

Control Number: 43114



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*
 Buddy Garcia, *Commissioner*
 Carlos Rubinstein, *Commissioner*
 Mark R. Vickery, P.G., *Executive Director*



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2014 SEP 24 AM 11:36

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

UTILITY COMMISSION
FILING CLERK

Protecting Texas by Reducing and Preventing Pollution

September 29, 2010

CERTIFIED MAIL

Mr. David A. Miller, Attorney
 Miller Mentzer, P.C.
 P.O. Box 130
 Palmer, Texas 75152

Re: Contract Service Agreement Pursuant to Texas Water Code, Section 13.248, from Mountain Peak Special Utility District (SUD), Certificate of Convenience and Necessity (CCN) No. 10908, to Transfer a Portion of CCN No. 11706 from the City of Midlothian and to Decertify a Portion of CCN No. 10908, in Ellis County; Application No. 36233-C

CN: 602721979; RN: 104424601 (Mountain Peak SUD)
 CN: 600488373; RN: 101403350 (City of Midlothian)

Dear Mr. Miller:

Enclosed is the map created for the above referenced application. Please review it carefully to determine if it correctly represents the intentions of Mountain Peak SUD and the City of Midlothian's pending matter.

If you agree that the map is accurate, please sign the **CONSENT FORM**, mark the line that says you concur and return the signed statement. We recommend keeping a copy of the letter you signed form for your records.

If you believe that the map is inaccurate or you disagree that it correctly represents Mountain Peak SUD and the City of Midlothian's intentions of their pending matter, please mark the line on the **CONSENT FORM** that says you do not concur, sign the form and return it to the address or fax number on the form.

If you have any questions, please contact Ms. Sheresia Perryman by phone at 512/239-3654, by fax at 512/239-6972, by email at sperryma@tceq.state.tx.us, or if by correspondence, include MC-153 in the letterhead address.

Sincerely,

Tammy Benter, Manager
 Utilities & Districts Section
 Water Supply Division

TB/SP/ln

Enclosures



Texas Commission On Environmental Quality

By These Presents Be It Known To All That

Mountain Peak Special Utility District

having duly applied for certification to provide water 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. 10908

to provide continuous and adequate water utility service to that service area or those service areas in Ellis County as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Application No. 36233-C are on file at the Commission offices in Austin, Texas; and are matters of official record available for public inspection; and be it known further that these presents do evidence the authority and the duty of Mountain Peak Special Utility District 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

CONSENT FORM

Applicant's Name: Mountain Peak Special Utility District (SUD)

Application Nos.: 36233-C

- ☐ I concur with the recommendation contained in the staff memorandum transmitted by letter dated September 29, 2010.
- ☐ I do not concur with and intend to respond to the recommendation contained in the staff memorandum transmitted by letter dated September 29, 2010.

I understand that I have 14 days from the date of this letter to provide my response.

I am authorized by the Mountain Peak Special Utility District (SUD) to sign this form.

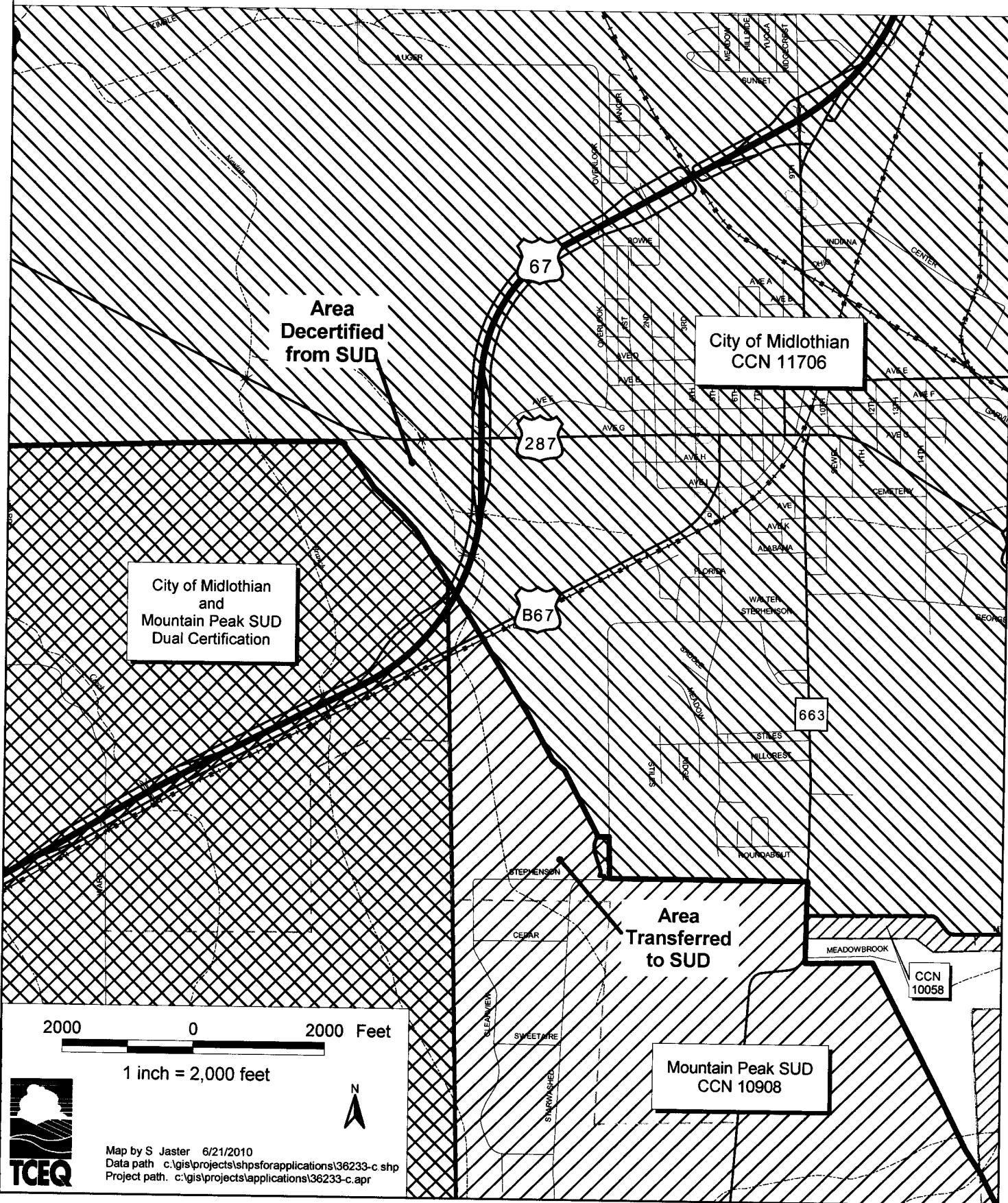
Signature: _____

Printed Name: _____

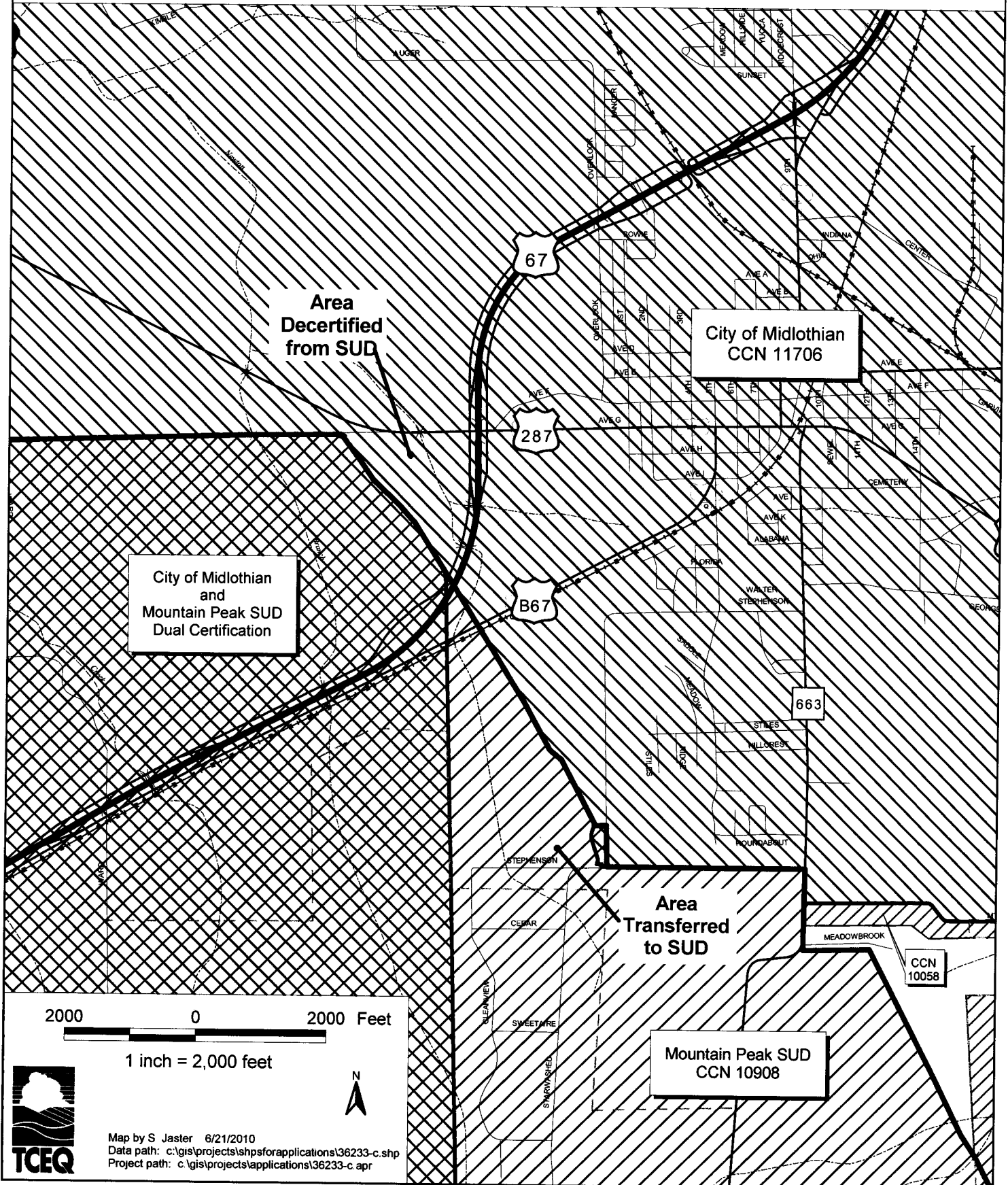
Relationship to Applicant: _____

Date signed: _____

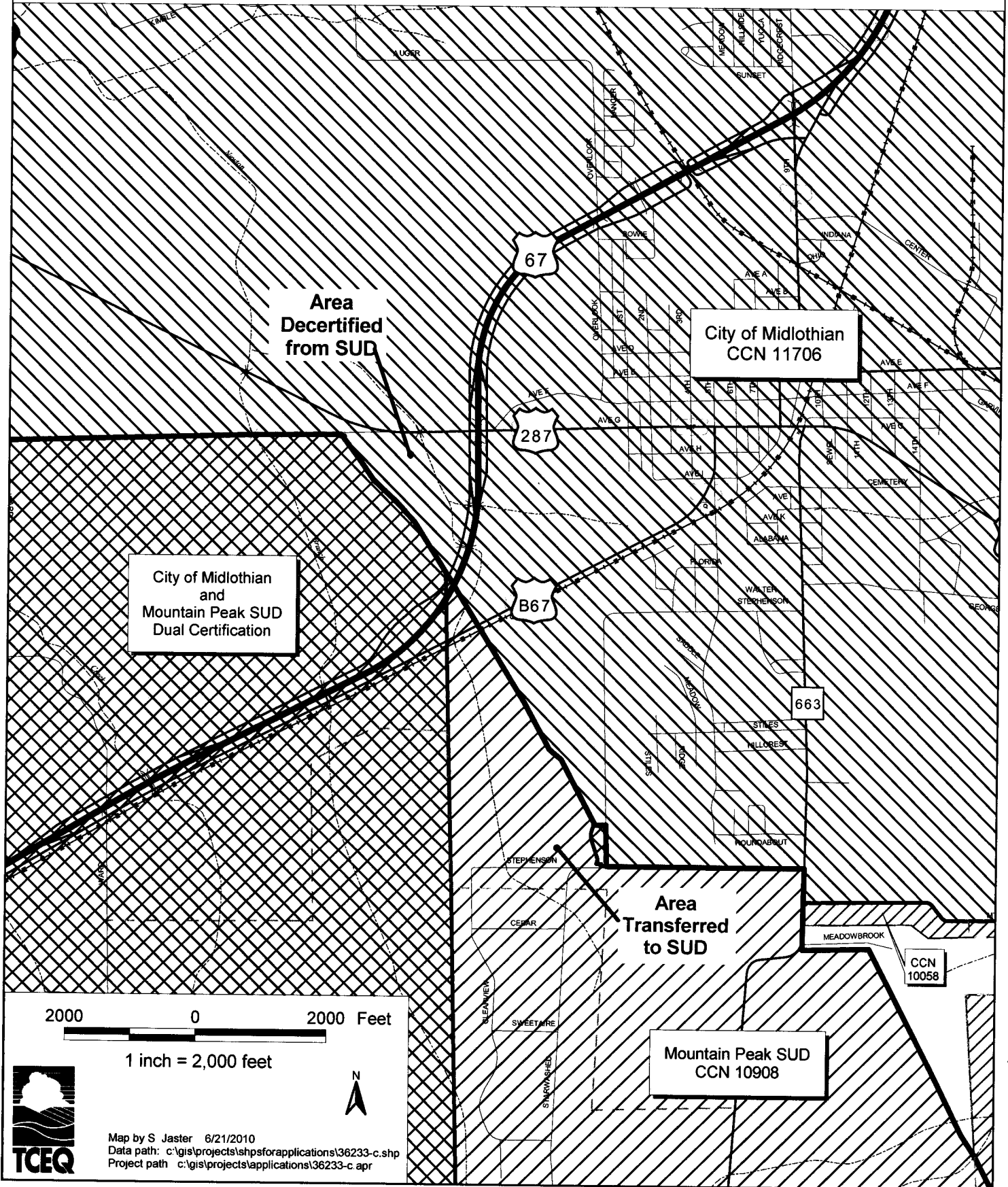
Mail or Fax to:
Sheresia Perryman
Utilities & Districts Section, MC 153
Water Supply Division
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087
Fax: (512) 239-6972



Mountain Peak Special Utility District
Portion of Water Service Area - CCN No. 10908
Application No. 36233-C (13.248 Contract Service Agreement
to Transfer a Portion of CCN No. 11706 from City of Midlothian
and to Decertify a Portion of CCN No. 10908 in Ellis County)



