

COATS | ROSE

LAUREN M. GRAY

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2007 APR 18 AM 11:05
CHIEF CLERKS OFFICE

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

April 18, 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

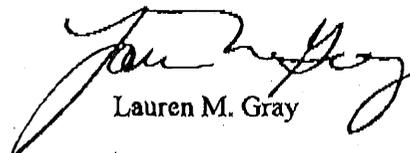
VIA FACSIMILE (512) 239-5533
Derek Seal, General Counsel
Texas Commission on Environmental Quality
Office of General Counsel, MC-101
Austin, Texas 78711-3087

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,



Lauren M. Gray

Enclosures

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

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

Phone: 713-651-0111 Fax: 713-651-0220

Web: www.coatsrose.com

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

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2007 APR 18 AM 11:05
CHIEF CLERKS OFFICE

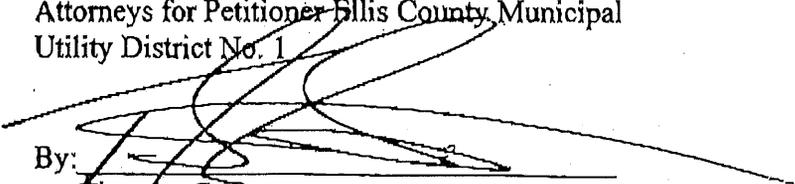
JOINT NOTICE OF SUBMISSION

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 April 25, 2007 to May 23, 2007.

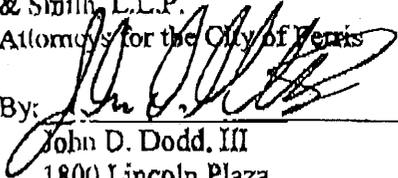
Respectfully submitted,

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

By: 
Timothy G. Green

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

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

By: 

John D. Dodd, III
1800 Lincoln Plaza
500 N. Akard Street
Dallas, TX 75201
(214) 965-9900
(214) 965-0010 (facsimile)

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

CHIEF CLERK'S OFFICE
2007 APR 18 AM 11:05
TEXAS
COMMISSION
ON 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.

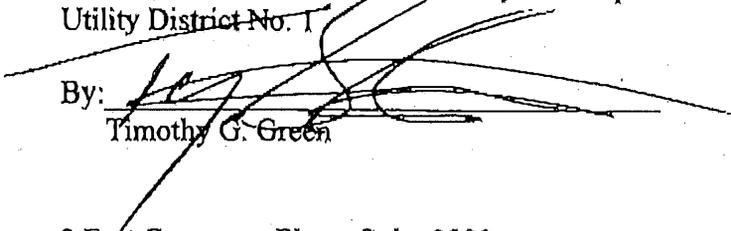
Because of the ongoing attempts to resolve this matter, both parties made a joint motion to the TCEQ to continue the March 7, 2007 hearing to April 25, 2007. By letter dated March 1, 2007, the TCEQ granted the parties' motion.

Because the parties are currently attempting to resolve this matter, both parties respectively request that the TCEQ continue the April 25, 2007 hearing to May 23, 2007 in order to allow the parties to continue settlement discussions.

WHEREFORE, the parties respectfully request that the TCEQ continue the April 25, 2007 hearing to May 23, 2007.

Respectfully submitted,

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

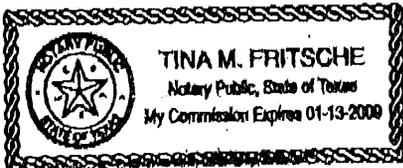
By: 
Timothy G. Green

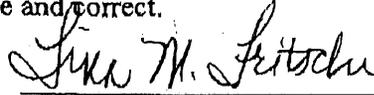
3 East Greenway Plaza, Suite 2000
Houston, Texas 77046
(713) 653-0111
(713) 890-0220 (facsimile)

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

Before me the undersigned authority appeared Timothy Green 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)





Notary Public in and for the
State of TEXAS

Tina M. Fritsche

Name Printed or Typed
My commission expires: 1-13-2009

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

By: *[Signature]*

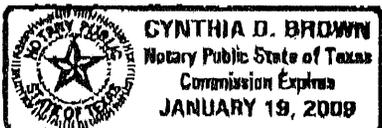
John D. Dodd, III
1800 Lincoln Plaza
500 N. Akard Street
Dallas, TX 75201
(214) 965-9900
(214) 965-0010 (facsimile)

THE STATE OF TEXAS

COUNTY OF Dallas

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)



Cynthia D. Brown

Notary Public in and for the
State of T E X A S

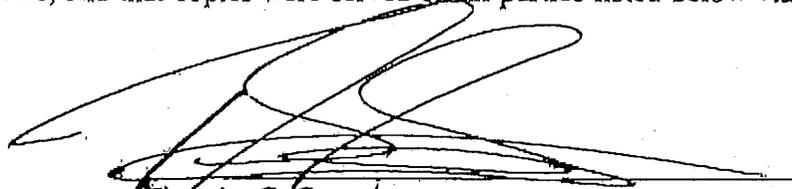
CYNTHIA D. BROWN

Name Printed or Typed
My commission expires: _____

TCEQ DOCKET NO. 2006-0391-DIS

CERTIFICATE OF SERVICE

I hereby certify that, on the 18th day of April 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.

A large, stylized handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke at the bottom.

Timothy G. Green

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:

Todd Galiga, Senior Attorney
Texas Commission on Environmental Quality
Environmental Law Division, MC-173
Austin, Texas 78711-3087
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Fax: 512-239-0606

Christian Sciano, Staff Attorney
Texas Commission on Environmental Quality
Environmental Law Division, MC-173
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Sandra Chavez, Technical Staff
Texas Commission on Environmental Quality
Water Supply Section, MC-152
Austin, Texas 78711-3087
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Fax: 512-239-2214

FOR PUBLIC INTEREST COUNSEL:

Vic McWherter
Texas Commission on Environmental Quality
Public Interest Counsel, MC-103
Austin, Texas 78711-3087
Tel: 512-239-6363
Fax: 512-239-6377

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
Tel: 512-239-2941
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
Tel: 512-239-3300
Fax: 512-239-3311

FOR OFFICE OF PUBLIC ASSISTANCE:

Jody Henneke, Director
Texas Commission on Environmental Quality
Office of Public Assistance, MC-108
Austin, Texas 78711-3087
Tel: 512-239-4000
Fax: 512-239-4007

FOR OFFICE OF GENERAL COUNSEL:

Derek Seal, General Counsel
Texas Commission on Environmental Quality
Office of General Counsel, MC-101
Austin, Texas 78711-3087
Tel: 512-239-5525
Fax: 512-239-5533

TCEQ DOCKET NO. 2006-0391-DIS

IN THE MATTER OF THE PETITION
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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 April 25, 2007, in this matter is hereby continued until May 23, 2007.

SIGNED April ____, 2007
