



Control Number: 42962



Item Number: 35

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

City of Lyford

P.O. Box 310 • 196 West Main
Lyford, Texas 78569
Phone: (956) 347-3512 • Fax: (956) 347-5434

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PUBLIC UTILITY COMMISSION
FILING CLERK

September 20, 2005

Mr. Brian Dickey
Utilities & Districts Section, MC 153
Sewer Supply Division
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

**Re: Application from City of Lyford to Obtain a Sewer Certificate of Convenience and Necessity (CCN) in Willacy County; Application No. 33791-C
CN: 600736656; RN: 104424155**

Dear Mr. Dickey:

After reviewing the maps, certificates, and staff recommendation, we find that these documents are inaccurate and we disagree with some of the provisions of the order.

First, the water map submitted and negotiated between the City of Lyford and North Alamo Water Supply Corporation is not like the one you provided. Both parties reached an agreement and submitted the map to TCEQ in December 20, 2002. At this time, the City of Lyford was already servicing this area. A copy of that settlement and map is enclosed.

Second, the sewer map was revised to include the same area as the water map. Both the water and sewer maps were revised and submitted for review on December 20, 2002. A copy of our request letter and maps submitted on December 20, 2002 are enclosed.

If you have any questions, please contact our city secretary Lydia Moreno or myself at (956) 347-3512.

Sincerely,



David Clarida
Mayor

Enc.

"The City of Lyford is an Equal Opportunity provider and employer"

135

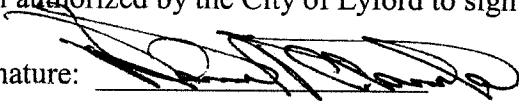
CONSENT FORM

Applicant's Name: The City of Lyford
Application Nos.: 33791-C

I concur with the recommendation contained in the staff memorandum transmitted by letter dated August 26, 2005

I do not concur with and intend to respond to the recommendation contained in the staff memorandum transmitted by letter dated August 26, 2005
I understand that I have 14 days from the date of this letter to provide my response.

I am authorized by the City of Lyford to sign this form.

Signature: 

Printed Name: David Clarida

Relationship to Applicant: Mayor

Date signed: 9/19/05

Mail to:
Brian Dickey
Utilities & Districts Section, MC 153
Sewer Supply Division
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087
Fax (512) 239-6972

Texas Commission on Environmental Quality

To: Glenn Shankle, Executive Director
Texas Commission on Environmental Quality

Date: August 26, 2005

Thru: *EL*
8/26 Earl Lott, Manager
Utilities & Districts Section
Water Supply Division

MA
Michelle Abrams, Team Leader
Utilities & Districts Section
Water Supply Division

From: Brian Dickey
Utilities & Districts Section
Water Supply Division

Subject: Executive Summary and Staff Recommendation for Executive Director Approval
of Application No. 33791-C

CN: 600736656; RN: 104424155

Application from The City of Lyford to obtain a sewer Certificate of Convenience and Necessity in Willacy County.

The applicant meets all of the statutory requirements of Chapter 13 of the Texas Water Code and Chapter 291 of the Commission's rules and regulations. Approving this application and issuing a Certificate of Convenience and Necessity is necessary for the service, accommodation, convenience and safety of the public.

The applicant is capable of providing continuous and adequate service.

Staff recommends approval of the order.

MA/BDD/ac



Texas Commission On Environmental Quality

By These Presents Be It Known To All That

The City of Lyford

having duly applied for certification to provide sewer utility service for the convenience and necessity of the public, and it having been determined by this commission that the public convenience and necessity would in fact be advanced by the provision of such service by this Applicant, is entitled to and is hereby granted this

