

Control Number: 43255



Item Number: 5

Addendum StartPage: 0



**Wet Rock Groundwater Services, L.L.C.**

*Groundwater Specialists*

TBPG Firm No: 50038

317 Ranch Road 620 South, Suite 203

Austin, Texas 78734 • Ph: 512-773-3226

www.wetrockgs.com

RECEIVED

2014 SEP 30 AM 9:09

PUBLIC UTILITY COMMISSION  
FILING CLERK

Public Utility Commission  
Water Utilities Division  
1701 N. Congress Avenue  
P. O. Box 13326  
Austin, Texas 78711-3326

September 29, 2014

**Re: Application from NLP Summit Springs, LLC to Obtain a New Water Certificate of Convenience and Necessity – Adequate Notice  
Docket No. 43255 (Application No. 37914-C)**

**CN: pending; RN: pending (NLP Summit Springs, LLC - Applicant)**

Dear Ms. Fuentes:

Based upon our conversations on Friday September 26, 2014 regarding adequate notice for the NLP Summit Springs, LLC (Summit Springs) Certificate of Convenience and Necessity (CCN), I have drafted this letter to explain why adequate notices have been given for the Summit Springs CCN application.

On August 27, 2014 I was informed by Ms. Leila Guerrero that there was an error on the notices sent to neighboring entities and a public notice published in the Picayune in Burnet County. The notices stated that water utility service will be provided for Burnet County when in fact the proposed CCN area will serve a small portion of Blanco County as well. Attachment 1 provides a copy of the public notice sent to us from the Texas Commission on Environmental Quality (TCEQ) and a map showing the proposed CCN.

When I received the call from Ms. Guerrero on August 27, 2014 she referred me to Mr. Brian Dickey to clarify and resolve the error. Mr. Dickey informed me that we would need to resend notices to the neighboring entities and that the publication in the Picayune was acceptable to the TCEQ due to the fact that the distribution of the publication is mainly within Burnet County. He did inform me that we would need to publish an additional public notice with a publication that has distribution within Blanco County. We published a corrected public notice with the Blanco News that correctly stated that water utility service was intended for Burnet and Blanco Counties. Attachment 2 provides the affidavit and the tear sheets from the Blanco News. Attachment 3 provides a copy of the revised notice sent to required entities and the affidavit for those notices.

We feel that adequate public notice was given in this case based upon the following three reasons:

- TCEQ staff member Mr. Brian Dickey informed us that the language used in public notice and the public notice published with the Picayune in Burnet County was acceptable;
- The description of the property location in the public notice that was published in

5

the Picayune in Burnet County and the map that was made available to the public was accurate and correct. Although, service will be provided in Burnet County and a small portion of Blanco County, there are no current landowners within the proposed CCN except for the applicant (Summit Springs) that required any notices. All of the land owned over 25 acres within the proposed CCN is owned by the applicant (Summit Springs). All utilities, counties, districts, cities and other required entities were correctly notified by the applicant stating service in Burnet and Blanco Counties and were approved by TCEQ/PUC staff prior to sending those notices (See Attachment 4); and

- As requested by TCEQ staff, an additional public notice was published with the Blanco News with circulation within Blanco County stating that the proposed CCN will provide water utility service within Blanco and Burnet Counties.

In addition to the questions regarding public notice, Ms. Guerrero expressed concern that Sunset Water Utilities in Burnet County did not receive notice. The notice was sent to SH WSC which was purchased by Sunset Water Utilities. Summit Springs was required to request service from SH WSC/Sunset Water Utilities due to the proximity of the SH WSC to Summit Springs. Attachment 5 provides a letter from the owner Mr. Ricky Rowe of Sunset Water Utilities and SH WSC showing the link between the companies. In addition to SH WSC being noticed, Mr. Rowe has had knowledge of the proposed CCN for over eight months.

I appreciate all of your help with the application process. Please call me at 512-906-6291 if you have any questions or require additional information.

Respectfully submitted,  
Wet Rock Groundwater Services, L.L.C.



