



Control Number: 42989



Item Number: 6

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., P.E., *Chairman*
Toby Baker, *Commissioner*
Zak Covar, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

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2014 SEP 12 AM 3:47
91 7199 9991 7031 8280
PUBLIC UTILITY COMMISSION
FILING CLERK

May 1, 2014

**BY FAX AT 512/477-5267 AND BY
BY CERTIFIED MAIL**

Mr. Bob Renbarger, Attorney
Fritz, Byrne, Head & Harrison, PLLC
98 San Jacinto Boulevard, Suite 2000
Austin, TX 78701-4288

Re: Application from EMCAD Water and Wastewater, LLC, A2087, to Acquire Facilities and transfer Certificate of Convenience and Necessity (CCN) No. 20832 held by Grand Ranch Treatment Company, in Johnson County; Application No. 37724-S

CN: 604519330; RN: 107111247 (EMCAD Water and Wastewater, LLC)
CN: 600627186; RN: 101179422 (Grand Ranch Treatment Company)

Dear Mr. Renbarger:

We have reviewed the criteria in Texas Water Code (TWC), Section 13.301(e) and determined that a public hearing will not be requested. You may complete your proposed transaction as scheduled, or any time after you receive this notification. Please note that the transaction must comply with the requirements of TWC Section 13.301(d) and therefore cannot be completed prior to the issuance of this letter.

The second part of the application, which is transferring the CCN, will occur following receipt of the following documents:

- a copy of the signed contract or bill of sale, and
- documents supporting the disposition of customer deposits.

The application cannot be approved nor the CCN transferred until we receive evidence that the transaction was completed. These items must be received by the Utilities & Districts Section, Water Supply Division, within 30 days after the effective date of the transaction.

Mr. Bob Renbarger, Attorney
Page 2
May 1, 2014

After the proper documentation is received, staff will prepare a proposed map, certificates, and recommendation for both applicants to review before submitting them to the Executive Director for approval and the transfer of the CCN. A copy of this information will be sent to both the buyer and seller.

If you concur with the recommendation, the consent forms must be signed and returned by both applicants before the recommendation to transfer the CCN can be approved by the Executive Director. If both consents are not received, the CCN will remain in the name of the seller and the seller remains responsible for the systems for purposes of TWC Section 13 regulations. (See TWC, Section 5.122 and 30 Texas Administrative Code Section 50.33).

As an alternative to the seller's continued involvement in the process, the closing document(s) and any accompanying correspondence may include a statement that the seller consents with the transfer of the CCN to the buyer with specific references to the statute and rule noted above. The statement will serve to authorize the Executive Director to take action upon receipt of the buyer's signed consent form. In this situation, however, the seller is relying on the buyer to provide the final consent on the CCN transfer.

Finally, please note that from the time the application is filed until the CCN is transferred, it is the applicants' (buyer and seller) responsibility to notify and update the Utilities & Districts Section, Water Supply Division, of changes in the financial, managerial, or technical information provided in the application.

If you have further questions, please contact Ms. Debbie Reyes Tamayo at (512) 239-4683, 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/DRT/mmg

cc: EMCAD Water and Wastewater, LLC
Grand Ranch Treatment Company



FRITZ, BYRNE, HEAD & HARRISON, PLLC

Attorneys at Law

April 14, 2014

Hand Delivered

Executive Director
Texas Commission on Environmental Quality
Attn: Water Quality Division (MC-148)
P.O. Box 13087
Austin, Texas 78711-3087

Re: TPDES Permit Transfer Application- Grand Ranch Treatment Company - Permit No.
WQ 001846001

To Whom It May Concern:

Attached is an original and one (1) copy of a Texas Pollutant Discharge Elimination System (TPDES) permit transfer application. Contemporaneously herewith, we are submitting the \$100.00 fee for processing of this application. Please be advised that the above entity possesses a wastewater Certificate of Convince and Necessity (CCN) and that a Sale, Transfer or Merger application is also pending. Please contact Ms. Debbie Reyes Tamayo in the Water Supply Division to coordinate any needed communications. If there are any questions on the timing or processing of this application, please contact the undersigned.

Sincerely yours,

FRITZ, BYRNE, HEAD & HARRISON, PLLC

By: Bob Renbarger
Bob Renbarger
For The Firm

ROR/yc

Cc: Ms. Debbie Reyes Tamayo, Water Supply Division (MC-153)
Mr. Donald J. Clayton, EMCAD Water Wastewater LLC
Mr. Kevin Haney, Esq.

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APR 15 2014

**WATER QUALITY DIVISION
TCEQ**



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98 SAN JACINTO BOULEVARD SUITE 2000 AUSTIN, TEXAS 78701 (512) 476-2020 FAX: (512) 477-5267 WWW.FBHH.COM

Utilities & Districts Section

Utility Name: EMCAD Water and Wastewater LLC
 Appl. Number (s): 37724-S
 TCEQ Rec. Date: 9/13/2013 Date Received From Admin: December 6, 2013
 BTR Letter Date: 12/3/2013

STM Application Processing Timeline

Days after TCEQ Rec. Date		Actual Date
81	3-Dec-13 Case assigned to Staff	
91	13-Dec-13 Staff File Received Review Acceptance Letter 1. Check Notice Date 2. Check for any Fees Owed. 3. Send financial, technical and managerial information for review. A. FMT Request Date B. FMT Received Date 4. Gather any questions not resolved in application.	<u>12/6/13</u> <u>2-19-14</u>
111	2-Jan-14 Check for correct notice.	
116	7-Jan-14 Continue checking for notice, if they have not been received 1. Send 1st Notice of Deficiency letter for notices and other information not included in the application.	<u>1st NOD Letter Date</u>
146	6-Feb-14 Continue checking for notice, if they have not been received 2. Send 2nd Notice of Deficiency letter for notices.	<u>2nd NOD Letter Date</u>
161	21-Feb-14 Return File if NOD information not received.	<u>File Return Date</u>
116	7-Jan-14 If Correct Notice received <i>Last day of Protest 1-23-14</i> 1. Review Protest Letters A. If no Protests Begin STM Checklist B. If Protested prepare Hearing Referral Form	<u>Hearing Referral Date</u>
121	12-Jan-14 2. Complete STM Checklist 3. Send Sale Letter to Utility <i>2-21-14</i>	<u>2-21-14</u>
201	2-Apr-14 Sale Document Received 1. Send Map Request to Cartographer A. Map Request Date	<u>Sale Doc Date</u>
206	7-Apr-14 Begin Preparing Recommendation 1. Prepare Tariffs A. Date Tariff Sent to Coordinator B. Date Approved Tariff Received 3. Recommendations A. Date Recommendations Began B. Date Recommendations Complete	
	Recommendation Saved	
181	13-Mar-14 Send 1st Notice of Deficiency letter for Sale Documents	

241	12-May-14 Send 2nd Notice of Deficiency letter for Sale Documents	1st NOD Letter Date
301	11-Jul-14 Send 3rd Notice of Deficiency letter for Sale Documents	2nd NOD Letter Date
361	9-Sep-14 Send 4th Notice of Deficiency letter for Sale Documents	3rd NOD Letter Date
416	3-Nov-14 Return File if Sale Documents not received.	4th NOD Letter Date
281	21-Jun-14 Maps Received	File Return Date
291	1-Jul-14 Date Sent to Team Leader For Final Review (Information to Team Leader should include the Recommendations, Tariffs and Maps)	
321	31-Jul-14 Date Consent Form Received	
331	10-Aug-14 Date Posted On ED Agenda	
336	15-Aug-14 Date Signed by ED	