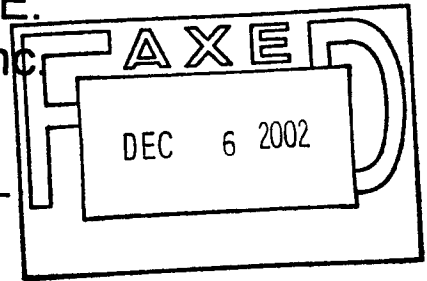


GREG A. PARKER, P.E.  
Consulting Engineer, Inc.

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

99012-20800

C-11A

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

APPLICATION OF PORTER MUNICIPAL	§	BEFORE THE
UTILITY DISTRICT TO AMEND	§	
CERTIFICATE OF CONVENIENCE	§	STATE OFFICE OF
AND NECESSITY NO. 20573 IN	§	
MONTGOMERY COUNTY	§	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.

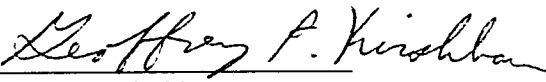
Consequently, the Executive Director requests that the hearing scheduled for June 4, 2002 be canceled and that the application of Porter Municipal Utility District to amend Certificate of Convenience and Necessity No. 20573 be remanded to the Executive Director for further processing.

Respectfully submitted,

TEXAS NATURAL RESOURCE  
CONSERVATION COMMISSION

Jeffrey A. Saitas, P.E.  
Executive Director

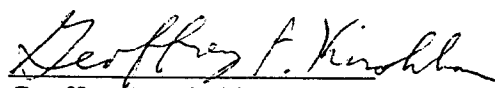
Stephanie Bergeron, Director  
Environmental Law Division

by   
Geoffrey P. Kirshbaum  
Staff Attorney  
Environmental Law Division

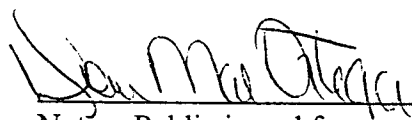
## VERIFICATION

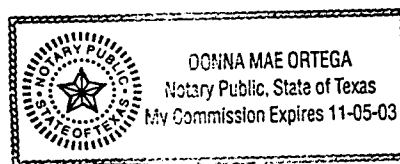
STATE OF TEXAS       §  
                                  §  
COUNTY OF TRAVIS   §

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"**



RECEIVED  
CONSERVATION  
COMMISSION

10 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-UCR.

Thank you for your consideration.

Sincerely,

  
Barbara Egan

**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

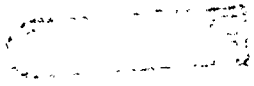
Jerry Lovelady  
General Manager  
Porter WSC  
22162 Water Well Road  
Porter, Texas 77365

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)



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

A handwritten signature in cursive script, reading "LaDonna Castañuela".

LaDonna Castañuela, Chief Clerk  
Texas Natural Resource Conservation Commission

99012-00000

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, Staff 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.

**FAXED**

MAY 24 2002

**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.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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.

RECEIVED

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:

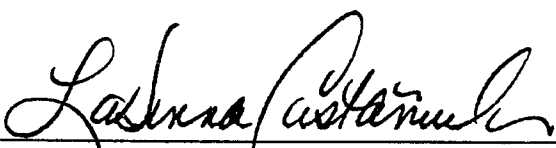
10:00 a.m. - June 4, 2002  
William P. Clements Building  
300 West 15th Street, 4th Floor  
Austin, Texas 78701

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



**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)



Protecting Texas  
by Reducing and  
Preventing Pollution

# FAX TRANSMITTAL

**RECEIVED**

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

mH

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

Mailing List for Docket No. 2002-0311-UCR  
Porter Municipal Utility District  
(Application No. 33613-C)

Mr. 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)

Ms. Barbara Egan  
24182 East Oak Drive  
Porter, TX 77365

(Protestant)

Mr. Jerry Lovelady  
General Manager  
Porter WSC  
22162 Water Well Road  
Porter, TX 77365

(Requested to be added to the mailing list, not protesting)

Ms. Linda Ruonavar  
21020 Briar Timber  
Porter, Texas 77365  
281/354-4756

TNRCC:

Region 12 Office

Amy Cortinas, Water Information & Assistance Section, MC 153, Water Supply Division

**FAXED**

MAR 27 2002

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

TELECOPY TRANSMITTAL

ATTENTION: Ms. Cathy Bate – Office Manager  
COMPANY: Porter Municipal Utility District  
FAX NO.: 281-354-1088  
FROM: Greg A. Parker, P.E.  
DATE: 03-27-2002 NO. OF PAGES: 3  
(Including this cover sheet)

PROJECT DESCRIPTION CCN/SUD Update  
PROJECT NUMBER 99012-00800 ✓

MESSAGE: Please find attached Letter from the TNRCC concerning the protest  
that was received.

