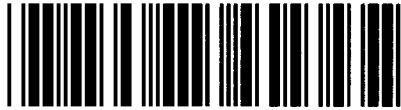


Control Number: 43573



Item Number: 1

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.

43573

RECEIVED

2014 OCT 23 PM 2:59

TEXAS COMMISSION

ON ENVIRONMENTAL QUALITY

PUBLIC UTILITY COMMISSION
FILING CLERK

TRANSMITTAL OF ADMINISTRATIVE RECORD

2009 JUL 27 1:47

DATE: July 24, 2009

TO: SOAH Natural Resources Docket Clerk

FROM: *CR* Emily Reyna

RE: Childress Creek Water Supply Corporation
SOAH Docket No. 582-09-5329; TCEQ Docket No. 2009-0945-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

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

1

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
INTEROFFICE MEMORANDUM

TO: LaDonna Castanuela, Chief Clerk

THRU: Doug Holcomb, P.E., Section Manager
Utilities & Districts Section
Water Supply Division

DATE: June 25, 2009

6/25/09
Vera Poe, P. E., Team Leader
Utilities & Districts Section
Water Supply Division

6/25/09
Tammy Benter, Team Leader
Utilities & Districts Section
Water Supply Division

6/25/09
FROM: Heidi Graham
Utilities & Districts Section
Water Supply Division

6/24/09
Debbie Reyes Tamayo
Utilities & Districts Section
Water Supply Division

SUBJECT: TCEQ Docket No. 2009-0945-UCR; Application from Childress Creek Water Supply Corporation (WSC) to Amend Certificate of Convenience and Necessity (CCN) No. 11000, in Bosque and McLennan Counties; Application No. 36263-C

CN: 600684526; RN: 101440634

We hereby transfer the official file for the above referenced application to the Chief Clerk's Office. Please refer the application to the State Office of Administrative Hearings and request that a hearing be scheduled.

We received one (1) protest from Mr. Mark Zeppa representing Aqua Texas, Inc. which owns and operates a retail public water utility system in Bosque and McLennan Counties. Aqua Texas, Inc. has a certificated service area overlapping and adjacent to the water utility service area requested by Childress Creek WSC proposed area and feel that they would be adversely affected by the application.

The protestant is listed on the attached mailing list.

Staff estimates 7 people to attend this hearing.

The staffs assigned to this case are:

Technical – Heidi Graham and Debbie Reyes Tamayo

Legal -

If we may be of further service regarding this matter, please call.

Tammy Benter, Team Leader

TR/DRT/lm

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 JUL 24 2009
LaDonna Castanuela, Chief Clerk
Texas Commission on Environmental Quality

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
INTEROFFICE MEMORANDUM

TO: LaDonna Castanuela, Chief Clerk

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Utilities & Districts Section
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Water Supply Division

6/24/09
Tammy Benter, Team Leader
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Water Supply Division

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Utilities & Districts Section
Water Supply Division

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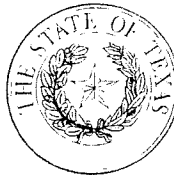
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Tammy Benter, Team Leader

Buddy Garcia, *Chairman*
Larry R. Soward, *Commissioner*
Bryan W. Shaw, Ph.D., *Commissioner*
Mark R. Vickery, P.G., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

CERTIFIED MAIL

June 25, 2009

Ms. Patricia Coy, Attorney
Robertson & Coy, LLP
P.O. Box 547
Clifton, Texas 76634-0547

Re: Application from Childress Creek Water Supply Corporation (WSC) to Amend Certificate of Convenience and Necessity (CCN) No. 11000, in Bosque and McLennan Counties; Application No. 36263-C

CN: 600684526; RN: 101440634

Dear Ms. Coy:

The Texas Commission on Environmental Quality (TCEQ) has received one protest regarding the application referenced above. The Commission's Chief Clerk has assigned Docket No. 2009-0945-UCR to this matter. Any further communications should refer to this docket number.. V.T.C.A. Water Code, Section 13.246 provides that affected parties may protest the applications and request a hearing on whether a CCN should be amended. Please see the enclosed mailing list.

This matter has been referred to the State Office of Administrative Hearings to schedule a hearing. When a hearing has been scheduled, you will receive a notice of hearing which explains when and where the hearing will be held.

In order to review the application, the staff of the TCEQ may need additional information regarding your utility's service. You may be receiving Staff Requests for Information (RFI's) within a few weeks. We would appreciate your cooperation in providing the information requested.

If you have questions about this process or what material you should bring with you to the hearing, please contact Mr. Heidi Graham at (512) 239-0844 and Ms. Debbie Reyes Tamayo at (512)239-4683.

Sincerely,

Jammy Bentz

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

DH/DRT/ln

cc: Enclosed Mailing List

Childress Creek Water Supply Corporation
Application No. 36263-C
Mailing List

Ms. Patricia Coy, Attorney
Robertson & Coy, LLP
P.O. Box 547
Clifton, Texas 76634-0547

Representing Childress Creek WSC

Mr. Mark H. Zeppa, P.C.
4833 Spicewood Springs Road, Suite 202
Austin, Texas 78759

Representing Aqua Texas, Inc

To: Administrative Reviewer

Date: May 12, 2009

From: Cartographer-Utilities & Districts Section

Subject: Overlap & Notice Check for Administrative Review No. A-169-8 / 36263-C
Childress Creek WSC (11000) to amend water CCN in Bosque and McLennan counties.

- X 1. No new overlap of service areas exists.
2. An overlap:
3. Dual certification:
4. An overlap exists with the city limits of:
5. If this is a Sale, Transfer, or Merger, is additional area being requested?
7. Map submitted is digital request digital data.
9. Utility notice was sufficient.
- X 10. Utility notice was insufficient. In addition to those systems listed in the application,
 they will also need to notify:

 TWO MILES:

City of Clifton (11054)

City of Waco (10039)

AquaTexas (11157 & 12902)

Highland Park WSC (11797)

Mosheim WSC (10452)

Rolling Hills Water Supply (12882)

Crystal Clear Water Inc (12997)

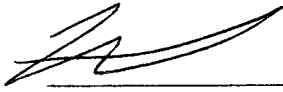
Mustang Valley WSC (11175)

Smith Bend WSC (11470)

Hog Creek WSC (10035)

11. Notice: Bosque and McLennan counties / approximately 78000 acres
approximately 23 miles South Southeast of downtown Meridian
On the North by Cedron Creek
On the East by approximately 200ft. East of SR22
On the South by North Bosque River
On the West by FM2602

- X 12. Other comments: large area is filling in a F+200ft system
Removed opt-outs OK (new acres=77090)



Kent Steelman

To: Administrative Reviewer

Date: May 12, 2009

From: Cartographer-Utilities & Districts Section

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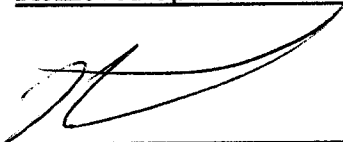
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Kent Steelman

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

mark@zeppalaw.com

January 29, 2009

Via facsimile to (512) 239-6972

Mr. Doug Holcomb, PE, Manager
TCEQ Utilities & Districts Section
P O Box 13087, MC 173
Austin, Texas 78711-3087

Re. **PROTEST AND CONTESTED HEARING REQUEST** water utility CCN
application of Childress Creek WSC (WSC)

Dear Mr. Holcomb:

I am writing on behalf of the Aqua Texas, Inc. (ATI), a regional water and sewer retail public utility which owns and operates a retail public water utility system in Bosque and McLennan Counties. ATI's has a certificated service area is overlapped by and adjacent to the water utility service area requested by WSC

ATI is uniquely affected by this application because it includes area now being served by ATI. Since the proposed WSC service area is adjacent to ATI's CCN 11157, if the application is granted, ATI will be land locked on the west and north and unable to expand to optimize its existing service capacities.

ATI was never asked if it could serve the area so the application is defective

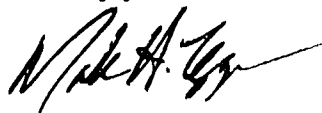
There is no need for retail public utility service from WSC. WSC's application for a 78,000 acre service area is nothing more than a land grab disguised in the conversion of a facilities-CCN into an area-CCN. The boundaries of the proposed geographic area significantly exceed the current facilities-CCN. WSC cannot serve the area more efficiently or at less cost than ATI.

ATI will not withdraw this protest as long as WSC seeks any territory that can be efficiently served by ATI.

As lead counsel of record, all communications to ATI on this matter should be sent to me.

January 29, 2009
Page 2

Sincerely yours,

A handwritten signature in black ink, appearing to read "Mark H. Zeppa", with a stylized flourish at the end.