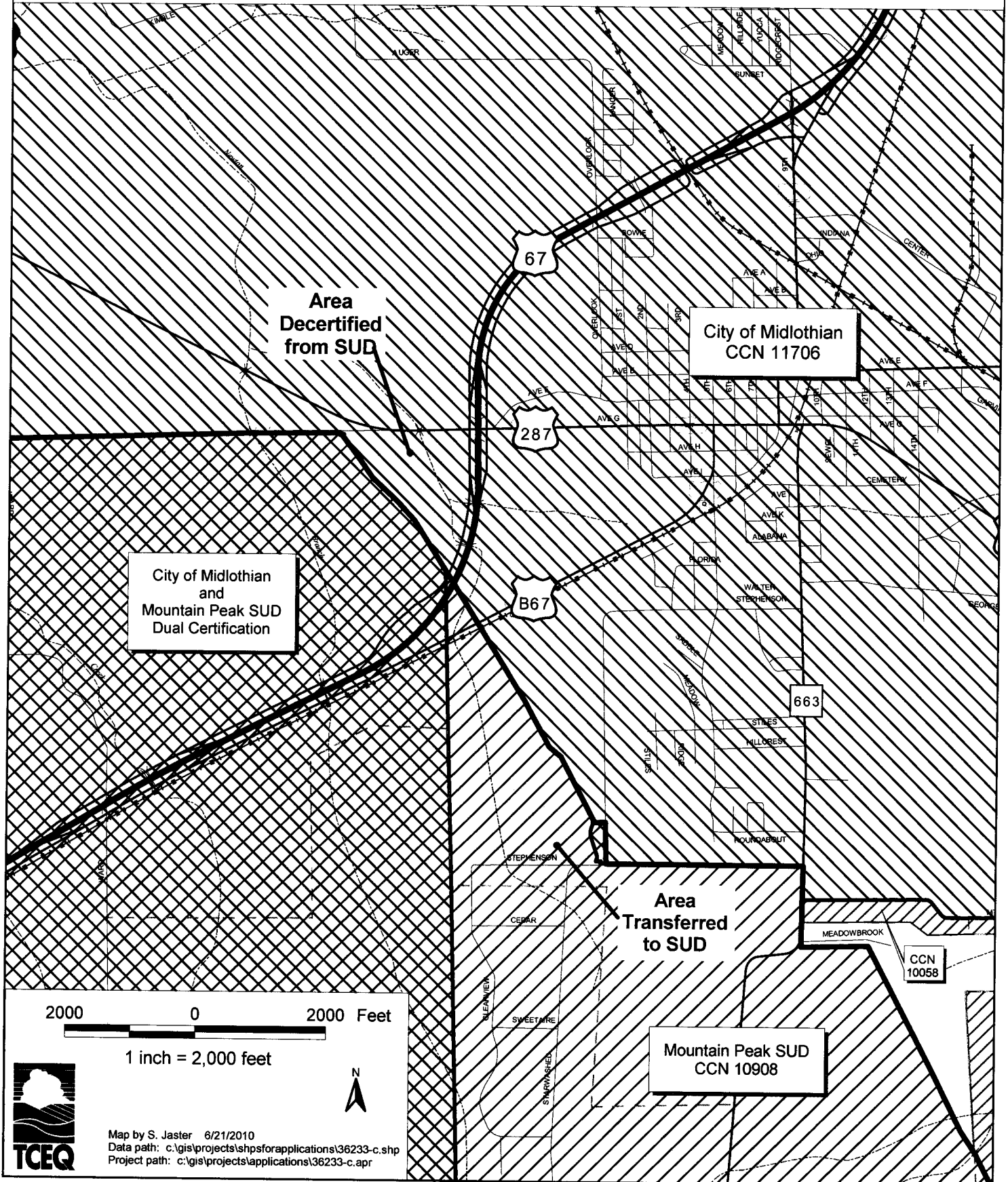
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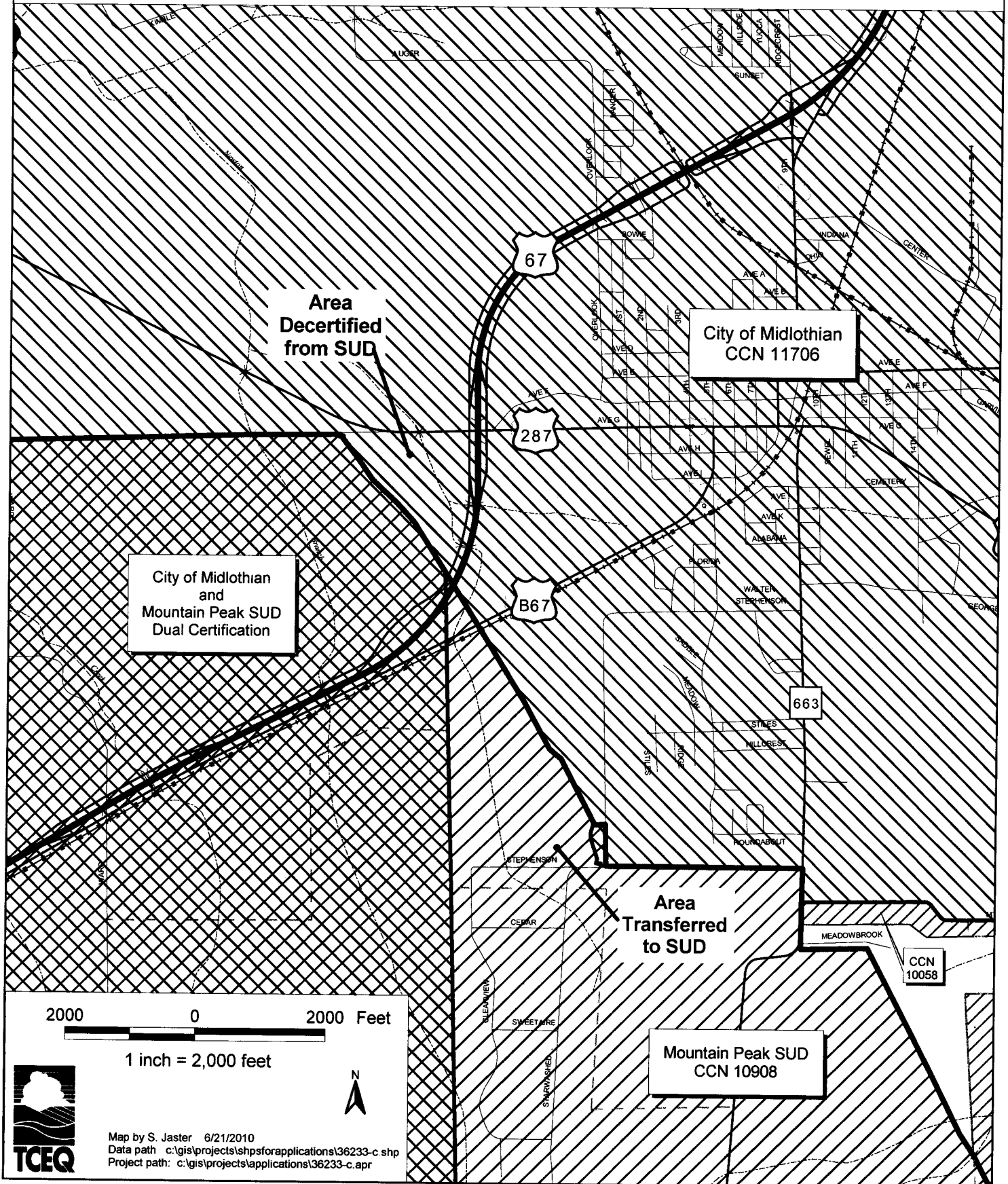
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Map by S Jaster 6/21/2010
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Project path c:\gis\projects\applications\36233-c.apr

