

PORTER MUNICIPAL UTILITY DISTRICT  
PROCEDURES FOR ANNEXATION  
AND SANITARY SEWER SERVICES

ANNEXATION

Porter Municipal Utility District (the District) is a political subdivision of the State of Texas. As such it is empowered to provide sanitary sewer services and other services. The District is under no obligation to provide services outside of its boundaries. Consequently, the District generally requires annexation of property into the District in order for property to receive services. The procedures are as follows:

- 1) File a request for services and annexation with the District;
- 2) Pay a deposit to the District to evaluate the feasibility of annexation and any reimbursement potential from a future bond sale for construction of improvements. This evaluation will establish the maximum level of reimbursement, if any and is performed by the District's engineer and financial advisor.
- 3) The District's engineer will evaluate the project and file a report with the District.
- 4) The District will authorize release of the findings and establish any special conditions for annexation and service.
- 5) The property owner must then decide if they wish to pursue annexation and services under those conditions.
- 6) If the property owner elects to move forward, a deposit to cover the cost of legal and engineering services to complete the annexation must be paid. The amount of deposit is determined on a case by case basis.
- 7) The property must be surveyed and a property description provided to the District.
- 8) The property owner will be required to execute various documents associated with annexation including but not limited to a Petition For Annexation.
- 9) Once all annexation documents have been filed with the District, the District will proceed with the annexation process to completion.
- 10) Annexation costs may exceed \$7,500 for an individual tract. However, multiple tract annexations can gain benefit by joining into an annexation and thereby share some of the basic costs. As more tracts join the annexation process the cost rises but many of the costs are shared thus reducing the individual cost to each tract. All costs are generally shared by all of the property owners on a pro-rata basis either based on the proportional amount of land in the annexation or based on sewer capacity needs of each tract.

## SERVICES

- 1) Since new sanitary sewer lines will need to be constructed, construction plans and specifications must be prepared by an engineer and approved by agencies of jurisdiction. You should obtain the District's approval to utilize an engineer other than the District's engineer. The facilities must then be bid through competitive bidding processes per state regulations and constructed by a qualified contractor.
- 2) The property owner will be required to pre-fund all costs including but not limited to engineering, bidding, and construction.
- 3) During or after construction of these facilities, the property owner must submit a development plan and request a sewer capacity commitment. The District will review the request and grant, deny or modify capacity needs on a case by case basis.
- 4) Once the facilities have been constructed and accepted by the District and a commitment has been issued, the property owners may apply for services in accordance with any pre-funding /reimbursement agreements and the District's Rate Order. This process requires obtaining a permit, payment of customer deposits, execution of a Customer Service Agreement, and other procedures adopted by the District from time to time.
- 5) All property within the District must meet "platting" requirements of the City of Houston. If you subdivide the property for sale into two or more tracts, you must plat the property in accordance with City of Houston regulations. If you develop the property without subdividing the property, you must obtain a Certificate of Compliance from the City of Houston.
- 6) If the property is to be used for any use other than single-family residential, site construction plans must be submitted to the District's engineer for review and approval as being compliant with the District's rules and regulations, including platting requirements.
- 7) There are various inspections required during site development construction and prior to activation of service. These are identified in the District rules and regulations and Rate Order.
- 8) Assuming a reimbursement agreement is in place, once physical improvements (buildings, etc.) are made to the property and the taxable value is such that the value can support a bond sale, the District may consider applying for approval from the state to sell bonds for reimbursement to the property owners.
- 9) You may obtain a copy of the District Policies and Procedures for services from the District's Office Manager.

## OTHER INFORMATION

- 1) The annexation process can be lengthy. Annexation of property will result in the assessment of debt service and/or maintenance taxes on the property by the District. Tax rates are established by the District annually and are billed based on assessed value established by Montgomery County. These taxes are in addition to any other taxes you may be currently paying.
- 2) Once service is established, the customer must pay monthly sewer fees in accordance with the District's Rate Order.



P.O. Box 91036-310  
Houston, Texas 77291-1036  
Phone: 713-939-9916  
Fax: 713-939-9907

January 31, 2002

Mr. Brent Sherrod  
City of Conroe  
P.O. Box 3066  
Conroe, Texas 77305

Re: Porter Municipal Utility District (MUD)  
Application to Amend Sewer Certificate of Convenience and  
Necessity (CCN) No. 20573 in Montgomery County, Texas  
Project No. 99012-00800

Dear Mr. Sherrod:

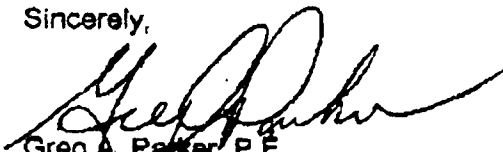
Porter Municipal Utility District has filed an application to amend its CCN No 20573. Information provided by the Texas Natural Resource Conservation Commission (TNRCC) indicates that the City of Conroe has annexed specific properties along FM 1314 within the proposed service area of the CCN.

It appears that the Conroe City Limits southeast of Old Houston Cleveland Road are annexation strips. These annexation strips do not appear to encompass properties to which the City of Conroe would provide wastewater services at this time.

As the Engineer of Record and as authorized by the Board of Directors of Porter Municipal Utility District, we hereby request your consent to allow the overlap of these annexation strips by the proposed Sewer CCN Service Area.

For your convenience, you may verify your consent to this overlap by signing and dating this letter in the space provided below and returning a copy of this letter. Should you need additional information, require a meeting or have any questions, please contact the undersigned by phone or fax.

Sincerely,




Greg A. Parker, P.E.  
Principal Engineer

District Engineer

Attachment

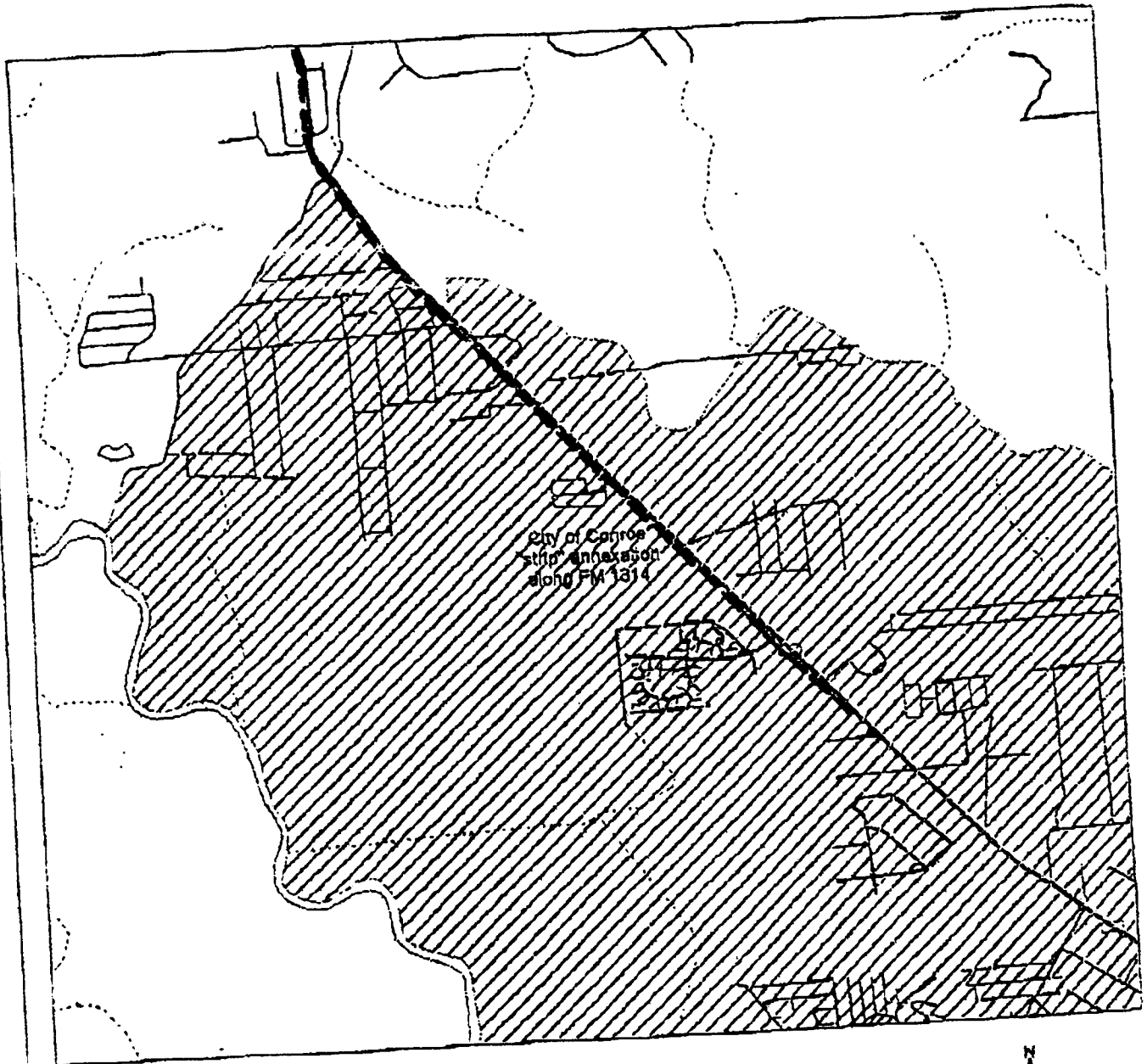
Consent Granted.






Brent Sherrod  
City of Conroe, Texas

Date: 1/31/02


Porter MUD to amend Sewer CCN 20573  
Administrative Review No. A-170-1  
Montgomery County



TNRCC

 Porter MUD- Proposed Sewer CCN  
 Overlapping Cities  
 City of Conroe



0.2 0 0.2 0.4 Miles  


**PORTER MUNICIPAL UTILITY DISTRICT  
EXPANDED SEWER SERVICE AREA  
PRELIMINARY OPINION OF COSTS  
DECEMBER 2001**

<b>Item</b>	<b>DESCRIPTION</b>	<b>Total Cost</b>
1	13.50 MGD WWTP	\$54,000,000
2	Expansion of Existing WWTP to 2.4 MGD	\$8,400,000
3	Gravity Trunk Infrastructure	
3a	15-inch Trunk - FM 1314 10000 LF	\$412,500
3b	27-inch Trunk - FM 1314 10000 LF	\$877,500
3c	42-inch Trunk - FM 1314 5000 LF	\$892,500
3d	48-inch Trunk - FM 1314 5000 LF	\$1,200,000
3e	60-inch Trunk - FM 1314 & Sorters Rd 5000 LF	\$1,800,000
3f	72-inch Trunk - Sorters Rd 10000 LF	\$5,400,000
4	General Development Infrastructure	\$190,400,000
Subtotal		\$263,382,500
5	Contingencies 15%	\$39,507,375
6	Geotechnical and Construction Materials Testing 3%	\$7,901,475
7	Engineering 12%	\$31,605,900
8	Land & Easement Costs 2%	\$5,267,650
<b>TOTAL DESIGN AND CONSTRUCTION COSTS</b>		<b>\$347,664,900</b>

Prepared By:  
GREG A. PARKER, P.E. CONSULTING ENGINEER, INC.  
P.O. BOX 91036-310  
HOUSTON, TEXAS 77291-1036  
713-939-9916



**PORTER MUNICIPAL UTILITY DISTRICT  
5-YEAR PROJECTIONS OF REVENUES AND EXPENSES  
PROPOSED CCN EXPANSION AREA ONLY**

FISCAL YEAR ENDS SEPTEMBER 30

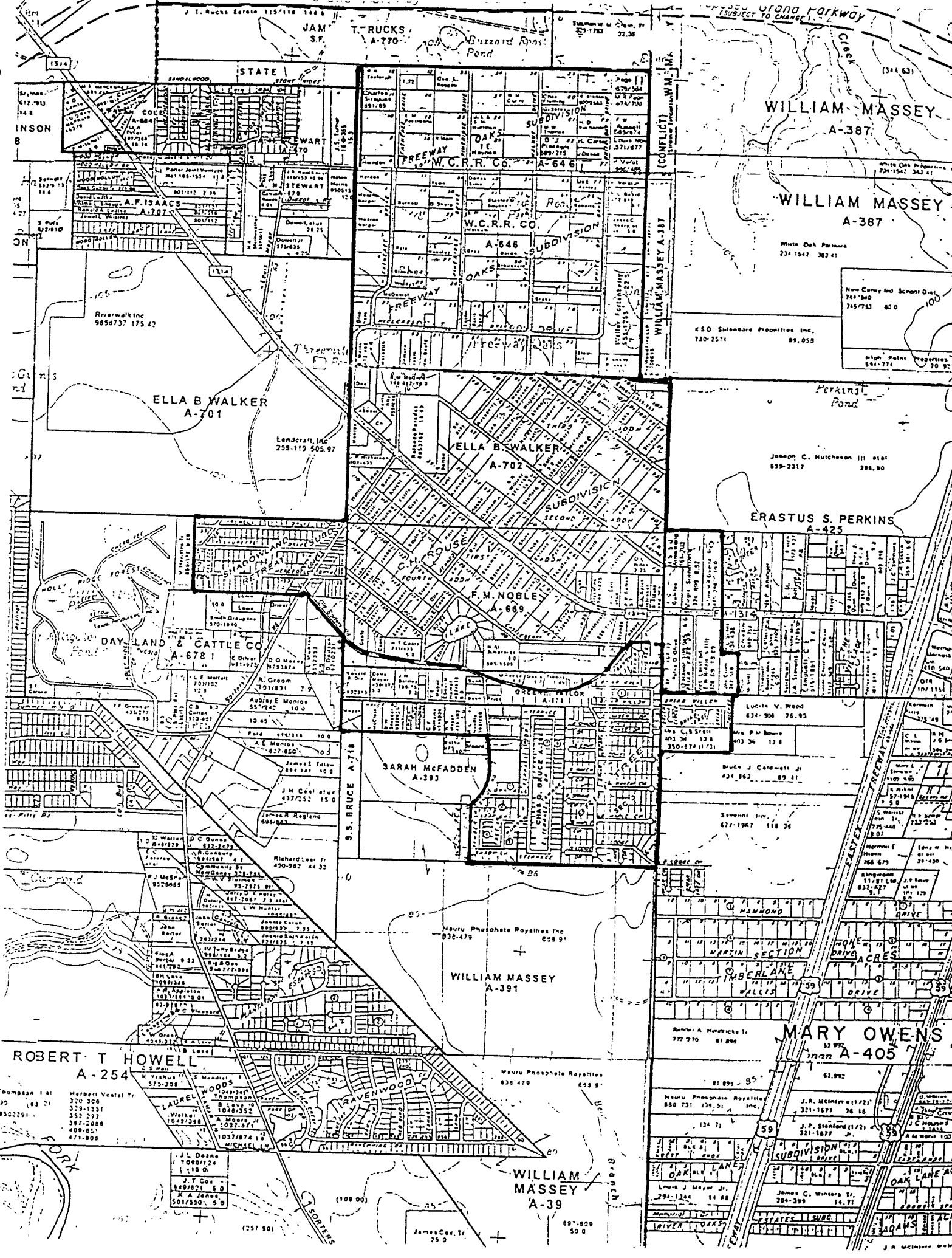
	2001-2002	2002-2003	2003-2004	2004-2005	2005-2006	2006-2007
<b>PROJECTED CONNECTIONS</b>						
<b>OPERATING REVENUE</b>						
SEWER REVENUE	\$ -	\$ -	\$ 25,000	\$ 70,000	\$ 140,000	\$ 165,000
SEWER INSPECTION FEES	\$ -	\$ -	\$ 7,500	\$ 22,500	\$ 22,500	\$ 7,500
TNRCC FEE	\$ -	\$ -	\$ 125	\$ 350	\$ 700	\$ 875
UNIT CHARGE	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
PENALTY & INTEREST	\$ -	\$ -	\$ 325	\$ 900	\$ 1,800	\$ 2,275
MISCELLANEOUS INCOME	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
INTEREST ON TEMPORARY INVESTMENTS	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
PERMIT FEES	\$ -	\$ -	\$ 2,000	\$ 1,000	\$ 1,000	\$ 1,000
ANNEXATION FEES	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
TOTAL OPERATING REVENUE	\$ -	\$ -	\$ 34,950	\$ 94,750	\$ 166,000	\$ 176,650
<b>OPERATING EXPENSES</b>						
CONTRACT LABOR	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
OPERATIONAL SALARIES	\$ -	\$ -	\$ 10,000	\$ 12,000	\$ 14,000	\$ 16,000
OPERATIONAL FICA & TWC TAXES	\$ -	\$ -	\$ 650	\$ 750	\$ 850	\$ 1,050
EDUCATION/SCHOOLS	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
SEWER MAINTENANCE & REPAIR	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
GASOLINE & FUEL	\$ -	\$ -	\$ 200	\$ 500	\$ 1,000	\$ 1,200
CHEMICALS	\$ -	\$ -	\$ 600	\$ 2,500	\$ 3,000	\$ 4,000
REPAIR & MAINTENANCE MATERIAL	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
OTHER EXPENSE	\$ -	\$ -	\$ 300	\$ 1,250	\$ 1,500	\$ 2,000
CLOTHING FOR EMPLOYEES	\$ -	\$ -	\$ 500	\$ 600	\$ 700	\$ 800
MAJOR EQUIPMENT LEASE	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
MAJOR EQUIPMENT RENTAL	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
EQUIPMENT RENTAL	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
EQUIPMENT LEASE	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
TOOLS & MISC. EQUIP PURCHASE	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
SLUDGE DISPOSAL	\$ -	\$ -	\$ 900	\$ 2,700	\$ 5,400	\$ 6,000
DRYING BED REPAIR & MAINTENANCE	\$ -	\$ -	\$ 600	\$ 2,500	\$ 3,000	\$ 4,000
LABORATORY EXPENSE	\$ -	\$ -	\$ 600	\$ 2,500	\$ 3,000	\$ 4,000
PERMIT FEES	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
UTILITIES	\$ -	\$ -	\$ 2,500	\$ 7,500	\$ 14,000	\$ 17,500
REPAIRS TO OFFICE	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
TNRCC ASSESSMENT FEE	\$ -	\$ -	\$ 125	\$ 350	\$ 700	\$ 875
TOTAL OPERATING EXPENSES	\$ -	\$ -	\$ 16,975	\$ 33,150	\$ 47,150	\$ 57,425

<b><u>PROFESSIONAL SERVICES</u></b>												
LEGAL FEES	\$	5,000	\$	-	\$	1,000	\$	2,000	\$	4,500	\$	6,000
AUDITING FEES	\$	-	\$	-	\$	100	\$	300	\$	500	\$	500
ENGINEERING FEES	\$	10,000	\$	-	\$	1,500	\$	4,000	\$	8,000	\$	9,000
OUT OF DISTRICT ENGINEERING	\$	2,500	\$	2,500	\$	2,500	\$	2,500	\$	2,500	\$	2,500
OPERATOR'S MONTHLY FEE	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-
ACCOUNTING FEE	\$	-	\$	-	\$	800	\$	2,000	\$	4,000	\$	5,000
TAX ACCOUNTING FEE	\$	-	\$	-	\$	100	\$	325	\$	650	\$	800
SECRETARIAL SERVICES	\$	-	\$	-	\$	200	\$	600	\$	1,200	\$	1,500
TOTAL PROFESSIONAL SERVICES	\$	17,500	\$	2,500	\$	6,200	\$	11,725	\$	21,350	\$	25,300
<b><u>OFFICE &amp; GENERAL EXPENSES</u></b>												
SALARY EXPENSE	\$	-	\$	-	\$	5,000	\$	5,500	\$	6,000	\$	6,500
EMPLOYEE BENEFITS	\$	-	\$	-	\$	500	\$	600	\$	700	\$	800
FEDERAL TAX EXPENSE	\$	-	\$	-	\$	500	\$	600	\$	700	\$	800
HEALTH INSURANCE	\$	-	\$	-	\$	1,000	\$	1,100	\$	1,200	\$	1,300
WATER METER READINGS	\$	-	\$	-	\$	700	\$	1,400	\$	2,000	\$	2,000
GENERAL MAINTENANCE & REPAIR	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-
DIRECTORS FEES	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-
LEGAL NOTICES & PUBLICATIONS	\$	1,500	\$	-	\$	-	\$	-	\$	-	\$	-
PRINTING & OFFICE SUPPLIES	\$	-	\$	-	\$	1,500	\$	1,600	\$	1,700	\$	1,800
POSTAGE	\$	-	\$	-	\$	2,000	\$	4,000	\$	6,000	\$	6,000
TELEPHONE	\$	-	\$	-	\$	1,000	\$	1,200	\$	1,400	\$	1,600
INSURANCE	\$	-	\$	-	\$	2,500	\$	3,500	\$	4,500	\$	4,500
TRAVEL & PER DIEM	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-
TOTAL OFFICE & GENERAL EXPENSES	\$	1,500	\$	-	\$	14,700	\$	19,500	\$	24,200	\$	25,300
TOTAL EXPENSES	\$	19,000	\$	2,500	\$	37,875	\$	64,375	\$	92,700	\$	108,025
SURPLUS/DEFICIT	\$	(19,000)	\$	(2,500)	\$	(2,925)	\$	30,375	\$	73,300	\$	68,625

Note: Revenues and Expenses were extrapolated from current revenues and expenses for the District on an estimated per customer cost or percentage.

CAPITAL IMPROVEMENT DEBT SERVICE REVENUES												
ANNUAL ASSESSMENTS												
	\$	-	\$	-	\$	135,000	\$	270,000	\$	405,000	\$	405,000
CAPITAL IMPROVEMENTS												
SEWER IMPROVEMENTS	\$	-	\$	350,000	\$	3,000,000	\$	3,000,000	\$	-	\$	-
SEWER ENGINEERING	\$	10,000	\$	153,000	\$	460,000	\$	360,000	\$	-	\$	-
PURCHASE VEHICLES	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-
PURCHASE EASEMENTS	\$	-	\$	-	\$	-	\$	20,000	\$	-	\$	-
TNRCC PERMIT APPLICATION	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-
LIFT STATION IMPROVEMENTS	\$	-	\$	120,000	\$	-	\$	80,000	\$	-	\$	-
LIFT STATION ENGINEERING	\$	2,000	\$	15,000	\$	-	\$	12,500	\$	-	\$	-
TOTAL CAPITAL IMPROVEMENTS	\$	12,000	\$	638,000	\$	3,460,000	\$	3,472,500	\$	-	\$	-
CUMULATIVE CAPITAL IMPROVEMENTS	\$	12,000	\$	650,000	\$	4,110,000	\$	7,582,500	\$	7,582,500	\$	7,582,500





JAM SF  
T. RUCKS  
A-770

WILLIAM MASSEY  
A-387

WILLIAM MASSEY  
A-387

ELLA B WALKER  
A-701

ELLA B WALKER  
A-702

ERASTUS S. PERKINS  
A-425

DAY LAND & CATTLE CO  
A-678

SARAH McFADDEN  
A-393

WILLIAM MASSEY  
A-391

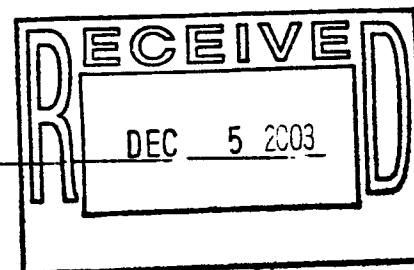
MARY OWENS  
A-405

ROBERT T HOWELL  
A-254

WILLIAM MASSEY  
A-39



**facsimile**  
TRANSMITTAL



to: Mr. Greg Parker - District Engineer  
Porter MUD  
fax #: 713/939-9907  
date: December 5, 2003  
pages: 3, including this cover sheet.

*Original to follow via U.S. Mail*

From the desk of...

**Sherrece Anderson**  
Administrative Assistant

Amvest  
7676 Woodway, Suite 238  
Houston, Texas 77063

713/784-6102 Ext. 20  
Fax: 713/784-0137

99012-00803



December 4, 2003

Mr. Greg A. Parker  
District Engineer  
Porter M.U.D.  
P.O. Box 91036-310  
Houston, Texas 77297

**RE: Request to be placed on the Agenda for the December 16, 2003 Porter M.U.D. Board Meeting to obtain a Porter M.U.D. Board Resolution for Approval of the Exclusion of Approximately 470 Acres from the CCN Application Amendment 33613-C**

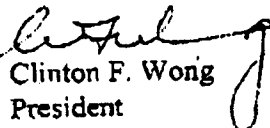
Dear Mr. Parker:

Please accept this letter as my formal request to be placed on the Porter M.U.D. Board agenda for December 16, 2003. The purpose of this request is to obtain a Porter M.U.D. Board resolution for the approval of the exclusion of 470 acres of land (432.2440 acres known as the Cleveland Tracts, James T. Cox, Trustee and 37.876 acres adjoining to the south known as the Wright Family Limited Partnership Tract). The Cleveland Tracts are divided by Sorters Road south of Ravenwood Subdivision and the Wright Family Tract lies on the west side of Sorters Road. (See attached Exhibit "A").

I intend to create a single family residential development and begin construction in the year 2004 with sewer and water services provided by the City of Houston. The City-owned water plant (formerly Kingwood's) abuts the property southeast corner. Sewer services will be gravity fed along Sorters Road to the south into the City of Houston permanent sewer plant. However, at a recent meeting with the City Public Works and Engineering Department, City officials made it clear that sewer and water cannot be provided to property lying within any CCN boundary.

I sincerely hope Porter MUD will consider our request to decertificate the above property from Porter M.U.D. proposed CCN application to the TCEQ so that I can proceed with our development plans.

Sincerely,

  
Clinton F. Wong  
President

CFW/ssa

**11/17/2003 15:26**

7139399987

**GREG A. PARKER**

PAGE 81

## Exhibit "A"

AC-6084

WILLIAM MABEY

ROBERT T HOWELL  
A-254

83

**Subject**

**Cleveland Lands**  
**James T. Cox, Trustee**

**Cleveland**  
**James Cox,**  
**Trustee**

Subject

**Subject**

**Wright**

WILLIAM BIRCH

104-970 89

WILLIAM NASSEY

PRIMARY OW  
A-405 MONTG  
A-011 HARRIS

March 12, 2004

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

Attn: Mr. Mike Howell

Re: Porter Municipal Utility District  
Expansion of CCN 20573 in Montgomery County Texas  
Application No. 33613-C  
Project No. 99012-00800

Dear Mr. Howell:

As we discussed over the past several months, we are enclosing four (4) copies each of the following maps:

Map identifying the boundaries of the Proposed Porter MUD CCN and adjacent utility districts and CCN holders. This map identifies specific areas agreed to for release from the Porter CCN, specifically property adjacent to MCMUD No. 84 and property to East Montgomery County MUD No. 3. The property released to EMCUD No. 3 was previously verified by correspondence to your office. The property released to MCMUD No. 84 is a new release and this submittal represents notification and request for amendment of Porter MUD's application to exclude that specific acreage.

Map identifying approximate locations of properties inquiring about sewer services from Porter MUD.

We have also enclosed one (1) copy each of correspondence to and from the property owners inquiring about services.

We trust this information will assist you in processing of the District's revised application. Should you have any questions or require additional information, please contact the undersigned.

Sincerely,

Greg A. Parker, P.E.  
District Engineer

Enclosures

cc: Porter MUD  
Mr. Ron Young, attorney – Young & Brooks, LLP  
Mr. Geoffrey Kirshbaum – TCEQ Legal Services

C:/Projects/99012/9901200800/LOT-CCN Application Modification – 03-12-2004

XXXXXXXXXXXX 713-812-7200  
XXXXXXXXXXXX 713-812-7255

April 28, 2004

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

Attn: Mr. Mike Howell

Re: Porter Municipal Utility District  
Expansion of CCN 20573 in Montgomery County Texas  
Application No. 33613-C  
Project No. 99012-00800

Dear Mr. Howell:

As discussed at the SOAH Hearing of March 25, 2004 and your subsequent fax request, enclosed is a copy of a color-coded map identifying the proposed boundaries of the Porter MUD CCN and the boundaries of other utility district or sewer CCN holders.

We are forwarding one copy to each of the listed Party Representatives.

We trust this information will assist you and the court in this matter. Should you have any questions or require additional information, please contact the undersigned.

Sincerely,

Greg A. Parker, P.E.  
District Engineer

Enclosures

cc: Porter MUD



October 9, 2003

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

Attn: Mr. Mike Howell

Re: Porter Municipal Utility District  
Expansion of CCN 20573 in Montgomery County Texas  
Application No. 33613-C  
Project No. 99012-00800

Dear Mr. Howell:

We recently became aware of two (2) municipal utility districts that would be impacted by the current CCN Application No. 20573 of Porter Municipal Utility District. These districts, Montgomery County Municipal Utility District No. 83 and Montgomery County Municipal Utility District No. 84 were not previously notified. It is not the intent of Porter Municipal Utility District to seek overlapping service areas with these entities.

We have also become aware of the creation of a district known as East Montgomery County Municipal Utility No. 3. We have been in contact with their attorney and they have requested that we delete a specific area from our proposed CCN as the current property owner wishes to obtain sewer service from their district.

We were aware of the existence of East Montgomery County Improvement District but was not aware that we needed to contact them since they did not provide sewer services. EMCID boundaries currently overlap the boundaries of Porter MUD and its existing CCN and a portion of the proposed CCN. We have notified them and requested their concurrence for overlapping jurisdiction.

To resolve this matter the following actions have been taken:

- a) We have forwarded individual notices and maps to Montgomery County Municipal Utility District No. 83, Montgomery County Municipal Utility District No. 84, East Montgomery County Municipal Utility District No. 3 and East Montgomery County Improvement District. We have enclosed four (4) copies of each notice and map for neighboring utilities as required.

- b) Enclosed is one (1) original and three (3) copies of the affidavit of individual notice to neighboring utilities as required.

We hereby request amendment of our application to exclude the following jurisdictional overlaps and have enclosed a revised map accordingly:

- 1) Montgomery County Municipal Utility District No. 83
- 2) Montgomery County Municipal Utility District No. 84
- 3) East Montgomery County Municipal Utility District No. 3

As a note, Porter Municipal Utility District continues to receive inquiries concerning the availability of sanitary sewer services.

We trust this information will assist you in processing of the District's revised application. Should you have any questions or require additional information, please contact the undersigned.

Sincerely,

Greg A. Parker, P.E.  
District Engineer

Enclosures

cc: Porter MUD  
Mr. Ron Young, attorney – Young & Brooks, LLP  
Mr. Geoffrey Kirshbaum – TCEQ Legal Services

C:/Projects/99012/9901200800/LOT-CCN Application Modification

December 5, 2001

Texas Natural Resource Conservation Commission  
Water Permits and Resource Management Division  
Utilities and Districts Section MC-153  
P.O. Box 13087  
Austin, Texas 78711-3087

Attn: Ms. Karen Blaschke

Re: Porter Municipal Utility District  
Expansion of CCN 20573 in Montgomery County Texas  
Application No. 33613-C  
Project No. 99012-00800

Dear Ms. Blaschke:

As required by letter from the TNRCC dated October 26, 2001, we are providing the following documents and information to address the concerns relating to the Application to Amend CCN No. 0573 held by Porter Municipal Utility District.

As proof that we have complied with the notification process as follows:

- a) We have published the required notice once a week for two (2) consecutive weeks in the Humble-Kingwood-East Montgomery County Observer Sun. We have attached one original and three copies of the affidavit of publication with tear sheets as required.
- b) We have forwarded individual notices and maps to the entities noted in your letter with the exception of Montgomery County MUD #58 and Forest Cove MUD both of which have been dissolved. We have enclosed four (4) copies of each notice and map for neighboring utilities as required.
- c) Enclosed is one (1) original and three (3) copies of the affidavit of individual notice to neighboring utilities as required.

Other matters of concern related to overlap of jurisdiction within the proposed service area. At the time of application, we were not aware of these overlaps and we propose to resolve these in the following manner:

- a) We are hereby amending our application to exclude the following jurisdictional overlaps:
  - 1) Crystal Springs Water Company, Inc.
  - 2) Montgomery County No. 56
  - 3) City of Houston
- b) We have contacted Lone Star Groundwater Conservation District and they are forwarding their consent to this overlap.
- c) We have requested approval from the City of Conroe to overlap their annexation strips along FM 1314 as it does not appear feasible for the City of Conroe to provide wastewater services to this area at this time. We have enclosed a copy of our request and are awaiting approval of same from the City of Conroe. We will forward a copy of their approval upon receipt.
- d) We have prepared a map identifying specific and general locations of requests and inquiries for sanitary sewer services over the past 3 to 5 years. Several of these requests have been in writing while most have been verbal. We have attached a copy of all available written requests retrievable from our records.

We trust the information provided herein will be sufficient to complete your review and approval of the District's revised application. Should you have any questions or require additional information, please contact the undersigned.

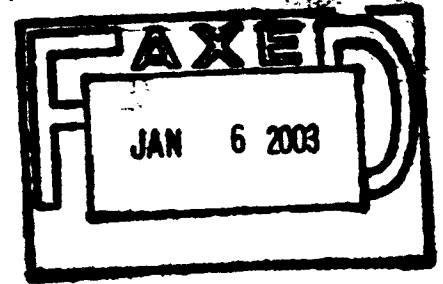
Sincerely,

Greg A. Parker, P.E.  
District Engineer

Enclosures

cc: Porter MUD  
Mr. Ron Young, attorney – Young & Brooks, LLP

GREG A. PARKER, P.E.  
Consulting Engineer, Inc



TELECOPY TRANSMITTAL

ATTENTION: Margaret  
COMPANY: Young & Brooks, LLP  
FAX NO.: 713-951-9605  
FROM: Greg A. Parker, P.E.  
DATE: 12-23-2002 NO. OF PAGES: 4  
(Including this cover sheet)

PROJECT DESCRIPTION Porter MUD – CCN Expansion

PROJECT NUMBER 99012-00800

MESSAGE:

Attached is a copy of the Notice sent to Crystal Springs. The address used is that provided by the TCEQ as the official contact address. As we discussed, subsequent to this notification, we were contacted by Mr. Tom Martin and we fled an amendment to our application excluding property within a pending sewer CCN application he had on file with the TCEQ.

Please call with any questions.

NOTE: IF YOU DO NOT RECEIVE ALL OF THE PAGES, OR IF ANY PAGES ARE NOT LEGIBLE PLEASE CALL SENDER AT (713) 939-9916. REPLY BY FAX TO (713) 939-9907.

*Notice to Neighboring Systems and Cities*

NOTICE OF APPLICATION FOR CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN)  
TO PROVIDE SEWER UTILITY SERVICE IN MONTGOMERY COUNTY

To: Crystal Springs Water Company  
Attn: Mr. Tom Martin  
P.O. Box 603  
Houston, Texas 77036

Date Notice Mailed:  
November 19, 2001

Porter Municipal Utility District has filed an application to amend CCN No. 20573 with the Texas Natural Resource Conservation Commission to provide sewer utility service in Montgomery County.

The proposed utility service area is located approximately 7 miles north of downtown Humble, Texas and is generally bounded on the north by White Oak Creek; on the east by White Oak Creek and the Montgomery-Harris County Lines; on the south by North Park Drive; and on the west by the San Jacinto River. The total area being requested includes approximately 19,600 acres and 0 current customers.

The Executive Director will issue this CCN unless one or more persons file written protests and/or a request for a hearing within 30 days after this notice is provided. To request a hearing 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 request a hearing or comment should write the:

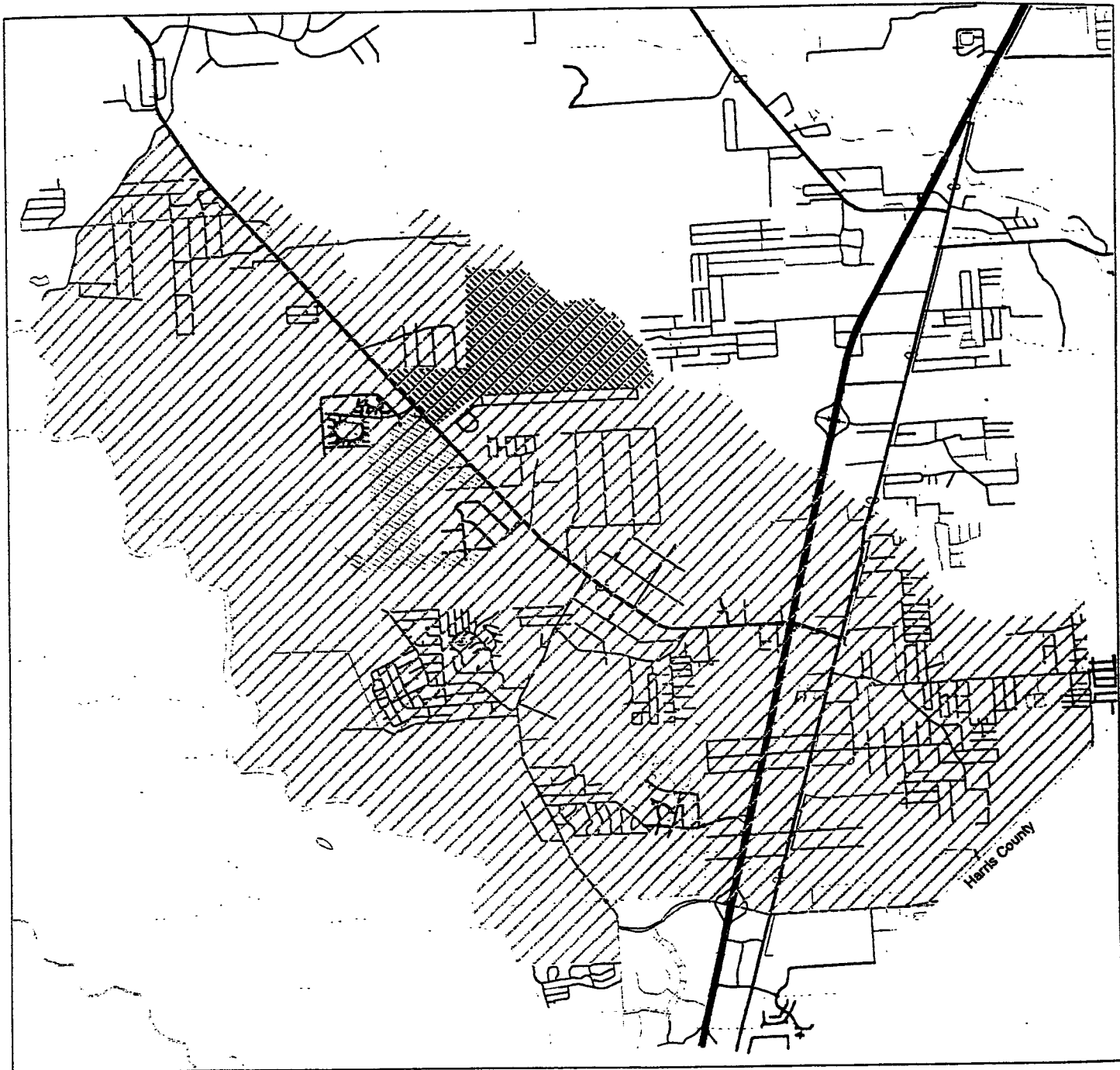
Texas Natural Resource Conservation Commission  
Water Permits and Resource Management Division  
Utilities and Districts Section, MC-153  
P.O. Box 13087  
Austin, TX 78711-3087

within thirty (30) days from the date of this publication or notice. No public hearing will be held unless a request for a hearing is received. Only those individuals who submit a written request to be notified of a hearing schedule will receive notice if a hearing is scheduled.

If one or more requests for a hearing are filed, the Executive Director will not issue the CCN and will forward the application to the State Office Administrative Hearings (SOAH) where a hearing may be held. In the event an evidentiary hearing is held, the SOAH will submit a recommendation to the Commission for final decision. If a hearing is held it will be a legal proceeding similar to civil trials in State District Court.



Porter MUD to amend Sewer CCN 20573  
Administrative Review No. A-170-1  
Montgomery County



TNRCC

Porter MUD- Proposed Sewer CCN  
Overlapping CCN and District Boundaries  
Crystal Springs Water Co Inc- Proposed Sewer CCN  
Montgomery Co MUD 56



0.5 0 0.5 Miles



*Crystal Springs Water Co., Inc.*

P.O. BOX 603 PORTER, TEXAS 77365 281-354-5136

RECEIVED

DEC 24 2002

December 10, 2002

Texas Commission on Environmental Quality

Karen Blascke

✓ Lisa Mejia

Victoria Harkins

Utilities & Districts Section

Water Supply division

RE Protest/Legal Action against Porter MUD  
Application 33613-C  
Expansion of Boundaries

To All Concerned;

I was just made aware of this pending application by Porter M.U.D. to annex thousands of acres into its existing Sewer CCN area. Porter MUD shows it notified us on November 19, 2001

Crystal Springs Water Co., Inc. was never notified of this ridiculous request. Crystal Springs Water Co., Inc.'s Sewer division has an existing CCN right in the middle of this area, CCN 20906, that was requested in 2000, approved in March 2002 and is currently operating with an approved discharge permit capable of servicing up to 2000 customers

Crystal Springs Water Co., Inc., its parent corporation, Martin Realty & Land Inc. and developer partners own over 1500 acres in this area. We also are affiliated with landowners that own more than 2000 additional acres in this area. None of us have ever requested services by Porter MUD and were not contacted by them at any time

Crystal Springs Water Co., Inc. has the Sewer CCN, 20906, plus the water CCN for 4 water systems in this Porter MUD requested area. We do not agree to let Porter MUD have a CCN over our areas and will use legal methods to stop it.

Please let me know immediately why this application is pending without proper notification to existing utility companies in this area plus why Porter MUD would attempt to monopolize most of Southeast Montgomery County, preventing other utility companies from serving their own customers, land owners, etc.

99012-0080

# Crystal Springs Water Co Inc.

P.O. BOX 603 PORTER, TEXAS 77365 281-354-5136

Porter MUD does not provide service to hundreds (possible thousands) of acres and customers in its current existing CCN area. Now it wants the right to take over the entire area and charge millions of dollars in taxes, payable by property owners that have

not requested services. Porter Mud states in this request (that I never received) that it had 4 requests representing 144 acres of landowners. That is not a request from hundreds of landowners representing thousands of acres.

Crystal Springs Water Co, Inc demands this request be denied immediately. It is attempting to overlap our existing Sewer CCN 20906 (already approved and in operation) plus thousands more acres that our company and its partners own, control, and plan on expanding into when real adjacent property owners request service.

I am notifying my lawyers in Conroe and Austin to prepare for legal action seeking millions of dollars in damages if Porter MUD is granted this request. Many of my utility company owner associates and landowners are now aware of this subterfuge attempt by Porter MUD and will join me in our efforts to stop this action.

Again, no proper notification was sent to us even though we are listed in a sworn affidavit by the president of Porter MUD. We have not received any notification from your agency that this was going on and only found out about it through our engineers when we were protesting Porter Water Supply Corp. recent attempt to do the same thing. At least, we received copies of Porter Water's application affidavit.

Please contact me immediately. Attached is my CCN #20906, and its mapped area.

Sincerely,

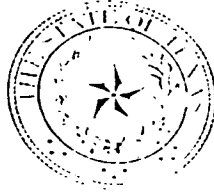


Tom A. Martin

President

Crystal Springs Water Co., Inc.

CC Wendall Braniff, attorney, Austin  
Mark Zeppa, attorney, Austin  
William Fowler, attorney, Conroe  
William Dark, White Oak Developers  
Bleyl & Associates, Conroe, TX  
Porter MUD, Porter, TX  
Greg Parker, P.E., Houston, TX



# Texas Natural Resource Conservation Commission

By These Presents Be It Known To All That

Crystal Springs Water Company, Inc.


having duly applied for certification to provide sewer 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. 20906

to provide continuous and adequate sewer utility service to that service area or those service areas in Montgomery County as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Application No. 33293-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 Crystal Springs Water Company, Inc. 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

MAR 14 2002

  
For the Commission

# TEXAS NATURAL RESOURCE CONSERVATION COMMISSION



COUNTY OF TRAVIS  
 I hereby certify that this is a true and correct copy of a Texas Natural  
 Resource Conservation Commission document which is filed in the  
 permanent records of the Commission  
 given under my hand and the seal of office on  
 [Signature]  
 [Signature], Chief Clerk  
 Texas Natural Resource  
 Conservation Commission

MAR 20 2002

APPLICATION NO. 33293-C

IN THE MATTER OF THE	§	BEFORE THE
APPLICATION OF CRYSTAL SPRINGS	§	
WATER COMPANY, INC., TO OBTAIN	§	TEXAS NATURAL RESOURCE
CERTIFICATE OF CONVENIENCE	§	
AND NECESSITY (CCN) NO. 20906 IN	§	CONSERVATION COMMISSION
MONTGOMERY COUNTY, TEXAS	§	

On MAR 14 2002, the Executive Director of the Texas Natural Resource Conservation Commission pursuant to Chapters 5 and 13 of the Texas Water Code considered the application of Crystal Springs Water Company, Inc., to obtain Certificate of Convenience and Necessity No. 20906 in Montgomery County, Texas.

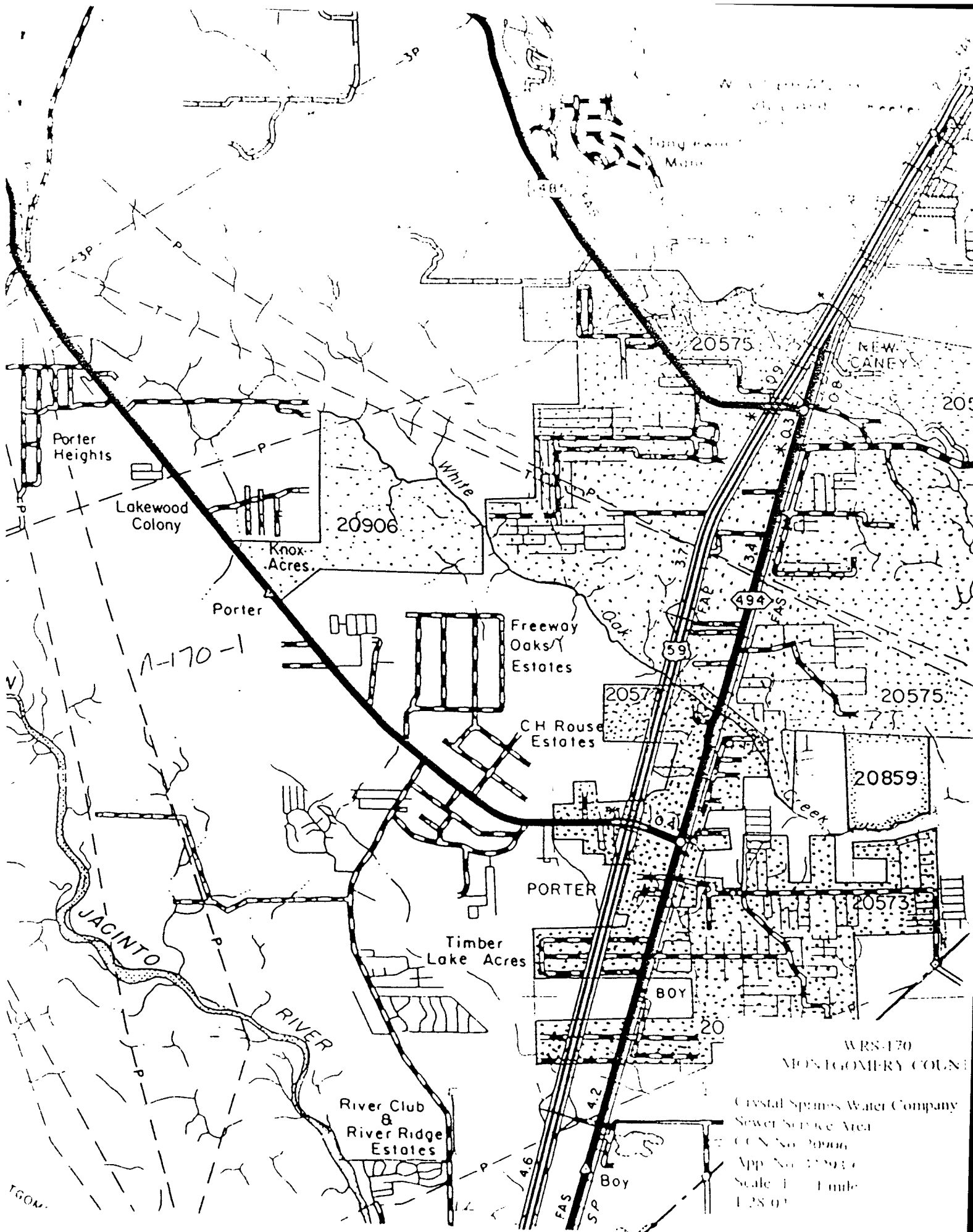
No person has requested a public hearing on the application;

Notice of the application was given to all affected and interested parties;

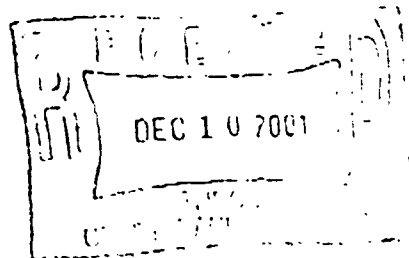
The criteria set forth in *Texas Water Code* Sections 13.246(c), has been considered; and

The certificate issuance requested in this application is necessary for the service, accommodation, convenience, and safety of the public.

Now, therefore, be it ordered by the TEXAS NATURAL RESOURCE CONSERVATION COMMISSION that the application is granted and Certificate of Convenience and Necessity No. 20906 be issued in accordance with the terms and conditions set forth herein and in the certificate.



Crystal Springs Water Company  
Sewer Service Area  
C.C.N. No. 00000  
App. No. 119910  
Scale 1" = 1 mile  
1/28/01



Texas Natural Resource Conservation Commission

APPLICATION NO. 33613-C

AFFIDAVIT OF NOTICE TO NEIGHBORING UTILITIES AND AFFECTED PARTIES  
STATE OF TEXAS

COUNTY OF MONTGOMERY

PORTER MUNICIPAL UTILITY DISTRICT has provided individual notice to  
the following entities:

Lone Star Groundwater Conservation District  
City of Houston  
Crystal Springs Water Company  
Kings Manor MUD  
Montgomery County MUD No. 24  
Montgomery County MUD No. 56

DATE  
November 19, 2001  
November 19, 2001  
November 19, 2001  
November 19, 2001  
November 19, 2001  
November 19, 2001

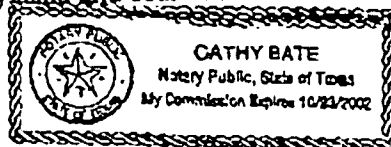
OATH

I, M. M. Sparks, being duly sworn, file this form as  
President of the Board of Directors (indicate relationship to applicant, that is, owner,  
member of partnership, title of officer of corporation, or other authorized representative of applicant); that  
in such capacity, I am qualified and authorized to file and verify such form, am personally familiar with the  
notices given with this application, and have complied with all notice requirements in the application and  
application acceptance letter; and that all such statements made and matters set forth therein are true and  
correct.

M. M. Sparks  
Applicant's Authorized Representative

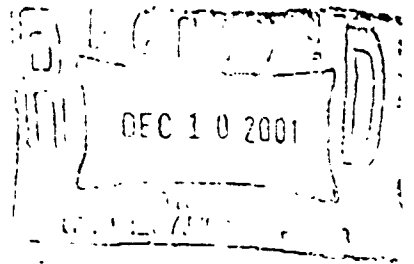
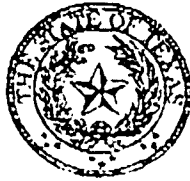
If the applicant to this form is any person other than the sole owner, partner, officer of the applicant, or its  
attorney, a properly verified Power of Attorney must be enclosed.

Subscribed and sworn to before me this 4th day of DECEMBER, 2001, to certify  
which witness my hand and seal of office.



Cathy Bate  
Notary Public in and for the  
State of Texas

CATHY BATE  
Print or Type Name of Notary Public  
Commission Expires 10-23-2002



Texas Natural Resource Conservation Commission

APPLICATION NO. 33613-C

AFFIDAVIT OF NOTICE TO NEIGHBORING UTILITIES AND AFFECTED PARTIES

STATE OF TEXAS

COUNTY OF MONTGOMERY

PORTER MUNICIPAL UTILITY DISTRICT has provided individual notice to the following entities:

New Caney MUD  
White Oak Developers, Inc.  
City of Conroe

DATE  
November 19, 2001  
November 19, 2001  
November 19, 2001

OATH

I, M. W. Sparks, being duly sworn, file this form as President of the Board of Directors (indicate relationship to applicant, that is, owner, member of partnership, title of officer of corporation, or other authorized representative of applicant); that in such capacity, I am qualified and authorized to file and verify such form, am personally familiar with the notices given with this application, and have complied with all notice requirements in the application and application acceptance letter; and that all such statements made and matters set forth therein are true and correct.

*M. W. Sparks*  
 Applicant's Authorized Representative

If the applicant to this form is any person other than the sole owner, partner, officer of the applicant, or its attorney, a properly verified Power of Attorney must be enclosed.

Subscribed and sworn to before me this 4th day of DECEMBER, 2001, to certify which witness my hand and seal of office



*Cathy Bate*  
 Notary Public in and for the State of Texas

CATHY BATE  
 Print or Type Name of Notary Public  
 Commission Expires 10-23-2002

PORTER MUNICIPAL UTILITY DISTRICT  
APPLICATION TO EXPAND BOUNDARIES FOR  
CCN 20573  
SUPPLEMENTARY INFORMATION  
ITEM 2b

Over the last several years, Porter Municipal Utility District (the "District") has received inquiries from various property owners and residents outside its current service area boundaries regarding sanitary sewer services. Some of these requests have been written and others have been verbal.

The District has received four (4) requests for annexation into its boundaries for the purpose of sewer service. These requests total approximately 144 acres and will provide services to approximately 500 single-family equivalent connections.

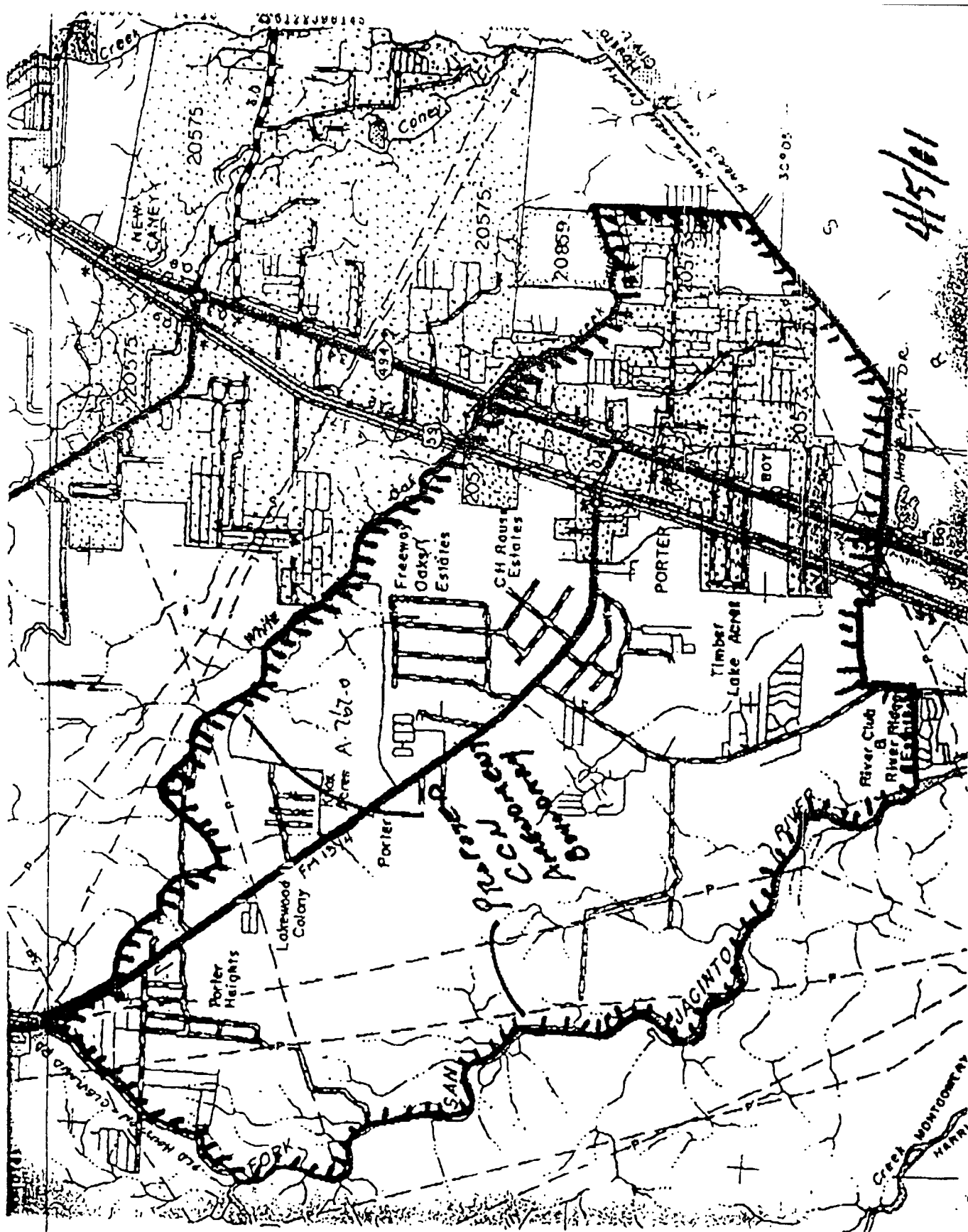
Additionally, there have been more than 25 verbal inquiries from property owners outside the current service boundaries. Several of these inquiries were made by individuals representing existing subdivisions with more than 100 properties in each.

