

Control Number: 42945



Item Number: 3

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.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
TELEPHONE MEMO TO THE FILE
RECEIVED

Please complete with typewriter or black pen.

Call to:	PUBLIC UTILITY COMMISSION FILING CLERK	Call from: <u>Ernie Divine</u>
Date of call: <u>12/2/13</u>		File no.: <u>37604-S</u>
Phone no.: <u>(830) 460-7121</u>		Subject: <u>Notice</u>

Information for file:

He is the secretary/treasurer for Bandera River Ranch WSC. He states they did not receive notice of the SSM application. I explained we have an affidavit ~~of~~ ^{and} list of utilities that were provided notice and Bandera River Ranch WSC is on the list. I gave him my email address and requested he email me something stating he does not have record ^{or} recall them receiving notice. He also stated he spoke with someone from Flying L PUD and they indicated they did not receive notice. I informed him I have been in contact with Ms. Janet Williams and not only did Flying L receive notice, but they filed a protest which was later withdrawn.

Signed

Theresa Perryman

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
TELEPHONE MEMO TO THE FILE

Please complete with typewriter or black pen.

Conference call w/ Tammy

Call to: Jenny Gilson

Call from:

Date of call: 11/25/13

File no.: 37604-S

Phone no.: (262) 352-6690

Subject: Protest

Information for file:

Discussed 13.301 + criteria for a valid protest + scheduling a hearing. Also discussed the email I sent on 11/22/13 as well as the acreage and general boundary description.

Signed

Theresa Prouyman

Sheresia Perryman

From: Steve and Jenny Gibson <gibb8055@gmail.com>
Sent: Friday, November 22, 2013 5:03 PM
To: Sheresia Perryman
Cc: Tammy Benter; Lisa Fuentes; dmauk@bcragd.org
Subject: RE: Bridlegate Water Company, Ltd.'s Notice of Intent CCN No. 13118

Ms. Perryman,

Thank you for your response. Unfortunately the information you supplied is not accurate. I personally spoke on multiple occasions over the past three days with the other Bridlegate homeowners who filed protests of the Bridlegate Water Company's notice of Intent to Transfer CCN No. 13118. I spoke with both husband and wife of each couple and none of them have withdrawn their protest. I'm not sure who you talked to, but it was not any of the couples listed on Mr. Matkin's September 6, 2013 letter. As of today's date, neither of the other two entities has talked to anyone from TCEQ or Bandera East Utility and they have not withdrawn their protest. We have supplied your email address to the other two entities so that they can confirm with you in writing that your information that their protests have been withdrawn is not true.

My husband also spoke with Mr. Mauk from the Bandera County River Authority and Groundwater District today and they also have not withdrawn their protest. So again, I don't know who you claimed to have talked to, but none of the protesting entities including ourselves have withdrawn their protest.

Your statement that Bandera East Utility has not requested additional area in their application is incorrect. Bandera East Utility requested 5600 acres, double the acreage of the Bridlegate Water Company service area. In addition BEU requested that the service area extend to Bandera Creek to the north and east which is a huge increase in additional area and would overlap the City of Bandera service area and the Flying L public utility district. BEU's application to transfer CCN No 13118 was improper because it requested to double the service area.

Your email was also incorrect that Bandera River Ranch Water Supply Company and Flying L Public Utility District received notice of the Intent to Transfer CCN No. 13118 as required by the Texas Water Code. I have already provided you with the name of the person from Bandera River Ranch Water Supply Company who stated to us that neither Bandera River Ranch or Flying L received the required notice. Since two of the adjacent utility districts did not receive notice of the transfer of the CCN, the public notice was improper. We will be prepared to obtain affidavits to that effect for the hearing which we expect TCEQ to schedule per our request.

Sincerely,

Robert and Jenny Gibson

From: Sheresia Perryman [mailto:sheresia.perryman@tceq.texas.gov]
Sent: Friday, November 22, 2013 2:37 PM
To: Steve and Jenny Gibson
Cc: Tammy Benter; Lisa Fuentes
Subject: RE: Bridlegate Water Company, Ltd.'s Notice of Intent CCN No. 13118

Ms. Gibson:

I am writing in response to our conversation and your email on 11/20/2013. I received a copy of the letter from Mr. John-Mark Matkin dated September 6, 2013. The letter was addressed to the individuals that filed a protest, including yourself and Mr. Gibson. I also received protests from two other entities. As we discussed, one of the protesting entities withdrew their protest. I also spoke with the other protesting entity and it is possible they will also withdraw their protest.