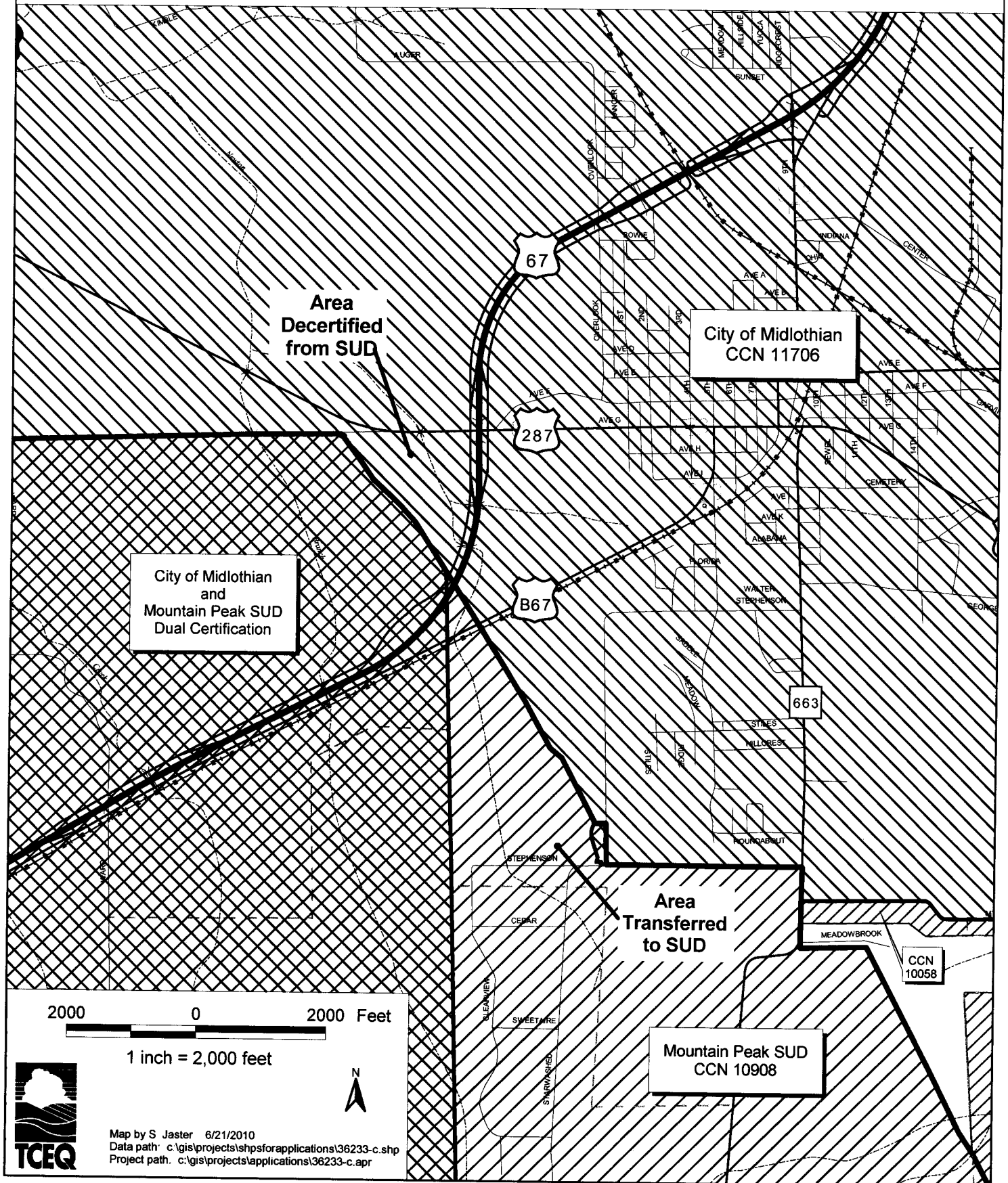
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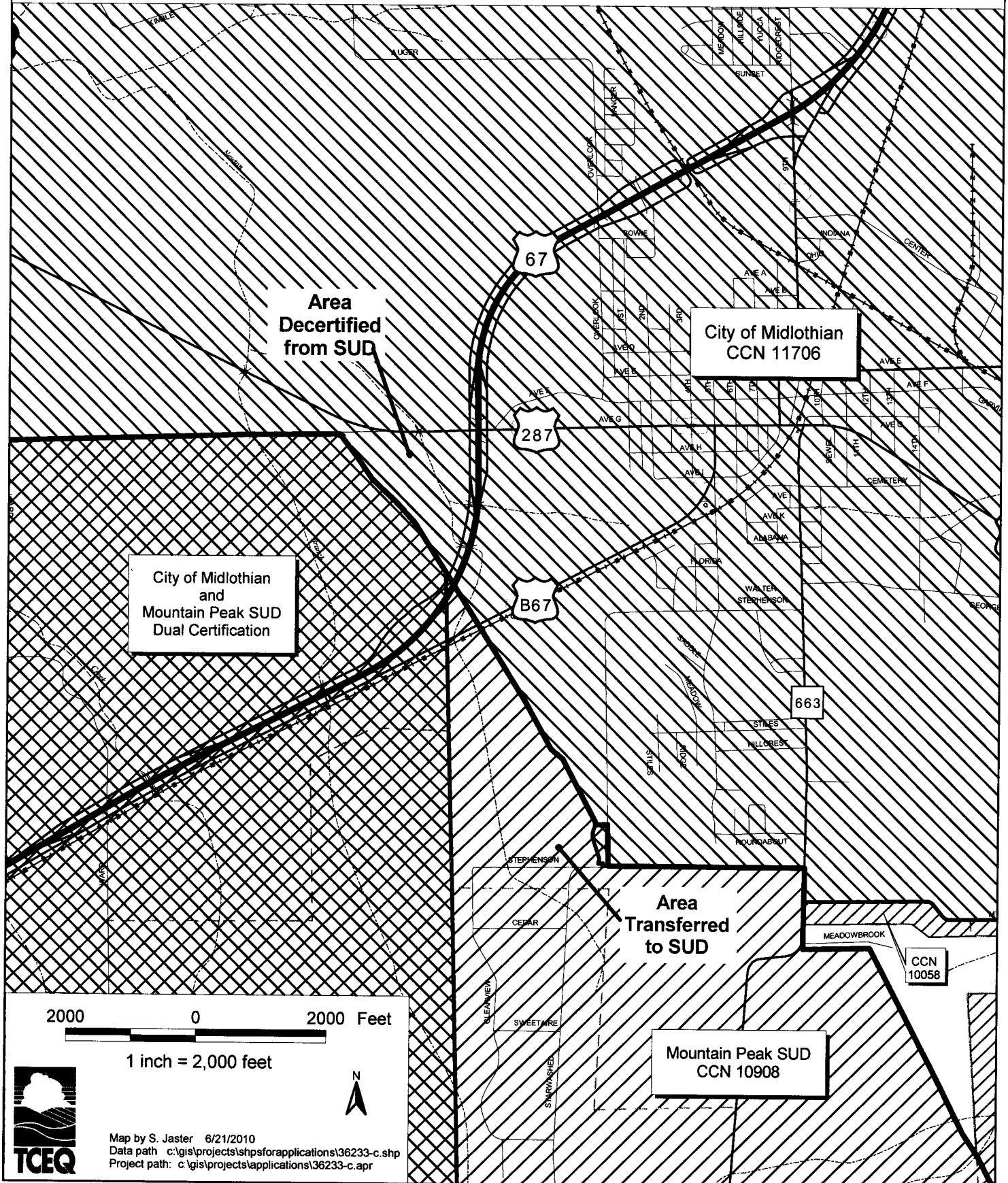
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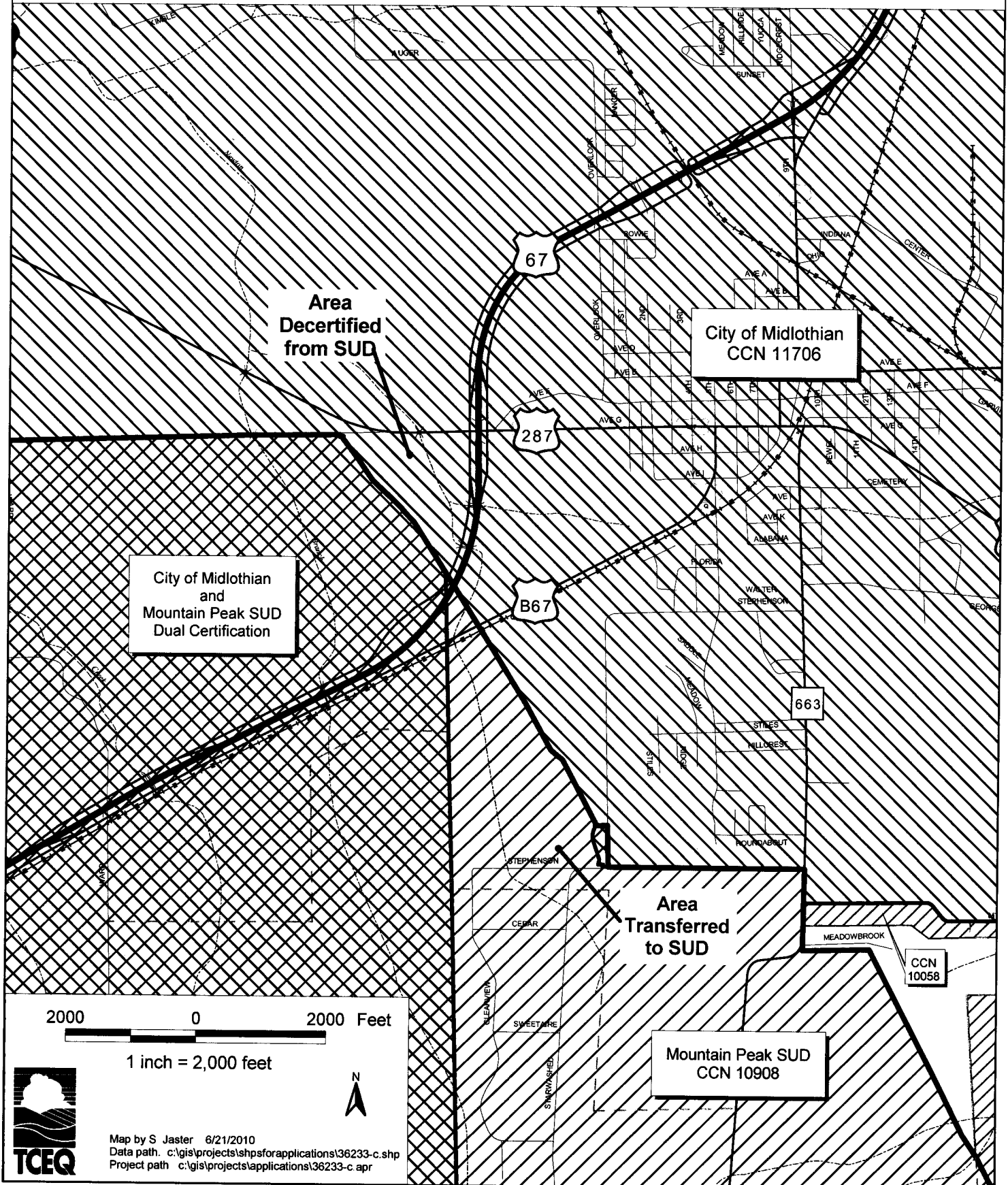
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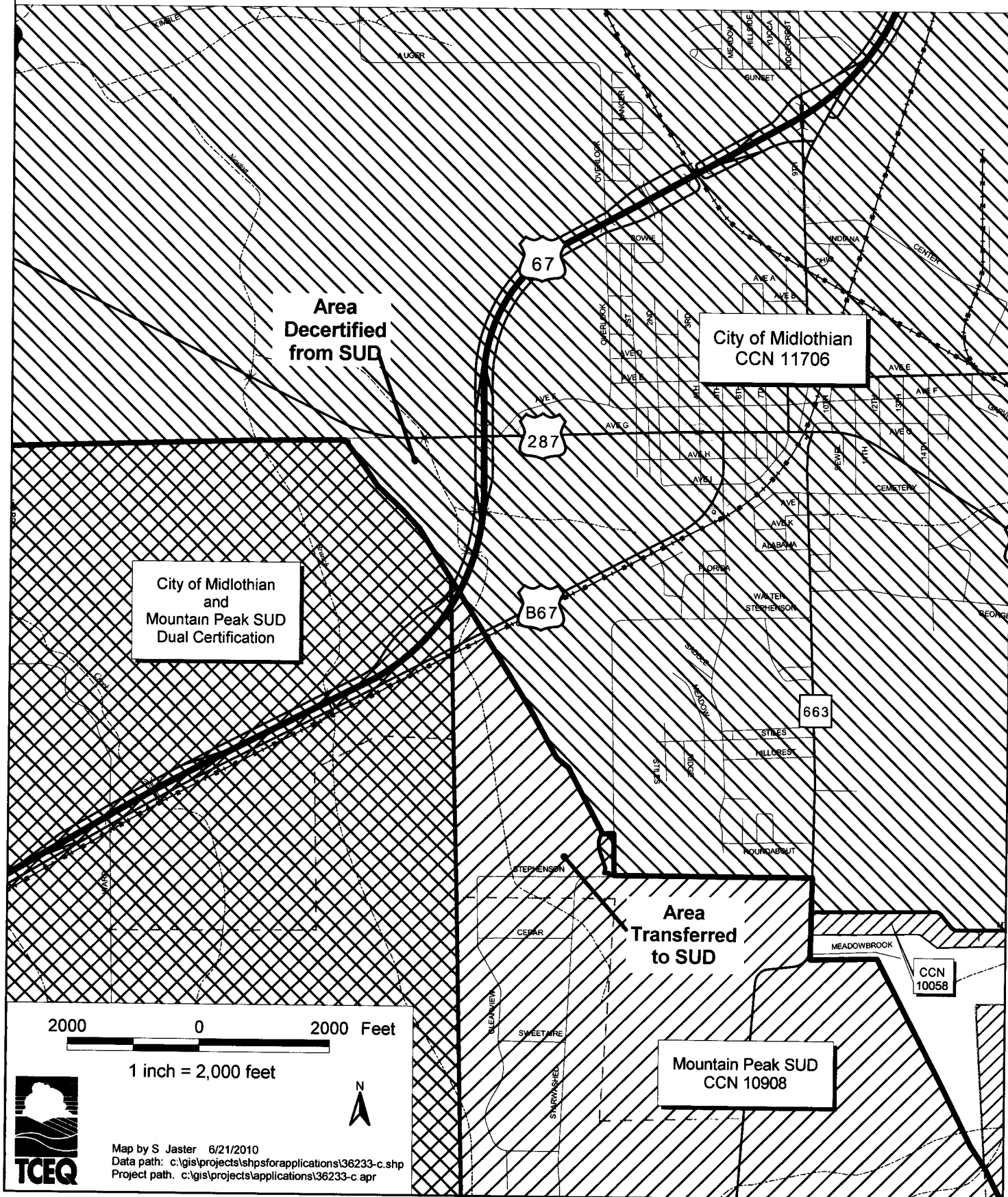
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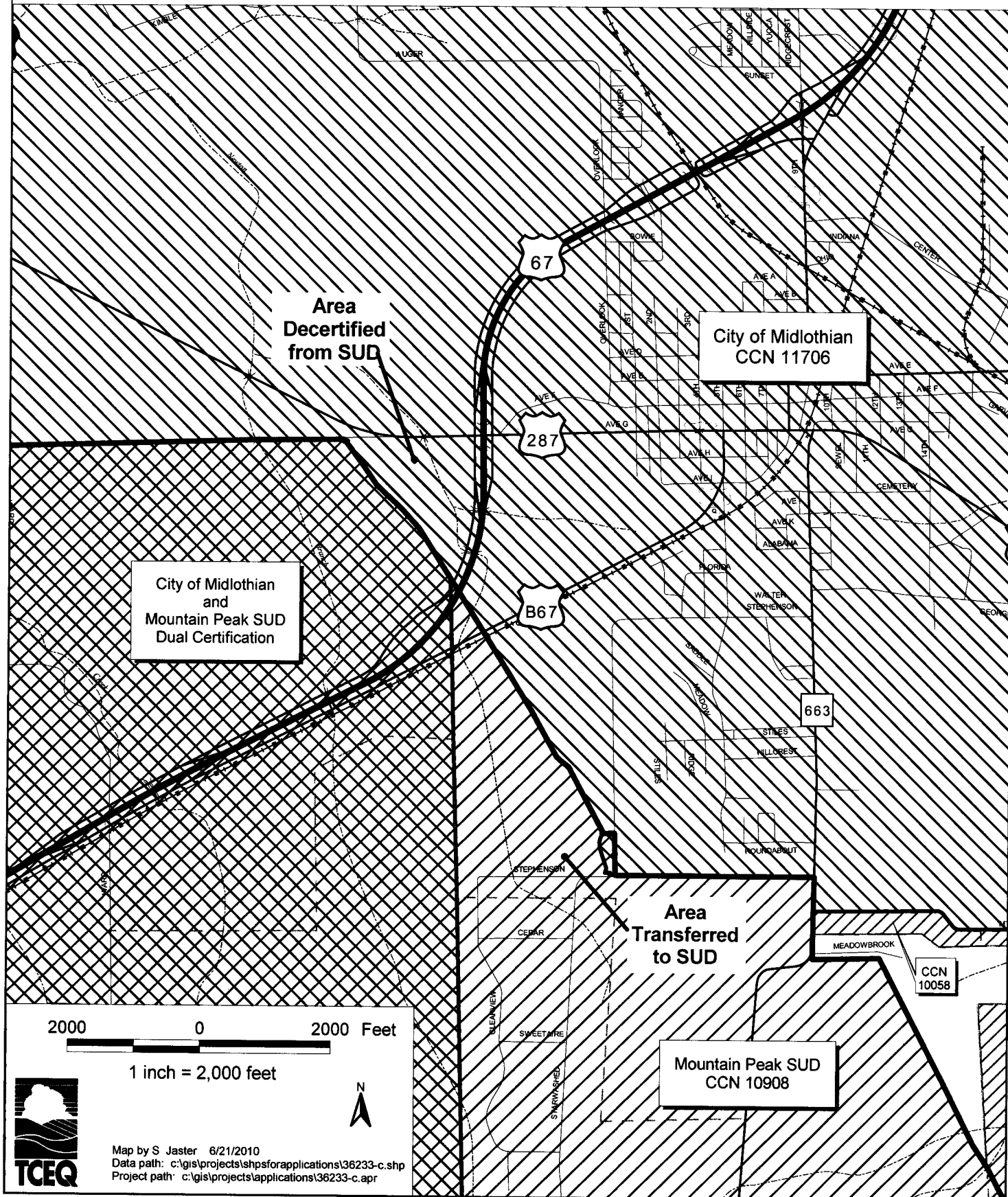
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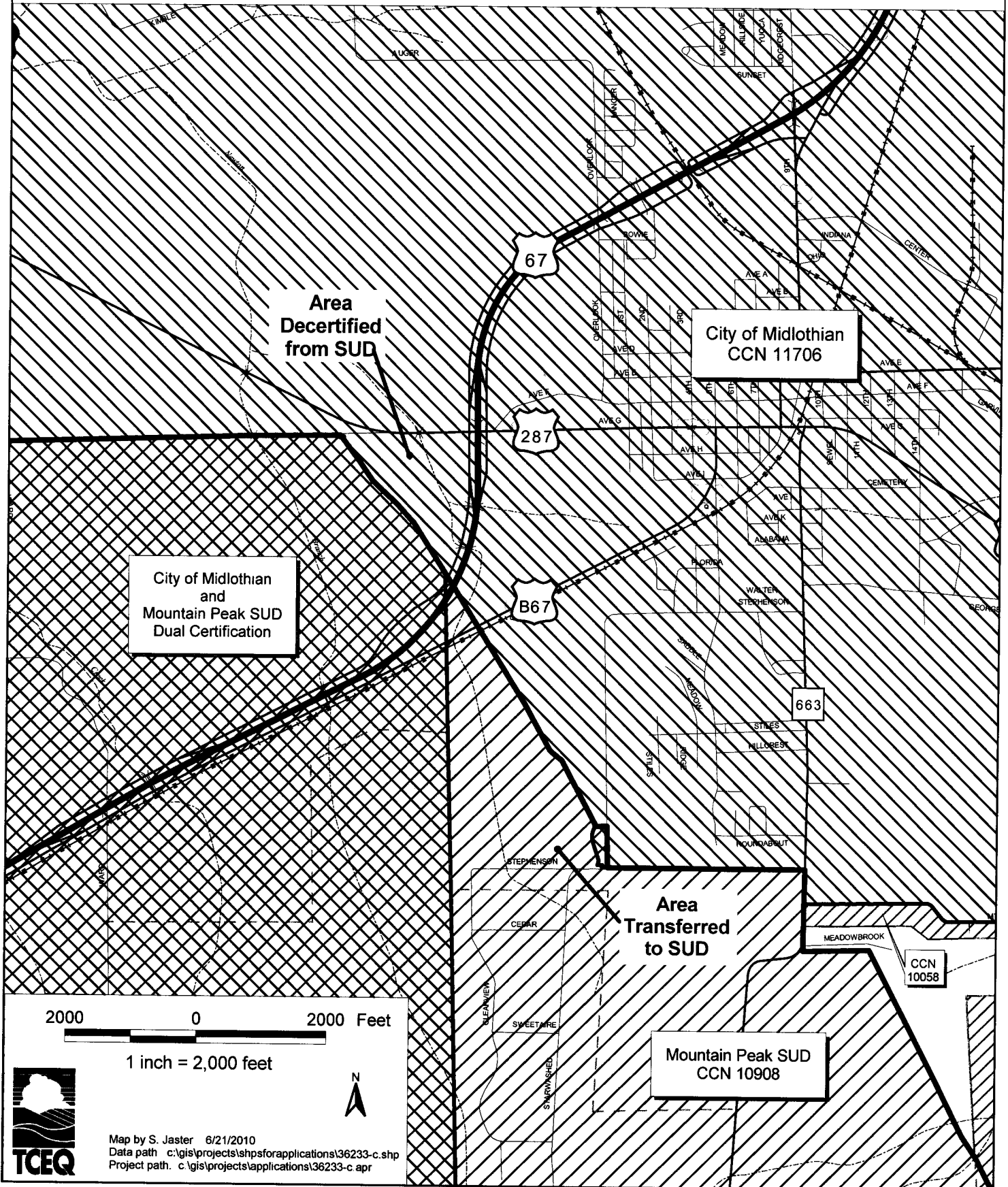
