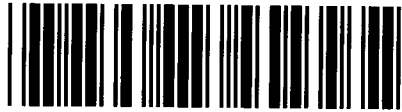


Control Number: 43539



Item Number: 8

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*
Glenn Shankle, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

December 5, 2007

RECEIVED
2014 OCT 16 AM 11:23
UTILITY COMMISSION
FILING CLERK

TO: Persons on the attached mailing list.

RE: New Water Supply Corporation
CCN No. 13117; TCEQ Docket No. 2007-0055-UCR; SOAH Docket No. 582-07-2030

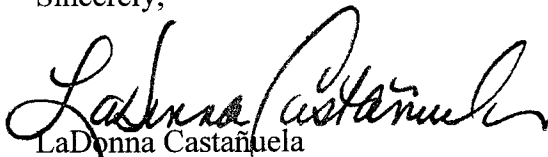
This letter is your notice that the Texas Commission on Environmental Quality (TCEQ) executive director has issued final approval of the above-named application.

You may file a **motion to overturn** with the chief clerk. A motion to overturn is a request for the commission to review the TCEQ executive director's approval of the application. Any motion must explain why the commission should review the TCEQ executive director's action.

A motion to overturn must be received by the chief clerk within 23 days after the date of this letter. An original and 11 copies of a motion must be filed with the chief clerk in person or by mail. The Chief Clerk's mailing address is Office of the Chief Clerk (MC 105), TCEQ, P.O. Box 13087, Austin, Texas 78711-3087. On the same day the motion is transmitted to the chief clerk, please provide copies to the applicant, the Executive Director's attorney, and the Public Interest Counsel at the addresses listed on the attached mailing list. If a motion is not acted on by the commission within 45 days after the date of this letter, then the motion shall be deemed overruled.

Individual members of the public may seek further information by calling the TCEQ Office of Public Assistance, toll free, at 1-800-687-4040.

Sincerely,


LaDonna Castañuela
Chief Clerk

LDC/mr

RECEIVED
DEC 07 2007
TCEQ
CENTRAL FILE ROOM

MAILING LIST
for
New Water Supply Corporation
CCN No. 13117; TCEQ Docket No. 2007-0055-UCR; SOAH Docket No. 582-07-2030

FOR THE APPLICANT:

Rayburn Moore, Consulting Engineer
J. F. Fontaine & Associates, Inc.
P.O. Box 4187
Palestine, Texas 75802

INTERESTED PERSONS:

William C. Richards
P.O. Box 193
San Augustine, Texas 75972

FOR THE EXECUTIVE DIRECTOR:

Christiaan Siano, Staff Attorney
Texas Commission on Environmental Quality
Environmental Law Division MC-173
P.O. Box 13087
Austin, Texas 78711-3087

Kamal Adhikari, Technical Staff
Texas Commission on Environmental Quality
Water Supply Division MC-153
P.O. Box 13087
Austin, Texas 78711-3087

FOR PUBLIC INTEREST COUNSEL:

Blas J. Coy, Jr., Attorney
Texas Commission on Environmental Quality
Public Interest Counsel MC-103
P.O. Box 13087
Austin, Texas 78711-3087

FOR THE CHIEF CLERK:

LaDonna Castañuela
Texas Commission on Environmental Quality
Office of Chief Clerk MC-105
P.O. Box 13087
Austin, Texas 78711-3087

Buddy Garcia, *Chairman*
Larry R. Soward, *Commissioner*
Bryan W. Shaw, Ph.D., *Commissioner*
Glenn Shankle, *Executive Director*

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

December 5, 2007

Mr. Rayburn Moore, Consulting Engineer
J. F. Fontaine & Associates, Inc.
P.O. Box 4187
Palestine, Texas 75802

Re: Application from New Water Supply Corporation (WSC) to Obtain a Water Certificate of Convenience and Necessity (CCN) in Shelby, Sabine and San Augustine Counties;
Application No. 35434-C

CN: 602577223 RN: 104179288

Dear Mr. Moore:

Enclosed is a certified copy of an order certificate and maps issued by the Commission in the above referenced application. This action is taken under authority delegated by the Executive Director of the Texas Commission on Environmental Quality.

You are now authorized to provide utility service in accordance with the rules and regulations of the Commission. Your last step is to file a certified copy of the CCN map along with a written description of the CCN service area in the county clerk's office pursuant to Texas Water Code, Chapter 13.257 (r) and (s).

Should you have any questions regarding this matter, please contact Mr. Kamal Adhikari at 512/239-0680, or by fax at 512/239-6972, by email kadhikar@tceq.state.tx.us, or if by correspondence, include MC153 in the letterhead address.

