

Control Number: 43248



Item Number: 5

Addendum StartPage: 0

RECEIVED

PUC Docket No. 43248

2014 SEP 26 PM 3: 09

APPLICATION BY	§	BEFORE THE PUBLIC UTILITY
	§	PUBLIC UTILITY COMMISSION
WALTON TEXAS, L.P.	§	FILING CLERK
	§	COMMISSION OF TEXAS
FOR REVOCATION OF	§	
	§	
OR EXPEDITED RELEASE	§	
	§	
FROM CCN No. 20887	§	

**SUPPLEMENT TO & IN SUPPORT OF WALTON'S  
PETITION FOR REVOCATION OF CCN NO. 20887, OR, IN THE ALTERNATIVE,  
AMENDMENT FOR EXPEDITED RELEASE FROM CCN NO. 20887**

**TO THE PUBLIC UTILITY COMMISSION OF TEXAS:**

COMES NOW Walton Texas, L.P. ("Petitioner"), and files this Supplement to and in support of its Petition with the Public Utility Commission of Texas ("PUC" or "Commission") for the Revocation of or, in the alternative, Expedited Release from Certificate of Convenience and Necessity ("CNN") No. 20887 pursuant to (i) Texas Water Code Sections 13.254(a)(1), 13.254(a-1) and/or 13.254(a-5), (ii) Rule 24.113 of the Commission's Rules (16 TAC)<sup>1</sup>, and (iii) TCEQ Regulatory Guidance Document No. RG-441 (November 2011) filed on September 19, 2014; and in support thereof would show the Executive Director as follows:

**I.  
FACTS**

On September 19, 2014, Walton Texas, L.P., filed its Petition which has been docketed as PUC Docket No. 43248. On that same date, by certified mail, return receipt requested, the undersigned counsel provided copies of the Petition to the following persons and entities at the addresses indicated:

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<sup>1</sup> Prior to the transfer of jurisdiction over CCNs from the Texas Commission on Environmental Quality ("TCEQ") on September 1, 2014, to the Commission, these matters were processed pursuant to Section 291.113 of the TCEQ's Rules (30 TAC).

**CCN No. 20887 Holder:**  
Attn: Dwight Zemp  
Sweetwater Utility, LLC  
220 Malibu St.  
Castle Rock, Colorado 80109

**Registered Agent (per SOS Records)**  
Sweetwater Utility LLC  
c/o CT Corporation System  
350 North St. Paul St.  
Dallas, Texas 75201

**PUC General Counsel**  
Public Utility Commission of Texas  
1701 North Congress Ave  
P.O. Box 13326 (mailed)  
Suite 8-100 (delivered)  
Austin, Texas 78711-3326

**Office of Public Utility Counsel**  
Public Utility Commission of Texas  
1701 North Congress Ave  
P.O. Box 13326 (mailed)  
Suite 8-100 (delivered)  
Austin, Texas 78711-3326

Copies of the transmittal letter forwarding the Petition, together with the post-marked certified receipts, as well as the green cards and/or United States Postal Service tracking printouts evidencing receipt of the Petition by each of the addressees is appended hereto as Exhibit "1."

**II.**  
**PUC ORDER NO. 1**

On September 24, 2014, the undersigned counsel received the attached unsigned, undated Order No. 1 via telecopier from the PUC (*see* Exhibit "2"). Pursuant to paragraph IV, "Filing Requirements" of Order No. 1, Walton hereby confirms the current address, telephone and facsimile numbers, for Walton Texas, L.P. and its counsel in these proceedings, and would request that Walton Texas, L.P., by and through its counsel, be included on the Service List prepared by the PUC for purposes of these proceedings:

Walton Texas, LP  
Attn: Becky Collins, General Manager  
515 Congress Ave. 1620  
Austin, Texas 78701  
(512) 347-7070  
(855) 668-3382 (Fax)  
[becky.collins@walton.com](mailto:becky.collins@walton.com)

Edmond R. McCarthy, Jr.  
Jackson, Sjoberg, McCarthy & Townsend, LLP  
711 W. 7<sup>th</sup> Street  
Austin, Texas 78701  
(512) 225-5606  
(512) 225-5565 (Fax)  
[emccarthy@jacksonsjoberg.com](mailto:emccarthy@jacksonsjoberg.com)  
Counsel for Walton Texas, LP

**III.**  
**CONCLUSION & PRAYER**

WHEREFORE, PREMISES CONSIDERED, the Petitioner respectfully requests that the Commission process this Petition and

1. Revoke CCN No. 20887 pursuant to Section 13.254(a)(1), Texas Water Code and Rule 24.113(a) (16 TAC); or alternatively,
2. Amend the CCN No. 20887 to exclude Petitioner's property, *i.e.*, the Walton Tract, pursuant to Sections 13.254(a-1) and/or 13.254(a-5), Texas Water Code and Rule 24.113(b), (r) (16 TAC), by processing the Petition for Expedited Release of the Walton Tract in Hays County from CCN No. 20887; and, thereafter,
3. Issue an appropriate order either (i) revoking CCN No. 20887 in its entirety, or (ii) amending the same to release the burdened portion of Petitioner's Hays County Walton Tract from CCN No. 20887.

