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September 21, 2010

Via facsimile 239-3311

Ms. Melissa Chao
Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

Re: TCEQ Docket No. 2009-0929-UCR; SOAH Docket No. 582-09-5328,
Application of Deer Creek Ranch Water Co to Change its Water Rates and Tariff
Under Certificate of Convenience and Necessity No. 11241 in Travis and Hays
Counties

Dear Ms. Chao:

I represent AGX, Inc. and Anne Hawken, protestants and ratepayers in the above-referenced matter. The purpose of this letter is to respond to the request by Mr. Wilburn, on behalf of Deer Creek Ranch Water Co., LLC, for a delay in the consideration of the above-referenced matter set for the September 29, 2010 Agenda Meeting.

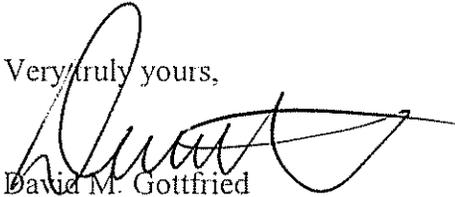
Attached is a copy of the Travis County, Texas September 27, 2010 Jury Docket. Mr. Wilburn's name does not appear as counsel of record for any of the cases set for that day. In email correspondence with Mr. Wilburn, he advised that the case in which he is involved is docket no. 21, Cause No. D-1-GN-09-001526 styled, Terry Harris v. Michael Alverado. I contacted the Travis County District Clerk's office and confirmed by telephone that, as of this morning, Mr. Wilburn is not counsel of record for any of the parties in that case. I also contacted an attorney for the Defendant in that case, Mark Rogstad, and was advised that he has never heard of Mr. Wilburn and that an unopposed Motion for Continuance is being filed in that case.

It is clear that this 11th hour motion for continuance based on an alleged conflicting setting in a case in which Mr. Wilburn is not even an attorney of record is not based on good cause. Based on the foregoing, the Motion for Continuance should be denied.

If the Chief Clerk is inclined to consider the Motion for Continuance, such consideration should be delayed until the hearing is held in the District Court on the Motion for Continuance of the case in which Mr. Wilburn alleges he has a conflict and until after the District Court docket call on September 27, 2010 at 9:00 a.m. to see if the alleged competing case is even reached.

AGX, Inc. and Anne Hawken vehemently object to the request for continuance of this matter. For the last 18 months, the Applicant has collected fees based on proposed rates which, based on the PFD, have been an overcharge of approximately \$50.00 per month, per customer. The overcharges by the Applicant amount to more than \$18,000.00 each month in excessive fees. Therefore, delay proposed by Mr. Wilburn will extract more than \$36,000.00 from the customers of Deer Creek. My clients are willing to agree to the continuance if the Applicant immediately reverts back to the pre-application rates while this case remains pending.

Very truly yours,

A handwritten signature in black ink, appearing to read "David M. Gottfried", with a large, stylized flourish extending to the right.

David M. Gottfried

Cc: Service List

CIVIL SETTINGS FOR DISTRICT COURT ON Monday, September 27, 2010, 9:00 AM JURY

1 **D-1-GN-09-001347 PRESTON RUSH** **VS. DUVAL GARDENS NURSING AND REHABILITATION LP** JURY
3.00 Days 1 Atty AARON ALLISON 1 Atty ALAN BUSCH

2 **D-1-GN-09-001409 MERVIN COOK** **VS. HEALTHSOUTH CORPORATION** JURY
8.00 Days Set By DEFENDANT 1 Atty DAVID DAVIS
2 Atty JAY HARVEY 2 Atty DAVID DAVIS
3 Atty MARK BEAMAN
4 Atty CARLA CONNOLLY
5 Atty TERRI HARRIS
6 Atty MARK BEAMAN
7 Atty MARK BEAMAN

3 **D-1-GN-09-000345 5TH STREET COMMONS RETAIL LP** **VS. LG CAMPBELL LP** JURY
5.00 Days Set By DEFENDANT 1 Atty BRIAN HURST
1 Atty JOHN DORMAN
1 Atty BARBARA ELLIS
2 Atty JOHN DORMAN
2 Atty BARBARA ELLIS

4 **D-1-GN-09-002073 LAURA JACKSON** **VS. RUDOLFO LARA** JURY
4.00 Days Set By PLAINTIFF 1 Atty CHRIS CAMPANA
2 Atty AMY FRIDAY
2 Atty AMY FRIDAY