Mark H. Zeppa

Encl. (received CCN application notice)

cc Childress Creek WSC
700 CR 3430
Clifton, TX 76634

Steve Dunnahoe
ATI - Fort Worth

Notice to Neighboring Systems, Landowners and Cities

NOTICE OF APPLICATION FOR CERTIFICATE OF CONVENIENCE AND NECESSITY
(CCN) TO PROVIDE WATER/SEWER UTILITY SERVICE IN BOSQUE AND
MCLENNAN COUNTY (IES)

To: AquaSource Development Inc.
1106 Clayton Ln., Ste. 400W
Austin, Texas 78723

Date Notice Mailed: January 27, 2009

Childress Creek Water Supply Corporation has filed an application to amend CCN No 11000 with the Texas Commission on Environmental Quality to provide water utility service in Bosque and McLennan Counties.

The proposed utility service area is located approximately 23 miles south southeast of downtown Meridian, Texas, and is generally bounded on the north by Cedron Creek, on the east by approximately 200 feet east of SR 22; on the south by North Bosque River, and on the west by FM 2602. The total area being requested includes approximately 78,000 acres and 679 current customers. 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

Persons who wish to intervene or comment should write the:

Texas Commission on Environmental Quality
Water Supply Division
Utilities and Districts Section, MC-153
P. O. Box 13087
Austin, TX 78711-3087

RECEIVED
JAN 28 2009

BY:

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.

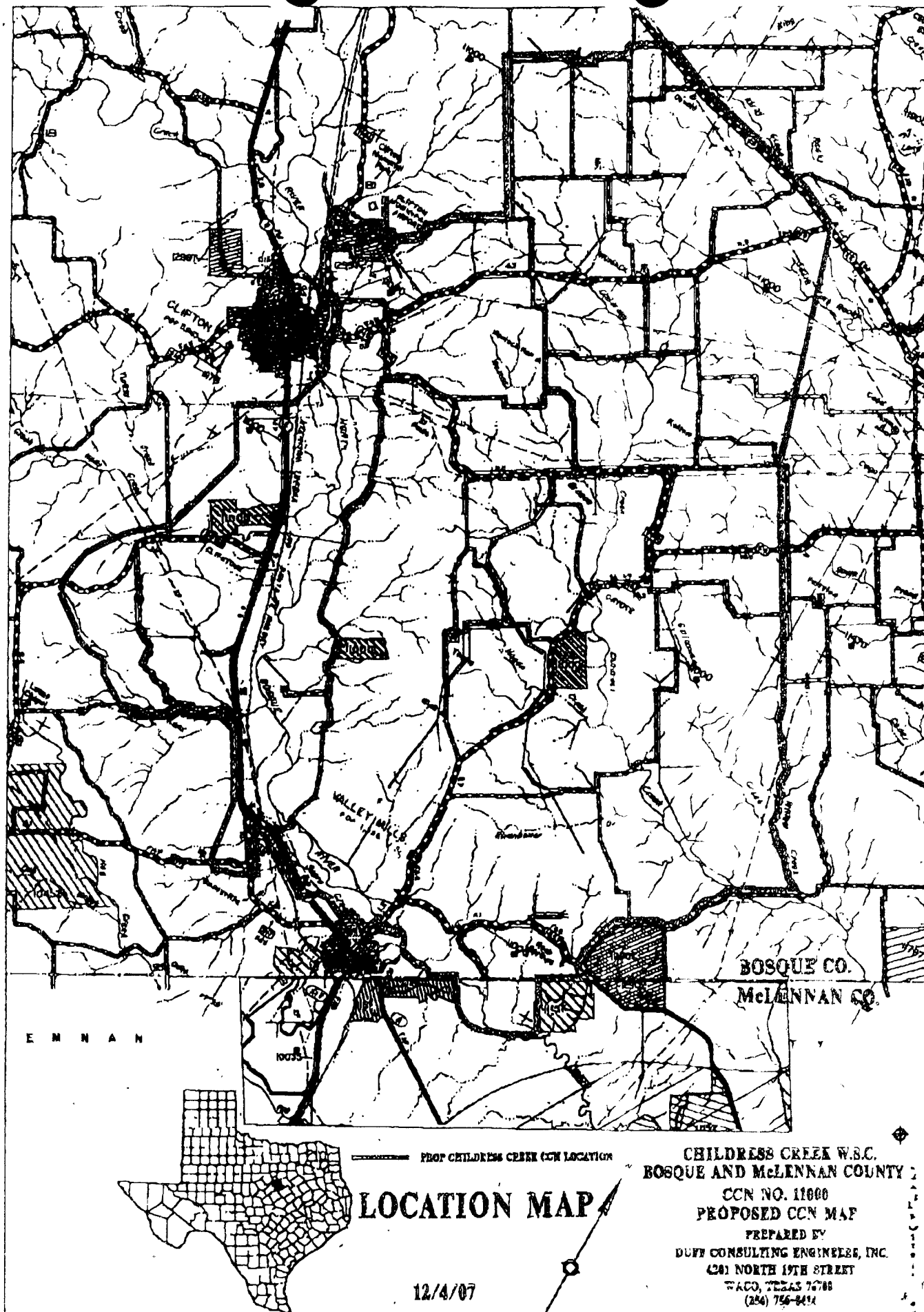
If you are a landowner with a tract of land at least 25 acres or more, that is partially or wholly located within the proposed area, you may request to exclude the tract from the proposed area (or "opt out") by providing written notice to the Commission within (30) days from the date that notice was provided by the applicant. All requests 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 and Districts Section, 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.



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January 29, 2009

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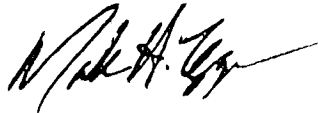
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Persons who wish to intervene or comment should write the:

Texas Commission on Environmental Quality
Water Supply Division
Utilities and Districts Section, MC-103
P. O. Box 13087
Austin, TX 78711-3087

RECEIVED
JAN 28 2009

BY:.....

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.

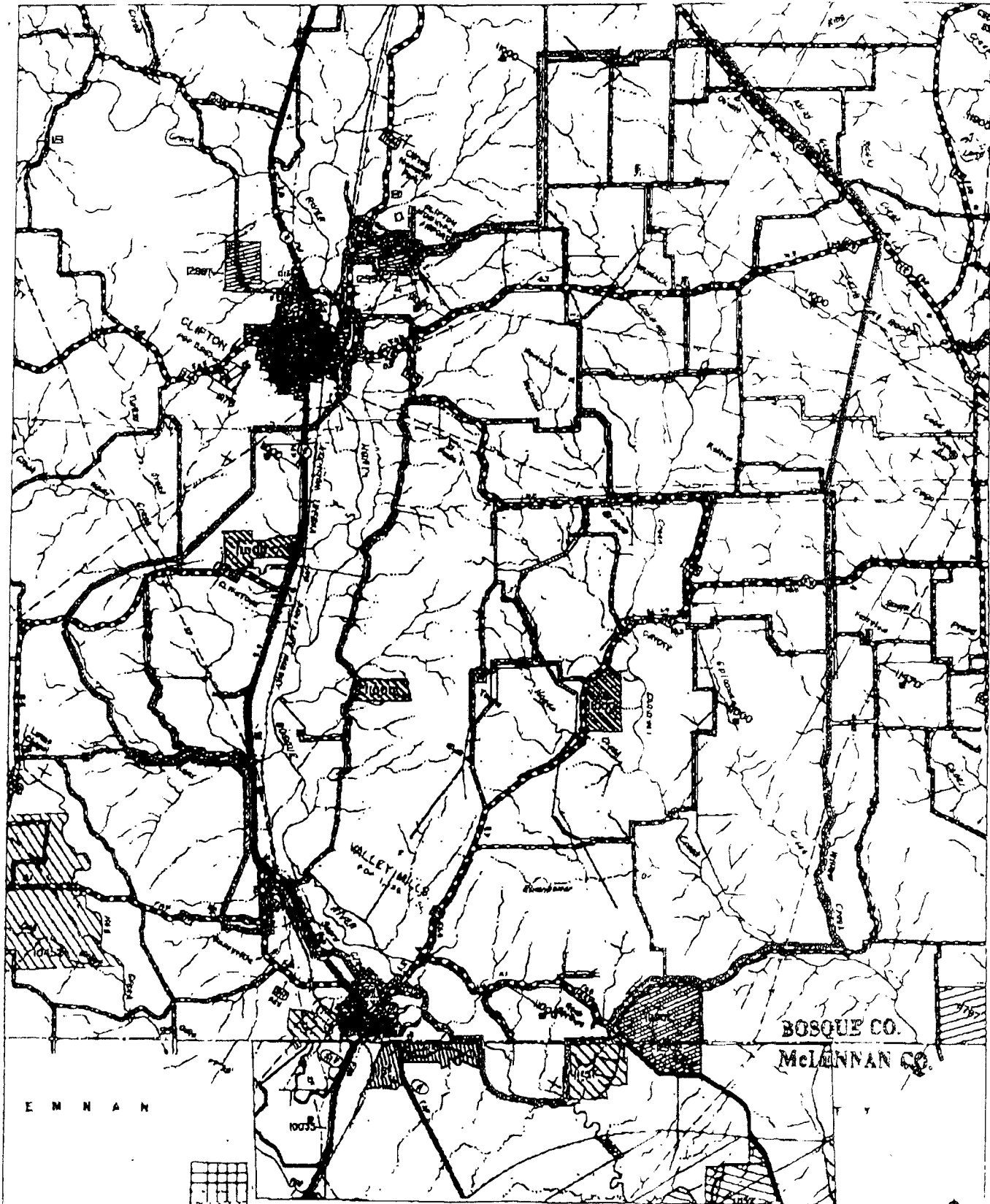
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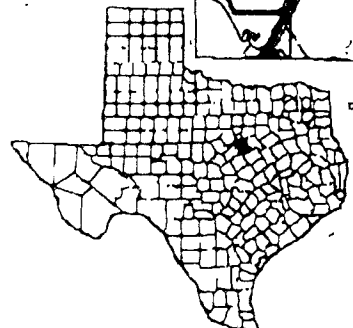
Texas Commission on Environmental Quality
Water Supply Division
Utilities and Districts Section, MC-153
P. O. Box 13087
Austin, TX 78711-3087

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.



