



Control Number: 42994



Item Number: 5

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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*
Toby Baker, *Commissioner*
Zak Covar, *Executive Director*

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File

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

October 29, 2013

RECEIVED
2014 SEP 15 AM 10:33
PUBLIC UTILITY COMMISSION
FILING CLERK

**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

NOTICE OF DEFICIENCY

Re: Application from EMCAD Water and Wastewater, LLC, A2089, to Acquire Facilities and transfer Certificate of Convenience and Necessity (CCN) No. 20816 held by Dusty Drury dba D & K Development Corp., in Tarrant County; Application No. 37727-S

CN: pending; RN: pending (EMCAD Water and Wastewater, LLC)
CN: 600677470; RN: 101239796 (D& K Development Corp.)

Dear Mr. Renbarger:

The above referenced application, received on September 13, 2013, has been assigned Application No. 37727-S, but has not been accepted for filing. Please refer to the application number in future correspondence.

On November 14, 2012, the Commission implemented a policy change that requires applicants for CCN related applications to provide a complete list of entities providing the same type of retail utility service (i.e., water and/or sewer) as requested in the application, within a specified area. For applicants requesting a new 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. In addition to this information, the Commission also requires that applicants provide a list of 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.

The list provided in your applications is deficient. In order for your application(s) to be accepted for filing, please provide a complete list of all retail public utilities,

counties, cities and ETJs within two miles of your proposed CCN area. Please note, this includes districts and groundwater conservation districts.

Please use the TCEQ's iWud Viewer (Viewer) as a guide to begin assembling this list. You can access the Viewer using the following link:
<http://www.tceq.texas.gov/gis/iwudview.html>. Please note, the Viewer only provides information on municipalities with a registered CCN number and some districts.


In addition, Financial Managerial and Technical (FMT) Assistance is available for applicants if needed.

If you need any help using the iWud Viewer or to request FMT Assistance, please contact the Water Supply Division at utildist@tceq.texas.gov or 512/239-4691.

The neighboring utility list must be completed and returned to our office by **November 7, 2012**. 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 Ms. Christine Mester at 512/239-2788 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

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

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Oct 29 2013 14:23

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How is our customer service? www.tceq.texas.gov/goto/customersurvey

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