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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

August 14, 2007

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

Re: ALJ's Proposal for Decision and Proposed Order regarding the Application of Lazy Nine Municipal Utility District and Forest City Sweetwater Limited Partnership for Proposed Permit WQ0014629001; TCEQ Docket No. 2006-0688-MWD; SOAH Docket No. 582-06-2596.

This letter concerns the scheduling of oral presentations for the Texas Commission on Environmental Quality's (Commission) deliberation and decision on the above-referenced matter. As previously notified, this matter has been set on the Commission's public meeting scheduled to begin at 1:00 p.m. on Wednesday, August 22, 2007. The Commission's meeting will take place in Room 201S of Building E, 12100 Park 35 Circle, Austin, Texas. 30 TAC § 80.263 provides as follows:

In proceedings where a judge has held a public hearing and has issued a proposal for decision or other report to the commission, all 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. Before the commission meeting, the general counsel may allot time for oral presentations. Oral presentations and responses to questions shall be directed to the commission.

The Office of General Counsel hereby gives notices that the time for oral argument will be 5 minutes for the Applicant, 5 minutes for the Protestants collectively, and 5 minutes for the Office of Public Interest Counsel. The Protestants may apportion their 5 minutes among themselves as they deem appropriate. The Applicant may save some time for rebuttal, as it bears the burden of proof.

Furthermore, if the Commissioners need additional information, they may ask questions of the parties after oral argument is completed. In light of the oral argument time periods previously found sufficient in complex matters and given the Commissioners' ability to question the parties to clarify any issues, the Office of General Counsel finds that the time period provided to the parties should be sufficient.

If you have any questions about this matter, please contact Shannon L. Strong, Assistant General Counsel, at (512) 239-0972.

Respectfully,

A handwritten signature in black ink that reads "Derek Seal".

Derek Seal
General Counsel

Mailing List

<h:/counsel/strong/letters/oralargument/LazyNinetime.ltr>

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SOAH Docket No. 582-06-2596
TCEQ Docket No. 2006-0688--MWD

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