

Andrew N. Barrett
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March 5, 1999

The Honorable Tommy L. Broyles
Administrative Law Judge
State Office of Administrative Hearings
P. O. Box 13025
Austin, Texas 78711-3025

Re: Applications of the Town of Westlake and Lake Turner Municipality Utility Districts No. 2 and No. 3 for Certificates of Convenience and Necessity; SOAH Docket Nos. 582-97-0175 and 582-97-0134

Dear Judge Broyles:

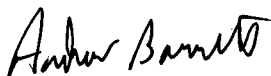
Please consider this Lake Turner Municipal Utility Districts No. 2 and No. 3 status report. As you recall, by Order dated October 24, 1997, you granted a Motion for Continuance and abated the above matter until further notice. You had also requested a status report by March 1, 1999. Lake Turner Municipal Utility Districts No. 2 and No. 3 requests that the matter be further abated for an additional six month period.

The parties have reached settlement on many of the litigated issues. However, the parties have yet to agree on a financing mechanism for the future development in the area. This issue will have a direct impact on the parties' need and desire for a Certificate of Convenience and Necessity.

I have been in contact with counsel for the Town of Westlake who concurs with this letter. By copy of this letter, we are notifying those persons listed on SOAH's mailing list for the two above referenced docket numbers, and to other interested parties.

If you have any questions concerning this matter, please do not hesitate to contact me at 472-3490.

Very truly yours,


Andrew N. Barrett

cc: Mailing List

SERVICE LIST

I hereby certify that on this the 1st day of May, 1998 a true and correct copy of the foregoing has been mailed by first class mail, transmitted by facsimile, or hand-delivered to:

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December 1, 1998

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*BY APPOINTMENT ONLY

VIA HAND-DELIVERY

The Honorable Tommy Broyles
Administrative Law Judge
State Office of Administrative Hearings
300 West 15th Street, Suite 502
P.O. Box 13025
Austin, Texas 78711-3025

Re: SOAH Docket Nos. 582-97-0134 and 582-97-0175
Applications of the Town of Westlake and Lake Turner
Municipal Utility District Nos. 2 and 3 for Certificate of
Convenience and Necessity (140300:1.2)

Dear Judge Broyles:

Pursuant to your Orders No. 3 and 5, dated May 21, 1998, this letter will serve as the Status Report of the Town of Westlake ("Westlake") concerning the abatement of proceedings in the above-referenced matters. Westlake respectfully requests that this matter be further abated for an additional three-month period in order to allow the resolution of ongoing litigation that will have a direct impact on Westlake and its need for a Certificate of Convenience and Necessity ("CCN") for the retail water and sewer services it will provide within its corporate boundaries. While Westlake has entered into a settlement agreement that resolved much of the litigation between the parties, other litigation that will have a direct bearing on these administrative matters is ongoing.

- (1) *State of Texas ex rel Dale White v. Scott Bradley*. This case involves the improper removal from office of Westlake Mayor Scott Bradley. The Texas Supreme Court heard oral arguments on September 28, 1998, and the case is currently pending.
- (2) *Town of Westlake v. City of Southlake and Maguire Partners*. This suit was brought in Tarrant County by Westlake challenging the disannexation of the Solana Business Complex by Westlake's former aldermen and the subsequent purported annexation by the City of Southlake. Cross motions for summary judgment have been filed, and arguments were made to a Tarrant County District Court on November 6, 1998.

- (3) *Town of Westlake v. City of Roanoke*. This is a case brought by Westlake in Denton County challenging the disannexations of some of the Circle T Ranch, the releases of extraterritorial jurisdiction to the City of Roanoke ("Roanoke"), and the attempted release of some of its jurisdiction to Roanoke by a sham "settlement agreement." The Hillwood Development Corporation ("Hillwood"), an original defendant in this case, was dismissed pursuant to the settlement agreement referenced above between Westlake and Hillwood. This case has been consolidated with *City of Roanoke v. Town of Westlake*, a case brought by Roanoke contesting the annexation by Westlake of a part of the Circle T Ranch. Cross motions for summary judgment have been filed in this case, but no hearing date has been set.

