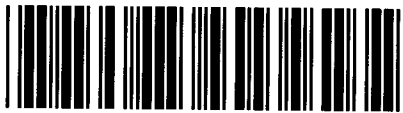


Control Number: 42944



Item Number: 10

Addendum StartPage: 0

House Bill (HB) 1600 and Senate Bill (SB) 567 83<sup>rd</sup>  
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*  
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*

June 23, 2010

The Honorable Troy Marx  
Mayor of Thrall  
P.O. Box 346  
Thrall, Texas 76578-0346

### NOTICE OF DEFICIENCY

Re: Application from the City of Thrall to Amend Certificate of Convenience and Necessity (CCN) No. 13063, in Williamson County; Application No. 36627-C

CN: 600735245; RN: 101387751 (City of Thrall)

Dear Mayor Marx:

On March 12, 2010, you were sent an acceptance letter which instructed you to provide correct notice of the application without delay. The deadline for returning proof of notice was April 9, 2010. To date we have not received the required notice documentation to indicate that notice was provided to these entities.

Please complete and return the requested information by **July 26, 2010**. Processing of the application cannot proceed until the close of the 30 day public comment period which begins after all of the required notices have been given. If we do not receive the requested information by this date, your applications will be returned for failure to prosecute.

If you any questions please contact me at 512/239-3654, or if by correspondence, include Mail Code 153 in the letterhead address.

Sincerely,

A handwritten signature in cursive script that reads "Sheresia Perryman".

Sheresia Perryman  
Utilities & Districts Section  
Water Supply Division

SP/ln

Enclosure

42944

RECEIVED

2014 SEP 15 AM 11:57

PUBLIC UTILITY COMMISSION  
FILING CLERK

10

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 12, 2010

The Honorable Troy Marx  
Mayor of Thrall  
P.O. Box 346  
Thrall, Texas 76578-0346

Re: Application from the City of Thrall, to Amend Certificate of Convenience and Necessity (CCN) No. 13063, in Williamson County; Application No. 36627-C

CN: 600735245; RN: 101387751

Dear Mayor Marx:

Your application for the City of Thrall, to amend the CCN was received on January 28, 2010, and has been accepted for filing. Thank you for providing the items we requested with your February 26, 2010, letter. Ms. Sheresia Perryman 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 Williamson County. It is the responsibility of the applicant to provide correct notice of the application to any utilities and cities 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.

A review of our files and maps indicates that, **in addition to the neighboring utilities noted on your application, you must provide notice to the following entity:**

Williamson County

Information related to utilities and districts including addresses can be obtained from the TCEQ web site located at [www10.tceq.state.tx.us/iwud](http://www10.tceq.state.tx.us/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;
- b) four copies of each individual notice and map sent to neighboring utilities and affected parties;
- c) four copies of 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.

After further technical review additional financial, technical or other information may also be requested through future correspondence.

These items must be completed and returned to our office by April 9, 2010. 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. Sheresia Perryman at 512/239-3654, or if by correspondence, include Mail Code 153 in the letterhead address.

Sincerely,



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

TB/KLB/lm

Enclosures: as stated

*Notice for Publication*

NOTICE OF APPLICATION FOR CERTIFICATE OF CONVENIENCE  
AND NECESSITY (CCN) TO PROVIDE WATER  
UTILITY SERVICE IN WILLIAMSON COUNTY, TEXAS

City of Thrall has filed an application to amend CCN No. 13063 with the Texas Commission on Environmental Quality to provide water utility service in Williamson County.

The proposed utility service area is located adjacent to the city limits of Thrall, Texas, and is generally bounded on the north by approximately 1,000 feet north of US 79; on the east by approximately 1,800 feet east of CR 424; on the south by approximately 2,500 feet south of US 79; and on the west by approximately 1,500 feet west of Neil St. The total area being requested includes approximately 47.6 acres and 0 current customers. The proposed amendment affects customers and/or areas located in the following zip code: 76578.

A copy of the proposed service area map is available at 104 S. Main Street, Thrall, Texas 76578 or by calling 512/898-5306.

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 exclude the tract 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 Neighboring Systems, Landowners and Cities*

NOTICE OF APPLICATION FOR CERTIFICATE OF CONVENIENCE AND NECESSITY  
(CCN) TO PROVIDE WATER UTILITY SERVICE IN WILLIAMSON COUNTY, TEXAS

To: \_\_\_\_\_ Date Notice Mailed: \_\_\_\_\_, 2010  
(Neighboring System, Landowner or City)  
  
(Address)  
  
(City                  State                  Zip)

City of Thrall has filed an application to amend CCN No. 13063 with the Texas Commission on Environmental Quality to provide water utility service in Williamson County.

The proposed utility service area is located adjacent to the city limits of Thrall, Texas, and is generally bounded on the north by approximately 1,000 feet north of US 79; on the east by approximately 1,800 feet east of CR 424; on the south by approximately 2,500 feet south of US 79; and on the west by approximately 1,500 feet west of Neil St. The total area being requested includes approximately 47.6 acres and 0 current customers. The proposed amendment affects customers and/or areas located in the following zip code: 76578. See enclosed map of the proposed service area.

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 exclude the tract 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.

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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

APPLICATION NO. \_\_\_\_\_

PUBLISHER'S AFFIDAVIT

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 \_\_\_\_\_ of  
the \_\_\_\_\_

TITLE

\_\_\_\_\_ ; that  
said

NAME OF NEWSPAPER

newspaper is regularly published in \_\_\_\_\_

County(ies) and generally circulated in

\_\_\_\_\_ County (Counties), Texas, and that

the attached notice was published in said newspaper on the following date(s), to wit: \_\_\_\_\_

\_\_\_\_\_  
Newspaper Representative's Signature

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

APPLICATION NO. \_\_\_\_\_

AFFIDAVIT OF NOTICE TO NEIGHBORING UTILITIES AND AFFECTED PARTIES  
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 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

APPLICATION NO. \_\_\_\_\_

AFFIDAVIT OF NOTICE TO LANDOWNERS

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 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