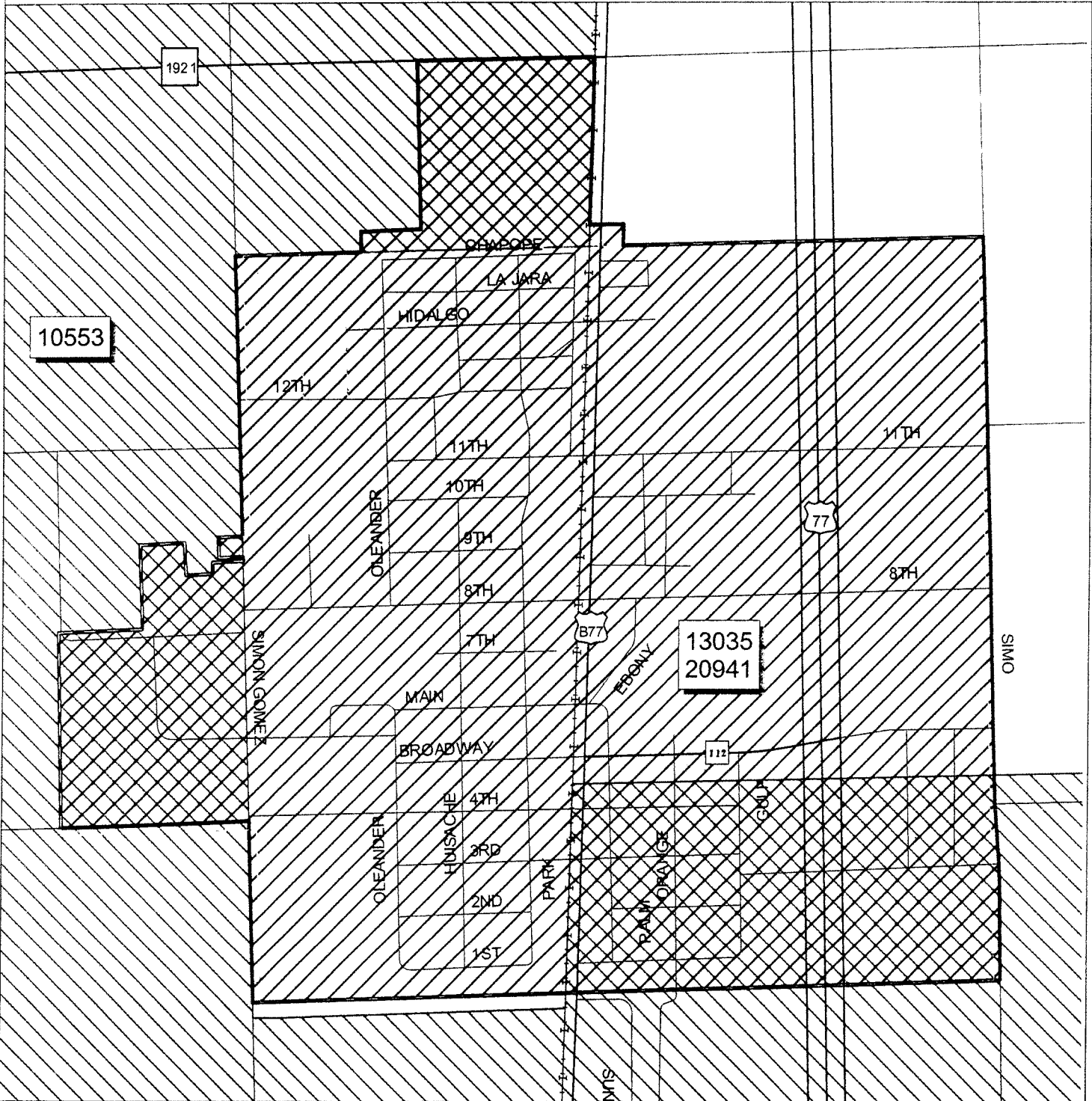
Certificate of Convenience and Necessity No. 20941



to provide continuous and adequate sewer utility service to that service area in Willacy County as by final Order duly entered by this Commission, which Order resulting from Application No. 33791-C is on file at the Commission offices in Austin, Texas; and is a matter of official record available for public inspection; and be it known further that the presents do evidence the authority and the duty of The City of Lyford to provide such utility service in accordance with the laws of this State and Rules of this Commission, subject only to any power and responsibility of this Commission to revoke or amend this Certificate in whole or in part upon a subsequent showing that the public convenience and necessity would be better served thereby.

Issued at Austin, Texas, this _____

For the Commission

City of Lyford
 Water and Sewer Service Area
 CCN Nos. 13035 and 20941
 Application Nos. 33790-C and 33791-C
 Willacy County



CCN Service Areas
 13035 and 20941 - CITY OF LYFORD
 10553 - NORTH ALAMO WSC



1 inch = 1,000 feet

Map by S Jaster 5/3/2004
 Data path: s:\ud\ccn\ccn_working\ccn.shp
 Project path: k:\gis\projects\33790-c.apr

City of Lyford

P.O. Box 310 • 196 West Main
Lyford, Texas 78569
Phone: (956) 347-3512 • Fax: (956) 347-5434

December 20, 2002

Mr. Todd Galiga, Staff Attorney
Representative of Executive Director of the
Texas Commission on Environmental Quality
Legal Services Division – MC 175
P.O. Box 13087
Austin, Texas 78711-3087

Re: SOAH Docket No. 582-02-3005
TCEQ Docket No. 2002-0431-UCR

Dear Mr. Galiga:

Thank you for providing us an opportunity to present our case before you and Brian.

