

Buddy Garcia, *Chairman*  
Larry R. Soward, *Commissioner*  
Bryan W. Shaw, Ph.D., *Commissioner*  
Mark R. Vickery, P.G., *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

July 30, 2008

To: Persons on the attached mailing list (by mail and facsimile as indicated)

Re: Continuance of the Commission's consideration of the Proposal for Decision and Order concerning the application by Aqua Development Company and Aqua Utilities, Inc., d/b/a Aqua Texas, Inc., to change its water and sewer tariffs and rates in various counties; TCEQ Docket Nos. 2004-1120-UCR and 2004-1671-UCR; SOAH Docket Nos. 582-05-2770 and 582-05-2771.

The Texas Commission on Environmental Quality (Commission) scheduled the above-referenced matter for consideration at its public meeting on August 6, 2008. On July 25, 2008, the Applicant submitted a request for a continuance of the agenda setting to the Commission's public meeting on August 20, 2008, because lead counsel had a long-planned family vacation. The Applicant's continuance request asserts that counsel for the Southeast and Southwest Region Protestants will also be unavailable on the scheduled date and agrees with the continuance request. The Applicant's letter indicates that a copy of the continuance request letter was sent to the other parties, and it is my understanding that neither the Executive Director nor the Office of Public Interest Counsel oppose this request.

Accordingly, this matter is continued to the Commission's public meeting on **Wednesday, August 20, 2008**, beginning at **1:00 p.m.**, pursuant to 30 TAC § 10.4. The meeting will take place in Room 201S of Building E, 12118 N. Interstate 35, Austin, Texas.

If you have any questions about this matter, please contact Todd Burkey, Assistant General Counsel, at (512) 239-2941.

Very truly yours,

A handwritten signature in black ink, appearing to read "Les Trobman".

Les Trobman  
General Counsel

Mailing List

## Mailing List

Aqua Development Company and Aqua Utilities, Inc., d/b/a Aqua Texas, Inc.  
TCEQ Docket Nos. 2004-1120-UCR and 2004-1671-UCR;  
SOAH Docket Nos. 582-05-2770 and 582-05-2771

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The Honorable Patrick Rose  
House of Representatives  
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Representative John Otto  
P. O. Box 965  
Dayton, Texas 77535

Senator Robert L. Nichols  
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# THE TERRILL FIRM

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July 25, 2008

CHIEF CLERKS OFFICE

2008 JUL 28 AM 8:03

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

Mr. Les Trobman  
General Counsel  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, TX 78711-3087

Via Facsimile: (512) 239-5533

Re: Commission agenda for consideration of *Rate Change Application by Aqua Utilities, Inc. and Aqua Development, Inc. d/b/a Aqua Texas, Inc.*; SOAH Docket Nos. 582-05-2770 and 582-05-2771; TCEQ Docket Nos. 2004-1120-UCR and 2004-1671-UCR

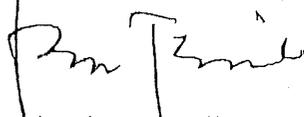
Dear Mr. Trobman:

On behalf of the Applicant in the above-captioned proceeding, Aqua Texas, I respectfully request that the Office of General Counsel reset consideration of Aqua Texas' rate change application and the proposed final order issued by Administrative Law Judges Bennett and Vickery on the Commissioner's Agenda from August 6, 2008 to August 20, 2008. I will be on a long-planned family vacation on August 6, 2008 and unable to attend the Commissioners' Agenda.

I have conferred with Ed McCarthy, counsel for the Southeast and Southwest Region Protestants. Mr. McCarthy stated that he likewise is out of town and also unavailable for the August 6, 2008 Agenda. Mr. McCarthy also requests that final consideration of the rate change application be moved to the August 20, 2008 Agenda. I have conferred with Lisa Serrano, ALJ Bennett and Vickery's assistant for the Aqua Texas' rate case. Ms. Serrano informed me that the ALJs are not scheduled for hearing on August 20, 2008 and should be available for the August 20, 2008 Agenda. Both ALJ Bennett and Vickery are currently on vacation, and could not be reached for confirmation of availability, but will be back in the office on Tuesday, July 29, 2008. I have also conferred with counsel for the Executive Director. The Executive Director does not oppose this request.

If you have any questions, please feel free to contact me. Thank you for your courtesies.

