

Control Number: 42944



Item Number: 17

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.

43944

LELAND R. ENOCHS  
Attorney at Law  
P. O. Box 751  
700 North Main Street  
Taylor, TX 76574

RECEIVED  
2014 SEP 15 AM 11:57  
PUBLIC UTILITY COMMISSION  
FILING CLERK

Email [lelandenochs@gmail.com](mailto:lelandenochs@gmail.com)  
Telephone 512/352-3626  
Facsimile 512/365-5556

August 9, 2010

Texas Commission on Environmental Quality  
Water Supply Division  
Utilities and Districts Section, MC-153  
P. O. Box 13087  
Austin, TX 78711-3087  
CERT. MAIL-RET. REC. REQ. 7003 1010 0005 5273 7331

Re: City of Thrall, Texas Application to Amend CCN #13063. Application #36627C

To Whom It May Concern:

I represent Noack Water Supply Corporation which has received Notice of Application for Certificate of Convenience and Necessity mailed July 12, 2010 in reference to the above. A copy of that notice is enclosed for your ready reference.

Noack Water Supply Corporation hereby gives notice of its protest of the referenced Thrall application. Pursuant to Thrall's notice of application, I provide the following information:

1. Noack Water Supply Corporation's address is P. O. Box 323, Thrall, Texas 76577; telephone number is 512/809-4803.
2. The City of Thrall is the Applicant, Application #36627C. Other pertinent references are noted above.
3. Noack Water Supply Corporation requests a public hearing and a contested case hearing.
4. Noack Water Supply would be adversely affected by granting of City of Thrall's application for the reason that the area for which Thrall seeks to gain the extension of its CCN is or should be but for clerical error totally within Noack Water Supply Corporation's CCN. If Thrall's application were granted, Noack Water Supply Corporation could be deprived of potential customers. Enclosed as Exhibit A is a copy of Notice of CCN filed on April 5, 2007, by Noack Water Supply Corporation and recorded in the Official Records of Williamson County, Texas, as Document #2007028164. Also enclosed as Exhibit B is a

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copy of the City of Thrall's August 3, 2004, Application to Obtain a CCN and decertify a portion of Noack Water Supply Corporation's CCN. Noack Water Supply Corporation entered into an agreement with Thrall whereby Noack agreed not to oppose Thrall's application. No application was ever made to decertify any of Noack Water Supply Corporation's CCN other than that identified in Thrall's August 3, 2004 application. If the area for which Thrall now seeks certification was at some time decertified, such was accomplished by mistake or inadvertently done without the required open and formal application request of either Thrall or Noack.

5. Provided the City of Thrall withdraws its application to amend its CCN or reaches a satisfactory agreement with Noack Water Supply Corporation, such would satisfy Noack Water Supply Corporation's concerns and cause it to withdraw its request for a public hearing and contested case hearing.

Sincerely,



Leland R. Enochs

LRE:dm

Encs.

Cc: Ralph Bachmayer  
Clayton Seggern  
Bob Thonhoff

City of Thrall  
P. O. Box 346  
Thrall, Texas 76578

Ronald J. Freeman  
Freeman and Corbett  
Sent by email [rfreeman@freemanandcorbett.com](mailto:rfreeman@freemanandcorbett.com)

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

To: Noack Water Supply Corporation  
(Neighboring System)  
P.O. Box 323  
(Address)  
Thrall, Texas 76578  
(City, State, Zip)

Date Notice Mailed: July 12, 2010

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.

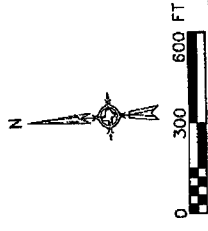
Persons who meet the requirements to opt out, and wish to request this option should file the required documents with the:

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.

# CITY OF THRALL PROPOSED WATER CCN



TO MONDALE

WATER WORKS ST.

FREDERICK ST.

DOUGLASS ST.

PROSPECT ST.

TAYLOR ST.

IRON RAILROAD AVE.

RAILROAD AVE.

THRALL L.S.D.

BOUNDS ST.

SHEDDEN AVE.

EAST ST.

STILES ST.