5 **D-1-GN-09-002562 RICHARD ALAN DRESSEN** **VS. TODD NASH** JURY
5.00 Days Set By PLAINTIFF 1 Atty JAY WINCKLER
2 Atty FRED DAVIS
2 Atty BRENDA HIGHT

6 **D-1-GN-07-002294 ADAPT OF TEXAS** **VS. QWEST COMMUNICATIONS INTERNATIONAL INC** JURY
4.00 Days Set By PLAINTIFF 1 Atty PETER BARTON
1 Atty JAMES HARRINGTON 1 Atty MATTHEW SULLIVAN
2 Atty BRITTAN BUCHANAN
5 Atty CHRISTOPHER COPPOLA

11 **D-1-GN-09-000658** **YOLANDA PALOMAREZ** **vs. LINDA RAMIREZ STEVENSON**

3.00 Days 1 Atty CORY SMITH Set By PLAINTIFF

1 Atty JEFF FREY
2 Atty CRAIG NEVELOW
3 Atty DAVID MILLMAN
4 Atty JEFF FREY
JURY

15 **D-1-GN-08-001324** **MARK JAMES** **vs. TEXAS SELECT LLOYDS INSURANCE COMPANY**

3.00 Days 1 Atty ROBERT GRISHAM Set By PLAINTIFF

1 Atty JOSEPH BARBKNECHT
JURY

17 **D-1-GN-09-002266** **IL YOUNG CHON** **vs. NATIONWIDE PROPERTY AND CASUALTY INSURANCE COMPANY**

5.00 Days 1 Atty NICHOLAS BRESSI Set By PLAINTIFF

1 Atty RICHARD WAYNE
JURY

20 **D-1-GN-09-001052** **HORACIO MENDEZ** **vs. PATRICK J CRUICKSHANK**

5.00 Days Set By PLAINTIFF

1 Atty EDWARD SNYDER
2 Atty EDWARD SNYDER
4 Atty MICHAEL STANLEY
JURY

21 **D-1-GN-09-001526** **TERRY HARRIS** **vs. MICHAEL ALVERADO**

3.00 Days 1 Atty STEPHEN STEWART Set By PLAINTIFF

1 Atty DAVID STEPHENSON
2 Atty T ROGSTAD
JURY

22 **D-1-GN-09-001077** **JOHN D PLUMB** **vs. EVERGREEN RV TEXAS INC**

4.00 Days 1 Atty JAMES RODMAN Set By PLAINTIFF

1 Atty RANDOLPH ZUBER
2 Atty RANDOLPH ZUBER
3 Atty RANDOLPH ZUBER
JURY

23 **D-1-GN-09-003672** **NANCY ENGLISH** **vs. NEW HOPE MANOR INC**

4.00 Days 1 Atty RUSSELL COOK Set By PLAINTIFF

1 Atty PAUL JORDAN
2 Atty PAUL JORDAN
JURY

27 **D-1-GN-08-002652** **SOUTHEAST AUSTIN ASSOCIATES LP** **vs. CARTER & BURGESS INC**
 5.00 Days 1 Atty J SKELTON Set By PLAINTIFF
 1 Atty ANDREW KEETCH
 1 Atty BRADLEY POULOS
 JURY

28 **D-1-GN-09-004177** **ANGELA YOUNG** **vs. NANCY BORTNER**
 3.00 Days 1 Atty JONATHAN STARK Set By DEFENDANT
 1 Atty MARK SIEFFEN
 JURY

30 **D-1-FM-09-001910** **TEXAS DEPARTMENT OF FAMILY & PROTECTIVE SERVICES** **vs. LORI PEREZ**
 3.00 Days 1 Atty KATHLEEN DRUMMOND Set By PLAINTIFF
 1 Atty CHANTAL ELDRIDGE
 2 Atty KEITH TANIGUCHI
 JURY

34 **D-1-GN-07-002693** **S & B, LTD.** **vs. CAPSTONE REAL ESTATE SERVICES, INC.**
 4.00 Days 1 Atty SCOTT SHANES Set By PLAINTIFF
 1 Atty ROBERT CLARK
 JURY