Sincerely,



Paul M. Terrill III  
THE TERRILL FIRM, P.C.

Mr. Les Trobman  
July 25, 2008  
Page 2

**SERVICE LIST**

<b>Parties</b>	<b>Representative / Address</b>	<b>Phone</b>
STATE OFFICE ADMINISTRATIVE HEARINGS	Craig R. Bennett Travis Vickery Administrative Law Judges State Office of Admin. Hearings 300 West 15th Street Suite 502 Austin, TX 78701	Tel: 475-4993 Fax: 475-4994
SOAH Docket Clerk	Docket Clerk State Office of Admin. Hearings 300 West 15th Street, Suite 502 Austin, TX 78701	Fax: 936-0730
TCEQ Chief Clerk	Office of the Chief Clerk, TCEQ 12100 Park 35 Circle Bldg. F/1, Room 1104 Austin, Texas 78753	Fax: 239-3311
TCEQ Executive Director	Todd Galiga Executive Director, TCEQ MC-175 P.O. Box 13087 Austin, TX 78711-3087	Tel: 239-3578 Fax: 239-0606
Office of Public Interest Counsel of TCEQ	Scott Humphrey TCEQ, OPIC MC-103 P.O. Box 13087 Austin, TX 78711-3087	Tel: 239-0574 Fax: 239-6377
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; Onion Creek Meadows POA	Ed McCarthy Jackson Sjoberg McCarthy & Wilson L.L.P. 711 West 7th St. Austin Texas 78701	Tel: (512) 472-7600 Fax: (512) 225-5565

Mr. Les Trobman  
 July 25, 2008  
 Page 3

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Parties	Representative / Address	Phone
Eagle Creek Ranch OA	Linda Lamberth 912 Eagle Creek Dr. Floresville, TX 78114	Tel:(830) 393-3373 Fax (210) 524-8501 sinanju@ix.netcom.com
Southeast Region Homeowners Group (CIA of Shadow Bay, Cedar Point HOA; Lake Conroe Village HOA; Brentwood Residents; Stablegate HOA; Port Adventure HOA; Lake Livingston Village HOA; and numerous individual customers	Gayle Pierce 14188 Shadow Bay Dr. Willis, TX 77318-7405  Ed McCarthy Jackson Sjoberg McCarthy & Wilson L.L.P. 711 West 7th St. Austin Texas 78701	Tel: (936) 890-2152 Fax:(936) 890-2368 mgayleperce@cebri dge.net  Tel: (512) 472-7600 Fax: (512) 225-5565
Crighton Ridge Homeowners Association	Judith Weidner 13231 Ridgewater Way Conroe, TX 77302-3468	Tel: (936) 494-1104
Barton Creek Lakeside POA	Byron Zinn 120 Hidden Springs Ct. Spicewood, TX 78669	Tel: (830) 798-2380

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## FAX COVER SHEET

DATE : July 25, 2008

TIME : 9:39pm

2008 JUL 28 AM 8:03  
CHIEF CLERKS OFFICE

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

PLEASE DELIVER TO:

NAME :	Craig R. Bennett Travis Vickery	FAX NUMBER :	475-4994
	SOAH Docket Clerk		475-4994
	TCEQ Office of Chief Clerk		239-3311
	Todd Galiga (TCEQ - ED)		239-0606
	Scott Humphrey (TCEQ - OPIC)		239-6377
	Linda Lamberth		sinanju@ix.netcom.com
	Gayle Pierce		mgpiercerv@insu.com
	Ed McCarthy		(512) 225-5565
	Les Trobman		(512) 239-5533
FROM :	Beckie Figg, Paralegal		
CM #	9284		
TOTAL NUMBER OF PAGES SENT (Including coversheet) :	4 pages		
IF YOU DO NOT RECEIVE ALL OF THE PAGES, PLEASE CALL BACK AS SOON AS POSSIBLE.			
REMARKS :			
RE:	<i>Application by Aqua Utilities, Inc. d/b/a Aqua Texas, Inc., and AquaSource Development Company d/b/a Aqua Texas, Inc., to Change Their Water and Sewer Tariffs and Rates in Various Counties, and Appeal of Rate-Making Actions of Various Municipalities Denying Requested Changes to Water and Sewer Tariffs and Rates SOAH Docket Nos. 582-05-2770 and -2771; TCEQ Docket Nos. 2004-1120-UCR and 2004-1671-UCR</i>		
Please see attached correspondence from Paul Terrill dated July 25, 2008.			
CONFIDENTIALITY NOTICE			
This facsimile transmission (and/or the documents accompanying it) may contain confidential information belonging to the sender which is protected by the attorney-client privilege. The information is intended only for the use of the individual or entity named below. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please immediately notify us by telephone to arrange for the return of the documents.			

