



Control Number: 42955



Item Number: 2

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

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
Protecting Texas by Reducing and Preventing Pollution

August 15, 2013

**BY FAX TO 512/469-9148 AND  
BY CERTIFIED MAIL**

Mr. Mike Willatt  
Willatt & Flickinger  
2001 North Lamar  
Austin, Texas 78705

**NOTICE OF DEFICIENCY**

Re: Application from the City of Italy to Amend Certificate of Convenience and Necessity (CCN) No. 10885 in Ellis County; Application No. 37666-C

Application from the City of Italy to Amend CCN No. 20350 in Ellis County; Application No. 37667-C

CN: 600460026; RN: 10139528 (water and sewer)

Dear Mr. Willatt:

Your CCN applications for the City of Italy, received on July 16, 2013, have been assigned Application Nos. 37666-C and 37667-C, but have not been accepted for filing. Please refer to the application numbers in future correspondence.

In order for your applications to be accepted for filing, please submit four (4) copies of the following items:

1) The maps included with your applications do not meet requirements. Please provide:

A. A general location map delineating the proposed service area with enough detail to accurately locate the proposed area with the county;

B. A map showing only the proposed area by:

- i. Metes and bounds survey certified by a licensed state or registered professional land surveyor; or
- ii. Projectable digital data with metadata (proposed areas should be in a single record and clearly labeled). Also, a data disk labeled with the applicant's name must be provided; or
- iii. Following verifiable natural and man-made landmarks; or
- iv. A copy of recorded plat map with metes and bounds.

C. A written description of the proposed service area.

2) The most recent inspection report for the City of Italy. If deficiencies are identified, provide a response for each deficiency listed and the actions taken or to be taken to correct each deficiency, including the proposed completion dates.

3) Please submit financial information (question 6) for the City of Italy.

In addition, on November 14, 2012, the Commission implemented a policy change to strictly enforce the requirement that CCN related applications include a complete list of entities providing the same type of retail utility service (i.e., water and/or sewer) within a specified area. See page 13 of the application. For applicants requesting a CCN for the first time, the requirement is to provide a list of entities within a five mile area of the proposed area. For applicants requesting to amend an existing CCN, the requirement is to provide a list of entities within two miles of the proposed area. The list should include all retail public utilities, counties, districts and groundwater conservation districts, and cities whose corporate limits and/or extra-territorial jurisdiction (ETJ) are within the same two and/or five mile area of the proposed CCN area. Please make sure your list is complete. Incomplete lists will result in the return of your applications.

Below are TCEQ links that will assist you in assembling the list:

<http://www.tceq.texas.gov/gis/iwudview.html>. Please note that the iWUD Viewer only provides information on entities with registered CCN numbers.

<http://www.tceq.texas.gov/groundwater/districts.html> for groundwater conservation districts.

Mr. Mike Willatt

Page 3

August 15, 2013

Assistance through the TCEQ's Financial Managerial and Technical (FMT) contract is available for applicants in need of assistance in compiling their list and for help using the IWUD Viewer.

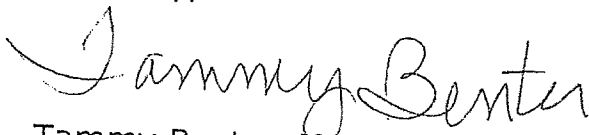
To request assistance, please contact the Water Supply Division at [utildist@tceq.texas.gov](mailto:utildist@tceq.texas.gov) or 512/239-4691.

Processing of the above referenced applications cannot proceed and notices cannot be published or mailed until we receive the requested items.

These items must be completed and returned to our office by **September 16, 2013**. If we do not receive the requested information by this date, your applications will be returned for failure to prosecute.

If you have any questions, please contact Ms. Christine Mester at 512/239-2788, by email at [christine.mester@tceq.texas.gov](mailto:christine.mester@tceq.texas.gov), or if by correspondence, include Mail Code 153 in the letterhead address.

Sincerely,



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

TB/CM/mmg

**\*\* Transmit Conf. Report \*\***

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**From:** 512-469-9148  
**Division:** Water Supply Division  
**Phone:** 512-239-2788  
**Fax:** 512-239-6972  
 Texas Commission on Environmental Quality