EMMAN

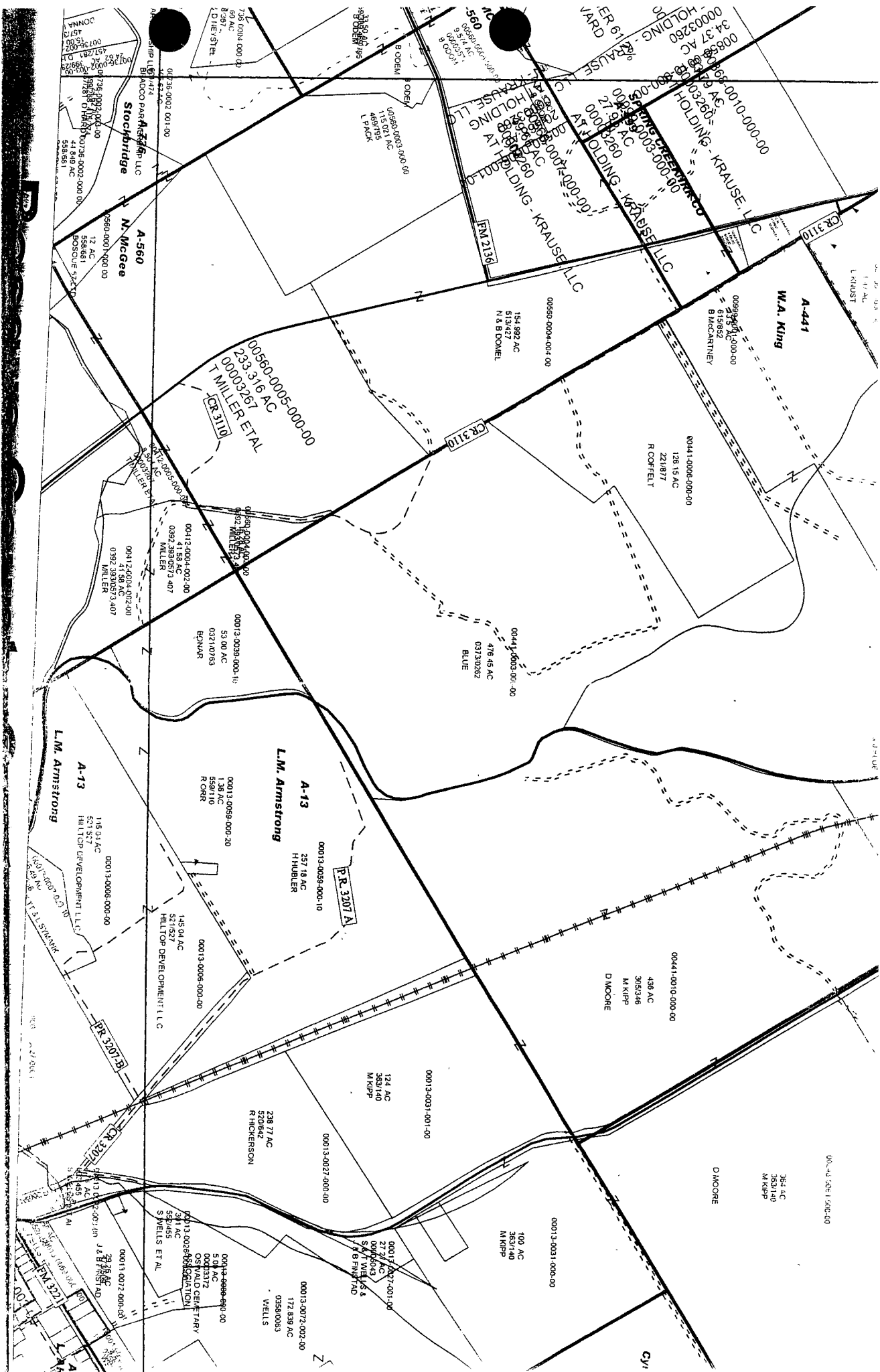


PROPOSED CHILDRESS CREEK (CCN) LOCATION

LOCATION MAP

12/4/07

CHILDRESS CREEK W.S.C.
BOSQUE AND McLENNAN COUNTY
CCN NO. 11600
PROPOSED CCN MAP
PREPARED BY
DUFF CONSULTING ENGINEERS, INC
601 NORTH 19TH STREET
WACO, TEXAS 76768
(254) 756-8411



Buddy Garcia *Chairman*
Larry R. Soward *Commissioner*
Bryan W. Shaw, Ph.D., *Commissioner*
Mark R. Vickery, P.G., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution
March 19, 2009

BY FAX TO 254-675-4567 AND
BY CERTIFIED MAIL

Ms. Patricia Coy, Attorney
Robertson & Coy, LLP
P.O. Box 547
Clifton, Texas 76634-0547

Re: Application from Childress Creek Water Supply Corporation (WSC) to Amend Certificate of Convenience and Necessity (CCN) No. 11000, in Bosque and McLennan Counties; Application No. 36263-C

CN: 600684526; RN: 101440634

Dear Ms. Coy:

Enclosed are copies of correspondence from Mr. John Miller III and Mr. Ronald E. Harmond. They are requesting exclusion of their properties from the Childress Creek WSC's proposed area in Bosque and McLennan Counties.

We have reviewed the requests and find they meet the criteria outlined in the Title Chapter 30 Texas Administrative Code, §291.102(h). Therefore, the requests are effective without a hearing or other process by the Commission.

Please work with Mr. Miller and Mr. Harmond to get sufficient information to exclude their properties from the requested area.

To complete the processing of your application we will need the information listed below once the property owner's area has been removed:

1. An original and three revised copies of maps of Childress Creek WSC's proposed service area, excluding the properties mentioned above.
2. Projectable digital data with meta data on a CD-Rom (proposed areas should be in a single record and clearly labeled); or
3. Following verifiable natural and man-made landmarks; or
4. A copy of a recorded plat map with metes and bounds; or
5. A map showing only the proposed area by metes and bounds survey certified by a licensed state or registered professional land surveyor.

Ms. Patricia Coy, Attorney

Page 2

March 19, 2009

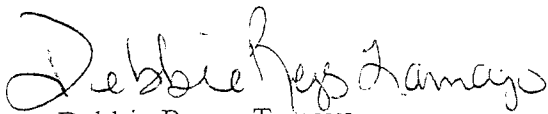
Enclosed also are copies of letters from Mr. Mark Zeppa, P.C., on behalf of Aqua Texas, Inc., Mr. Robert Payne on behalf of Crystal Clear Water, Inc. These copies are being sent to you so Childress Creek WSC may contact Mr. Zeppa and Mr. Payne and attempt to resolve the issues brought forward in their letters.

Please respond to the protestants in writing and forward a copy of their response to this office by April 19, 2009. Also please submit the revised mapping information excluding the landowner's properties by April 19, 2009.

If the Commission does not receive the revised mapping information, the application will be returned for failure to prosecute. If the Commission receives the revised mapping information but does not receive written protest withdrawals, the application will be referred to the State Office of Administrative Hearings to schedule a preliminary hearing.

If you have any questions, please contact me at 512/239-6932, or if by correspondence, include Mail Code 153 in the letterhead address.

Sincerely,



Debbie Reyes Tamayo
Utilities & Districts Section
Water Supply Division
Texas Commission on Environmental Quality

DRT/as

Enclosures: Opt Out and Protests Letters

CC: Mr. John T. Miller III, 2450 Wickersham 907, Austin, Texas, 78741
Mr. Ronald E. Hammond, 514 S. Broadway, Meridian, Texas 76665
Mr. Mark H. Zeppa, P.C., 4833 Spicewood Springs Road, Suite 202, Austin, Texas 78759
Mr. Robert Payne, 122 S Avenue D, Clifton, Texas 76634

John T. Miller III
2450 Wickersham 907
Austin, Tx 78741
February 26, 2009

Texas Commission on Environmental Quality
Water Supply Division
Utilities and Districts Section, MC-153
P.O. Box 13087
Austin, Texas 78711-3087

2009 FEB 27 10:11:10
WATER SUPPLY DIV.
MC-153

Dear Sir/Madam:

I am writing today regarding the Childress Creek Water Supply Corporations notice of application for a Certificate of Convenience And Necessity to provide water utility service in Bosque and McLennan counties. Since I am a landowner whose property is wholly located within the proposed area, I am hereby requesting to opt out of the application area.