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*



## 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, reading "Victoria Harkins", is positioned above the typed name.

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

DH/VRH/ac

cc: TNRCC Region No. 12 Office

Mailing List for Docket No. 2002-0311-UCR  
Porter Municipal Utility District  
(Application No. 33613-C)

Mr. Greg A. Parker, P.E. (Representing Porter MUD)  
Consulting Engineer, Inc.  
6401 Bingle Rd., Suite 115  
Houston, Texas 77092

Porter Municipal Utility District (applicant)  
23922 Loop 494  
Porter, Texas 77365

Ms. Barbara Egan (Protestant)  
24182 East Oak Drive  
Porter, TX 77365

Mr. Jerry Lovelady (Requested to be added to the mailing list, not protesting)  
General Manager  
Porter WSC  
22162 Water Well Road  
Porter, TX 77365

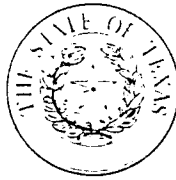
Ms. Linda Ruonavar  
21020 Briar Timber  
Porter, Texas 77365  
281/354-4756

TNRCC:

Region 12 Office

Amy Cortinas, Water Information & Assistance Section, MC 153, Water Supply Division

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

99012-00800



Mailing List for Docket No. 2002-0311-UCR  
Porter Municipal Utility District  
(Application No. 33613-C)

Mr. Greg A. Parker, P.E. (Representing Porter MUD)  
Consulting Engineer, Inc.  
6401 Bingle Rd., Suite 115  
Houston, Texas 77092

Porter Municipal Utility District (applicant)  
23922 Loop 494  
Porter, Texas 77365

Ms. Barbara Egan (Protestant)  
24182 East Oak Drive  
Porter, TX 77365

Mr. Jerry Lovelady (Requested to be added to the mailing list, not protesting)  
General Manager  
Porter WSC  
22162 Water Well Road  
Porter, TX 77365

Ms. Linda Ruonavar  
21020 Briar Timber  
Porter, Texas 77365  
281/354-4756

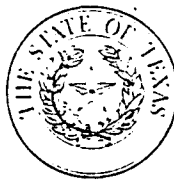
TNRCC:

Region 12 Office

Amy Cortinas, Water Information & Assistance Section, MC 153, Water Supply Division

mt

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

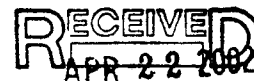
Sincerely,

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



99012-00800



Mailing List for Docket No. 2002-0311-UCR  
Porter Municipal Utility District  
(Application No. 33613-C)

Mr. 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)

Ms. Barbara Egan  
24182 East Oak Drive  
Porter, TX 77365  
(Protestant)

Mr. Jerry Lovelady  
General Manager  
Porter WSC  
22162 Water Well Road  
Porter, TX 77365  
(Requested to be added to the mailing list, not protesting)

Ms. Linda Ruonavar  
21020 Briar Timber  
Porter, Texas 77365  
281/354-4756

TNRCC:

Region 12 Office

Amy Cortinas, Water Information & Assistance Section, MC 153, Water Supply Division

FEB 28 2002

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

TELECOPY TRANSMITTAL

ATTENTION: Ms. Karen Blaschke

COMPANY: TNRCC

FAX NO.: 1-512-239-6145

FROM: Greg A. Parker, P.E.

DATE: 02-28-2002 NO. OF PAGES: 1  
(Including this cover sheet)

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

PROJECT NUMBER 99012-00800

MESSAGE:

This is to advise that the response to your request for additional information regarding the above referenced CCN Application was delayed. We had anticipated receipt of the consent from the Lone Star Groundwater Conservation District earlier but did not receive it until yesterday. We did not want to send a partial response to your request therefore we delayed forwarding. We trust this will not present a problem with further processing of this application. Please advise when you receive this submittal.

Furthermore, we have not received any response from Ms. Egan to date.

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.

