

SOAH DOCKET NO. 582-09-2571  
TCEQ DOCKET NO. 2008-0767-UTL-E

IN THE MATTER OF AN	§	BEFORE THE STATE OFFICE
ENFORCEMENT ACTION AGAINST	§	
AQUA UTILITIES, INC. A/K/A AQUA	§	OF
TEXAS, INC.; RN102674215 AND	§	
RN102674504	§	ADMINISTRATIVE HEARING

2011 DEC 21 PM 12:27  
CHIEF CLERKS OFFICE

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

UNOPPOSED MOTION FOR EXTENSION OF TIME  
OF AQUA TEXAS

TO THE HONORABLE COMMISSIONERS OF THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY:

COMES NOW, Aqua Utilities, Inc. a/k/a Aqua Texas, Inc. ("Aqua Texas") and requests the Commission grant this Unopposed Motion for Extension of Time to file Exceptions and Replies to the Proposal for Decision and in support thereof would show as follows.

1. On December 13, 2011, Honorable Administrative Law Judge Bennett issued his Proposal for Decision ("PFD").
2. In his cover letter to the Commission, ALJ Bennett set a deadline for filing Exceptions to the PFD for January 3, 2012 and a deadline for Replies to Exceptions to the PFD for January 13, 2012.
3. Most of the intervening time between Judge Bennett's issuance of the PFD and the deadline for filing Exceptions to the PFD falls over the winter holidays. During that time, counsel for Aqua Texas have previously planned family obligations as well as a long-planned vacation. Additionally, counsel for Aqua Texas have to deal with the press of other work, including a Response to Closing Arguments in TCEQ Docket No. 2010-08374-WR; SOAH Docket No. 582-11-3522; Application by City of Lubbock for Amendment to Water Use Permit No. 3985, which makes writing well-reasoned Exceptions to the PFD difficult given the current deadline.
4. Counsel for Aqua Texas conferred with counsel for the TCEQ Executive Director ("ED") regarding this Motion. Counsel for the ED stated that it does not oppose the extensions requested in this Motion.

5. No danger, harm or prejudice would be created by extending the deadline for parties to file their Exceptions to the PFD ten days, until January 13, 2012 and by extending the deadline to file Replies to Exceptions to the PFD ten days, until January 23, 2012.

6. Aqua Texas respectfully requests that the Commission extend the deadline for filing Exceptions to the PFD ten days, until January 13, 2012, and extend the deadline to file Replies to Exceptions to the PFD ten days, until January 23, 2012.

7. Counsel further states that this Motion is not filed for the purpose of delay, but so that justice may be done.

IV. PRAYER

For the forgoing reasons, Aqua Texas respectfully requests the Court grant this Unopposed Motion for Extension of Time and extend the deadline for filing Exceptions to the PFD ten days, until January 13, 2012 and the deadline for filing Replies to Exceptions to the PFD ten day, until January 23, 2012.

Respectfully submitted,

THE TERRILL FIRM, P.C.

By: 

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ATTORNEYS FOR AQUA UTILITIES, INC. A/K/A AQUA TEXAS, INC.

**CERTIFICATE OF SERVICE**

I hereby CERTIFY that on December 21, 2011, a true and complete copy of the above was sent by facsimile to counsel of record at the following addresses:

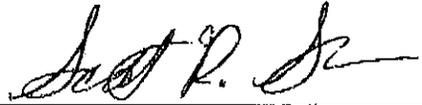
Jennifer Cook  
Litigation Division, MC 175  
P.O. Box 13087  
Austin, Texas 78711-3087  
(512) 239-3434 (fax)

*via fax to: (512) 239-3434*

**ATTORNEY FOR TCEQ**

Judge Craig R. Bennett  
Administrative Law Judge  
State Office of Administrative Hearings  
300 West 15th Street, Suite 502  
Austin, Texas 78701

*via fax to: (512) 322-2061*

  
\_\_\_\_\_  
Scott R. Shoemaker

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
2011 DEC 21 PM 12:07  
CHIEF CLERKS OFFICE

## FAX COVER SHEET

DATE : December 21, 2011

TIME : 11:22am

**PLEASE DELIVER TO:**

NAME :	Jennifer Cook	FAX NUMBER :	(512) 239-3434
	TCEQ Chief Clerk		(512) 239-3311
	SOAH Docket Clerk		(512) 322-2061
	Judge Bennett		(512) 322-2061
FROM :	Beckie Figg, Paralegal		
CM #	9510		
TOTAL NUMBER OF PAGES SENT (Including coversheet) :		pages	
IF YOU DO NOT RECEIVE ALL OF THE PAGES, PLEASE CALL BACK AS SOON AS POSSIBLE.			
REMARKS :			
Re: TCEQ DOCKET NO. 2008-0767-UTL-E; SOAH DOCKET NO. 582-09-2571; In the Matter of an Enforcement Action Against Aqua Utilities, Inc. a/k/a Aqua Texas, Inc.; RN102674215 and RN102674504			
Please see the attached Aqua Texas' Unopposed Motion for Extension.			
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