

Bryan W. Shaw, Ph.D., *Chairman*
Buddy Garcia, *Commissioner*
Carlos Rubinstein, *Commissioner*



Blas J. Coy, Jr., *Public Interest Counsel*

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
Protecting Texas by Reducing and Preventing Pollution

December 7, 2010

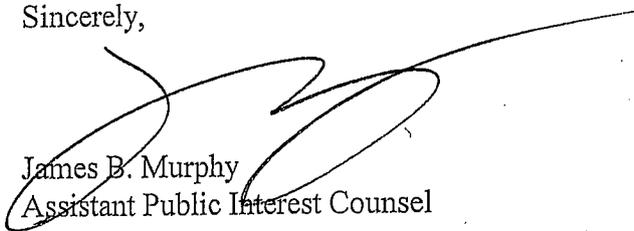
The Honorable William G. Newchurch
Administrative Law Judge
State Office of Administrative Hearings
P.O. Box 13025
Austin, Texas 78711-3025

Re: **DEER CREEK RANCH WATER CO. LLC**
SOAH DOCKET NO. 582-09-5328
TCEQ DOCKET NO. 2009-0929-UCR

Dear Judge Newchurch:

Enclosed for filing is the Office of Public Interest Counsel's Exception to the Proposal for Decision on Remand in the above-entitled matter.

Sincerely,


James B. Murphy
Assistant Public Interest Counsel

cc: Mailing List

Enclosure

REPLY TO: PUBLIC INTEREST COUNSEL, MC 103 P.O. Box 13087 AUSTIN, TEXAS 78711-3087 512-239-6363

P.O. Box 13087 Austin, Texas 78711-3087 512-239-1000 Internet address: www.tceq.state.tx.us

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

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

THE OFFICE OF PUBLIC INTEREST COUNSEL'S EXCEPTION TO THE
PROPOSAL FOR DECISION ON REMAND

TO THE HONORABLE ADMINISTRATIVE LAW JUDGE WILLIAM G. NEWCHURCH:

The Office of Public Interest Counsel (OPIC) of the Texas Commission on Environmental Quality (Commission or TCEQ) submits this Exception to the Proposal for Decision (PFD) on Remand for the evidentiary hearing held on November 5, 2010, in Austin. OPIC requests the Administrative Law Judge (ALJ) add the following language on page 3 of the PFD at the end of Heading II (Interim Rates and Escrow Implementation Provisions): "Based on Applicant's alleged failure to comply with the interim rate and escrow account implementation order, OPIC filed a motion and supplemental motion for sanctions against Applicant. At the hearing on the merits on remand, the ALJ denied the motion based on the availability of the Commission's enforcement mechanisms."

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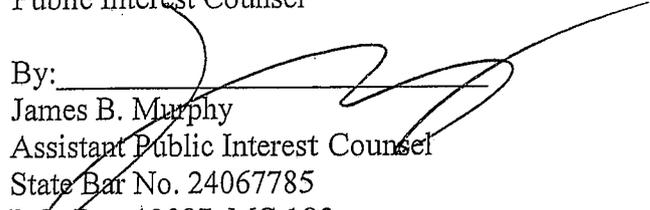
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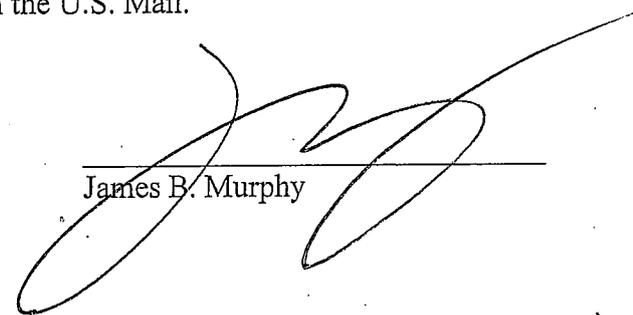
Respectfully submitted,

Blas J. Coy, Jr.
Public Interest Counsel

By: 
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CERTIFICATE OF SERVICE

I hereby certify that on December 7, 2010, a true and complete copy of the Office of Public Interest Counsel's Exception to the Proposal for Decision on Remand was served to all persons listed on the attached mailing list via hand delivery, facsimile transmission, Inter-Agency Mail, electronic mail, or by deposit in the U.S. Mail.


James B. Murphy

MAILING LIST
DEER CREEK RANCH WATER CO., LLC
SOAH DOCKET NO. 582-09-5328
TCEQ DOCKET NO. 2009-0929-UCR

The Honorable William G. Newchurch
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