LLOYD, GOSSELINK, BLEVINS, ROCHELLE,  
BALDWIN & TOWNSEND, P. C.  
ATTORNEYS AT LAW

111 CONGRESS AVENUE, SUITE 1800  
AUSTIN, TEXAS 78701  
TELEPHONE (512) 322-5800  
TELECOPIER (512) 472-0532

Mr. Sledge's Direct Line  
(512) 322-5839

bsledge@lglawfirm.com

807 SOUTH AUSTIN AVENUE\*  
GEORGETOWN, TEXAS 78626  
TELEPHONE (512) 930-1317  
\*BY APPOINTMENT ONLY

February 27, 2002

VIA FACSIMILE TRANSMISSION: 713/939-9907

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

Re: Consent to amend Certificate of Convenience and Necessity (CCN) NO. 20573 in  
Montgomery County, Texas.

Dear Mr. Parker:

The Lone Star Groundwater Conservation District met in regular session November 26, 2001, at which time the Board reviewed Porter Municipal Utility District's request to amend CCN No. 20573 with the Texas Natural Resource Conservation Commission to provide sewer utility service in Montgomery County.

The Lone Star Groundwater Conservation District does not object to Application No. 33613-C allowing Porter Municipal Utility District to amend CCN No. 20573 in Montgomery County, Texas.

Please call if you have additional questions or need more information.

Sincerely,



Brian L. Sledge

BLS/kaj

cc: Mr. Richard Tramm

186700ltr020227kaj

99012-00800



FEB 27 2002

**LLOYD, GOSSELINK, BLEVINS, ROCHELLE,  
BALDWIN & TOWNSEND, P.C.**

**P.O. Box 1725**

**Austin, Texas 78767**

**Telephone: (512) 322-5800**

**Facsimile: (512) 472-0532**

**TELECOPIER COVER SHEET**

**February 27, 2002**

**PLEASE DELIVER THE FOLLOWING PAGES TO:**

**NAME: Greg A. Parker, P.E.**

**FIRM: GREG A. PARKER, P.E.**

**TELECOPY PHONE NUMBER: 713/939-9907**

**VERIFICATION PHONE NUMBER: 713/939-9916**

---

**CLIENT NUMBER: 186700**

**FROM: Kathy Jones**

---

**NUMBER OF PAGES: 1 + Cover Sheet**

**COMMENTS:**

IF YOU DO NOT RECEIVE ALL PAGES, PLEASE CALL US AS SOON AS POSSIBLE AT (512) 322-5800.  
THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS ATTORNEY PRIVILEGED AND CONFIDENTIAL  
INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. THE REVIEW,  
DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION TO ANYONE OTHER THAN THE INTENDED  
ADDRESSEE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY  
NOTIFY US BY TELEPHONE, AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL  
SERVICE. THANK YOU.

**FAXED**

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

**TELECOPY TRANSMITTAL**

ATTENTION: KATHY  
COMPANY: Lloyd, Goselink, Blevins & Rochelle  
FAX NO.: 1-512-472-0532  
FROM: Greg A. Parker, P.E.  
DATE: 02-27-2002 NO. OF PAGES: 4  
(Including this cover sheet)

PROJECT DESCRIPTION Porter MUD – CCN Expansion / Lone Star Water  
Conservation District

PROJECT NUMBER 99012-00800

**MESSAGE:**

Attached are copies of the previous request and notification of the application for expansion of the Porter MUD CCN. We have also attached a copy of the TNRCC request for information.

Please provide written confirmation of approval or consent for the Porter MUD application. Should you have any questions, please call.

**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.



*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: Lone Star Groundwater Conservation District  
c/o Mr. David Kleimann, Director  
12146 Cude Cemetery Road  
Willis, Texas 77318

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.

