

COATS | ROSE

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CHIEF CLERK'S OFFICE
2007 FEB 27 PM 4:08
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

February 27, 2007

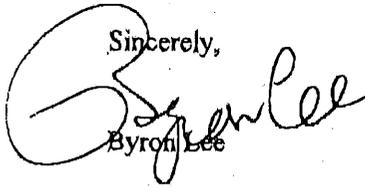
VIA FACSIMILE (512) 239-3311
AND FEDERAL EXPRESS (original + 11 copies)
Chief Clerk
Texas Commission on Environmental Quality
Attention: Agenda Docket Clerk (MC 105)
12100 Park 35 Circle
Austin, TX 78753

VIA FACSIMILE (512) 239-5533
Derek Seal, General Counsel
Texas Commission on Environmental Quality
Office of General Counsel, MC-101
Austin, Texas 78711-3087

Re: Joint Motion for Continuance – Ellis County Municipal Utility District No. 1/City of Ferris/Docket No. 2006-3091-DIS

Dear Sir/Madam:

Attached please find the Joint Notice of Submission, Joint Motion for Continuance, and proposed Order that the parties are hereby filing with your offices in connection with the above referenced matter.

Sincerely,

Byron Lee

Enclosures

COATS | ROSE | YALE | RYMAN | LEE
A Professional Corporation

3 East Greenway Plaza, Suite 2000 Houston, Texas 77046-0307

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TCEQ DOCKET NO. 2006-0391-DIS

IN THE MATTER OF THE PETITION
FOR THE CREATION OF ELLIS
COUNTY MUNICIPAL UTILITY
DISTRICT NO. 1

§
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§

BEFORE THE TEXAS
COMMISSION ON
ENVIRONMENTAL QUALITY

2007 FEB 27 PM 4:08
CHIEF CLERKS OFFICE
ON ENVIRONMENTAL
QUALITY
TEXAS
COMMISSION ON
ENVIRONMENTAL
QUALITY

JOINT NOTICE OF SUBMISSION

TO THE MEMBERS OF THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY:

Ellis County Municipal Utility District No. 1, by its attorneys, Coats, Rose, Yale, Ryman & Lee, P.C. (the "Petitioner") and the City of Ferris, by its attorneys, Nichols, Jackson, Dillard, Haper & Smith, L.L.P. (the "City") hereby notify all interested parties that the attached Joint Motion for a Continuance ("Motion") and proposed Order have been submitted to the Texas Commission on Environmental Quality ("TCEQ") for an immediate ruling granting Petitioner's and the City's request to continue the hearing currently scheduled in this matter from March 7, 2007 to April 25, 2007.

Respectfully submitted,

Coats | Rose
Attorneys for Petitioner Ellis County Municipal
Utility District No. 1

By: 

Timothy G. Green
Byron Lee

3 East Greenway Plaza, Suite 2000
Houston, Texas 77046
(713) 653-0111
(713) 890-0220 (facsimile)

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FEB 27 2007 11:42 AM

COMM. WORK

TO 1710521222 P,02

Nichols, Jackson, Dillard, Haper
& Smith, L.L.P.
Attorneys for the City of Dallas

By: 
John D. Doss, III
1600 Lincoln Plaza
500 N. Akard Street
Dallas, TX 75201
(214) 965-9900
(214) 965-0010 (Knoxville)

TCEQ DOCKET NO. 2006-0391-DIS

IN THE MATTER OF THE PETITION	§	BEFORE THE TEXAS
FOR THE CREATION OF ELLIS	§	
COUNTY MUNICIPAL UTILITY	§	COMMISSION ON
DISTRICT NO. 1	§	
	§	ENVIRONMENTAL QUALITY

JOINT MOTION FOR CONTINUANCE

TO THE MEMBERS OF THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY:

NOW COMES Ellis County Municipal Utility District No. 1, by its attorneys, Coats, Rose, Yale, Ryman & Lee, P.C. (the "Petitioner") and the City of Ferris, Texas by its attorneys, Nichols, Jackson, Dillard, Haper & Smith, L.L.P. (the "City") to file this Joint Motion for a Continuance.

The Petitioner submitted a Petition, dated February 1, 2006, to the Texas Commission on Environmental Quality ("TCEQ") for the creation of the Ellis County Municipal Utility District No. 1 (the "District") pursuant to Article XVI, Section 59 of the Texas Constitution and Chapters 49 and 54 of the Texas Water Code. The application was declared administratively complete on February 7, 2006.

On or about March 27, 2006, the City Manager, Gus Pappas, filed a letter with the TCEQ opposing the creation of the District. The TCEQ subsequently scheduled a hearing in this case for March 7, 2007.

Thereafter, the TCEQ ordered the parties to submit to the mediation of this matter in order to reach a possible settlement of this case. On February 8, 2007, the parties mediated this case before Attorney-Mediator, Todd Burkey. Since the mediation, the parties have continued settlement discussions and have agreed to continue the mediation in order to continue settlement discussions regarding this case.

Because of the ongoing attempts to resolve this matter, both parties respectfully request that the TCEQ continue the March 7, 2007 to April 25, 2007 in order to allow the parties to continue settlement discussions.

TEXAS
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 ON ENVIRONMENTAL
 QUALITY
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WHEREFORE, the parties respectfully request that the TCEQ continue the March 7, 2007 hearing to April 25, 2007.

