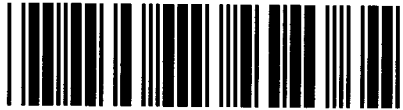


Control Number: 43529



Item Number: 3

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.

**TEXAS COMMISSION
ON ENVIRONMENTAL QUALITY**

TRANSMITTAL OF ADMINISTRATIVE RECORD

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PUBLIC UTILITY COMMISSION
FILING CLERK

TO: SOAH Natural Resources Docket Clerk

DATE: January 14, 2005

FROM: *MM* **Melanie Mohair, SOAH Coordinator
Final Documents Team
Office of the Chief Clerk**

**RE: Fall Creek Utility Company, Inc.
SOAH Docket No. 582-05-1528; TCEQ Docket No. 2004-1201-UCR**

Enclosed is a certified copy of the affidavit of notice to customers of the public hearing for the above-referenced matter. This document is now being forwarded as a supplement to the Administrative Record originally transmitted to your office on December 22, 2004.

If you have any questions, please contact Melanie Mohair, SOAH Coordinator at (512) 239-2578 or Deanna Avalos, Final Documents Team Leader at (512) 239-3327.

RECEIVED
STATE OFFICE OF
ADMINISTRATIVE RECORDS
18 JAN05 09 04

7

AFFIDAVIT OF NOTICE TO CUSTOMERS OF THE PUBLIC HEARING

STATE OF TEXAS

COUNTY OF

Hood

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§

Before me, the undersigned authority, on this day personally appeared the affiant who being by me duly sworn, deposes and says:

My name is Charlotte Saneet, I am over eighteen (18)
(Name of Affiant)

years of age. I have personal knowledge of the facts stated herein, and they are all true and correct.

I am President of
(Title of Affiant)

Fall Creek Utility Co
(Name of Utility)

On 1/7/05, I caused to be mailed to all of the above named utility's
(Date)

customers and affected municipalities, if any, the attached notice of public hearing. The notice was

mailed by first class mail

Charlotte Saneet
Signature of Affiant

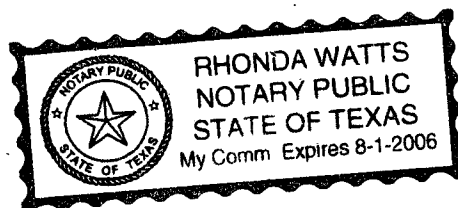
Subscribed and sworn to before me this the 10th day of Jan,
2006, to certify which witness my hand and seal of office.

Rhonda Watts
Notary Public in and for the State of Texas

(SEAL)

Rhonda Watts
Print or type Name of Notary

My Commission Expires 8-1-06



THE STATE OF TEXAS
COUNTY OF TRAVIS
I hereby certify that this is a true and correct copy of a
Texas Commission on Environmental Quality document,
which is filed in the permanent records of the Commission.
Given under my hand and the seal of office on

LaDonna Castanuela JAN 14 2005
LaDonna Castanuela, Chief Clerk
Texas Commission on Environmental Quality

**TEXAS COMMISSION
ON ENVIRONMENTAL QUALITY**

TRANSMITTAL OF ADMINISTRATIVE RECORD

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DATE: January 14, 2005

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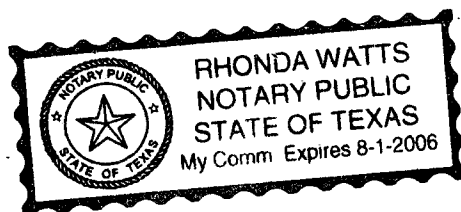
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Rhonda Watts
Notary Public in and for the State of Texas

(SEAL)

Rhonda Watts
Print or type Name of Notary

My Commission Expires 8-1-06



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



NOTICE OF HEARING
FALL CREEK UTILITY COMPANY, INC.
SOAH Docket No. 582-05-1528
TCEQ Docket No. 2004-1201-UCR

APPLICATION. Fall Creek Utility Company, Inc., P.O. Box 954, Granbury, Texas 76048, has applied to the Texas Commission on Environmental Quality (TCEQ) to change its water and sewer rate/tariffs effective June 30, 2004 for its service area located in Hood County, Texas (water Certificate of Convenience and Necessity (CCN) No. 12884 and sewer CCN No. 20854, Application Nos. 34585-G and 34586-G).