VERNON ST.

MAIN CT.

NEHL ST.

LECTRA AVE.

BLAUMONT AVE.

ECKHART AVE.

ALVA ST.

## LEGEND

--- EXIST. CITY LIMITS

▨ PROP. WATER CCN

NOTE(S):  
SEE ATTACHED SPREADSHEET FOR  
COORDINATES OF PROPOSED CCN AREAS.

PREPARED BY:

HEJL, LEE & ASSOCIATES, INC.  
ENGINEERING • SURVEYING • PLANNING  
321 ED SCHMIDT BLVD., STE. 100, HUTTO, TX 78634  
PH. (512) 642-3292 FAX (512) 642-4230  
TBE FIRM REGISTRATION NO. F-795



## NOTICE OF CCN

In compliance with Chapter 13 Section 13.257 (r) and (s) of Texas Water Code requiring water and sewer utility service providers holding Certificate of Convenience and Necessity (CCN) to record a certified copy of their CCN map and boundary description in the real property records of each county in which the service area is located as outlined by the statute.

### **Noack Water Supply Corporation (WSC) Utility Service Area Description**

The utility service area is located approximately 22 miles east-southeast of downtown Georgetown, Williamson County, Texas. The specific area of service is described as follows:

BEGINNING of a point 3,000 ft north of the U.S. Highway 79 right-of-way and approximately 1,800 ft east of Farm to Market Road 619.

THENCE, east maintaining the 3,000 ft distance north of U.S. Highway 79 approximately 18,000 ft to a point approximately 600 ft west of a northerly projection of County Road 435;

THENCE, south approximately 7,500 ft, crossing U.S. Highway 79 and maintaining a 600 ft setback off County Road 435;

THENCE east, approximately 1,240 ft to the opposite side of County Road 435;

THENCE north, approximately 4,050 ft to the southern right-of-way of the Railroad;

THENCE east, approximately 9,650 ft to 600 ft west of County Road 436;

THENCE south, approximately 2,050 ft;

THENCE east, approximately 1,240 ft to be 600 ft east of County Road 436;

THENCE south, approximately 8,900 ft to the confluence of an unnamed branch of Brushy Creek;

THENCE east, approximately 1,900 ft along the centerline of an unnamed branch of Brushy Creek to the confluence of Brushy Creek;

THENCE southeast, approximately 23,900 ft following the centerline of Brushy Creek until approximately 300 ft off northeast side of the right-of-way of Farm to Market Road 112;

THENCE, southeast maintaining the 300 ft distance, northeast of Farm to Market Road 112 approximately 850 ft to a point approximately 300 ft off Farm to Market Road 112;

THENCE, southwest along an arc approximately 8,800 ft, crossing Farm to Market Road 112 and ending at approximately 1,200 ft south of County Road 471, approximately 4,200 ft east of County Road 450;

THENCE, west along a return arc ending approximately 600 ft south of County Road 471;

THENCE, west maintaining the 600 ft distance south of County Road 471, crossing County Road 450, approximately 11,700 ft to the centerline of Farm to Market Road 619;

THENCE, south along Farm to Market Road 619 to the centerline of County Road 470, approximately 5,750 ft until 1,000 ft south of the right-of-way of County Road 470;

THENCE, west maintaining the 1,000 ft distance south of County Road 470, approximately 4,500 ft to a point approximately 1,500 ft east of the right-of-way of County Road 469;

THENCE south, approximately 2,550 ft staying 1,500 ft east of the right-of-way of County Road 469;

THENCE west, approximately 3,050 ft staying 1,500 ft west of the right-of-way of County Road 469;

THENCE north, approximately 3,500 ft staying 1,500 ft west of the right-of-way of County Road 469, and crossing Farm to Market Road 1466, staying 1,500 ft west of the right-of-way of Farm to Market Road 1466, approximately 9,500 ft until a point 1,000 ft south of the right-of-way of County Road 451;

THENCE west, staying 1,000 ft south of the County Road 451 for approximately 2,300 ft;

THENCE north, approximately 4,200 ft, crossing County Road 451, and following the west property line of the Loretta Lang and Ellen Hejl Trustee property, until the intersection of Brushy Creek;

