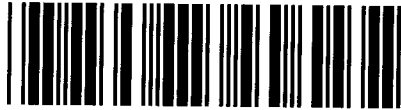


Control Number: 42923



Item Number: 4

Addendum StartPage: 0

House Bill (HB) 1600 and Senate Bill (SB) 567 83rd
Legislature, Regular Session, transferred the functions
relating to the economic regulation of water and sewer
utilities from the TCEQ to the PUC effective
September 1, 2014.

Bryan W. Shaw, Ph.D., *Chairman*
 Toby Baker, *Commissioner*
 Zak Covar, *Executive Director*



#42423

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

November 26, 2013

RECEIVED
 2014 SEP 19 PM 2:45
 PUBLIC UTILITY COMMISSION
 FILING CLERK

BY FAX TO 956/262-4953 AND
BY CERTIFIED MAIL

Mr. Robert S. Schmalzried, Mayor
 City of Edcouch
 211 Southern Avenue
 Edcouch, Texas 78538

Re: Application from the City of Edcouch, A2077, to Obtain a Sewer Certificate of Convenience and Necessity (CCN) in Hidalgo County; Application No. 37789-C

CN: pending; RN: pending (sewer)

Dear Mr. Schmalzried:

Your application from the City of Edcouch has been accepted for filing and reassigned application number 37789-C. Please refer to the application number in future correspondence. The previously assigned application number 37650-C, which reflected application information submitted prior to August 26, 2013, has been closed out. Ms. Heidi Graham 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 Hidalgo County. **It is the responsibility of the applicant to provide correct notice** of the application to any utilities, cities, cities with an extraterritorial jurisdiction within two (2) miles of your proposed service area, any city with an extraterritorial jurisdiction which overlaps the proposed service area or other affected parties in your requested area. **You will also be required to provide mailed notice to all landowners with more than 25 acres in your proposed CCN area pursuant to TCEQ 30 TAC Chapter 291 Rules adopted on January 5, 2006. 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.texas.gov/iwud/.

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;

Mr. Robert S. Schmalzried, Mayor
Page 2
November 26, 2013

- 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.)

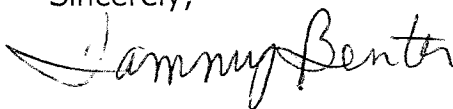
Please be sure to include a map showing the proposed service area with your individual notices to neighboring utilities, other affected parties and each landowner. It is the applicant's burden to provide an accurate map delineating the proposed area with each individual notice.

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

These items must be completed and returned to our office by **December 30, 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 any questions, please contact Ms. Heidi Graham at 512/239-0844, or if by correspondence, include Mail Code 153 in the letterhead address.

Sincerely,



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

TB/CM/sd

Enclosures: as stated

Checklist for Obtaining or Amending a CCN

Name of Application City of Edcouch

Administrative Review #A - 162 - 13

Application Number (s) 37789-C

Date TCEQ Received Application 6/28/13

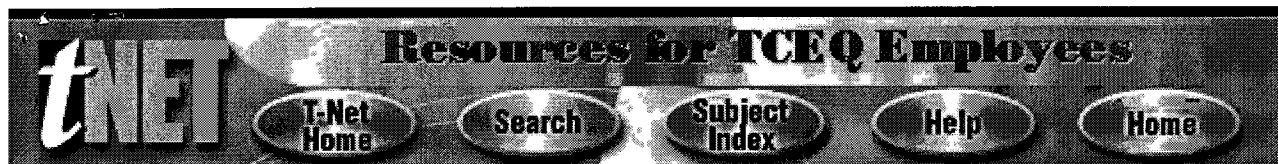
Date Assigned to program area 11/20/13

County(s) Hidalgo

Purpose of Application:

