

SOAH DOCKET NO. 582-09-5328
TCEQ DOCKET NO. 2009-0929-UCR

APPLICATION OF DEER CREEK § BEFORE THE STATE OFFICE
RANCH WATER CO., TO §
CHANGE ITS WATER RATES AND § OF
TARIFF UNDER CERTIFICATE OF §
CONVENIENCE AND NECESSITY §
NO. 11241 IN TRAVIS AND HAYS §
COUNTIES § ADMINISTRATIVE HEARINGS

PROTESTANTS' FIRST MOTION FOR CONTINUANCE

NOW COMES, AGX, Inc. and Anne Hawken, Protestants, and files this First Motion for Continuance relating to the Agenda Hearing scheduled for February 9, 2011 at 9:30 a.m. and would show the following:

1. On January 28, 2011, Protestants received the attached notice that this matter was set on the Commission's Agenda for February 9, 2011. A true and correct copy of the notice is attached hereto as Exhibit A.
2. Counsel for Protestants has an irreconcilable conflict on that date and will not be able to attend the hearing. This is Protestants first request for a continuance in this case.
3. In addition to the forgoing, a continuance of this matter will allow the Applicant to assemble to distribute data relating to its improper charging of the Proposed Rate after the Commission and ALJ ordered the cessation of such charges. That data is necessary for the calculation of refunds.
4. This continuance is not sought for delay only, but so that justice may be done.

Respectfully submitted,

THE LAW OFFICE OF DAVID M. GOTTFRIED, P.C.

By: _____

David M. Gottfried

David M. Gottfried
State Bar of Texas No. 08231200
West Sixth Place
1505 West Sixth Street
Austin, Texas 78703
Telephone: (512) 494-1481
Facsimile: (512) 472-4013

**ATTORNEY FOR AGX, INC.
ANNE HAWKEN**

VERIFICATION

STATE OF TEXAS

§

COUNTY OF TRAVIS

§

§

BEFORE ME, the undersigned Notary Public, on this day personally appeared David M. Gottfried, in the above-referenced cause, who being by me duly sworn on his oath deposed and said that he is duly qualified and authorized in all respects to make this affidavit, that he has read the above and foregoing, and that the statements contained therein are within his knowledge and true and correct.

By: _____

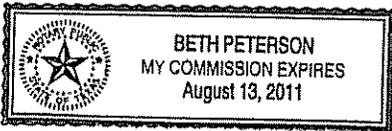
David M. Gottfried

David M. Gottfried

SUBSCRIBED AND SWORN TO BEFORE ME on the 2nd day of February 2011, to certify which witness my hand and official seal.

Beth Peterson

Notary Public, State of Texas



CERTIFICATE OF SERVICE

This is to certify that the undersigned sent a true and correct copy of the foregoing document in accordance with the applicable agency rules, as noted below, on this 2nd day of February 2011 to the following parties:

The Honorable William G. Newchurch, Administrative Law Judge
STATE OFFICE OF ADMINISTRATIVE HEARINGS
P.O. Box 13025
Austin, Texas 78711-3025
Telephone: 475-4993
Telecopier: 475-4994

Hand Delivery in Person or by Agent Courier Receipted Delivery Telephonic Document Transfer
 First Class Mail Certified Mail, Return Receipt Requested No. Electronic Document Transfer

James B. Murphy
TCEQ OFFICE OF PUBLIC COUNSEL, MC 103
P.O. Box 13087
Austin, Texas 78711-3087
Telephone: 512-239-6363
Telecopier: 512-239-6377

Hand Delivery in Person or by Agent Courier Receipted Delivery Telephonic Document Transfer
 First Class Mail Certified Mail, Return Receipt Requested No. Electronic Document Transfer

Brian MacLeod
TCEQ ENVIRONMENTAL LAW DIVISION, MC 173
P.O. Box 13087
Austin, Texas 78711-3087
Telephone: 512-239-0600
Telecopier: 512-239-0606

Hand Delivery in Person or by Agent Courier Receipted Delivery Telephonic Document Transfer
 First Class Mail Certified Mail, Return Receipt Requested No. Electronic Document Transfer

LaDonna Castañuela, Chief Clerk of the TCEQ
TCEQ OFFICE OF THE CHIEF CLERK, MC 173
P.O. Box 13087
Austin, Texas 78711-3087
Telephone: 512-239-3300
Telecopier: 512-239-3311

Hand Delivery in Person or by Agent Courier Receipted Delivery Telephonic Document Transfer
 First Class Mail Certified Mail, Return Receipt Requested No. Electronic Document Transfer

0001 1867 6510

Daloma Armentrout
AGX, INC.
PO. Box 160906
Austin, Texas 78716-0906
Telephone: 512-301-0016

Electronic Mail: agxıncaustin@earthblink.net

Hand Delivery in Person or by Agent Courier Received Delivery Telephonic Document Transfer
 First Class Mail Certified Mail, Return Receipt Requested No. Electronic Document Transfer

Anne Hawken

P.O. Box 160906

Austin, Texas 78716-0906

Telephone: 512-301-0011

Electronic Mail: annehawken@earthlink.net

Hand Delivery in Person or by Agent Courier Received Delivery Telephonic Document Transfer
 First Class Mail Certified Mail, Return Receipt Requested No. Electronic Document Transfer

Jennifer Jones

740 Green Oak Dr.

Dripping Springs, Texas 78620

Telephone: 512-291-7446

Electronic Mail: jbirdrn2000@hotmail.com

Hand Delivery in Person or by Agent Courier Received Delivery Telephonic Document Transfer
 First Class Mail Certified Mail, Return Receipt Requested No. Electronic Document Transfer