Buddy Garcia, *Chairman*  
Larry R. Soward, *Commissioner*  
Bryan W. Shaw, Ph.D., *Commissioner*  
Glenn Shankle, *Executive Director*



TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

2008 MAY -1 PM 2:42

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY CHIEF CLERKS OFFICE

*Protecting Texas by Reducing and Preventing Pollution*

May 1, 2008

- To: Persons on the attached mailing list (by mail and facsimile as indicated)
- Re: Continuance of the Commission's consideration of the Proposal for Decision and Order concerning the application by Aqua Development Company and Aqua Utilities, Inc., d/b/a Aqua Texas, Inc., to change its water and sewer tariffs and rates in various counties; TCEQ Docket Nos. 2004-1120-UCR and 2004-1671-UCR; SOAH Docket Nos. 582-05-2770 and 582-05-2771.

On March 19, 2008, the Texas Commission on Environmental Quality (Commission) continued its consideration of the above-referenced matter to its public meeting on May 21, 2008. However, the Office of General Counsel has determined the need to continue the matter from this meeting, pursuant to 30 TAC § 10.4.

Accordingly, this matter is continued to the Commission's public meeting on **Wednesday, June 18, 2008**, starting at 1:00 p.m. in Room 201S, Building E, 12100 Park 35 Circle, Austin, Texas 78753.

If you have any questions about this matter, please contact Todd Burkey, Assistant General Counsel, at (512) 239-2941.

Very truly yours,

A handwritten signature in black ink, appearing to read "Les Trobman".

Les Trobman  
General Counsel

Mailing List

Mailing List

Aqua Development Company and Aqua Utilities, Inc., d/b/a Aqua Texas, Inc.

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

SOAH Docket Nos. 582-05-2770 and 582-05-2771

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The Honorable Patrick Rose  
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Representative John Otto  
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Dayton, Texas 77535

Senator Robert L. Nichols  
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Buddy Garcia, *Chairman*  
Larry R. Soward, *Commissioner*  
Bryan W. Shaw, Ph.D., *Commissioner*  
Glenn Shankle, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

February 25, 2008

TO: All Persons on Mailing List

RE: **SOAH Docket Nos. 582-05-2770, 582-05-2771; TCEQ Docket Nos. 2004-1120-UCR, 2004-1671-UCR.** Application of **Aqua Development Company and Aqua Utilities, Inc. dba Aqua Texas, Inc.** to change water and sewer tariffs and rates in various counties.

The above-referenced matter is scheduled to be considered by the Texas Commission on Environmental Quality on **March 19, 2008 at 1:00 P.M.** in Room 201S, Building E, 12100 Park 35 Circle, Austin, Texas.

Pursuant to 30 TAC § 80.263, oral presentations before the commission shall be limited to five minutes each, excluding time for answering questions, unless the chairman or general counsel establishes other limitations.

Should you need any additional information, please contact Paul Munguía at the Texas Commission on Environmental Quality, Office of the Chief Clerk, (512) 239-3300.

Sincerely,

A handwritten signature in black ink, appearing to read "LaDonna Castañuela".

LaDonna Castañuela  
Chief Clerk

LDC/pm

**MAILING LIST**  
**AQUA DEVELOPMENT COMPANY AND AQUA UTILITIES, INC.**  
**DBA AQUA TEXAS, INC.**  
**SOAH DOCKET NOS. 582-05-2770, 582-05-2771**  
**TCEQ DOCKET NOS. 2004-1120-UCR, 2004-1671-UCR**

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HOA; Kerr and Kendall Counties Falling  
Water POA; Cypress Springs Estates POA;  
Kendall Pointe POA; Onion Creek  
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Representing the Office of Public Interest  
Counsel

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Travis Vickery, Administrative Law Judge  
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Courtesy Copy