Respectfully submitted,

JACKSON, SJOBERG, MCCARTHY & TOWNSEND, L.L.P.

Edmond R. McCarthy, Jr.  
711 W. 7th Street  
Austin TX 78701  
(512) 225-5606  
(512) 225-8565 FAX

By: 

Edmond R. McCarthy, Jr.  
State Bar No. 13367200

ATTORNEYS FOR THE PETITIONER,  
WALTON TEXAS, L.P.

**CERTIFICATE OF SERVICE**

I hereby certify that pursuant to Order No. 1 and the Commission's Rules 22.74 and 24.113(s), the above and foregoing Supplement to and in support of Walton's Petition for Expedited Release from CCN No. 20887 was served on the CCN Holder, and its Registered Agent, of CCN No. 20887 at the last known address as identified in the records of the Texas Secretary of State, and to all parties shown below, via certified mail, return receipt requested to the addresses shown below the on this 26<sup>th</sup> day of September, 2014:

**CCN No. 20887 Holder:**  
Attn: Dwight Zemp  
Sweetwater Utility, LLC  
220 Malibu St.  
Castle Rock, Colorado 80109

**Registered Agent (per SOS Records)**  
Sweetwater Utility LLC  
c/o CT Corporation System  
350 North St. Paul St.  
Dallas, Texas 75201

PUC General Counsel  
Public Utility Commission of Texas  
1701 North Congress Ave  
P.O. Box 13326 (mailed)  
Suite 8-100 (delivered)  
Austin, Texas 78711-3326

Office of Public Utility Counsel  
Public Utility Commission of Texas  
1701 North Congress Ave  
P.O. Box 13326 (mailed)  
Suite 8-100 (delivered)  
Austin, Texas 78711-3326

  
Edmond R. McCarthy, Jr.

**Exhibit "1"**

Transmittal letter dated September 19, 2014, together with post-marked return receipts and green cards/USPS tracking records evidencing compliance with Texas Water Code § 13.254 (a-1) and PUC Rule 24.113(s), transmitting a copy of the Petition to the Holder and Registered Agent of CCN No. 20887

LAW OFFICES OF  
**JACKSON, SJOBERG, McCARTHY & TOWNSEND, L.L.P.**

DAVID E. JACKSON\*  
JOHN MATTHEW SJOBERG\*  
EDMOND R. McCARTHY, JR.  
ELIZABETH A. TOWNSEND†

711 WEST 7TH STREET  
AUSTIN, TEXAS 78701-2785  
(512) 472-7600  
FAX (512) 225-5565

OF COUNSEL  
ROBERT C. WILSON  
MARC O. KNISELY\*\*

\*BOARD CERTIFIED IN  
OIL, GAS AND MINERAL LAW  
\*\*BOARD CERTIFIED IN CIVIL APPELLATE LAW  
TEXAS BOARD OF LEGAL SPECIALIZATION

www.jacksonsjoberg.com

EDMOND R. McCARTHY, III

†Licensed in Texas and  
Tennessee

September 19, 2014

Sweetwater Utility LLC  
Attn: Mr. Dwight Zemp  
Member  
220 Malibu St.  
Castle Rock, Colorado 80109

Certified Mail/Return Receipt Requested

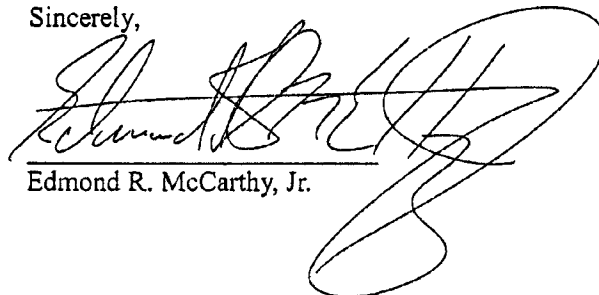
Re: Petition to Release Certificate of Adjudication No. 20887

Dear Mr. Zemp:

Enclosed please find a copy of the Petition for Expedited Release from CNN No. 20887 filed today with the Public Utility Commission of Texas on behalf of Walton Texas L.P. By copy of this letter, I am also providing a copy of the Petition to CT Corporation System identified in the records of the Texas Secretary of State as the Registered Agent for Sweetwater Utility LLC.