CONTESTED CASE HEARING. The State Office of Administrative Hearings (SOAH) will conduct a formal contested case hearing on this application at:

10:00 a.m. - January 25, 2005
William P. Clements Building
300 West 15th Street, 4th Floor
Austin, Texas 78701

The hearing will be a legal proceeding similar to a civil trial in state district court. The hearing will be conducted in accordance with Chapter 2001, Texas Government Code; Chapter 13, Texas Water Code; TCEQ rules including 30 Texas Administrative Code (TAC) Chapter 291; and the procedural rules of the TCEQ and SOAH, including 30 TAC Chapter 80 and 1 TAC Chapter 155. To participate in the hearing as a party, you must attend the hearing and show you would be affected by the petition in a way not common to members of the general public.

INFORMATION. For information concerning the hearing process, please contact the TCEQ Office of the Public Interest Counsel (MC 103), P.O. Box 13087, Austin, TX 78711-3087. For additional information, contact the TCEQ Water Supply Division, Utilities & Districts Section (MC 153), P.O. Box 13087, Austin, TX 78711-3087, telephone 512-239-4691. General information regarding the TCEQ can be found at our web site at www.TCEQ.state.tx.us.

Persons with disabilities who plan to attend this hearing and who need special accommodations at the hearing should call the SOAH Docketing Department at 512-475-3445, at least one week prior to the hearing.

Issued: December 17, 2004

A handwritten signature in black ink, reading "LaDonna Castañuela".

LaDonna Castañuela, Chief Clerk
Texas Commission on Environmental Quality

CHEATHAM & LANSFORD

Certified Public Accountants

P.O. Box 1678

Granbury, Texas 76048

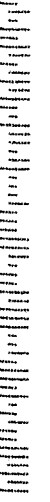
TO:

Chief Clerk of the Texas Commission on
Environmental Quality
Attn: SOAH Docket Clerk (Mail Code 105
P O Box 13087
Austin, TX 78711-3087

RECEIVED

JAN 13 2005

TCEQ MAIL CENTER





**TEXAS COMMISSION
ON ENVIRONMENTAL QUALITY**

TRANSMITTAL OF ADMINISTRATIVE RECORD

DATE: December 22, 2004



TO: SOAH Natural Resources Docket Clerk

THRU:  Deanna Avalos, TCEQ Final Documents Team Leader

FROM:  Melanie Mohair, TCEQ SOAH Docket Coordinator

RE: Fall Creek Utility Company, Inc.
SOAH Docket No. 582-05-1528; TCEQ Docket No. 2004-1201-UCR

Pursuant to 30 TAC § 80.6(b)(4) regarding referrals to SOAH, a copy of the Chief Clerk's case file is attached. Please find **certified** copies of the following documents:

-  1. the application;
-  2. public hearing notice and Chief Clerk's affidavit; ***Please note: at this time the OCC has not received the affidavit of notice to customers of the public hearing issued on December 17, 2004. When it is received, OCC will supplement this package.***

If any of these documents are not included as enclosures with this memo, please notify Melanie Mohair, SOAH Coordinator at (512) 239-2578 or Deanna Avalos, Final Documents Team Leader at (512) 239-3327.

The seal of the State of Texas, featuring a five-pointed star in the center, surrounded by a wreath of olive and oak branches. The words "THE STATE OF TEXAS" are inscribed around the perimeter of the seal.

COUNTY OF TRAVIS §

Given under my hand and the seal of the Texas Commission on Environmental Quality, this the 17th day of December, 2004.

