

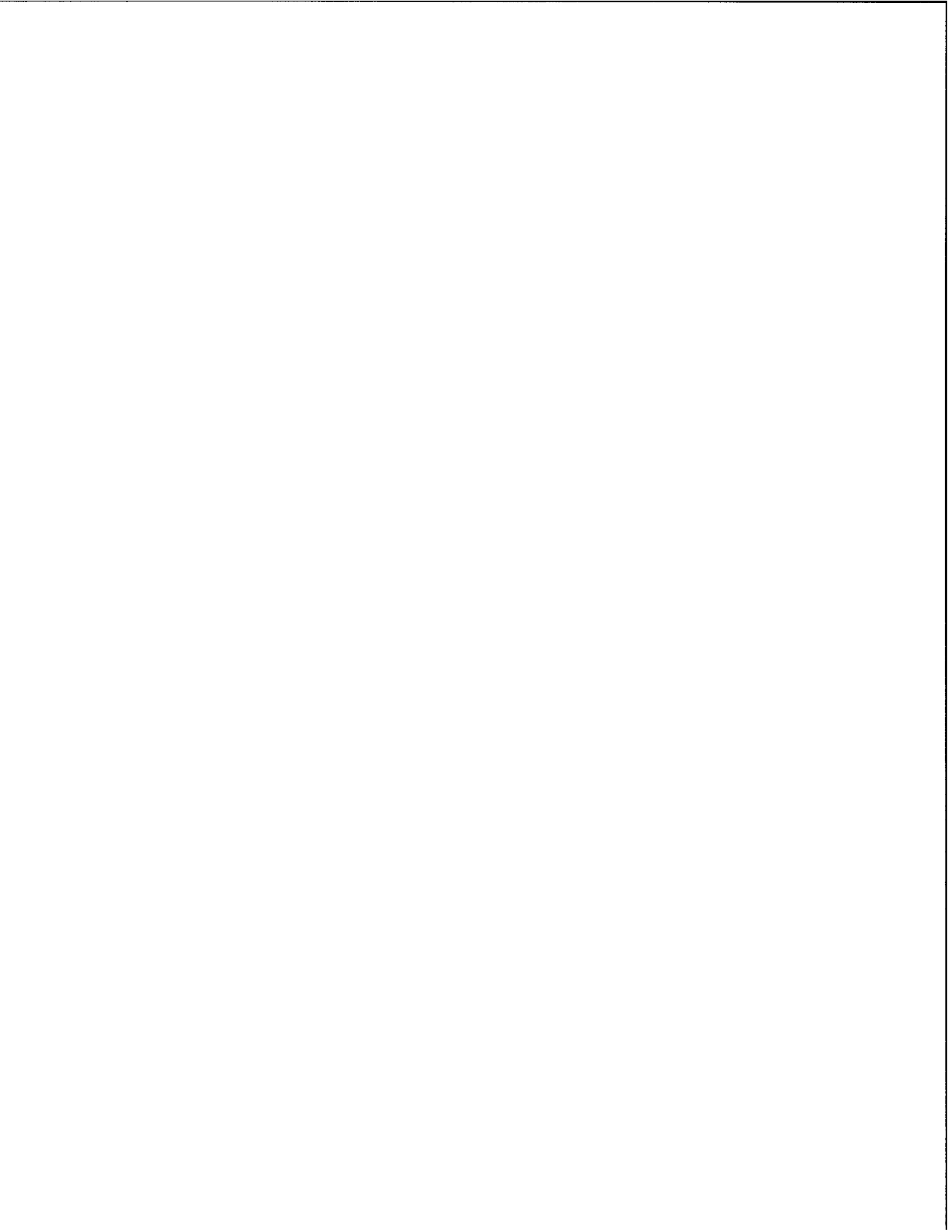


Control Number: 42852



Item Number: 3

Addendum StartPage: 0



Bryan W. Shaw, Ph.D., *Chairman*
 Carlos Rubinstein, *Commissioner*
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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
 FILING CLERK

Protecting Texas by Reducing and Preventing Pollution

June 28, 2013

Mr. William J. Huebner, P.E.
 O' Malley Engineers, L.L.P.
 P.O. Box 1976
 Brenham, Texas 77834