For purposes of identification, the property requested for opting out is listed with BCAD:

R26965, CR3110, 41.58ac.
R26966, CR3110, 16.28ac.
R24187, CR 3110, 53.00ac.
R03268, Hwy 6, 233.16ac.
R04006, Hwy 6, 8.504ac.
R26982, Hwy6, 2.90ac
R04745, FM3220, 215.707ac.

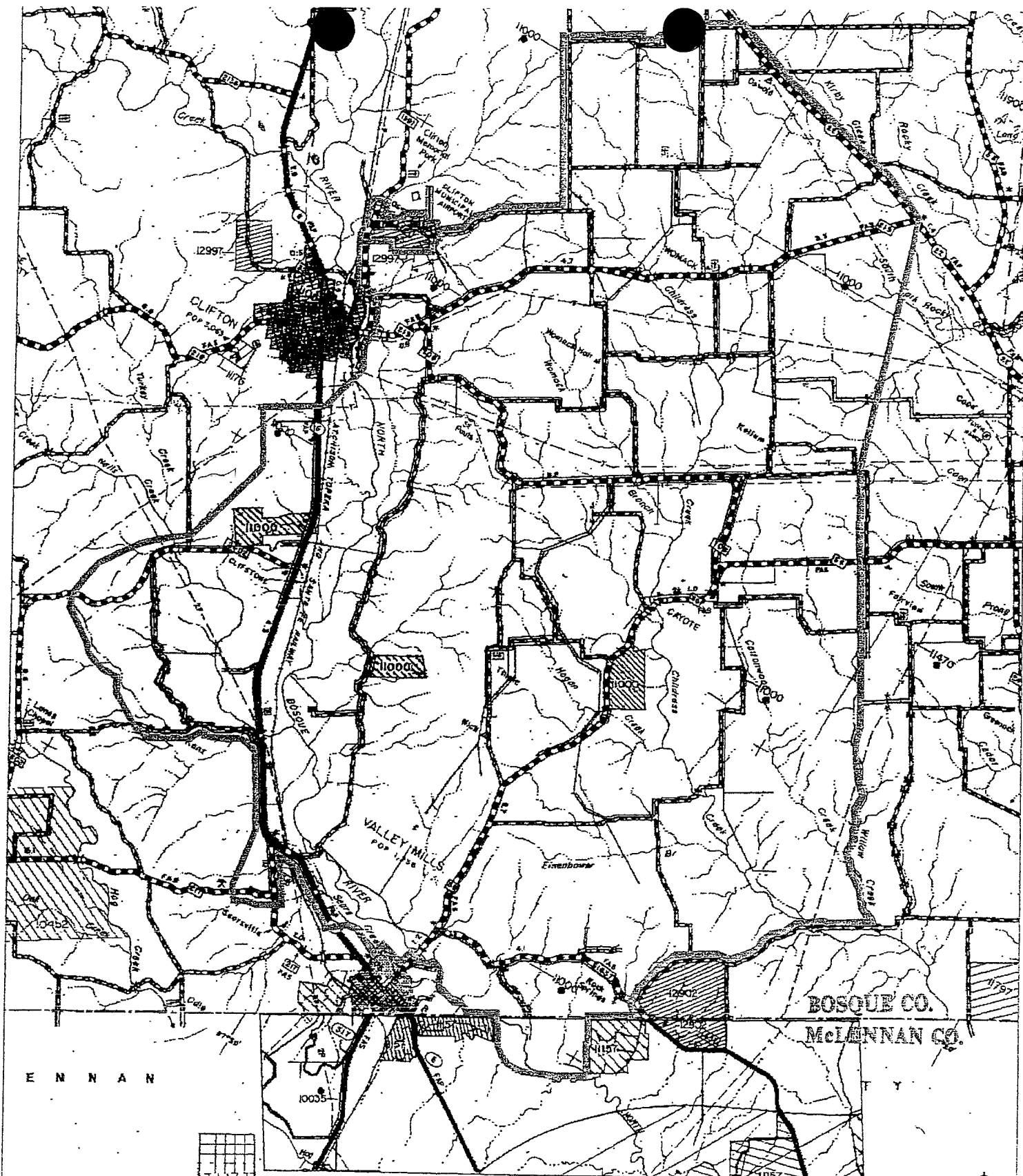
For purposes of further identifying this land, I am enclosing copies of the appraisal district maps, highlighted in yellow to indicate the areas which I wish to opt out.

If any further information is needed to grant this request, I will do my best to provide it. I may be reached at the above address or by telephone @512-326-8497 in Austin.

Respectfully,

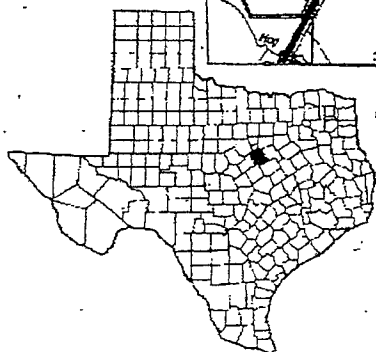
John T. Miller III

John T. Miller III



E N N A N

BOSQUE CO.
McLENNAN CO.

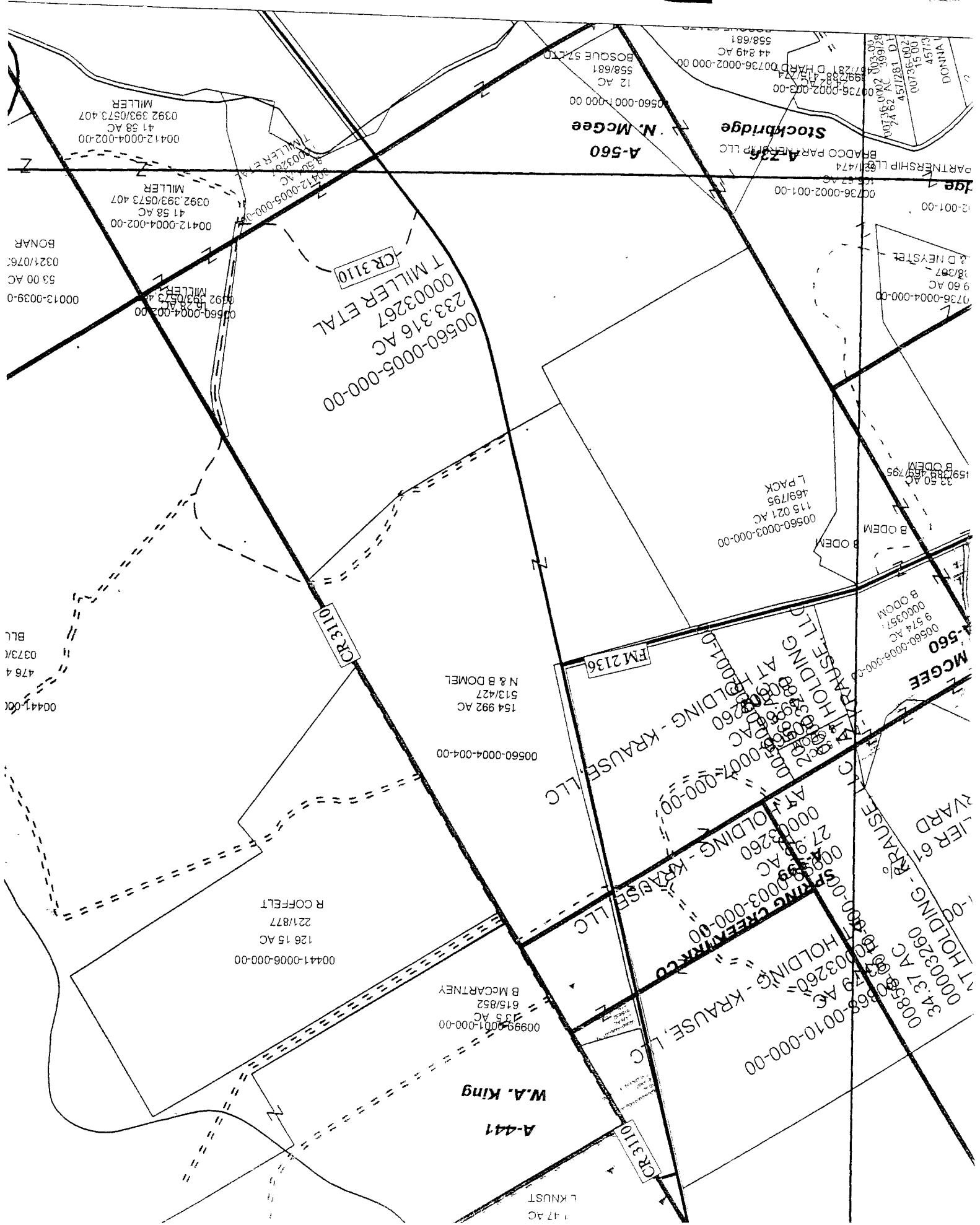


PROPOSED CHILDRESS CREEK CCN LOCATION

LOCATION MAP

CHILDRESS CREEK W.S.C.
BOSQUE AND McLENNAN COUNTY
CCN NO. 11000
PROPOSED CCN MAP
PREPARED BY
DUFF CONSULTING ENGINEERS, INC.
4261 NORTH 19TH STREET
WACO, TEXAS 76788
(254) 756-5414

12/4/07



CRYSTAL CLEAR WATER, INC.