Should you have any questions, I can be reached at (512) 225-5606.

Sincerely,



Edmond R. McCarthy, Jr.

cc (w/encl):

Sweetwater Utility LLC  
c/o CT Corporation System  
350 North St. Paul St.  
Dallas, Texas 75201

Office of Public Counsel  
Public Utility Commission of Texas  
P.O. Box 13326 (mailed)  
Austin, Texas 78711-3326

General Counsel  
Public Utility Commission of Texas  
P.O. Box 13326  
Austin, Texas 78711-3326

7013 2630 0000 9577 4956

**U.S. Postal Service**  
**CERTIFIED MAIL - RECEIPT**  
*(Domestic Mail Only. No Insurance Coverage Provided)*

For delivery information, visit our website at [www.usps.com](http://www.usps.com)

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
<b>Total</b>	

*ERM*

**Sent**  
**Sweetwater Utility, LLC**  
**220 Malibu St.**  
**Castle Rock, CO 80109**

**SEP 15 2014**

PS Form 3800, AUGUST 2009

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English Customer USPS Register / Sign in  
Service Mobile

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Quick Tools Ship a Package Send Mail Manage Your Mail Shop Business Solutions

**USPS Tracking™**

 Customer Service  
Have questions? We're here to help.

Tracking Number **7013263000095774956**

### Product & Tracking Information

Postal Product: Features:  
Certified Mail™

DATE & TIME	STATUS OF ITEM	LOCATION
September 22, 2014 , 10:31 am	Delivered	CASTLE ROCK, CO 80109

Your item was delivered at 10:31 am on September 22, 2014 in CASTLE ROCK, CO 80109.

### Available Actions

Track Updates  
Email Updates  
Return Receipt After Mailing



7012 1010 0003 4382 6754

U.S. Postal Service	
CERTIFIED MAIL RECEIPT	
(Domestic Mail Only. No Insurance Coverage Provided)	
Sent To Sweetwater Utility LLC Street, Apt. No.: C/O CT Corporation System or PO Box No. 350 North St. Paul St. City, State, ZIP+4 Dallas, TX 75201	
ERM Postage \$ Certified Fee Return Receipt Fee (Endorsement Required) Restricted Delivery Fee (Endorsement Required) Total Postage & Fees \$	Postmark Here SEP 19 2014 DALLAS, TX

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	A. Signature X <i>[Signature]</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee B. Received by (Printed Name) Chris Wells C. Date of Delivery SEP 2 2014 D. Is delivery address different from item 1? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO If YES, enter delivery address below:
1. Article Addressed to: Sweetwater Utility LLC C/O CT Corporation System 350 North St. Paul St. Dallas, TX 75201	3. Service Type <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Priority Mail Express™ <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> Collect on Delivery 4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes
2. Article Number (Transfer from service label)	7012 1010 0003 4382 6754

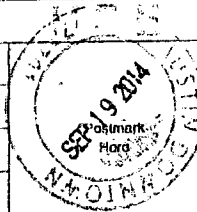
PS Form 3811, July 2013

Domestic Return Receipt

✓ 6294 2256 0000 0692 ETD

**U.S. Postal Service**  
**CERTIFIED MAIL RECEIPT**  
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information, visit [www.usps.com](http://www.usps.com)

Postage	\$	
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total		

Sent to: General Counsel  
 Public Utility Commission of Texas  
 1701 North Congress Ave  
 P.O. Box 13326  
 Austin, TX 78711-3326

Street or P.O. City, St

PS Form 3811, July 2013

SENDER COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<p>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p> <p>1. Article Addressed to:</p> <p>General Counsel            Public Utility Commission of Texas            1701 North Congress Ave            P.O. Box 13326            Austin, TX 78711-3326</p>	<p>A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>X Francisco Castellanos</p> <p>B. Received by (Printed Name) C. Date of Delivery</p> <p>Francisco Castellanos 9-22-14</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If YES, enter delivery address below:</p>
<p>2. Article Number (Transfer from)</p> <p>7013 2630 0000 9577 4628</p>	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Priority Mail Express™</p> <p><input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> Collection Delivery</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes <input type="checkbox"/> No</p>

PS Form 3811, July 2013 Domestic Return Receipt

U.S. Postal Service  
**CERTIFIED MAIL RECEIPT**  
 (Domestic Mail Only; No Insurance Coverage Provided)  
 For delivery information visit our website at www.usps.com

7011 3500 0002 9579 4708

Postage \$  
 Certified Fee  
 Return Receipt Fee (Endorsement Required)  
 Restricted Delivery Fee (Endorsement Required)  
 Total

SEP 19 2014  
 Postmark Here

Office of Public Counsel  
 Public Utility Commission of Texas  
 1701 North Congress Ave  
 P.O. Box 13326 (mailed)  
 Austin, TX 78711-3326

