

**SOAH DOCKET NOS. 582-05-2770 and 582-05-2771
TCEQ DOCKET NOS. 2004-1120-UCR and 2004-1671-UCR**

**APPLICATION BY AQUA
DEVELOPMENT COMPANY AND
AQUA UTILITIES, INC. d/b/a AQUA
TEXAS, INC. TO CHANGE WATER AND
SEWER TARIFFS AND RATES IN
VARIOUS COUNTIES**

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**BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS**

2008 JUL 21 PM 3:05
CHIEF CLERKS OFFICE

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

**ORDER NO. 51
REQUIRING SUBMISSION OF RATE SHEETS
AND SUPPORTING RATE SETTING DATA**

On March 19, 2008, and June 18, 2008, the Texas Commission on Environmental Quality (Commission) considered the Proposal for Decision in this case. At the June 18th open meeting, the Commission gave clear guidance on its decisions regarding the legal and factual issues raised in this case. In light of the Commission's guidance, the Administrative Law Judges (ALJs) intend to present final rate sheets and rate-setting data to the Commission by July 23, 2008, so the Commission may adopt a final order at its open meeting currently scheduled for August 6, 2008.

THEREFORE, IT IS ORDERED that the parties are to confer and agree upon rate-setting data and final rate sheets that may be adopted by the Commission in this case. The parties are to submit, by **July 1, 2008**, these rate sheets and supporting data to the ALJs. These rate sheets should provide all appropriate charges (base rates, gallonage charges, etc.) and surcharges (rate case expenses and deferred expense recovery) for each region. If the parties cannot agree upon the data, they shall file their separate proposals, along with a citation to the record evidence supporting their proposals and an explanation of why their proposal differs from that offered by the other parties. In addition, also by **July 1, 2008**, Applicant shall submit an affidavit identifying all of its attorney's fees incurred since the rate case expense hearing and that are not already addressed in the PFD in this case up through and including June 18, 2008.

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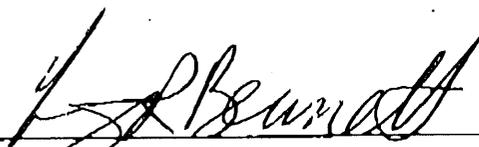
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No later than **July 8, 2008**, the parties may submit responses to the parties' rate sheet and rate-setting data filings. Further, the parties may submit any additional proposed findings of fact and conclusions of law (not already included in the proposed final order submitted to the Commission with the PFD in this case) that the parties believe need to be adopted by the Commission in its final order in this case. **The parties are NOT to submit findings and conclusions that are contrary to the guidance and preliminary rulings given by the Commission at its June 18, 2008, open meeting. Namely, the parties shall not use the requirements of this order to attempt to re-argue issues already decided by the ALJs and the Commission.**

Any party that believes a conference with the ALJs and the parties is necessary to resolve the issues required by this order must submit a written request for it no later than **June 26, 2008**, barring a showing of exigent or changed circumstances later.

SIGNED June 19, 2008.



CRAIG R. BENNETT
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS



TRAVIS L. VICKERY
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS

**STATE OFFICE OF ADMINISTRATIVE HEARINGS
WILLIAM P. CLEMENTS BUILDING
300 West Fifteenth Street
Austin, Texas 78701
Phone (512) 475-4993
Facsimile (512) 475-4994**

SERVICE LIST

AGENCY: TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
(TCEQ)

STYLE/CASE: APPLICATION OF AQUA UTILITIES, INC. D/B/A AQUA TEXAS,
INC. TO CHANGE WATER AND SEWER TARIFFS AND RATES
IN VARIOUS COUNTIES

SOAH DOCKET NUMBER: 582-05-2770, 582-05-2771

TCEQ DOCKET NUMBER: 2004-1120-UCR, 2004-1671-UCR

**STATE OFFICE OF ADMINISTRATIVE
HEARINGS**

**CRAIG R. BENNETT
TRAVIS VICKERY
ADMINISTRATIVE LAW JUDGES**

PARTIES

REPRESENTATIVE/ADDRESS

**TEXAS COMMISSION ON ENVIRONMENTAL
QUALITY**

**TODD GALIGA
TEXAS COMMISSION ON ENVIRONMENTAL
QUALITY
MC-175
P.O. BOX 13087
AUSTIN, TX 78711-3087
512/239-3578
512/239-0606 (FAX)**

