



Control Number: 43114



Item Number: 5

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.

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

RECEIVED

2014 SEP 24 AM 11:34

PUBLIC UTILITY COMMISSION
FILING CLERK

November 7, 2008

CERTIFIED MAIL

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

NOTICE OF DEFICIENCY

Re: Application 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-S

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

Dear Mr. Miller:

Your Sale, Transfer or Merger application for Mountain Peak SUD, received on October 30, 2008, has been assigned Application No. 36233-S, but has not been accepted for filing. Please refer to the application number in future correspondence.

Processing for the above referenced application cannot proceed and notices cannot be published or mailed until we receive maps meeting mapping requirements.

If the intent of the application is to transfer a portion of a CCN and to decertify a portion of a CCN, please, submit four (4) copies of the following map information.

- A. General location maps delineating the proposed service area with enough detail to accurately locate the proposed service area within the county.
- B. Maps showing **only** the proposed service area by:
 - (1) metes and bounds survey certified by a licensed state land surveyor or a registered professional land surveyor; or
 - (2) projectable digital data with metadata (proposed areas should be in a single record and clearly labeled for each utility), or

5

Mr. David A. Miller, Attorney

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November 7, 2008

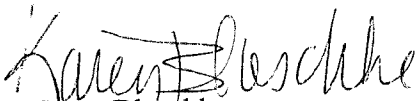
- (3) following verifiable natural and man-made landmarks; or
- (4) copies of recorded plat map with metes and bounds.

✓ C. Written descriptions of the proposed service area.

These items must be completed and returned to our office by **December 8, 2008**. 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 me at 512/239-6932, or if by correspondence, include Mail Code 153 in the letterhead address.

Sincerely,



Karen Blaschke

Utilities & Districts Section

Water Supply Division

Texas Commission on Environmental Quality

KLB/as

cc: Mr. Mike Adams, P.E., Executive Director of Engineering & Utilities, City of Midlothian

To: Administrative Reviewer

Date: November 3, 2008

From: Cartographer-Utilities & Districts Section

Subject: Overlap & Notice Check for Administrative Review No. A-156-8 / 36233-S
Mountain Peak SUD(10908) to acquire a portion of City of Midlothian(11706) in Ellis county.

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

TWO MILES:

X 11. Notice: **DO NOT NOTICE**

X 12. Other comments: **Maps do not meet requirements. Please submit original and copies of the following. (if transferring a portion of a CCN please meet the following, (CCN boundaries are not features) digital data is available for these CCNs)**

- A. A general location map delineating the proposed service area with enough detail to accurately locate the proposed area within the county.
- B. A map showing only the proposed area by:
 - (1) Metes and bounds survey certified by a licensed state or register professional land surveyor ; or
 - (2) Projectable digital data with metadata (proposed areas should be in a single record and clearly labeled for each utility) ; or
 - (3) Following verifiable natural and man-made landmarks; or
 - (4) Copy of recorded plat map with metes and bounds
- C. A written description of the proposed service area.



Kent Steelman

W - 36233-^C

S - _____

Review Number: A-156-8

Date Application Received: 10-30-2008

Date Application Sent to Program Area: 11-3-2008

STM

Name of Utility Being Sold: City of Midlothian

CCN Number(s): Water 11706 Sewer _____

Name in WUD: City of Midlothian

Name of Purchaser: Mountain Peak SUD

CCN Number(s): Water 10908 Sewer _____

Registration Number(s) for Purchaser: Water A Sewer A

STM Checklist

Review Number: A-156-8



Fees due (does not include Regulatory Assessment Fees)

CN: 602721979 / 600488373 RN 104424601 / 101403350



Not on file in Central Registry. Needs Core Data Form.



Original and three copies of completed application and all required attachments, maps and exhibits. (Item 1 on page 1 of General Information and Instructions)



Proposed action and CCN numbers involved.



Number of Connections: (W) 3 (S) _____



>100 connections - \$50



100-200 connections - \$100



201-500 connections - \$200



<500 connections - \$500



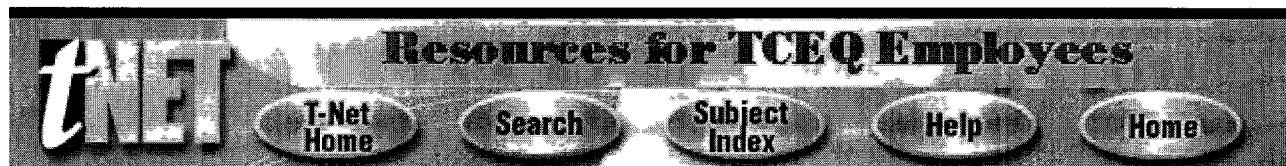
Additional Filing Fee of \$100 if system being sold or acquired does NOT have a CCN.
(Item 6 on page 2 of General Information and Instructions)