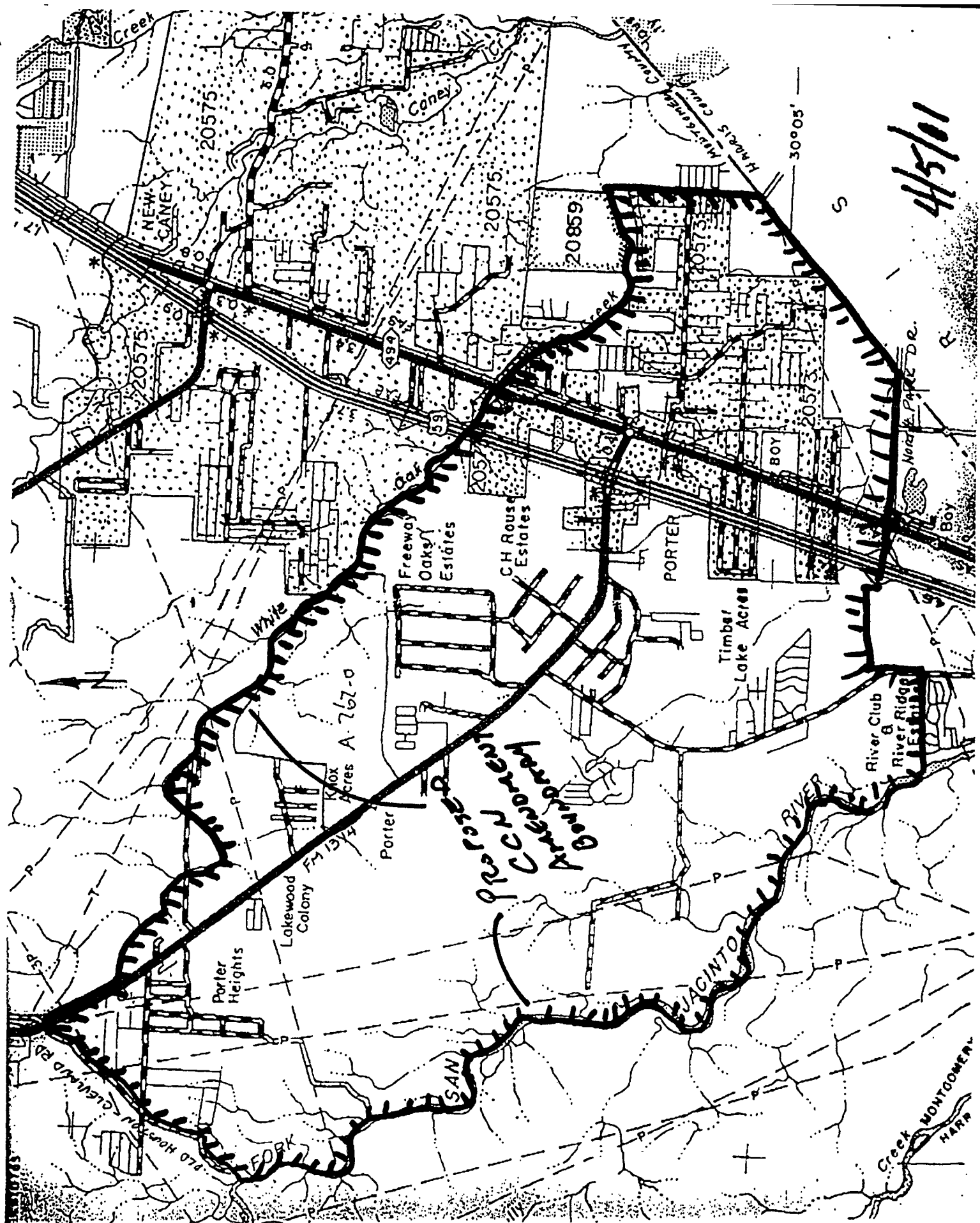
The Executive Director will issue this CCN unless one or more persons file written protests and/or a request for a hearing within 30 days after this notice is provided. To request a hearing You must state (1) your name, mailing address, and daytime telephone number; (2) the applicant's name, application 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.



4/5/11

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*  
January 18, 2002

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

### REQUEST FOR INFORMATION

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:

Processing for the above referenced application cannot be completed until we receive the following information.

1. A copy of request for services in the proposed area and the requirements of customers to receive the requested service,
2. Your proposed area overlaps the corporate limits of the City of Conroe and Lone Star Groundwater Conservation District. Provide a copy of a franchise, permit or consent granted by the City of Conroe and Lone Star Groundwater Conservation District,
3. Estimated capital cost necessary to provide service to the requested area, and the timing of expenditures (cash flow statement) and;
4. A projected revenue and expense statement for 5 years of operation in the proposed area.

Thank you for your attention to this matter. Please, submit these items by **February 22, 2002**. If we do not receive the requested information by this date, your application may be returned for failure to prosecute.

Sincerely,

  
Karen Blaschke

Utilities & Districts Section  
Water Supply Division

KLB/ac



FEB 25 2002

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

TELECOPY TRANSMITTAL

ATTENTION: Ms. Karen Blaschke  
COMPANY: TNRCC  
FAX NO.: 1-512-239-6145  
FROM: Greg A. Parker, P.E.  
DATE: 02-25-2002 NO. OF PAGES: 1  
(Including this cover sheet)

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

PROJECT NUMBER 99012-00800

MESSAGE:

This is to advise that we are forwarding our response to your request for additional information regarding the above referenced CCN Application by mail. this response should arrive within the next day or so. Please advise if you do not receive this package by Wednesday, February 27.