Bryan Boyd  
Senior Hydrogeologist

ENCL.  
CC: Mr. Davy Roberts



Wet Rock Groundwater Services, LLC



*Groundwater Specialists*

# **Attachment 1**

**Public Notice provided by TCEQ & Map of Proposed CCN**

## **Notice for Publication**

### **NOTICE OF APPLICATION FOR A CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) TO PROVIDE WATER UTILITY SERVICE IN BURNET COUNTY, TEXAS**

NLP Summit Springs, LLC, has filed an application to obtain a CCN No. with the Texas Commission on Environmental Quality to provide water utility service in Burnet County.

The proposed utility service area is located approximately 5 miles southeast of downtown Marble Falls, Texas, and is **generally** bounded on the north by State Highway 71; on the east by Little Cypress Creek; on the south by Fall Creek; and on the west by CR 401.

The total area being requested includes approximately 860 acres and 0 current customers.

The proposed application affects customers and/or areas located in the following zip code: 78669.

A copy of the proposed service area map is available at: NLP Summit Springs, LLC, 9508 E. Hwy 71, Spicewood, Texas 78669.

A request for a public hearing must be in writing. You must state (1) your name, mailing address, and daytime telephone number; (2) the applicant's name, application number or another recognizable reference to this application; (3) the statement, "I/we request a public hearing"; (4) a brief description of how you or the persons you represent, would be adversely affected by the granting of the application for a CCN; and (5) your proposed adjustment to the application or CCN which would satisfy your concerns and cause you to withdraw your request for a hearing.

Persons who wish to intervene or comment should write the:

Texas Commission on Environmental Quality  
Water Supply Division  
Utilities Financial Review Team, MC-153  
P. O. Box 13087  
Austin, TX 78711-3087

within thirty (30) days from the date of this publication or notice. A public hearing will be held only if a legally sufficient hearing request is received or if the Commission on its own motion requests a hearing. Only those individuals who submit a written hearing request or a written request to be notified if a hearing is set will receive notice if a hearing is scheduled.

If a public hearing is requested, the Executive Director will not issue the CCN and will forward the application to the State Office of Administrative Hearings (SOAH) for a hearing. If no settlement is reached and an evidentiary hearing is held, the SOAH will submit a recommendation to the Commission for final decision. If an evidentiary hearing is held, it will be a legal proceeding similar to a civil trial in state district court.

