Buddy Garcia, *Chairman*
Larry R. Soward, *Commissioner*
Bryan W. Shaw, Ph.D., *Commissioner*

Blas J. Coy, Jr., *Public Interest Counsel*

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2009 FEB 17 PM 1:51
CHIEF CLERKS OFFICE

February 17, 2009

LaDonna Castañuela, Chief Clerk
Texas Commission on Environmental Quality
Office of the Chief Clerk (MC-105)
P.O. Box 13087
Austin, Texas 78711-3087

RE: Tapatio Protestants' Motion to Overturn the Executive Director's Decision and for Reconsideration, SOAH Docket No. 582-08-2241, TCEQ Docket No. 2008-0304-UCR

Dear Ms. Castañuela:

On February 6, 2009, the Office of Public Interest Counsel (OPIC) received a Motion to Overturn and for Reconsideration filed by Tapatio Springs Homeowners Association and Tapatio Ridge Homeowners Associations. The Executive Director (ED) quickly filed a supportive response to the Motion, explaining that a mistake had occurred in the transfer of the settlement terms to the final order issued. The ED further explained that the "tariffs, as issued, do not accurately reflect the parties' agreement..." and asks that the motion be granted and the Commission issue the attached, corrected order or remand the matter to the ED for further action. OPIC agrees and adopts the position of the ED as stated in his February 11, 2009 filing.

Sincerely,

Blas J. Coy, Jr.
Public Interest Counsel

By Christina Mann

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