I understand you have concerns regarding the number of acres stated in the application and the notice, as well as the boundary description. Please be advised that TCEQ's records indicate the total acreage for Bridlegate Water Company, LTD's (Bridlegate's) CCN area is approximately 2,212 acres. Because Bridlegate's CCN acreage is less than the acreage included in the notice, the TCEQ will not require the applicant to renote. In addition, the boundary description is a general description. The application submitted by Bandera East Utility, LP (Bandera East) to acquire Bridlegate is for a complete transfer of all of Bridlegate to Bandera East. Bandera East is not requesting any additional area; therefore, no additional area will be granted to Bandera East with this application. Also, upon receipt of Bandera's Sale, Transfer or Merger (STM) application, the TCEQ reviewed the service area requested by Bandera in its application and determined that no overlaps exist with the service area of any existing utilities.

Lastly, you had a concern with whether notice was provided to Bandera River Ranch Water Supply Corporation. According to the affidavit and list of Notice to Neighboring Utilities and Affected Parties, notice was provided to Bandera River Ranch Water Supply Corporation.

Please let me know if you have any additional questions.

Sincerely,
Sheresia Perryman

From: Steve and Jenny Gibson [<mailto:gibb8055@gmail.com>]
Sent: Wednesday, November 20, 2013 1:48 PM
To: Sheresia Perryman
Cc: Tammy Benter
Subject: Bridlegate Water Company, Ltd.'s Notice of Intent CCN No. 13118

Sheresia,

This email is in response to our telephone conversation earlier today in regards to the protest and request for a hearing we filed July 26, 2013 regarding the "Notice to Current Customers, Neighboring Systems, Landowners and Cities" we received regarding the Bridlegate Water Company, Ltd's Notice of Intent to Sell Facilities and to Transfer Certificate of Convenience and Necessity (CCN) No. 13118 to Bandera East Utility, LP, in Bandera Texas, Application No. 37604-S.

During our conversation you said that it was your understanding that the issues cited in our protest had been resolved and that ours and the other protests would be withdrawn. As, I stated in our telephone conversation this is not true and whoever provided you with this information misled you. After speaking with you, we spoke by telephone with the other persons and groups that filed protests and requests for a hearing. I discovered that not only had they not withdrawn their protests, but except for the Bandera County River Authority and Groundwater District none of them has talked with anyone from either TCEQ or Bandera East Utility regarding their protest.

As we discussed on the telephone, we will not withdraw our protest until Bandera East Utility has amended its application to correct the inaccurate information included in its application. Mr. Matkin told the Bridlegate property owners in a neighborhood meeting, that we organized, that he would amend his application. Mr. Matkin re-affirmed in a telephone conversation with me that he would amend his application. We stated in our protest that in order for us to withdraw our protest, Bandera East Utility needs to correct the inaccurate information in it's application and you confirmed for me today that this still has not been done. So, until Mr. Matkin does what he told the property owners he would do and corrects his application to accurately reflect not only the acreage of the Bridlegate service area, but also

corrects the boundary description to state bounded on the north and east by the Medina River we are not withdrawing our protest.

These may be insignificant issues to you, but to the Bridlegate property owners they are not. If the boundary of the Bridlegate service area were to extend to Bandera Creek as stated in Bandera East Utilities' application, not only would the acreage of the service area increase dramatically, but the Bridlegate service area would significantly overlap other utility service areas including the City of Bandera. If this was not Bandera East Utilities' intent, then in order to protect ourselves we want to see the information corrected, *in writing*. And frankly, I'm surprised that TCEQ considers this inaccurate information that could affect other utility service areas an insignificant issue.

As to the issue of inadequate public notice listed in our protest, you stated that you have an affidavit from Bandera East Utility that they notified the surrounding utilities of the Transfer of the CCN, so Bandera East Utility's notice was adequate. As I affirmed to you, we were told that two of the neighboring utilities did not receive notice, despite Bandera East Utility's affidavit. We confirmed that information by telephone today. My husband and I confirmed with Ernie Dewinnie of Bandera River Ranch Water Supply Corporation CCN No. 12262 that as of today's date they have not received notice of the Bridlegate Water System Transfer. In addition Mr. Dewinnie stated that as of November 1, 2013, he was told that the Flying L Public Utility District also did not receive notice.

In summary, whoever told you that these issues have been resolved and that our protest was being withdrawn was wrong. From our conversation earlier today, it was clear to me that the issues remain unchanged.

