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November 29, 2010

Ms. LaDonna Castañuela
Chief Clerk
Texas Commission on Environmental Quality
Bldg. F, Room 4301
Austin, Texas 78753

VIA HAND DELIVERY

RE: TCEQ Docket No. 2008-1617-WR; SOAH Docket No. 582-10-0294
In Re: Application No. 14-1318C by City of San Angelo for Amendment to
Certificate of Adjudication No. 14-1318.

Dear Ms. Castañuela:

Enclosed with this correspondence, please find the City of San Angelo's reply to the exceptions submitted by the TCEQ Executive Director to the Proposal for Decision issued in the above-referenced contested case. As indicated below, a copy of this transmittal and the enclosed filing is being provided to Judge Cloninger, as well as to the persons identified on the official SOAH service list for this particular application.

Please do not hesitate to let me know if you have any questions that I can address for you regarding this matter.

Respectfully submitted,



Jason T. Hill

JTH/plh
1227559
ENCLOSURE

cc: The Honorable Sharon Cloninger
Martin C. Rochelle, *of the firm*
Tom C. Massey
Timothy L. Brown
Service List

**SOAH DOCKET NO. 582-10-0294
TCEQ DOCKET NO. 2008-1617-WR**

APPLICATION NO. 14-1318C BY CITY	§	BEFORE THE STATE OFFICE
OF SAN ANGELO FOR AMENDMENT	§	
TO	§	OF
CERTIFICATE OF ADJUDICATION	§	
NO. 14-1318	§	ADMINISTRATIVE HEARINGS

APPLICANT CITY OF SAN ANGELO’S REPLY TO
EXCEPTIONS MADE TO PROPOSAL FOR DECISION BY THE EXECUTIVE DIRECTOR

TO THE HONORABLE COMMISSIONERS:

On behalf of the San Angelo Water Supply Corporation, the City of San Angelo (herein referenced interchangeably as the “Applicant” or the “City”) submits this reply to exceptions made to the Proposal for Decision issued in the above-referenced application (the “1318C PFD”) by the Executive Director of the Texas Commission on Environmental Quality (the “ED”) and would respectfully show the Commissioners of the Texas Commission on Environmental Quality the following:

I.

On November 16, 2010, the ED submitted exceptions to the Honorable Sharon Cloninger’s finding of fact number (“Finding No.”) 74 in the proposed order issued in conjunction with the 1318C PFD by proposing that the finding be revised to reflect a reference to the City’s *Drought Contingency Plan* in addition to the references made therein to the City’s *Water Conservation Plan*. The ED describes his proposed revisions as minor in nature only, and he otherwise indicates his agreement with the balance of the 1318C PFD and the proposed order issued therewith.

The ED's proposed revisions are supported by the great weight of evidence admitted during the contested case hearing on the above-referenced application, and the changes suggested by the ED are entirely consistent with other findings made by Judge Cloninger in the 1318C PFD proposed order. In Finding No. 47, for example, Judge Cloninger defines "Water Conservation Plan" to serve as a reference to the *City of San Angelo Water Conservation and Drought Contingency Plan*. The ED's proposed clarifying revisions, when read in conjunction with Finding No. 47, would make it abundantly clear in the proposed order that the City's Water Conservation and Drought Contingency Plan meets the requirements of the Texas Water Code and the TCEQ Rules, despite there being no requirement in either for its review in conjunction with the above-referenced application. Accordingly, the City has no objection to the ED's proposed clarifying revisions to Finding No. 74, as articulated in his November 16, 2010 filing.

II.

Based on the foregoing, and on the great weight of evidence admitted into the record during the contested case hearing on the above-referenced application, the City respectfully requests that the Commissioners:

- (1) consider the exception submitted by the ED to the 1318C PFD and proposed order; and regardless of action taken on the ED's clarifying exception,
- (2) approve the above-referenced application and issue the amended certificate of adjudication proposed by the ED in response to same.

Respectfully submitted,

**LLOYD GOSSELINK ROCHELLE &
TOWNSEND, P.C.**

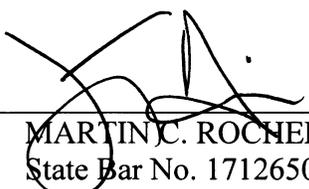
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By: _____


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**ATTORNEYS FOR APPLICANT
CITY OF SAN ANGELO**

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing submittal was delivered by hand delivery, facsimile, or by email to the persons listed in the attached SOAH service list on this, the 29th day of November, 2010.



JASON T. HILL

STATE OFFICE OF ADMINISTRATIVE HEARINGS

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SERVICE LIST

AGENCY: Environmental Quality, Texas Commission on (TCEQ)
STYLE/CASE: CITY OF SAN ANGELO
SOAH DOCKET NUMBER: 582-10-0294
REFERRING AGENCY CASE: 2008-1617-WR

STATE OFFICE OF ADMINISTRATIVE HEARINGS	<u>ADMINISTRATIVE LAW JUDGE</u> ALJ SHARON CLONINGER
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REPRESENTATIVE / ADDRESS

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