**SENDER COMPLETE THIS SECTION**

- Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:  
 Office of Public Counsel  
 Public Utility Commission of Texas  
 1701 North Congress Ave  
 P.O. Box 13326 (mailed)  
 Austin, TX 78711-3326

2. Article (Transit) 7011 3500 0002 9579 4708

PS Form 3811, July 2013

**COMPLETED THIS SECTION ON DELIVERY**

A. Signature ☒ Agent ☐ Addressee  
 X *Fernando Castellanos*

B. Received by (Printed Name) *Fernando Castellanos* C. Date of Delivery *9-22-14*

D. Is delivery address different from item 1? ☐ Yes ☐ No  
 If YES, enter delivery address below:

3. Service Type  
☒ Certified Mail® ☐ Priority Mail Express™  
☐ Registered ☒ Return Receipt for Merchandise  
☐ Insured Mail ☐ Collect on Delivery

4. Restricted Delivery? (Extra Fee) ☐ Yes

Domestic Return Receipt

**Exhibit "2"**  
**PUC Order No. 1**

# FAX

**To: Edmond R McCarthy Jr**

Company: JacksonSjobergMcCarthy&TownsendLLP

Fax: 16122255565

Phone:

**From: Ruby Hicks**

Fax:

Phone: (512) 936-7249

E-mail: Ruby.Hicks@puc.texas.gov

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## NOTES:

Docket #43248 - Order No. 1 - this has been filed on 9/24/14 @ 11:08 a.m.

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Date and time of transmission: Wednesday, September 24, 2014 11:45:48 AM  
Number of pages including this cover sheet: 03

DOCKET NO. 43248

PETITION OF WALTON TEXAS, L.P.	§	PUBLIC UTILITY COMMISSION
FOR REVOCATION OF OR TO	§	
AMEND SWEETWATER UTILITY,	§	OF TEXAS
LLC'S SEWER CERTIFICATE OF	§	
CONVENIENCE AND NECESSITY BY	§	
EXPEDITED RELEASE IN HAYS	§	
COUNTY	§	

**ORDER NO. 1  
REQUIRING COMMENTS ON ADMINISTRATIVE COMPLETENESS OF THE  
PETITION AND NOTICE,  
REQUIRING A PROPOSED PROCEDURAL SCHEDULE,  
AND OTHER PROCEDURAL MATTERS**

**I. Application**

On September 19, 2014, Walton Texas, L.P. filed with the Public Utility Commission of Texas (Commission) a petition for revocation of or expedited release from Sweetwater Utility, LLC's sewer certificate of convenience and necessity (CCN) No. 20887, pursuant to Texas Water Code § 13.254(a)(1), 13.254(a-1), and/or 13.25(a-5) and P.U.C. SUBST. R. 24.113.

**II. Requiring Comments on Administrative Completeness of Petition and Notice**

Pursuant to P.U.C. SUBST. R. 24.8 this petition shall be reviewed for administrative completeness within ten working days of receipt. Accordingly, by **September 29, 2014**, Commission Staff shall file comments on the administrative completeness of the petition, and notice. Notice of this petition will appear in the October 3, 2014, issue of the *Texas Register*.

**III. Requiring a Proposed Procedural Schedule**

On or before **October 6, 2014**, Commission Staff shall propose a procedural schedule for processing the petition.

Docket No. 43248

Order No. 1

Page 2 of 2

**IV. Filing Requirements**

P.U.C. PROC. R. 22.74 governs service of pleadings. Unless otherwise specified, responses or replies to any motion or other pleading shall be filed within three (3) working days after the date on which the motion or other pleading was received by the responding party. Failure to file a timely response will be considered acquiescence to the relief requested.

All parties shall provide their current addresses, telephone and facsimile numbers, if available, to all other parties and the Commission by filing and serving all parties with such information. Each party shall provide the Commission and all parties with updated address, telephone, and facsimile information if such information changes. The telephone and facsimile numbers will be placed on the service list for the convenience of the parties. Parties are responsible for updating their own service lists to reflect changed information and the addition of any other parties.

Unless otherwise specified, an original and ten copies of documents relating to this proceeding must be filed with the Commission filing clerk according to P.U.C. PROC. R. 22.71. A copy of each document filed with the Commission must also be served on all parties under P.U.C. PROC. R. 22.74.

Questions concerning this order or any other order must be submitted in writing, filed with the Commission, and served on all parties of record.

SIGNED AT AUSTIN, TEXAS the \_\_\_\_\_ day of September 2014.

PUBLIC UTILITY COMMISSION OF TEXAS

\_\_\_\_\_  
SUSAN E. GOODSON  
ADMINISTRATIVE LAW JUDGE