122 S. AVENUE D
CLIFTON, TX 76634
254-675-3551

February 18, 2009

Texas Commission on Environmental Quality
Water Supply Division
Utilities and Districts Section, MC-153
P. O. Box 13087
Austin, Texas 78711-3087

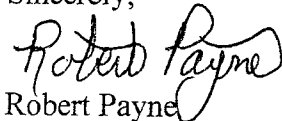
To Whom It May Concern In Reference to:

Childress Creek Water Supply Corporation
CCN No. 11000

I request a public hearing in regards to this matter. By granting Childress Creek Water Supply Corporation CCN application 11000, this would result in negative and adverse effect on Crystal Clear Water, Inc. This would land lock Crystal Clear Water, Inc. and have no room for future expansion of our current CCN.

For Crystal Clear Water, Inc. future existence I would like to request to increase my current CCN area.

Sincerely,


Robert Payne

Cc: Childress Creek Water Supply Corporation

RECEIVED
TCEQ WATER SUPPLY
2009 FEB 23 AM 11:51

J:\UDS\CCN-STMS\36263-CCChildressCreekWSCFirstNOD(optout and portest ltr).doc

DLG Tamayo 5/4/09 Benter
8-45

May 4, 2009.

BY FAX TO 254-675-4567 AND
BY CERTIFIED MAIL

NOTICE OF DEFICIENCY

Ms. Patricia Coy, Attorney
Robertson & Coy, LLP
P.O. Box 547
Clifton, Texas 76634-0547

Re: Application from Childress Creek Water Supply Corporation (WSC) to Amend Certificate of Convenience and Necessity (CCN) No. 11000, in Bosque and McLennan Counties; Application No. 36263-C

CN: 600684526; RN: 101440634

Dear Ms. Coy:

As of the date of this letter we have not received the items requested from our letter dated March 19, 2009. As you have stated in our telephone conversation today May 4, 2009, you will be submitting the updated maps before May 8, 2009. Enclosed is the letter dated March 19, 2009, for your reference.

To complete the processing of your application we will need the information listed below, once the property owner's area has been removed:

1. An original and three revised copies of maps of Childress Creek WSC's proposed service area, excluding the properties mentioned above.
2. Projectable digital data with meta data on a CD-Rom (proposed areas should be in a single record and clearly labeled); or
3. Following verifiable natural and man-made landmarks; or
4. A copy of a recorded plat map with metes and bounds; or
5. A map showing only the proposed area by metes and bounds survey certified by a licensed state or registered professional land surveyor.

If the Commission does not receive the revised mapping information by **June 4, 2009**, the application will be returned for failure to prosecute. If the Commission receives the revised mapping information but does not receive written protest withdrawals, the application will be referred to the State Office of Administrative Hearings to schedule a preliminary hearing.

Ms. Patricia Coy, Attorney
Page 2

If you have any questions, please contact me at 512/239-6932, or if by correspondence, include Mail Code 153 in the letterhead address.

Sincerely,

Debbie Reyes Tamayo
Utilities & Districts Section
Water Supply Division
Texas Commission on Environmental Quality

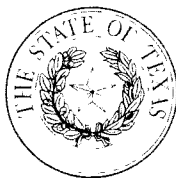
DRT/as

Enclosure: March 19, 2009, Letter

CC: Mr. John T. Miller III, 2450 Wickersham 907, Austin, Texas, 78741
Mr. Ronald E. Harmond, 514 S. Broadway, Meridian, Texas 76665
Mr. Mark H. Zeppa, P.C., 4833 Spicewood Springs Road, Suite 202, Austin, Texas 78759
Mr. Robert Payne, 122 S Avenue D, Clifton, Texas 76634

bcc: TCEQ, Region 9 Office
Debbie Reyes Tamayo

Buddy Garcia, *Chairman*
Larry R. Soward, *Commissioner*
Bryan W. Shaw, Ph.D., *Commissioner*
Mark R. Vickery, P.G., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

May 7, 2009

BY FAX TO 254-675-4567 AND
BY CERTIFIED MAIL

NOTICE OF DEFICIENCY

Ms. Patricia Coy, Attorney
Robertson & Coy, LLP
P.O. Box 547
Clifton, Texas 76634-0547

Re: Application from Childress Creek Water Supply Corporation (WSC) to Amend Certificate of Convenience and Necessity (CCN) No. 11000, in Bosque and McLennan Counties; Application No. 36263-C

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4. A copy of a recorded plat map with metes and bounds; or
5. A map showing only the proposed area by metes and bounds survey certified by a licensed state or registered professional land surveyor.

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Ms. Patricia Coy, Attorney

Page 2

May 7, 2009

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Sincerely,

Debbie Reyes Tamayo
Utilities & Districts Section
Water Supply Division
Texas Commission on Environmental Quality

DRT/as

Enclosure: March 19, 2009, Letter

CC: Mr. John T. Miller III
Mr. Ronald E. Harmond
Mr. Mark H. Zeppa, P.C.
Mr. Robert Payne

ADDRESSES FOR CCs:

CC: Mr. John T. Miller III, 2450 Wickersham 907, Austin, Texas, 78741
Mr. Ronald E. Harmond, 514 S. Broadway, Meridian, Texas 76665
Mr. Mark H. Zeppa, P.C., 4833 Spicewood Springs Road, Suite 202, Austin, Texas 78759
Mr. Robert Payne, 122 S Avenue D, Clifton, Texas 76634

bcc: TCEQ, Region 9 Office
Debbie Reyes Tamayo

Home
514 S Broadway
Meridian, Tx 76665
(254) 435-2140

Ranch
County Road 3215

Texas Commission on Environmental Quality
Water Supply Division
Utilities and Districts Section, MC-153
PO Box 13087
Austin, Tx 78711-3087

RE: Opt Out

Dear Commission Representative:

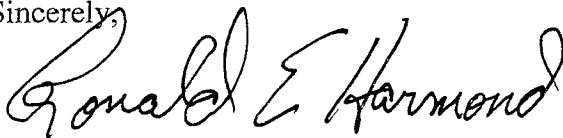
Attached please find a copy of the Notice of Application for a Certificate of Convenience and Necessity (CON) request document including the map provided with the document. This document provided no explanation or justification of any kind and I therefore reject it as not needed.

I have no idea what they are wanting and why my property should be included in their requested district. I, therefore, request that my property be excluded and wish to "OPT OUT".

Opt out requirements are all met as follows:

1. tract greater than 25 acres – Tract size is 161.62+/- acres
2. provide scaled map for location and metes & bounds
 - Attached is a marked copy of the map provided with the request showing the location of my tract within the red circle.
 - Attached is a scaled map that shows my particular tract outlined in red and colored yellow.
 - Attached is a metes and bounds description of the tract.

Sincerely,



Ronald E Harmond

2018 FEB 1 10 10 AM

Notice to Neighboring Systems, Landowners and Cities

NOTICE OF APPLICATION FOR CERTIFICATE OF CONVENIENCE AND
NECESSITY (CCN) TO PROVIDE WATER/SEWER UTILITY SERVICE IN
BOSQUE AND MCLENNAN COUNTY (IES)

To: Landowner

Date Notice Mailed: January 28, 2009

Childress Creek Water Supply Corporation has filed an application to amend CCN No. 11000 with the Texas Commission on Environmental Quality to provide water utility service in Bosque and McLennan Counties.

The proposed utility service area is located approximately 23 miles south southeast of downtown Meridian, Texas, and is generally bounded on the north by Cedron Creek; on the east by approximately 200 feet east of SR 22; on the south by North Bosque River; and on the west by FM 2602. The total area being requested includes approximately 78,000 acres and 679 current customers. 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.

Persons who wish to intervene or comment should write the:

Texas Commission on Environmental Quality
Water Supply Division
Utilities and Districts Section, 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.

