Resource Conservation Commission
P.O. Box 13087
Austin, Texas 78711-3087

Ms. Irene Montelongo
Texas Natural Resource Conservation Commission
P.O. Box 13087
Austin, Texas 78711-3087

LAW OFFICES

Small, Craig & Werkenthin

A PROFESSIONAL CORPORATION

Facsimiles
Austin: (512) 320-9734
San Antonio: (210) 226-2646

Suite 1100, 100 Congress Avenue
Austin, Texas 78701-4099
(512) 472-8355

SAN ANTONIO OFFICE
300 Convent Street, Suite 1950
San Antonio, Texas 78205-3738
(210) 226-2080

October 14, 1996

Mr. Douglas E. Holcomb, P.E.
Utility Rates & Services Section
Water Utilities Division
12100 Park 35 Circle
MC153, Bldg. F
Austin, Texas 78753

RE: Applications of Lake Turner MUDs No. 2 and
No. 3 for Water/Sewer CCNs in Tarrant
(Denton) County; Applications Nos. 31349-C;
31350-C; 31351-C; 31352-C

Dear Mr. Holcomb:

As per your letter of September 19th, enclosed please find:

- ▶ an original and three copies of publishers' affidavits of newspaper publications, accompanied by the tear sheets;
- ▶ four copies of the individual notices to the neighboring utilities; and
- ▶ an original and three copies of the signed affidavits attesting to the fact of the direct mailed notice to neighboring utilities.