35 **D-1-FM-09-002590** **TEXAS DEPARTMENT OF FAMILY & PROTECTIVE SERVICES** **vs. KIMBERLY FORD**
 3.00 Days Set By PLAINTIFF
 1 Atty LORI HANSEL
 JURY

36 **D-1-FM-09-002725** **TEXAS DEPARTMENT OF FAMILY & PROTECTIVE SERVICES** **vs. KATIE ELIZABETH SAGERS**
 3.00 Days 1 Atty DAYNA BLAZEY Set By PLAINTIFF
 2 Atty CATHERINE HAENNI
 JURY

39 **D-1-GN-09-004424** **JUAN TRES DE LA PAZ** **vs. KYLE WORKMAN**
 5.00 Days 1 Atty JILL HERZ Set By DEFENDANT
 JURY

41 **D-1-FM-09-002290** **TEXAS DEPARTMENT OF FAMILY & PROTECTIVE SERVICES** **vs. ANNETTE BRADSHAW**
 3.00 Days 1 Atty DAYNA BLAZEY Set By PLAINTIFF
 2 Atty GARRETT HIGLEY
 3 Atty AURORA JONES
 4 Atty AMBER RISENHOVER
 6 Atty STEPHEN LEVAY
 JURY

44 **D-1-FM-09-005484** **TEXAS DEPARTMENT OF FAMILY & PROTECTIVE SERVICES** **vs. DEIDRE WALKER**
 3.00 Days 1 Atty DAYNA BLAZEY Set By PLAINTIFF
 2 Atty GARRETT HIGLEY
 3 Atty SUSANA VARGAS
 JURY

45 **D-1-GN-09-003569** **SARA A RAYLE** **vs. JOHN C SCROGUM**
 2.00 Days Set By DEFENDANT
 1 Atty ERNEST GARCIA
 1 Atty ROBERT LEE
 1 Atty DAVID MILLMAN
 2 Atty DAVID MILLMAN
 3 Atty DAVID MILLMAN
 JURY

47 **D-1-GN-07-0022724** **DANYELLE WEATHERFORD** **vs. DAVIS L. HALLMARK**
 3.00 Days 1 Atty STUART WHITLOW Set By PLAINTIFF
 1 Atty GARY GREEN
 1 Atty RITU GUPTA
 2 Atty RITU GUPTA
 3 Atty RITU GUPTA
 4 Atty RITU GUPTA
 JURY

50 **D-1-FM-09-005485** **TEXAS DEPARTMENT OF FAMILY & PROTECTIVE SERVICES** **vs. ANGELA BRYAN**
 3.00 Days 1 Atty DAYNA BLAZEY Set By PLAINTIFF
 2 Atty STEPHEN LEVAY
 JURY

51 **D-1-FM-09-004360** **TEXAS DEPARTMENT OF FAMILY & PROTECTIVE SERVICES** **vs. JOHNETTA MCELVEEN**
 3.00 Days 1 Atty KASEY WHITE Set By PLAINTIFF
 1 Atty MARY HALL
 2 Atty TANISA JEFFERS
 JURY

53 **D-1-FM-09-005223** **TEXAS DEPARTMENT OF FAMILY & PROTECTIVE SERVICES** **vs. NANCY DARBY**
 3.00 Days 1 Atty KASEY WHITE Set By PLAINTIFF
 1 Atty CONNIE JOBE
 2 Atty G HODGSON
 JURY

54 **D-1-GN-09-000643** **DOUGLAS TREUTER** **vs. SYLVIA DAVID**
 3.00 Days 1 Atty MARK MCLEAN Set By PLAINTIFF
 1 Atty IRA KING
 2 Atty RANDY HOWRY
 JURY

55 **D-1-FM-09-000214** **TEXAS DEPARTMENT OF FAMILY & PROTECTIVE SERVICES** **vs. GUADALUPE DE JESUS TELLEZ**
3.00 Days 1 Atty JOAN PETERSON Set By PLAINTIFF 1 Atty JACQUELYN DAVIS
1 Atty CARLOS SALINAS
2 Atty RAMON MOLINAR JURY

57 **D-1-GN-09-003718** **LAURA BAUMAN** **vs. JEFFREY P MITCHELL**
1.50 Days 1 Atty SCOTT KIDD Set By DEFENDANT 1 Atty STEPHEN COUNTS JURY