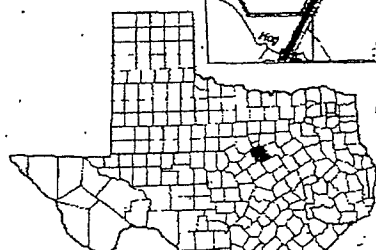
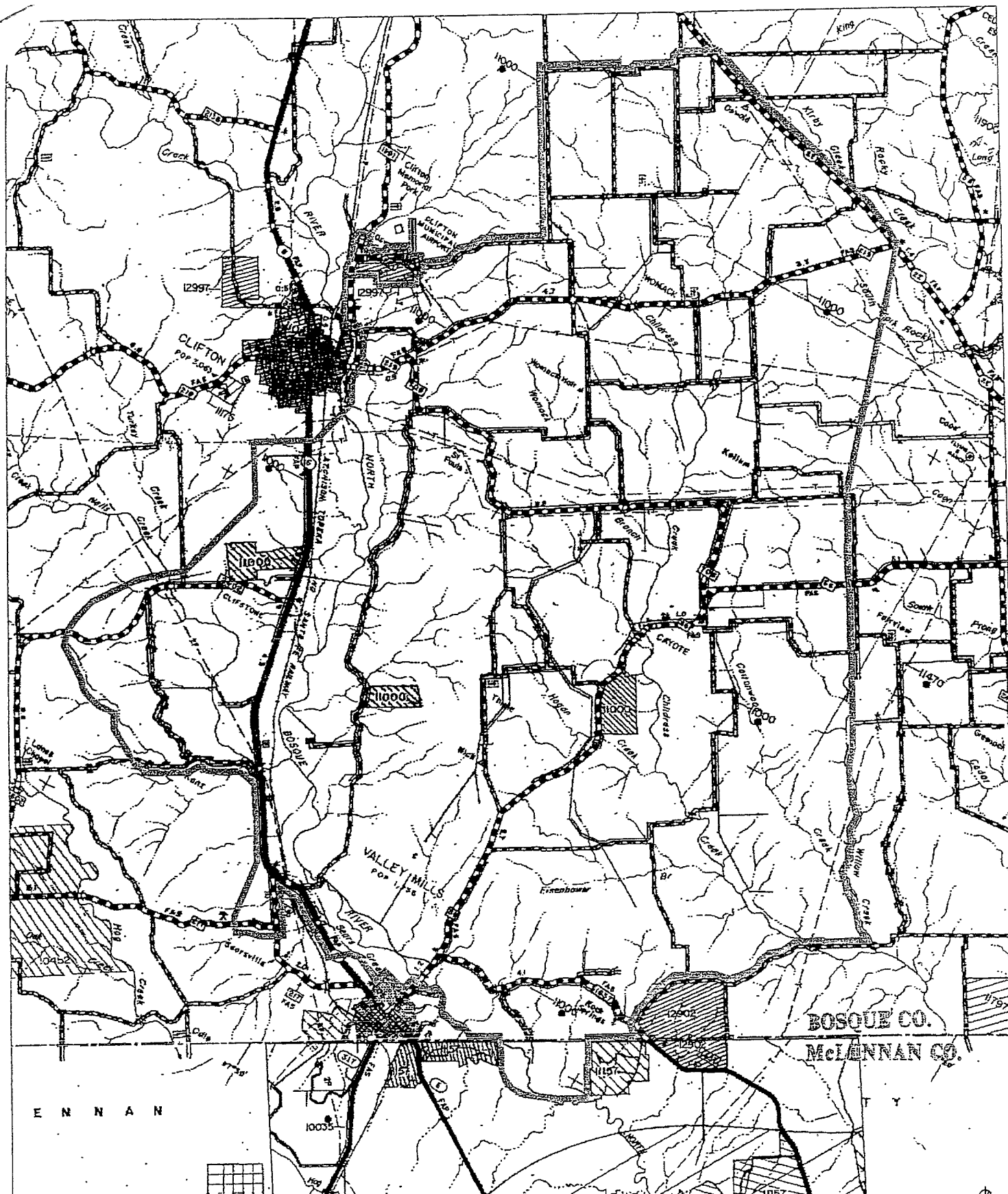
If you are a landowner with a tract of land at least 25 acres or more, that is partially or wholly located within the proposed area, you may request to exclude the tract from the proposed area (or "opt out") by providing written notice to the Commission within (30) days from the date that notice was provided by the applicant. All requests 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 and Districts Section, 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.

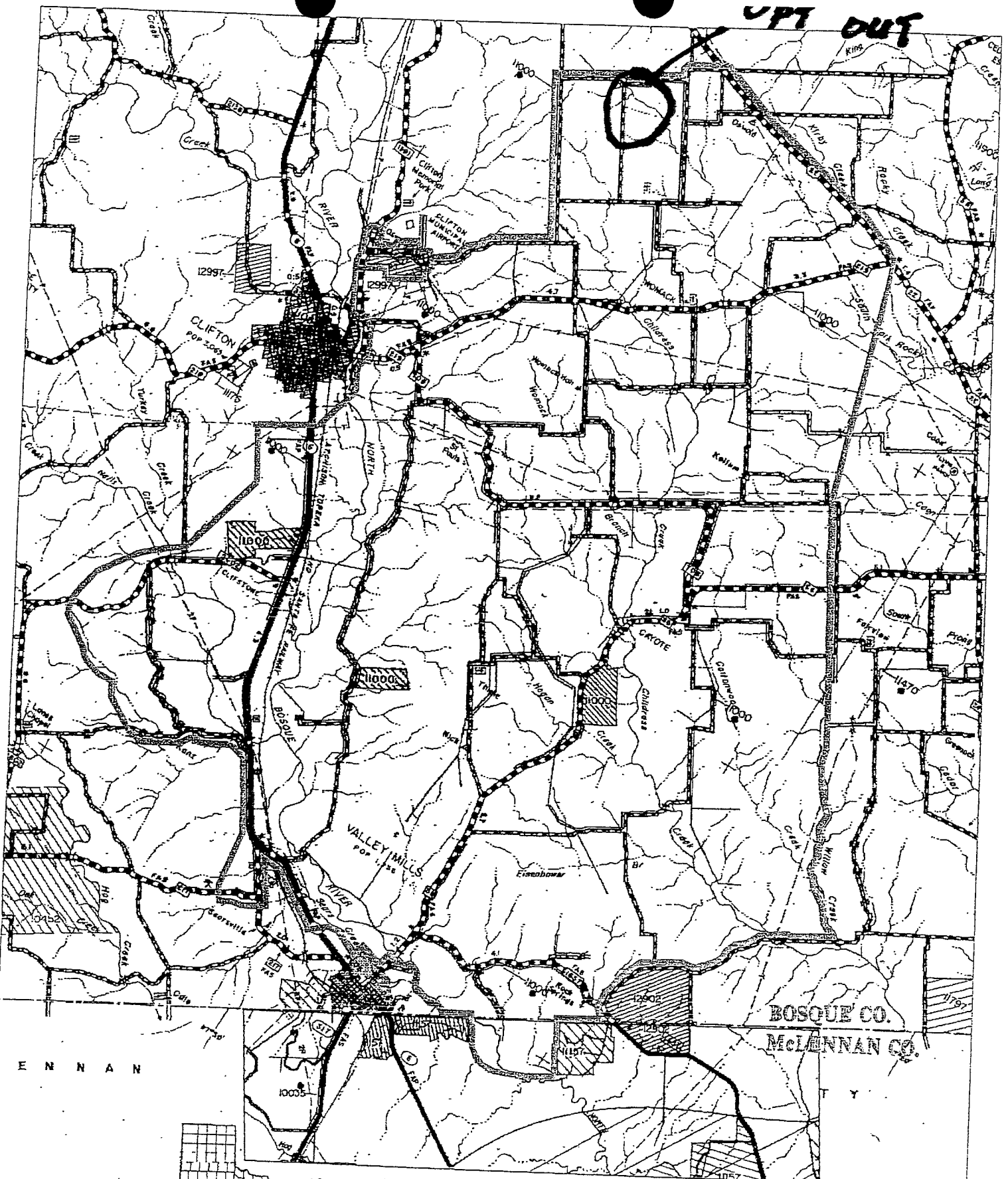


— PROP CHILDRESS CREEK CCN LOCATION

LOCATION MAP

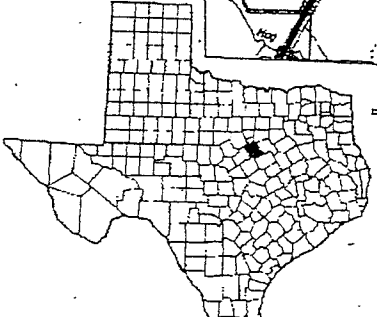
CHILDRESS CREEK W.S.C.
 BOSQUE AND McLENNAN COUNTY
 CCN NO. 11000
 PROPOSED CCN MAP
 PREPARED BY
 BUELL CONSULTING ENGINEERS, INC.

UPT OUT



ENNAN

BOSQUE CO.
McLENNAN CO.



