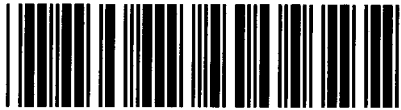




Control Number: 42944



Item Number: 27

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*
Buddy Garcia, *Commissioner*
Carlos Rubinstein, *Commissioner*
Mark R. Vickery, P.G., *Executive Director*



42944

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

October 15, 2010

RECEIVED
2014 NOV -7 PM 3:26
PUBLIC UTILITY COMMISSION
FILING CLERK

CERTIFIED MAIL

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

Re: Docket No. 2010-1674-UCR; 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:

The Texas Commission on Environmental Quality (TCEQ) received two protests regarding the above referenced application. V.T.C.A. Water Code, Section 13.246 provides that affected parties may protest the application and request a hearing on whether a CCN should be amended. This matter has been referred to the State Office of Administrative Hearings to schedule a hearing. When the hearing has been scheduled, you will receive a notice of hearing which explains when and where the hearing will be held. Please see the enclosed mailing list.

The Commission's Chief Clerk has assigned Docket No. 2010-1674-UCR to this matter. Any further communication should refer to this docket number.

In order to review the application, TCEQ staff may need additional information regarding your utility's service. You may be receiving Staff Requests for Information (RFI's) within a few weeks. We appreciate your cooperation in providing the requested information.

If you have questions about this process or what material you should bring with you to the hearing, please contact Ms. Heidi Graham at (512) 239-0844 or Ms. Sheresia Perryman at (512) 239-3654.

Sincerely,

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

Tammy Benter, Manager
Utilities & Districts Section
Water Supply Division

TB/HG/SP/ln

cc: Attached Mailing List

27

City of Thrall
Application No. 36624-C, Docket No. 2010-1674-UCR
Mailing List

Mr. Daniel P. Hejl, Jr., P.E., R.P.L.S., AICP Principal
Hejl, Lee & Associates, Inc.
321 Ed Schmidt Blvd., Suite 100
Hutto, Texas 78634

Representing: City of Thrall

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

The Stiles Farm Foundation
The Texas A&M University System
Box 405
Thrall, Texas 76578-0405

Mr. Leland R. Enochs
Attorney at Law
P.O. Box 751
700 North Main Street
Taylor, Texas 76574

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

INTEROFFICE MEMORANDUM

TO: LaDonna Castanuela, Chief Clerk

DATE: October 15, 2010

THRU: *10/13/10* Tammy Benter, Manager
Utilities & Districts Section
Water Supply Division

2P
10/13/10 Vera Poe, P. E., Team Leader
Utilities & Districts Section
Water Supply Division

10/13/10 Lisa Fuentes, Team Leader
Utilities & Districts Section
Water Supply Division

FROM: *SP*
10/13/10 Sheresia Perryman
Utilities & Districts Section
Water Supply Division

10-13-10 Heidi Graham
Plan & Groundwater Review Section
Water Supply Division

SUBJECT: Re: Application from the City of Thrall to Amend Certificate of Convenience and Necessity (CCN) No. 13063, in Williamson County; Application No. 36627-C; Docket No. 2010-1674-UCR

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

We hereby transfer the official file for the above referenced application to the Chief Clerk's Office. Please refer the application to the State Office of Administrative Hearings and request that a hearing be scheduled.

We received protests from Mr. Archie Abrameit, manager of The Stiles Farm Foundation, and from Mr. Leland R. Enochs on behalf of Noack Water Supply Corporation (WSC). The Stiles Farm Foundation currently receives water from Noack WSC and states they are not convinced the City of Thrall is capable of providing a reliable source of water to service their needs. Noack WSC indicates they will be adversely affected by the granting of this application because they would be deprived of potential customers. In addition, Noack WSC indicates the proposed amendment by the City of Thrall overlaps their CCN. The protestants are listed on the attached mailing list. Staff estimates 8 people to attend this hearing.

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2010 OCT 22 PM 4:04
CHIEF CLERKS OFFICE

The staff assigned to this case is:

Technical - Ms. Heidi Graham and Sheresia Perryman

Legal -

If we may be of further service regarding this matter, please call.



Lisa Fuentes, Team Leader

TB/HG/SP/lm

(Revised - 06/09/09)

FOR SOAH USE ONLY

(req. frm)

Date complete request received by SOAH:

Proceeding date set by SOAH:

SOAH Docket Number & type of case:

REQUEST TO DOCKET CASE (Please type or print)

PLEASE CHECK ACTION REQUESTED:**

☒ **SETTING OF HEARING** ☐ **ASSIGNMENT OF ALJ*** ☐ **ALTERNATIVE DISPUTE RESOLUTION (ADR)/MEDIATION AGENCY'S**

REFERRING AGENCY NAME TCEQ AGENCY NO.: _____ FILE/CASE NO. 2010-1674-UCR

NAME/STYLE OF THE CASE CITY OF THRALL

DATE APPLICATION FILED AT AGENCY: _____ DOCKET NO. SUFFIX, if applicable: UCR

PROCEEDING DATE(S) REQUESTED (Include range of dates if possible): JANUARY 5, 2011

EXPECTED NUMBER OF HOURS (If less than a day) OR DAYS NEEDED FOR PROCEEDING _____ HOURS 1 DAYS

☐ **ADMIN. FINE** ☐ **GRIEVANCE** ☐ **ENFORCEMENT** ☐ **CONTRACT CLAIM (Gov't. Code 2260)** ☐ **OTHER** _____

SPECIAL NEEDS OR ACCOMMODATIONS: HEARING IN AUSTIN, SEATING FOR 8 PEOPLE.

