



Control Number: 42981



Item Number: 12

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

Post-It® Fax Note	7671	Date	9/21	# of pages	9
To	Mary Wamson	From	ZZ		
Co./Dept.		Co.			
Phone #		Phone #			
Fax #	512 339 6145	Fax #			

429181

TEXAS COMMISSION

Protecting Texas by Reducing and Preventing Pollution
August 20, 2013

**BY FAX TO 512/346-6847 AND
BY CERTIFIED MAIL**

Mr. Mark H. Zeppa, P.C.
4833 Spicewood Springs Road, Ste. 202
Austin, TX 78759

Re: Application from Sunset Water, LLC, A2030, to Acquire Facilities from Brinson Inc. dba
Sunset Country, A2075, and to Obtain a Certificate of Convenience and Necessity
(CCN) in Moore County; Application No. 37629-S

CN: pending; RN: pending (Sunset Water, LLC)
CN: 604008714; RN: 101232916 (Brinson Inc. dba Sunset Country)

2014 SEP 11 AM 11:12
PUBLIC UTILITY COMMISSION
FILES CLERK

RECEIVED

Dear Mr. Zeppa:

The above referenced application for Sunset Water, LLC, received on July 10, 2013, has been accepted for filing. Please refer to the application number in future correspondence. Mr. Brian Dickey has been assigned to perform the technical review.

It is the responsibility of the applicant to provide correct notice of the application to the following:

- any districts, groundwater conservation districts, counties, utilities, cities, cities with an extraterritorial jurisdiction within two miles and five miles of your proposed service area, and
- any city with an extraterritorial jurisdiction which overlaps the proposed service area, and
- any customers transferred, or other affected parties in your requested area.

You must list the zip codes affected by the application in the space provided on the notice form before providing notice.

The notice to the public must be published once each week for two (2) consecutive weeks in a newspaper of general circulation in Moore County. **It is the responsibility of the applicant to provide correct notice** of the application to:

- all landowners with more than 25 acres in your proposed CCN. The landowner information may be obtained from the county appraisal district tax rolls for the county or counties in which the proposed CCN lies.

Check the notices carefully before mailing or publishing.

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Mr. Mark H. Zeppa, P.C.

Page 2

August 20, 2013

As proof that notice was provided, you are required to send us the following:

- a) an original and three copies of a publisher's affidavit of the newspaper publication with tear sheets of the published notice attached;
- b) four copies of each individual notice and map sent to neighboring utilities and affected parties;
- c) one copy of the landowner notice and map sent to each landowner; and
- d) an original and three copies of the signed affidavits that individual notice to neighboring utilities, affected individuals and each landowner has been given. Copies of the Affidavit forms are enclosed with this letter.

Please be sure to include a map showing the proposed service area with your individual notices to neighboring utilities, other affected parties and each landowner. It is the applicant's burden to provide an accurate map delineating the proposed area with each individual notice.

Information related to utilities and districts including addresses can be obtained from the TCEQ web site located at www10.tceq.texas.gov/iwud/.

As proof that notice was given, you are required to return to this office a copy of the actual notice attached to a signed affidavit that the notice was given.

Affidavit forms are enclosed. Please complete the affidavits and submit an original and two copies (attached to the notice) to this office.

Also, please provide four (4) copies of the most recent inspection report letter. For each system deficiency listed, if any, attach a brief explanation listing the actions taken or being taken to correct the listed deficiencies, including the proposed completion dates.

Additional financial or technical information may also be requested through future correspondence.

These items must be completed and returned to our office by **September 20, 2013**. Processing of this application cannot proceed until the close of the 30 day public comment period which begins after all the required notices have been given. If we do not receive the requested information by this date, your application will be returned for failure to prosecute.

If you have any questions, please contact Mr. Brian Dickey at 512/239-0963, 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/sd

Enclosures: as stated

Application No. 37629-S

Notice to Current Customers, Neighboring Systems, Landowners and Cities

NOTICE OF INTENT FOR BRINSON, INC. DBA SUNSET COUNTRY TO SELL FACILITIES TO SUNSET WATER, LLC AND FOR SUNSET WATER, LLC TO OBTAIN A CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) IN MOORE COUNTY, TEXAS

To: _____ Date Notice Mailed: _____, 2013
(Name of Customer, Neighboring System or City)

(Address)

(City State Zip)

Sunset Water, LLC PO Box 51221 Amarillo TX 79159
(Purchaser's or Transferee's Name) (Address) (City) (State) (Zip Code)

has submitted an application with the Texas Commission on Environmental Quality to acquire facilities in Moore County held by:

Brinson, Inc. dba Sunset Country 12534 Westheimer Road Houston TX 77077
(Seller's or Transferor's Name) (Address) (City) (State) (Zip Code)

The purchaser has also requested to obtain a CCN in this application. The sale is scheduled to take place as approved by the Executive Director (V.T.C.A., Water Code §13.301).

The transaction and the proposed service area include the following subdivision(s) and zip codes: Sunset Country, Sunset Country West, 79029.

