

# State Office of Administrative Hearings



Cathleen Parsley  
Chief Administrative Law Judge

February 23, 2011

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

**VIA FACSIMILE 239-5533**

Re: **SOAH Docket No. 582-08-1719; TCEQ Docket No. 2008-0164-UCR;  
Rate/Tariff Change Application of HHJ, Inc., d/b/a Decker Utilities**

Dear Mr. Trobman:

Following issuance of the Supplement to the Amended Proposal for Decision (PFD) in this case, the Executive Director (ED) of the Texas Commission on Environmental Quality (Commission) filed exceptions and HHJ, Inc. d/b/a Decker Utilities (Decker) filed a reply.

The Administrative Law Judge (ALJ) does not have jurisdiction to re-open the record to accept new evidence regarding Decker's potentially changed circumstances, because the Supplement to the Amended PFD is now before the Commission. Therefore, the ALJ declines to recommend adoption of the ED's proposed changes to Conclusion of Law No. 8 and Ordering Provisions Nos. 3, 4, and 6, except that the words "the total amount of" should be stricken from Ordering Provision No. 3.

I recommend no further changes to the Supplement to the Amended PFD.

Sincerely,

A handwritten signature in cursive script that reads "Sharon Cloninger".

Sharon Cloninger  
Administrative Law Judge

SC/lh  
cc: Mailing List

**STATE OFFICE OF ADMINISTRATIVE HEARINGS**

**AUSTIN OFFICE**  
300 West 15th Street Suite 502  
Austin, Texas 78701  
Phone: (512) 475-4993  
Fax: (512) 322-2061

**SERVICE LIST**

**AGENCY:** Environmental Quality, Texas Commission on (TCEQ)  
**STYLE/CASE:** HHJ, INC / DECKER UTILITIES  
**SOAH DOCKET NUMBER:** 582-08-1719  
**REFERRING AGENCY CASE:** 2008-0164-UCR

---

**STATE OFFICE OF ADMINISTRATIVE  
HEARINGS**

**ADMINISTRATIVE LAW JUDGE**  
**ALJ SHARON CLONINGER**

---

**REPRESENTATIVE / ADDRESS**

**PARTIES**

MARK ZEPPA  
ATTORNEY  
LAW OFFICE OF MARK H. ZEPPA, P.C.  
4833 SPICEWOOD SPRINGS RD., SUITE 202  
AUSTIN, TX 78759-8436  
(512) 346-4011 (PH)  
(512) 346-6847 (FAX)

HHJ, INC., D/B/A DECKER UTILITIES

---

BLAS J. COY, JR.  
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
OFFICE OF PUBLIC INTEREST COUNSEL  
P.O. BOX 13087, MC-103  
AUSTIN, TX 78711-3087  
(512) 239-6363 (PH)  
(512) 239-6377 (FAX)  
bcoy@tceq.state.tx.us

TCEQ PUBLIC INTEREST COUNSEL

---

LES TROBMAN  
GENERAL COUNSEL  
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
MC-101 P.O. BOX 13087  
AUSTIN, TX 78711-3087  
  
(512) 239-5533 (FAX)

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

---

ERIN SELVERA  
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
MC-173 P.O. BOX 13087  
AUSTIN, TX 78711-3087  
(512) 239-6033 (PH)  
(512) 239-0606 (FAX)  
esilvera@tceq.state.tx.us

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

---

STACY MCCOY-MOQUIN  
12011 RHONDA LANE  
PINEHURST, TX 77362  
(832) 259-5247 (PH)

PROTESTANTS

---

LARRY OSBORNE  
32126 ANNE LANE  
PINEHURST, TX 77362  
(281) 259-3008 (PH)

PROTESTANTS

---

xc: Docket Clerk, State Office of Administrative Hearings