Christina Chavez

601 Panorama Dr.

Dripping Springs, Texas 78620

Telephone: 512-680-9540

Electronic Mail: info78620@yahoo.com

Hand Delivery in Person or by Agent Courier Received Delivery Telephonic Document Transfer
 First Class Mail Certified Mail, Return Receipt Requested No. Electronic Document Transfer

Royce H. Henderson

108 Twin Creek Circle

Dripping Springs, Texas 78620

Telephone: 512-264-1056

Hand Delivery in Person or by Agent Courier Received Delivery Telephonic Document Transfer
 First Class Mail Certified Mail, Return Receipt Requested No. Electronic Document Transfer

Chris Elder

1020 Tanaqua Ln.

Austin, Texas 78739

Telephone: 512-791-7862

Telecopier: 512-304-8007

Hand Delivery in Person or by Agent Courier Received Delivery Telephonic Document Transfer
 First Class Mail Certified Mail, Return Receipt Requested No. Electronic Document Transfer

Jonathan McCabe

10006 Thomas Ln.

Dripping Springs, Texas 78620

Telephone: 512-924-6665

Electronic Mail: mccabehomes@gmail.com

Hand Delivery in Person or by Agent Courier Receipted Delivery Telephonic Document Transfer
 First Class Mail Certified Mail, Return Receipt Requested No. Electronic Document Transfer

Bradley and Stephanie Weaver
17202 Panorama Dr.
Dripping Springs, Texas 78620
Telephone: 512-389-7416
Telecopier: 512-369-6219

Hand Delivery in Person or by Agent Courier Receipted Delivery Telephonic Document Transfer
 First Class Mail Certified Mail, Return Receipt Requested No. Electronic Document Transfer

Randall B. Wilburn
Attorney At Law
3000 South I H 35, Suite 150
Austin, Texas 78704
Telephone: 512-326-3200
Telecopier: 512-326-8228
Electronic Mail: WilburnConsulting@austin.tx.com

Hand Delivery in Person or by Agent Courier Receipted Delivery Telephonic Document Transfer
 First Class Mail Certified Mail, Return Receipt Requested No. Electronic Document Transfer

David M. Gottfried

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

January 28, 2011

TO: All Persons on Mailing List

RE: **SOAH Docket No. 582-09-5328; TCEQ Docket No. 2009-0929-UCR.**
Application of **Deer Creek Ranch Water Company, L.L.C.** to Change Its Water Rates and Tariff, under CCN No. 11241 in **Travis and Hays Counties, Texas**

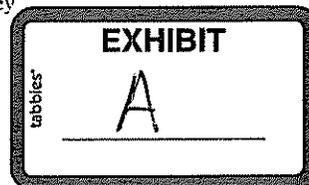
The above-referenced matter is scheduled to be considered by the Texas Commission on Environmental Quality on **Wednesday, February 9, 2011 at 9:30 a.m.** in Room 201S, Building E, 12100 Park 35 Circle, Austin, Texas.

30 TAC § 80.263 provides as follows:

In proceedings where a judge has held a public hearing and has issued a proposal for decision or other report to the commission, all oral presentations before the commission shall be limited to five minutes each, excluding time for answering questions, unless the chairman or general counsel establishes other limitations. Before the commission meeting, the general counsel may allot time for oral presentations. Oral presentations and responses to questions shall be directed to the commission.

In recognition of the complexity of this case, the General Counsel has directed me to extend the time for oral argument to 5 minutes for the Applicant, 5 minutes for the Protestants collectively, 5 minutes for the Executive Director; and 5 minutes for the Office of Public Interest Counsel. The Protestants should apportion their 5 minutes among themselves prior to the public meeting and contact Cheli Castro, Agenda Coordinator, Office of the Chief Clerk at (512) 239-0534 by **5:00 p.m. on Monday, February 7, 2011** to let her know how the time will be apportioned. The Applicant may save part of its time for rebuttal, as it bears the burden of proof. Parties should present their arguments on the Proposal for Decision during their allotted oral argument time.

Furthermore, if the Commissioners need additional information, they may ask questions of the parties after oral argument is completed. In light of the oral argument time periods previously found sufficient in complex matters and given the Commissioners' ability to question the parties to clarify any issues, the General Counsel has determined that the time periods provided should be sufficient.



DAVID M. GOTTFRIED

WEST SIXTH PLACE
1505 WEST SIXTH STREET
AUSTIN, TEXAS 78703
Phone (512) 494-1481
Fax (512) 472-4013

SENDER'S EMAIL:
david@davidgottfried.com

Fax Memorandum

TO:	The Hon William G. Newchurch Randall Wilburn James B. Murphy Brian MacCloud Chris Elder LaDonna Castanuela Daloma Armentrout Anne Hawken Bradley and Stephanie Weaver Randall B. Wilburn	FAX NO:	512-475-4994 512-326-8228 512-239-6377 512-239-0606 512-301-4007 512-239-3311 512-301-0016 512-301-0011 512-369-6219 512-326-8228
FROM:	David M. Gottfried	7 PAGES	
RE:	Deer Creek Water Rate Change	FILE:	
DATE:	FEBRUARY 2, 2011	IF THERE ARE PROBLEMS IN TRANSMISSION PLEASE CALL (512) 494-1481	

COMMENTS:
Please see the attached.

Unless otherwise indicated or obvious from the nature of this transmittal, the information contained in this fax message is attorney-client privileged and confidential, intended for the use of the intended recipient named above. If the reader of this message is not the intended recipient (or the employee or agent responsible to deliver it to the intended recipient), you are hereby notified that any dissemination, distribution or copying of this communication is prohibited. If you have received this communication in error please immediately notify us by collect telephone or return the original message to us at the above address at our expense.
