

**SOAH DOCKET NO. 582-15-2082
TCEQ DOCKET NO. 2015-0069-MSW**

APPLICATION OF 130	§	BEFORE THE STATE OFFICE
ENVIRONMENTAL PARK, LLC	§	OF
FOR PROPOSED PERMIT NO.	§	ADMINISTRATIVE HEARINGS
2383	§	

**TJFA, L.P. AND ENVIRONMENTAL PROTECTION IN THE INTEREST OF
CALDWELL COUNTY’S UNOPPOSED MOTION FOR EXTENSION OF TIME
TO FILE CLOSING ARGUMENTS**

TO THE HONORABLE ADMINISTRATIVE LAW JUDGES KERRIE JO
QUALTROUGH AND CASEY BELL:

COME NOW Protestants TJFA, L.P. and Environmental Protection in the Interest
of Caldwell County (collectively, “Protestants”) and file this Unopposed Motion for
Extension of Time to File Closing Arguments.

I. PENDING MOTIONS

There are no pending motions before the ALJS as of this filing.

II. BACKGROUND AND BASIS FOR EXTENSION

The hearing on the merits for this matter was held from August 15 through August
26, 2016. Closing arguments are currently due on Friday, October 21, 2016. Protestants
seek a one-business-day extension of time to file closing arguments for all parties, which
would extend the deadline up until Monday, October 24, 2016.

Counsel for Protestants seek an extension to allow for adequate time to prepare the
closing arguments and adequate time to comply with a number of other deadlines that
have arisen in other matters. Among those matters with pending deadlines are:

- Exceptions to Proposal for Decision due on Tuesday, October 18, 2016, in the *Application of Post Oak Clean Green, Inc. for MSW Permit No. 2378* (SOAH Docket: 582-15-2498);
- Response to Petition for Review in *URI, Inc. v. Kleberg County* at the Supreme Court of Texas (Cause No. 16-0336).

In addition, counsel for Protestants filed a Motion for Rehearing last week, on Tuesday, October 11, in the matter of the *Application by the Brazos River Authority for Water Use Permit No. 5851* (SOAH Docket: 582-10-4184). This case involved a complicated surface water right permit application, which resulted in two lengthy contested case hearings, an extensive administrative record, and a number of complex issues.

The conflicting deadlines, outlined above, did not arise until after the deadline for closing arguments was set in this case. Thus, counsel did not anticipate this conflict at the time the deadline for closing arguments was agreed upon in this case.

This extension is not sought for the purposes of delay, but so that counsel may have sufficient time to prepare closing arguments that adequately address the numerous issues raised in this permit proceeding.

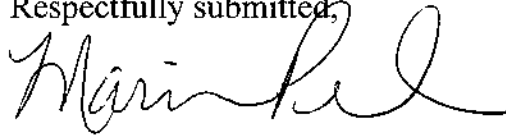
CONFERENCE WITH OTHER PARTIES

Counsel has consulted with counsel for all other parties in this matter, and none is opposed to this request. Counsel has left a message for Mr. Ben Pesl regarding this requested extension, but has not yet received a return phone call from Mr. Pesl.

PRAYER

For the reasons cited above, Protestants respectfully request that the Administrative Law Judges approve their requested extension of time to file closing arguments until October 24, 2016.

Respectfully submitted,



Marisa Perales
State Bar No: 24002750

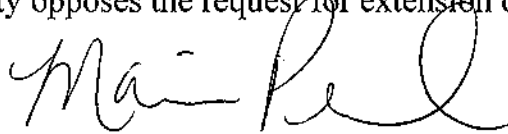
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COUNSEL FOR PROTESTANTS

CERTIFICATE OF CONFERENCE

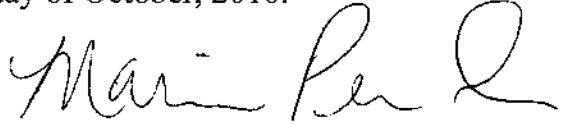
As stated above, Counsel for Protestants has communicated with the remaining parties regarding this motion and no party opposes the request for extension of time.



Marisa Perales

CERTIFICATE OF SERVICE

By my signature, below, I hereby certify that a true and correct copy of the foregoing document has been served on the following attorneys of record by electronic mail, facsimile, or US Mail on this 17th day of October, 2016.



Marisa Perales

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