Sincerely,

Jenny Gibson

Sheresia Perryman

From: Steve and Jenny Gibson <gibb8055@gmail.com>
Sent: Wednesday, November 20, 2013 1:48 PM
To: Sheresia Perryman
Cc: Tammy Benter
Subject: Bridlegate Water Company, Ltd.'s Notice of Intent CCN No. 13118

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In summary, whoever told you that these issues have been resolved and that our protest was being withdrawn was wrong. From our conversation earlier today, it was clear to me that the issues remain unchanged.

1

 Sincerely,

Jenny Gibson

1

RECEIVED
TO:
WATER SUPPLY DIV.
2013 NOV 12 PM 4 50

Robert S. and Jenny L. Gibson
242 Horseshoe Falls
Bandera, TX 78003
262-352-6690
gibb8055@gmail.com
November 7, 2013

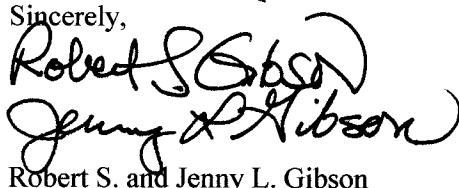
Texas Commission on Environmental Quality
Water Supply Division
Utilities and Districts Section, MC-153
P.O. Box 13087
Austin, TX 78711-3087

Dear Sir/Ma'am:

On July 3, 2013 we received a hand delivered "Notice to Current Customers, Neighboring Systems, Landowners and Cities" regarding the Bridlegate Water Company, Ltd's Notice of Intent to Sell Facilities and to Transfer Certificate of Convenience and Necessity (CCN) No. 13118 to Bandera East Utility, LP, in Bandera Texas, Application No. 37604-S.

On July 26, 2013 we filed a protest and request for a hearing with your agency. We have received no correspondence from you regarding our protest and request for a hearing. The purpose of this letter is to inquire as to the status of our request.

Sincerely,


Robert S. and Jenny L. Gibson

1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100.

FLYING L PUBLIC UTILITY DISTRICT

281 Stone Crest Drive – Bandera, Texas 78003

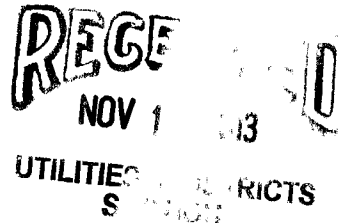
Phone: 830-388-1600 Fax: 830-796-8271

E-mail: flpud@yahoo.com

Board of Directors:

Larry Henson, President
DeWayne Pirtle, Vice President
June Baker, Secretary

LeRoy Crump, Board Member
Jason Smith, Board Member



November 8, 2013

Texas Commission on Environmental Quality
Water Supply Division
Utilities and District, Section MC-153
PO Box 13087
Austin, TX 78711-3087

Re: Application from Bandera East Utility, LP, A2076, to Acquire Facilities and Transfer Certificate of Convenience and Necessity (CCN) No. 13118 held by Bridlegate Water Company, LTD, in Bandera County; Application No. 37604-S

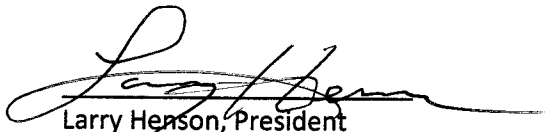
CN: Pending; RN: Pending (Bandera East Utility, LP)

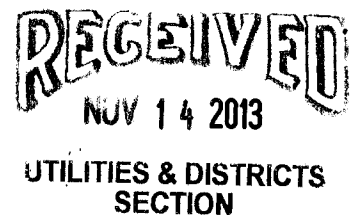
CN: 603174194; RN: 105198519 (Bridlegate Water Company, LTD)

Based on information received from TCEQ that 2,212 is the approximate number of acres for Bridlegate, and based on TCEQ records, that will be transferred.

Based on information received from TCEQ that application No. 37604-S was submitted as a straight transfer of area with "NO" additional area being requested, Flying L Public Utility District is withdrawing their protest with respect to Application No. 37604-S, CCN No. 13118.

Respectfully submitted,


Larry Henson, President
Flying L Public Utility District



Sheresia Perryman

From: Flying L P.U.D. <flpud@yahoo.com>
Sent: Friday, November 08, 2013 7:41 PM
To: Sheresia Perryman
Subject: Letter regarding CCN No 13118
Attachments: Letter regarding CCN No 13118.jpg

Ms Perryman,

I'm attaching the letter of withdrawal from Flying L Public Utility District regarding CCN No 13118, CN: Pending; RN: Pending (Bandera East Utility, LP), CN: 603174194; RN: 105198519 (Bridlegate Water Company, LTD)

I will also put the original in the mail on Monday morning.

