

State Office of Administrative Hearings



Shelia Bailey Taylor
Chief Administrative Law Judge

June 10, 2008

Les Trobman
General Counsel
Texas Commission on Environmental Quality
PO Box 13087
Austin Texas 78711-3087

VIA FACSIMILE 512/339-5533

2008 JUN 10 PM 2:30
CHIEF CLERK'S OFFICE
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Re: SOAH Docket No. 582-08-0990; TCEQ Docket No. 2007-1833-UCR; Application of City of College Station Pursuant to Water Code § 13.255(a) to Decertify a Portion of Certificate of Convenience and Necessity No. 11340 of Wellborn Special Utility District (Application No. 35717-C)

Dear Mr. Trobman:

On May 27, 2008, Applicant filed Exceptions to the Proposal For Decision (PFD) issued May 5, 2008. On May 27, 2008, Protestant filed its Brief in Support of the PFD in which it recommended additions to the PFD. On June 5, 2008, Protestant filed its Reply Brief to Applicant's Exceptions. On June 5, 2008, the ED filed its Response to Applicant's Exceptions. The undersigned Administrative Law Judge (ALJ) has reviewed the exceptions and responses and this letter contains my recommendation to the Commission on the disposition of the exceptions.

As stated in the PFD, this is clearly a contract dispute between Applicant and Protestant involving common law contract issues that are clearly not within the special expertise of TCEQ, and these issues must be decided before TCEQ can make a determination regarding the application pursuant to Code § 13.255(a).

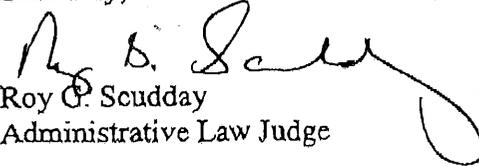
SOAH DOCKET NO. 582-08-0990
TCEQ NO. 2007-1833-UCR

LETTER REGARDING EXCEPTIONS

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The ALJ recommends adoption of the PFD and Proposed Order as submitted.

Sincerely,


Roy C. Scudday
Administrative Law Judge

cc: Mailing List

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STYLE/CASE: CITY OF COLLEGE STATION

SOAH DOCKET NUMBER: 582-08-0990

REFERRING AGENCY CASE: 2007-1833-UCR

STATE OFFICE OF ADMINISTRATIVE
HEARINGS

ADMINISTRATIVE LAW JUDGE

ALJ ROY SCUDDAY

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REGARDING:

EXCEPTIONS LETTER (BY ALJ)

DOCKET NUMBER:

582-08-0790

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