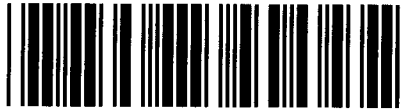




Control Number: 43156



Item Number: 2

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 18 01 38 26
PUBLIC UTILITY COMMISSION
FILING CLERK

May 16, 2014

BY FAX TO 254/675-4567 AND
BY CERTIFIED MAIL

Mr. Shaun Carpenter
815 West 5th Street
Clifton, Texas 76634

Re: Application from Tri County Special Utility District (SUD), to Amend Certificate of Convenience and Necessity (CCN) No. 10054 in Falls, Limestone, McLennan and Robertson counties; Application No. 37828-C

CN: 600674162; RN: 101400737

Dear Mr. Carpenter:

Your application for Tri County SUD, received January 7, 2014, has been accepted for filing and assigned Application No. 37828-C. Please refer to the application number in future correspondence. Mr. Fred Bednarski has been assigned to perform the technical review.

Your next step is to provide the **revised** public notices without delay. The notice to the public must be published once each week for two (2) consecutive weeks in a newspaper of general circulation in Falls, Limestone, McLennan and Robertson counties. **It is the responsibility of the applicant to provide correct notice** of the application to:

- any districts, counties, groundwater conservation districts, utilities, cities, cities with an extraterritorial jurisdiction within two (2) miles of your proposed service area, and
- any city with an extraterritorial jurisdiction which overlaps the proposed service area or other affected parties in your requested area, and
- all landowners with more than 25 acres in your proposed CCN. The landowner information may be obtained from the county appraisal district tax rolls for the county or counties in which the proposed CCN lies.

Check the notices carefully before mailing or publishing.

Information related to utilities and districts including addresses can be obtained from the TCEQ web site located at www10.tceq.tx.us/iwud/.

As proof that notice was provided, you are required to send us the following:

- a) an original and three copies of a publisher's affidavit of the newspaper publication with tear sheets of the published notice attached;
- b) four copies of each individual notice and map sent to neighboring utilities and affected parties;

Mr. Shaun Carpenter

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May 16, 2014

- c) one copy of the landowner notice and map sent to **each landowner**; and
- d) an original and three copies of the signed affidavits that individual notice to neighboring utilities, affected individuals **and each landowner** has been given. Copies of the Affidavit forms are enclosed with this letter.

Please be sure to include a map showing the proposed service area with your individual notices to neighboring utilities, other affected parties and each landowner. It is the applicant's burden to provide an accurate map delineating the proposed area with each individual notice.

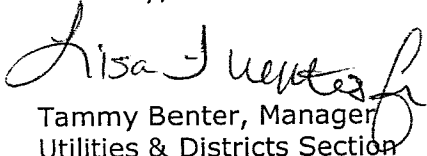
~~There also appears to be an overlap of your proposed service area with the City of Waco, the City of Marlin, the City of Riesel and Perry Water Supply Corporation (WSC).~~

Written documentation on how these overlaps will be handled is required. There are several options to resolving the overlaps. One is to amend your application by submitting revised maps and change the requested CCN area so as to not include the areas of overlap. The second option is for you to meet with the utilities and work out an agreement whereby the utilities agree to decertification of the areas of overlap. Written documentation agreeing to decertification is required. If an agreement is not reached, you would have to provide compelling evidence that the utility could not provide acceptable service. The third option is to provide written documentation from these service providers agreeing to the area of overlap. The notices have been revised to propose decertification of the portions of the City of Waco, the City of Marlin, the City of Riesel and Perry WSC in the event this is considered. If these utilities are providing service to any customers in the overlapping areas, notice of the proposed decertification must be provided to each of these customers.

These items must be completed and returned to our office by **June 16, 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 Mr. Fred Bednarski at 512/239-4758, 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/mmg

Enclosures: as stated