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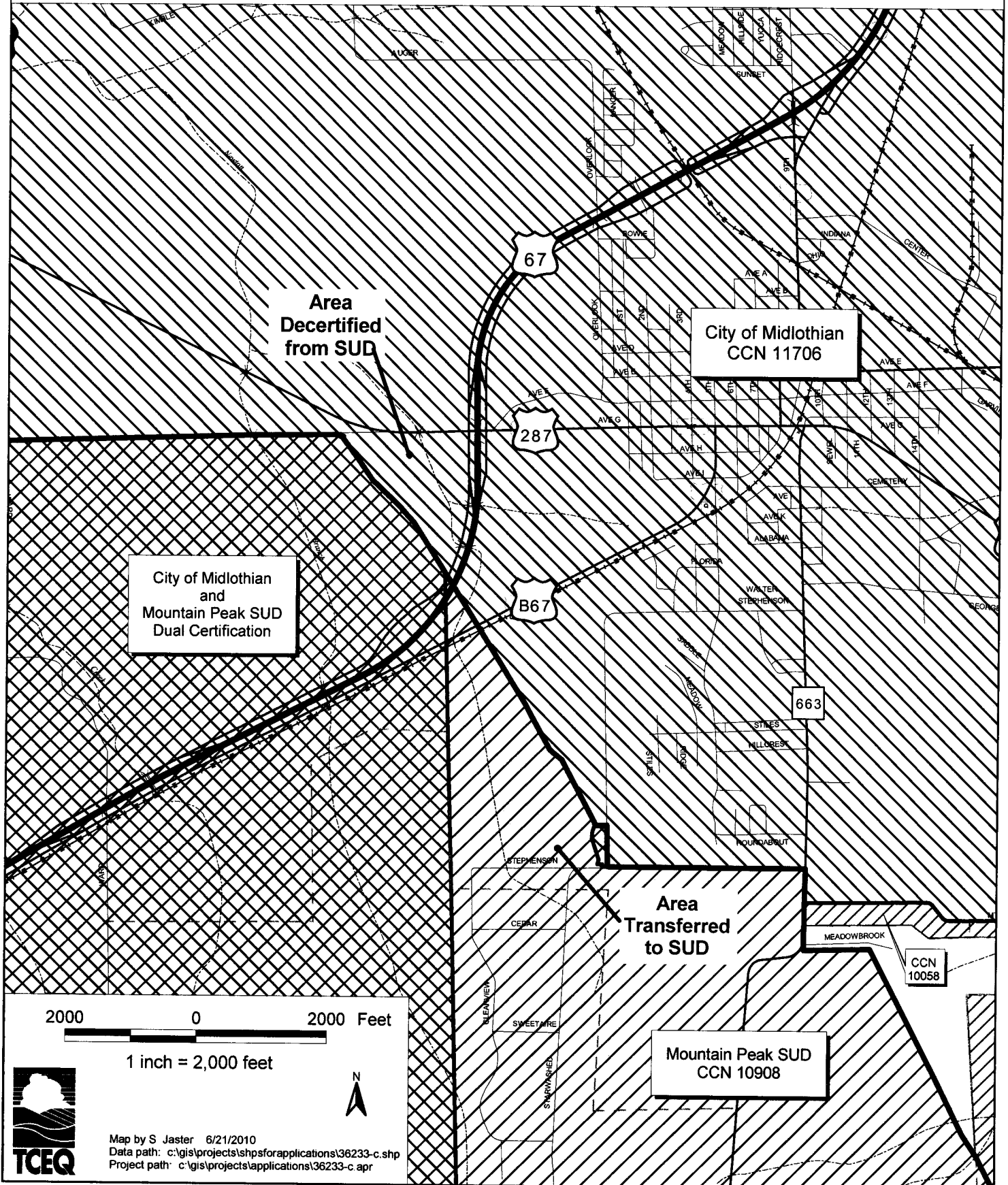
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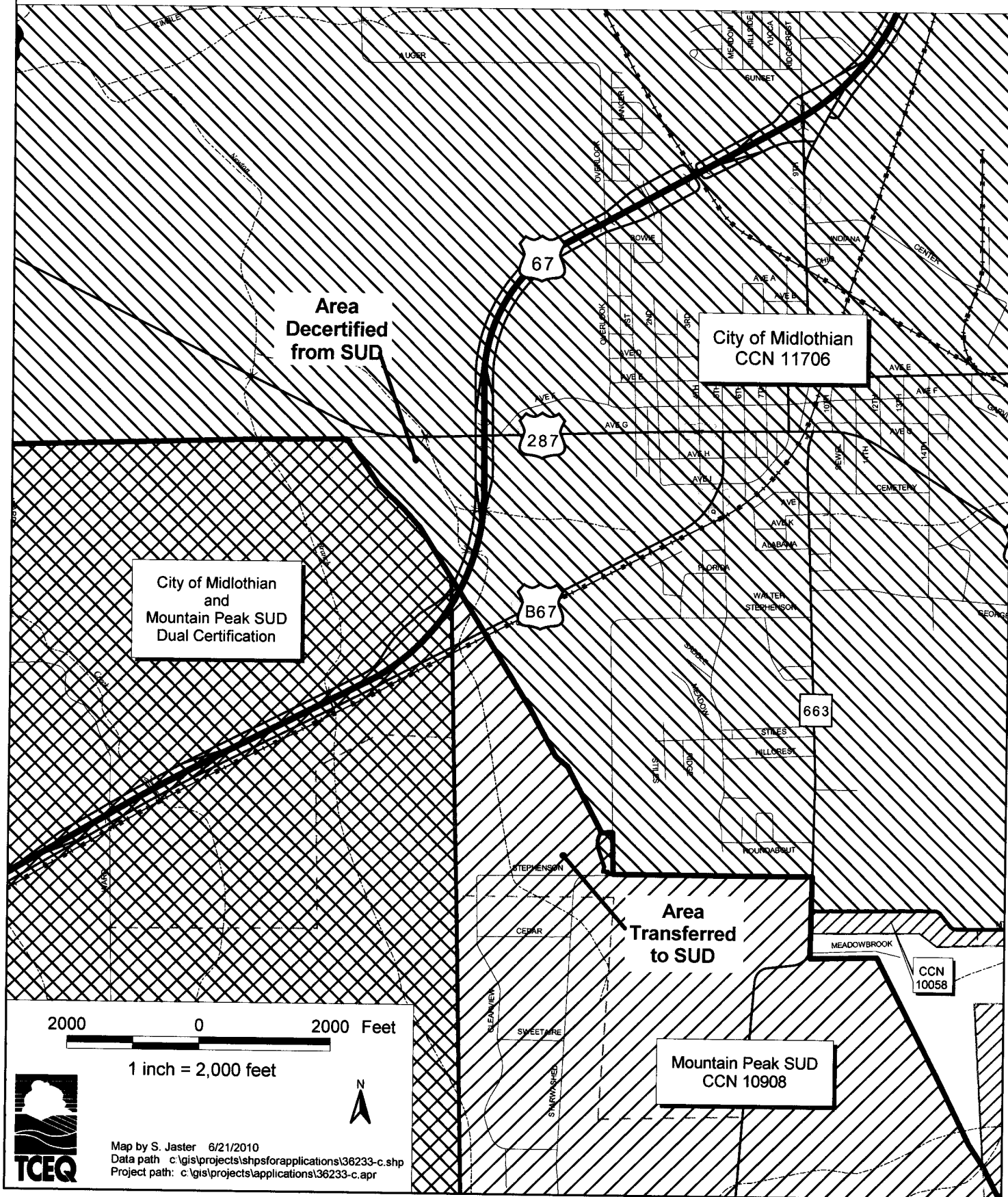
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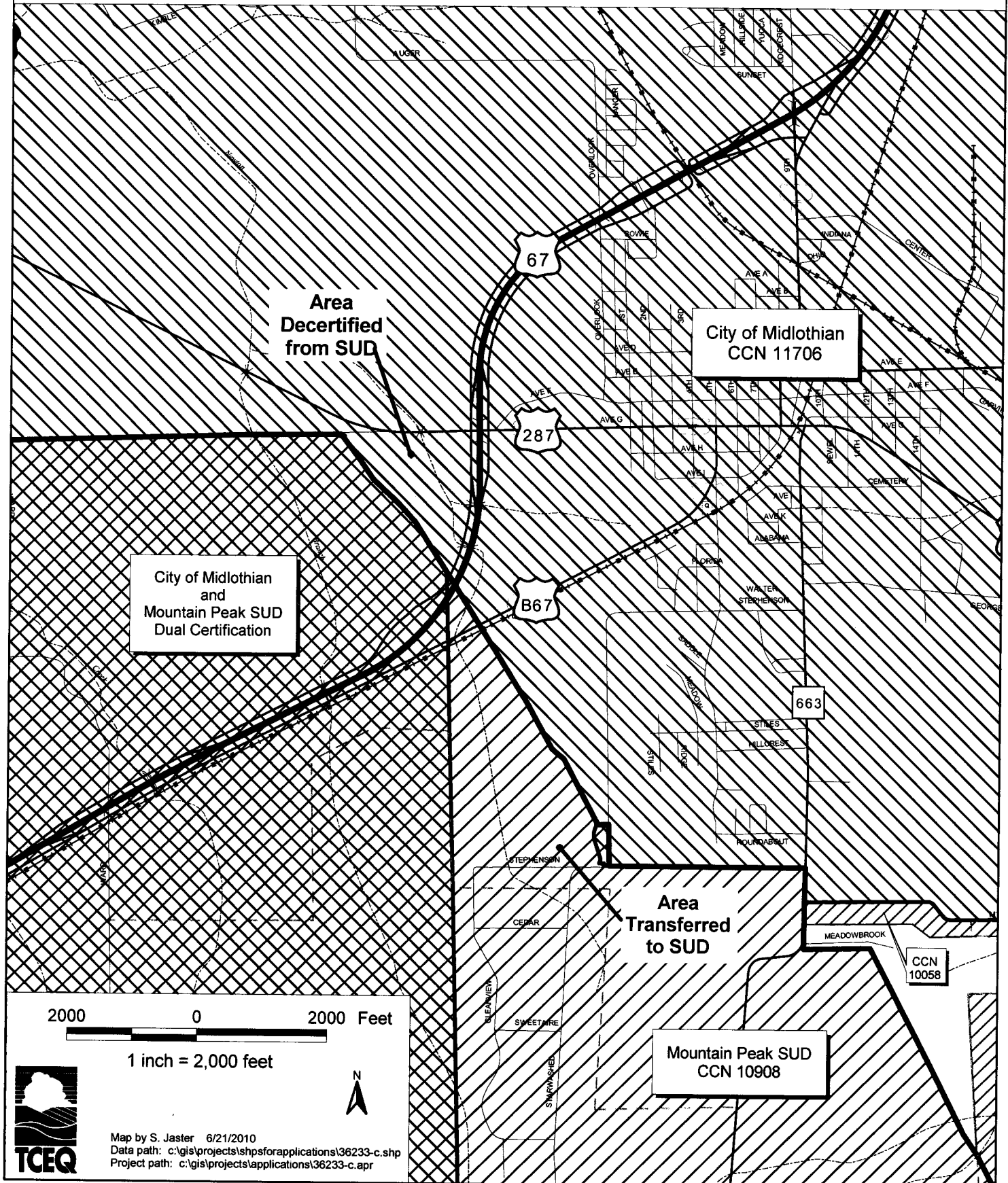
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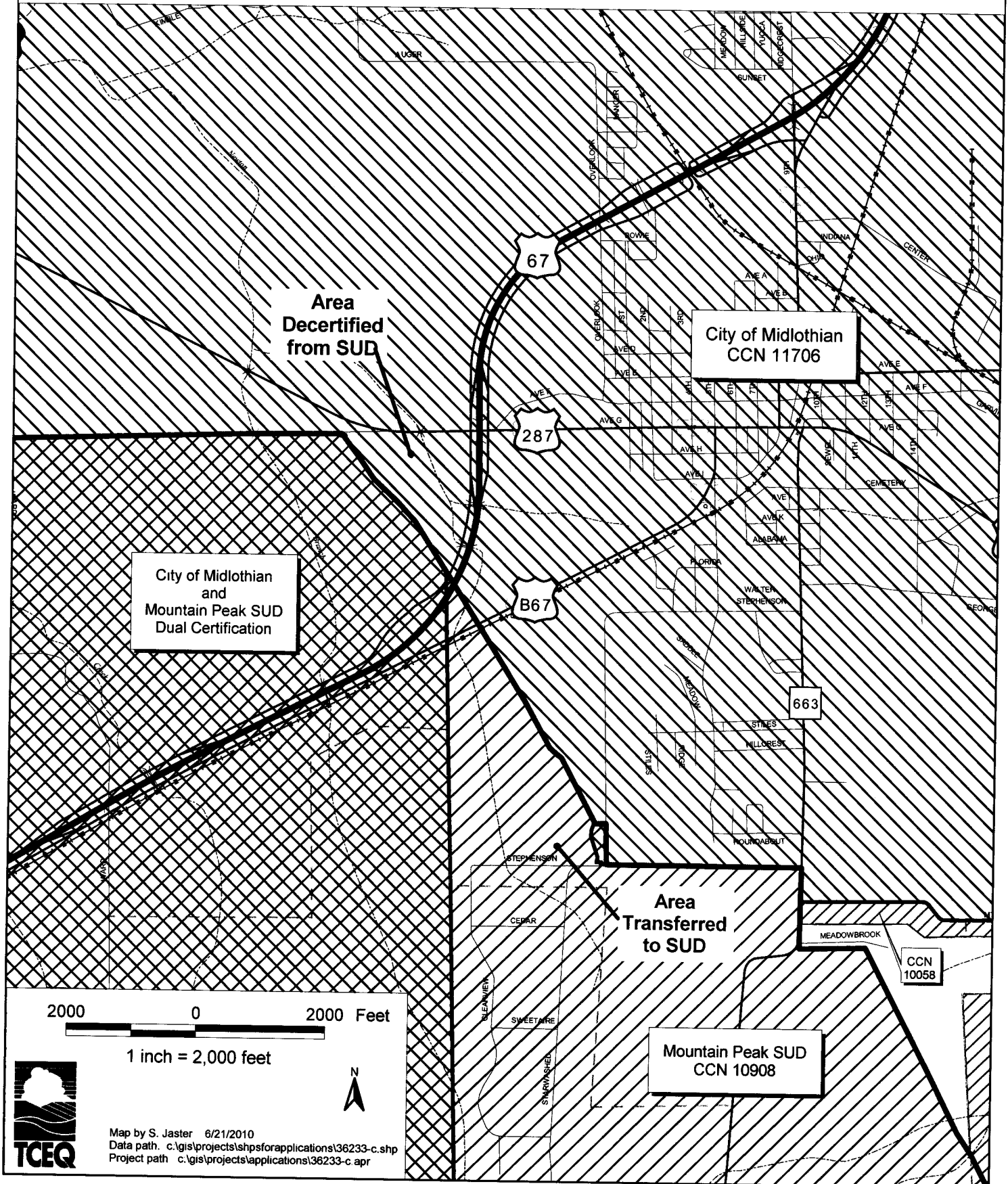
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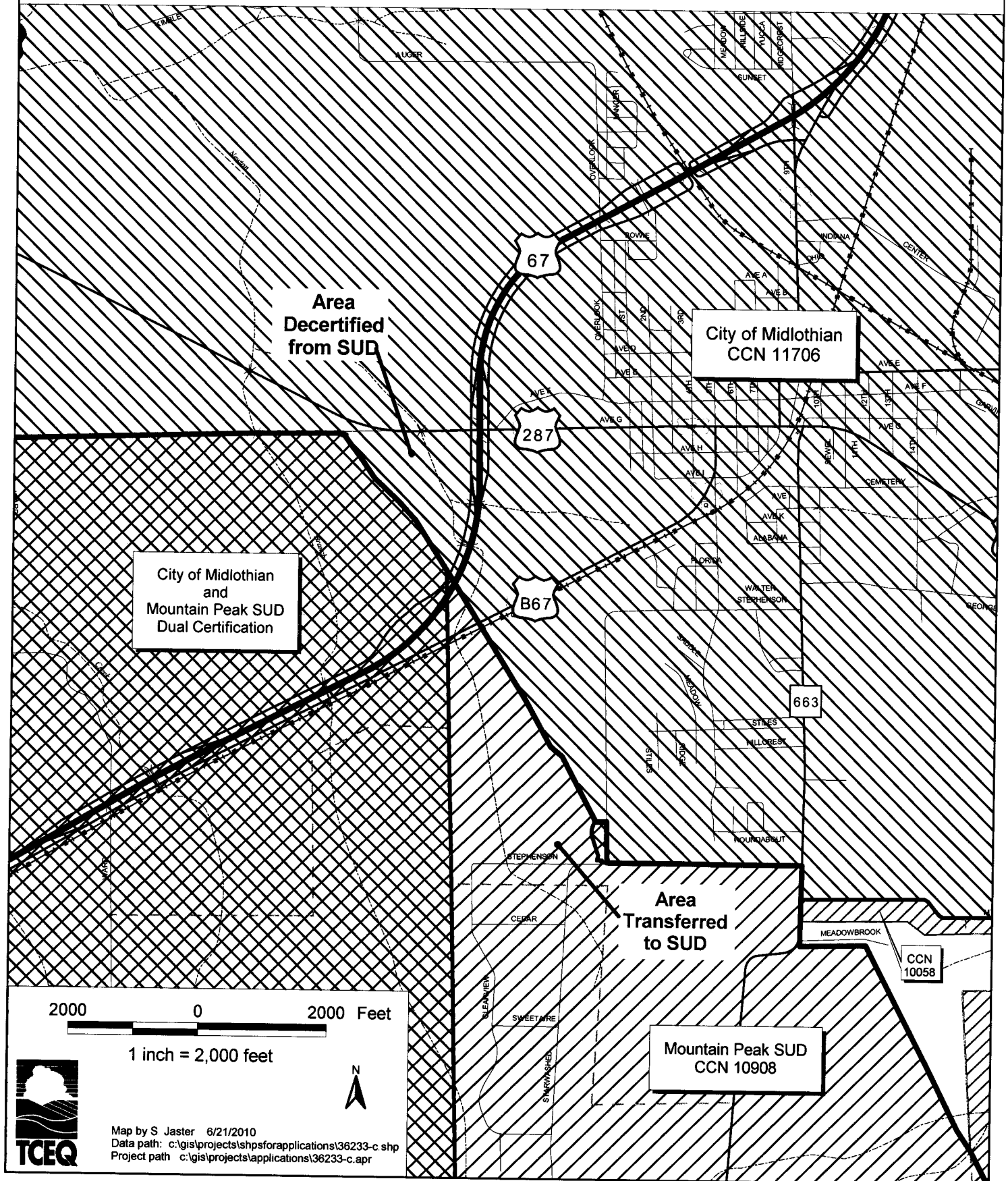
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Sheresia Perryman - Application No. 36233-C

