

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



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

April 6, 2010

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

RE: Rate/Tariff Change Application of HHJ, Inc. dba Decker Utilities; SOAH  
Docket No.582-08-1719; TCEQ Docket No. 2008-0164-UCR.

Dear Mr. Trobman:

On March 17, 2010, Administrative Law Judge (ALJ) Sharon Cloninger issued an Amended Proposal for Decision (PFD) in the above referenced matter adopting the ED's recommendations. In light of this, the Executive Director (ED) has no specific exceptions to the Amended PFD. However, ALJ Cloninger requested that the parties address the issue of rate case expenses when ratepayers have presented a written settlement offer. Because any evidence on this issue would be outside the administrative record, the ED relies on the arguments provided in his original Replies to Closing Arguments filed on January 12, 2009 asserting that TCEQ rules would not preclude the Commission from considering or applying this rule if the rates set by the Commission would trigger the rule.

Thank you for your consideration in this matter. Please advise if you require any additional information.

Sincerely,

A handwritten signature in cursive script that reads "Erin Selvera".

Erin Selvera  
Staff Attorney  
Environmental Law Division

cc: Hon. Sharon Cloninger, State Office of Administrative Hearings, 301 West 15<sup>th</sup> Street, Suite 400, Austin, Texas 78701  
HHJ, Mark H. Zeppa, Attorney, Law Offices of Mark H. Zeppa, P.C., 4833 Spicewood Springs Road, Ste 202, Austin, Texas 78759-8346 via facsimile at (512) 346-6847  
Sheresia Perryman, TCEQ, Water Supply Division, MC 153  
Heidi Graham, TCEQ, Water Supply Division, MC 153  
Blas Coy, TCEQ, Office of Public Interest Counsel, MC-103 via email at bcoy@tceq.state.tx.us  
Larry Osborne, 32126 Anne Lane, Pinehurst, Texas 77362 via email at larryandrew41@hotmail.com  
Stacy McCoy-Moquin, 12011 Rhonda Lane, Pinehurst, Texas 77362, via email at stacy\_moquin@yahoo.com

**CERTIFICATE OF SERVICE**

I hereby certify that on this the 6th day of April 2010, a true and correct copy of the foregoing instrument was sent via the method indicated below to the following:

**FOR SOAH**

VIA: Facsimile  
The Honorable Sharon Cloninger  
Administrative Law Judge  
State Office of Administrative Hearings  
300 West 15<sup>th</sup> Street  
Austin, TX 78701  
FAX: (512) 475-4994

VIA: Facsimile  
State Office of Administrative Hearings  
Attn: SOAH Docket Clerk  
P.O. Box 13025  
Austin, TX 78711-3025  
PH: (512) 475-4993  
FAX: (512) 475-4994

**CHIEF CLERK**

VIA: E-file  
LaDonna Cantañuela  
Chief Clerk  
Office of Chief Clerk  
TCEQ, MC-105  
P.O. Box 13087  
Austin, TX 78711-3087  
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**PROTESTANTS:**

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**APPLICANT: HHJ, INC DBA  
DECKER UTILITIES**

VIA: Facsimile  
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