

Control Number: 42937



Item Number: 1

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*
 Carlos Rubinstein, *Commissioner*
 Toby Baker, *Commissioner*
 Zak Covar, *Executive Director*

42937

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

May 14, 2012

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 2014 SEP 18 AM 11:49
 PUBLIC UTILITY COMMISSION
 FILING CLERK

CERTIFIED MAIL

Mr. Christopher Smith
 Thompson & Knight, LLP
 1900 San Jacinto Center
 98 San Jacinto Blvd.
 Austin, Texas 78701-4238

Request For Information

Re: Petition of Fort Bliss Water Services Company (FBWSC), Certificate of Convenience and Necessity (CCN) No. 13060, Requesting a Cease and Desist Order against PRIDE Industries, Inc. (PRIDE), in El Paso County; Application No. 37305-D

Petition of FBWSC, CCN No. 20963, Requesting a Cease and Desist Order against PRIDE, in El Paso County; Application No. 37306-D

CN: 602629644; RN: 104271663 (water) 104279674 (sewer)

Dear Mr. Smith:

Based on our review of the information provided, it appears we will need additional information to continue processing your petition requesting a Cease and Desist Order against PRIDE. Please provide the following documentation so we may proceed with processing your application:

1. Please describe the process and timeline by which FBWSC obtained CCN No.'s 13060 and 20963 at Fort Bliss.
2. Please explain the contractual relationship between FBWSC and Fort Bliss.
3. Please identify the water system by ID number that is the subject of this petition.
4. Please identify the date that you became aware of this water system and the dates of any communication of your objection to Fort Bliss.
5. Please explain why PRIDE is the subject of this petition.

Mr. Christopher Smith
Page 2
May 14, 2012

Please provide this information by **June 14, 2012**. If we can not resolve the matter administratively, the request will be forwarded to the Commission's Chief Clerk's Office and a hearing by the State Office of Administrative Hearings (SOAH) will be requested.

If you have any questions, please contact Mr. John Lock, P.E. at 512/239-4710, or if by correspondence, include Mail Code 159 in the letterhead address.

Sincerely,

A handwritten signature in black ink that reads "Tammy Benter". The signature is fluid and cursive, with the first name "Tammy" and last name "Benter" clearly legible.

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

JL/mmg

Bryan W Shaw, Ph.D., *Chairman*
Buddy Garcia, *Commissioner*
Carlos Rubinstein, *Commissioner*
Mark R. Vickery, P.G., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

March 30, 2012

Mr. Christopher Smith
Thompson & Knight, LLP
1900 San Jacinto Center
98 San Jacinto Blvd.
Austin, Texas 78701-4238

Re: Petition of Fort Bliss Water Services Company, Certificate of Convenience and Necessity (CCN) No. 13060, Requesting a Cease and Desist Order against PRIDE Industries, Inc., in El Paso County; Application No. 37305-D

Petition of Fort Bliss Water Services Company, CCN No. 20963, Requesting a Cease and Desist Order against PRIDE Industries, Inc., in El Paso County; Application No. 37306-D

CN: 602629644; RN: 104271663 (water) 104279674 (sewer)

Dear Mr. Smith:

Your March 12, 2012, requests for a cease and desist order filed on behalf of Fort Bliss Water Services Company against PRIDE Industries, Inc., have been accepted for filing and assigned Application Nos. 37305-D and 37306-D, respectively. Mr. John Lock has been assigned to perform the technical review. Please refer to the application numbers in future correspondence.

The Utilities and Districts Section staff will conduct a preliminary review into this matter. If the staff cannot resolve the matter administratively, the requests will be forwarded to the Commission's Chief Clerk's Office and a hearing by the State Office of Administrative Hearings (SOAH) will be requested. All parties involved will receive a notice indicating the time and location of the hearing, and will be expected to attend.

Additional financial or technical information may be requested through future correspondence from the assigned staff.

If you have any questions, please contact Mr. John Lock at 512/239-4710, by email at john.lock@tceq.texas.gov, or if by correspondence, please include MC 153 in the letterhead address.

Sincerely,

A handwritten signature in cursive script that reads "Tammy Benter".