PROPOSED CHILDRESS CREEK CCN LOCATION

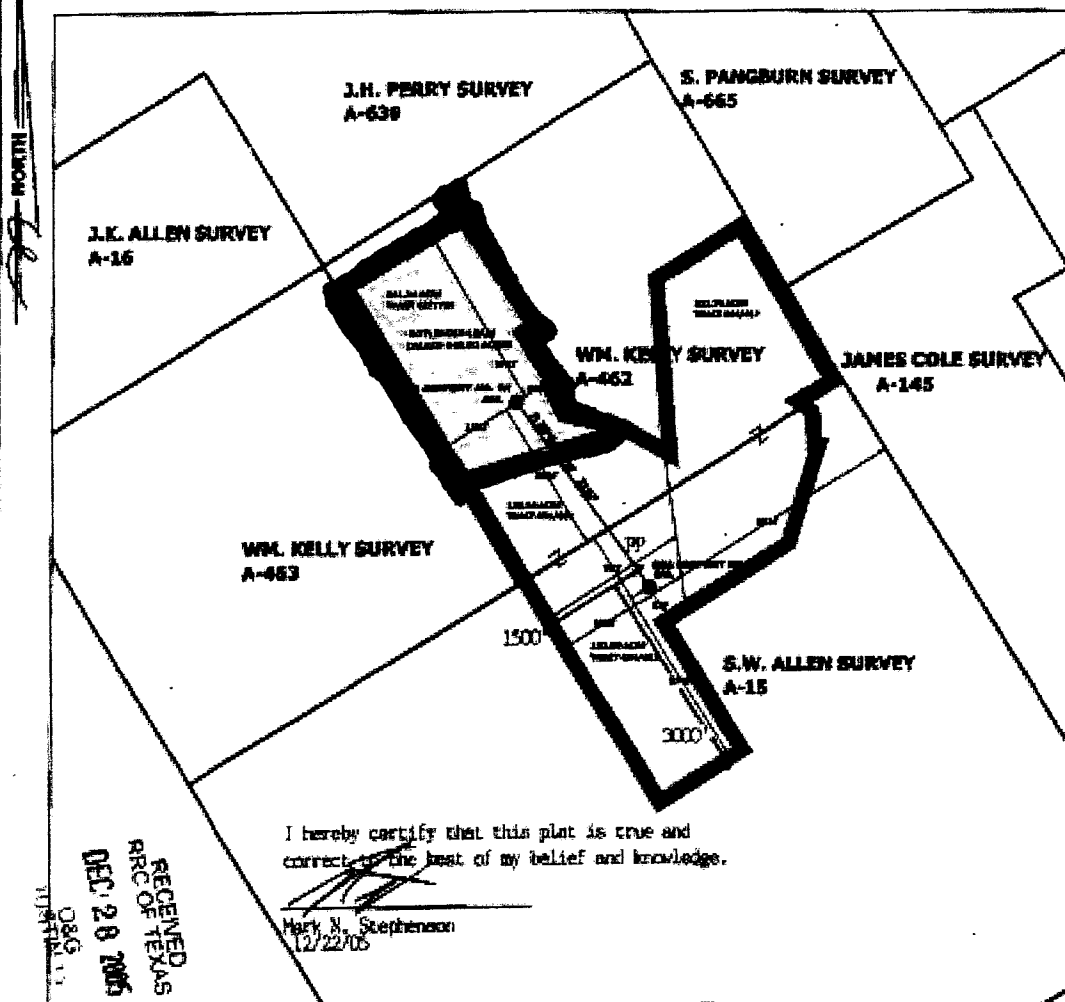
LOCATION MAP

CHILDRESS CREEK W.S.C.
BOSQUE AND McLENNAN COUNTY
CCN NO. 11000
PROPOSED CCN MAP

PREPARED BY
DUFF CONSULTING ENGINEERS, INC.
4261 NORTH 15TH STREET
WACO, TEXAS 76702

12/4/07

PLANTING AND MAINTENANCE OF CONDUITWORK, OR ANY SIMILAR WORK



I hereby certify that this plot is true and correct to the best of my belief and knowledge.

Mark N. Stephenson
12/22/05

RECEIVED
ARC OF TEXAS
DEC 28 2005
080
11/28/05

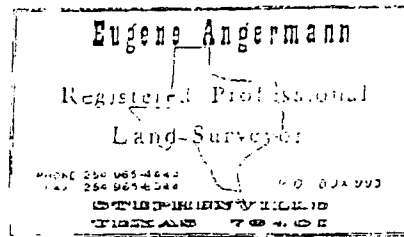


**CLEAR FORK SURVEYING
& MAPPING CO., INC.**
"Three Eight Four Mountain Ray Highway's
LEADERS" June 1974

1-800-368-7777
 1-800-368-7777
 1-800-368-7777

Surveyed on the ground on 12/13/2005
David F. Lyons R.P.L.S. No 2088

[illegible]



THE STATE OF TEXAS: Melvin Bottlinger and Billie
COUNTY OF BOSQUE : Bottlinger, 161.62 acres,
Wm. Kelly Survey, A-462

All that certain 161.62 acres out of the Wm. Kelly Survey, A-462, Bosque County, Texas, being part of a former 80 acre tract and a former 62.22 acre tract described in Deed dated May 23, 1973, from W. F. Conrad, et ux, to Melvin Bottlinger and Billie Bottlinger, recorded in Vol. 223, Page 84, Deed Records of Bosque County, Texas, and being part of a former 190 acre tract described in Deed dated Feb. 15, 1972, from Will C. Hafer, et ux, to Melvin Bottlinger and Billie Bottlinger, recorded in Vol. 218, Page 74, said records, and the 161.62 acres being described as follows:

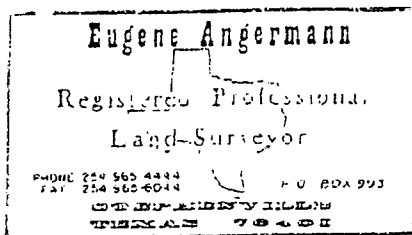
BEGINNING at a 3/8" iron rod set at intersection of the East line of County Road No. 3215, with South line of County Road No. 1060, at occupied NWC of said former 80 acre tract, being about S 30 E. 375 feet and N. 61 17 54 E. 25 feet from the NWC of the Wm. Kelly Survey, for NWC of this tract;

THENCE N. 61 17 54 E. with fence, South line of County Road No. 1060, along occupied North lines of the 80 acre tract and the 62.22 acre tract, 2011.98 feet to a 3/8" iron rod set by corner post, for inner corner of this tract;

THENCE with fence and Easterly and Southerly sides of said road, (corners marked with set 3/8" iron rods) as follows:
N. 37 03 53 W. 323.90 feet; N. 20 57 58 W. 8.24 feet;
N. 00 48 38 W. 9.71 feet; N. 14 39 40 E. 10.62 feet;
N. 27 38 43 E. 5.81 feet; N. 43 57 32 E. 10.67 feet; and
N. 59 22 04 E. 50.71 feet to a 3/8" iron rod set at fence corner, for occupied NEC of the 62.22 acres and NEC of this tract;

THENCE S. 32 13 57 E. with fence and West line of a 62.22 acre tract conveyed to David A. Conrad, et ux, by deed recorded in Vol. 191, Page 533, said records, 2331.50 feet to a 3/8" iron rod set by corner post, for Easterly SEC of the Bottlinger 62.22 acres, and a SEC of this tract;

THENCE S. 55 08 41 W. with fence and a North line of 187 acres conveyed to David A. Conrad, et ux, by deed recorded in Vol. 191, Page 533, said records, 208.84 feet to a 3/8"



THENCE S. 31 12 26 E. with fence and West line of said Conrad 187 acres, 826.22 feet to a 3/8" iron rod set by corner post, for Southerly SEC of the Bottlinger 62.22 acres, and a SEC of this tract;

THENCE S. 60 42 07 W. with fence and a North line of the Conrad 187 acre tract, 83.31 feet to a 3/8" iron rod set at corner post, in South line of the Bottlinger 62.22 acres, at Northerly NEC of said Bottlinger 190 acre tract, for inner corner of this tract;

THENCE with fence, East line of the 190 acre tract and West line of the Conrad 187 acre tract, as follows:
S. 24 12 09 E. 326.82 feet, set 3/8" iron rod; and
S. 75 18 25 E. 459.73 feet to a 3/8" iron rod set by corner post, for Southerly NEC of this tract;