From: "Mike Adams" <Mike.Adams@Midlothian.tx.us>
To: <sperryma@tceq.state.tx.us>
Date: 3/17/2011 10:41 AM
Subject: Application No. 36233-C
CC: "Don Hastings" <Don.Hastings@Midlothian.tx.us>, <dmiller@milmen.com>
Attachments: 20110317085431500.pdf

Dear Ms. Perryman:

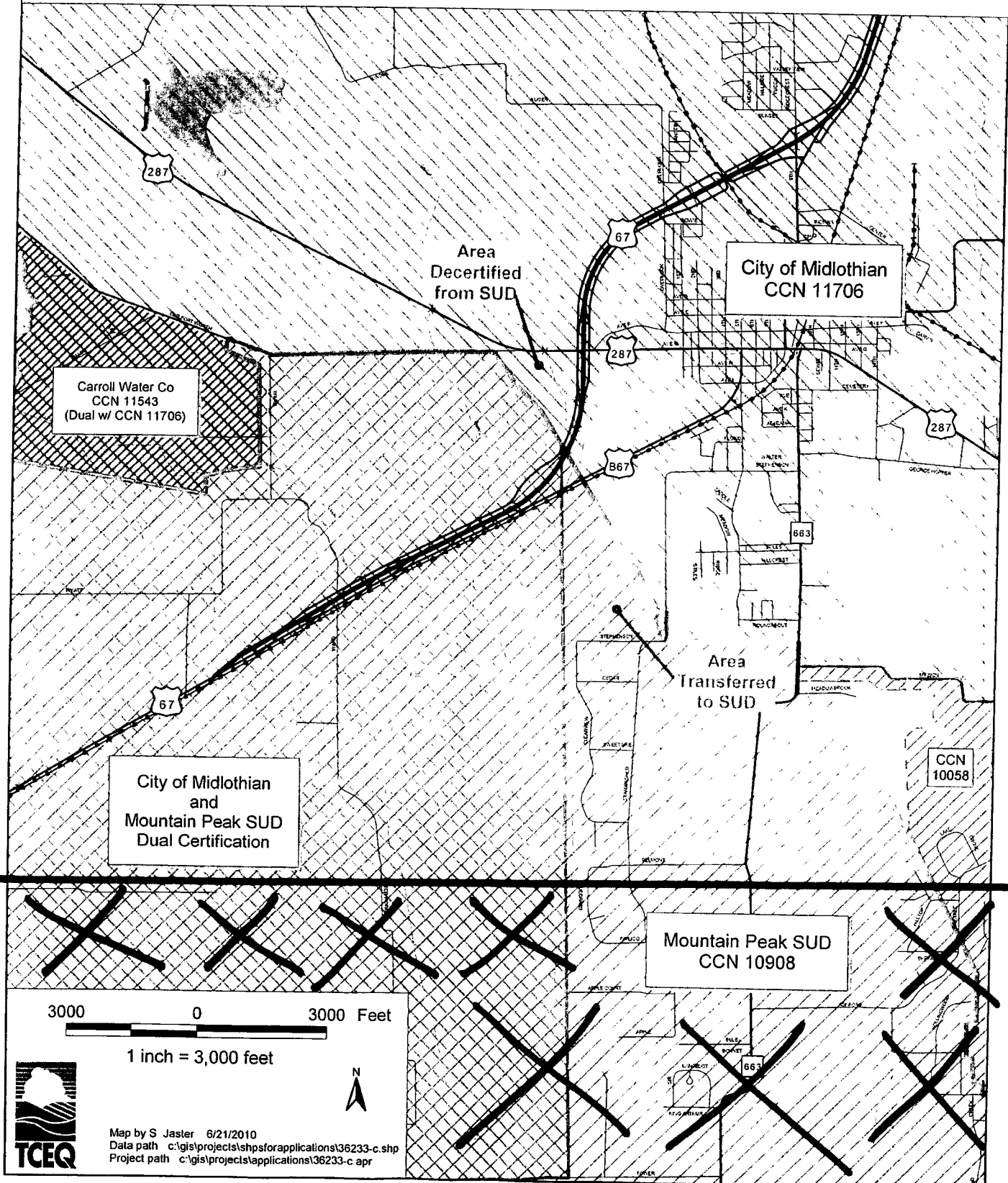
My office received a letter from Ms. Tammy Benter dated September 29, 2010, that contained a consent form and map which was created for the above referenced application. On October 14, 2010, I faxed you a copy of the form in which the City of Midlothian concurred with the map as it related to the CCN area transfer and decertification. On this same date, David Miller with Miller Mentzer, P.C., who represents Mountain Peak SUD, faxed you a letter and consent form in which Mountain Peak SUD did not concur with the overall map but per Mr. Miller's letter, they seemed to concur with the map as it also related to the CCN area transfer and decertification. In an effort to get this issue resolved and finalize this application, I'm requesting that the attached map be revised so as not to show any area below/south of the red line. The area in question by Mountain Peak SUD is below this line and is not a part of this application and therefore, if the overall area of the map that is shown for this application can be reduced, I believe that both parties would be in agreement and concur with map.

Thank you for your consideration of this request and if you should have any questions, please don't hesitate to contact me.

Regards,

Mike Adams, P.E.
Exec. Director of Engineering and Utilities
City of Midlothian
972-775-7105

Mountain Peak Special Utility District
Portion of Water Service Area - CCN No. 10908
Application No. 36233-C (13.248 Contract Service Agreement
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2911 TURTLE CREEK
SUITE 300
DALLAS, TEXAS 75219

100 NORTH MAIN ST.
P.O. Box 130
PALMER, TEXAS 75152

TELEPHONE: 214.720.2222
TELECOPIER: 214.720.0599

972.845.2222
972.845.3399

WEBSITE: www.milmen.com

ATTORNEYS AND COUNSELORS

DAVID A. MILLER
EMAIL: DMILLER@MILMEN.COM

October 14, 2010

Sheresia Perryman
Utilities & Districts Section, MC 153
Water Supply Division
Texas Commission on Environmental Quality
PO Box 13087
Austin, TX 78711-3087

Via Fax (512) 239-6972

Re: Contract Service Agreement Pursuant to Texas Water Code, Section 13.248, from Mountain Peak Special Utility District (SUD), CCN No 10908, to Transfer a Portion of CCN No 11706 from the City of Midlothian and to Decertify a Portion of CCN No 10908, in Ellis County; Application No 36233-C

CN: 602721979; RN: 104424601 (Mountain Peak SUD)
CN: 600488373; RN: 101403350 (City of Midlothian)

Dear Ms. Perryman,

We received in our office yesterday, October 13, 2010, your letter dated September 29, 2010, and it was provided to me this evening.

Mt Peak does not consent to the map as included, at this time. The areas involved in the Application appear to be accurate, but the balance of the map, showing the portion of the CCN that is dual certificated does not appear to be accurate when compared with the District's records. The General Manager of the District is coming to the TCEQ offices next week to examine the records and determine the reason for the discrepancy.

Consequently, would you please hold this matter for another week and allow us to investigate these circumstances?

2010 OCT 20 PM 3 30

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TCEQ
WATER SUPPLY DIV.

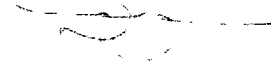
Miller Mentzer, P.C.

S. Perryman
October 14, 2010
Page 2

I have attached the form you provided, indicating the current lack of consent.

Thank you for your kind consideration

Sincerely,



David A. Miller

Cc: Tammy Benter, Manager ✓
Utilities & Districts Section
Water Supply Division
PO Box 13087
Austin, TX 78711-3087


Mike Adams
City of Midlothian

CONSENT FORM

Applicant's Name: Mountain Peak Special Utility District (SUD)
Application Nos.: 36233-C

- ☐ I concur with the recommendation contained in the staff memorandum transmitted by letter dated September 29, 2010.
- ☒ I do not concur with and intend to respond to the recommendation contained in the staff memorandum transmitted by letter dated September 29, 2010. [see response in accompanying letter]
- I understand that I have 14 days from the date of this letter to provide my response.

I am authorized by the Mountain Peak Special Utility District (SUD) to sign this form.

Signature: 

Printed Name: David A. Miller

Relationship to Applicant: attorney

Date signed: 10/14/2010

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

David A Miller

Miller Mentzer, P.C.

Dallas Office 214-720-2222

Palmer Office 972-845-2222

Cell Phone 214-244-4172

Direct Fax 214-764-6662

RECEIVED
TCEQ
WATER SUPPLY DIV.
2010 OCT 15 AM 7 29

Miller
entzer, P.C.

ATTORNEYS AND COUNSELORS

2911 TURTLE CREEK
SUITE 300
DALLAS, TEXAS 75219

TELEPHONE: 214.720.2222
TELECOPIER: 214.720.0599

100 NORTH MAIN ST.
P.O. BOX 130
PALMER, TEXAS 75152

972.845.2222
972.845.3395

WEBSITE: WWW.MILMEN.COM

DAVID A. MILLER
EMAIL: DMILLER@MILMEN.COM

October 14, 2010

Sheresia Perryman
Utilities & Districts Section, MC 153
Water Supply Division
Texas Commission on Environmental Quality
PO Box 13087
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Via Fax (512) 239-6972

Re: Contract Service Agreement Pursuant to Texas Water Code, Section 13.248, from Mountain Peak Special Utility District (SUD), CCN No 10908, to Transfer a Portion of CCN No 11706 from the City of Midlothian and to Decertify a Portion of CCN No 10908, in Ellis County; Application No 36233-C

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CN: 600488373; RN: 101403350 (City of Midlothian)

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Miller Mentzer, P.C.

S. Perryman
October 14, 2010
Page 2

I have attached the form you provided, indicating the current lack of consent.

Thank you for your kind consideration

Sincerely,

A handwritten signature in black ink, appearing to read "David A. Miller", with a horizontal line extending to the right.

David A. Miller

Cc: Tammy Benter, Manager
Utilities & Districts Section
Water Supply Division
PO Box 13087
Austin, TX 78711-3087

Mike Adams
City of Midlothian

C:\Users\David\Documents\Mr Peak\City\to TCEQ 101014 consent to map.doc

CONSENT FORM

Applicant's Name: Mountain Peak Special Utility District (SUD)

Application Nos.: 36233-C

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☒ I do not concur with and intend to respond to the recommendation contained in the staff memorandum transmitted by letter dated September 29, 2010. [see response in accompanying letter]

I understand that I have 14 days from the date of this letter to provide my response.

I am authorized by the Mountain Peak Special Utility District (SUD) to sign this form.

Signature: Printed Name: David A. MillerRelationship to Applicant: authorizingDate signed: 10/14/2010

Mail or Fax to:
Sheresia Perryman
Utilities & Districts Section, MC 153
Water Supply Division
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087
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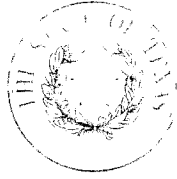
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Signature: Mike AdamsPrinted Name: MIKE ADAMSRelationship to Applicant: EXECUTIVE DIRECTOR OF ENGINEERING & UTILITIESDate signed. 10/14/10

Mail or Fax to.
Sheresia Perryman
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Fax: (512) 239-6972

Bryan W. Shaw, Ph.D., *Chairman*
 Buddy Garcia, *Commissioner*
 Carlos Rubinstein, *Commissioner*
 Mark R. Vickery, P.G., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

September 29, 2010

CERTIFIED MAIL

Mr. Mike Adams, P.E., Executive Director
 Of Engineering & Utilities
 City of Midlothian
 104 West Avenue E
 Midlothian, Texas 76065

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Sincerely,

Tammy Benter, Manager
 Utilities & Districts Section
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TB/SP/ln

Enclosures



Texas Commission On Environmental Quality

By These Presents Be It Known To All That

City of Midlothian

having duly applied for certification to provide water 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. 11706

to provide continuous and adequate water utility service to that service area or those service areas in Dallas, Ellis and Johnson Counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Application No. 36233-C are on file at the Commission offices in Austin, Texas; and are matters of official record available for public inspection; and be it known further that these presents do evidence the authority and the duty of the City of Midlothian 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

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Application Nos.: 36233-C

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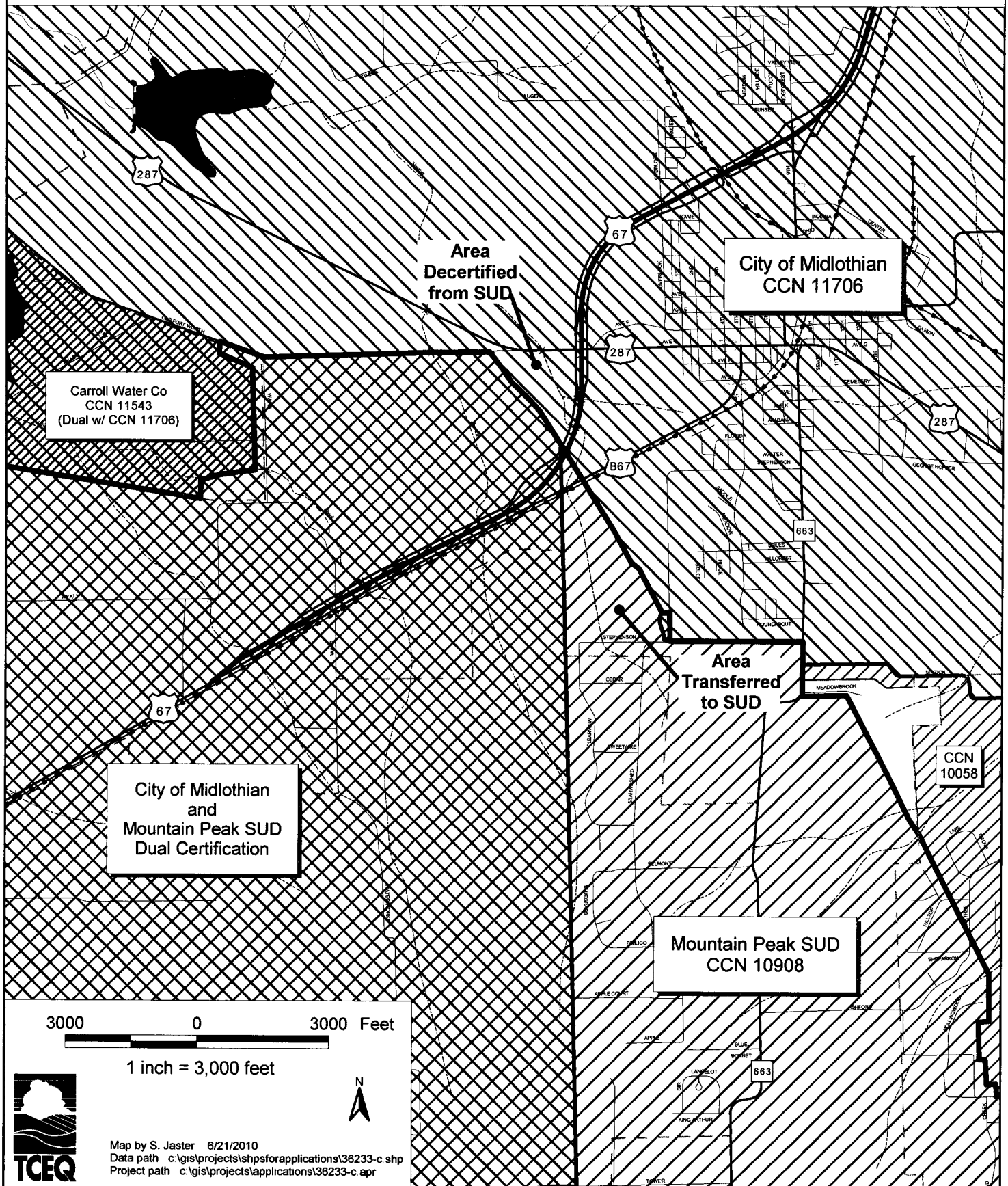
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Relationship to Applicant: _____

