

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

September 15, 2011

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

Re: Appeal of Each Member of Navarro County Wholesale Ratepayers to review the wholesale water rate increase imposed by the City of Corsicana, CCN No. 10776 in Navarro County. SOAH Docket No. 582-10-1944; TCEQ Docket No. 2009-1925-UCR.

Dear Ms. Bohac:

Enclosed for filing with the Texas Commission on Environmental Quality is the original plus seven copies of "The Executive Director's Exceptions to the Proposed Order" for the above referenced matter.

If you have any questions, please call me at (512) 239-0608.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron M. Olson".

Ron M. Olson
Staff Attorney
Environmental Law Division

Enclosure

cc: Mailing List

**SOAH DOCKET NO. 582-10-1944
TCEQ DOCKET NO. 2009-1925-UCR**

**APPEAL OF EACH MEMBER OF THE
NAVARRO COUNTY WHOLESALE
RATEPAYERS TO REVIEW THE
WHOLESALE RATE INCREASE
IMPOSED BY THE CITY OF
CORSICANA, CERTIFICATE OF
CONVENIENCE AND NECESSITY
NO. 10776, IN NAVARRO COUNTY**

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**BEFORE THE TEXAS COMMISSION

ON

ENVIRONMENTAL QUALITY**

THE EXECUTIVE DIRECTOR'S EXCEPTIONS TO THE PROPOSED ORDER

TO THE HONORABLE COMMISSIONERS OF THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY:

COMES NOW, the Executive Director (“ED”) of the Texas Commission on Environmental Quality (“TCEQ” or “Commission”), and files the Executive Director’s Exceptions to the Proposed Order in the above-referenced matter.

The Executive Director concurs with the Administrative Law Judge’s (“ALJ”) Proposal for Decision (“PFD”). The ALJ’s PFD reaches the correct result based on the evidence presented in this matter. The ED’s exceptions address only one minor typographical correction in the ALJ’s proposed order.

I. Revision of ALJ’s Proposed Finding of Fact No. 79

In reviewing the rates charged in Texas by other sellers of water for resale, Finding of Fact No. 79 states that Waxahachie’s volumetric rate of \$3.45 per 1,000 gallons is less than Corsicana’s top-tier rate of \$3.25 per 1,000 gallons. The ED recommends that the finding of fact be revised to state that Waxahachie’s volumetric rate is *more* than Corsicana’s top-tier rate. Accordingly, Finding of Fact No. 79 should be revised to read:

The City of Waxahachie’s volumetric rate for wholesale customers is \$3.45 per 1,000 gallons, which is more than Corsicana’s top-tier rate of \$3.25 per 1,000 gallons.

II. CONCLUSION

The Executive Director agrees with the ALJ's Proposal for Decision in its finding that the Petitioners have failed to show that Corsicana's protested rate adversely affects the public interest. Accordingly, the ED recommends that the Commissioners adopt the Proposal for Decision and proposed order as revised by the ED's exceptions.

Respectfully submitted,

Texas Commission on Environmental Quality

Mark R. Vickery, P.G.
Executive Director

Robert Martinez, Director
Environmental Law Division

By 

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REPRESENTING THE
EXECUTIVE DIRECTOR OF THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

CERTIFICATE OF SERVICE

I certify that on September 15, 2011, a copy of the foregoing document was sent by first class, agency mail, electronic mail, and/or facsimile to the persons on the attached Mailing List.

A handwritten signature in black ink, appearing to read "Ron Olson". The signature is stylized with a large "R" and "O".

**Ron Olson, Staff Attorney
Environmental Law Division**

Mailing List
Navarro County Wholesale Ratepayers
SOAH Docket No. 582-10-1944
TCEQ Docket No. 2009-1925-UCR

FOR SOAH:

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