THENCE west following the centerline of Brushy Creek approximately 4,150 ft to 1,150 ft west of the right-of-way of County Road 455;

THENCE north, approximately 7,200 ft, staying 1,150 ft west of the right-of-way of County Road 455, crossing County Road 453 until to a point after County Road 455 merges to Farm to Market Road 619, 1,150 ft south of the intersection of Farm to Market Road 619 and County Road 447;

THENCE northwest, approximately 4,000 ft staying approximately 1,550 ft south of the right-of-way of County Road 447;

THENCE north, approximately 2,250 ft to the north right-of-way of County Road 447;

THENCE northeast, approximately 950 ft, to be approximately 720 ft north of County Road 447;

THENCE, east approximately 900 ft, staying 720 ft north of the right-of-way of County Road 447;

THENCE north, approximately 7,300 ft, staying 600 ft west of the right-of-way of Farm to Market Road 619 to a point 400 ft south of the right-of-way of Farm to Market Road 112;



THENCE west, approximately 1,100 ft, to the intersection of the 1990 City of Taylor City Limits;

THENCE north, approximately 1,350 ft, crossing Farm to Market Road 112, to a point 850 ft north of the right-of-way of Farm to Market Road 112;

THENCE east, approximately 2,600 ft, to a point 600 ft east of the right-of-way of Farm to Market Road 619;

THENCE north, approximately 4,200 ft, until crossing U.S. Highway 79, to a point approximately 600 ft north of the right-of-way of U.S. Highway 79;

THENCE east approximately 2,200 ft, following the north right-of-way of U.S. Highway 79, until a point establishing the December 21, 2000 CCN amendment with the City of Taylor which is approximately 1,200 ft east of Farm to Market Road 619;

THENCE north approximately 1,200 ft, following the December 21, 2000 CCN amendment with the City of Taylor, maintaining a distance approximately 1,200 ft east of Farm to Market Road 619;

THENCE east approximately 500 ft, following the December 21, 2000 CCN amendment with the City of Taylor;

THENCE north approximately 1,500 ft, following the December 21, 2000 CCN amendment with the City of Taylor, and staying approximately 1,800 ft east of Farm to Market Road 619, to the POINT OF BEGINNING.

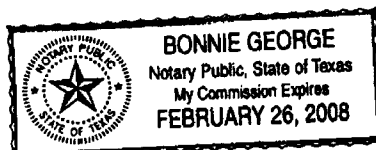
This description excludes the 1990 city limits of Thrall, Texas and excludes the October 27, 2004 CCN amendment with the City of Thrall.

