



HUNTON & WILLIAMS LLP  
FOUNTAIN PLACE  
1445 ROSS AVENUE  
SUITE 3700  
DALLAS, TEXAS 75202-2799

TEL 214 • 979 • 3000  
FAX 214 • 880 • 0011

RICHARD L. ADAMS  
DIRECT DIAL: 214-979-3040  
EMAIL: radams@hunton.com

FILE NO: 88742.000106

March 27, 2008

Via Fax 512.239.5533

Les Trobman, Esq.  
General Counsel  
Texas Commission on Environmental Quality  
MC 101  
P.O. Box 13087  
Austin, Texas 78711-3087

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY  
2008 MAR 27 PM 4: 37  
CHIEF CLERKS OFFICE

Re: Application by TXU Mining Company L.P., for Water Rights Permit NO. 5931, and Related Pleadings; TCEQ Docket No. 2007-1138-WR

Dear Mr. Trobman:

The undersigned is counsel for the Applicant, TXU Mining Company L.P., now Luminant Mining Company LLC, in the above-referenced Application. The Application is on the Commission docket for April 2, 2008 regarding pending hearing requests by Dow Chemical Company ("Dow") and The Brazos River Authority ("BRA").

Diligent negotiations have been ongoing since February and I am pleased to report that a settlement has been reached with BRA wherein, as a part of the settlement, BRA will withdraw its hearing request in this Application. The withdrawal may be conditional, only if Dow does not also withdraw its hearing request in that BRA may reserve the right to support Application No. 5931 and to ensure that BRA's current water rights and ability to obtain future water rights are not adversely affected by modifications of the current draft of Permit No. 5931.

The Applicant, Dow and BRA all respectfully request a continuance of the April 2, 2008 setting for a period not to exceed sixty days. The Applicant and Dow believe that negotiations between them may well lead to Dow's withdrawal of its hearing request, resulting in there being no need for a contested case hearing regarding the Application.

Please be advised that counsel for the Office of Public Interest Counsel and the Executive Director have been consulted and have authorized me to represent that they do not oppose the request for continuance.

**HUNTON &  
WILLIAMS**

Les Trobman, Esq.  
March 27, 2008  
Page 2

Please advise me if anything further is needed from the Applicant in furtherance of the requested continuance.

Very truly yours,



Richard L. Adams

RLA:slm

cc:	LaDonna Castanuela, Chief Clerk	512.239.3311
	Douglas Caroom, Esq.	512.320.5638
	Fred B. Werkenthin, Jr., Esq.	512.473.2609
	Robin Smith, Esq.	512.239.0606
	Vic McWherter, Esq.	512.239.6377