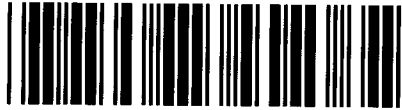




Control Number: 43573



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.

(Revised - 06/09/09)

FOR SOAH USE ONLY

Date complete request received by SOAH:

Proceeding date set by SOAH:

SOAH Docket Number & type of case:

8/17/09 10:00

582-09-5329

REQUEST TO DOCKET CASE (Please type or print)

PLEASE CHECK ACTION REQUESTED:**

☐ SETTING OF HEARING
 ☐ ASSIGNMENT OF ALJ *
 ☐ ALTERNATIVE DISPUTE RESOLUTION (ADR/MEDIATION)*

REFERRING AGENCY NAME:

AGENCY NO.:

AGENCY'S
FILE/CASE NO.: 2009-0945-UCRNAME/STYLE OF THE CASE: CHILDRESS CREEK WATER SUPPLY CORPORATION

DATE APPLICATION FILED AT AGENCY:

DOCKET NO. SUFFIX, if applicable: UCRPROCEEDING DATE(S) REQUESTED (Include range of dates if possible): AUGUST 17, 2009

EXPECTED NUMBER OF HOURS (if less than a day) OR DAYS NEEDED FOR PROCEEDING: _____ HOURS _____ DAYS

☐ ADMIN. FINE
 ☐ GRIEVANCE
 ☐ ENFORCEMENT
 ☐ CONTRACT CLAIM (Gov't Code 2260)
 ☐ OTHER
SPECIAL NEEDS OR ACCOMMODATIONS: HEARING IN AUSTIN, SEATING FOR 7 PEOPLE.

IF ADR REQUESTED PLEASE DESCRIBE PROCESS NEEDED:

☐ PREHEARING CONFERENCE REQUESTED
 ☐ INTERPRETER NEEDED (See 1 TAC 155.43(g))

☐ CASE FILE and/or
 ☐ HEARING IS CONFIDENTIAL (Specify applicable statute): _____
NAME OF INDIVIDUAL SENDING REQUEST FORM: EMILY REYNAPHONE NO.: 239-3304

FAX NO.:

PARTIES AND REPRESENTATIVES

PARTY REPRESENTED BY: ☐ SELF ☐ ATTORNEY☐ OTHER, if so, relationship:REPRESENTATIVE'S NAME: RUTH TAKEDA

PARTY'S NAME:

ADDRESS:

PHONE No.: (512) 239-6635
(Direct Phone Number Please)Email Address: RTAKEDA@TCEQ.STATE.TX.US

FAX No.:

PARTY REPRESENTED BY: ☐ SELF ☐ ATTORNEY☐ OTHER, if so, relationship:

REPRESENTATIVE'S NAME:

PARTY'S NAME:

ADDRESS:

PHONE No.:
(Direct Phone Number Please)

Email Address:

FAX No.:

PLEASE LIST ADDITIONAL PARTIES AND/OR REPRESENTATIVES ON EXTRA FORM PROVIDED.

 SEND TO: STATE OFFICE OF ADMINISTRATIVE HEARINGS
 ATTN.: Deputy Clerk
 William P. Clements Building
 300 West 15th Street, Suite 504
 Austin, Texas 78701

OR

 Post Office Box 13025
 Austin, Texas 78711-3025
 Docketing Phone No. (512) 475-3445
 Fax No. (512) 475-4994

*PLEASE FORWARD A COPY OF THE APPLICATION, APPEAL, OR COMPLAINT WITH THIS REQUEST FORM, AS WELL AS ANY OTHER PLEADING FILED IN THE CASE TO DATE IF REQUESTING ASSIGNMENT OF ALJ or ALTERNATIVE DISPUTE RESOLUTION (ADR)/MEDIATION. A COPY OF THE NOTICE OF PROCEEDING MUST BE FORWARDED TO SOAH AT THE SAME TIME IT IS MAILED TO THE PARTIES.

OCC FAXED TO SOAH ON July 15, 2009

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



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 Castañuela JUL 24 2009

LaDonna Castañuela, Chief Clerk
Texas Commission on Environmental Quality

STATE OF TEXAS §

COUNTY OF TRAVIS §

I, LaDonna Castañuela, Chief Clerk of the Texas Commission on Environmental Quality, do hereby certify that the attached mailing list provides the persons to whom the notice of the public hearing for Childress Creek Water Supply Corporation, SOAH Docket No. 582-09-5329, TCEQ Docket No. 2009-0945-UCR, was mailed on July 20, 2009.