Seller/Purchaser name on application:

City of Midlothian /
Mountain Peak Special Utility District

Seller/Purchase name in WUD:

City of Midlothian /
Mountain Peak SUD

[IWUD Main](#)[Districts](#)[Utilities](#)[PWS](#)[Reports](#)[Documents](#)[Maps](#)

? Utility details for MOUNTAIN PEAK SUD (10908)


Affiliations
Documents
Site Visits
Schedules

Properties

CR Regulated Entity Number: **RN104424601**CCEDS Status: **NO ACTIVE NOE EXISTS**Utility Type: **WATER UTILITY**Ownership Type: **DISTRICT/AUTHORITY**Primary County: **ELLIS**County Code: **70**

Customers

Reference Number
CN602721979**Name**
MOUNTAIN PEAK SUD**Role**
RESPONSIBLE PARTY

Comments

Comment Date	Text	Staff Name
11/03/2008	Appl 36233-S Mountain Peak SUD for transfer of a portion of water CCN 11706 from the City of Midlothian in Ellis County	
08/07/2003	CCN (10908) TRANSFER PENDING CONFIRMATION ELECTION	

Occurrences retrieved.

Official Address / Phone

Address: **5671 WATERWORKS RD
MIDLOTHIAN, TX 76065-5851**Telephone: **(972) 775-3765**

Counties

Code	County Name	Primary
70	ELLIS	Y

Site County occurrences retrieved.

Activity

Activity Status: **ACTIVE**Activity Date: **10/30/2008**



? Document for MOUNTAIN PEAK SUD (10908)

Comments

Reviews

Document Type

Name: UTILITY APPLICATION (CCN TRANSFER)

Description:

Document Status: Pending



Values

REVIEW-PREFIX (A)	A
REVIEW-NUMBER	156
REVIEW-SUFFIX	8
APPL. OR CASE NUMBER	36233
APPLICATION EXTENSION (S)	S
CONTESTED (U, C)	U
CASE-TYPE (W, S)	W
CASE-STATUS (P, C, D, W)	P
FILED DATE	10/30/2008
PROTEST END DATE	
TO LEGAL	
INFORMAL HEARING SCHEDULED	
PREFILED TESTIMONY DUE	
HEARING SCHEDULED	
ORDER SIGNED	



Document

ID: 254653

Received Date: 10/30/2008

Final Action Date:

Document Creation Date: 11/03/2008

Document Affiliation

Type:

Individual:

Organization:

Document successfully read

For questions or comments regarding information on this page, contact the
TCEQ iWUD Web Manager

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? Utility details for CITY OF MIDLOTHIAN (11706)


Affiliations
Documents
Site Visits
Schedules

Properties

CR Regulated Entity Number: **RN101403350**CCEDS Status: **NO ACTIVE NOE EXISTS**Utility Type: **WATER UTILITY**Ownership Type: **MUNICIPALITY**Primary County: **ELLIS**County Code: **70**

Customers

Reference Number	Name	Role
CN600488373	CITY OF MIDLOTHIAN	RESPONSIBLE PARTY

Comments

Comment Date	Text	Staff Name
11/03/2008	Appl 36233-S Mountain Peak SUD CCN 10908 for transfer of a portion of water CCN 11706 from the City of Midlothian in Ellis County	
06/14/2001	DUAL CERT W/10908, 12038 & 10058	
06/14/2001	DUAL CERT W/10908, 12038 & 10058	

Occurrences retrieved.

Responsible Party

Individual: **BOYCE WHATLEY**Organization: **CITY OF MIDLOTHIAN**Mailing Address: **104 W AVENUE E****MIDLOTHIAN, TEXAS 76065-2901**Business telephone: **(972) 775-3481**

Extension:

Official Address / Phone

Address: **104 W AVENUE E**
MIDLOTHIAN, TX 76065-2901Telephone: **(972) 775-3481**

PWS for this Utility

PWS Name	PWS ID	Status	District(Number)
<u>CITY OF MIDLOTHIAN</u>	0700005	A	

Water System occurrences retrieved.

Counties

Code	County Name	Primary
57	DALLAS	N
70	ELLIS	Y
126	JOHNSON	N

Site County occurrences retrieved.

Activity

Activity Status: **ACTIVE**

End Date: **12/31/9999**

[Run Utility Cases Report](#)
[Run Utility Summary Report](#)

Utility successfully retrieved.

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TCEQ iWUD Web Manager