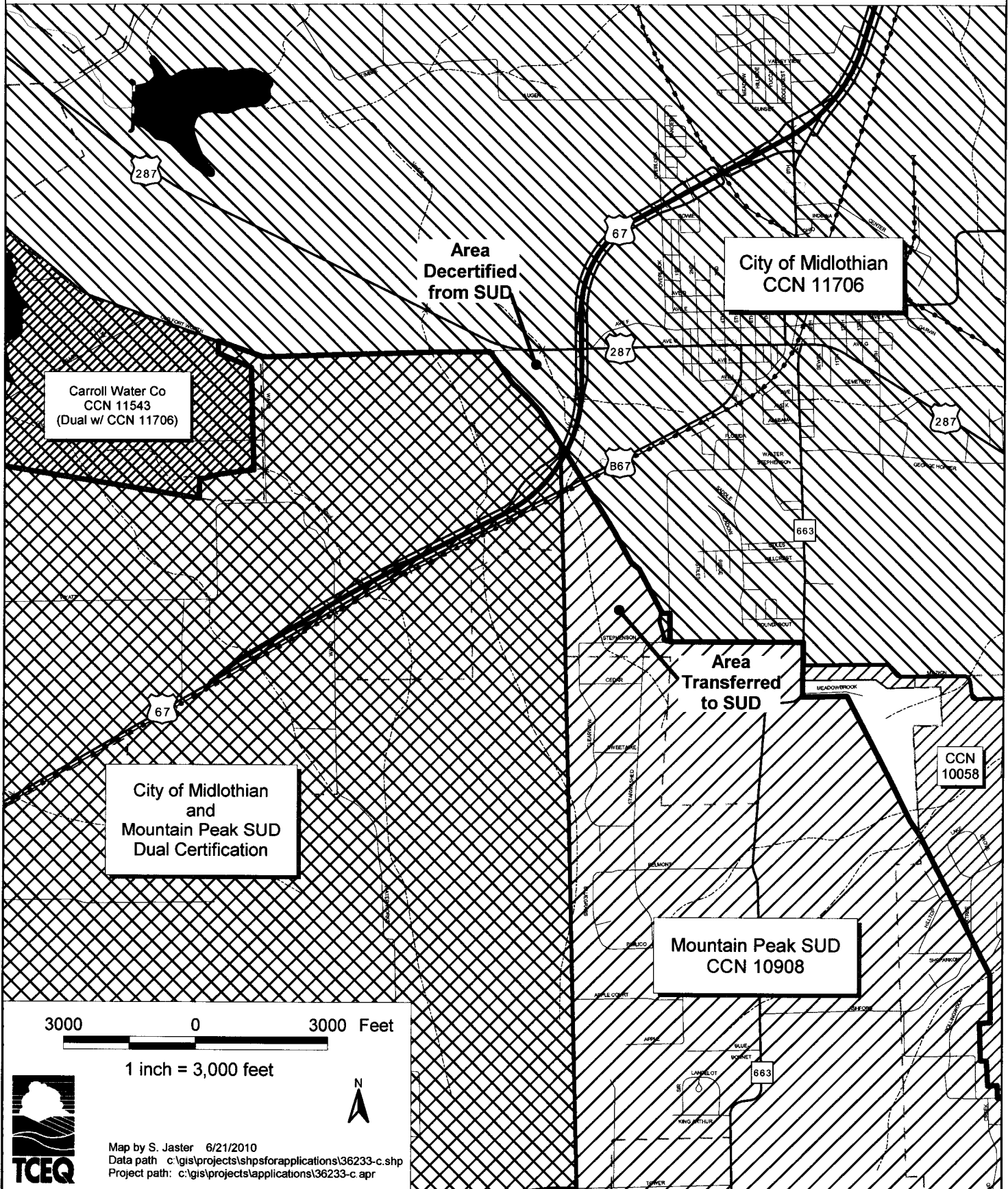
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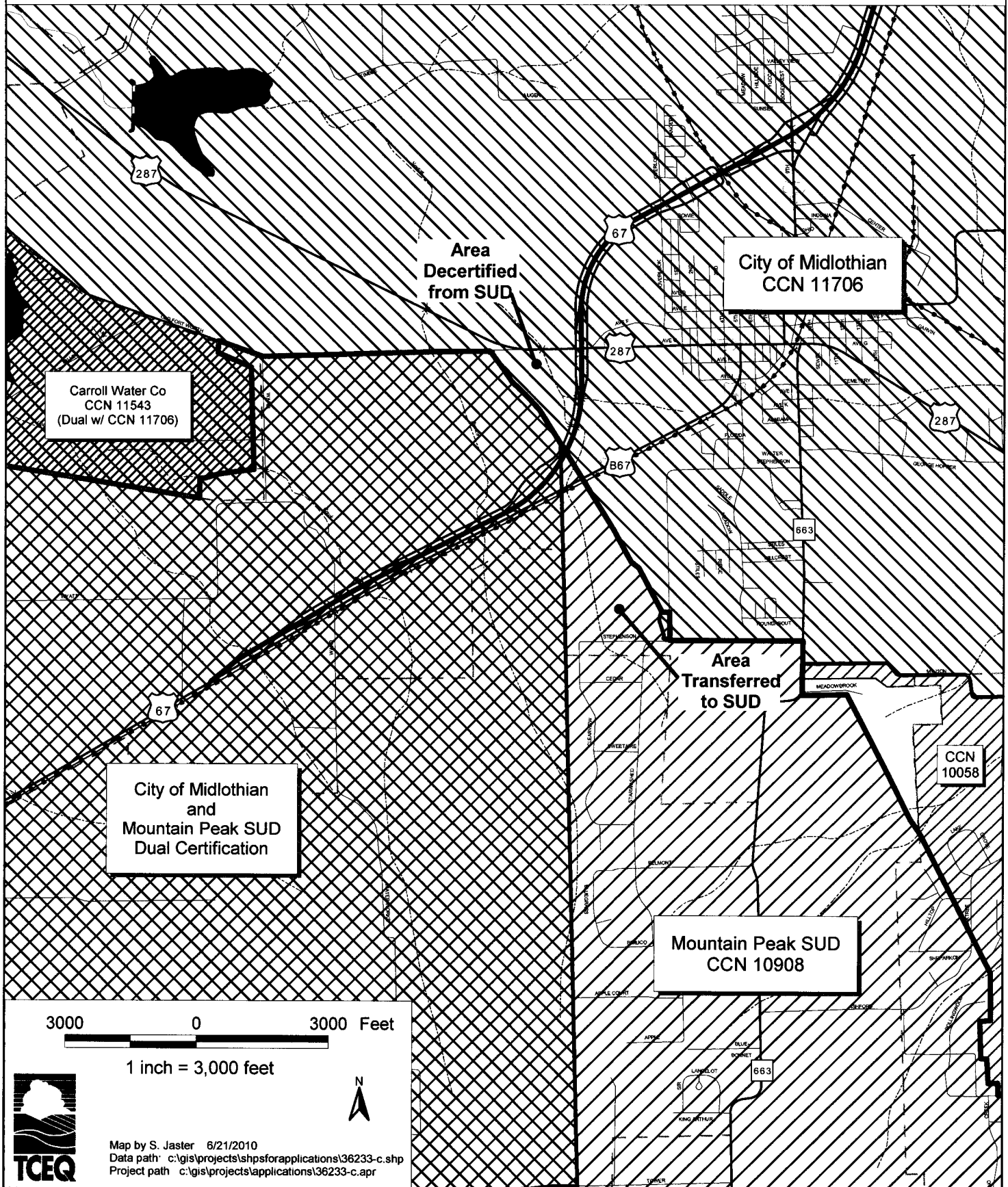
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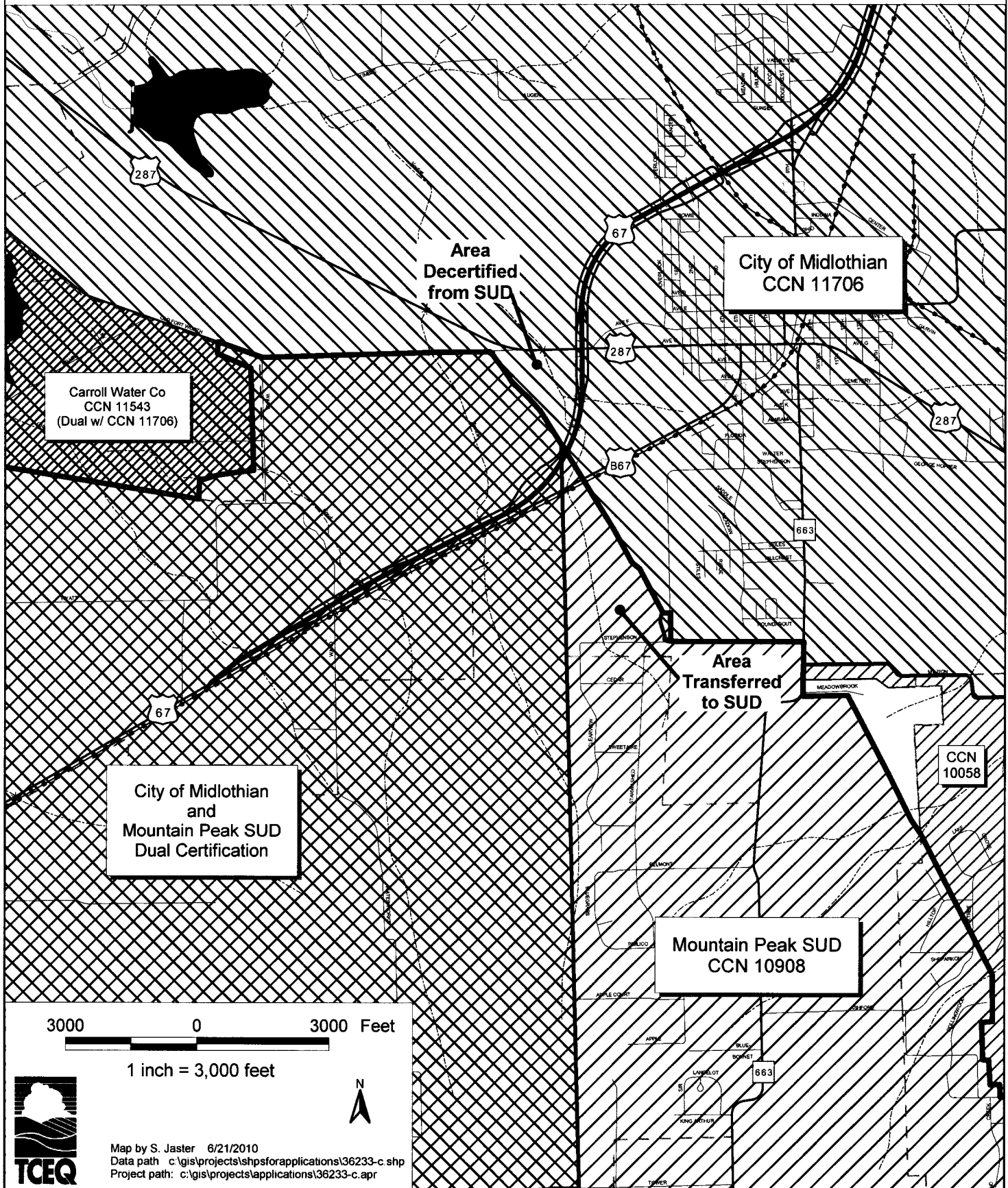
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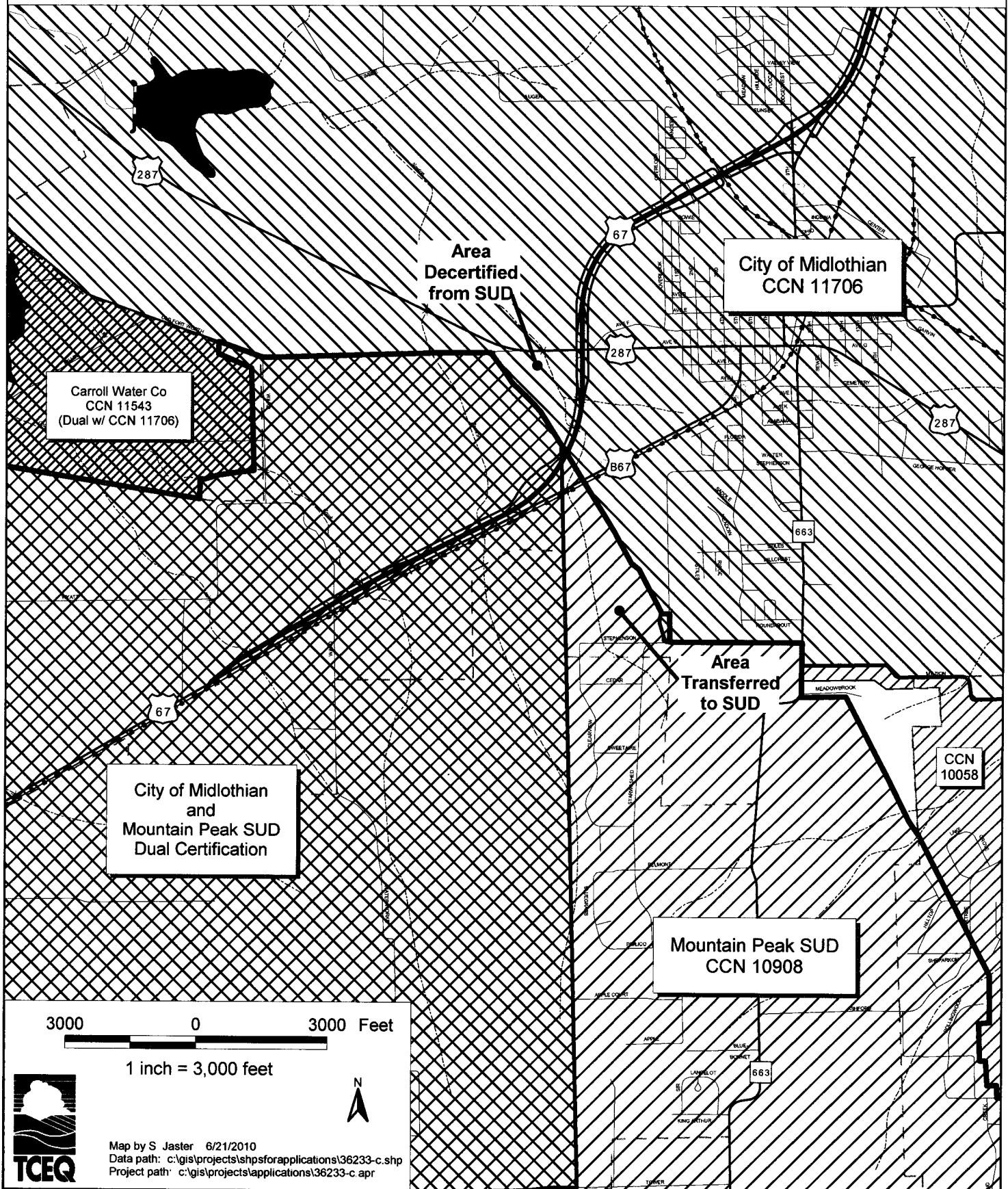
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Portion of Water Service Area - CCN No. 10908
Application No. 36233-C (13.248 Contract Service Agreement