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.

LLOYD, GOSSELINK, BLEVINS, ROCHELLE,  
BALDWIN & TOWNSEND, P. C.  
ATTORNEYS AT LAW

111 CONGRESS AVENUE, SUITE 1800  
AUSTIN, TEXAS 78701  
TELEPHONE (512) 322-5800  
TELECOPIER (512) 472-0532

Mr. Sledge's Direct Line:  
(512) 322-5839

bsledge@lglawfirm.com

807 SOUTH AUSTIN AVENUE\*  
GEORGETOWN, TEXAS 78626  
TELEPHONE (512) 930-1317  
\*BY APPOINTMENT ONLY

February 27, 2002

VIA FACSIMILE TRANSMISSION: 713/939-9907

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

Re: Consent to amend Certificate of Convenience and Necessity (CCN) NO. 20573 in  
Montgomery County, Texas.

Dear Mr. Parker:

The Lone Star Groundwater Conservation District met in regular session November 26, 2001, at which time the Board reviewed Porter Municipal Utility District's request to amend CCN No. 20573 with the Texas Natural Resource Conservation Commission to provide sewer utility service in Montgomery County.

The Lone Star Groundwater Conservation District does not object to Application No. 33613-C allowing Porter Municipal Utility District to amend CCN No. 20573 in Montgomery County, Texas.

Please call if you have additional questions or need more information.

Sincerely,



Brian L. Sledge

BLS/kaj

cc: Mr. Richard Tramm

1867001r020227kaj



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

February 27, 2002

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

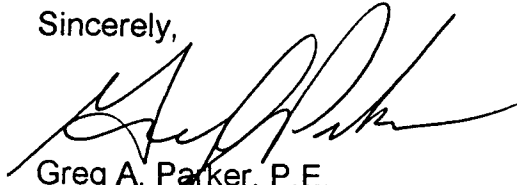
Dear Ms. Blaschke:

In response to your request for additional information regarding the Application to Amend the Certificate of Convenience and Necessity No. 20573 for Porter Municipal Utility District (the "District"). We have enclosed the following information in response to this inquiry:

1. Copies of written requests and/or responses regarding sewer services to properties outside the current CCN boundaries of the District.
2. Copies of consent received from the City of Conroe and Lone Star Groundwater Conservation District. We had anticipated receipt of the consent from Lone Star by the February 22 deadline but did not receive it until today.
3. Estimated capital costs for the entire CCN addition. These costs and timing are subject to change based on demand for services.
4. Projected revenue and expenses for the next 5-year period. These are estimates only and revenues and expenditures could be higher or lower than projected.

We apologize for the delay in transmitting this information and trust this will not interfere with the processing and approval of this 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

C:/Projects/99012/9901200800/LOT-CCN – Response to RFI

RECEIVED

PORTER MUNICIPAL UTILITY DISTRICT  
P.O. BOX 1030  
PORTER, TEXAS 77365  
281-354-9352  
(FAX) 281--354-1088

JAN 07 2002

FAX TRANSMITTAL  
SHEET

DATE: JANUARY 7, 2002

SEND FAX TO: GREG PARKER

COMPANY: PARKER ENGINEERING

FAX NUMBER: 713-939-9907

FROM: CATHY RATE, OFFICE MANAGER

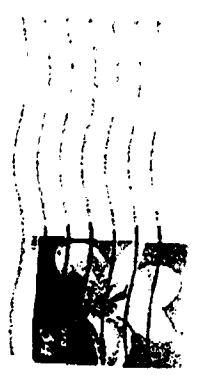
NUMBER OF PAGES: ~~THREE (3)~~ 4  
(including cover sheet)

94012-00800



FORTE M. U. D.  
P.O. Box 1030  
Forter, Tx 77365

FORTE M. U. D.  
P.O. Box 1030  
Forter, Tx 77365



77365+1030

*Notice to Current Customers, Neighboring Systems and Cities - Form A*  
**NOTICE OF INTENT TO SELL FACILITIES AND TRANSFER A PORTION THE  
 CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) OF RIVERWALK, INC.  
 TO T & W WATER SERVICES, INC. IN MONTGOMERY COUNTY, TEXAS**

Gentlemen:

Date Notice Mailed: JANUARY 4, 2002

<u>Riverwalk, Inc.</u>	<u>18 Augusta Pines Drive, Suite 200C</u>	<u>Spring,</u>	<u>TX</u>	<u>77389</u>
Seller's or Transferor's Name	Address	City	State	Zip Code

has submitted an application with the Texas Natural Resource Conservation Commission to sell facilities and transfer a portion of its CCN to provide water utility service in Montgomery County to:

<u>T &amp; W Water Service COMPANY</u>	<u>P.O. Box 9879</u>	<u>The Woodlands, TX</u>	<u>77387-9879</u>
Purchaser's or Transferee's Name	Address	City	State Zip Code

The sale is scheduled to take place as approved by the Executive Director (V.T.C.A., Water Code §13.301). The transaction and the transfer of the CCN includes the following subdivisions: Section 4 (only) of Riverwalk Subdivision.

The area subject to this transaction is located approximately 14 miles southeast of downtown Conroe, Texas and is generally bounded on the north by a line 6/10 of a mile south of Lazy Lane; on the east by the intersection of Fatheree Drive and FM 1314; on the south by Irenell Drive; and on the west by a line 1 2/10 miles west of the intersection of Fatheree Drive and FM 1314. The total area being requested includes approximately 307 acres and 0 current customers.

This transaction will have the following effect on the current customer's rates and services: There are no existing customers in Section 4, but all new customers in Section 4 will be charged the same rates as those customers currently in Sections 1, 2 & 3 of Riverwalk Subdivision.

Affected persons may file written protests and/or request a public hearing within 30 days of this notice.

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, the persons you represent, or the public interest would be adversely affected by the proposed transaction and transfer of the 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. Only those persons who submit a written request to be notified of a hearing will receive notice if a hearing is scheduled. The Executive Director will issue the CCN requested in the referenced application unless a hearing is scheduled to consider the transaction. If no protests or requests for hearing are filed during the comment period, the Executive Director may issue the CCN 30 days after publication of this notice.

Persons who wish to protest or request a hearing on this application should write the:

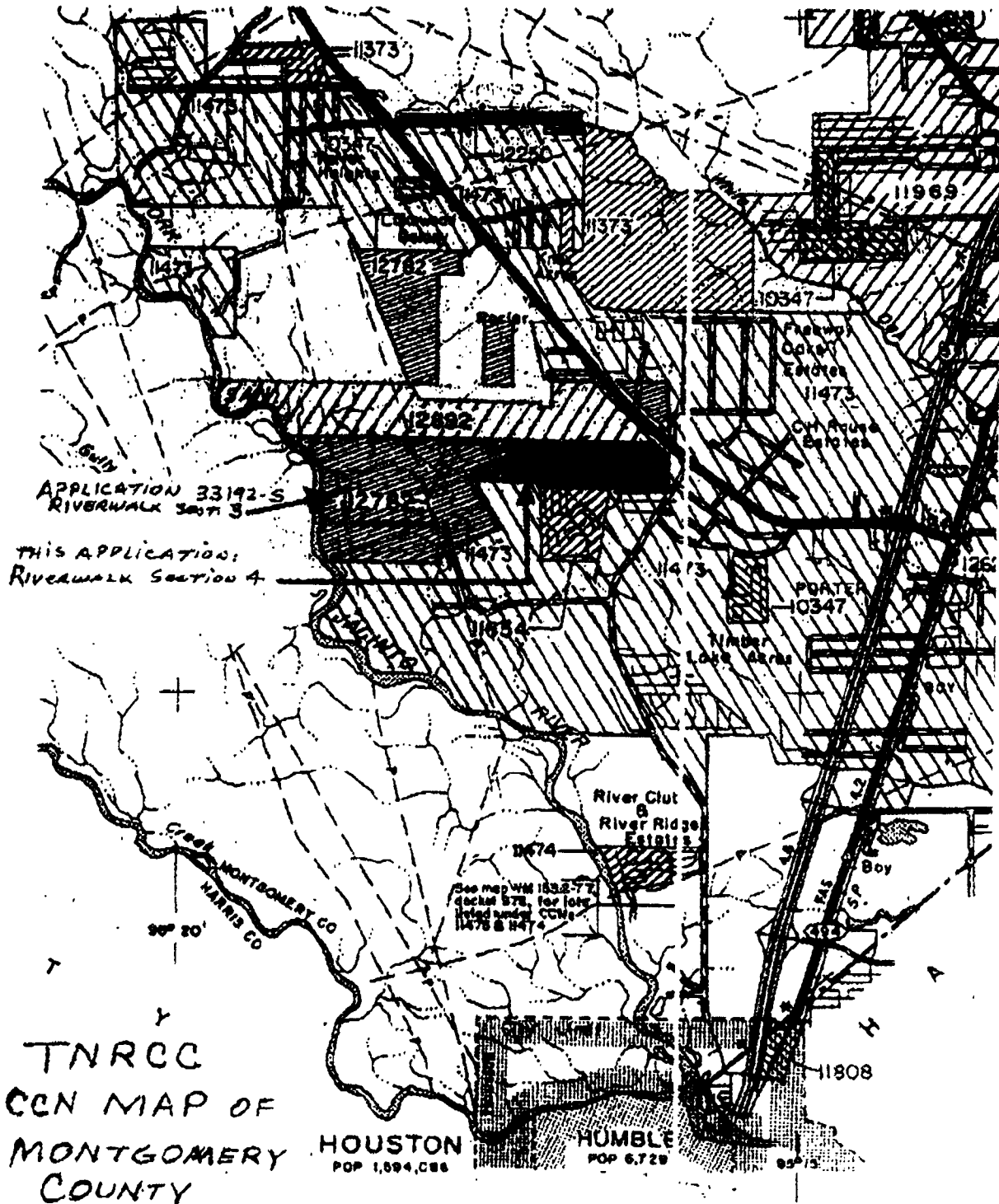
Texas Natural Resource Conservation Commission  
 Water Supply Division  
 Utilities and Districts Section, MC-153  
 P. O. Box 13087, Austin, TX 78711-3087