Tammy Benter, Manager
Utilities & Districts Section
Water Supply Division

TB/KLB/mm

cc: PRIDE Industries, Inc.











P.O. Box 1508 /
Austin, Texas 78711-3087

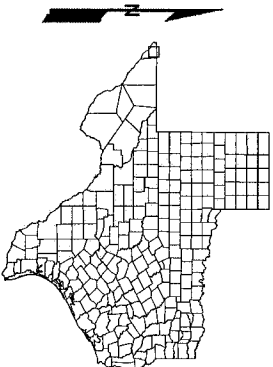
For more information
concerning this map, please contact the
Water Supply Division at (512) 239-4666
09/24/2012

of Interest



Legend

-  Water CCN Facility Line
 Sewer CCN Facility Line
 Senate - Districts
 House - Districts
 TCEQ Service Region Boundary
 County Boundary
 Sewer CCN Service Area
 Water CCN Service Area
 City Boundary
- CCN Overlay Key**
-  Sewer-Water CCN Service Area



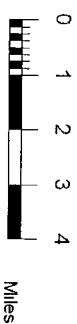
Disclaimer

This map was generated by the Integrated Water Utilities Database (IWUD) from the Texas Commission on Environmental Quality. No claims are made to the accuracy or completeness of the data or to its suitability for a particular use.



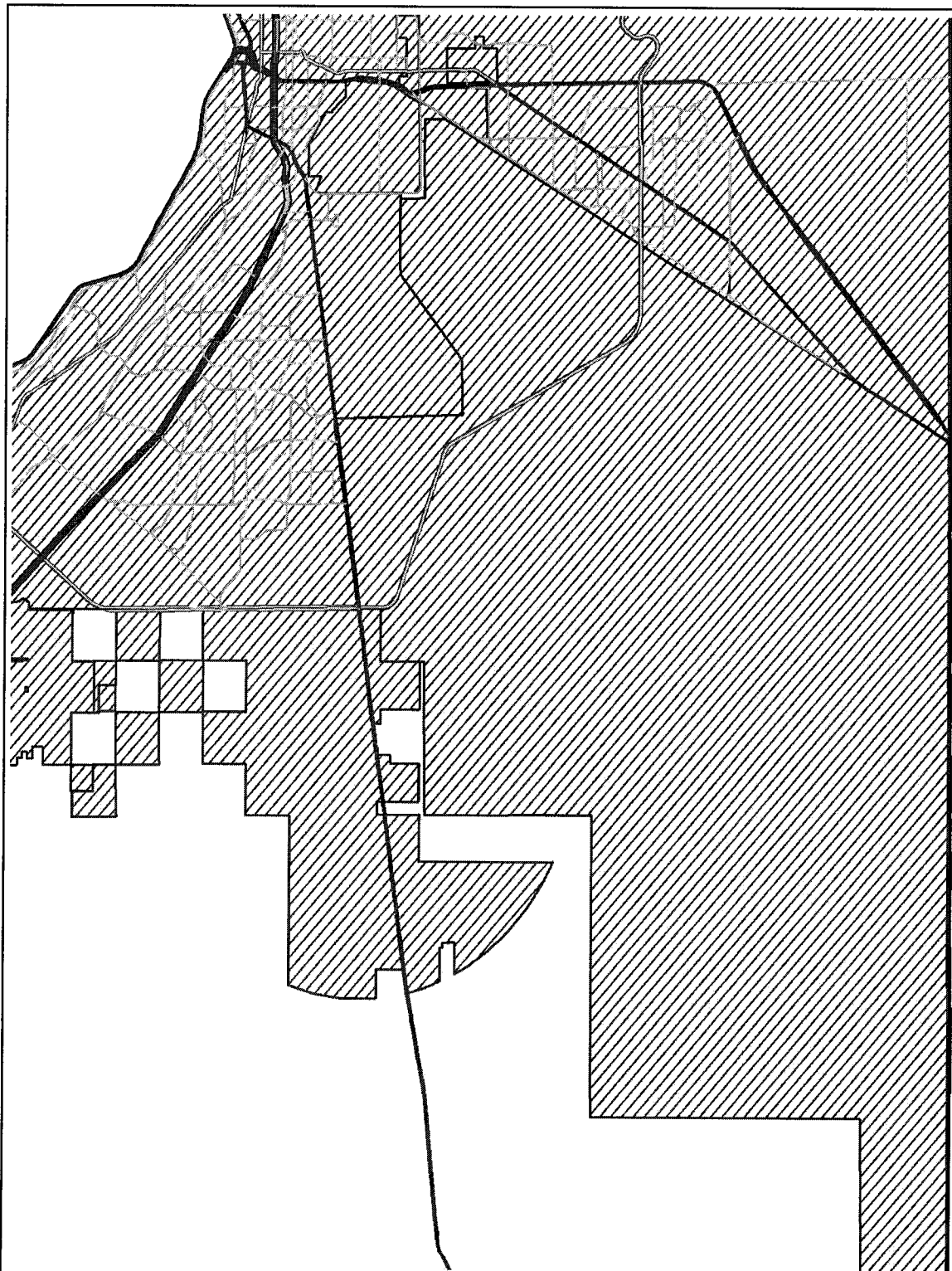
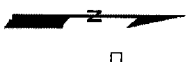
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
For more information
concerning this map, please contact the
Water Supply Division at (512) 239-4691.
09/24/2012