- | | |
|---|--|
| <input type="checkbox"/> Obtain New Water CCN
Temporary CCN# A _____ | <input checked="" type="checkbox"/> Obtain New Sewer CCN
Temporary CCN# A <u>2077</u> |
| <input type="checkbox"/> Amend Water CCN # _____ | <input type="checkbox"/> Amend Sewer CCN # _____ |
| <input checked="" type="checkbox"/> Account Fees due | <input checked="" type="checkbox"/> Regulatory Assessment Fees due |
| <input checked="" type="checkbox"/> Attach a copy of CN and RN from WUD | |
| <input checked="" type="checkbox"/> Not on file with Central Registry. Core Data Form Needed. | |
| <input checked="" type="checkbox"/> Original and three copies of application received | |

J:\UDS\Utilities Forms and Checklists Admin Review\CCN.doc

[IWUD Main](#)[Districts](#)[Utilities](#)[PWS](#)[Reports](#)[Documents](#)[Maps](#)

? Utility details for CITY OF EDCOUCH (A2077)

[Affiliations](#)[Documents](#)[Site Visits](#)[Schedules](#)

Responsible Party

Organization: CITY OF EDCOUCH

Address: PO BOX 100

EDCOUCH , TX 78538-0100

Official Address / Phone

Address: PO BOX 100

EDCOUCH , TEXAS 78538-0100

Telephone: (956) 262-2140

Properties

CR Regulated Entity Number:

CCEDS Status: NO ACTIVE NOE EXISTS

Utility Type: SEWER UTILITY

Ownership Type: MUNICIPALITY

Primary County: HIDALGO

County Code: 108

Counties

Code	County Name	Primary
108	HIDALGO	Y

Activity

Activity Status: ACTIVE

Start Date: 06/28/2013

Activity Date: 06/28/2013

[Run Utility Cases Report](#)
[Run Utility Summary Report](#)
[Show Map](#)

Utility successfully retrieved.

• • ▶

**For questions or comments regarding information on this page, contact the
TCEQ iWUD Web Manager**

Version V2.6.0

Utility Cases List Report

11/20/2013
11:14:20AM

Texas Commission on Environmental Quality
Utility Cases List for CITY OF EDCOUCH (A2077)

ERPT0014

Received Date	App No. Type	Comments	Con- tested?	Date Filed	To Legal	Informal Hearing	Hearing	Final Action Status
06/28/2013	37650 - C CCN	37650-C City of Edcouch request to obtain sewer CCN	NO	06/28/2013				Pending

At the time of your query this data was the most current information available from our database, which is in real time. Every effort was made to retrieve it according to your query. Thank-you for using WUD.

Texas Commission on Environmental Quality



AFFIDAVIT OF NOTICE TO CUSTOMERS AND OTHER AFFECTED PARTIES APPLICATION NO. _____

STATE OF TEXAS
COUNTY OF _____

Before me, the undersigned authority, on this day personally appeared

_____, who being by me

duly sworn, deposes and that (s)he is the _____
(TITLE)

of the _____
(NAME OF UTILITY)

that the attached notice was provided to customers and other affected parties by

(METHOD USED TO PROVIDE NOTICE)

on or about the following date, to wit: _____
(DATE)

(SIGNATURE OF UTILITY OFFICIAL)

Subscribed and sworn to before me this _____ day of _____, 2012,
to certify which witness my hand and seal of office.

Notary Public in and for the State of Texas

Print or Type Name of Notary Public

Commission Expires _____

Notice for Publication

**NOTICE OF APPLICATION FOR CERTIFICATE OF
CONVENIENCE AND NECESSITY (CCN) TO PROVIDE SEWER
UTILITY SERVICE IN HIDALGO COUNTY, TEXAS**

The City of Edcouch has filed an application to obtain a CCN with the Texas Commission on Environmental Quality to provide sewer utility service in Hidalgo County.

The proposed service area is located approximately 2 miles east of downtown Elsa, Texas, and is generally bounded on the north by approximately FM 1925; on the east by Mile 2 West Road; on the south by Mile 15 ½ North Road; and on the west by Mile 4 West Road.

See enclosed map of the proposed service area.

The total area being requested includes approximately 719.52 acres and 8,256 current customers.

The proposed amendment affects customers and/or areas located in the following zip code: 77538.