Thomas L. Bandat  
 Utility Representative

T & W Water Service Company  
 Utility Name

TFW WATER SERVICE COMPANY  
 P.O. BOX 9879 THE WOODLANDS, TX 77387-9879  
 (281) 367-9566 NOVEMBER 14, 2001

RIVERWALK SUBDIVISION SECTION 4





JAN 22 2002

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

TELECOPY TRANSMITTAL

**CLIENT PRIVILEGED & CONFIDENTIAL**

ATTENTION: Ms. Cathy Bate / Mr. Bill Sparks / Ron Young  
COMPANY: Porter MUD / Young & Brooks  
FAX NO.: 281-354-1088 / 281-354-2563 / 713-951-9605  
FROM: Greg A. Parker, P.E.  
DATE: 01-22-2002 NO. OF PAGES: 3  
(Including this cover sheet)

PROJECT DESCRIPTION Porter MUD - CCM

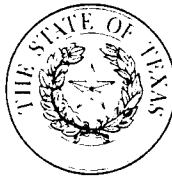
PROJECT NUMBER 99012-00800 ✓

**MESSAGE:**

Received this in the mail today. I suggest that a Board Member contact Ms. Egan to discuss this matter. If you would rather that I contact her, please advise. We will need to respond by the deadline indicated.

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*



## TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

*Protecting Texas by Reducing and Preventing Pollution*

January 11, 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:

Enclosed is a letter from Ms. Barbara Egan. Ms. Egan has requested a hearing on Porter Municipal Utility District's application to amend their sewer CCN. This copy is sent to you so that Porter Municipal Utility District may contact Ms. Egan and attempt to resolve the issues brought forward in her letter.

Please respond to Ms. Egan and forward a copy of the response to this office. If the issues are resolved Ms. Egan will need to file a written withdrawal of her request for a hearing.

Thank you for your attention to this matter. If you have any questions, or will not be able to forward the requested information to this office by **February 11, 2002**, please call me at 512/239-6932.

Sincerely,

A handwritten signature in cursive script that reads "Karen Blaschke".

Karen Blaschke  
Utilities & Districts Section  
Water Supply Division

KLB/ac

Enclosure

*rec in mail*  
*12/19/01*

24182 East Oak Drive  
Porter TX 77365  
December 14, 2001

T.N.R.C.C  
Water Permits & Resource Management Division  
Utility and Districts Section  
MC-153  
P.O. Box 13087  
Austin, TX 78711

Dear Executive Director:

I would like to protest the CCN being requested by the Porter M.U.D. I am against the present board taking on the added acres to this district. They will put us in a position to acquire millions of dollars in debts that I and the other present members of the district will be forced to pay off. The record on the compliance at the sewer plant we have operating now should point out that the management of the district cannot handle anymore plants.

I acknowledge water and sewer is needed in the other areas, but feel that a new district would best handle their needs.

Thank you for your time.