The Selected Area of Interest



Legend

- Water CCN Facility Line
- Sewer CCN Facility Line
- Senate - Districts
- House - Districts
- TCEQ Service Region Boundary
- County Boundary
- Sewer CCN Service Area
- Water CCN Service Area
- City Boundary
- CCN Overlap Key**
- Sewer-Water CCN Service Area



Disclaimer:
This map was generated by the Integrated Water Utilities
Database (IWUD) from the Texas Commission on
Environmental Quality. No claims are made to the
accuracy or completeness of the data or to its suitability
for a particular use

THOMPSON & KNIGHT LLP

ATTORNEYS AND COUNSELORS

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EMAIL: Chris.Smith@tklaw.com

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March 12, 2012

Via Certified Mail Item No. 7008 1830 0003 8727 3890

Ms. Lisa Fuentes, MC 153

Water Supply Division

Texas Commission on Environmental Quality

P.O. Box 13087

Austin, Texas 78711-3087

Re: Request by Fort Bliss Water Services Company for a Cease and Desist Order
Under TEX. WATER CODE § 13.252 and 30 TEX. ADMIN. CODE § 291.118 against
PRIDE Industries, Inc.

Dear Ms. Fuentes:

I represent Fort Bliss Water Services Company ("FBWSC"), holder of certificate of convenience and necessity ("CCN") No. 13060 for water service and CCN No. 20963 for sewer service. The business address of FBWSC is 535 Anton Boulevard, Suite 350, Costa Mesa, California 92626.

PRIDE Industries, Inc. ("PRIDE") is registered under the following identification numbers with the Texas Commission on Environmental Quality ("TCEQ"): RN105487417, CN603339003, and WC0000109. PRIDE's business address is P.O. Box 31310, El Paso, Texas 79931-0310.

PRIDE is currently in violation of 30 TEX. ADMIN. CODE 291.101 because it is providing retail water service in FBWSC's certificated area. Attached as Exhibit 1 is a map showing FBWSC's complete CCN service area. Attached as Exhibit 2 is a map showing the specific locations of PRIDE's interference shaded in green.

FBWSC hereby requests that the TCEQ issue an order pursuant to TEX. WATER CODE § 13.252 and 30 TEX. ADMIN. CODE § 291.118 prohibiting PRIDE from providing service, extending service, or locating or constructing any lines, plants, or systems for providing service, within FBWSC's service area.

