

Bryan W. Shaw, Ph.D., *Chairman*
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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

August 17, 2012

To: Persons on the attached mailing list (By mail and facsimile as indicated)

Re: Application of the City of Lubbock for an Amendment to Water Use Permit No. 3985, in Lubbock County, Texas; TCEQ Docket No. 2010-0837-WR; SOAH Docket No. 582-11-3522.

The above-referenced matter is scheduled to be considered by the Texas Commission on Environmental Quality (Commission) at its August 22, 2012 agenda meeting. On August 15, 2012, Paul Terrill, representing Protestant R.E. Janes Gravel Co., filed a request to continue the above-referenced matter to either the Commission's October 31, 2012 or November 14, 2012 agenda. Mr. Terrill indicates that the current August 22, 2012 setting directly conflicts with his participation in a previously-scheduled contested case hearing. Mr. Terrill states in his letter that neither the ED, OPIC, nor the other Protestants oppose his request, but that counsel for the City of Lubbock is opposed to continuing the matter.

On August 16, 2012, Jason Hill, counsel for the City of Lubbock filed a letter opposing Mr. Terrill's requested continuance. Mr. Hill states that based on a number of facts he believes that the equities weigh in favor of maintaining the current agenda setting. Also on August 16, 2012, Mr. Terrill filed a letter in response to Mr. Hill's letter.

Having reviewed the filings and specific facts of this matter, and in accordance with 30 TAC §10.4 and the Commission's Resolution issued on February 2, 2009, Docket No. 2009-0059-RES, I have determined to continue this matter to the Commission's agenda meeting scheduled to take place at **9:30 AM on Wednesday, October 17, 2012**. Please take note that this is a one-time continuance, and short of exigent circumstances this matter will be taken up by the Commission during its agenda on October 17, 2012.

If you have any questions about this matter, please contact Greg Merrell, Assistant General Counsel, at 512-239-0669.

Very truly yours,

A handwritten signature in black ink, appearing to read "Les Trobman".

Les Trobman
General Counsel

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