Thank you for your help

Janet Williams
phone 830-388-1600

FLYING L PUBLIC UTILITY DISTRICT

281 Stone Crest Drive -- Bandera, Texas 78003

Phone: 830-388-1600 Fax: 830-796-8271

E-mail: flpud@yahoo.com

Board of Directors:

Larry Henson, President
DeWayne Pirtle, Vice President
June Baker, Secretary

LeRoy Crump, Board Member
Jason Smith, Board Member

November 8, 2013

Texas Commission on Environmental Quality
Water Supply Division
Utilities and District, Section MC-153
PO Box 13087
Austin, TX 78711-3087


Re: Application from Bandera East Utility, LP, A2076, to Acquire Facilities and Transfer Certificate of Convenience and Necessity (CCN) No. 13118 held by Bridlegate Water Company, LTD, in Bandera County; Application No. 37604-S

CN: Pending; RN: Pending (Bandera East Utility, LP)
CN: 603174194; RN: 105198519 (Bridlegate Water Company, LTD)

Based on information received from TCEQ that 2,212 is the approximate number of acres for Bridlegate, and based on TCEQ records, that will be transferred.

Based on information received from TCEQ that application No. 37604-S was submitted as a straight transfer of area with "NO" additional area being requested, Flying L Public Utility District is withdrawing their protest with respect to Application No. 37604-S, CCN No. 13118.

Respectfully submitted,



Larry Henson, President
Flying L Public Utility District

Sheresia Perryman

From: Michael Redman <MRedman@bcragd.org>
Sent: Friday, November 08, 2013 4:55 PM
To: Sheresia Perryman
Subject: RE: Appl. No. 37604-S; Bandera East Utility

Thank you

From: Sheresia Perryman [<mailto:sheresia.perryman@tceq.texas.gov>]
Sent: Friday, November 8, 2013 4:52 PM
To: Michael Redman
Subject: Appl. No. 37604-S; Bandera East Utility

Michael:

In response to your voice message on today, TCEQ records indicate the total acreage for Bridlegate Water Company, LTD's CCN area is approximately 2,212 acres. In addition, the application that was submitted by Bandera East Utility, LP is for a transfer of Bridlegate Water Company, LTD to Bandera East Utility, LP, and no additional area is being requested. If you have any further questions, please feel free to contact me.

Thank you,
Sheresia Perryman

Sheresia Perryman

From: Bret Fenner <bretfenner@yahoo.com>
Sent: Tuesday, November 05, 2013 9:55 AM
To: Sheresia Perryman
Cc: johnmark@kwutility.com
Subject: Bandera East Utility STM Application

Sheresia,

Flying L PUD is having a Board meeting on November 8th. They will vote to withdraw their protest and send you a letter on to that affect after that date. We are trying to find out from Bandera River Authority the status of their withdraw letter.

Thanks Bret

BEU

Bandera East Utility

Acreage

2,212.2142

October 22, 2013

Ms. Sheresia Perryman
TCEQ Utilities & Districts Section
PO Box 13087
Austin, Texas 78711-3087

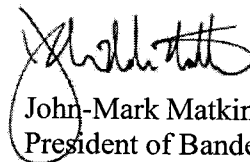
Re: Response to
Protest Letter for STM Application Response
CN: Pending; RN: Pending (Bandera East Utility, LP)
CN: 603174194; RN:105198519 (Bridlegate Water Company, Ltd)

Dear Ms. Perryman:

This letter is to confirm that the application and notice of transfer for the Bridlegate Water System Ltd., is approximately 2339 acres. This asset transfer is only for the Bridlegate Water System CCN # 13118, and is not intended to increase the service area.

If you have any additional questions please feel free to contact me at 830-249-4174. An alternate that can be used is 830-249-0600 or my cell phone is 210-884-1073.

Sincerely,



John-Mark Matkin, P.E.
President of Bandera East Utility, LP

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
TELEPHONE MEMO TO THE FILE

Please complete with typewriter or black pen.

