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August 29, 2008

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Client No.: 1635-03
From: Paul Gosselink

No. of Pages: 4 + cover sheet

Comments: SOAH Docket No. 582-08-2178
TCEQ Docket No. 2007-1774-MSW
In re Permit Amendment Application of BFI Waste Systems of North America, LLC
MSW Permit No. 1447A

See the attached Joint Motion to Revise Procedural Schedule which was filed today. Copy via email to follow.

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Lloyd Gosselink Rochelle & Townsend, P.C.

SOAH Docket No. 582-08-2178
TCEQ Docket No. 2007-1774-MSW

IN RE THE APPLICATION OF BFI WASTE § BEFORE THE
SYSTEMS OF NORTH AMERICA, LLC § STATE OFFICE OF
PERMIT NO. MSW-1447A § ADMINISTRATIVE HEARINGS

2008 AUG 29 AM 10:11
RECEIVED
STATE OFFICE OF
ADMINISTRATIVE HEARINGS

JOINT MOTION TO REVISE PROCEDURAL SCHEDULE

TO THE HONORABLE ADMINISTRATIVE LAW JUDGE:

On August 27, 2008, BFI Waste Systems of North America, LLC (BFI), TJFA, L.P. (TJFA), the Executive Director, Williams Ltd. (Williams), Northeast Neighbors Coalition (NNC), Pioneer Farms (Pioneer), Roger Joseph (Joseph), Mark and Melanie McAfee (the McAfees), and Delmer Rogers (Rogers), through their respective attorneys, appeared to be heard on various motions to compel filed by BFI. The Administrative Law Judge ruled on several of the disputes (said order to be issued at a later date), and further ordered the parties to: (1) submit a proposed order on the discovery disputes; and (2) confer on proposed revisions to the procedural schedule resulting from the discovery issues.

After a post-hearing conference, and after discussions with those parties not in attendance, the parties in attendance jointly request that the procedural schedule be revised in accordance with Exhibit 1 (reflecting changes in the deadlines for the parties to file and serve their pre-filed testimony). The parties not in attendance (the City of Austin, Travis County, Office of Public Interest Council, and Giles Holdings, L.P.) have been consulted and have stated that they have no objection to this joint motion and the relief sought herein.

WHEREFORE, PREMISES CONSIDERED, BFI, TJFA, Executive Director, Williams, NNC, Pioneer, Joseph, the McAfees and Rogers jointly request that the Administrative Law Judge revise the existing procedural schedule to reflect the agreed-upon dates contained in

Exhibit 1. Attached hereto is a draft proposed Order No. 3 which may be utilized to implement this motion. The undersigned counsel, after conferring with counsel for all parties, is authorized to state that all parties concur with the motion.

Respectfully submitted,



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**ATTORNEY FOR APPLICANT
WASTE SYSTEMS OF NORTH AMERICA,
LLC**

Certificate of Service

I hereby certify that a true and correct copy of the foregoing motion was served on the following counsel/parties of record by certified mail (return receipt requested), regular U.S. mail, facsimile transmission and/or hand delivery and via e-mail on August ~~19th~~ 2008:

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COALITION AND ON BEHALF OF THE**

ALIGNED PARTIES:

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Paul G. Gosselink

EXHIBIT 1

DATE	EVENT
May 8, 2008	Preliminary hearing. Each party made a request for disclosure by every other unaligned party and alignment of parties, in accordance with the Texas Rules of Civil Procedure.
May 16, 2008	Applicant to provide one copy of the current application to each unaligned party and each alignment of parties.
May 29, 2008	Discovery Begins. Deadline to respond to requests for disclosure.
June 6, 2008	Applicant shall designate its expert witnesses.
June 23, 2008	Depositions of fact witnesses may begin.
June 27, 2008	Other parties shall designate their expert witnesses.
July 18, 2008	Deadline to serve written discovery requests.
August 11, 2008	Depositions of expert witnesses may begin.
August 26, 2008	Prehearing conference to rule on discovery disputes, if needed and called by Judge.
September 30, 2008	Applicant to prefile its direct case in writing, including all testimony and exhibits.
October 31, 2008	All parties, except Applicant and ED, to prefile their direct cases in writing, including all testimony and exhibits.
November 10, 2008	ED to prefile his direct case in writing, including all testimony and exhibits.
November 17, 2008	Deadline to file objections to any prefiled evidence.
December 3, 2008	Deadline to file responses to objections to prefiled evidence.
December 9, 2008	Deadline to complete all depositions.
December 15, 2008	Deadline to file any pre-trial motion.
December 19, 2008	Prehearing conference to rule on objection to prefiled evidence, other pending motions, and other procedural motions.
January 12, 2009	Hearing on the merits (HOM) of application begins.
January 26, 2009	Estimated end of HOM.
February 23, 2009	Parties file closing arguments.
March 9, 2009	Parties file responses to closing arguments and submit proposed Findings of Fact and Conclusions of Law.
May 8, 2009	Deadline to issue proposal for decision (PFD).

SOAH DOCKET NO. 582-08-2178
TCEQ DOCKET NO. 2007-1774-MSW

APPLICATION OF BFI WASTE SYSTEMS OF NORTH AMERICA, LLC, FOR A MAJOR AMENDMENT TO TYPE I MSW PERMIT NO. 1447A	§ § § § §	BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS
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ORDER NO. 3
REVISING PROCEDURAL SCHEDULE

The parties' Joint Motion to File Revised Procedural Schedule is GRANTED. It is ORDERED that the following schedule for prehearing activities shall govern this proceeding:

DATE	EVENT
May 8, 2008	Preliminary hearing. Each party made a request for disclosure by every other unaligned party and alignment of parties, in accordance with the Texas Rules of Civil Procedure.
May 16, 2008	Applicant to provide one copy of the current application to each unaligned party and each alignment of parties.
May 29, 2008	Discovery Begins. Deadline to respond to requests for disclosure.
June 6, 2008	Applicant shall designate its expert witnesses.
June 23, 2008	Depositions of fact witnesses may begin.
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January 12, 2009	Hearing on the merits (HOM) of application begins.
January 26, 2009	Estimated end of HOM.
February 23, 2009	Parties file closing arguments.

March 9, 2009	Parties file responses to closing arguments and submit proposed Findings of Fact and Conclusions of Law.
May 8, 2009	Deadline to issue proposal for decision (PFD).

Signed September __, 2008.

WILLIAM G. NEWCHURCH
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS