

TCEQ DOCKET NO. 2007-1374-UCR

2007 SEP 28 PM 2: 21

APPLICATION NO. 35564-C

CHIEF CLERKS OFFICE  
BEFORE THE

IN THE MATTER OF THE PETITION OF §  
DOUBLE DIAMOND, INC. FOR AN §  
EXPEDITED RELEASE FROM §  
CERTIFICATE OF CONVENIENCE §  
AND NECESSITY (CCN) NO. 12362 OF §  
NORTHWEST GRAYSON COUNTY §  
WCID 1 IN GRAYSON COUNTY, TEXAS §

TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

**NORTHWEST GRAYSON COUNTY WCID NO. 1'S SECOND REPLY TO  
DOUBLE DIAMOND, INC.'S MOTION TO OVERTURN**

TO THE HONORABLE COMMISSIONERS OF THE TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY:

COMES NOW the Northwest Grayson County Water Control and Improvement District No. 1 ("District") located in Grayson County, Texas and files this, its 2<sup>nd</sup> Response to the Motion to Overturn the Order of the Executive Director filed by Double Diamond, Inc. ("Petitioner").

On September 18, 2007, both the Executive Director for the Texas Commission on Environmental Quality ("ED") and the Office of Public Interest Counsel ("OPIC") filed briefs in the above-referenced cause. Both the ED and OPIC agreed with the District's conclusion that the Petitioner's Motion to Overturn should be overruled. The District maintains its position and supports the conclusions drawn by the ED and OPIC and respectfully requests that the Honorable Commissioners support those conclusions.

The ED's Order provides express findings and conclusions as to the reasons Petitioner failed to make the necessary demonstrations that would cause its property to be decertified from the District's certificate of convenience. The District continues to pray that the Honorable

Commissioners should not grant Petitioner's Motion to Overturn.

Respectfully submitted,

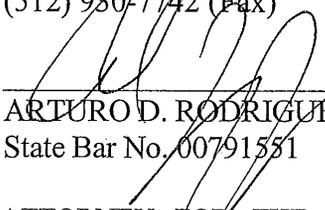
**Russell & Rodriguez, L.L.P.**

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ARTURO D. RODRIGUEZ, JR.

State Bar No. 00791531

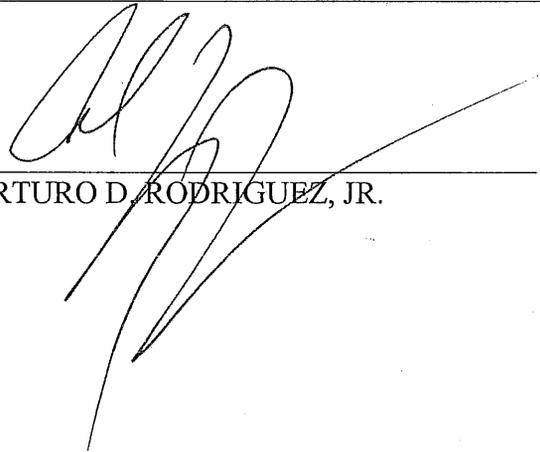
ATTORNEY FOR THE NORTHWEST GRAYSON  
COUNTY WCID NO. 1

## CERTIFICATE OF SERVICE

I hereby certify that on this the 28th day of September, 2007, a true and correct copy of the foregoing document has been sent via facsimile, first class mail, Federal Express overnight delivery, or hand delivery to the following:

<p>Ms. Celeste Baker          General Counsel (MC-101)          Texas Commission on Environmental Quality          P.O. Box 13087          Austin, Texas 78711-3087 (mail)          Telephone: (512) 239-5525          Fax: (512) 239-5533</p>	<p>General Counsel of the Texas Commission on Environmental Quality</p>
<p>Ms. Stephanie Burgeon-Purdue          Texas Commission on Environmental Quality          MC-173          P.O. Box 13087          Austin, Texas 78711-3087          Telephone: (512) 239-6259          Fax: (512) 239-3434</p> <p>Mr. Brian Dickey          Utilities and Districts Section – MC 153          P.O. Box 13087          Austin, Texas 78711-3087          Fax: (512) 239-2214</p>	<p>Representing the Executive Director, Texas Commission on Environmental Quality</p>
<p>Mr. Blas Coy          Office of the Public Interest Counsel          Texas Commission on Environmental Quality          MC-103          P.O. Box 13087          Austin, Texas 78711-3087          Telephone: (512) 239-6363          Fax: (512) 239-6377</p>	<p>Representing the Office of Public Interest Counsel, Texas Commission on Environmental Quality</p>
<p>Ms. Bridget Bohac          Office of the Public Assistance          Texas Commission on Environmental Quality          MC-108          P.O. Box 13087          Austin, Texas 78711-3087          Telephone: (512) 239-4000          Fax: (512) 239-4007</p>	<p>Representing the Office of Public Assistance, Texas Commission on Environmental Quality</p>

<p>Mr. Kyle Lucas  Alternative Dispute Resolution  Texas Commission on Environmental Quality  MC-222  P.O. Box 13087  Austin, Texas 78711-3087  Telephone: (512) 239-4010  Fax: (512) 239-4015</p>	<p>Representing Alternative Dispute Resolution,  Texas Commission on Environmental Quality</p>
<p>Docket Clerk  TCEQ Office of Chief Clerk (MC-105)  P.O. Box 13087  Austin, Texas 78711-3087 (mail)  12100 Park 35 Circle, Building F  Austin, Texas 78753 (delivery)  Fax: (512) 239-3311</p>	<p>For the Office of the Chief Clerk</p>
<p>Mr. Leonard Dougal  Jackson Walker, L.L.P.  100 Congress Avenue, Ste. 1100  Austin, Texas 78701  Fax: (512) 236-2002</p>	<p>Representing Double Diamond, Inc.</p>




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ARTURO D. RODRIGUEZ, JR.