Call to: Janet w/Flying LPUD

Call from:

Date of call: 10/22/13

File no.: 37604-S

Phone no.: (830) 388-1600

Subject: # of acres being transferred

Information for file:

The notice submitted with the application stated 5,600 acres. Therefore, the notice that was provided by TCEQ states 5,600 acres. There is a question regarding the actual acreage involved. Spoke with Bret Finner - He will provide a letter to Flying LPUD and Bandera County River Authority and Groundwater District with the correct acreage and stating this application is a straight transfer and no additional acreage/area is being requested.

Signed

Theresa Bryman

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

October 11, 2013

Mr. Bret Fenner, P.E.
B & D Environmental, Inc.
P.O. Box 500264
Austin, Texas 78750

Re: Application from Bandera East Utility, LP, A2076, to Acquire Facilities and Transfer Certificate of Convenience and Necessity (CCN) No. 13118 held by Bridlegate Water Company, LTD, in Bandera County; Application No. 37604-S

CN: Pending; RN: Pending (Bandera East Utility, LP)
CN: 603174194; RN: 105198519 (Bridlegate Water Company, LTD)

Dear Mr. Fenner:

Enclosed is a letter from Flying L Public Utility District requesting a hearing regarding the above referenced application. This copy is being sent to you so that Bandera East Utility, LP, may contact the party to discuss any concerns and attempt to resolve the issues brought forward in the letter.

Please respond to Flying L Public Utility District and forward a copy of the response to this office. If Flying L Public Utility District does not file a written withdrawal of their hearing request by **November 11, 2013**, the application will be sent to the State Office of Administrative Hearings for scheduling.

Thank you for your attention to this matter. If you have any questions, please call me at 512/239-3654, by fax at 512/239-6972, by email at sperryrna@tceq.state.tx.us, or if by correspondence, include 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/SP/mmg

Enclosure

cc: Mr. Larry Henson, President

FLYING L PUBLIC UTILITY DISTRICT

281 Stone Crest Drive – Bandera, Texas 78003

Phone: 830-388-1600 Fax: 830-796-8271

E-mail: flpud@yahoo.com

Board of Directors:

Larry Henson, President
DeWayne Pirtle, Vice President
June Baker, Secretary

LeRoy Crump, Board Member
Jason Smith, Board Member

August 12, 2013

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

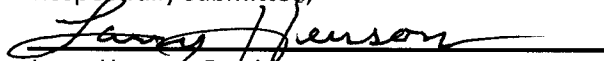
PROTEST

RE: Application NO. 37604-S; BRIDLEGATE WATER COMPANY, LTD'S NOTICE OF INTENT TO SELL FACILITIES AND TO TRANSFER CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) NO. 13118 TO BANDERA EAST UTILITY, LP, IN BANDERA COUNTY, TEXAS

NOW COMES The Flying L Public Utility District (PUD) and files this as its Notice of Written Protest with respect to Application No. 37604-S showing as follows.

- (1) The Contestant is the Flying L PUD, 281 Stone Crest, Bandera, TX 78003. Phone No. 830-388-1600, Larry Henson, President.
- (2) The Applicant is Bandera East Utility, LP, P.O. Box 2501, Boerne, Texas, 78006 and Application No. 37604-S.
- (3) The Flying L PUD Protests the Application.
- (4) The Application purports to include some 5,600 acres in Bandera County, Accordingly there are what appear to be in excess of 3,400 acres of potential groundwater usage which is requested within the Application. This area in Bandera County lies within a Priority Groundwater Management Area. This area is experiencing a chronic drought and has limited groundwater resources. So, any increase in service area for Bridlegate Water Company would inevitably lead to increased groundwater production and will directly impact our current operations.
- (5) The Flying L PUD proposes that any groundwater usage by the proposed purchaser or transferee be limited to the actual acreage which is proven to be owned within the Bridlegate Ranch Subdivision.

Respectfully submitted,



Larry Henson, President
Flying L Public Utility District

Cc: Bandera East Utility, L.P.
P.O. Box 2501
Boerne, Texas 78006

Bridlegate Water Company, Ltd.
110 River Crossing
Spring Branch, Texas 78070

RECEIVED
AUG 16 2013
UTILITIES & DISTRICTS
SECTION

BEU

Bandera East Utility

September 6, 2013

Ronald and Marion A. Dickey
Michael and Teresa Lippold
Robert S. and Jenny L. Gibson

[Via Hand Delivery]

Re: Response to
Protest Letter for STM Application Response
CN: Pending; RN: Pending(Bandera East Utility, LP)
CN: 603174194; RN:105198519(Bridlegate Water Company, LTd)

Dear:

In response to your protest letter I would like to offer the following for your consideration and review. I will also attempt to contact you and set up a meeting to discuss if you have any additional questions.

