



Control Number: 43763



Item Number: 1

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

CCN/13081/34742-C/CO

43763

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



SOAH DOCKET NO. 582-05-5371

TCEQ DOCKET NO. 2005-0417-UCR

APPLICATION NO. 34742-C

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TCEQ  
CENTRAL FILE

APPLICATION OF GREATER  
GARDENDALE WATER SUPPLY  
CORPORATION TO OBTAIN A  
WATER CERTIFICATE OF  
CONVENIENCE AND NECESSITY  
IN ECTOR AND MIDLAND  
COUNTIES, APPLICATION NO.  
34742-C

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BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

**ORDER**

An application by Greater Gardendale Water Supply Corporation (Applicant or GGWSC) to obtain a Certificate of Convenience and Necessity (CCN) to provide water service in Ector and Midland Counties, Texas was presented to the Executive Director (ED) of the Texas Commission on Environmental Quality (TCEQ) for approval pursuant to Section 5.122 of the Texas Water Code (Code) and Commission rules. GGWSC is a retail public utility as defined in Section 13.002(19) of the Code.

On April 23, 2002, 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 Ector and Midland Counties, Texas. The application was initially accepted for filing on June 5, 2002, and it was assigned Application No. 33935-C. However, on December 20, 2002, the Commission returned the application on the basis that the Applicant's funding could not be verified.

GGWSC subsequently re-submitted its application with the Commission on September 28, 2004. However, on October 4, 2004, the re-submitted application was deemed incomplete by the TCEQ, where the application was drafted on an outdated form (dated 11/01 rather than 11/02) and

did not contain a Core Data form. On November 19, 2004, the Commission received GGWSC's additional information for the application, and on November 30, 2004, the Commission declared the application administratively complete and the application was assigned Application No. 34742-C. Notices were provided to affected persons and neighboring utilities by the Applicant on December 20 and 29, 2004. Notice of the application was published on December 26, 2004, and January 2, 2005, in the Odessa American, a newspaper generally circulated in Ector County, Texas, and the Midland Reporter Telegram, a newspaper generally circulated in Midland County, Texas. The notice of GGWSC's application complied with the notice requirements of 30 TEX. ADMIN. CODE (TAC) § 291.106 and was sufficient to place affected persons on notice of the filing of the application. The Commission received requests for a contested case hearing from Steve Beckworth, John M. Luna, Cindy L. Luna, Mr. and Mrs. Albert Lee, James R. Hurt, and Gerald C. Nobles, Jr., and the application was referred to the State Office of Administrative Hearing (SOAH) to be set for a preliminary hearing.

A preliminary hearing was scheduled to occur at SOAH on July 12, 2005. However, prior to the preliminary hearing, all of the above-referenced protestants filed letters with the TCEQ withdrawing their requests for a contested case hearing. Consequently, on July 1, 2005, the Applicant and ED filed a Joint Motion to Remand this matter back to the Commission. The Office of Public Interest Counsel did not file a brief in support of or against this motion. Administrative Law Judge William G. Newchurch issued an order on July 6, 2006, granting the Joint Motion to Remand, and the application was remanded back to the ED for processing as an uncontested application.

GGWSC possesses the financial, managerial and technical capability to provide continuous and adequate water utility service to every customer in the area proposed to be included in GGWSC's water CCN, and the certification of GGWSC 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 Greater Gardendale Water Supply Corporation to obtain a water Certificate of Convenience and Necessity in Ector and Midland Counties, as reflected in the attached copy of the Commission's official water service area map, is hereby approved.

The Chief Clerk of the TCEQ shall forward a copy of this Order to the parties. The Commission shall issue a new water Certificate of Convenience and Necessity to Greater Gardendale Water Supply Corporation.

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: SEP 21 2005

TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

  
For the Commission



# **Texas Commission On Environmental Quality**

**By These Presents Be It Known To All That**

**Greater Gardendale 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. 13081**

to provide continuous and adequate water utility service to that service area or those service areas in Ector and Midland Counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Application No. 34742-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 Greater Gardendale 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 SEP 21 2005

  
For the Commission

NON – SCANABLE

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MAP IN FILE

FOR ANY QUESTIONS

PLEASE CALL CENTRAL RECORDS

MAIN LINE (512) 936-7180