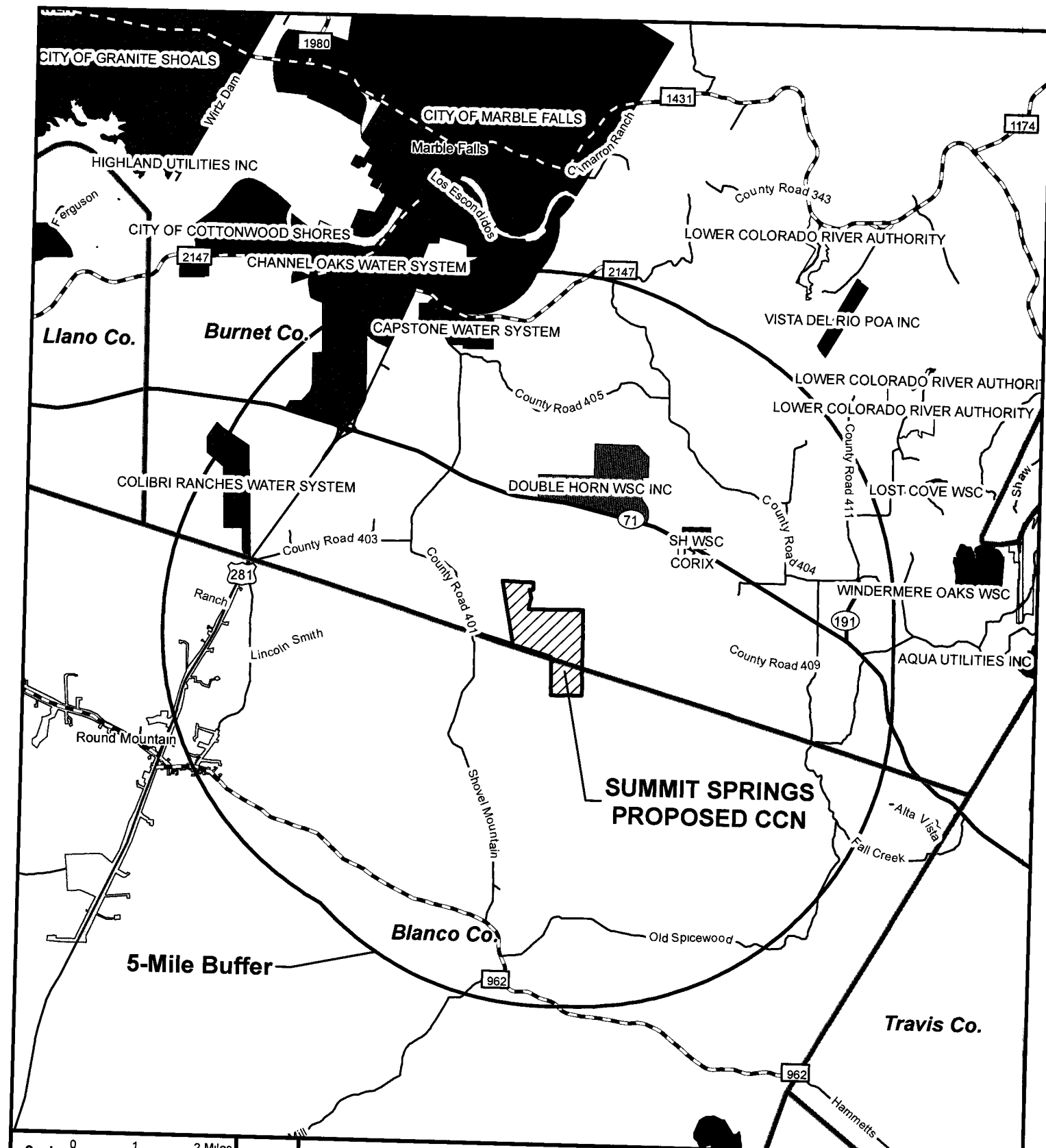
If you are a landowner with a tract of land at least 25 acres or more, that is partially or wholly located within the proposed area, you may request to be excluded from the proposed area (or "opt out") by providing written notice to the Commission within (30) days from the date that notice was provided by the applicant. All request to opt out of the requested service area must include a scaled, general location map and a metes and bounds description of the tract of land.

Persons who meet the requirements to opt out, and wish to request this option should file the required documents with the:

Texas Commission on Environmental Quality  
Water Supply Division  
Utilities Financial Review Team, MC-153  
P. O. Box 13087  
Austin, TX 78711-3087

A copy of the request to opt out of the proposed area must also be sent to the applicant. Staff may request additional information regarding your request.

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



Scale: 0 1 2 Miles

Drawn By: BB Date: 4-14

Quad Name and No:

Projection:  
UTM NAD 83 Zone 14

### Summit Springs Proposed CCN - Surrounding Utilities

Blanco and  
Burnet Counties, Texas



Wet Rock Groundwater Services, L.L.C.  
Groundwater Specialists

FBPG Form No. 50038

311 Ranch Road 620 South, Ste. 103  
Austin, Texas 78734 Ph: 512.773.3226  
www.wetrockgs.com

## **Attachment 2**

**Blanco News Affidavit & Tear Sheets**



Texas Commission on Environmental Quality



PUBLISHER'S AFFIDAVIT  
APPLICATION NO. 37914-C

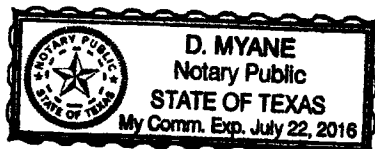
STATE OF TEXAS  
COUNTY OF Blanco

Before me, the undersigned authority, on this day personally appeared  
Merannda Button, Editor, who being by me  
duly sworn, deposes and says that (s)he is the Editor  
(TITLE)  
of the Blanco County News;  
(NAME OF NEWSPAPER)  
that said newspaper is regularly published in Blanco  
(COUNTY/COUNTIES)  
and generally circulated in Blanco, Texas; and  
(COUNTY/COUNTIES)  
that the attached notice was published in said newspaper on the following date(s), to wit:  
September 3 and September 10, 2014  
(DATES)