We are appreciative of your recommendation to the Texas Commission on Environmental Quality to remand our CCN application to the Executive Director for further action.

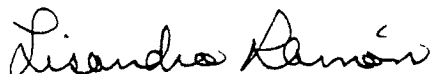
Enclosed please find the revised maps that reflect the agreement that was reached on Wednesday, December 18, 2002. Please note that we are requesting that the sewer area be the same as the water area.

Again, I want to apologize for any problems and/or inconveniences we might have caused to all parties involved in this issue.

We now understand the process and I assure you that it will be followed in the future.

If you have any questions, please feel free to call me at (956) 347-3512.

Sincerely,



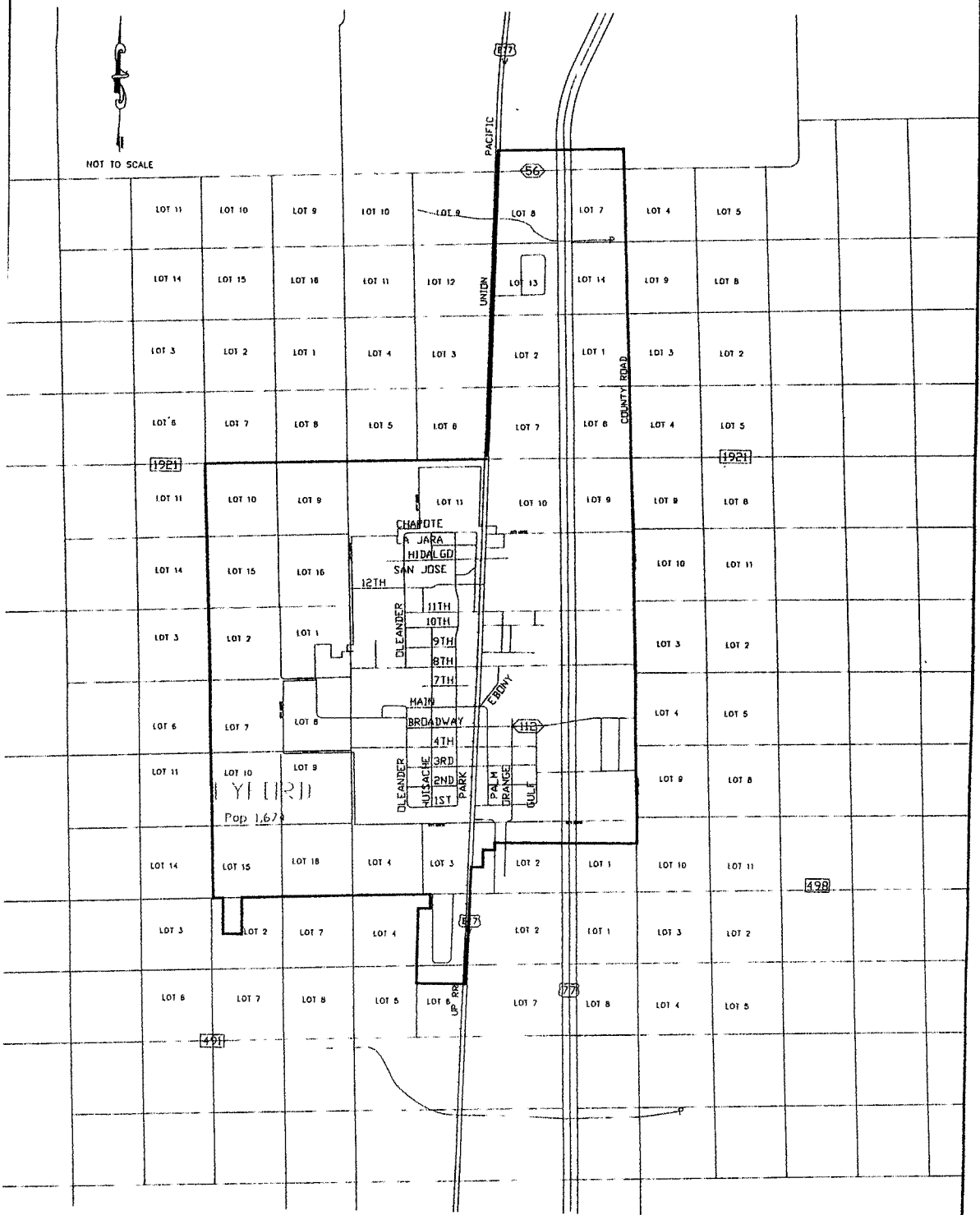
Lisandro Ramon
Mayor

Enc.

