

State Office of Administrative Hearings



Cathleen Parsley
Chief Administrative Law Judge

May 12, 2010

CHIEF CLERKS OFFICE

2010 MAY 13 AM 9:18

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

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

VIA FACSIMILE: 512/239-5533

Re. SOAH Docket No. 582-09-0660; TCEQ Docket No. 2008-1481-UCR; In Re:
Application of North San Saba Water Supply Corporation To Change Its Water
Rates Under Certificate Of Convenience And Necessity No. 11227 In San Saba
County

Dear Mr. Trobman:

The Proposal for Decision (PFD) and proposed order for this case are scheduled for consideration by the Commission on June 2, 2010. On April 13, 2010, North San Saba Water Supply Corporation filed exceptions to the PFD. In its exceptions, North San Saba argues that it should not be ordered to refund money to its ratepayers because of its financial difficulties. I disagree and recommend no change to the requirement that North San Saba refund the ratepayers for their payment of the unreasonable rates in place between August 25, 2008, and December 8, 2009.

North San Saba also requests that the proposed order be amended to provide it more flexibility in issuing the refund. I believe that the refund method in the proposed order is acceptable, but also believe that the Commission has discretion in structuring the refund. So long as the ratepayers receive a full refund, either of North San Saba's proposed options (refund by a specific date or a delay for a few months to allow time to adjust bills) appears acceptable.

Sincerely,

Rebecca S. Smith
Administrative Law Judge

RSS/Ls
cc: Mailing List

STATE OFFICE OF ADMINISTRATIVE HEARINGS

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

AUSTIN OFFICE
300 West 15th Street Suite 502
Austin, Texas 78701
Phone: (512) 475-4993
Fax: (512) 475-4994

2010 MAY 13 AM 9:18

CHIEF CLERKS OFFICE

SERVICE LIST

AGENCY: Environmental Quality, Texas Commission on (TCEQ)
STYLE/CASE: NORTH SAN SABA WATER SUPPLY CORP
SOAH DOCKET NUMBER: 582-09-0660
REFERRING AGENCY CASE: 2008-1481-UCR

**STATE OFFICE OF ADMINISTRATIVE
HEARINGS**

ADMINISTRATIVE LAW JUDGE
ALJ REBECCA SMITH

REPRESENTATIVE / ADDRESS

PARTIES

DOCKET CLERK
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
OFFICE OF THE CHIEF CLERK
PO BOX 13087
AUSTIN, TX 78711
(512) 239-3300 (PH)
(512) 239-3311 (FAX)

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

GARRETT ARTHUR
STAFF ATTORNEY
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
OFFICE OF PUBLIC INTEREST COUNSEL
MC-175 P.O. BOX 13087
AUSTIN, TX 78711-3087
(512) 239-5757 (PH)
(512) 239-6377 (FAX)
garthur@tceq.state.tx.us

TCEQ PUBLIC INTEREST COUNSEL

DARREL D. SPINKS
ATTORNEY
MILLER & SPINKS, L.L.P.
414 E. WALLACE ST. P.O. BOX 99
SAN SABA, TX 76877
(325) 372-4400 (PH)
(325) 372-3645 (FAX)

NORTH SAN SABA WSC

KAYLA MURRAY
STAFF ATTORNEY
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
ENVIRONMENTAL LAW DIVISION
P.O. BOX 13087
AUSTIN, TX 78711-3087
(512) 239-4761 (PH)
(512) 239-0606 (FAX)
kmmurray@tceq.state.tx.us

EXECUTIVE DIRECTOR

CHARLES C. TERRY
505 PARK BLVD.
AUSTIN, TX 78751
(512) 453-9700 (PH)
ccterry@exp.net

CHARLES C. TERRY

SUSAN RIOS
4112 CR 203
SAN SABA, TX 76877
(325) 623-5659 (PH)
(325) 623-5668 (FAX)
SSEQUINE@CENTEX.NET

SUSAN RIOS

xc: Docket Clerk, State Office of Administrative Hearings

STATE OFFICE OF ADMINISTRATIVE HEARINGS

AUSTIN OFFICE
300 West 15th Street Suite 502
Austin, Texas 78701
Phone: (512) 475-4993
Fax: (512) 475-4994

DATE: 05/13/2010
NUMBER OF PAGES INCLUDING THIS COVER SHEET: 4
REGARDING: EXCEPTIONS LETTER (BY ALJ)
DOCKET NUMBER: 582-09-0660

JUDGE REBECCA SMITH

<u>FAX TO:</u>	<u>FAX TO:</u>
DARREL D. SPINKS	(325) 372-3645
GARRETT ARTHUR (TEXAS COMMISSION ON ENVIRONMENTAL QUALITY)	(512) 239-6377
KAYLA MURRAY (TEXAS COMMISSION ON ENVIRONMENTAL QUALITY)	(512) 239-0606
DOCKET CLERK (TEXAS COMMISSION ON ENVIRONMENTAL QUALITY)	(512) 239-3311
SUSAN RIOS	(325) 623-5668
CHARLES C. TERRY	VIA REGULAR MAIL

TCEQ Docket Clerk, Fax Number 512/239-3311
NOTE: IF ALL PAGES ARE NOT RECEIVED, PLEASE CONTACT ELIZABETH SLICK(1st) (512) 475-4993

The information contained in this facsimile message is privileged and confidential information intended only for the use of the above-named recipient(s) or the individual or agent responsible to deliver it to the intended recipient. You are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone, and return the original message to us at the address via the U.S. Postal Service. Thank you.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
2010 MAY 13 AM 9:18
CHIEF CLERKS OFFICE