Noack Water Supply Corporation

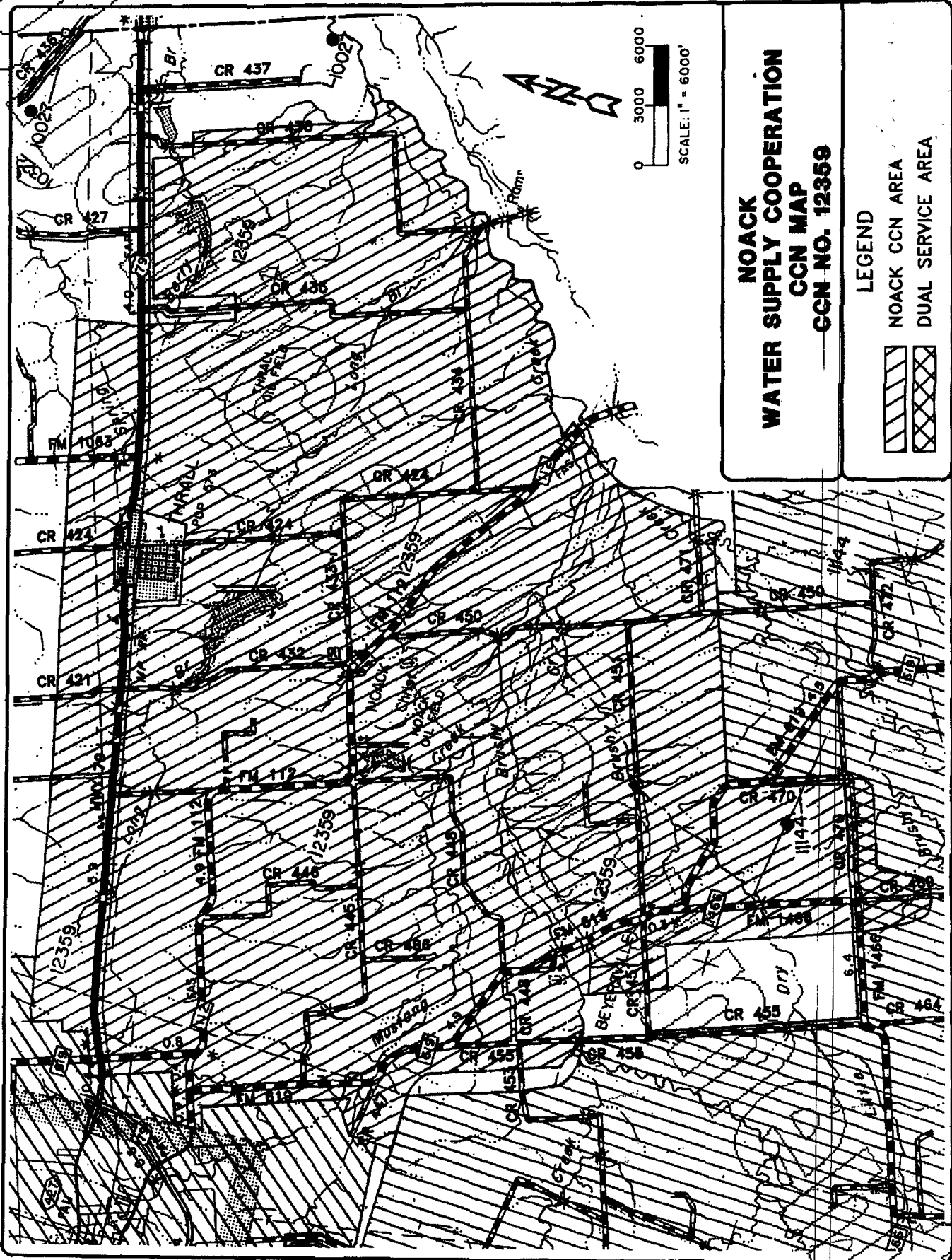
  
Ralph Bachmayer  
President

THE STATE OF TEXAS  
COUNTY OF WILLIAMSON

This instrument was acknowledged before me on 4-2, 2007, by  
Ralph Bachmayer



  
Notary Public Signature



**RECORDERS MEMORANDUM**  
All or part of the text on this page was not  
clearly legible for satisfactory recordation.

**FILED AND RECORDED**

OFFICIAL PUBLIC RECORDS 2007028164

*Nancy E. Rister*

04/05/2007 02:01 PM

SURRATT \$28.00

NANCY E. RISTER, COUNTY CLERK  
WILLIAMSON COUNTY, TEXAS

Q LELAND R. EPOCHS  
PO BOX 751  
E TAYLOR, TX 76574

EXHIBIT B

*Notice to Neighboring Systems and Cities*

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

To: Noack Water Supply Corporation Date Notice Mailed: 8-3-, 2004  
(Neighboring System or City)  
P. O. Box 323  
(Address)  
Thrall, Texas 76578  
(City State Zip)

The City of Thrall has filed an application to obtain a CCN and to decertify a portion of Noack Water Supply Corporation with the Texas Commission on Environmental Quality to provide water utility service in Williamson County.

The proposed utility service area is located approximately 1/2 mile south of downtown Thrall, Texas, and is generally bounded on the north by a line approximately 1/2 mile north of US 79; on the east by a line approximately 1/4 mile east of CR 424; on the south by a line approximately 1 and 3/4 mile south of US 79; and on the west by a line approximately 3/4 mile west of CR 424.

The total area being requested includes approximately 21.29 acres and 309 current customers. See enclosed map of the proposed service area.