The outcome of this pending litigation will affect the geographic areas that Westlake may be entitled to serve with retail water and sewer service, as well as the issues to be considered in the administrative proceedings. Further abatement of these proceedings will not harm any party and will serve to clarify and limit the nature and scope of the pending proceedings.

I hereby certify that a copy of this letter has been mailed by first-class U.S. mail to the persons listed on the attached service list. If you have any questions concerning this Status Report, or if I may be of further service to you or your office, please feel free to call on me at your convenience.

Sincerely,



Martin C. Rochelle

MCR/ldp
1403\00\ltr981112akm1

cc: Service List

SOAH Docket Nos. 582-97-0134 and 582-97-0175
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TNRCC
DOCKET 96-1901-002

SOAH DOCKET NOS. 582-97-0134 & 582-97-0175

APPLICATIONS OF
LAKE TURNER MUD NOS. 2 & 3 and
TOWN OF WESTLAKE FOR CCN

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STATE OFFICE
OF
ADMINISTRATIVE HEARINGS

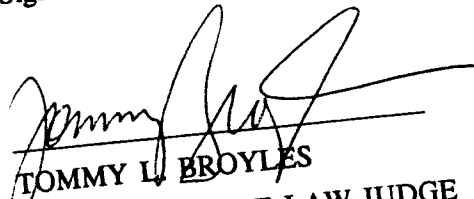
Docket 582-97-0134: ORDER NO. 3
Docket 582-97-0175: ORDER NO. 5

Granting Requests to Continue Abatement of Proceedings

On May 1, 1998, the Town of Westlake and Lake Turner Municipal Utility Districts No. 2 and No. 3 filed status reports requesting an additional six month abatement of the proceedings. Both parties cited pending litigation, that will have an impact on applications for certificates of convenience and necessity, as reason for their requests.

WHEREAS good cause for the abatement of proceedings has been shown, this cause is abated indefinitely. The parties are ordered to file a status report by December 1, 1998.

Signed this 21st day of May, 1998.


TOMMY L. BROYLES
ADMINISTRATIVE LAW JUDGE

MAILING LIST
Application of the Town of Westlake
SOAH Docket No. 582-97-0175

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100
SOAH DOCKET NOS. 582-97-0134 & 582-97-0175

APPLICATIONS OF
LAKE TURNER MUD NOS. 2 & 3 and
TOWN OF WESTLAKE FOR CCN

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§
§
§

STATE OFFICE
OF
ADMINISTRATIVE HEARINGS

Docket 582-97-0134: ORDER NO. 3

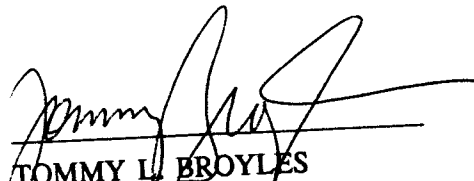
Docket 582-97-0175: ORDER NO. 5

Granting Requests to Continue Abatement of Proceedings

On May 1, 1998, the Town of Westlake and Lake Turner Municipal Utility Districts No. 2 and No. 3 filed status reports requesting an additional six month abatement of the proceedings. Both parties cited pending litigation, that will have an impact on applications for certificates of convenience and necessity, as reason for their requests.

WHEREAS good cause for the abatement of proceedings has been shown, this cause is abated indefinitely. The parties are ordered to file a status report by December 1, 1998.

Signed this 21st day of May, 1998.


TOMMY L. BROYLES
ADMINISTRATIVE LAW JUDGE

MAILING LIST
Application of the Town of Westlake
SOAH Docket No. 582-97-0175

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Mailing List (continued)
Town of Westlake

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LAW OFFICES

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May 1, 1998

The Honorable Tommy L. Broyles
Administrative Law Judge
State Office of Administrative Hearings
300 West 15th Street, Suite 502
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Austin, TX 78711-3025

Re: Applications of the Town of Westlake and Lake Turner Municipality Utility Districts No. 2 and No. 3 for Certificates of Convenience and Necessity; SOAH Docket No.'s 582-97-0175 and 582-97-0134

Dear Judge Broyles:

Please consider this Lake Turner Municipal Utility Districts No. 2 and No. 3 status report. As you recall, by Order dated October 24, 1997, you granted a Motion for Continuance and abated the above matter until further notice. Lake Turner Municipal Utility Districts No. 2 and No. 3 joins the Town of Westlake's request that the matter be further abated for an additional six month period.

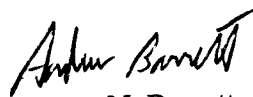
Many issues concerning the two parties are currently being litigated, including challenge to the removal of Westlake's disannexations. The result of the litigation will have a direct impact on the parties' desire and need for Certificates for Convenience and Necessity. As such, pursuit of this matter will not facilitate the matter.

By copy of this letter, we are notifying those persons listed on SOAH's mailing list for the two above referenced docket numbers, and to other interested persons.

The Honorable Tommy L. Broyles
May 1, 1998
Page 2

If you have any questions concerning this matter, please do not hesitate to contact me at 495-6080.

Very truly yours,


Andrew N. Barrett

ANB/krl

cc: Mailing list

SERVICE LIST

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April 30, 1998

The Honorable Tommy Broyles
Administrative Law Judge
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Re: SOAH Docket Nos. 582-97-0134 and 582-97-0175
Applications of the Town of Westlake and Lake Turner
Municipal Utility District Nos. 2 and 3 for Certificate of
Convenience and Necessity (140300:1.2)

Dear Judge Broyles:

Pursuant to your Order of October 24, 1997, please consider this letter as the Status Report of the Town of Westlake concerning the abatement of proceedings in the above-referenced docket numbers. With this filing, Westlake respectfully requests that this matter be further abated for an additional six-month period in order to allow the resolution of several pieces of litigation which will have a direct impact on the Town and its need for a Certificate of Convenience ("CCN") and Necessity for the retail water and sewer services it will afford within its corporate boundaries. The Town is currently involved in several civil cases which will have a direct bearing on the scope of these administrative matters.

1. *State of Texas ex rel Dale White vs. Scott Bradley*. This case involves the improper removal from office of Westlake Mayor Scott Bradley. The trial judge granted a summary judgment for Mayor Bradley and held that he was improperly removed from office by the former Board of Aldermen and that he is and always has been the mayor of Westlake. The State appealed the judgment to the Fort Worth Court of Appeals, and it reversed and rendered the judgment of the trial court. Mayor Bradley filed a petition for review with the Supreme Court and it was granted on February 26, 1998. The Supreme Court has scheduled oral arguments in this matter in Waco on September 28, 1998.

2. *Town of Westlake vs. City of Fort Worth and Hillwood Development Corporation*. This suit by Westlake challenges the disannexations and release of extraterritorial jurisdiction to Fort Worth of the Circle T Ranch and several other tracts of land in Westlake by the Town's former aldermen. On February 13, 1998,

the trial judge entered a Final Judgment granting the motion for summary judgment filed by Westlake, and holding that the disannexations are void and that the land purportedly disannexed remains within the corporate limits of Westlake. The City of Fort Worth and Hillwood gave Notice of Appeal and Westlake also gave Notice of Appeal on those issues in its motion for summary judgment denied by the trial court. The record was filed with the clerk of the Fort Worth Court of Appeals on April 14, 1998. Briefs by appellants are due no later than May 14, 1998, and the appellees' briefs are due 30 days thereafter. The date for oral argument of this case has not been set.

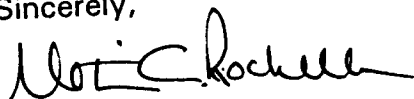
3. *Town of Westlake vs. City of Southlake and Maguire Partners.* This is a suit by Westlake challenging the disannexation of the Solana Complex by the former aldermen and subsequent purported annexation by Solana. Westlake has filed a motion for summary judgment and it is set for trial on June 11, 1998.

4. *Town of Westlake vs. City of Roanoke and Hillwood Development Corp.* This case was filed in Denton County and challenges the disannexations of some of the Circle T Ranch and release of extraterritorial jurisdiction to the City of Roanoke as well as the attempted release of jurisdiction to Roanoke by a sham "settlement agreement". The case is consolidated with *City of Roanoke vs. Town of Westlake*, a case filed by Roanoke contesting the annexation by Westlake of a portion of the Circle T Ranch. The case has been transferred to a Tarrant County District Court for the disposition of pre-trial matters only. Westlake and Roanoke have filed motions for summary judgment, but they have not been set for hearing.

