

SOAH DOCKET NO. 802-09-4552

**APPLICATION OF JOE LONG AND
MARK STEPHENSON FOR A SAND
AND GRAVEL PERMIT**

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BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

**ORDER NO. 7
DENYING MOTION TO DIMISS, ORDERING STUDY TO BE PERFORMED,
CONTINUING ABATEMENT, AND CANCELING PREHEARING
CONFERENCE AND HEARING ON THE MERITS**

On January 14, 2010, the Administrative Law Judge (ALJ) held a prehearing conference. At the prehearing conference, the ALJ denied the Protestants motion to dismiss but ruled that the Applicants had to conduct a study pursuant to 31 TEX ADMIN. CODE § 69.108(c). Until the study is completed, the procedural schedule will remain abated. Once the study has been completed, Applicants shall notify the ALJ, and he will schedule a prehearing conference to set a new procedural schedule. Applicants shall file a status report with the ALJ every 30 days, beginning February 19, 2010. At this time, the ALJ cancels the prehearing conference scheduled for June 1, 2010, and the hearing on the merits scheduled for June 7, 2010.

SIGNED January 22, 2010.



**MICHAEL J. O'MALLEY
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS**

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STYLE/CASE: JOE LONG & MARK STEPHENSON
SOAH DOCKET NUMBER: 802-09-4552
REFERRING AGENCY CASE:

STATE OFFICE OF ADMINISTRATIVE HEARINGS **ADMINISTRATIVE LAW JUDGE**
ALJ MICHAEL J. OMALLEY

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REGARDING:

**ORDER NO. 7 - DENYING MOTION TO DISMISS, ORDERING STUDY TO BE PERFORMED,
CONTINUING ABATEMENT, AND CANCELING PREHEARING CONFERENCE
AND HEARING ON THE MERITS**

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802-09-4552JUDGE MICHAEL J O'MALLEY

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