

## State Office of Administrative Hearings



Cathleen Parsley  
Chief Administrative Law Judge

2011 JAN -4 AM 8:17  
CHIEF CLERKS OFFICE

January 4, 2011

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. 582-10-1868; TCEQ Docket No. 2009-1865-UCR; In Re: Application Of East Cedar Creek Fresh Water Supply District, Certificate of Convenience And Necessity (CCN) No. 11682, To Acquire Facilities And Transfer A Portion Of CNN No. 11206 From the City Of Mabank And To Amend Its CCN No. 11682, Located In Henderson County

Dear Mr. Trobman:

I have read the exceptions to the proposal for decision (PFD) and proposed order, which are pending before the Texas Commission on Environmental Quality. Having reviewed the exceptions submitted by the applicant East Cedar Creek Fresh Water Supply District (East Cedar Creek), the City of Mabank (Mabank), and Gun Barrel City, and the replies to the exceptions submitted by Mabank, East Cedar Creek, and the Executive Director, I do not wish to make any substantive changes to the PFD or proposed order.

I am correcting two typographical errors in findings of fact nos. 17 and 18, however:

FOF 17. East Cedar Creek's water system received a waiver in December 23, 1993, to maintain a supply capacity of 0.45 gallons per minute (gpm) per connection rather the ~~6.0~~ 0.6 gpm per connection because the communities it serves are lakeside communities. The 0.45 gpm per connection is still in place because customer demand has not exceeded the demand level set by the Commission.

FOF 18. The evidence does not show that East Cedar Creek needs a water production capacity of ~~6.0~~ 0.6 gpm to serve its existing customers and those it would acquire from Mabank if the application is approved.

Sincerely,

Katherine L. Smith  
Administrative Law Judge

KLS/Ls  
Enclosures  
cc: Mailing List

STATE OFFICE OF ADMINISTRATIVE HEARINGS

AUSTIN OFFICE  
300 West 15th Street Suite 502  
Austin, Texas 78701  
Phone: (512) 475-4993  
Fax: (512) 322-2061

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COMMISSION  
ON ENVIRONMENTAL  
QUALITY

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REGARDING:

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JUDGE KATHERINE L SMITH

FAX TO:

FAX TO:

SKIP NEWSOM

(512) 477-2860

BILL D. DUGAT III

(512) 320-5638

MARK ZEPPA (LAW OFFICE OF MARK II ZEPPA, P.C.)

(512) 346-6847

BLAS J. COY, JR. (TEXAS COMMISSION ON ENVIRONMENTAL QUALITY)

(512) 239-6377

BRIAN MACLEOD (TEXAS COMMISSION ON ENVIRONMENTAL QUALITY)

(512) 239-0606

LES TROBMAN (TEXAS COMMISSION ON ENVIRONMENTAL QUALITY)

(512) 239-5533

TCEQ Docket Clerk, Fax Number 512/239-3311

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