Merannda Button  
(SIGNATURE OF NEWSPAPER REPRESENTATIVE)

Subscribed and sworn to before me this 16th day of Sept, 2011,  
to certify which witness my hand and seal of office.

D. Myane  
Notary Public in and for the State of Texas



D. Myane  
Print or Type Name of Notary Public  
Commission Expires 7-22-16

Application No. 37914-C

### Notice for Publication

#### NOTICE OF APPLICATION FOR A CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) TO PROVIDE WATER UTILITY SERVICE IN BURNET AND BLANCO COUNTIES, TEXAS

NLP Summit Springs, LLC, has filed an application to obtain a CCN No. with the Texas Commission on Environmental Quality to provide water utility service in Burnet and Blanco Counties.

The proposed utility service area is located approximately 5 miles southeast of downtown Marble Falls, Texas, and is **generally** bounded on the north by State Highway 71; on the east by Little Cypress Creek; on the south by Fall Creek; and on the west by CR 401.

The total area being requested includes approximately 860 acres and 0 current customers.

The proposed application affects customers and/or areas located in the following zip code: 78669 and 78663.

A copy of the proposed service area map is available at: NLP Summit Springs, LLC, 9508 E. Hwy 71, Spicewood, Texas 78669.

A request for a public hearing must be in writing. You must state (1) your name, mailing address, and daytime telephone number; (2) the applicant's name, application number or another recognizable reference to this application; (3) the statement, "I/we request a public hearing"; (4) a brief description of how you or the persons you represent, would be adversely affected by the granting of the application for a CCN; and (5) your proposed adjustment to the application or CCN which would satisfy your concerns and cause you to withdraw your request for a hearing.

Persons who wish to intervene or comment should write the:

Texas Commission on Environmental Quality  
Water Supply Division  
Utilities Financial Review Team, MC-153  
P. O. Box 13087  
Austin, TX 78711-3087

within thirty (30) days from the date of this publication or notice. A public hearing will be held only if a **legally sufficient hearing request** is received or if the Commission on its own motion requests a hearing. Only those individuals who submit a written hearing request or a written request to be notified if a hearing is set will receive notice if a hearing is scheduled.

If a public hearing is requested, the Executive Director will not issue the CCN and will forward the application to the State Office of Administrative Hearings (SOAH) for a hearing. If no settlement is reached and an evidentiary hearing is held, the SOAH will submit a recommendation to the Commission for final decision. If an evidentiary hearing is held, it will be a legal proceeding similar to a civil trial in state district court.

If you are a landowner with a tract of land at least 25 acres or more, that is partially or wholly located within the proposed area, you may request to be excluded from the proposed area (or "opt out") by providing written notice to the Commission within (30) days from the date that notice was provided by the applicant. All request to opt out of the requested service area must include a scaled, general location map and a metes and bounds description of the tract of land.

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Texas Commission on Environmental Quality  
Water Supply Division  
Utilities Financial Review Team, MC-153  
P. O. Box 13087  
Austin, TX 78711-3087

A copy of the request to opt out of the proposed area must also be sent to the applicant. Staff may request additional information regarding your request.

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

# LIFE

## Join Cry Out America

Join us on Thursday, September 11, 2014, from 7 to 7:45 pm on the west side of the Old Blanco County Courthouse near the flag pole. Cry Out America effort seeks to...

## Tejas Art Club Artist of the Month Cindy Vint



from Cindy Vint

I was never the kid who drew pictures or usually find me at the barn with my horse. As I am thinking that I did not know how to draw a horse.

