Bryan W. Shaw, Ph.D., *Chairman*
Carlos Rubinstein, *Commissioner*
Toby Baker, *Commissioner*
Zak Covar, *Executive Director*

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

November 14, 2012

To: Persons on the Attached Mailing List (by mail and facsimile as indicated)

Re: Notice of Agenda Setting for Appeals Regarding the Executive Director's Negative Use Determinations for the Application and Docket Nos. Referenced in the Table Below and Acknowledgement of the Withdrawal of Other Appeals.

This letter provides notice that the following appeals of the Executive Director's Negative Use Determinations have been set on the Texas Commission on Environmental Quality's (Commission) public meeting scheduled to begin at **9:30 A.M.** on **Wednesday, December 5, 2012**.

Application No./ TCEQ Docket No.	Appellant	County
No. 12696/ Docket No. 2012-1529-MIS-U	EN Services LP	Harrison County
No. 16409/ Docket No. 2012-1552-MIS-U	Bosque Power Company LLC	Bosque County
No. 07-11926/ Docket No. 2008-0851-MIS-U	CER-Colorado Bend Energy LLC	Wharton County
Nos. 12210 and 12211/ Docket No. 2012-1559-MIS-U	Topaz Power Group, LLC	Nueces County
Nos. 15505, 16410, 16411, and 16412/ Docket No. 2012-1562-MIS-U	Cottonwood Energy Company LP	Newton County
No. 12268/ Docket No. 2012-1586-MIS-U	Wolf Hollow I, LP	Hood County
No. 13534/ Docket No. 2012-1587-MIS-U	South Texas Electric Cooperative, Inc.	Victoria County
No. 13544/ Docket No. 2012-1635-MIS-U	Brazos Electric Cooperative	Johnson County
No. 16413/ Docket No. 2012-1648-MIS-U	Brazos Electric Cooperative	Jack County
No. 12271/ Docket No. 2012-1650-MIS-U	Midlothian Energy Limited Partnership	Ellis County
No. 12202/ Docket No. 2012-1660-MIS-U	Wise County Power Company, LLC	Wise County
No. 12272/ Docket No. 2012-1682-MIS-U	Hays Energy Limited Partnership	Hays County
No. 12203/ Docket No. 2012-1662-MIS-U	Ennis Power Company, LLC	Ellis County
No. 07-11914/ Docket No. 2008-0830-MIS-U	Tenaska Gateway Partners, Ltd.	Rusk County
No. 07-11971/ Docket No. 2008-0832-MIS-U	Borger Energy Associates, LP	Hutchinson County
No. 12826/ Docket No. 2012-1683-MIS-U	GIM Channelview Cogeneration LLC	Harris County
No. 07-11994/ Docket No. 2008-0850-MIS-U	Freeport Energy Center, LLC	Brazoria County
No. 07-11969/ Docket No. 2008-0849-MIS-U	Brazos Valley Energy Center LLC	Fort Bend County
No. 07-11966/ Docket No. 2008-0831-MIS-U	Freestone Power Generation, LLC	Freestone County

The meeting will take place in Room 201S of Building E, 12118 N. Interstate 35, Austin, Texas. The Commission will consider the applications, the appeals, and timely responses and replies.

The Commission will take oral argument on the matters listed in the table above. Due to the overlap of issues presented in the appeals, the General Counsel is likely to recommend that the Commission take up the items together. In light of this, the fact that certain counsel represent multiple parties, and the extensive briefing that has already been filed on these matters, we request that the Appellants and the Appraisal Districts each coordinate to divide the time for oral argument. Total oral argument time for the Appellants will be 20 minutes. Appellants will present the item first and may save a portion of the 20 minutes for rebuttal. Representatives of the Appraisal Districts will speak next and will also have 20 minutes to divide among themselves. The Appellants and Appraisal Districts should contact Melissa Chao, Agenda Coordinator, Office of the Chief Clerk at (512) 239-5234 by 5:00 p.m. Monday, December 3, 2012 to let her know how the time will be apportioned. The Executive Director and the Office of Public Interest Counsel will speak after the appraisal districts and will each have ten minutes for their respective oral presentations.

This letter also serves as acknowledgement of the withdrawal of the following other related appeals. **These appeals are considered withdrawn and will not be considered at the above-referenced public meeting.**

Application No./ TCEQ Docket No.	Appellant	County	Date of Withdrawal
No. 12004/ Docket No. 2012-1649-MIS-U	NRG Texas Power LLC	Limestone County	10/30/2012
No. 15020/ Docket No. 2012-1679-MIS-U	Motiva Enterprises, LLC	Jefferson County	10/25/2012 (rec'd 10/26/2012)
No. 08-12822/ Docket No. 2012-1689-MIS-U	Oxy Vinyls, LP	San Patricio County	9/6/2012
No. 08-12820/ Docket No. 2012-1694-MIS-U	Oxy Vinyls, LP	Harris County	9/6/2012

If you have any questions about the public meeting or related matters, please contact Jim Rizk at (512) 239-5530 or Tracy H. Gross at (512) 239-1736.

Very truly yours,

Les Trobman
General Counsel

Mailing List

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No. 07-11966/ Docket No. 2008-0831-MIS-U	Freestone Power Generation, LLC	Freestone County

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WITHDRAWN APPLICATIONS

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No. 12004/ Docket No. 2012-1649-MIS-U	NRG Texas Power LLC	Limestone County	10/30/2012
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