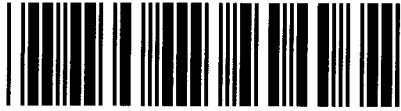




Control Number: 42994



Item Number: 6

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



7199 9991 7031 8277 5659

# 42994

OR FILE

## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

December 4, 2013

**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

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

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 accepted for filing. Thank you for the items provided with your email, received on November 5, 2013. Please refer to the application number in future correspondence. Ms. Debbie Reyes Tamayo 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 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.**

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

Mr. Bob Renbarger, Attorney

Page 2

December 4, 2013

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.

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

These items must be completed and returned to our office by **January 6, 2014**. 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 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/CM/sd

Enclosures: as stated

**Notice to Current Customers, Neighboring Systems,  
Landowners and Cities**

DUSTY DRURY DBA D&K DEVELOPMENT CORPORATION'S NOTICE OF INTENT  
TO SELL FACILITIES AND TRANSFER CERTIFICATE OF CONVENIENCE AND  
NECESSITY (CCN) NO. 20816 TO EMCAD WATER AND WASTEWATER, LLC IN  
TARRANT COUNTY, TEXAS

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

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(City State Zip)

Dusty Drury dba D&K Development Corporation PO Box 172081 Arlington TX 76003  
(Sellers or Transferor's Name) (Address) (City) (State)(Zip Code)

has submitted an application with the Texas Commission on Environmental Quality to  
sell facilities and transfer sewer CCN No. 20816 in Tarrant County to:

EMCAD Water and Wastewater, LLC 2492 Matterhorn Dr. Wexford PA 15090  
(Seller's or Transferor's Name) (Address) (City) (State) (Zip Code)

The sale is scheduled to take place as approved by the Executive Director (V.T.C.A.,  
Water Code §13.301). The transaction and proposed service area include the following  
subdivision(s): Mayfair, Mayfair South and Mayfair West.

The area subject to this transaction is located approximately 13 miles south of downtown  
Fort Worth, Texas and is **generally** bounded on the north by FM 1187; on the east by  
Crystal Lane; on the south by Floyd Hampton Road; and on the west by W Cleburne  
Road.

The total area being requested includes approximately 192 acres and serves 159 current  
customers. This transaction will have the following effect on the current customers'  
rates and services: No change to current rates. Current service level will either be  
maintained or improved.

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

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

\_\_\_\_\_  
Utility Representative

\_\_\_\_\_  
Utility Name

Texas Commission on Environmental Quality



AFFIDAVIT OF NOTICE TO CUSTOMERS AND OTHER AFFECTED PARTIES  
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 that (s)he is the \_\_\_\_\_  
(TITLE)  
of the \_\_\_\_\_  
(NAME OF UTILITY)

that the attached notice was provided to customers and other affected parties by  
\_\_\_\_\_  
(METHOD USED TO PROVIDE NOTICE)

on or about the following date, to wit: \_\_\_\_\_  
(DATE)  
\_\_\_\_\_  
(SIGNATURE OF UTILITY OFFICIAL)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2012,  
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



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

STATE OF TEXAS  
COUNTY OF \_\_\_\_\_

\_\_\_\_\_ has provided individual notice to the following entities:

	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 \_\_\_\_\_

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

P. 1

Dec 5 2013 17:18

Fax/Phone Number	Mode	Start	Time	Page	Result	Note
915124775267	NORMAL	5,17:18	0'53"	7	# O K	

How is our customer service? [www.tceq.texas.gov/goto/customersurvey](http://www.tceq.texas.gov/goto/customersurvey)

**Fax:** 512-477-5267  
**From:** Ms. Christine Mester  
**Division:** Water Supply Division  
**Texas Commission on Environmental Quality**  
**Phone:** 512-239-2788  
**Fax:** 512-239-6972



To: Administrative Reviewer

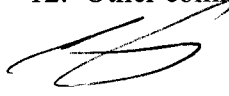
Date Complete: September 30, 2013

From: Cartographer-Utilities & Districts Section

Subject: Overlap & Notice Check for Administrative Review No. A-128-13/37727-S  
EMCAD Water and Wastewater to acquire D & K Development (20816) Tarrant county

- X 1. No new overlap of service areas exists.
- 2. An overlap:
- 3. Dual certification:
- 4. An overlap exists with the city limits of:
- X 5. If this is a Sale, Transfer, or Merger, is additional area being requested? NO
- 7. Map submitted is digital request digital data.
- 9. Utility notice was sufficient.
- X 10. Utility notice was insufficient. In addition to those systems listed in the application, they will also need to notify:  

TWO MILES:  
City of Burleson (20358)  
 City of Crowley (20392)  
Tarrant county  
Northern Trinity GCD  
All cities and etj's within 2 miles of proposed area  
Any other Utility, District or entity that would be required to receive notice
- X 11. Notice: approximately 192 acres  
On the east by Crystal Ln.  
On the south by Floyd Hampton Rd.  
On the west by W Cleburne Rd
- 12. Other comments:



Kent Steelman

## Christine Mester

---

**From:** Renbarger, Bob <Bob@fbhh.com>  
**Sent:** Tuesday, November 05, 2013 11:54 AM  
**To:** Christine Mester  
**Cc:** 'Nathan Johnson'  
**Subject:** Response to NOD - EMCAD/D&K Development Corporation - Application No. 37727-S

Ms. Mester:

This email is provided in response to the TCEQ's NOD letter dated October 29, 2013 for the above-referenced application.

In response to the NOD letter, we are adding the following entities to the list of neighboring utilities, districts, etc. to receive notice of the application:

City of Burleson  
141 West Renfro  
Burleson, Texas 76028

Tarrant County  
100 E. Weatherford  
Fort Worth, Texas 76102

Northern Trinity Groundwater Conservation District  
1121 Mercedes Street  
Benbrook, Texas 76126

Please accept this email as confirmation that the above entities will be added to our list of entities to receive public notice once the TCEQ notifies the applicant to send out any required notices. Please contact the undersigned if you have any questions or need additional information to declare this application administratively complete and initiate technical review. Thank you for your consideration and assistance.

Bob Renbarger