(SEAL)

Kathleen Hartnett White, *Chairman*
R. B. "Ralph" Marquez, *Commissioner*
Larry R. Soward, *Commissioner*
Glenn Shankle, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

December 17, 2004

BY CERTIFIED AND FIRST CLASS MAIL
Certified Receipt # 70033110000308279170

Ms. Wendall Braniff, Attorney
816 Congress Avenue, Suite 1100
Austin, Texas 78700

RE: Mailing requirements on Notice of Hearing on Fall Creek Utility Company, Inc.
SOAH Docket No. 582-05-1528, TCEQ Docket No. 2004-1201-UCR

Dear Ms. Braniff:

Enclosed is a Notice of Public Hearing concerning the above-referenced application. This notice must be provided in its entirety to all affected utility customers, at the utility company's expense. You may mail it with a utility bill or statement, or by separate first class mail. In accordance with Section 2001.051(1) of the Administrative Procedure Act, **all affected customers must receive the notice not less than 10 days before the hearing date**, or not later than January 15, 2005.

After the notice is mailed to all affected customers, you must file an affidavit stating the attached notice was mailed to all affected customers, and stating the date on which it was mailed. **Please be sure to attach a copy of the mailed notice to the affidavit.** The affidavit must be filed with the Office of the Chief Clerk of the Texas Commission on Environmental Quality (Commission), ATTN: SOAH Docket Clerk (Mail Code 105), P.O. Box 13087, Austin, Texas 78711-3087, at least two days before the public hearing.

Immediately contact the State Office of Administrative Hearings (SOAH) Docket Clerk in the event that notice is not provided in a timely manner. **When contacting the Commission or SOAH regarding this application, please reference the SOAH docket number given at the top of this letter.**

If you have any questions, please call (512) 475-3445 to speak with the SOAH Docket Clerk.

Sincerely,

A handwritten signature in cursive script, reading "LaDonna Castañuela".

LaDonna Castañuela, Chief Clerk
Texas Commission on Environmental Quality

Enclosures

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



NOTICE OF HEARING
FALL CREEK UTILITY COMPANY, INC.
SOAH Docket No. 582-05-1528
TCEQ Docket No. 2004-1201-UCR

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Persons with disabilities who plan to attend this hearing and who need special accommodations at the hearing should call the SOAH Docketing Department at 512-475-3445, at least one week prior to the hearing.

Issued: December 17, 2004

A handwritten signature in black ink, reading "LaDonna Castañuela".

LaDonna Castañuela, Chief Clerk
Texas Commission on Environmental Quality

AFFIDAVIT OF NOTICE TO CUSTOMERS OF THE PUBLIC HEARING

STATE OF TEXAS §

COUNTY OF _____ §

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I am _____ of
(Title of Affiant)

(Name of Utility)

On _____, I caused to be mailed to all of the above named utility's
(Date)

customers and affected municipalities, if any, the attached notice of public hearing. The notice was
mailed by first class mail.

Signature of Affiant

Subscribed and sworn to before me this the _____ day of _____,
20 _____, to certify which witness my hand and seal of office.

Notary Public in and for the State of Texas

(SEAL)

Print or type Name of Notary

My Commission Expires _____

MAILING LIST
FALL CREEK UTILITY COMPANY, INC.
SOAH Docket No. 582-05-1528
TCEQ Docket No. 2004-1201-UCR

Ms. Wendall Braniff, Attorney
816 Congress Avenue, Suite 1100
Austin, Texas 78700

Via Certified and First Class Mail

Natural Resources Docket Clerk
State Office of Administrative Hearings
P. O. Box 13025
Austin, Texas 78711-3025

Texas Commission on Environmental Quality
P. O. Box 13087
Austin, Texas 78711-3087

Gabriel Soto, Staff Attorney, Environmental Law Division (MC 173)
De'Mon Stanford, Technical Staff, Water Supply Division, Utilities & Districts Section (MC 153)
Tammy Holgiun-Benter, Financial Staff, Water Supply Division, Utilities & Districts Section (MC 153)
Blas Coy, Office of Public Interest Counsel (MC 103)
Andy Saenz, Agency Communications Division, Media Relations (MC 118)
Dell Sites, Support Services Division, Telecommunications Section (MC 217)

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MS WENDALL BRANIFF ATTORNEY
816 CONGRESS AVE STE 1100
AUSTIN TX 78700

Or PO BOX NO.	
City, State, ZIP+4	

PS Form 3800, June 2002

See Reverse for Instructions