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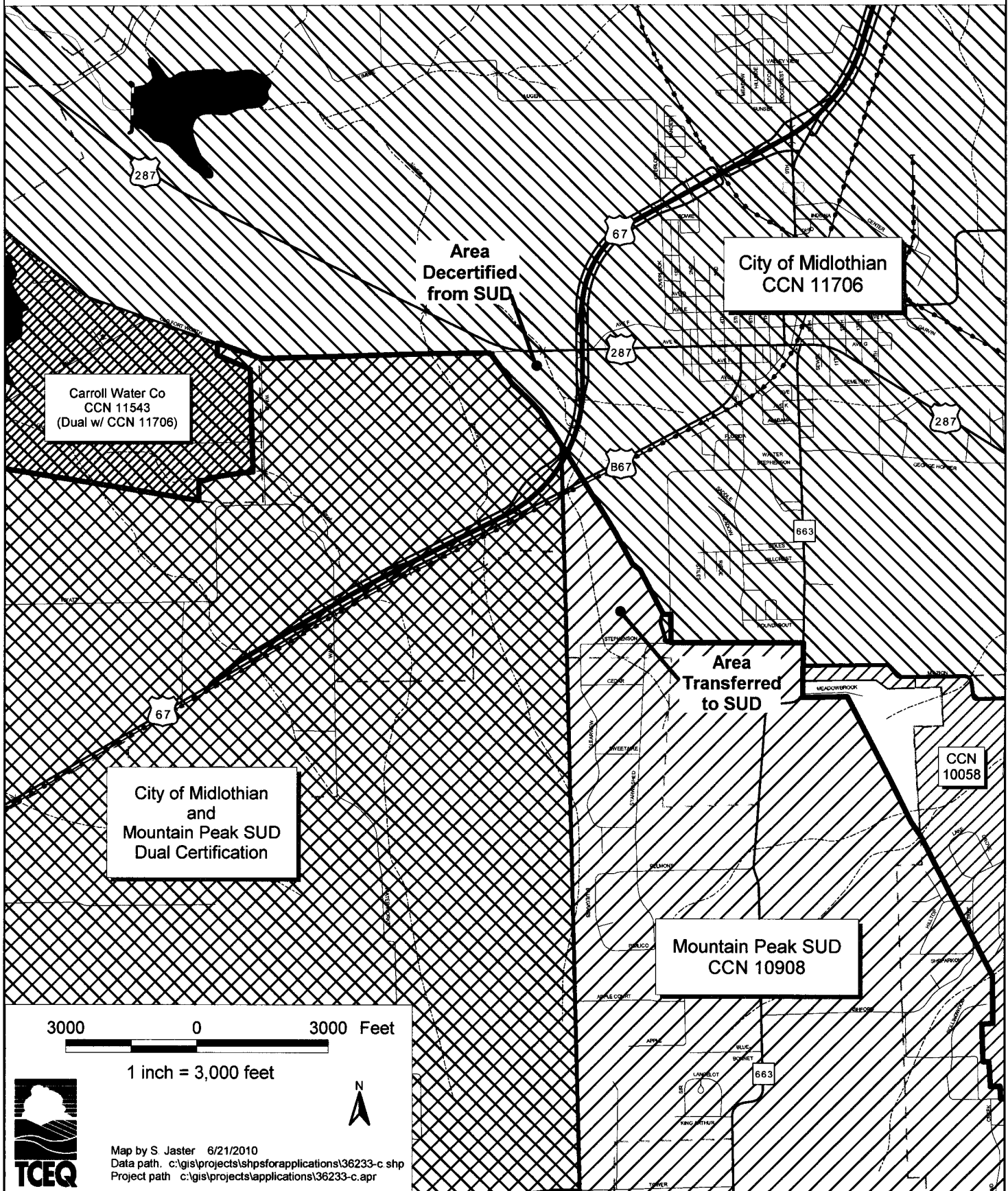
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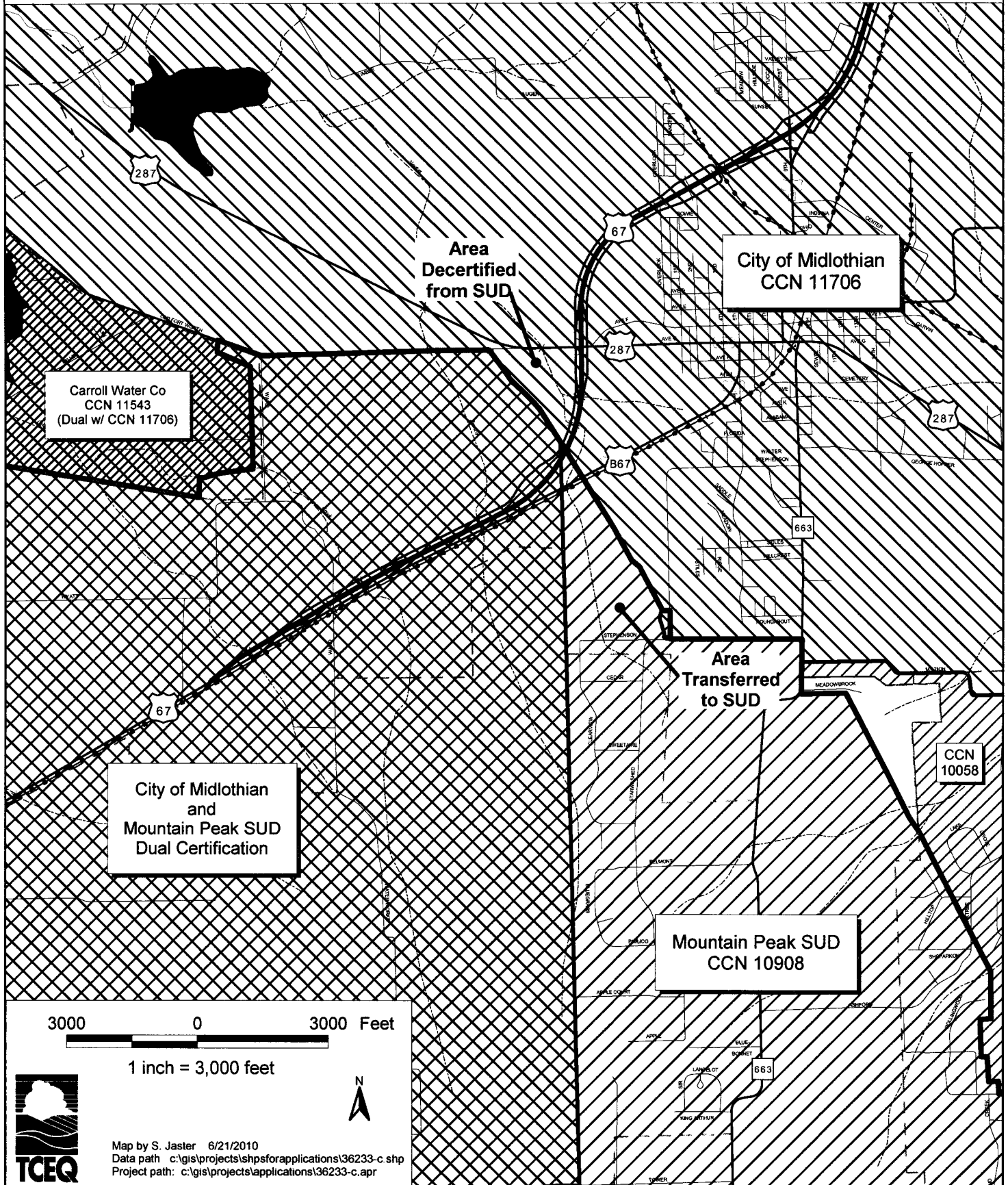
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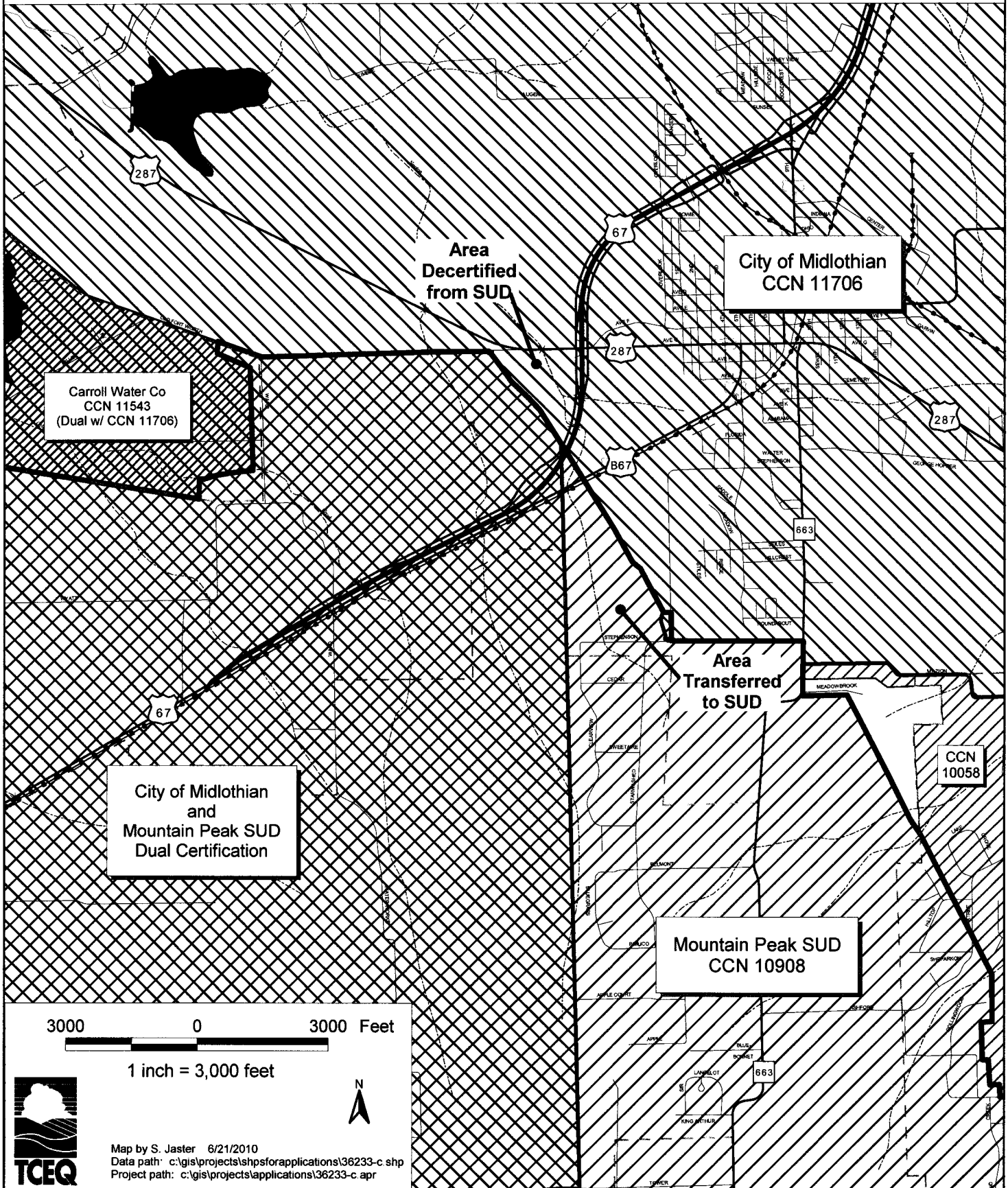
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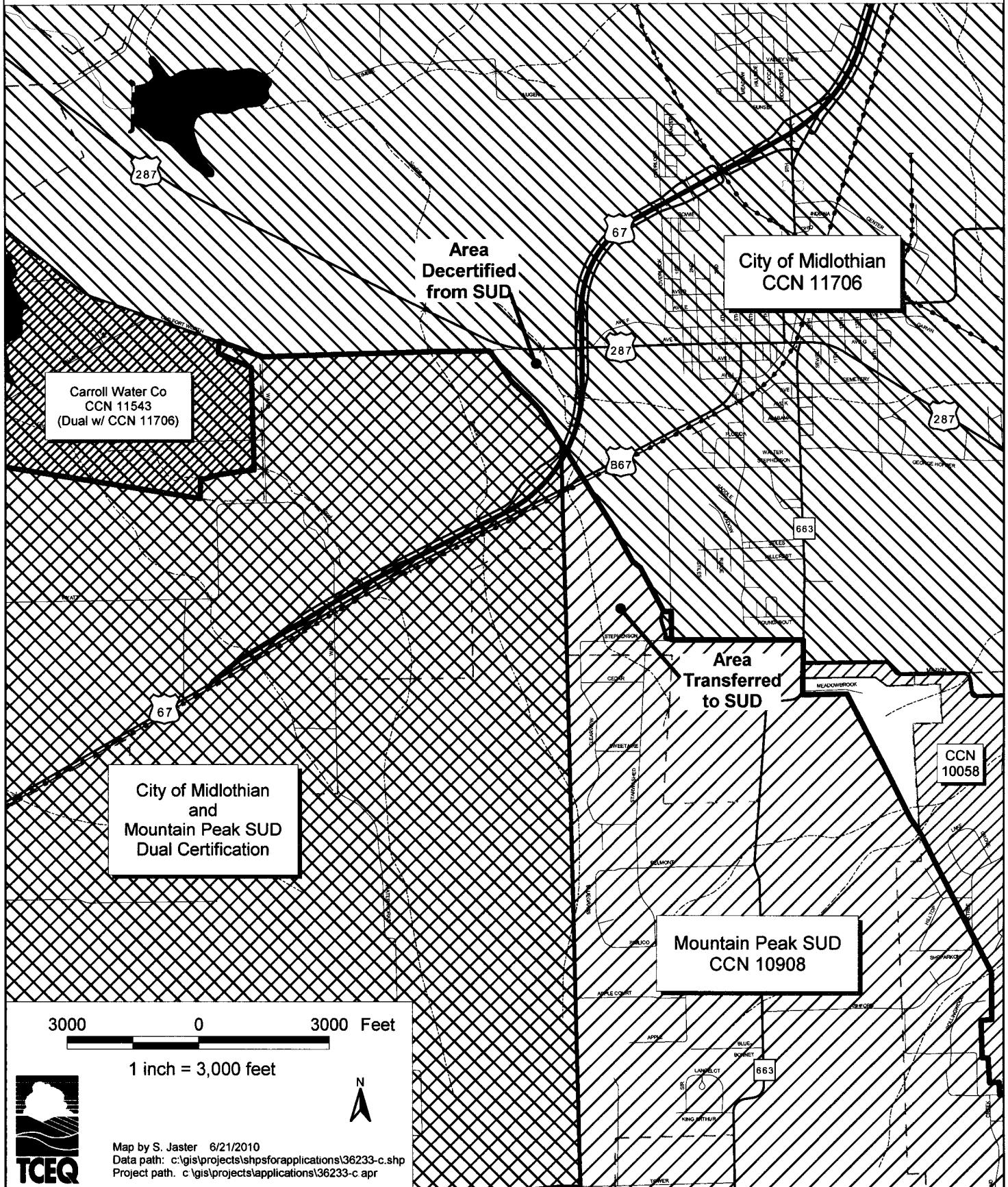
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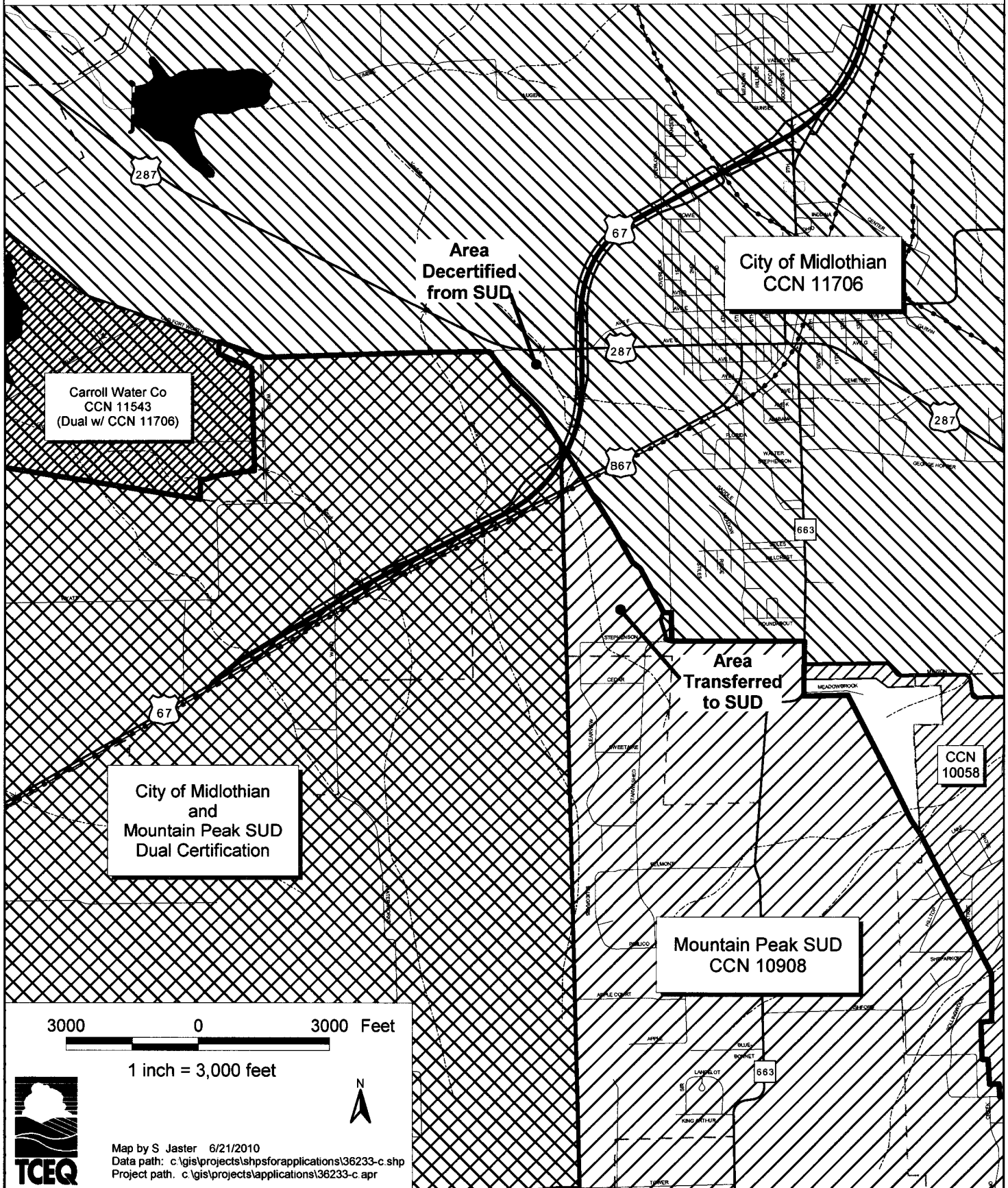