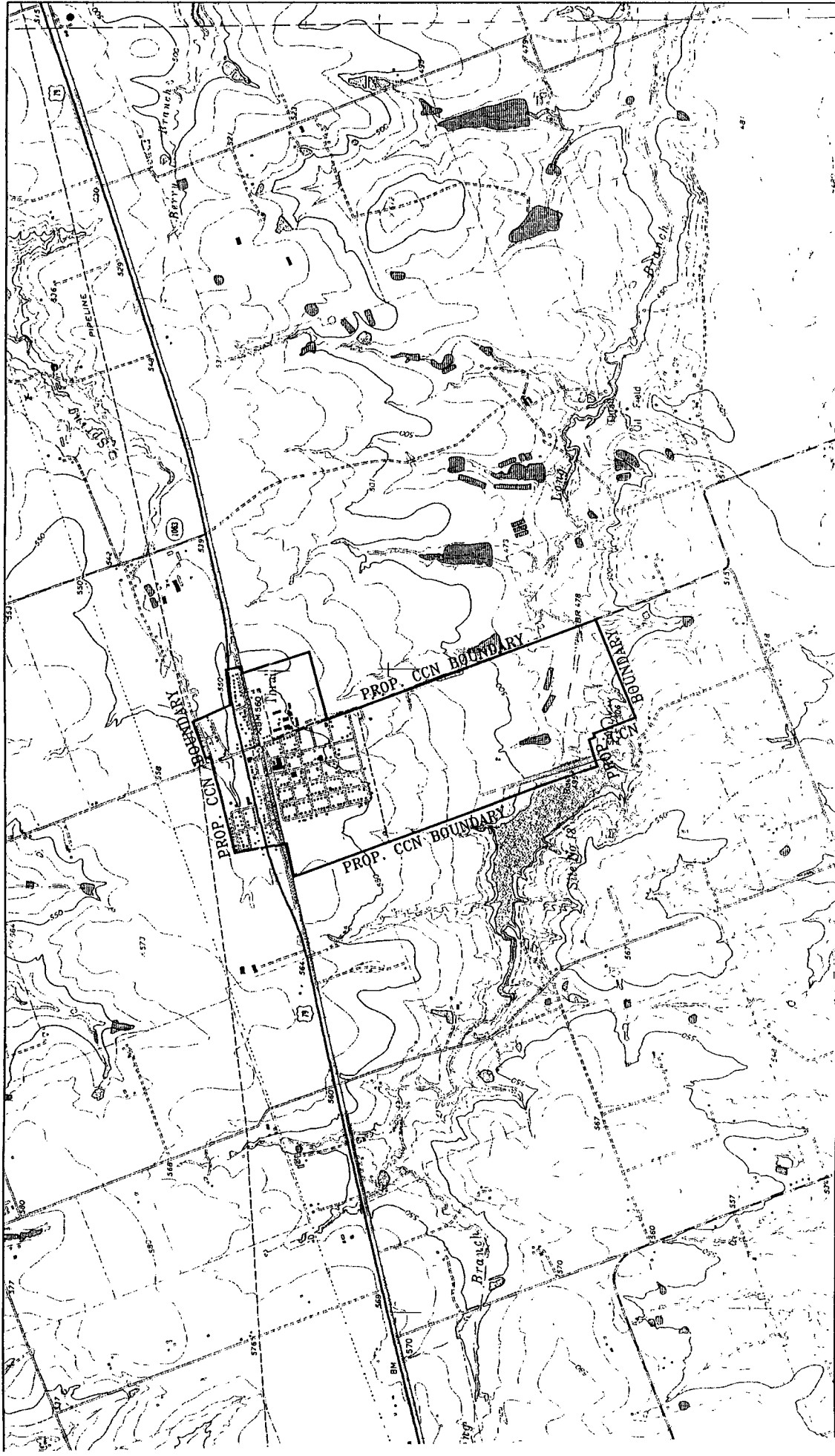
A request for a public hearing must be in writing. You must state (1) your name, mailing address, and daytime telephone number; (2) the applicant's name, application number or another recognizable reference to this application; (3) the statement, "I/we request a public hearing"; (4) a brief description 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  
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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.



PROP\_CCN DWG      UPDATED: 7-14-04

vmb