Sincerely,



Todd Chenoweth, Director
Utilities & Districts Section
Water Supply Division

DH/TB/KA/al

Enclosures

cc: Mailing list

MAILING LIST- NEW WSC
TCEQ DOCKET NO. 2007-0055-UCR
APPLICATION NO. 35434-C

Mr. Rayburn Moore, Consulting Engineer
J. F. Fontaine & Associates, Inc.
P.O. Box 4187
Palestine, Texas 75802

Representing New WSC

James W. Wilson
Mr. William C. Richards
P.O. Box 193
San Augustine, Texas 75972

Landowner

TCEQ – Region 10

cc: Christiaan Siano, Legal Services Division, MC 173
Melanie Mohair, Chief Clerk's Office, MC-105
Vic McWherter, Office of Public Interest Council, MC 103
Kamal Adhikari, Technical Staff, Utilities & Districts Section, MC 153

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



SOAH DOCKET NO. 582-07-2030
TCEQ DOCKET NO. 2007-0055-UCR
APPLICATION NO. 35434-C

APPLICATION FROM NEW WATER	§	BEFORE THE
	§	
SUPPLY CORPORATION TO OBTAIN	§	TEXAS COMMISSION ON
	§	
A WATER CERTIFICATE OF CONVENIENCE	§	ENVIRONMENTAL QUALITY
	§	
AND NECESSITY IN SABINE, SHELBY AND	§	
	§	
SAN AUGUSTINE COUNTIES	§	

ORDER

An application by the New Water Supply Corporation to obtain a Certificate of Convenience and Necessity ("CCN") to provide water service in San Augustine, Shelby and Sabine Counties, Texas, was presented to the Executive Director of the Texas Commission on Environmental Quality ("Commission") for approval pursuant to Section 5.122 of the Texas Water Code ("Code") and Commission rules. The Applicant desires to provide water service in San Augustine, Shelby and Sabine Counties, Texas, and to become a retail public utility as defined in Section 13.002(19) of the Code.

On or about August 7, 2006, the Applicant filed an application with the Commission pursuant to Section 13.241 *et. seq.* of the Code to obtain a water CCN to provide water service in San Augustine, Shelby and Sabine Counties, Texas. The application was accepted for filing and it was assigned Application No. 35434-C.

The notice to obtain a CCN by the Applicant complied with the notice requirements of 30 Texas Administrative Code ("TAC") Section 291.106 and was sufficient to place affected persons on notice regarding the application for service. The Executive Director received three requests for a

public hearing on the application: Mr. & Mrs. C. B. and William Richards, Long Bell Petroleum Co., and the City of San Augustine.

On April 24, 2007, Carol Wood, an administrative law judge with the State Office of Administrative Hearings held a preliminary hearing in Austin, Texas, assumed jurisdiction, and designated the following parties: the Applicant, represented by Ray Moore (consulting engineer); the Executive Director (ED) of the Texas Commission on Environmental Quality (TCEQ), represented by Christiaan Siano; and the Office of Public Interest Counsel, who did not appear at the hearing. No other individuals or entities appeared at the hearing. The Executive Director and the Applicant announced they had no issues in dispute and requested the matter be remanded to the ED for administrative approval.

On or about April 26, 2007, ALJ Carol Wood issued an order dismissing the case and remanding it to the ED pursuant to 30 TAC Section 80.101.

NOW, THEREFORE, BE IT ORDERED BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY that:

The application by New WSC for a Certificate of Convenience and Necessity as reflected in the attached copy of official water service area map of San Augustine, Shelby and Sabine Counties, Texas, is hereby approved.

The Chief Clerk of the Texas Commission on Environmental Quality shall forward a copy of this Order to the parties.

If any provision, sentence, clause, or phrase of this Order is for any reason held to be invalid, the validity of any portion shall not affect the validity of the remaining portions of the Order.

Issue Date: **NOV 30 2007**

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY



For the Commission



Texas Commission On Environmental Quality

By These Presents Be It Known To All That

New Water Supply Corporation

having duly applied for certification to provide water utility service for the convenience and necessity of the public, and it having been determined by this commission that the public convenience and necessity would in fact be advanced by the provision of such service by this Applicant, is entitled to and is hereby granted this

Certificate of Convenience and Necessity No. 13117

to provide continuous and adequate water utility service to that service area or those service areas in Shelby, Sabine and San Augustine Counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Application No. 35434-C are on file at the Commission offices in Austin, Texas; and are matters of official record available for public inspection; and be it known further that these presents do evidence the authority and the duty of New Water Supply Corporation to provide such utility service in accordance with the laws of this State and Rules of this Commission, subject only to any power and responsibility of this Commission to revoke or amend this Certificate in whole or in part upon a subsequent showing that the public convenience and necessity would be better served thereby.

Issued at Austin, Texas, this NOV 30 2007

A handwritten signature in black ink, appearing to read "D. M. Hoke", written over a horizontal line.

For the Commission

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

CID
56627
NC

To: Marisa Weber
Offices of the Chief Clerk

Date: November 21, 2007

From: Angela Littlejohn
Administrative Support
Water Supply Division

Subject: Item for the Executive Director's Signature

New Water Supply Corporation, Application Number 35434-C, CCN 13117,
CN: 602577223 RN: 104179288

The item listed above is for the Executive Director's Signature. Please present this to Marisa Weber.

Contact Name: Kamal Adhikari

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2007 NOV 21 AM 11:44
CHIEF CLERKS OFFICE

OVERSIZED MAP(S)

**CCN Service Area
Map**

**TO VIEW OVERSIZED DOCUMENT
PLEASE TO GO or CALL**

PUC CENTRAL RECORDS

MAIL LINE

512.936.7185