cc: Mr. Eric Allmon
Mr. Kenneth Petersen
Mr. Richard Hoffman



NOT TO SCALE



**CCN
SEWER MAP
CITY OF LYFORD**

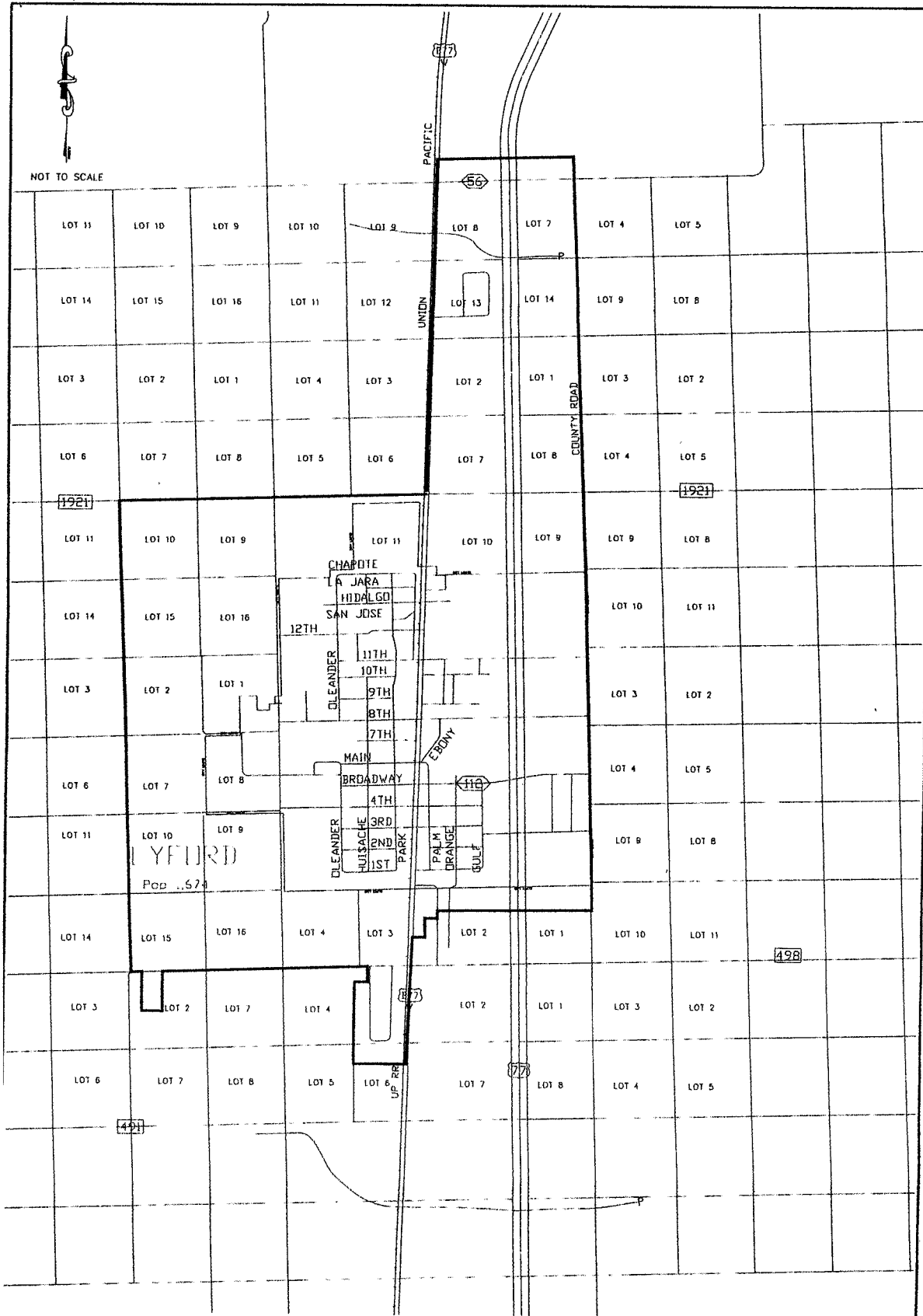
 **MGM Engineering Group, LLC**
ENGINEERING SURVEYING-PROJECT MANAGEMENT