Re: Application from the City of Splendora to Amend Certificate of Convenience and Necessity (CCN) No. 11727 and to Decertify Portions of CCN No. 10347 held by Consumers Water, CCN No. 11373 held by Crystal Springs Water, CCN No. 12863 held by Southern Horizons, and CCN No. 13114 held by Texas American Water in Montgomery and Liberty Counties; Application No. 37569-C

CN 600624712; RN 101384626 (City of Splendora)
 CN 600633853; RN 101249431 (Consumers Water)
 CN 600633655; RN 103129367 (Crystal Springs Water)
 CN 600668016; RN 101285195 (Southern Horizons)
 CN 603067000; RN 105004246 (Texas American)

Dear Mr. Huebner:

Your application for the City of Splendora to amend its CCN No. 11727 has been accepted for filing. Mr. Fred Bednarski has been assigned to perform the technical review.

Your next step is to provide the **revised** public notices without delay. The notice to the public must be published once each week for two (2) consecutive weeks in a newspaper of general circulation in Montgomery and Liberty Counties. **It is the responsibility of the applicant to provide correct notice** of the application to:

- any districts, groundwater conservation districts, counties, utilities, cities, cities with an extraterritorial jurisdiction within two (2) miles of your proposed service area, and
- any city with an extraterritorial jurisdiction which overlaps the proposed service area or other affected parties in your requested area, and
- all landowners with more than 25 acres in your proposed CCN area. The landowner information may be obtained from the county appraisal district tax rolls for the county or counties in which the proposed CCN lies.

Check the notices carefully before mailing or publishing.

Information related to utilities and districts including addresses can be obtained from the TCEQ web site located at www10.tceq.tx.us/iwud/.

<http://www.tceq.texas.gov/groundwater/districts/html>. For groundwater conservation districts.

Mr. William Huebner, P.E.

Page 2

June 28, 2013

As proof that notice was provided, you are required to send us the following:

- a) an original and three copies of a publisher's affidavit of the newspaper publication with tear sheets of the published notice attached;
- b) four copies of each individual notice and map sent to neighboring utilities and affected parties;
- c) one copy of the landowner notice and map sent to **each landowner**; and
- d) an original and three copies of the signed affidavits that individual notice to neighboring utilities, affected individuals **and each landowner** has been given. (Copies of the Affidavit forms are enclosed with this letter.)

Please be sure to include a map showing the proposed service area with your individual notices to neighboring utilities, other affected parties and each landowner. It is the applicant's burden to provide an accurate map delineating the proposed area with each individual notice.

There also appears to be an overlap of your proposed service area with the certified service areas of Consumers Water (10347), Crystal Springs Water (11373), Southern Horizons (12863), and Texas American Water (13114).

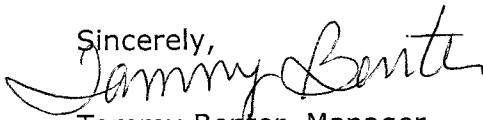
Please provide written documentation on how the overlaps will be handled. There are several options to resolving this overlap. One is to amend your application by submitting revised maps and change the requested CCN area so as to not include the areas of overlap. The second option is for you to meet with Consumers Water, Crystal Springs Water, Southern Horizons, and Texas American Water to work out individual agreements whereby the above mentioned CCN holders agree to the decertification of the area of overlap. Written documentation from the above mentioned CCN holders agreeing to decertification is required. If an agreement is not reached, you will have to provide compelling evidence that the above mentioned CCN holders cannot provide acceptable service. The notices have been revised to proposed decertification of the portions of the above mentioned CCN in the event this is considered.

Additional financial or technical information may also be requested through future correspondence.

These items must be completed and returned to our office by **July 29, 2013**. Processing of this application cannot proceed until the close of the 30 day public comment period which begins after all the required notices have been given. If we do not receive the requested information by this date, your application will be returned for failure to prosecute.

If you have questions, please contact Mr. Fred Bednarski at 512/239-4758, by email fred.bednarski@tceq.texas.gov, or if by correspondence, include Mail Code 153 in the letterhead address.

Sincerely,



Tammy Berter, Manager
Utilities & Districts Section
Water Supply Division
Texas Commission on Environmental Quality

TB/KN/ec

Enclosures: as stated