

**TCEQ DOCKET NO. 2005-1490-WR
SOAH DOCKET NO. 582-10-4184**

APPLICATION BY THE BRAZOS	§	BEFORE THE TEXAS
RIVER AUTHORITY FOR WATER	§	COMMISSION ON
USE PERMIT NO. 5851	§	ENVIRONMENTAL QUALITY

**BRAZOS RIVER AUTHORITY’S UNOPPOSED MOTION FOR EXTENSION
OF TIME TO FILE REPLIES TO EXCEPTIONS TO THE
SUPPLEMENT TO THE PROPOSAL FOR DECISION ON REMAND**

TO TCEQ GENERAL COUNSEL TUCKER ROYALL:

On June 3, 2016, the Administrative Law Judges (ALJs) in the above docketed contested case issued their Supplement to the Proposal for Decision on Remand (SPFDR), in direct response to the Commission’s January 29, 2016 Interim Order, by which “the Commission returned the case to the ALJs for the purpose of a limited remand, in order to allow the parties and ALJs to implement the Commission’s decisions on: (1) reservoir capacity/sedimentation, and (2) return flows in the Special Conditions and WMP portions of the SysOp Permit recommended by the ALJs.” SPFDR at 1. With the issuance of the SPFDR, the following deadlines were established for further pleadings, common to all parties in the case: June 23, 2016 for exceptions or briefs, and July 5, 2016 for any replies to such exceptions or briefs.

Applicant, the Brazos River Authority (BRA), hereby moves pursuant to 30 TEX. ADMIN. CODE §80.257(b) for a one-week extension, applicable to all parties, of the July 5th deadline for replies. As set out in Order No. 37 (April 7, 2016), the ALJs had amended their original schedule for briefing on the remanded issues and for issuance of the SPFDR, setting June 10, 2016 as the deadline for issuance of the SPFDR. Although BRA certainly has no complaint with the SPFDR having been issued a week ahead of the deadline, as a practical matter (and especially with the

standard short reply times on such exceptions) moving up the resulting deadlines for exceptions and replies by one week affects the schedules and existing work conflicts and deadlines of counsel. This is particularly the case when the reply deadline now falls directly after the Fourth of July holiday weekend. With the June 23rd filings of exceptions, BRA as the Applicant now has sets of exceptions or briefs filed by six different parties or groups of parties to evaluate and reply to. BRA respectfully submits that extending the common reply deadline by one week, to July 12, 2016, is a limited and reasonable extension that would enable all parties to appropriately reply to exceptions and briefs, and would not unreasonably delay the Commission's further consideration of BRA's Application No. 5851 and Water Management Plan.

Pursuant to the requirements of 30 TEX. ADMIN. CODE §80.257(b), counsel for BRA contacted the representatives for the other parties by email to confer regarding this intended motion, and received responses from all of the following that they have no objection to the proposed one-week extension of the reply deadline: Executive Director, City of Bryan, NRG, Friends of the Brazos River and Brazos River Alliance (aligned parties), National Wildlife Federation, City of College Station and City of Lubbock, and Brazos Family Farmers and Ranchers; and also received responses from Texas Parks and Wildlife Department and Dow Chemical Company indicating their support for BRA's motion.¹ No other party representatives responded with a position on this motion. Counsel for BRA also contacted the ALJs' administrative assistant regarding the proposed revised deadline of July 12, 2016 for all replies. She indicated that the ALJs have no schedule conflicts with this proposed revised deadline.

¹ BRA would also note that this list of supporting and non-objecting parties includes all of the parties to this contested case that have participated in the briefing of remanded issues following the Commission's January 29th Interim Order, and/or that have themselves filed exceptions to the SPFDR.

For the reasons set forth above, BRA therefore respectfully moves that the General Counsel extend by one week the current deadline for replies to exceptions or briefs filed by any party regarding the Supplement to Proposal for Decision on Remand, to Tuesday, July 12th.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify by my signature below that on the 24th day of June, 2016, a true and correct copy of the above and foregoing BRA's Unopposed Motion for Extension was forwarded via email or First Class Mail to the parties and other persons on the attached Service List.


Susan M. Maxwell

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TCEQ DOCKET NO. 2005-1490-WR
SOAH DOCKET NO. 582-10-4184

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