Sincerely,



Christopher Smith

Enclosure

407088-000006 AUSTIN 273046.1

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TCEQ
WATER SUPPLY DIV.
MAR 16 PM 10 25

Ms. Lisa Fuentes

March 12, 2012

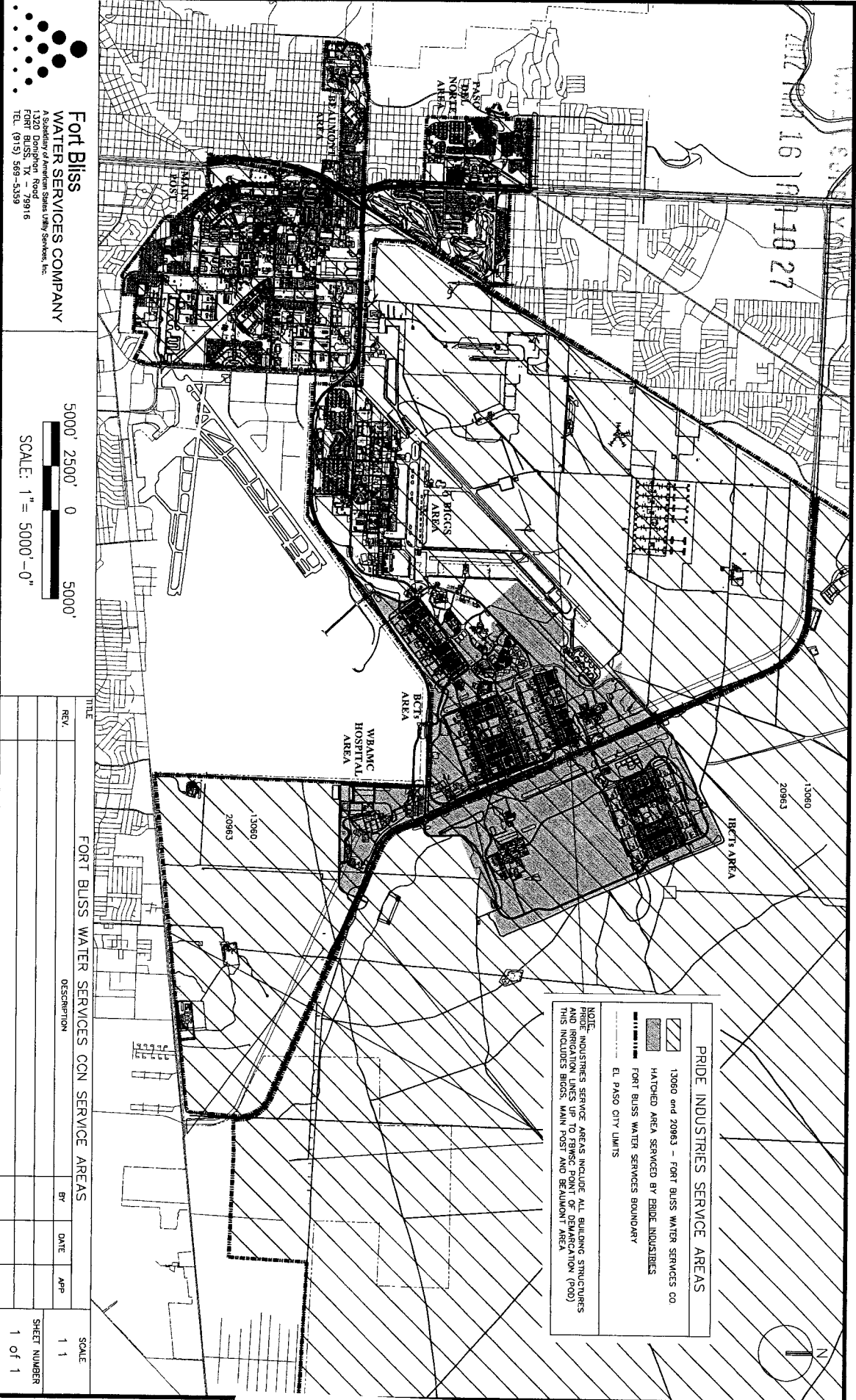
Page 2

cc: McClellan ("Bud") Harris, III
Angel Gomez
Rusty Hodges



CCH Service Areas
☒ 10060 and 20060 FORT BAY & PLYMOUTH
 10271 EL PASO WATER TREATMENT PLANT

EXHIBIT 1



Fort Bliss
WATER SERVICES COMPANY
 A Subsidiary of American States Utility Services, Inc.
 1320 Doniphan Road
 FORT BLISS, TX - 79916
 TEL (915) 569-5359

EXHIBIT 2