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February 26, 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

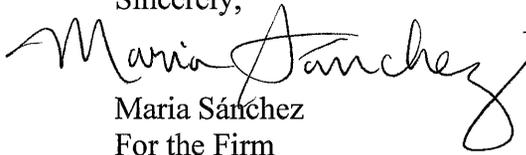
TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2009 FEB 25 AM 10:26
CHIEF CLERKS OFFICE

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, Tapatio Springs Homeowners Association and Tapatio Ridge Homeowners Association filed a Motion to Overturn and for Reconsideration (Motion to Overturn) of the December 29, 2008 decision of the Executive Director approving the water and sewer rate/tariff changes for Kendall County Utility Company, Inc. and Tapatio Springs Service Company (KCUC). KCUC agrees that the current tariff does not reflect the agreement reached by the parties. KCUC adopts the position of the Executive Director and Office of Public Interest Council and requests that the Commission grant the Motion to Overturn and that the Commission issue the Order and revised tariffs or in the alternative, that the Motion to Overturn be granted and the Commission remand the matter to the Executive Director for further action.

Sincerely,


Maria Sánchez
For the Firm

cc: Mailing List

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

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

Christina Mann
Assistant Public Interest Counsel
State Bar No. 24041388
(512)239.6363 PHONE
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SOAH DOCKET NO. 582-08-2241
TCEQ DOCKET NO. 2008-0304-UCR

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