Respectfully submitted,

Coats | Rose
Attorneys for Petitioner Ellis County Municipal
Utility District No. 1

By *Byron Lee*
Timothy G. Green
Byron Lee

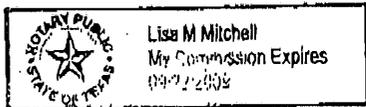
3 East Greenway Plaza, Suite 2000
Houston, Texas 77046
(713) 653-0111
(713) 890-0220 (facsimile)

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

Before me the undersigned authority appeared Byron Lee of Coats | Rose who stated that he is qualified in all respects to make this affidavit and that the facts regarding ongoing settlement discussions in this matter are true and correct.

(SEAL)

Lisa M. Mitchell
Notary Public in and for the
State of T E X A S



Lisa M. Mitchell
Name Printed or Typed
My commission expires: 09/22/2009

FEB 27 2007 11:21 FR

COURT HOUSE

TO 17138816220 P.08

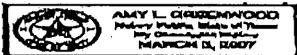
Nichols, Jackson Dillard, Heper
& Smith, L.L.P.
Attorney for the City of Dallas

By: [Signature]
John D. Dodd, III
6800 Lincoln Plaza
500 N. Alford Street
Dallas, TX 75207
(214) 963-2900
(214) 963-0010 (Residence)

THE STATE OF TEXAS
COUNTY OF _____

Before me the undersigned authority appeared John D. Dodd, III who stated that he is qualified in all respects to make this affidavit and that the facts regarding ongoing settlement discussions in this matter are true and correct.

(SEAL)



[Signature]
Notary Public in and for the
State of TEXAS

Amy L. Greenwood
Name Printed or Typed
My commission expires: 3/8/07

TCEQ DOCKET NO. 2006-0391-DIS

IN THE MATTER OF THE PETITION
FOR THE CREATION OF ELLIS
COUNTY MUNICIPAL UTILITY
DISTRICT NO. 1

§
§
§
§
§

BEFORE THE TEXAS
COMMISSION ON
ENVIRONMENTAL QUALITY

ORDER

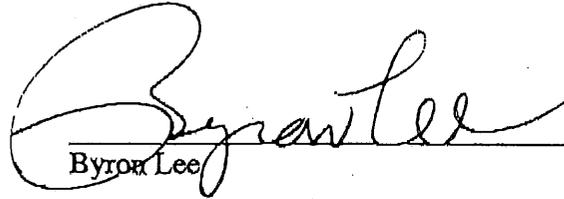
The Texas Commission on Environmental Quality ("TCEQ"), has considered the Joint Motion for a Continuance. After consideration, the TCEQ has determined that the hearing scheduled for March 7, 2007, in this matter is hereby continued until April 25, 2007.

SIGNED February ____, 2007

TCEQ DOCKET NO. 2006-0391-DIS

CERTIFICATE OF SERVICE

I hereby certify that, on the 27th day of February 2007, the Joint Notice of Submission, Joint Motion for Continuance and proposed Order were filed with the TCEQ Chief Clerk and General Counsel via fax and Federal Express, and that copies were served on all parties listed below via fax and U.S. regular mail.


Byron Lee

MAILING LIST

TCEQ Docket No. 2006-0391-DIS
Internal Control No. 02212006-D04

FOR THE PETITIONER:

Timothy G. Green
Byron Lee
Coats Rose Yale Ryman & Lee
3 E. Greenway Plaza, Suite 2000
Houston, Texas 77046-0307

FOR THE HEARING REQUESTER:

John D. Dodd, III
1800 Lincoln Plaza
500 N. Akard St.
Dallas, Texas 75201
Tel: 214-965-9900
Fax: 214-965-0010

FOR THE EXECUTIVE DIRECTOR:

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Environmental Law Division, MC-173
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Fax: 512-239-0606

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Environmental Law Division, MC-173
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Sandra Chavez, Technical Staff
Texas Commission on Environmental Quality
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FOR PUBLIC INTEREST COUNSEL:

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Texas Commission on Environmental Quality
Public Interest Counsel, MC-103
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MAILING LIST (Cont'd)

TCEQ Docket No. 2006-0391-DIS
Internal Control No. 02212006-D04

Blas J. Coy, Jr.
P.O. Box 13087
Austin, Texas 78711-3087
Tel: 512-239-6363
Fax: 512-239-6377

FOR ALTERNATIVE DISPUTE
RESOLUTION:

Todd Burkey, Attorney-Mediator
Texas Commission on Environmental Quality
Alternative Dispute Resolution, MC-222
Austin, Texas 78711-3087
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Fax: 512-239-4015

FOR THE CHIEF CLERK:

Texas Commission on Environmental Quality
Agenda Docket Clerk, Mail Code-105
12100 Park 35 Circle
Austin, Texas 78753
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FOR OFFICE OF PUBLIC ASSISTANCE:

Jody Henneke, Director
Texas Commission on Environmental Quality
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Fax: 512-239-4007

FOR OFFICE OF GENERAL COUNSEL:

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Texas Commission on Environmental Quality
Office of General Counsel, MC-101
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FACSIMILE TRANSMITTAL PAGE

Date: February 27, 2007

To:	Chief Clerk Agenda Docket Clerk	Fax Number:	512-239-3311
To:	Derek Seal	Fax Number:	512-239-5533
To:	John Dodd	Fax Number:	214-965-0010
To:	Todd Galiga	Fax Number:	512-239-0606
To:	Christian Sciano	Fax Number:	512-239-6743

From: S. Woytek for Lauren Gray/B. Lee

Phone: 713-653-7389

No. of Pages (including cover page):

9

Client/Matter #: 5432.1

Message: Please see attached. - Thanks!

TEXAS
 COMMISSION
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