



Control Number: 42864



Item Number: 4

Addendum StartPage: 0

42864

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



RECEIVED  
14 SEP -4 AM 11:59  
PUBLIC UTILITY COMMISSION  
FILING CLERK

STATE OF TEXAS §

COUNTY OF TRAVIS §

I, Bridget C. Bohac, Chief Clerk of the Texas Commission on Environmental Quality, do hereby certify that the attached mailing list provides the persons to whom the notice of the public hearing for Enchanted Harbor Utility, SOAH Docket No. 582-14-3880, TCEQ Docket No. 2014-0631-UCR, was mailed on June 23, 2014. Given under my hand and the seal of the Texas Commission on Environmental Quality, this the 23rd day of June, 2014.

Bridget C Bohac  
Bridget C. Bohac, Chief Clerk  
Texas Commission on Environmental Quality

SEAL

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## **NOTICE OF HEARING ENCHANTED HARBOR UTILITY SOAH Docket No. 582-14-3880 TCEQ Docket No. 2014-0631-UCR**

### **APPLICATION.**

Enchanted Harbor Utility, 2301 Nancy Lou Street, El Campo, Texas 77437, has applied to the Texas Commission on Environmental Quality (TCEQ) to change its water rate/tariff effective January 1, 2014 for its service area located in Calhoun County, Texas (Certificate of Convenience and Necessity No. 12683, Application No. 37728-R). This application concerns service areas located within the USPS zip codes on the attached list.

### **CONTESTED CASE HEARING.**

The State Office of Administrative Hearings (SOAH) will conduct a preliminary hearing on this application at:

**10:00 a.m. – July 28, 2014  
William P. Clements Building  
300 West 15th Street, 4th Floor  
Austin, Texas 78701**

The purpose of a preliminary hearing is to establish jurisdiction, name the parties, establish a procedural schedule for the remainder of the proceeding, allow an opportunity for settlement discussions, and to address other matters as determined by the judge. The evidentiary hearing phase of the proceeding will be similar to a civil trial in state district court. The hearing will be conducted in accordance with Chapter 2001, Texas Government Code; Chapter 13, Texas Water Code; TCEQ rules, including 30 Texas Administrative Code (TAC) Chapter 291; and the procedural rules of the TCEQ and SOAH, including 30 TAC Chapter 80 and 1 TAC Chapter 155. To participate in the evidentiary hearing as a party, you must attend the preliminary hearing and show you would be affected by the petition in a way not common to members of the general public.

### **INFORMATION.**

Information concerning your participation in this hearing may be obtained by contacting the TCEQ Office of Public Interest Counsel (MC 103), P.O. Box 13087,

Austin, TX 78711-3087, telephone 512-239-6363. For additional information, please contact the TCEQ Water Supply Division, Utilities & Districts Section (MC 153), P.O. Box 13087, Austin, TX 78711-3087, telephone 512-239-4691. General information regarding the TCEQ can be found at our web site at <http://www.tceq.texas.gov/>.

Persons with disabilities who plan to attend this hearing and who need special accommodations at the hearing should call the SOAH Docketing Department at 512-475-3445, at least one week prior to the hearing.

Issued: June 23, 2014

A handwritten signature in cursive script that reads "Bridget C. Bohac".

Bridget C. Bohac, Chief Clerk  
Texas Commission on Environmental Quality

Bryan W. Shaw, Ph.D., P.E., *Chairman*  
Toby Baker, *Commissioner*  
Zak Covar, *Commissioner*  
Richard A. Hyde, P.E., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
*Protecting Texas by Reducing and Preventing Pollution*

June 23, 2014

**BY CERTIFIED AND FIRST CLASS MAIL**  
**Certified Receipt # 7010 2780 0001 8055 6464**

Jesse Wood, President  
Farmers Transport Inc. dba Enchanted Harbor Utility  
2301 Nancy Lou  
El Campo, Texas 77437

RE: Mailing requirements on Notice of Hearing on Enchanted Harbor Utility  
**SOAH Docket No. 582-14-3880, TCEQ Docket No. 2014-0631-UCR**

Dear Mr. Wood:

Enclosed is a Notice of Public Hearing concerning the above-referenced application. This notice must be provided in its entirety to all affected utility customers, at the utility company's expense. **A listing of all USPS zip codes within which any affected customer resides must be attached to the notice.** You may mail the notice with a utility bill or statement, or by separate first class mail. In accordance with Section 2001.051(1) of the Administrative Procedure Act, **all affected customers must receive the notice not less than 10 days before the hearing date**, or not later than July 16, 2014.

