

# THE TERRILL FIRM

A PROFESSIONAL CORPORATION

810 West 10<sup>th</sup> Street  
Austin, Texas 78701  
Tel (512) 474-9100  
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August 15, 2012

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY  
2012 AUG 16 AM 7:54  
CHIEF CLERKS OFFICE

Mr. Les Trobman  
General Counsel  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, TX 78711-3087

via fax to: (512) 239-5533

Re: Commission agenda for consideration of TCEQ Docket No. 2010-08374-WR; SOAH Docket No. 582-11-3522; *Application by City of Lubbock for Amendment to Water Use Permit No. 3985*

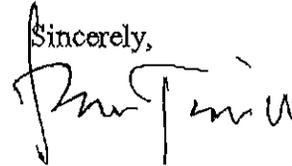
Dear Mr. Trobman:

This letter is in follow up to our phone conversation regarding my conflict with a previously scheduled contested case hearing. I am lead counsel on behalf of the Protestant, R.E. Janes Gravel Co. ("Janes Gravel") in the above-captioned proceeding, I respectfully request that the Office of General Counsel reset consideration of the City of Lubbock's application for amendment to Water Use Permit No. 3985 and the proposed final order issued by Administrative Law Judge Wilfong on the Commissioner's Agenda from August 22, 2012 to either October 31, 2012 or November 14, 2012. The August 22, 2012 Agenda setting directly conflicts with my participation in a previously scheduled, multi-party contested case hearing in TCEQ Docket No. 2010-1841-UCR; SOAH Docket No. 582-11-1468; *Canyon Lake Water Service Company's Application for a Rate/Tariff Change* and, thus, I am unable to attend the Commissioners' August 22, 2012 Agenda.

I have conferred with James Aldredge, counsel for the Executive Director, regarding resetting the Agenda. The Executive Director is not opposed to resetting the Agenda. Mr. Aldredge would prefer the October 31 setting, but is amenable to November 14<sup>th</sup> as well. I have also conferred with Vic McWherter, on behalf of James Murphy, for the Office of Public Interest Counsel. The Office of Public Interest Counsel is not opposed to resetting the Agenda. Mr. McWherter had no preference for the date on which the Agenda would be reset, but said that Mr. Murphy (who is out of the office), might alert you of a preference once he returns. I have also conferred with Trey Jackson, counsel for Martha Jean Forrest McNeely, Marianne and John Loveless, and Lynn Forrest. Mr. Jackson, on behalf of his clients, is not opposed to resetting the Agenda and does not have a preferred date. I have also conferred with Jason Hill, counsel for the City of Lubbock, who has indicated that Lubbock is opposed to the resetting the Agenda.

Mr. Les Trobman  
August 15, 2012  
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If you have any questions, please feel free to contact me. Thank you for your courtesies.

Sincerely,  
  
Paul M. Terrill III  
THE TERRILL FIRM, P.C.

cc: Service List

**SERVICE LIST**

SOAH Docket Clerk	Docket Clerk State Office of Admin. Hearings 300 West 15th Street, Suite 502 Austin, TX 78701	<i>via fax to: 322-2061</i>
TCEQ Chief Clerk	Office of the Chief Clerk, TCEQ 12100 Park 35 Circle Bldg. F/1, Room 1104 Austin, Texas 78753	<i>via fax to: 239-3311</i>
City of Lubbock	Brad Castleberry Lloyd Gosselink 816 Congress Ave, Ste 1900 Austin, Texas 78701	<i>via fax to: (512) 472-0532</i>
TCEQ Executive Director	Shana Horton TCEQ, MC-173 P.O. Box 13087 Austin, Texas 78711-3087	<i>via fax to: (512) 239-0606</i>
Public Interest Counsel	James Murphy TCEQ - OPIC, MC-103 P.O. Box 13087 Austin, TX 78711-3087	<i>via fax to: (512) 239-6377</i>
Martha Jean Forrest McNeely Marianne and John Loveless Lynn Forrest	Trey Jackson 1905 W. 30 <sup>th</sup> Street Austin, Texas 78703	<i>via fax to: (512) 551-0679</i>

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## FAX COVER SHEET

DATE : August 15, 2012

PLEASE DELIVER TO:

NAME :	Les Trobman	FAX NUMBER :	(512) 239-5533
	Jason Hill		(512) 472-0532
	James Aldredge		(512) 239-0606
	James Murphy		(512) 239-6327
	Trey Jackson		(512) 551-0679
	TCEQ Docket Clerk		(512) 239-3327
	SOAH Docket Clerk		(512) 322-2061
FROM :	Beckie Figg, Paralegal		
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TOTAL NUMBER OF PAGES SENT (Including coversheet) :			pages
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REMARKS :			
Re: TCEQ Docket No. 2010-08374-WR; SOAH Docket No. 582-11-3522; <i>Application by City of Lubbock for Amendment to Water Use Permit No. 3985</i>			
Attached please find correspondence from Paul Terrill dated August 15, 2012.			
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