



Control Number: 43541



Item Number: 16

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

INTEROFFICE MEMORANDUM

DKJ. 43541

To: Tammy Davis
Office of the Chief Clerk

From: Amy Cortinas
Administrative Support
Water Supply Division

Subject: Item for the Executive Director's Signature

Date: June 24, 2003RECEIVED
2014 OCT 14 AM 11:08
PUBLIC UTILITY COMMISSION
FILING CLERK

City of San Juan -Application Number 33903-C

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

Date Stamp This Page Only

Robert J. Huston, *Chairman*
R. B. "Ralph" Marquez, *Commissioner*
Kathleen Hartnett White, *Commissioner*
Margaret Hoffman, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

Mr. Eddie Cantu
City Attorney
Montalvo & Ramirez
900 North Main
McAllen, Texas 78501

Re: Application from City of San Juan to Decertify a Portion of Certificate of Convenience and Necessity (CCN) No. 10553 from North Alamo Water Supply corporation and to Obtain a CCN in Hidalgo County; Application No. 33903-C

Dear Mr. Cantu:

Enclosed is a certified copy of an agreed order and a copy of the CCN issued by the Commission in the above referenced application.

You are now authorized to provide utility service in accordance with your approved tariffs and the rules and regulations of the Commission.

If you have any questions, please contact Mr. Kamal Adhikari, Utility Creation & Plan Review Team, Utilities & Districts Section, at (512) 239-0680 (phone), 512/239-6972 (fax), by email at kadhikar@tceq.state.tx.us or if by correspondence, include MC-153 in the letterhead address.

Sincerely,

A handwritten signature in cursive script that reads "Michelle Abrams".

for Doug Holcomb, P. E.
Section Manager
Water Supply Division

DH/MA/KA/ac

Enclosures

cc: see mailing list

Robert J. Huston, *Chairman*
R. B. "Ralph" Marquez, *Commissioner*
Kathleen Hartnett White, *Commissioner*
Margaret Hoffman, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

Ms. Sharon Almaguer
Dyer & Associates
3700 North Tenth Street, Suite 105
McAllen, Texas 78501

Re: Application from City of San Juan to Decertify a Portion of Certificate of Convenience and Necessity (CCN) No. 10553 from North Alamo Water Supply corporation and to Obtain a CCN in Hidalgo County; Application No. 33903-C

Dear Ms. Almaguer:

Enclosed is a certified copy of an agreed order and a copy of the CCN issued by the Commission in the above referenced application.

You are now authorized to provide utility service in accordance with your approved tariffs and the rules and regulations of the Commission.

If you have any questions, please contact Mr. Kamal Adhikari, Utility Creation & Plan Review Team, Utilities & Districts Section, at (512) 239-0680 (phone), 512/239-6972 (fax), by email at kadhikar@tceq.state.tx.us or if by correspondence, include MC-153 in the letterhead address.

Sincerely,

Michelle Abrams

for Doug Holcomb, P. E.
Section Manager
Water Supply Division

DH/MA/KA/ac

Enclosures

cc: see mailing list

MAILING LIST FOR
SOAH DOCKET NO. 582-03-1154
TCEQ DOCKET NO. 2002-1228-UCR
APPLICATION NO. 33903-C

Mr. Eddie Cantu
City Attorney
Montalvo & Ramirez
900 North Main
McAllen, Texas 78501

Representing City of San Juan

Ms. Sharon Almaguer
Dyer & Associates
3700 North Tenth Street, Suite 105
McAllen, Texas 78501

Representing North Alamo WSC

TCEQ:

Region 15 Office

Lucie Sainvilus and Teri Cisneros, Program Support Section, MC 153, Water Supply Division

Please send a copy of the signed order to Central Records to be included in the following
Certificate of Convenience and Necessity (CCN) permanent files:

City of San Juan, CCN No # 12874
North Alamo Water Supply corporation, CCN No # 10553