In 2009 I was diagnosed with a rare type of cancer. My family and friends and my faith helped restore my life. Since that time I have worked to restore my life. I no longer own a horse but I do own paints. I am still painting on canvas but through friends, mentors and trial and error, it is becoming more natural like riding a horse.

The two things pictured are my first watercolors. I was inspired by a friend who painted a horse and a postcard of a Monet painting I saw. Until I got brave enough to draw and watercolor. When I moved to Blanco county I joined the Blanco Library and paint together either Tuesday or Thursday at the Uptown Blanco Art Center and Thursday at the Blanco Library. The club members are so friendly and chose me as Artist of the Month.

Application No. 37914-C

### Notice for Publication

NOTICE OF APPLICATION FOR A CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) TO PROVIDE WATER UTILITY SERVICE IN BURNET AND BLANCO COUNTIES, TEXAS

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P. O. Box 13087  
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A copy of the request to opt out of the proposed area must also be sent to the applicant. Staff may request additional information regarding your request.

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

## **Attachment 3**

**Revised Notice & Affidavit**

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

NOTICE OF APPLICATION FOR A CERTIFICATE OF CONVENIENCE AND NECESSITY  
(CCN) TO PROVIDE WATER UTILITY SERVICE IN BURNET AND BLANCO COUNTIES,  
TEXAS

To: \_\_\_\_\_ Date Notice Mailed: Aug. 27, 2014  
(Neighboring System, Landowner or City)

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

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

NLP Summit Springs, LLC, has filed an application to obtain a CCN No. with the Texas Commission on Environmental Quality to provide water utility service in Burnet and Blanco Counties.

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**See enclosed map of the proposed service area.**

A request for a public hearing must be in writing. You must state (1) your name, mailing address, and daytime telephone number; (2) the applicant's name, application number or another recognizable reference to this application; (3) the statement, "I/we request a public hearing"; (4) a brief description of how you or the persons you represent, would be adversely affected by the granting of the application for a CCN; and (5) your proposed adjustment to the application or CCN which would satisfy your concerns and cause you to withdraw your request for a hearing.

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Texas Commission on Environmental Quality  
Water Supply Division  
Utilities Financial Review Team, MC-153  
P. O. Box 13087  
Austin, TX 78711-3087

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Water Supply Division  
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P. O. Box 13087  
Austin, TX 78711-3087

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Texas Commission on Environmental Quality



AFFIDAVIT OF NOTICE TO NEIGHBORING UTILITIES AND AFFECTED PARTIES  
APPLICATION NO. 37914-C

STATE OF TEXAS  
COUNTY OF BURNET

NLP Summit Springs, LLC has provided individual notice to the following entities:

	DATE
Blanco County	August 28, 2014
Blanco-Pedernales Groundwater Conservation District	August 28, 2014
Burnet County	August 28, 2014
Capstone Water	August 28, 2014
Central Texas Groundwater Conservation District	August 28, 2014
City of Marble Falls	August 28, 2014
City of Round Mountain	August 28, 2014
Colibri Ranches Water System	August 28, 2014
Corix Utilities Texas, Inc.	August 28, 2014
Double Horn Creek Water Supply Corporation	August 28, 2014
Lower Colorado River Authority	August 28, 2014
SH WSC	August 28, 2014
NLP Summit Springs, LLC	August 28, 2014

OATH

I, Bryan Boyd, being duly sworn, file this form as an authorized representative (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 forth therein are true and correct.

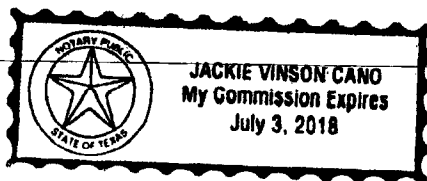
B. Boyd  
Applicant's Authorized Representative

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 28th day of August, 2014, to certify which witness my hand and seal of office.