The application and notice of transfer is for the Bridlegate Water System Ltd., approximately 2339 acres. This asset transfer is only for the Bridlegate Water System CCN # 13118, and is not intended to increase the service area. Please reference the attached map for your consideration of the proposed area of transfer.

The statement that there will be "no change in current rates charged to customers" is that the existing tariff and rate structure is adequate and there is no proposed rate increase from the existing tariff along with this application.

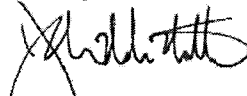
TCEQ requires that persons be notified who are currently receiving water from the water system. By personally hand delivering notices to customers that are currently receiving water from the system, we satisfied the notice requirements of the application. In addition, during the notice period we held a Public Meeting at the Bridlegate Park open to all residents to attend and ask questions. It was well attended and lasted over 2 ½ hours.

During the Public meeting I was asked if I had intentions of selling the water outside the service area. At this time I have no intentions of selling water outside the existing CCN. The TCEQ actually encourages regionalization and diversification of water supplies. My discussion relative to outside sources for water was a means to diversify the water sources for this subdivision; I believe that water systems should have a diversification of resources.

I too believe in conservation and being a good steward, but as you can see from many water systems from around the state, conservations and restrictions only go so far and at that time you better have a backup plan. What I am preparing you for is a backup plan. I am confident that I am the proper person and entity to own this water company and to secure your water future relative to the quantity and quality of water that you desire.

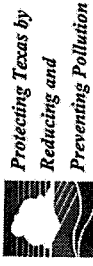
If you have any questions please feel free to contact me at 830-249-4174. An alternate that can be used is 830-249-0600.

Sincerely,

A handwritten signature in black ink, appearing to read 'John-Mark Matkin', written over a circular stamp or seal.

John-Mark Matkin, P.E.
President of Bandera East Utility, LP

cc: Tammy Benter, TCEQ
Sheresia Perryman, TCEQ
Dan Mullins, Southerland Communities
Jay Patterson, Southerland Communities