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION



SOAH DOCKET NO. 582-03-1154
TCEQ DOCKET NO. 2002-1228-UCR
APPLICATION NO. 33903-C

IN THE MATTER OF THE
APPLICATION OF THE CITY OF SAN
JUAN TO OBTAIN A WATER
CERTIFICATE OF CONVENIENCE
AND NECESSITY AND TO DECERTIFY
A PORTION OF NORTH ALAMO
WATER SUPPLY CORPORATION'S
CERTIFICATE OF CONVENIENCE
AND NECESSITY NO. 10553 IN
HIDALGO COUNTY, TEXAS

§
§
§
§
§
§
§
§
§
§

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

ORDER

An application by the City of San Juan ("San Juan") to obtain a Certificate of Convenience and Necessity ("CCN") to provide water service and to decertify a portion of North Alamo Water Supply Corporation's ("NAWSC") CCN No. 10553 in Hidalgo County, 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 and Commission rules.

San Juan seeks a CCN for the provision of water service in Hidalgo County, Texas, as a retail public utility as defined in Section 13.002(19) of the Texas Water Code.

On March 18, 2002, San Juan filed an application with the Commission pursuant to Section 13.241, *et. seq.*, of the Texas Water Code to obtain a water CCN to provide water service in Hidalgo County, Texas, and to decertify a portion of NAWSC's CCN in Hidalgo County, Texas. The application was accepted for filing and was assigned Application No. 33028-C. San Juan provided notice to affected persons and neighboring utilities on June 11, 2002. Notice of the application was

published on June 8, 2002, and June 12, 2002, in The Monitor, a newspaper generally circulated in Hidalgo County, Texas. The notice to obtain a CCN by San Juan and to decertify a portion of NAWSC's CCN complied with the notice requirements of Title 30, Section 291.106 of the Texas Administrative Code and was sufficient to place affected persons on notice regarding the application for service and the request for decertification. The Commission received a request for a public hearing on the application from NAWSC and Military Highway Water Supply Corporation ("MHWSC").

On February 10, 2003, Tommy L. Broyles, an Administrative Law Judge with the State Office of Administrative Hearings ("SOAH"), denied a motion for continuance and scheduled a preliminary hearing to take place via teleconference on February 11, 2003. Judge Broyles convened the preliminary hearing on February 11, 2003, but did not take jurisdictional documents or name parties. Judge Broyles scheduled a second preliminary hearing on March 20, 2003, in order to allow the parties additional time to negotiate a settlement agreement. NAWSC and MHWSC filed letters withdrawing their respective protests of the application, confirming that the dispute had been resolved, and agreeing to the portions of CCN No. 10553 that were being decertified from NAWSC as part of the settlement. Judge Broyles canceled the second preliminary hearing by Order dated March 17, 2003.

On May 14, 2003, San Juan filed a Motion to Remand on the basis of the settlement, stating all issues in dispute had been resolved. Judge Broyles granted the motion on May 15, 2003, dismissed the case from the SOAH docket because no contested issues remained, and remanded the application to the Executive Director for further handling pursuant to Title 30, Section 80.101 of the Texas Administrative Code.

San Juan is capable of rendering adequate and continuous service to every customer in the area proposed to be included in Application No. 33903-C and the certification of San Juan is necessary for the service, accommodation, convenience, or safety of the public.

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

The application by the City of San Juan for a water Certificate of Convenience and Necessity (CCN) No. 12874 and to decertify a portion of North Alamo Water Supply Corporation's CCN No. 10553 in Hidalgo County, Texas, as reflected in the attached copy of official water service area map of Hidalgo County, Texas, is hereby approved.

The Chief Clerk of the Texas Commission on Environmental Quality shall forward a copy of this Order to the parties, and the Commission will issue a Certificate of Convenience and Necessity to the City of San Juan.

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

Issue Date:

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

For the Commission



Texas Commission On Environmental Quality

By These Presents Be It Known To All That

City of San Juan

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. 12874

to provide continuous and adequate water utility service to that service area or those service areas in Hidalgo County as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Application No. 33903-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 the City of San Juan 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 _____

For the Commission



Texas Commission On Environmental Quality

By These Presents Be It Known To All That

North Alamo 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. 10553

to provide continuous and adequate water utility service to that service area or those service areas in Hidalgo County as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Application No. 33903-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 the North Alamo 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 _____

For the Commission