58 **D-1-FM-09-001796** **TEXAS DEPARTMENT OF FAMILY & PROTECTIVE SERVICES** **vs. ASTARA LASKYA MARSHALL**
3.00 Days 1 Atty DAYNA BLAZEY Set By PLAINTIFF 1 Atty MARY HALL
2 Atty LORI HANSEL JURY

59 **D-1-FM-09-006482** **TEXAS DEPARTMENT OF FAMILY & PROTECTIVE SERVICES** **vs. MARCI PATINO**
3.00 Days 1 Atty KASEY WHITE Set By PLAINTIFF 1 Atty MELISSA COOK
2 Atty THOMAS PEDLEY JURY

60 **D-1-FM-09-005139** **TEXAS DEPARTMENT OF FAMILY & PROTECTIVE SERVICES** **vs. LISA WILSON**
3.00 Days 1 Atty KASEY WHITE Set By PLAINTIFF 1 Atty CHANTAL ELDRIDGE
2 Atty JOHN SIGMAN JURY

61 **D-1-GN-09-000489** **CHRISTIAN JAMES TOMETICH** **vs. VANGUARD CAR RENTAL USA INC**
3.00 Days Set By PLAINTIFF 1 Atty MARGARET KNOTT
3 Atty MARGARET KNOTT JURY

63 **D-1-GN-07-002010** **MARK SMITH** **vs. KEVIN KNIPPA**
5.00 Days 1 Atty WARREN WILLS Set By PLAINTIFF 2 Atty L HEINEMEYER
3 Atty DAVID LEIN
3 Atty WILLIAM WITTLIFF
4 Atty MICHAEL BURNETT JURY

65 **D-1-FM-10-000747** **TEXAS DEPARTMENT OF FAMILY & PROTECTIVE SERVICES** **vs. KATIE SAGERS**
3.00 Days Set By PLAINTIFF JURY

69 D-1-GN-06-002338

DONALD D CARPER

vs. TONY M DAVIS

3.00 Days

1 Atty MICHELLE ALCALA

Set By PLAINTIFF

2 Atty MICHAEL JOHNSTON
3 Atty MICHAEL JOHNSTON

JURY

70 D-1-GN-10-001893

CHURCH OF CHRIST IN GOVALLLE AUSTIN TEXAS

vs. CENTRAL CHURCH OF CHRIST

5.00 Days

1 Atty MORRIS OVERSTREET
2 Atty MORRIS OVERSTREET
3 Atty MORRIS OVERSTREET
4 Atty MORRIS OVERSTREET
5 Atty MORRIS OVERSTREET
6 Atty MORRIS OVERSTREET

Set By PLAINTIFF

1 Atty WESLEY RITCHIE

JURY

71 D-1-FM-09-002630

TEXAS DEPARTMENT OF FAMILY & PROTECTIVE SERVICES

vs. VANESSA RODRIGUEZ

3.00 Days

1 Atty DAYNA BLAZEY

Set By PLAINTIFF

1 Atty MELISSA COOK
2 Atty ROBERT GALVIN

JURY

73 D-1-GN-08-004481

SUSAN AYRES

vs. MICHAEL EDWARD FAIRLEY

3.00 Days

1 Atty LLOYD KELLEY

Set By PLAINTIFF

1 Atty JORGE TUCKLER
2 Atty JORGE TUCKLER

JURY

75 D-1-FM-09-003794

TEXAS DEPARTMENT OF FAMILY & PROTECTIVE SERVICES

vs. TIFFANY RIVERA

3.00 Days

1 Atty KATHLEEN DRUMMOND

Set By PLAINTIFF

2 Atty JOHN SIGMAN

JURY

76 D-1-GN-08-001643

MARIO NAVARRO

vs. JOSEPH ARISPE

3.00 Days

1 Atty RAUL PASTRANA
1 Atty ROBERT TYLER

Set By PLAINTIFF

1 Atty ROBERT MACINNES

JURY

79 D-1-FM-09-004989

TEXAS DEPARTMENT OF FAMILY & PROTECTIVE SERVICES

vs. PATRICIA KRISTINE RAVELLOS

3.00 Days

Set By PLAINTIFF

2 Atty DONNA KEITH

JURY

CERTIFICATE OF SERVICE

This is to certify that the undersigned sent a true and correct copy of the foregoing Document of accordance with the applicable agency rules, as noted below, on this 21st day of September 2010 to the following parties:

The Honorable William G. Newchurch, Administrative Law Judge
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