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.
09/05/2013

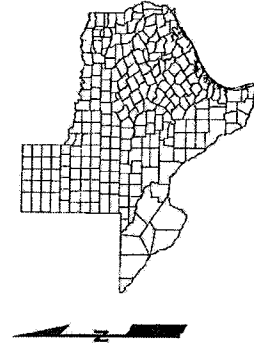
Bridlegate CCN Boundary

0 0.35 0.7 1.05 1.4



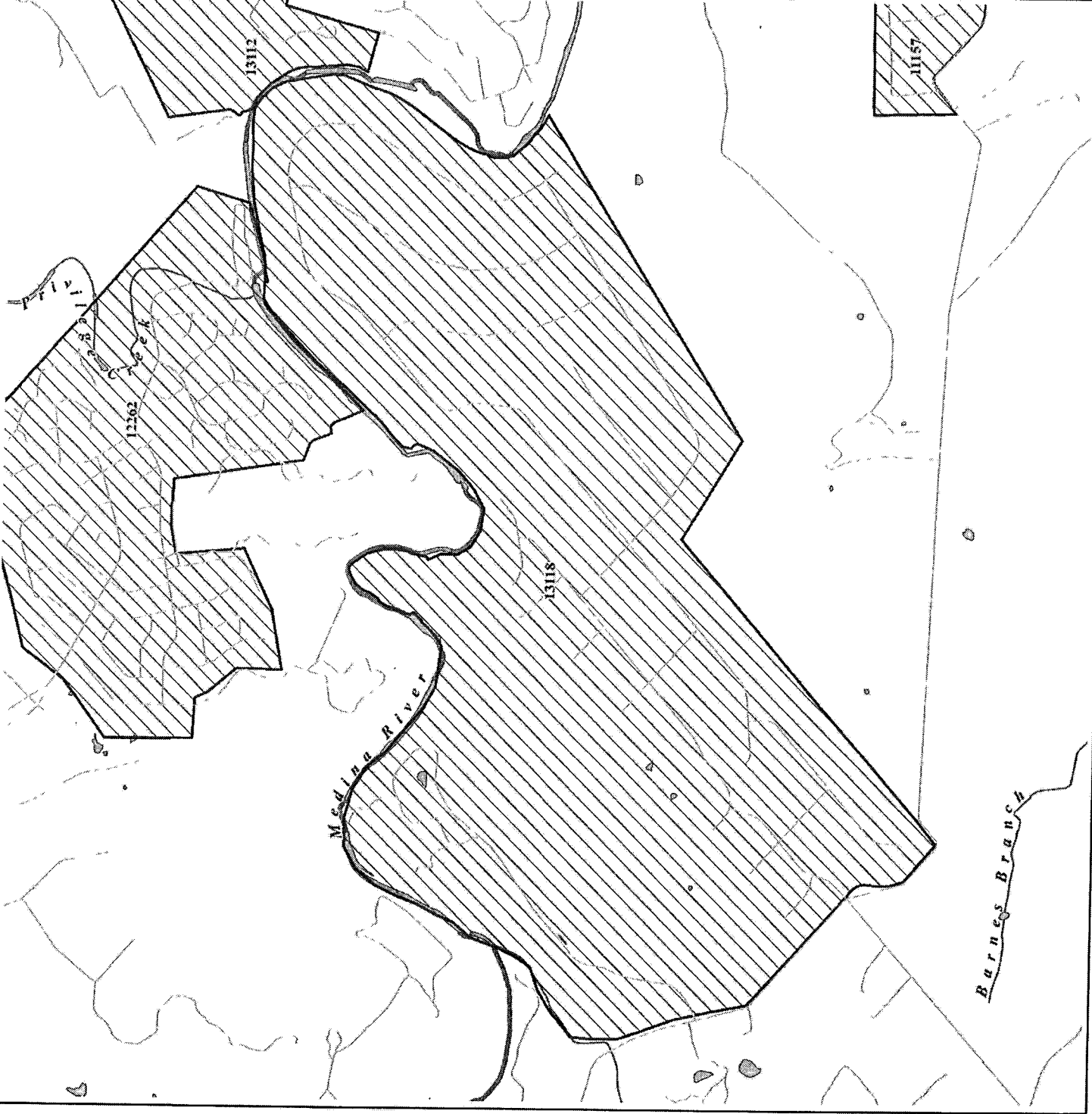
Legend

- 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

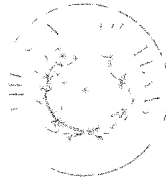


Disclaimer:

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.



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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution
August 20, 2013

Mr. Bret Fenner, P.E.
P.O. Box 500264
Austin, Texas 78750

Re: Application from Bandera East Utility, LP, A2076, to Acquire Facilities and Transfer Certificate of Convenience and Necessity (CCN) No. 13118 held by Bridlegate Water Company, LTD in Bandera County; Application No. 37604-S

CN: Pending; RN: Pending (Bandera East Utility, LP)
CN: 603174194; RN: 105198519 (Bridlegate Water Company, LTD)

Dear Mr. Fenner:

Enclosed is a letter from Bandera County River Authority and Groundwater District requesting a hearing regarding the above referenced application. This copy is being sent to you so that Bandera East Utility, LP, may contact the party to discuss any concerns and attempt to resolve the issue(s) brought forward in the letter.

Please respond to Bandera County River Authority and Groundwater District and forward a copy of the response to this office. If Bandera County River Authority and Groundwater District does not file a written withdrawal of their hearing request by **September 20, 2013**, the application will be sent to the State Office of Administrative Hearings for scheduling.

Thank you for your attention to this matter. If you have any questions, please contact me at 512/239-3654, by fax at 512/239-6972, by email at sperryma@tceq.state.tx.us, or if by correspondence, include please include MC 153 in the letterhead address.

Sincerely,

A handwritten signature in cursive script, reading "Sheresia Perryman", is written over the typed name.

Sheresia Perryman
Utilities & Districts Section
Water Supply Division

SP/sd

Enclosure

cc: Mr. Dave Mauk, General Manager, Bandera County River Authority and Groundwater District, P.O. Box 177, Bandera, Texas, 78003

July 24, 2013

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

PROTEST AND REQUEST FOR PUBLIC HEARING

**RE: APPLICATION NO. 37604-S; BRIDLEGATE WATER COMPANY, LTD'S
NOTICE OF INTENT TO SELL FACILITIES AND TO TRANSFER
CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) NO. 13118 TO
BANDERA EAST UTILITY, LP, IN BANDERA COUNTY, TEXAS**

NOW COMES Bandera County River Authority and Groundwater District ("the District") and files this its Notice of Written Protest and Request for Public Hearing with respect to Application No. 37604-S showing as follows.