Given under my hand and the seal of the Texas Commission on Environmental Quality, this the 20th day of July, 2009.

LaDonna Castañuela
LaDonna Castañuela, Chief Clerk
Texas Commission on Environmental Quality

(SEAL)

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



NOTICE OF HEARING
CHILDRESS CREEK WATER SUPPLY CORPORATION
SOAH Docket No. 582-09-5329
TCEQ Docket No. 2009-0945-UCR

APPLICATION. Childress Creek Water Supply Corporation, 700 County Road 3430, Clifton, Texas 76634-3373, has applied with the Texas Commission on Environmental Quality (TCEQ) to amend Certificate of Convenience and Necessity No. 11000 in Bosque and McLennan Counties, Texas (Application No. 36263-C).

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


10:00 a.m. – August 17, 2009
William P. Clements Building
300 West 15th Street, 4th Floor
Austin, Texas 78701

The purpose of a preliminary hearing is to establish jurisdiction, name the parties, establish a procedural schedule for the remainder of the proceeding, allow an opportunity for settlement discussions, and to address other matters as determined by the judge. The evidentiary hearing phase of the proceeding will be 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 evidentiary hearing as a party, you must attend the preliminary 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, telephone 512-239-6363. 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: July 20, 2009


LaDonna Castañuela, Chief Clerk
Texas Commission on Environmental Quality

MAILING LIST
Childress Creek Water Supply Corporation
SOAH Docket No. 582-09-5329
TCEQ Docket No. 2009-0945-UCR

Patricia Coy, Attorney
Robertson & Coy, LLP
P.O. Box 547
Clifton, Texas 76634-0547
Representing: Childress Creek WSC

Mark H. Zeppa, P.C.
4833 Spicewood Springs Road, Suite 202
Austin, Texas 78759
Representing: Aqua Texas, Inc.

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

Via electronic mail:

Ruth Takeda, Staff Attorney, Environmental Law Division (MC 173)
Heidi Graham, Technical Staff, Water Supply Division, Utilities & Districts Section
(MC 153)
Debbie Reyes Tamayo, Technical Staff, Water Supply Division, Utilities & Districts
Section (MC 153)
Blas Coy, Office of Public Interest Counsel (MC 103)

To...

Cc...

Subject: Docket Change

Case Name: * CHILRESS CREEK WSC

Docket Number: * 582-09-5329

ALJ: * NEWCHURCH

Date: * Thu 08/13/2009

Type of Action:

* Dismissed/Withdrawn (With Setting)

Asterisk denotes a required field.

Setting Date and Time

On/To Date and Time: None None

From Date and Time: * Mon 08/17/2009 10:00 AM

Duration: * 1 day

Disposition of Case/File

Date Order Signed: Thu 08/13/2009 10:15 AM

Disposition of case file: * Return to TCEQ/PUC

Assigned to ALJ:

Special Instructions:

Measures Reporting

Notice of Hearing: None

Hearing on Merits: None

Record Closed: None

PFD/FO/DO Issued: None

Was this an Admin. Penalty Case?

Was a Fine Recommended?

Amount of fine (\$) : \$0.00

Amended PFD Issued: None

Remand Dismissed: None

Remand Hearing: None

Remand Record Closed: None

Remand PFD Issued: None

Amended Remand PFD Issued: None

PFD Changed by Referring Agency: None

PFD Overturned/
Remanded by a Court: None

PFD Due Date: None

Mediation (MSC) / ADR Information

Date Mediation Requested: None

Who Initiated:

Date Mediation Granted\Ordered: None

Type of Mediator:

Date Mediation Denied: None

Date Mediation Referral Withdrawn: None

Date Mediation Successful: None

Date Mediation Unsuccessful: None

Date For Telephonic Mediation: None

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

7/2
6/25/09
Vera Poe, P. E., Team Leader
Utilities & Districts Section
Water Supply Division

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

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

6/25/09
6/25/09
Debbie Reyes Tamayo
Utilities & Districts Section
Water Supply Division

CHIEF CLERK'S OFFICE

2009 JUN 30 PM 2:51

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

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