This map illustrates the status of Sanitary Underground District (SUD) areas within Carroll Water Co. The map features several key regions and labels:

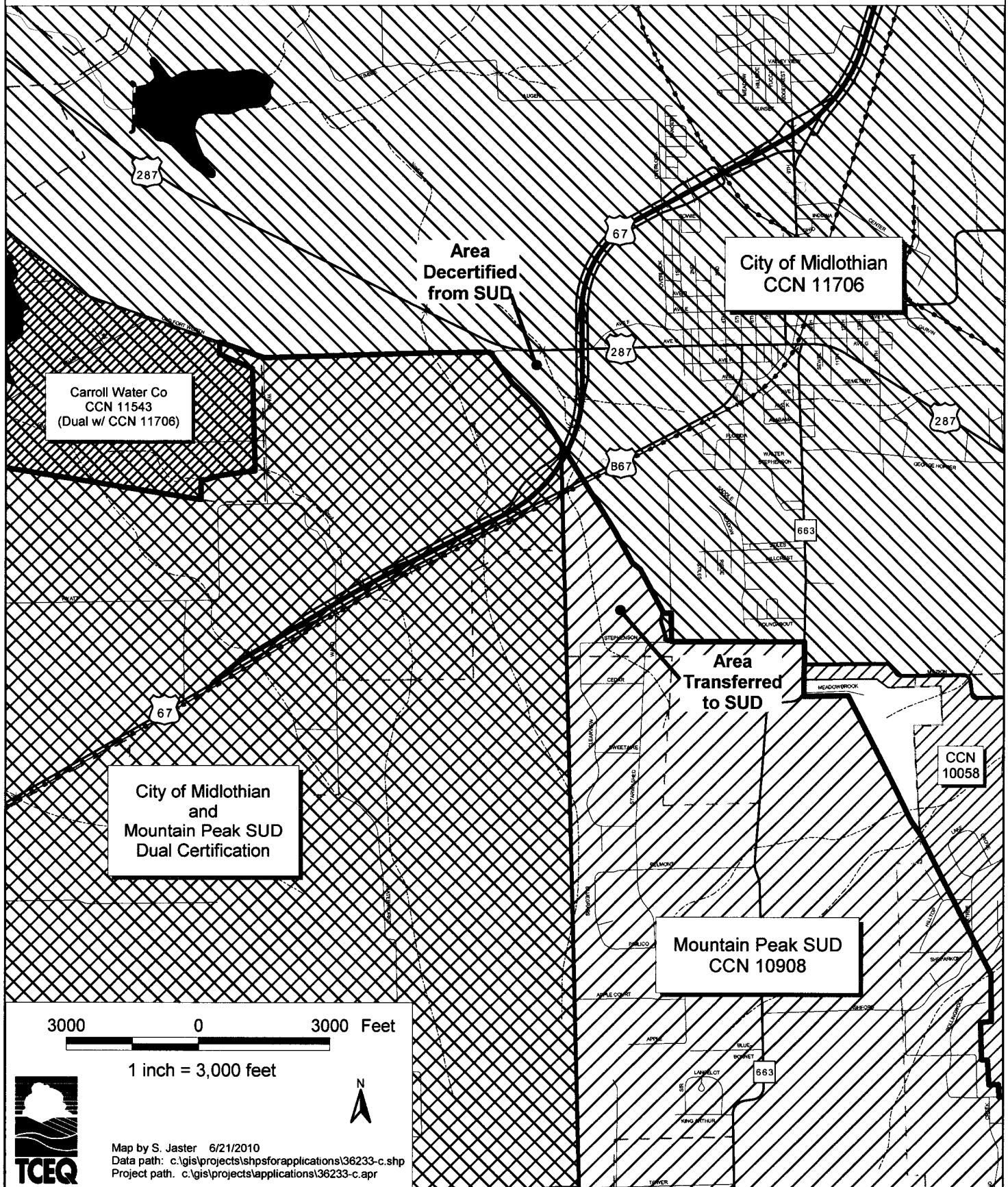
- Area Decertified from SUD:** Indicated by a diagonal hatching pattern in the upper central portion of the map.
- Area Transferred to SUD:** Indicated by a cross-hatching pattern in the lower right portion of the map.
- Carroll Water Co CCN 11543 (Dual w/ CCN 11706):** A rectangular area on the left side of the map, filled with a dense cross-hatch pattern.
- City of Midlothian CCN 11706:** A large area in the upper right, outlined with a thick black border.
- City of Midlothian and Mountain Peak SUD Dual Certification:** A large area in the lower left, outlined with a thick black border and filled with a dense cross-hatch pattern.
- Mountain Peak SUD CCN 10908:** A rectangular area in the lower right, outlined with a thick black border.
- CCN 10058:** A small rectangular area on the far right edge of the map.

The map includes a scale bar at the bottom left, indicating 3000 feet, and a north arrow. A legend at the bottom left identifies the map as being by S. Jaster, dated 6/21/2010, and provides the data and project paths.

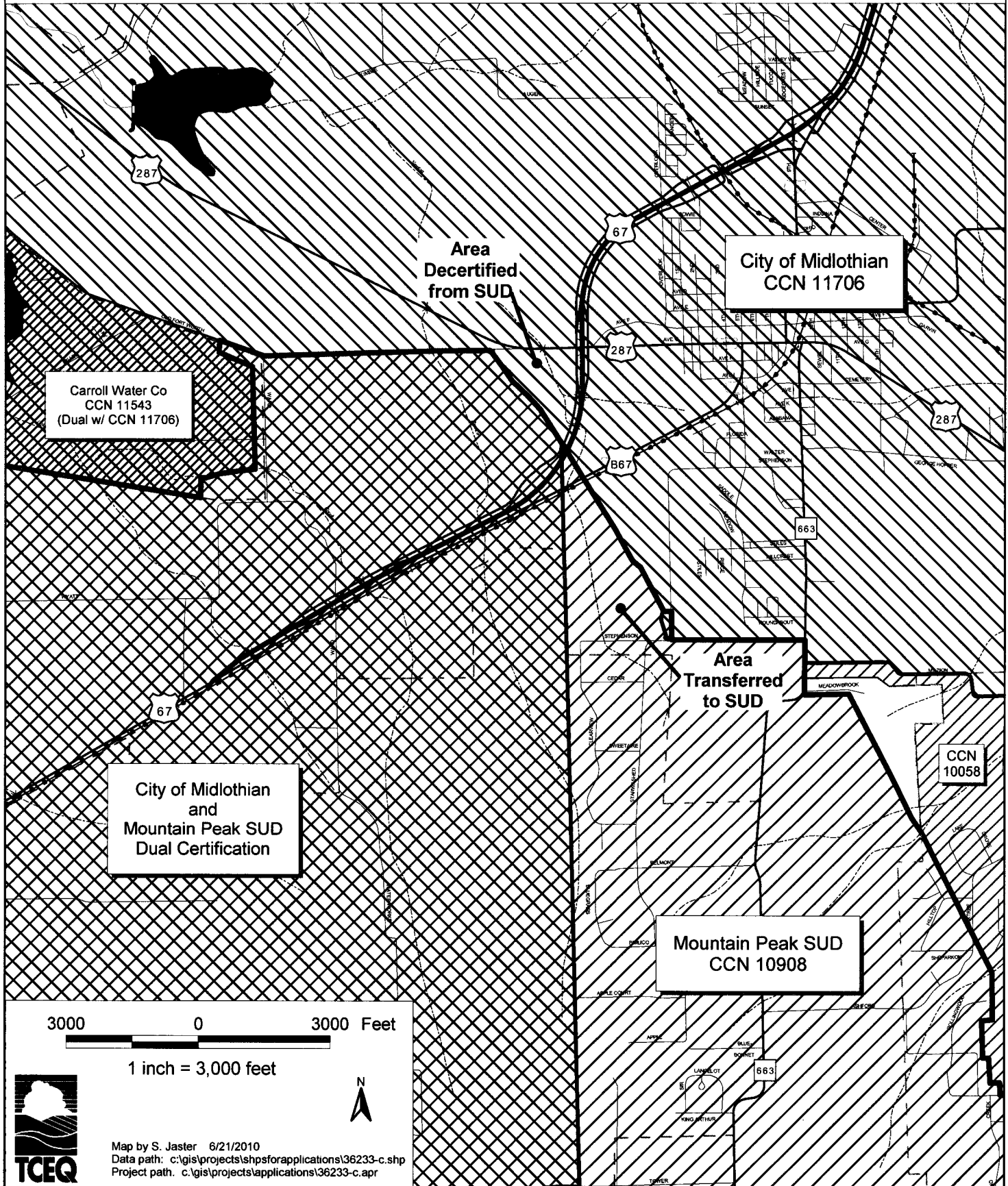
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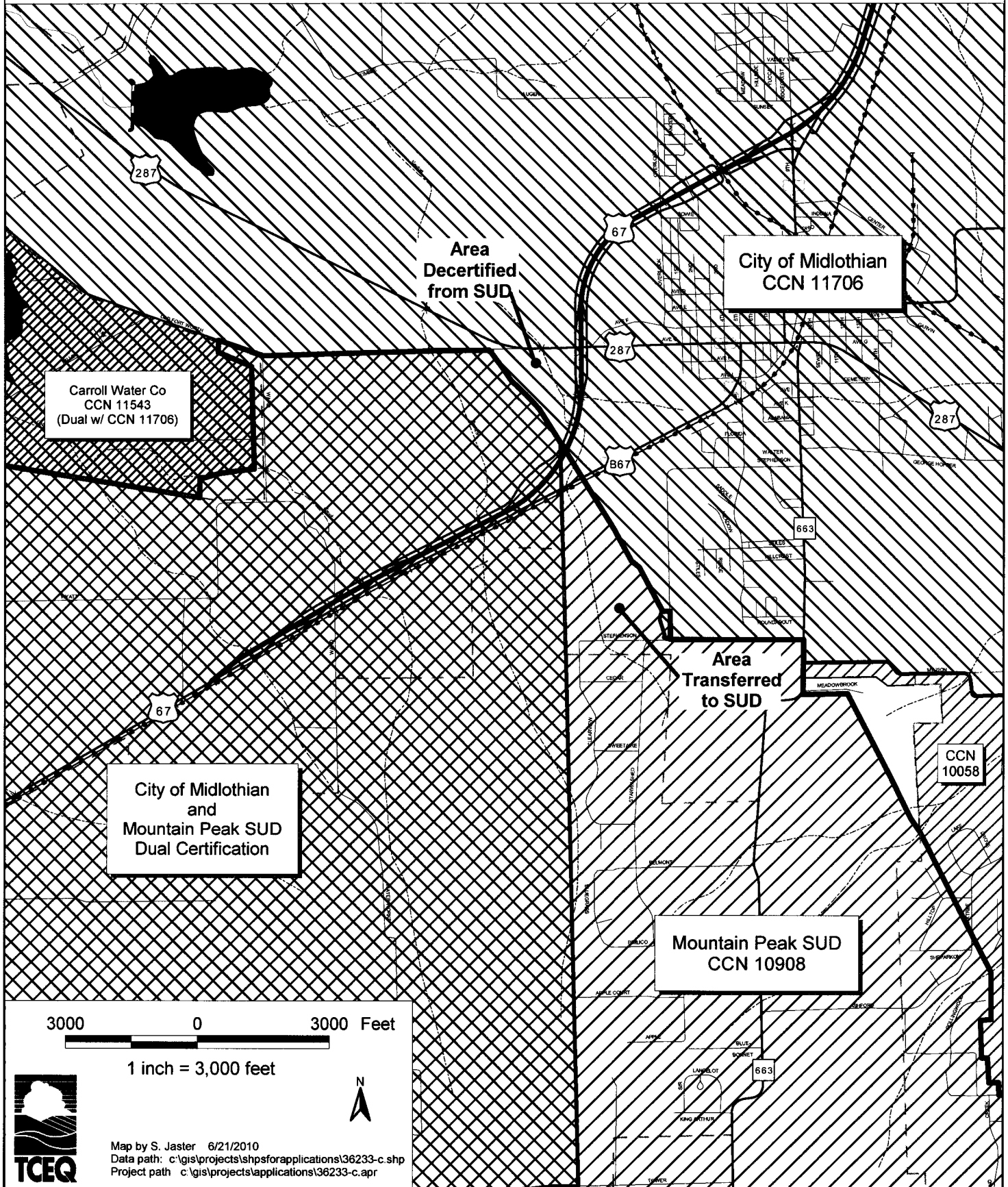
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