After the notice is mailed to all affected customers, you must file an affidavit stating the attached notice was mailed to all affected customers, and stating the date on which it was mailed. **Please be sure to attach a copy of the mailed notice including the zip code listing to the affidavit.** The affidavit must be filed with the Office of the Chief Clerk of the Texas Commission on Environmental Quality (Commission), ATTN: SOAH Docket Clerk (Mail Code 105), P.O. Box 13087, Austin, Texas 78711-3087, at least two days before the public hearing.

Immediately contact the State Office of Administrative Hearings (SOAH) Docket Clerk in the event that notice is not provided in a timely manner. **When contacting the Commission or SOAH regarding this application, please reference the SOAH docket number given at the top of this letter.**

If you have any questions, please call (512) 475-3445 to speak with the SOAH Docket Clerk.

Sincerely,

*Bridget C. Bohac*

Bridget C. Bohac, Chief Clerk  
Texas Commission on Environmental Quality

Enclosures

TCEQ - Office of the Chief Clerk  
MC-105 Attn: SOAH Docket Clerk  
PO Box 13087  
Austin TX 78711-3087

Utility Company: ENCHANTED HARBOR  
TCEQ Docket Number: 2014-0631-UCR  
SOAH Docket Number: 582-14-3880

## AFFIDAVIT OF NOTICE TO CUSTOMERS OF THE PUBLIC HEARING

STATE OF TEXAS §

COUNTY OF: \_\_\_\_\_ §

Before me, the undersigned authority, on this day personally appeared the affiant who being by me duly sworn, deposes and says:

My name is \_\_\_\_\_, I am over eighteen (18)  
(Name of Affiant)

years of age. I have personal knowledge of the facts stated herein and they are all true and correct.

I am \_\_\_\_\_ of  
(Title of Affiant)

\_\_\_\_\_  
(Name of Utility)

On \_\_\_\_\_, I caused to be mailed to all of the above named utility's  
(Date)

customers and affected municipalities, if any, the attached notice of public hearing. The notice was mailed by first class mail.

\_\_\_\_\_  
Signature of Affiant

Subscribed and sworn to before me this the \_\_\_\_\_ day of \_\_\_\_\_,  
20 \_\_\_\_\_, to certify which witness my hand and seal of office.

(Seal)

\_\_\_\_\_  
Notary Public in and for the State of Texas

\_\_\_\_\_  
Print or type Name of Notary Public

My Commission Expires \_\_\_\_\_

**MAILING LIST**  
**ENCHANTED HARBOR UTILITY**  
**SOAH Docket No. 582-14-388o**  
**TCEQ Docket No. 2014-0631-UCR**

Jesse Wood, President  
Farmers Transport Inc. dba Enchanted Harbor Utility  
2301 Nancy Lou  
El Campo, Texas 77437  
*Representing: Enchanted Harbor Utility*

Jim Rourke, Assistant Public Counsel  
Office of Public Utility Counsel  
P.O. Box 12397  
Austin, Texas 78711-2397  
*Representing: Office of Public Utility Counsel*

Texas Commission on Environmental Quality  
P. O. Box 13087  
Austin, Texas 78711-3087  
***Via electronic mail:***

Doug Brown, Staff Attorney, Environmental Law Division (MC 173)  
Heidi Graham and Ahmad Tavakoly, Technical Staff, Water Supply Division,  
Utilities & Districts Section (MC 153)  
Mary Damron, Financial Staff, Water Supply Division, Utilities & Districts  
Section (MC 153)  
Vic McWherter, Office of Public Interest Counsel (MC 103)