As you will note, several of these cases will probably not be concluded within the next six months. However, Westlake's ability to pursue its CCN, and the scope of the CCN it has applied for, will be materially affected by such litigation. The further abatement of these proceedings will not harm any party, and will serve to clarify and limit the nature and scope of the pending proceedings.

I hereby certify that a copy of this letter has been mailed by first class U.S. mail to the persons listed on the attached service list. If you have questions concerning this pleading, or I may be of further service to you or your office, please feel free to call on me at your convenience.

Sincerely,



Martin C. Rochelle

SOAH Docket Nos. 582-97-0134 and 582-97-0175
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April 30, 1998

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

**TNRCC
DOCKET**

96-1901-UCR
96-1898-UCR

CLERK'S OFFICE

MAY 1 1998

Re: SOAH Docket Nos. 582-97-0134 and 582-97-0175

Applications of the Town of Westlake and Lake Turner
Municipal Utility District Nos. 2 and 3 for Certificate of
Convenience and Necessity (140300:1.2)

Dear Judge Broyles:

Pursuant to your Order of October 24, 1997, please consider this letter as the Status Report of the Town of Westlake concerning the abatement of proceedings in the above-referenced docket numbers. With this filing, Westlake respectfully requests that this matter be further abated for an additional six-month period in order to allow the resolution of several pieces of litigation which will have a direct impact on the Town and its need for a Certificate of Convenience ("CCN") and Necessity for the retail water and sewer services it will afford within its corporate boundaries. The Town is currently involved in several civil cases which will have a direct bearing on the scope of these administrative matters.

1. *State of Texas ex rel Dale White vs. Scott Bradley*. This case involves the improper removal from office of Westlake Mayor Scott Bradley. The trial judge granted a summary judgment for Mayor Bradley and held that he was improperly removed from office by the former Board of Aldermen and that he is and always has been the mayor of Westlake. The State appealed the judgment to the Fort Worth Court of Appeals, and it reversed and rendered the judgment of the trial court. Mayor Bradley filed a petition for review with the Supreme Court and it was granted on February 26, 1998. The Supreme Court has scheduled oral arguments in this matter in Waco on September 28, 1998.

2. *Town of Westlake vs. City of Fort Worth and Hillwood Development Corporation*. This suit by Westlake challenges the disannexations and release of extraterritorial jurisdiction to Fort Worth of the Circle T Ranch and several other tracts of land in Westlake by the Town's former aldermen. On February 13, 1998,

the trial judge entered a Final Judgment granting the motion for summary judgment filed by Westlake, and holding that the disannexations are void and that the land purportedly disannexed remains within the corporate limits of Westlake. The City of Fort Worth and Hillwood gave Notice of Appeal and Westlake also gave Notice of Appeal on those issues in its motion for summary judgment denied by the trial court. The record was filed with the clerk of the Fort Worth Court of Appeals on April 14, 1998. Briefs by appellants are due no later than May 14, 1998, and the appellees' briefs are due 30 days thereafter. The date for oral argument of this case has not been set.

3. *Town of Westlake vs. City of Southlake and Maguire Partners.* This is a suit by Westlake challenging the disannexation of the Solana Complex by the former aldermen and subsequent purported annexation by Solana. Westlake has filed a motion for summary judgment and it is set for trial on June 11, 1998.

4. *Town of Westlake vs. City of Roanoke and Hillwood Development Corp.* This case was filed in Denton County and challenges the disannexations of some of the Circle T Ranch and release of extraterritorial jurisdiction to the City of Roanoke as well as the attempted release of jurisdiction to Roanoke by a sham "settlement agreement". The case is consolidated with *City of Roanoke vs. Town of Westlake*, a case filed by Roanoke contesting the annexation by Westlake of a portion of the Circle T Ranch. The case has been transferred to a Tarrant County District Court for the disposition of pre-trial matters only. Westlake and Roanoke have filed motions for summary judgment, but they have not been set for hearing.

