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2008 FEB -4 PM 3:55
CAROLYN AHRENS
COUNSEL
TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
CHIEF CLERKS OFFICE

February 4, 2008

Office of the Chief Clerk
Texas Commission on Environmental Quality
ATTN: Agenda Docket Clerk, MC 105
12100 Park 35 Circle
Building F, First Floor
Austin, Texas 78753

VIA FACSIMILE & REGULAR MAIL
(512) 239-3311

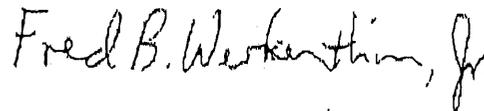
RE: Response of the Dow Chemical Company regarding Application No. 5931 (TXU Mining Company LP) to the Executive Director's and the Office of the Public Counsel's Responses to Hearing Requests

Dear Sir or Madam:

The Dow Chemical Company ("Dow") submits the following comments in response to the Executive Director's Response to Hearing Requests ("ED's Response") and the Office of Public Interest Counsel's Response to Request for Hearing ("OPIC's Response"). Dow agrees with the ED's and OPIC's Response that Dow is an affected person should be granted the contested case hearing request because its interest could be impaired by the project and therefore are protected by law under which the application is being considered.

If you have any questions, please do not hesitate to call.

Very truly yours,



Fred B. Werkenthin, Jr.,

FBW/ram

Docket Clerk
Feb. 4, 2008
Page Two

FOR THE APPLICANT:

VIA FACSIMILE

Jennifer K. Bunting
TXU Mining Company, L.P.
1601 Bryan Street
Dallas, Texas 75201-3430

Sid Stroud
Environmental Mining Manager
TXU Power
1601 Bryan Street
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Dallas, TX 75201-3411

VIA FACSIMILE

FOR THE EXECUTIVE DIRECTOR:

VIA FACSIMILE

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Craig Mikes, Technical Staff
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Water Supply Division, MC-160
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VIA FACSIMILE

Kellyc M. Rila, Team Leader
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FOR THE PUBLIC INTEREST COUNCIL:

VIA FACSIMILE

Mr. Blas J. Coy, Jr., Attorney
Texas Commission of Environmental Quality
Public Interest Council, MC-103
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Austin, TX 78711-3087

FOR THE OFFICE OF PUBLIC ASSISTANCE:

VIA FACSIMILE

Ms. Bridget Bohac, Director
Texas Commission of Environmental Quality
Office of Public Assistance, MC-108
P.O. Box 13087
Austin, TX 78711-3087

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FOR ALTERNATIVE DISPUTE RESOLUTION:

VIA FACSIMILE

Mr. Kyle Lucas
Texas Commission on Environmental Quality
Alternative Dispute Resolution, MC-222
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FOR THE CHIEF CLERK:

VIA FACSIMILE

Ms. LaDonna Castanuela
Texas Commission on Environmental Quality
Office of Chief Clerk, MC-105
P.O. Box 13087
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REQUESTER:

VIA FACSIMILE

Douglas Caroom
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WITHDRAWAL OF REQUEST:

VIA REGULAR MAIL

Ben Carmine
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FAX COVER SHEET

TO: MS. LADONNA CASTANUELA
FAX: (512) 239-3311
FROM: MONICA NELSON
RE: RESPONSE OF DOW TO ED'S & OPIC'S RESPONSE TO HEARING REQUESTS
REGARDING APPLICATION NO. 5931 (TXU MINING CO. LP)
DATE: FEBRUARY 4, 2008
PAGES: 4 (including this page)
Client Code: 338
MESSAGE:

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COMMISSION
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