Jackie Vinson Cano  
Notary Public in and for the State of Texas

Jackie Vinson Cano  
Print or Type Name of Notary Public  
Commission Expires July 3, 2018



## **Attachment 4**

### **Email Confirming Notices**



## **Bryan Boyd**

---

**From:** Christine Mester <christine.mester@tceq.texas.gov>  
**Sent:** Tuesday, July 22, 2014 2:26 PM  
**To:** Bryan Boyd; Lisa Fuentes  
**Cc:** 'Kaveh Khorzad'; Tracy Harbour  
**Subject:** RE: Summit Springs New Water CCN - Application No. 37914-C

Hi Mr. Boyd,

Lisa is out on vacation this week. We received everything required to accept your application for filing. The acceptance letter and notices have been prepared and should be mailed out this week.

Please let me know if you have any additional questions.

Thank, you  
Christine Mester  
Natural Resource Specialist  
Utilities Financial Review  
Water Supply Division  
Texas Commission on Environmental Quality  
University of Texas - Arlington Contractor  
Work: (512) 239-2788  
Fax: (512) 239-6145

**From:** Bryan Boyd [mailto:b.boyd@wetrockgs.com]  
**Sent:** Tuesday, July 22, 2014 2:17 PM  
**To:** Lisa Fuentes  
**Cc:** 'Kaveh Khorzad'; Tracy Harbour; Christine Mester  
**Subject:** RE: Summit Springs New Water CCN - Application No. 37914-C

Hi Ms. Fuentes,

You spoke to Mr. Khorzad last Thursday July 17, 2014 regarding additional notices needed for the Summit Springs New Water CCN. He forwarded you additional notices to be included in the application. I believe you said via a phone conversation that the additional notices were adequate to complete the application from administrative standpoint.

I wanted to check in and make sure the additional notices completed the Summit Springs application. Is there anything else needed at this point to complete the application from an administrative standpoint?

Thank you,

Bryan Boyd  
**Wet Rock Groundwater Services, LLC**  
*Groundwater Specialists*  
311 Ranch Road 620 South, Suite 103  
Austin, TX 78734  
Phone: (512) 906-6291

**From:** Kaveh Khorzad [<mailto:k.khorzad@wetrockgs.com>]  
**Sent:** Thursday, July 17, 2014 4:06 PM  
**To:** [tracy.harbour@tceq.texas.gov](mailto:tracy.harbour@tceq.texas.gov); [Lisa.Fuentes@tceq.texas.gov](mailto:Lisa.Fuentes@tceq.texas.gov)  
**Cc:** [b.boyd@wetrockgs.com](mailto:b.boyd@wetrockgs.com)  
**Subject:** Summit Springs New Water CCN - Application No. 37914-C

Please find attached the additional notices to counties, GCDs and Districts within 5 miles. Also attached is the shapefile with metadata locating the proposed CCN.

Please let me know if there is anything else we are required to get to you. Thank you again for your assistance.

**Kaveh Khorzad, P.G. – President**  
**Wet Rock Groundwater Services, L.L.C.**  
*Groundwater Specialists*  
TBPG Firm No: 50038  
311 Ranch Road 620 South, Suite 103  
Austin, Texas 78734 • Ph: 512-773-3226  
[www.wetrockgs.com](http://www.wetrockgs.com)

## **Attachment 5**

**SH WSC/Sunset Water Utilities Denial of Service Request**

Davy Roberts  
NLP Summit Springs, LLC  
9508 E Hwy 71  
Spicewood, 78669

January 17, 2013

**RE: NLP Summit Springs, LLC Application for Certificate of Convenience and  
Necessity (CCN) - Request for Service Denied**

Dear Mr. Roberts:

This letter serves as a response to your request for public drinking water service for your proposed Certificate of Convenience and Necessity (CCN) for NLP Summit Springs, LLC (Summit Springs). Unfortunately, it is not feasible for Sunset Utilities to serve your proposed CCN at Summit Springs) from the SH WSC. Therefore, we must deny your request for public drinking water service.

Respectfully,

Sunset Utilities  
SH WSC



Ricky Rowe  
Owner