**OFFICE OF PUBLIC INTEREST COUNSEL OF
THE TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**SCOTT HUMPHREY
OFFICE OF THE PUBLIC INTEREST
COUNSEL
TEXAS COMMISSION ON ENVIRONMENTAL
QUALITY
MC-103
P.O. BOX 13087
AUSTIN, TX 78711-3087
512/239-0574
512/239-6377 (FAX)**

AQUA TEXAS, INC.

**PAUL TERRILL
ATTORNEY
810 W. 10TH STREET
AUSTIN, TX 78701
512/474-9100
512/474-9888 (FAX)**

**ANDREW N. BARRETT
ATTORNEY AT LAW
711 WEST 7TH STREET
AUSTIN, TX 78701
512/472-9326
512/472-6463 (FAX)**

**MARK ZEPPA
ATTORNEY
4833 SPICEWOOD SPRINGS RD., #202
AUSTIN, TX 78759
512/346-4011
512/346-6847 (FAX)**

**SOUTHWEST REGION HOMEOWNERS
GROUPS (ESTATES OF SHADY HOLLOW
HOA; BEAVER ISLAND POA; COMANCHE
CLIFFS HOA; KERR AND KENDALL COUNTIES
FALLING WATER POA; THE RESERVE AT
FALLING WATER POA; CYPRESS SPRINGS
ESTATES POA; KENDALL POINTE POA; AND
ONION CREEK MEADOW POA)**

**SHERIDAN G. THOMPSON
JACKSON, SJOBERG, MCCARTHY &
WILSON, L.L.P.
711 WEST 7TH STREET
AUSTIN, TX 78701
512/225-5607
512/225-5565 (FAX)**

**SOUTHEAST REGION HOMEOWNERS
GROUPS (SHADOW BAY HOA; CEDAR POINT
HOA; LAKE CONROE VILLAGE HOA;
BRENTWOOD RESIDENTS; STABLEGATE
HOA; PORT ADVENTURE HOA; LAKE
LIVINGSTON VILLAGE HOA AND NUMEROUS
INDIVIDUAL CUSTOMERS)**

CRIGHTON RIDGE HOMEOWNERS

**EAGLE CREEK RANCH OWNERS
ASSOCIATION**

**LINDA LAMBERTH
PRESIDENT, ECROA
912 EAGLE CREEK DR.
FLORESVILLE, TX 78114
830/393-3373 (HOME)
210/977-2811 (WORK)
210/524-5801 (FAX)**

BARTON CREEK LAKESIDE POA

**BYRON ZINN
120 HIDDEN SPRINGS CT.
SPICEWOOD, TX 78669
830/798-2380**

**CHARLES EVANS
27025 MASTERS PARKWAY
SPICEWOOD, TX 78669
830/693-2489**

THE HONORABLE GONZALO BARRIENTOS

THE HONORABLE GONZALO BARRIENTOS

P. O. BOX 12068

AUSTIN, TX 78711-2068

512/463-0114

512/463-5949 (FAX)

xc: Docket Clerk, State Office of Administrative Hearings
Docket Clerk, Office of the Chief Clerk, TCEQ, Fax No. (512) 239-3311

STATE OFFICE OF ADMINISTRATIVE HEARINGS

William P. Clements Building
300 West Fifteenth Street
Room 502
Austin, Texas 78701
Phone (512) 475-4993
Facsimile (512) 936-0730

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TEXAS COMMISSION
ON ENVIRONMENTAL
QUALITY

DATE:

July 21, 2008

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582-05-2770 and 582-05-2771

TCEQ DOCKET NO.:

TCEQ Docket Nos. 2004-1120-UCR and 2004-1671-UCR

REGARDING:

Copy of Order No. 51

FROM:

Lisa Serrano

FAX TO:	
Paul - (TCEQ - Docket Clerk)	512/239-3311

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