(1) The Contestant is the Bandera County River Authority and Groundwater District, P. O. Box 177 Bandera, Texas, 78003. Phone No. (830) 796-7260, Dave Mauk, General Manager, Richard C. Mosty, District Counsel.

(2) The Applicant is Bandera East Utility, LP, P. O. Box 2501, Boerne, Texas, 78006 and Application No. 37604-S.

(3) The District protests the Application and requests a public hearing. At a public meeting on July 18, 2013, the District authorized this protest.

(4) The District is a river authority and groundwater district with all rights under Chapters 36, 49, and 51 of the Texas Water Code. The Application purports to include some

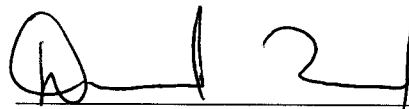
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JUL 30 2013
UTILITIES & DISTRICTS
SECTION

5,600 acres in Bandera County, Texas involving substantial groundwater under the authority and regulation by the District. On information and belief the subdivision consists of substantially less acreage. Accordingly there are what appear to be in excess of 3,000 acres of potential groundwater usage which is requested within the Application, which is unexplained.

Additionally, on information and belief, adjoining water systems have not been provided with notice of the application.

(5) The District proposes that any groundwater usage by the proposed purchaser or transferee be limited to the actual acreage which is proven to be owned within the Bridlegate Ranch Subdivision.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Dave Mauk', written over a horizontal line.

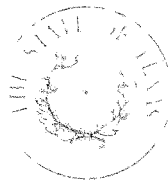
Dave Mauk, General Manager
Bandera County River Authority and
Groundwater District

Richard C. Mosty
State Bar No. 14594800
MOSTY LAW FIRM
222 Sidney Baker So., Ste. 400
Kerrville, Texas 78028
Telephone No. (830) 792-7711
Telefax No. (830) 792-7717
**Attorney for Bandera County River
Authority and Groundwater District**

cc: Bandera East Utility, L.P.
P.O. Box 2501
Boerne, Texas 78006

Bridlegate Water Company, Ltd.
110 River Crossing
Spring Branch, Texas 78070

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

August 20, 2013

Mr. Bret W. Fenner, P.E.
P.O. Box 500264
Austin, Texas 78750

Re: Application from Bandera East Utility, LP, A2076, to Acquire Facilities and Transfer Certificate of Convenience and Necessity (CCN) No. 13118 held by Bridlegate Water Company, LTD in Bandera County; Application No. 37604-S

CN: Pending; RN: Pending (Bandera East Utility, LP)
CN: 603174194; RN: 105198519 (Bridlegate Water Company, LTD)

Dear Mr. Fenner:

Enclosed are letters from Ronald and Marion A. Dickey, Michael and Teresa Lippold and Robert S. and Jenny L. Gibson, customers of Bridlegate Water Company, LTD. They are protesting the STM application and are requesting a public hearing to discuss many concerns and questions regarding this proposed sale. These copies are being sent to you so that Bridlegate Water Company, LTD may contact the parties and attempt to resolve the issues or concerns brought forward in their letters. Please respond to the parties and forward a copy of your response to this office.

Thank you for your attention to this matter. If you have any questions, or will not be able to forward the requested information to this office by **September 20, 2013**, please call Ms. Sheresia Perryman at (512)239-3654.

Sincerely,

A handwritten signature in cursive script, reading "Lisa Fuentes", is written over the typed name.

Tammy Benter, Manager
Utilities & Districts Section, MC 153
Water Supply Division

TB/SP/sd

Enclosure: protest letters

Sheresia Perryman

From: Bret Fenner <bretfenner@yahoo.com>
Sent: Friday, August 08, 2014 10:52 AM
To: Sheresia Perryman
Subject: Fwd: Bandera East STM Application
Attachments: 2. Bill of Sale (00042733).pdf; ATT00001.htm

Sent from my iPhone

Begin forwarded message:

From: John-Mark Matkin <johnmark@matkinhoover.com>
Date: August 8, 2014 at 10:09:12 AM CDT
To: Bret Fenner <bretfenner@yahoo.com>
Subject: RE: Bandera East STM Application

From: Bret Fenner [<mailto:bretfenner@yahoo.com>]
Sent: Thursday, August 07, 2014 3:42 PM
To: John-Mark Matkin
Subject: Bandera East STM Application

JM,

Do you have any documentation closing out the sale of Bridlegate to Bandera East? Could you please email me a copy. The TCEQ is trying close this application out before the end of the month. Better to have it closed out then transferred to the PUC.

Thanks Bret