There are an estimated 2000 properties within the proposed service area with private on-site sewer service systems. Montgomery County no longer permits the installation of conventional septic systems and now requires the installation of aerobic spray irrigation systems. The proposed service area continues to grow but is restricted by the lack of public sewer services. Consequently, the general need for service throughout the proposed service area continues to increase.

The District has procedures to provide services to in-district and out-of-district customers. These procedures have been in effect for many years and are included as part of the District's Rate Order and Rules and Regulations.

To finance improvements to service the additional areas, the District will need to obtain voter authorization to sell general revenue and tax bonds of approximately \$350,000,000. The District is planning to hold town hall type meetings and conduct a bond authorization election early next year pending approval of this CCN expansion.

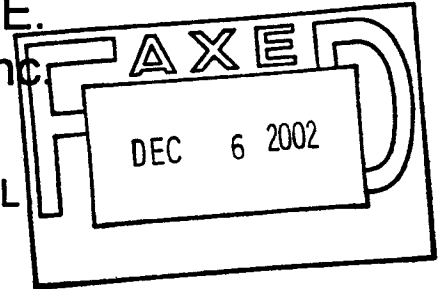




4/5/01

GREG A. PARKER, P.E.  
Consulting Engineer, Inc.

TELECOPY TRANSMITTAL



ATTENTION: Ms. Karen Blaschke  
COMPANY: TCEQ  
FAX NO.: 1-512-239-6145  
FROM: Greg A. Parker, P.E.  
DATE: 12-06-2002 NO. OF PAGES: 1  
(Including this cover sheet)

PROJECT DESCRIPTION Porter MUD – CCN 20573 – Application No. 33613-C  
PROJECT NUMBER 99012-00800

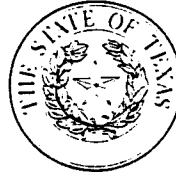
MESSAGE:

Please update us on the status and progress for approval of the above referenced application.

THANKS

NOTE: IF YOU DO NOT RECEIVE ALL OF THE PAGES, OR IF ANY PAGES  
ARE NOT LEGIBLE PLEASE CALL SENDER AT (713) 939-9916.  
REPLY BY FAX TO (713) 939-9907.

Robert J. Huston, *Chairman*  
R. B. "Ralph" Marquez, *Commissioner*  
Kathleen Hartnett White, *Commissioner*  
Jeffrey A. Saitas, *Executive Director*



RECEIVED  
JUN 05 2002

## TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

*Protecting Texas by Reducing and Preventing Pollution*

June 3, 2002

LaDonna Castañuela, Chief Clerk  
Texas Natural Resource Conservation Commission (MC 105)  
P.O. Box 13087  
Austin, Texas 78711-3087

Re: Application of Porter Municipal Utility District to Amend Certificate of Convenience and Necessity No. 20573 in Montgomery County; SOAH Docket No. 582-02-3032; TNRCC Docket No. 2002-0311-UCR.

Dear Ms. Castañuela:

Enclosed for filing, please find the Executive Director's Motion to Remand for the above-referenced matter which is scheduled to be considered by SOAH on June 4, 2002.

Please feel free to contact me at 239-6257 if you have any questions. Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Geoffrey P. Kirshbaum".

Geoffrey P. Kirshbaum  
Staff Attorney  
Environmental Law Division

Enclosures

C-11A

SOAH DOCKET NO. 582-02-3032  
TNRCC DOCKET NO. 2002-0311-UCR

APPLICATION OF PORTER MUNICIPAL  
UTILITY DISTRICT TO AMEND  
CERTIFICATE OF CONVENIENCE  
AND NECESSITY NO. 20573 IN  
MONTGOMERY COUNTY

§  
§  
§  
§  
§

BEFORE THE  
STATE OFFICE OF  
ADMINISTRATIVE HEARINGS

MOTION FOR REMAND

COMES NOW, the Executive Director of the Texas Natural Resource Conservation Commission (the "Commission"), by and through his attorney, and files this Motion for Remand pursuant to sections 50.137 and 80.101 of the Commission's procedural rules, 30 Texas Administrative Code. Those sections provide that the Administrative Law Judge may remand an application for processing by the Executive Director if all hearing requests concerning the application have been withdrawn. Section 80.101 appears to contemplate the remand of an application even before parties have been named "if all timely hearing requests have been withdrawn or denied."

The Commission received only one hearing request concerning the application of Porter Municipal Utility District ("Porter") to amend its water Certificate of Convenience and Necessity No. 20573. The hearing request was submitted by Barbara Egan ("Egan"). On Friday, May 31, 2002, Egan filed a withdrawal letter with the Commission. See Attachment A (Egan withdrawal letter).

In a telephone conversation on Thursday afternoon, May 30, 2002, Egan assured the undersigned that she had informed Porter's representative, Greg A. Parker, P.E., ("Parker") that she would be withdrawing her protest. Egan also assured the Executive Director that she would file her withdrawal with the TNRCC in writing, action she has subsequently taken, as well as send copies

to all persons on the mailing list for the above-referenced matter who were notified of the preliminary hearing for this matter. That hearing is currently scheduled for Tuesday, June 4, 2002, at 10:00 am at the SOAH office in Austin, Texas, and will no longer be necessary.

Consequently, the Executive Director requests that the hearing scheduled for June 4, 2002 be canceled and that the application of Porter Municipal Utility District to amend Certificate of Convenience and Necessity No. 20573 be remanded to the Executive Director for further processing.

Respectfully submitted,

TEXAS NATURAL RESOURCE  
CONSERVATION COMMISSION

Jeffrey A. Saitas, P.E.  
Executive Director

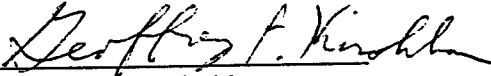
Stephanie Bergeron, Director  
Environmental Law Division

by Geoffrey P. Kirshbaum  
Geoffrey P. Kirshbaum  
Staff Attorney  
Environmental Law Division

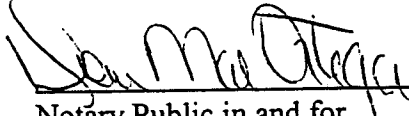
## VERIFICATION

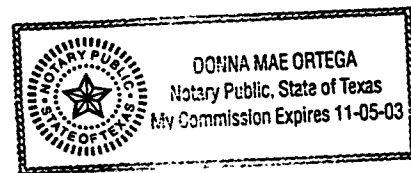
STATE OF TEXAS       §  
                                  §  
COUNTY OF TRAVIS   §

On this day before the undersigned authority appeared Geoffrey P. Kirshbaum, Staff Attorney, who, upon being duly sworn, testified that she is authorized to make this affidavit and that the facts alleged in the foregoing Motion for Remand are within her personal knowledge and are true and correct to the best of her information and belief.

  
Geoffrey P. Kirshbaum

Subscribed and sworn to before me on this 3rd day of June, 2002.

  
Notary Public in and for  
the State of Texas



CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of June, 2002, a true and correct copy of the foregoing MOTION FOR REMAND was sent by first class or agency mail to the following:

Greg A. Parker, P.E.  
Consulting Engineer, Inc.  
6401 Bingle Rd, Suite 115  
Houston, Texas 77092

Representing Porter MUD

Porter Municipal Utility District  
23922 Loop 494  
Porter, Texas 77365

Applicant

Barbara Egan  
24182 East Oak Drive  
Porter, Texas 77365

Protestant

Jerry Lovelady  
General Manager  
Porter WSC  
22162 Water Well Road  
Porter, Texas 77365

Linda Ruonavar  
21020 Briar Timber  
Porter, Texas 77365

Geoffrey P. Kirshbaum, Staff Attorney  
TNRCC Environmental Law Division (MC 173)  
P.O. Box 13087  
Austin, Texas 78711-3087

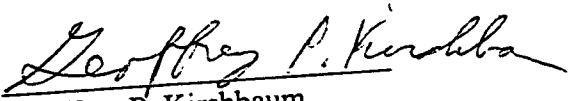
Representing the TNRCC Executive  
Director

Blas Coy  
TNRCC Office of Public Interest Counsel (MC 103)  
P.O. Box 13087  
Austin, Texas 78711-3087

Representing the TNRCC Office of  
Public Interest Counsel

Natural Resources Docket Clerk  
State Office of Administrative Hearings  
P.O. Box 13025  
Austin, Texas 78711-3025

TNRCC Docket Clerk (MC 105)  
P.O. Box 13087  
Austin, Texas 78711-3087

  
Geoffrey P. Kirshbaum



**EXHIBIT "A"**

FROM : BARBARA EGAN

FAX NO. : 281-354-4590

May. 30 2002 05:19PM P1

RECEIVED  
CONSERVATION  
COMMISSION

MAY 31 AM 8:40

CHIEF CLERKS OFFICE

24182 East Oak Drive  
Porter, TX 77365  
May 30, 2002

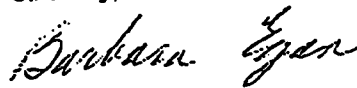
TNRCC  
Chief Clerk  
MC 105,  
P. O. Box 13087  
Austin, TX 78711

Dear Madam:

I wish to withdraw my protest on the Porter MUD, CCN application number 33613-C. The hearing is scheduled for 10:00 a.m., June 4, 2002. The SOAH Docket No. is 582-02-3032, the TNRCC Docket No. is 2002-0311-UJR.