As you will note, several of these cases will probably not be concluded within the next six months. However, Westlake's ability to pursue its CCN, and the scope of the CCN it has applied for, will be materially affected by such litigation. The further abatement of these proceedings will not harm any party, and will serve to clarify and limit the nature and scope of the pending proceedings.

I hereby certify that a copy of this letter has been mailed by first class U.S. mail to the persons listed on the attached service list. If you have questions concerning this pleading, or I may be of further service to you or your office, please feel free to call on me at your convenience.

Sincerely,



Martin C. Rochelle

MCR/ldp

1403\00\ltr980427mcr6

cc: Service List

SOAH Docket Nos. 582-97-0134 and 582-97-0175
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SOAH DOCKET NOS. 582-97-0134 & 582-97-0175

APPLICATIONS OF
LAKE TURNER MUD NOS. 2 & 3 and
TOWN OF WESTLAKE FOR CCN

§
§
§
§
§

STATE OFFICE
OF
ADMINISTRATIVE HEARINGS

10/27/97 3:38 PM
UCS

Docket 582-97-0134: ORDER NO. 2

TNRCC

Docket 582-97-0175: ORDER NO. 4

DOCKET 96-1901-UCR
96-1898-UCR

Granting Requests to Continue Abatement of Proceedings


On October 15, 1997, the Town of Westlake filed a status report requesting an abatement of the proceedings until February 1, 1998. Lake Turner Municipal Utility Districts Nos. 2 and 3 also filed a status report requesting that the proceedings be abated until February 1, 1998. Both parties cited pending litigation, that will have an impact on applications for certificates of convenience and necessity (CCN), as reason for their requests.

The City of Keller (City) filed a response stating that the matters pending before the courts effectively preclude the TNRCC from resolving the merits of the competing CCN applications. The City believes that because the amount of time required for full and final judicial determination is unknown, the interests of all may be best served by dismissal without prejudice.

No party is opposed to an abatement of the proceedings. The City's response offers an alternative but does not oppose an abatement. The ALJ agrees with City's contention that the amount of time necessary for resolution of matters before the district court is unknown. However, the ALJ is reluctant to grant a dismissal without agreement of the parties or sanctionable actions. In some cases, the date of filing an application may have an impact on the matter to be addressed (e.g. where the rules have changed since the filing of an application).

WHEREAS good cause for the abatement of proceedings has been shown, this cause is abated indefinitely. The parties are ordered to file a status report by May 1, 1998.

Signed this 24th day of October, 1997.


TOMMY L. BROYLES
ADMINISTRATIVE LAW JUDGE

MAILING LIST
Application of the Town of Westlake
SOAH Docket No. 582-97-0175

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Town of Westlake

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

DOCKET FILE INDEX

582-97-0134

ITEM NO.	DATE FILED OR ISSUED	DOCUMENT FILED/ISSUED LAKE TURNER MUD SOAH DOCKET NO. 582-97-0134	BY WHOM FILED OR ISSUED
1.	03/06/97	Correspondence to and from the TNRCC before transferred to SOAH Docket.	E. Brumm
2	03/18/97	Ltr to T. Broyles re: Request and Affidavit in Support of Motion for Continuance for Town of Westlake & Lake Turner MUD.	M. Rochell & A. Barrett
3.	03/21/97	ORDER NO. 1- GRANTING CONTINUANCE	T. Broyles
4.	03/20/97	COPY OF ENVELOPE OF RETURNED MAIL	
5.	10/24/97	ORDER NO. 2 GRANTING REQUEST TO CONTINUE ABATEMENT OF PROCEEDINGS	T. BROYLES
6.	5/1/98	Letter to Judge Broyles re: Status Report of the Town of Westlake.	M. Rochelle
7.	5/1/98	Lake Turner Municipal Utility Districts No. 2 and No. 3 status report.	A. Barrett
8.	5/21/98	Order No. 3 - Granting Requests to Continue Abatement of Proceedings.	T. Broyles
9.	12/1/98	Letter to Judge Broyles re: Status Report.	M. Rochelle
10.	3/5/99	Letter to Judge Broyles re: Status Report.	A. Barrett
11.	7/13/99	Order No. 4 - Setting Evidentiary Hearing (Hearing set for 9/7/99, 10:00 a.m.)	Judge Broyles
12.	7/20/99	Order No. 5 - Clarifying Purpose of Hearing.	Judge Broyles
13.	7/21/99	Letter to Judge Broyles re: request dismissal or a prehearing conference in lieu of 9/7/99 evidentiary hearing.	S. Newsom
14.	8/30/99	Letter to Judge Broyles re: to advise that Circle T MUD Nos. 2 and 3 (formerly Lake Turner) are withdrawing their applications.	A. Barrett
15.	9/1/99	Letter to Judge Broyles re: requesting a 60-day continuance of the administrative hearing on 9/7/99.	M. Rochelle
16.	9/1/99	Letter to Judge Broyles re: City of Keller opposes the requested abatement and 60-day continuance.	S. Newsom
17.	9/2/99	Letter to Judge Broyles re: no objection to the request of Mr. Barrett to continue the hearing scheduled for 9/7/99.	H. Sanders