The area subject to this transaction is located approximately 6 miles southwest of downtown Dumas, Texas, and is generally bounded on the north by W Rd. R; on the east by Railroad Tracks; on the south by approximately 1 mile south of W Rd. R; and on the west by approximately 1/4 mile west of FM 722.

The total area being requested includes approximately 212 acres and currently serves 47 current customers.

This transaction will have the following effect on the current customers' rates and services: Rates will remain the same as before the transaction. However, the purchaser plans to file an application for a rate increase in the future. Rates will not change until allowed by Texas law in that separate rate case.

Affected persons may file written protests and/or request a public hearing within 30 days of this notice.

To request a hearing, you must:

- (1) state your name, mailing address and daytime telephone number;
- (2) state the applicant's name, application number or another recognizable reference to this application;
- (3) the statement "I/we request a public hearing";
- (4) write a brief description of how you, the persons you represent, or the public interest would be adversely affected by the proposed transaction and transfer of the CCN; and
- (5) state your proposed adjustment to the application or CCN which would satisfy

your concerns and cause you to withdraw your request for a hearing.

Only those persons who submit a written request to be notified of a hearing will receive notice if a hearing is scheduled. The Executive Director will issue the CCN requested in the referenced application unless a hearing is scheduled to consider the transaction. If no protests or requests for hearing are filed during the comment period, the Executive Director may issue the CCN 30 days after publication of this notice.

Persons who wish to protest or request a hearing on this application 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

Se desea informacion en Espanol, puede llamar al 1-512-239-0200.

Utility Representative

Utility Name

Notice for Publication

NOTICE OF INTENT FOR BRINSON, INC. DBA SUNSET COUNTRY TO SELL FACILITIES TO SUNSET WATER, LLC AND FOR SUNSET WATER, LLC TO OBTAIN A CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) IN MOORE COUNTY, TEXAS

Sunset Water, LLC has filed an application with the Texas Commission on Environmental Quality to purchase facilities from Brinson Inc. dba Sunset Country and to obtain a Certificate of Convenience and Necessity (CCN) to provide water utility service in Moore County, Texas.

The area subject to this transaction is located approximately 6 miles southwest of downtown Dumas, Texas, and is generally bounded on the north by W Rd. R; on the east by Railroad Tracks; on the south by approximately 1 mile south of W Rd. R; and on the west by approximately 1/4 mile west of FM 722.

The total area being requested includes approximately 212 acres and currently serves 47 current customers.

The transaction and the proposed service area include the following subdivision(s) and zip codes: Sunset Country, Sunset Country West, 79029.

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

Received Time Aug 19 2013 2:23PM No 0647
Law Offices of Mark D. Zepeda, P.C.
000 21 2013 2:00AM

Received Time Aug. 19, 2013 2:23PM No. 0647
OCT 21 2013 7 00AM LAW OFFICES OF MARTIN H. ZEPEDA, P.C.
wholly located within the proposed area, you may request to be excluded 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.

Se desea Informacion en Espanol, puede llamar al 1-512-239-0200.

Texas Commission on Environmental Quality



AFFIDAVIT OF NOTICE TO NEIGHBORING UTILITIES AND AFFECTED PARTIES
APPLICATION NO. _____

STATE OF TEXAS
COUNTY OF _____

_____ has provided
individual notice to the following entities:

Table with 2 columns: Entity Name, DATE

OATH

I, _____, being duly sworn, file this form as
(indicate relationship to applicant,
that is, owner, member of partnership, title of officer of corporation, or other authorized
representative of applicant); that in such capacity, I am qualified and authorized to file and
verify such form, am personally familiar with the notices given with this application, and have
complied with all notice requirements in the application and application acceptance letter; and
that all such statements made and matters set for therein are true and correct.

Applicant's Authorized Representative

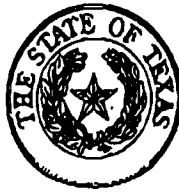
If the applicant to this form is any person other than the sole owner, partner, officer of the
applicant, or its' attorney, a properly verified Power of Attorney must be enclosed.

Subscribed and sworn to before me this _____ day of _____, 20____,
to certify which witness my hand and seal of office.

Notary Public In and for the State of Texas

Print or Type Name of Notary Public
Commission Expires _____

Texas Commission on Environmental Quality



PUBLISHER'S AFFIDAVIT
APPLICATION NO. _____

STATE OF TEXAS
COUNTY OF _____

Before me, the undersigned authority, on this day personally appeared

_____, who being by me

duly sworn, deposes and says that (s)he is the _____
(TITLE)

of the _____;
(NAME OF NEWSPAPER)

that said newspaper is regularly published in _____
(COUNTY/COUNTIES)

and generally circulated in _____, Texas; and
(COUNTY/COUNTIES)

that the attached notice was published in said newspaper on the following date(s), to wit:

(DATES)

(SIGNATURE OF NEWSPAPER REPRESENTATIVE)

Subscribed and sworn to before me this _____ day of _____, 201____,
to certify which witness my hand and seal of office.

Notary Public in and for the State of Texas

Print or Type Name of Notary Public
Commission Expires _____