Thank you for your consideration.

Sincerely,



Barbara Egan

MAY 24 2002

## TEXAS NATURAL RESOURCE CONSERVATION COMMISSION



## NOTICE OF HEARING

SOAH Docket No. 582-02-3032  
TNRCC Docket No. 2002-0311-UCR

**APPLICATION.** Porter Municipal Utility District has applied with the Texas Natural Resource Conservation Commission (TNRCC) to amend Certificate of Convenience and Necessity (CCN) No. 20573, in Montgomery County, Texas; Application No. 33613-C.

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

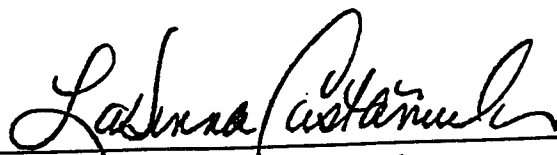
10:00 a.m. - June 4, 2002  
William P. Clements Building  
300 West 15th Street, 4th Floor  
Austin, Texas 78701

The hearing will be a legal proceeding 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; TNRCC rules including 30 Texas Administrative Code (TAC) Chapter 291; and the procedural rules of the TNRCC and SOAH, including 30 TAC Chapter 80 and 1 TAC Chapter 155. To participate in the hearing as a party, you must attend the 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 Public Interest Counsel, MC 103, TNRCC, P.O. Box 13087, Austin, TX 78711-3087. For additional information, contact the Water Utilities Division, MC 153, P.O. Box 13087, Austin, TX 78711-3087, telephone 512-239-6960. General information regarding the TNRCC can be found at our web site at [www.tnrcc.state.tx.us](http://www.tnrcc.state.tx.us).

Persons with disabilities who plan to attend this hearing and who need special accommodations at the hearing should call the Office of Public Assistance at 1-800-687-4040 or 1-800-RELAY-TX (TDD), at least one week prior to the hearing.

Issued: May 21, 2002

  
LaDonna Castañuela, Chief Clerk  
Texas Natural Resource Conservation Commission

99012-20800

RECEIVED  
JUN 03 2002

24182 East Oak Drive  
Porter, TX 77365  
May 30, 2002

TNRCC  
Mr. Geoffrey Kirshbaum  
MC 173,  
P. O. Box 13087  
Austin, TX 78711

Dear Mr. Kirshbaum;

I wish to withdraw my protest on the Porter MUD, CCN application number 33613-C. The hearing is scheduled for 10:00 a.m., June 4, 2002. The SOAH Docket No. is 582-02-3032, the TNRCC Docket No. is 2002-0311-UCR.

Thank you for your consideration.

Sincerely,

*Barbara Egan*  
Barbara Egan

*Copy sent to Docket Clerk, Chief Clerk & Mr. Coy.*

99012-00800

MAY 24 2002

**GREG A. PARKER, P.E.**  
**Consulting Engineer, Inc.**

**TELECOPY TRANSMITTAL**

ATTENTION: Ms. Cathy Bate  
COMPANY: Porter MUD  
FAX NO.: 281-354-1088  
FROM: Greg A. Parker, P.E.  
DATE: 05-24-2002 NO. OF PAGES: 3  
(Including this cover sheet)

PROJECT DESCRIPTION Porter Municipal Utility District – CCN  
PROJECT NUMBER 99012-00800

MESSAGE: Please find copy of letter received today from the TNRCC  
setting the schedule for the Contested Hearing. Please notify the Directors.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

NOTE: IF YOU DO NOT RECEIVE ALL OF THE PAGES, OR IF ANY PAGES  
ARE NOT LEGIBLE PLEASE CALL SENDER AT (713) 939-9916.  
REPLY BY FAX TO (713) 939-9907.

**GREG A. PARKER, P.E.**  
**Consulting Engineer, Inc.**

**TELECOPY TRANSMITTAL**

ATTENTION: Mr. Ron Young  
COMPANY: Young & Brooks, LLP  
FAX NO.: 713-951-9605  
FROM: Greg A. Parker, P.E.  
DATE: 05-24-2002 NO. OF PAGES: 3  
(Including this cover sheet)

PROJECT DESCRIPTION Porter Municipal Utility District – CCN/SUD  
PROJECT NUMBER 99012-00800

MESSAGE: Please find copy of letter received today from the TNRCC  
setting the schedule for the Contested Hearing.  
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\_\_\_\_\_  
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NOTE: IF YOU DO NOT RECEIVE ALL OF THE PAGES, OR IF ANY PAGES  
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TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

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MAY 24 2002



NOTICE OF HEARING

SOAH Docket No. 582-02-3032  
TNRCC Docket No. 2002-0311-UCR

**APPLICATION.** Porter Municipal Utility District has applied with the Texas Natural Resource Conservation Commission (TNRCC) to amend Certificate of Convenience and Necessity (CCN) No. 20573, in Montgomery County, Texas; Application No. 33613-C.

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

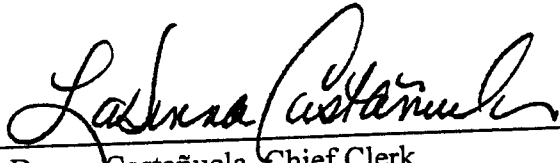
10:00 a.m. - June 4, 2002  
William P. Clements Building  
300 West 15th Street, 4th Floor  
Austin, Texas 78701

The hearing will be a legal proceeding 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; TNRCC rules including 30 Texas Administrative Code (TAC) Chapter 291; and the procedural rules of the TNRCC and SOAH, including 30 TAC Chapter 80 and 1 TAC Chapter 155. To participate in the hearing as a party, you must attend the 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 Public Interest Counsel, MC 103, TNRCC, P.O. Box 13087, Austin, TX 78711-3087. For additional information, contact the Water Utilities Division, MC 153, P.O. Box 13087, Austin, TX 78711-3087, telephone 512-239-6960. General information regarding the TNRCC can be found at our web site at [www.tnrcc.state.tx.us](http://www.tnrcc.state.tx.us).

Persons with disabilities who plan to attend this hearing and who need special accommodations at the hearing should call the Office of Public Assistance at 1-800-687-4040 or 1-800-RELAY-TX (TDD), at least one week prior to the hearing.

Issued: May 21, 2002

  
LaDonna Castañuela, Chief Clerk  
Texas Natural Resource Conservation Commission

**MAILING LIST**  
**Porter Municipal Utility District**  
**SOAH Docket No. 582-02-3032**  
**TNRCC Docket No. 2002-0311-UCR**

Greg A. Parker, P. E.  
Consulting Engineer, Inc.  
6401 Bingle Rd., Suite 115  
Houston, Texas 77092

Representing: Porter MUD

Porter Municipal Utility District  
23922 Loop 494  
Porter, Texas 77365

Applicant

Barbra Egan  
24182 East Oak Drive  
Porter, Texas 77365

Protestant

Jerry Lovelady  
General Manager  
Porter WSC  
22162 Water Well Road  
Porter, Texas 77365

Linda Ruonavar  
21020 Briar Timber  
Porter, Texas 77365

Natural Resources Docket Clerk  
State Office of Administrative Hearings  
P. O. Box 13025  
Austin, Texas 78711-3025

Texas Natural Resource Conservation Commission  
P. O. Box 13087  
Austin, Texas 78711-3087

Geoffrey Kirshbaum, Staff Attorney, Office of Legal Services (Mail Code 173)  
Mike Howell, Staff Engineer, Utility Rates & Services (Mail Code 153)  
Blas Coy, Office of Public Interest Counsel (Mail Code 103)  
Andy Saenz, Agency Communications - Media Relations (Mail Code 118)  
Casey Vise, Office of Public Assistance (Mail Code 108)  
Dell Sites, Support Services - Telecommunications (Mail Code 217)





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by Reducing and  
Preventing Pollution

# FAX TRANSMITTAL

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APR 15 2002

DATE: April 15, 2002

TO: Name Greg A. Parker, P.E.  
Organization Porter MUD  
FAX Number 713-939-9907

FROM: TEXAS NATURAL RESOURCE CONSERVATION  
COMMISSION

Name Mike Howell  
Division/Region WATER PERMITS & RESOURCE  
MANAGEMENT DIVISION  
Telephone Number (512) 239-6960  
FAX Number (512) 239-6972

## NOTES:

Attached is the March 18, 2002 letter referring the Porter MUD sewer CCN case to the State Office of Administrative Hearings so they will schedule the hearing.

NUMBER OF PAGES (including this coversheet)

3

99012-00800

Robert J. Huston, *Chairman*  
R. B. "Ralph" Marquez, *Commissioner*  
Kathleen Hartnett White, *Commissioner*  
Jeffrey A. Saitas, *Executive Director*



## TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

*Protecting Texas by Reducing and Preventing Pollution*

March 18, 2002

Mr. Greg A. Parker, P.E.  
Consulting Engineer, Inc.  
6401 Bingle Rd., Suite 115  
Houston, Texas 77092

Re: Application No. 33613-C, Application of Porter Municipal Utility District to amend  
Certificate of Convenience and Necessity (CCN) No. 20573 in Montgomery County, Texas

Dear Mr. Parker:

The Texas Natural Resource Conservation Commission (TNRCC) received a protest to this application to amend sewer CCN No. 20573 in Montgomery County. The Commission's Chief Clerk has assigned Docket No. 2002-0311-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 application and request a hearing on whether a CCN should be granted.

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 this application, the staff of the TNRCC may need additional information regarding the 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. Mike Howell at (512) 239-1108

Sincerely,

A handwritten signature in cursive script that reads "Victoria Harkins".

Victoria Harkins, Ph.D., P.E.  
Utilities & Districts Section  
Water Supply Division, MC 153

DH/VRH/ac

cc: TNRCC Region No. 12 Office