A copy of the proposed service area map is available at: 211 Southern Avenue, Edcouch, Texas 78538.

A request for a public hearing must be in writing. You must state (1) your name, mailing address, and daytime telephone number; (2) the applicant's name, application number or another recognizable reference to this application; (3) the statement, "I/we request a public hearing"; (4) a brief description of how you or the persons you represent, would be adversely affected by the granting of the application for a CCN; and (5) your proposed adjustment to the application or CCN which would satisfy your concerns and cause you to withdraw your request for a hearing.

Persons who wish to intervene or comment should write the:

Texas Commission on Environmental Quality
Water Supply Division
Utilities and Districts Section, MC-153
P. O. Box 13087
Austin, TX 78711-3087

within thirty (30) days from the date of this publication or notice. A public hearing will be held only if a legally sufficient hearing request is received or if

the Commission on its own motion requests a hearing. Only those individuals who submit a written hearing request or a written request to be notified if a hearing is set will receive notice if a hearing is scheduled.

If a public hearing is requested, the Executive Director will not issue the CCN and will forward the application to the State Office of Administrative Hearings (SOAH) for a hearing. If no settlement is reached and an evidentiary hearing is held, the SOAH will submit a recommendation to the Commission for final decision. If an evidentiary hearing is held, it will be a legal proceeding similar to a civil trial in state district court.

If you are a landowner with a tract of land at least 25 acres or more, that is partially or wholly located within the proposed area, you may request to be excluded from the proposed area (or "opt out") by providing written notice to the Commission within (30) days from the date that notice was provided by the applicant. All request to opt out of the requested service area must include a scaled, general location map and a metes and bounds description of the tract of land.

Persons who meet the requirements to opt out, and wish to request this option should file the required documents with the:

Texas Commission on Environmental Quality
Water Supply Division
Utilities and Districts Section, MC-153
P. O. Box 13087
Austin, TX 78711-3087

A copy of the request to opt out of the proposed area must also be sent to the applicant. Staff may request additional information regarding your request.

Si desea informacion en Espanol, puede llamar al 1-512-239-0200.

**Notice to Customers and Neighboring Systems,
Landowners and Cities**

**NOTICE OF APPLICATION FOR CERTIFICATE OF
CONVENIENCE AND NECESSITY (CCN) TO PROVIDE SEWER
UTILITY SERVICE IN HIDALGO COUNTY, TEXAS**

To: _____ Date Notice Mailed: _____, 2013
(Neighboring System, Landowner or City)

(Address)

(City State Zip)

The City of Edcouch has filed an application to obtain a CCN with the Texas Commission on Environmental Quality to provide sewer utility service in Hidalgo County.

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Persons who meet the requirements to opt out, and wish to request this option should file the required documents with the:

Texas Commission on Environmental Quality
Water Supply Division
Utilities and Districts Section, MC-153
P. O. Box 13087
Austin, TX 78711-3087

A copy of the request to opt out of the proposed area must also be sent to the applicant. Staff may request additional information regarding your request.

Si desea informacion en Espanol, puede llamar al 1-512-239-0200.

Texas Commission on Environmental Quality



AFFIDAVIT OF NOTICE TO LANDOWNERS
APPLICATION NO. _____

STATE OF TEXAS
COUNTY OF _____

_____ has provided individual notice to the following landowners:
(NAME OF UTILITY)

DATE

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

OATH

I, _____, being duly sworn, file this form as
_____ (indicate relationship to applicant, that is,
owner, member of partnership, title of officer of corporation, or other authorized representative of
applicant); that in such capacity, I am qualified and authorized to file and verify such form, am
personally familiar with the notices given with this application, and have complied with all notice
requirements in the application and application acceptance letter; and that all such statements made
and matters set for therein are true and correct.

Applicant's Authorized Representative

If the applicant to this form is any person other than the sole owner, partner, officer of the applicant,
or its' attorney, a properly verified Power of Attorney must be enclosed.

Subscribed and sworn to before me this _____ day of _____, 20____, to
certify which witness my hand and seal of office.

Notary Public in and for the State of Texas

Print or Type Name of Notary Public
Commission Expires _____

Texas Commission on Environmental Quality



AFFIDAVIT OF NOTICE TO NEIGHBORING UTILITIES AND AFFECTED PARTIES
APPLICATION NO. _____

STATE OF TEXAS
COUNTY OF _____

_____ has provided
individual notice to the following entities:

DATE

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

OATH

I, _____, being duly sworn, file this form as
_____ (indicate relationship to applicant,
that is, owner, member of partnership, title of officer of corporation, or other authorized
representative of applicant); that in such capacity, I am qualified and authorized to file and
verify such form, am personally familiar with the notices given with this application, and have
complied with all notice requirements in the application and application acceptance letter; and
that all such statements made and matters set forth therein are true and correct.

Applicant's Authorized Representative

If the applicant to this form is any person other than the sole owner, partner, officer of the
applicant, or its' attorney, a properly verified Power of Attorney must be enclosed.

Subscribed and sworn to before me this _____ day of _____, 20____,
to certify which witness my hand and seal of office.

Notary Public in and for the State of Texas

Print or Type Name of Notary Public
Commission Expires _____

Texas Commission on Environmental Quality



PUBLISHER'S AFFIDAVIT
APPLICATION NO. _____

STATE OF TEXAS
COUNTY OF _____

Before me, the undersigned authority, on this day personally appeared _____, who being by me
duly sworn, deposes and says that (s)he is the _____
(TITLE)
of the _____;
(NAME OF NEWSPAPER)
that said newspaper is regularly published in _____
(COUNTY/COUNTIES)
and generally circulated in _____, Texas; and
(COUNTY/COUNTIES)
that the attached notice was published in said newspaper on the following date(s), to wit:

(DATES)

(SIGNATURE OF NEWSPAPER REPRESENTATIVE)

Subscribed and sworn to before me this _____ day of _____, 201_,
to certify which witness my hand and seal of office.

Notary Public in and for the State of Texas

Print or Type Name of Notary Public
Commission Expires _____

**** Transmit Conf. Report ****

P.1

Nov 26 2013 9:52

Fax/Phone Number	Mode	Start	Time	Page	Result	Note
919562624953	NORMAL	26, 9:52	1'12"	8	# O K	

How is our customer service? www.tceq.texas.gov/goto/customersurvey

From: Ms. Heidi Graham
 Division : Water Supply Division
 Texas Commission on Environmental Quality
 Phone: 512-239-0844
 Fax: 512-239-6972

To: Administrative Reviewer

Date Complete: October 7, 2013

From: Cartographer-Utilities & Districts Section

Subject: Overlap & Notice Check for Administrative Review No. A-086-13/37650-C
City of Edcouch to obtain sewer CCN in Hidalgo county

- X 1. No new overlap of service areas exists.
2. An overlap:
3. Dual certification:
4. An overlap exists with the city limits of:
5. If this is a Sale, Transfer, or Merger, is additional area being requested?
7. Map submitted is digital request digital data.
9. Utility notice was sufficient.
- X 10. Utility notice was insufficient. In addition to those systems listed in the application, they will also need to notify:
- TWO MILES: request for service
- ✓ City of Elsa (20199)
- ✓ North Alamo WSC (20645)
- ✓ City of La Villa (20803)
- FIVE MILES: includes listed above
- ✓ City of Elsa (20199) ✓
- ✓ North Alamo WSC (20645) ✓
- ✓ City of La Villa (20803) ✓
- City of Weslaco (20198) ✓
- City of Mercedes (20795) ✓
- All cities and etj's within 5 miles of proposed area
- Any other Utility, District or entity that would be required to receive notice
- X 11. Notice: approximately 2640 acres
- On the north by FM1925
- On the east by Mile 2 West Rd.
- On the south by Mile 15 ½ North Rd.
- On the west by Mile 4 West Rd.

12. Other comments:

A handwritten signature in black ink, appearing to be 'K Steelman', written over a horizontal line.

Kent Steelman