TB

STRASBURGER & PRICE, L.L.P.

ATTORNEYS AND COUNSELORS
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

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AUSTIN
CORPUS CHRISTI
HOUSTON
SAN ANTONIO
MEXICO CITY

September 2, 1999

VIA FEDERAL EXPRESS

AIR BILL # 802750712652

Honorable Tommy Broyles
Administrative Law Judge
State Office of Administrative Hearings
300 West 15th Street, Suite 502
P.O. Box 13025
Austin, Texas 78711-3025

STATE OFFICE
ADMINISTRATIVE
-3 SEP 99 09 25

Re: Application of the Town of Westlake and
Lake Turner Municipal Utilities District Nos. 2 and 3
For Certificate Convenience and Necessities;
SOAH Docket Nos. 582-97-0175 and 582-97-0134

Dear Judge Broyles:

On behalf of Maguire Partners/Solana Limited Partnership, the owner of the Solana complex, we have no objection to the request of Mr. Barrett to continue the hearing scheduled for September, 7, 1999. However, we do wish to make it clear that Solana lies within the Trophy Club Municipal District No. 1 and we wish to advise the Court that any settlement between the Lake Turner MUDs 2 and 3 and the Town of Westlake should not affect the right of the Solana complex to receive water and sewer services from Trophy Club Municipal Utilities District No. 1.

Very truly yours,

Hal Sanders

Hal Sanders

cc: Skip Newsom
Frank Booth
Robert West
R. L. Guinn
Tom Allen
Rick Frederick
Blas Coy
Andrew Barrett

FISHER & NEWSOM, P.C.

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FAX (972) 650-7105

FACSIMILE TRANSMITTAL

TO: The Honorable Tommy L. Broyles

WITH: State Office of Administrative Hearings

FAX NO.: (512) 936-0770

CLIENT/MATTER:

FROM: Skip Newsom

CODE:

SUBJECT: Applications of the Town of Westlake and Lake Turner Municipal Utility Districts No. 2 and No. 3 for Certificates and Necessity; SOAH Docket Nos. 582-97-0134 and 582-97-0175

Number of pages (including this cover sheet): 2

Message:

Fisher & Newsom, P.C.

Attorneys at Law

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FAX: (972) 650-1057

Skip Newsom*

September 1, 1999

Via Facsimile

The Honorable Tommy L. Broyles
Administrative Law Judge
State Office of Administrative Hearings
P.O. Box 13025
Austin, Texas 78711-3025

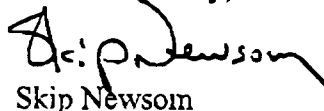
Re: Applications of the Town of Westlake and Lake Turner Municipal Utility Districts No. 2
and No. 3 for Certificates of Convenience and Necessity; SOAH Docket Nos. 582-97-
0134 and 582-97-0175

Dear Judge Broyles:

I am in receipt of Andy Barrett's letter to you of August 30, 1999 on behalf of Lake Turner MUDs No. 2 and No. 3 requesting the abatement and continuance of the above proceeding for 60 days. I am also in receipt of Martin Rochelle's letter to you of this date on behalf of the Town of Westlake opposing such abatement. The City of Keller also opposes the requested abatement and 60 day continuance.

