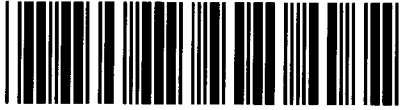


Control Number: 43551



Item Number: 36

Addendum StartPage: 0

House Bill (HB) 1600 and Senate Bill (SB) 567 83<sup>rd</sup>  
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.

RECEIVED

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PUBLIC UTILITY COMMISSION  
FILING CLERK

**LAW OFFICES OF MARK H. ZEPPA, P.C.**

**4833 Spicewood Springs Road, Suite 202  
Austin, Texas 78759-8436  
(512) 346-4011 Fax (512) 346-6847  
mhzeppa@attglobal.net**

June 20, 2002

Ms. La Donna Castanuela, Chief Clerk  
Office of the Chief Clerk  
Texas Natural Resource Conservation Commission  
P O Box 13087, MC 105  
Austin, Texas 78711-3087

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CHIEF CLERKS OFFICE

TEXAS NATURAL  
RESOURCE  
CONSERVATION  
COMMISSION

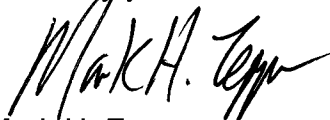
Re: SOAH Docket No. 582-02-0356, TNRCC Docket No. 2002-0189-UCR;  
Application of the City of Austin to Obtain Water and Sewer Certificates of  
Convenience and Necessity in Travis, Hays and Williamson Counties

Dear Ms. Castanuela:

Enclosed please find an original copy of the protest and intervention request of the City of Mustang Ridge, Texas to the above-referenced water and sewer CCN application of the City of Austin. Mustang Ridge has appointed Creedmoor-Maha Water Supply Corporation, through its General Manager Charles P. Laws, as the City's designated representative in this matter. Mr. Laws will be appearing for the City at the July 9th prehearing conference.

Mr. Laws will serve another original copy of this protest upon the presiding SOAH judge at the July 9th preliminary hearing.

Sincerely yours,

  
Mark H. Zeppa

Encl. (1)

cc: Ken Ramirez / Monica Jacobs / Barry McBee  
Ronnie Jones  
John Deering / Geoffrey Kirshbaum  
Blas Coy, Jr.  
Kay Trostle  
John Carlton  
Gary Bradley

Ms. La Donna Castanuela, Chief Clerk  
June 20, 2002  
Page 2

Madison Jechow  
Steve Statton  
Ed Wolf  
Kent Taylor  
Richard Buratti  
Jack Condon  
Teresa Reel

**City of Mustang Ridge**  
**12800 U.S. 183 S.**  
**Buda, Texas 78610**

April 29, 2002

Ms. La Donna Castanuela, Chief Clerk

Office of the Chief Clerk  
Texas Natural Resource Conservation Commission  
P O Box 13087, MC 105  
Austin, Texas 78711-3087

Re: Applications of the City of Austin for Water and Sewer Utility Certifications of Convenience and Necessity-Protest, Intervention and Designation of Official Representative

Dear Ms. Castanuela:

The City of Mustang Ridge is a general law city in Travis County, Texas. It is located within the requested certificated service area of the City of Austin (Austin) in an application now before the Texas Natural Resource Conservation Commission (TNRCC), which the City of Mustang Ridge understands is being referred to the State Office of Administrative Hearings (SOAH) for trial.

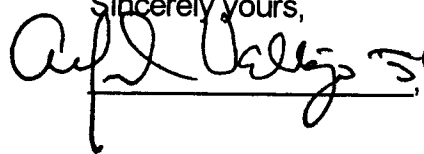
The City of Mustang Ridge protests Austin's application as an affected neighboring municipality and landowner, The City of Mustang Ridge seeks to intervene in Austin's certification docket as a party-protestant. As a neighboring municipality the City of Mustang Ridge is affected because Austin's application creates unique issues of a municipal attempting to use a utility CCN as a land use, building code and development tool within the corporate limits and extraterritorial jurisdiction of another municipality. As a landowner within its own city limits the City of Mustang Ridge does not need or desire Austin's service or the encumbrance of its CCN. As a municipal government the City of Mustang Ridge is charged with taking care of the welfare of its citizens. At this time, it appears that this can be done by leaving the area open to competition to the utility service purveyor who can best serve it in the timeliest cost effective manner.

The City of Mustang Ridge designates Creedmoor-Maha Water Supply Corporation (Creedmoor) as its official representative in the cause, by and through its General Manager Charles P. Laws. Creedmoor is empowered to hire counsel to represent the City of Mustang Ridge. The City of Mustang Ridge consents to alignment with Creedmoor as a party and with neighboring cities.

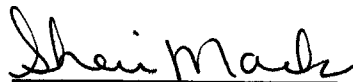
Ms. La Donna Castanuela, Chief Clerk  
April 29, 2002  
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A copy of this protest and notice will be presented to the presiding SOAH judge at the preliminary hearing.

Sincerely yours,

 Mayor

Attested:

  
City Secretary

CC: Presiding SOAH Judge-hand delivered at preliminary hearing  
Dr. Victoria Harkins, TNRCC Utilities & Districts  
Ms. Angela Stepherson, Environmental Law Division  
Ms. Shirley Brown, City Clerk, City of Austin  
Ken Ramirez, Bracewell & Patterson for Austin  
Charles P. Laws for Creedmoor-Maha WSC  
Mark Zeppa for Creedmoor-Maha WSC