IF ADR REQUESTED PLEASE DESCRIBE PROCESS NEEDED: _____

☐ **PREHEARING CONFERENCE REQUESTED** ☐ **INTERPRETER NEEDED (See 1 TAC 155.43(g))**

☐ **CASE FILE** and/or ☐ **HEARING IS CONFIDENTIAL (Specify applicable statute):** _____

NAME OF INDIVIDUAL SENDING REQUEST FORM KATHA ANDERSON PHONE NO.: 239-3316 FAX NO.: 239-3311

PARTIES AND REPRESENTATIVES

PARTY REPRESENTED BY: ☐ **SELF** ☐ **ATTORNEY**
☐ **OTHER**, If so, relationship:

REPRESENTATIVE'S NAME DOUG BROWN

PARTY'S NAME:

ADDRESS:

PHONE No.: (512) 239-2253
(Direct Phone Number Please)

Email Address: dobrown@tceq.state.tx.us

FAX No.:

PARTY REPRESENTED BY: ☐ **SELF** ☐ **ATTORNEY**
☐ **OTHER**, If so, relationship:

REPRESENTATIVE'S NAME

PARTY'S NAME:

ADDRESS:

PHONE No.:
(Direct Phone Number Please)

Email Address:

FAX No.:

PLEASE LIST ADDITIONAL PARTIES AND/OR REPRESENTATIVES ON EXTRA FORM PROVIDED.

SEND TO:

STATE OFFICE OF ADMINISTRATIVE HEARINGS
ATTN.: Deputy Clerk
William P. Clements Building
300 West 15th Street, Suite 504
Austin, Texas 78701

OR

Post Office Box 13025
Austin, Texas 78711-3025
Docketing Phone No. (512) 475-3445
Fax No. (512) 475-4994

***PLEASE FORWARD A COPY OF THE APPLICATION, APPEAL, OR COMPLAINT WITH THIS REQUEST FORM, AS WELL AS ANY OTHER PLEADING FILED IN THE CASE TO DATE IF REQUESTING ASSIGNMENT OF ALJ or ALTERNATIVE DISPUTE RESOLUTION (ADR)/MEDIATION. A COPY OF THE NOTICE OF PROCEEDING MUST BE FORWARDED TO SOAH AT THE SAME TIME IT IS MAILED TO THE PARTIES.**

Mail Envelope Properties (4CE3BA68.1BC : 102 : 7105)**Subject:** SOAH DKT REQUEST Form.doc**Creation Date** 11/17/2010 11:20:08 AM**From:** Katha Anderson**Created By:** KAnderso@tceq.state.tx.us

| Recipients | Action | Date & Time |
|---|-------------|---------------------|
| soah.state.tx.us AM | Transferred | 11/17/2010 11:20:29 |
| docketing (<u>docketing@soah.state.tx.us</u>) | | |

| | | |
|--|-----------|---------------------|
| tceq.state.tx.us OEXPO.TNRDOM1 AM | Delivered | 11/17/2010 11:20:08 |
| DAVALOS CC (Deanna Avalos) KAnderso BC (Katha Anderson) AM | Opened | 11/17/2010 11:20:17 |

| Post Office | Delivered | Route |
|---------------|------------------------|------------------|
| OEXPO.TNRDOM1 | 11/17/2010 11:20:08 AM | tceq.state.tx.us |

| Files | Size | Date & Time |
|---------------------------|-------|------------------------|
| MESSAGE | 207 | 11/17/2010 11:20:08 AM |
| TEXT.htm | 217 | 11/17/2010 11:20:08 AM |
| SOAH DKT REQUEST Form.doc | 45056 | 11/17/2010 11:18:35 |
| AM | | |
| City of Thrall.pdf | 42097 | 11/17/2010 10:01:28 AM |

Options

| | |
|-----------------------------|----------|
| Auto Delete: | No |
| Expiration Date: | None |
| Notify Recipients: | Yes |
| Priority: | Standard |
| Reply Requested: | No |
| Return Notification: | None |

| | |
|---------------------------|----------|
| Concealed Subject: | No |
| Security: | Standard |

| | |
|-------------------------|--------------------|
| To Be Delivered: | Immediate |
| Status Tracking: | Delivered & Opened |

From: "Natalie Howard" <Natalie.Howard@soah.state.tx.us>
To: KAnderso@tceq.state.tx.us
CC: DAVALOS@tceq.state.tx.us; Donnie.Roland@soah.state.tx.us
Date: 11/17/2010 2:54 PM
Subject: Confirmation

SETTING OF HEARING(S)

Docket

| Number Date | Case Time/Duration |
|----------------|-----------------------|
|----------------|-----------------------|

| | | |
|------------------------------|----------------|----------|
| 582-11-1313 10 am / 1 day | City of Denton | 01/06/11 |
|------------------------------|----------------|----------|

2010-1636-UCR

| | | |
|------------------------------|----------------|----------|
| 582-11-1314 10 am / 1 day | William Vlasek | 02/24/11 |
|------------------------------|----------------|----------|

2010-1816-UCR

| | |
|-------------------------|---------------------------------|
| 582-11-1316 01/05/11 | City of Thrall 10 am / 1 day |
|-------------------------|---------------------------------|

2010-1674-UCR

Hearing Location

State Office of Administrative Hearing

W P. Clements Building

300 West 15th Street, 4th Floor

Austin, TX 78701

All parties will be notified in the event of a change of location of the hearing.

Please remember that you are responsible for providing the court reporter as required by your agency.

If you have any questions regarding any of the information herein, please contact me.