On account of the withdrawal of the Lake Turner MUDs' protest to the water CCN Application of Westlake, the remaining sewer CCN issues between Westlake and Lake Turner MUDs appear to be quite factually and legally distinct from the water related CCN issues between the City of Keller and Town of Westlake. Accordingly, it would appear to be in the interests of all parties that the two matters be severed for the purpose of discovery and hearing. I believe that Mr. Rochelle will be drawing up a motion to such effect for your consideration on September 7, 1999 and, subject to review of same, the City of Keller will likely join in such a severance request.

Yours very truly,


Skip Newsom

SN/keg

cc: Lyle Drescher
Service List

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

SOAH DOCKET NOS. 582-97-0134 & 582-97-0175

APPLICATIONS OF LAKE TURNER	§	STATE OFFICE
	§	
MUD NOS. 2 & 3 and TOWN	§	OF
	§	
OF WESTLAKE FOR CCNs	§	ADMINISTRATIVE HEARINGS

Docket 582-97-0134: ORDER NO. 4

Docket 582-97-0175: ORDER NO. 6

Setting Evidentiary Hearing

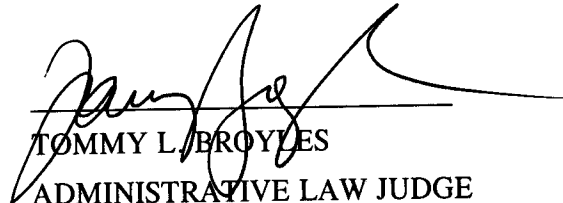
On March 6, 1997, this matter was referred to SOAH. On March 21, 1997, the case was continued due to ongoing mediation. An abatement of the proceeding was granted on October 24, 1997, due to pending litigation in state court that would have an impact on the applications.

On numerous occasions, the parties have filed status reports requesting that the abatement continue. The latest report, filed on March 5, 1999, requested abatement for an additional six months due to ongoing settlement negotiations.

The time has come for the parties to settle this matter, go to hearing, or have the cases dismissed for want of prosecution. If a mediator would be helpful, please advise so that one may be provided.

This matter is set for evidentiary hearing on **September 7, 1999**. The hearing will convene at 10:00 a.m., in the SOAH courtrooms on the 11th floor, Stephen F. Austin Building, 1700 North Congress Ave. in Austin, Texas.

Signed this 13th day of July, 1999.


TOMMY L. BROYLES
ADMINISTRATIVE LAW JUDGE

MAILING LIST

**Applications of Lake Turner MUD Nos. 2 & 3 and Town of Westlake
SOAH Docket Nos. 582-97-0134 & 582-97-0175**

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SOAH DOCKET NOS. 582-97-0134 & 582-97-0175

APPLICATIONS	OF	§	STATE OFFICE
		§	
LAKE TURNER MUD NOS. 2 & 3 and		§	OF
		§	
TOWN OF WESTLAKE FOR CCN		§	ADMINISTRATIVE HEARINGS

Docket 582-97-0134: ORDER NO. 2

Docket 582-97-0175: ORDER NO. 4

Granting Requests to Continue Abatement of Proceedings

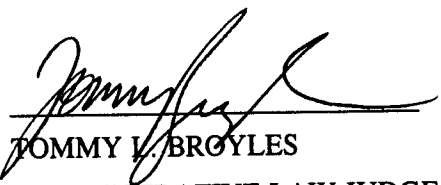
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No party is opposed to an abatement of the proceedings. The City's response offers an alternative but does not oppose an abatement. The ALJ agrees with City's contention that the amount of time necessary for resolution of matters before the district court is unknown. However, the ALJ is reluctant to grant a dismissal without agreement of the parties or sanctionable actions. In some cases, the date of filing an application may have an impact on the matter to be addressed (e.g. where the rules have changed since the filing of an application).

WHEREAS good cause for the abatement of proceedings has been shown, this cause is abated indefinitely. The parties are ordered to file a status report by May 1, 1998.

Signed this 24th day of October, 1997.