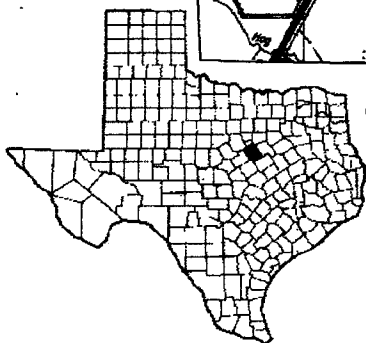
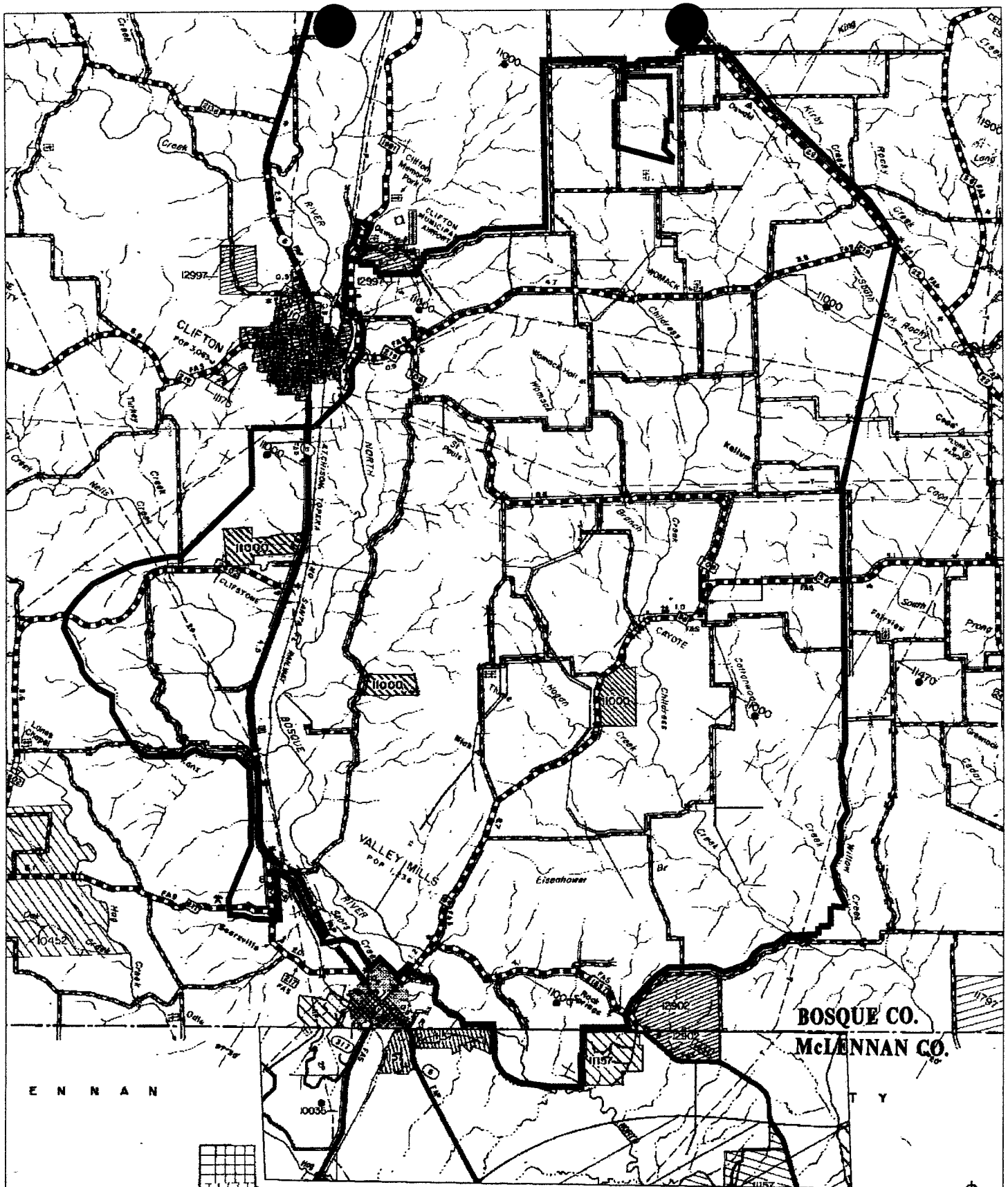
THENCE S. 24 00 53 E. with cross fence, 223.30 feet to a 3/8" iron rod set by corner post, for Southerly SEC of this tract;

THENCE S. 75 27 00 W. with cross fence, 2255.36 feet to a 3/8" iron rod set by fence corner in East line of County Road 3215, for occupied West line of the Bottlinger 190 acres and SWC of this tract;

THENCE N. 31 16 14 W. with fence and East side of road, 285.43 feet to a 3/8" iron rod set by corner post, at occupied NWC of the 190 acres, and occupied SWC of the Bottlinger 80 acres, for corner on West line of this tract;

THENCE with fence, East side of County Road No. 3215 and occupied West line of said 80 acre tract, as follows:
N. 29 16 37 W. 2844.60 feet, set 3/8" iron rod; and
N. 15 44 12 E. 8.31 feet to the place of beginning, containing 161.62 acres.

Surveyed on the ground, April 17, 1997.
Updated to Nov. 18, 1998.



— PROP CHILDRESS CREEK CCN LOCATION

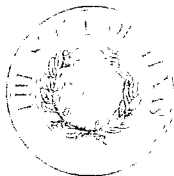
LOCATION MAP

5/5/09

CHILDRESS CREEK W.S.C.
BOSQUE AND McLENNAN COUNTY
CCN NO. 11000
PROPOSED CCN MAP

PREPARED BY
DUFF CONSULTING ENGINEERS, INC.
 4201 NORTH 19TH STREET
 WACO, TEXAS 76708
 (254) 756-5414

Buddy Garcia, *Chairman*
Larry R. Soward, *Commissioner*
Bryan W. Shaw, Ph.D., *Commissioner*
Mark R. Vickery, P.G., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

May 11, 2009

FAX TO 254-675-4567

Ms. Patricia Coy, Attorney
Robertson & Coy, LLP
P.O. Box 547
Clifton, Texas 76634-0547

Re: Application from Childress Creek Water Supply Corporation (WSC) to Amend Certificate of Convenience and Necessity (CCN) No. 11000, in Bosque and McLennan Counties; Application No. 36263-C

CN: 600684526; RN: 101440634

Dear Ms. Coy:

A letter dated May 7, 2009, was submitted with updated maps as requested, thank you. The letter also requested an extension for 30 days in order to resolve matters with the Protestants. The extension has been granted. If the Commission does not receive written protest withdrawals by **June 11, 2009**, the application will be referred to the State Office of Administrative Hearings to schedule a preliminary hearing.

If you have any questions, please contact me at 512/239-6932, or if by correspondence, include Mail Code 153 in the letterhead address.

Sincerely,

A handwritten signature in cursive script, reading "Debbie Reyes Tamayo", is positioned above the typed name.

Debbie Reyes Tamayo
Utilities & Districts Section
Water Supply Division
Texas Commission on Environmental Quality

DRT/as

CC: Mr. Mark H. Zeppa, P.C.
Mr. Robert Payne

Fax/Phone Number	Mode	Start	Time	Page	Result	Note
912546754567	NORMAL	15,13:40	0'4.	1	+ 0 +	

Buddy Garcia, *Chairman*
Larry R. Soward, *Commissioner*
Bryan W. Shaw, Ph.D., *Commissioner*
Mark R. Vickery, P.G., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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May 11, 2009

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Debbie Reyes Tamayo

Debbie Reyes Tamayo
Utilities & Districts Section

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
mark@zeppalaw.com**

January 29, 2009

Via facsimile to (512) 239-6972

Mr. Doug Holcomb, PE, Manager
TCEQ Utilities & Districts Section
P O Box 13087, MC 173
Austin, Texas 78711-3087

Re: **PROTEST AND CONTESTED HEARING REQUEST** water utility CCN
application of Childress Creek WSC (WSC)

Dear Mr. Holcomb:

I am writing on behalf of the Aqua Texas, Inc. (ATI), a regional water and sewer retail public utility which owns and operates a retail public water utility system in Bosque and McLennan Counties. ATI's has a certificated service area is overlapped by and adjacent to the water utility service area requested by WSC.

ATI is uniquely affected by this application because it includes area now being served by ATI. Since the proposed WSC service area is adjacent to ATI's CCN 11157, if the application is granted, ATI will be land locked on the west and north and unable to expand to optimize its existing service capacities.

ATI was never asked if it could serve the area so the application is defective.

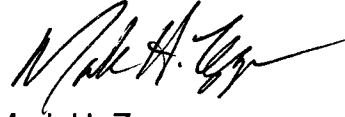
There is no need for retail public utility service from WSC. WSC's application for a 78,000 acre service area is nothing more than a land grab guised in the conversion of a facilities-CCN into an area-CCN. The boundaries of the proposed geographic area significantly exceed the current facilities-CCN. WSC cannot serve the area more efficiently or at less cost than ATI.

ATI will not withdraw this protest as long as WSC seeks any territory that can be efficiently served by ATI.

As lead counsel of record, all communications to ATI on this matter should be sent to me.

January 29, 2009
Page 2

Sincerely yours,

A handwritten signature in black ink, appearing to read "Mark H. Zeppa", with a long horizontal flourish extending to the right.

Mark H. Zeppa

Encl. (received CCN application notice)

cc: Childress Creek WSC
700 CR 3430
Clifton, TX 76634

Steve Dunnahoe
ATI – Fort Worth