302 N. Expressway 77
Houston, Texas 77050
Phone: (936) 435-2814
Fax: (936) 435-2815

400 N. Fanning Lane Rd., Ste. 3
Brenham, Texas 77820
Phone: (936) 541-6118
Fax: (936) 541-6551



NOT TO SCALE



**CCN
WATER MAP
CITY OF LYFORD**



MGM Engineering Group, LLC
ENGINEERING SURVEYING-PROJECT MANAGEMENT

502 N. Espinosa Way 77
Haltom, Texas 75550
Phone: (956) 425-3814
Fax: (956) 425-3815

400 N. Paredes Line Rd., Ste. 3
Brownsville, Texas 78520
Phone: (956) 541-6118
Fax: (956) 541-6551

LAW OFFICE OF
RICHARD S. HOFFMAN

1718 BOCA CHICA BLVD., BROWNSVILLE, TEXAS 78520
(956) 544-2345 - FACSIMILE (956) 982-1909

October 11, 2002
J.W. Dyer
DYER & ASSOCIATES
3700 North Tenth Street, Ste. 105
McAllen, Texas 78501

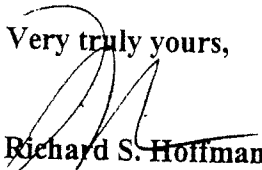
RE: SOAH DOCKET NO. 582-02-3005
TNRCC DOCKET NO. 2002-0431-UCR
APPLICATION OF THE CITY OF LYFORD TO OBTAIN A
WATER CERTIFICATE OF CONVENIENCE AND NECESSITY IN
WILLACY COUNTY

Dear Mr. Dyer:

Enclosed please find the executed Agreement for your signature. Please file this document accordingly. Thank you for your cooperation in this matter.

Should you have any questions regarding this matter, please do not hesitate to contact this office.

Very truly yours,


Richard S. Hoffman
Attorney for the City of Lyford

RSH/mr
Enclosure

SOAH DOCKET NO. 582-02-3005
TNRCC DOCKET NO. 2002-0431-UCR

APPLICATION OF THE CITY OF LYFORD TO OBTAIN A WATER CERTIFICATE OF CONVENIENCE AND NECESSITY IN WILLACY COUNTY § BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS

AGREEMENT

TO THE HONORABLE ADMINISTRATIVE LAW JUDGE:

Now come the parties, The City of Lyford (hereafter "Lyford") and North Alamo WSC, hereafter "Alamo" and agree as follows:

Whereas the City of Lyford has previously filed an Application to Obtain A Water Certificate of Convenience and Necessity in Willacy County and;

Whereas Alamo opposed such Application and;

Whereas, thereafter, the parties reached an Agreement resolving their difficulties;

NOW, THEREFORE for the mutual promises contained herein and for other valuable consideration, the parties agree that the map attached hereto and marked Exhibit A designates the boundary line between areas of service of both parties.

By: Lisandro Ramon
Lisandro Ramon
Mayor of City of Lyford
P.O. Box 310, 196 W. Main
Lyford, Texas 78569

By: _____
North Alamo WSC
J.W. Dyer, Representative for North Alamo WSC
Dyer & Associates
3700 North Tenth Street, Ste. 105
McAllen, Texas 78501

City of Lyford

P.O. Box 310 • 196 West Main
Lyford, Texas 78569
Phone: (956) 347-3512 • Fax: (956) 347-5434

April 3, 2003

Mr. Todd Galiga, Staff Attorney
Representative of Executive Director of the
Texas Commission on Environmental Quality
Legal Services Division – MC 175
P.O. Box 13087
Austin, Texas 78711-3087

Re: SOAH Docket No. 582-02-3005
TCEQ Docket No. 2002-0431-UCR

Dear Mr. Galiga:

As of today, we have not received any information on our application to obtain a Water Certificate and Necessity in Willacy County on the above case. We have not had any news since your recommendation to the TCEQ to remand our CCN application to the Executive Director for further action was made.

Any information you can give us will be appreciated. Please call Mayor Ramon or myself at (956) 347-3512.

Sincerely,



Lydia Moreno
City Secretary