

TCEQ DOCKET NO. 2014-0943-UCR
APPLICATION NO. 37892-C

PETITION FROM MEADOW RIDGE	§	BEFORE THE
FARM, LP, FOR AN EXPEDITED	§	
RELEASE FROM HIGH POINT WATER	§	TEXAS COMMISSION ON
SUPPLY CORPORATION, CERTIFICATE	§	
OF CONVENIENCE AND NECESSITY	§	ENVIRONMENTAL QUALITY
NO. 10841 IN KAUFMAN	§	
COUNTY, TEXAS	§	

MEADOW RIDGE FARM, LP'S AND HIGH POINT WSC'S REPLY BRIEF

TO THE HONORABLE COMMISSIONERS:

COME NOW, Meadow Ridge Farm, LP (“Petitioner”) and High Point Water Supply Corporation (“High Point WSC”), and file this Reply Brief in the above-referenced proceeding. Petitioner and High Point WSC have filed a Joint Motion to Overturn the Executive Director’s Order dated May 28, 2014 (the “Order”) approving Petitioner’s petition for expedited release from Certificate of Convenience and Necessity (“CCN”) No. 10841 held by High Point WSC.

On July 9, 2014, the Executive Director of the Texas Commission on Environmental Quality (the “Commission”) filed a Reply to the Joint Motion to Overturn stating that the Executive Director did not object to granting the Motion. On July 17, 2014, the Executive Director filed a Supplemental Response stating that “ultimately” the Executive Director has no objection to the Motion being granted. The Supplemental Response, however, also appears to question whether the Commission has a “valid basis” to grant the Motion.

The Commission’s rule concerning motions to overturn, Section 50.139, does not establish any specific criteria other than timely filing that must be met in order for a motion to

overturn to be granted. Petitioner and High Point WSC are not suggesting that the Executive Director made any error in issuing the Order, but rather that overturning the Order is appropriate under the specific circumstances at issue here. As the Executive Director notes, Petitioner's request to withdraw the petition was filed after the Executive Director had already signed the order on May 28, 2014. It should also be noted, however, that the signed Order was not mailed until June 16, 2014, and it was received by Petitioner several days thereafter. In the absence of the signed Order, it was reasonable for Petitioner to assume that the petition was still under review by the Executive Director and that it could still be withdrawn on June 13, 2014 when Petitioner filed the request to do so.

Overturning the Order will allow Petitioner and High Point WSC to continue negotiations in the hope of reaching a mutually beneficial agreement. Petitioner recognizes that if the negotiations fail, and Petitioner wishes to have the land in question removed from High Point WSC's CCN, it will be necessary for Petitioner to file a new petition for release from the CCN.

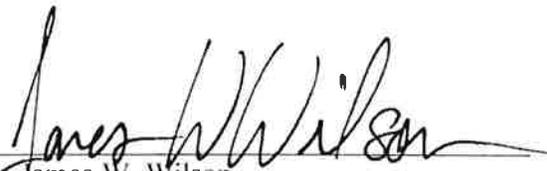
Petitioner and High Point WSC appreciate the Office of Public Interest Counsel's recommendation that the Joint Motion to Overturn be granted.

In conclusion, Petitioner and High Point WSC again respectfully request that the Commission overturn the Executive Director's Order dated May 28, 2014 and restore the 418.3131 acres of land covered by that Order to CCN No. 10841.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that I have served a true and correct copy of the foregoing on this 23rd day of July, 2014 on the following:

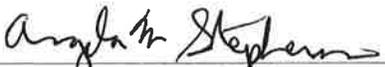
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