Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Zak Covar, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

September 9, 2014

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.

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, September 24, 2014**.

| Application No./ TCEQ Docket No. | Appellant | 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 | EIF 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, 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, Office of the Chief Clerk at (512) 239-5234 by 5:00 p.m. Monday, September 22, 2014 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.

If you have any questions about the public meeting or related matters, please contact Tracy Gross at (512) 239-1736 or Greg Merrell at (512) 239-0669.

Sincerely,

Anne Idsal
General Counsel

Mailing List

# Mailing List

| Application Nos./ TCEQ Docket Nos. | Appellant | County |
|---|---|---|
| No. 07-11926/ Docket No. 2008-0851-MIS-U | CER-Colorado Bend Energy, LLC | Wharton County |
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| Nos. 15506, 16410, 16411, and 16412/ Docket No. 2012-1562-MIS-U | Cottonwood Energy Company, LP | Newton County |
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| No. 12203/ Docket No. 2012-1662-MIS-U | Ennis Power Company, LLC | Ellis County |
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| No. 07-11971/ Docket No. 2008-0832-MIS-U | Borger Energy Associates, LP | Hutchinson County |
| No. 12826/ Docket No. 2012-1683-MIS-U | EIF 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 LLC | Fort Bend County |
| No. 07-11966/ Docket No. 2008-0831-MIS-U | Freestone Power Generation, LLC | Freestone County |

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