TOMMY L. BROYLES
ADMINISTRATIVE LAW JUDGE

MAILING LIST
Application of the Town of Westlake
SOAH Docket No. 582-97-0175

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17 MAR 20 PM 1:21
ADMINISTRATIVE



TEXAS NATURAL RESOURCE
CONSERVATION COMMISSION
P.O. Box 13087
Austin, Texas 78711-3087

MC 105

ADDRESS CORRECTION REQUESTED

TEXAS NATURAL RESOURCE
CONSERVATION COMMISSION

1997 MAR 17 PM 3:00

CHIEF CLERKS OFFICE

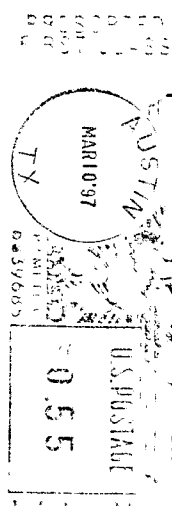
lake Turner Mud Nos. 2+3
96-1901-UCK thru 96-1904-UCK
582-97-0134

NOT DELIVERABLE
AS REQUESTED
UNLESS C FORWARD

MR LYLE H DRESHER CITY MGR
CITY OF KELLER
158 S MAIN
KELLER TX 76248

NO MAIL RECEIPTABLE

ELL JK
3-11-97



RE: 582-97-0134

SOAH DOCKET NO. 582-97-0134

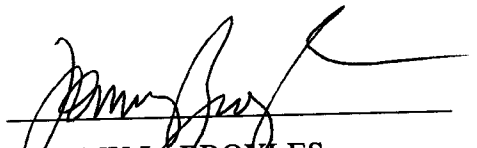
APPLICATION OF	§	STATE OFFICE
	§	
LAKE TURNER MUD	§	OF
	§	
FOR CCN	§	ADMINISTRATIVE HEARINGS

ORDER NO. 1
GRANTING CONTINUANCE

On March 19, 1997, the Lake Turner Municipal Utility Districts No. 2 and No. 3 filed a joint Motion for Continuance with the Town of Westlake requesting an indefinite continuance of the March 27, 1997 hearing. The Motion stated that the parties are in mediation and believe that a hearing will not facilitate but will only make more difficult the possible resolution of their disputes.

WHEREAS good cause for the continuance of the preliminary hearing on this matter has been shown, the preliminary hearing previously set for March 27, 1997 is hereby continued and the case is abated until further notice. The Lake Turner Municipal Utility Districts No. 2 and No. 3 are ordered to provide notice of this Order to all individuals who received notice of the preliminary hearing. The Lake Turner Municipal Utility Districts No. 2 and No. 3 are further ordered to file a status report regarding pending negotiations by June 20, 1997.

Signed this 21st day of March, 1997.



TOMMY L. BROYLES
ADMINISTRATIVE LAW JUDGE

MAILING LIST
Lake Turner Municipal Utility Districts No. 2
SOAH Docket No. 582-97-0134

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SOAH DOCKET NO. 582-97-0175

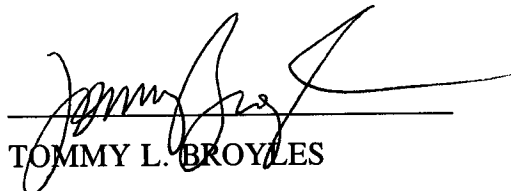
APPLICATION OF	§	STATE OFFICE
	§	
TOWN OF WESTLAKE	§	OF
	§	
FOR CCN	§	ADMINISTRATIVE HEARINGS

ORDER NO. 1
GRANTING CONTINUANCE

On March 19, 1997, the Town of Westlake filed a joint Motion for Continuance with Lake Turner Municipal Utility Districts No. 2 and No. 3 requesting an indefinite continuance of the March 27, 1997 hearing. The Motion stated that the parties are in mediation and believe that a hearing will not facilitate but will only make more difficult the possible resolution of their disputes.

WHEREAS good cause for the continuance of the preliminary hearing on this matter has been shown, the preliminary hearing previously set for March 27, 1997 is hereby continued and the case is abated until further notice. The Town of Westlake is ordered to provide notice of this Order to all individuals who received notice of the preliminary hearing. The Town of Westlake is further ordered to file a status report regarding pending negotiations by June 20, 1997.

Signed this 21st day of March, 1997.



TOMMY L. BROYLES
ADMINISTRATIVE LAW JUDGE

MAILING LIST
Application of the Town of Westlake
SOAH Docket No. 582-97-0175

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