Sincerely,

*Barbara Egan*

Barbara Egan  
271-354-4590

281-



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

February 18, 2002

First Class Mail & Certified Mail Return Receipt

Ms. Barbara Egan  
24182 East Oak Drive  
Porter, Texas 77365

Re: Porter Municipal Utility District  
Proposed CCN Expansion  
Protest To TNRCC  
Project No. 99012-00800

Dear Ms. Egan:

The Texas Natural Resource Conservation Commission forwarded Porter Municipal Utility District (the "District") a copy of your letter protesting the expansion of the District's existing Certificate of Convenience and Necessity. The TNRCC has provided us the opportunity to discuss your protest directly with you in an attempt to resolve your concerns. Since our receipt of your letter, we have attempted to contact you directly by telephone but have been unable to do so.

Therefore, we are writing you to address the issues raised in your letter and to request an opportunity to discuss your concerns directly.

Since the sale of the District's last bond issue, the District's debt service tax rate has been reduced or maintained relatively level. This has been accomplished through re-funding of higher interest bonds in favor of lower interest bonds and continued growth within the District resulting in additional property values. To encourage continued growth of the Porter community as a whole requires that water and sewer suppliers in the area continue to upgrade and expand their services.

The District has received numerous inquiries both written and verbal regarding the availability of sanitary sewer services to properties outside the District's current boundaries. Since the District was created for the purpose of providing various services to the community including the protection of water quality of the waters of the State of Texas specifically through providing sanitary sewer services, the need to extend sanitary sewer services to other areas in and around the Porter community is imperative.

To accomplish these goals, it will be necessary to construct additional service facilities to areas currently of private on-site sewer systems (septic systems). Since the cost of facilities to provide these services are too expensive for individuals to pay on a lump sum cash basis, funding through the sale of bonds is a generally viable method to accomplish construction of the needed facilities. There are limited methods of funding construction projects to such significant service areas. These methods include: a) the authorization and sale of bonds (additional debt) to be paid through: 1) debt service taxes; 2) revenues; or 3) a combination of taxes and revenues; and b) the borrowing of funds from commercial institutions. The borrowing of funds through commercial institutions is not considered a long-term option due to high interest rates but is available for emergency and short-term construction projects. Borrowing through the sale of bonds provides lower interest rates over a longer period of time.

Realizing that existing taxpayers of the District should not be required to pay for services to property owners outside the District, the District has made provisions in its Rate Order and Rules and Regulations that would require that these property owners pay the cost for services. In other words, the new customers receiving service would pay all costs required to pay back the debt incurred for their benefit. If there is insufficient ability to service the debt by these new customers, the construction of new facilities and the sale of the bonds for the facilities would be delayed until sufficient revenues can be generated to service the debt once bonds are sold. It is the District's intent that the tax rate for current property owners within the District will remain unaffected by any new debt to service customers in the expanded CCN area.

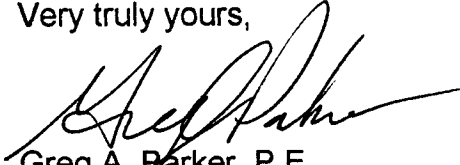
Your further raised concern regarding the general management of the wastewater facilities and the compliance record. The District has taken steps several years ago to reduce and maintain the lowest possible operational costs for its facilities. Some of these efforts include changing operations from a contract firm to in-house operations. Currently, these operations have reduced costs by approximately 35 to 40 percent on an annual basis. These savings have been passed on the customers of the District through continued low sewer rates. While there have been some compliance issues at the facility, these items are being addressed through facility maintenance and facility upgrades. The District is currently completing design of a treatment plant expansion that will resolve most of the compliance issues. Additionally, the District is inspecting the sanitary sewer collection system and making repairs on an as needed basis. These repairs will decrease wet weather flows to the treatment plant thus reducing or eliminating these issues.

Should this information be sufficient to resolve your concerns, we ask that you release your protest to the expansion of the CCN by signing in the space provided at the end of this letter and returning a copy to the undersigned and a copy to the TNRCC no later than March 1, 2002.



If we have been unable to sufficiently address your concerns, we would appreciate you contacting us to schedule a meeting with members of the Board of Directors of the District to discuss this matter further. The District is interested about your concerns and opinions regarding this matter.

Very truly yours,



Greg A. Parker, P.E.  
Consulting Engineer  
Porter Municipal Utility District

I have reviewed the information contained herein or have met with the District and hereby withdraw my objections to the expansion of the CCN boundaries of Porter Municipal Utility District.

---

Barbara Egan

Date

cc: Ms. Karen Blaschke – TNRCC –Austin  
Board of Directors – Porter MUD  
Mr. Ron Young, attorney – Young & Brooks, LLP

C:/Projects/99012/9901200800/Barbara Egan

David Marks - 713-

