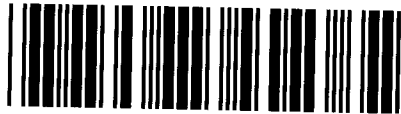




Control Number: 43769



Item Number: 3

Addendum StartPage: 0

House Bill (HB) 1600 and Senate Bill (SB) 567 83rd
Legislature, Regular Session, transferred the functions
relating to the economic regulation of water and sewer
utilities from the TCEQ to the PUC effective
September 1, 2014

Texas Commission on Environmental Quality

INTEROFFICE MEMORANDUM

2015 JAN -8 AM 11:32

43769

RECEIVED
PUBLIC UTILITY COMMISSION
FILING CLERK

To: Tammy Davis
Office of the Chief Clerk

Date: January 13, 2005

From: Amy Cortinas
Administrative Support
Water Supply Division

Subject: Item for the Executive Director's Signature

City of Dripping Springs -Application Number 33618-C, CCN# , CN# 602491284,
RN # 104403266

The item listed above is for the Executive Director's Signature. Please present this to
Tammy Davis.

Contact Name: Brian Dickey

Date Stamp This Page Only

Kathleen Hartnett White, *Chairman*
R. B. "Ralph" Marquez, *Commissioner*
Larry R. Soward, *Commissioner*
Glenn Shankle, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

Susan G. Zachos
Kelly, Hart & Hallman
301 Congress Avenue, Suite 2000
Austin, Texas 78701

Re: Application of the City of Dripping Springs to Obtain a Sewer Certificate of Convenience and Necessity (CCN) in Hays County; Application No. 33618-C

CN: 602491284; RN: 104403266

Dear Ms. Zachos:

Enclosed is a certified copy of an order and certificate issued by the Commission in the above referenced application.

Should you have questions, please contact Mr. Brian Dickey at 512/ 239-0963 (phone), 512/239-6972 (fax), email address: bdickey@tceq.state.tx.us, or if by correspondence, include MC 153 in the letterhead address.

Sincerely,

A handwritten signature in black ink that reads "Earl Lott".

for Earl Lott, Section Manager
Utilities & Districts Section
Water Supply Division

EL/BDD/ac

Enclosure

cc: see mailing list

Mailing List for The City of Dripping Springs
SOAH DOCKET NO. 582-02-2288
TCEQ DOCKET No. 2002-0030-UCR
APPLICATION NO. 33618-C

Susan G. Zachos
Kelly, Hart & Hallman
301 Congress Ave., Ste. 2000
Austin, Texas 78701

Representing: City of Dripping Springs

Mr. Phil Haag
Winstead Sechrest, & Minick
100 Congress Avenue, Suite 800
Austin, Texas 78701

Representing: Dripping Springs WSC

Mr. Robert P. Callegari, P.E.
CMA Engineering, Inc.
14101 Highway 290 West, Building 600
Austin, Texas 78737

TCEQ:

Region 11 Office

Robert Martinez, Staff Attorney, Legal Services Division, MC-175
Blas Coy, Staff Attorney, Public Interest Counsel, MC 103
Brian Dickey, Staff Engineer, Utilities & Districts Section, MC 153
Lucie Sainvilus, Water Supply Division, MC-153

Please send a copy of the signed order to Central Records to be included in the following
Certificate of Convenience and Necessity (CCN) permanent files:

City of Dripping Springs CCN # 20967



Texas Commission On Environmental Quality

By These Presents Be It Known To All That

City of Dripping Springs

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. 20967

to provide continuous and adequate sewer utility service to that service area or those service areas in Hays County as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Application No. 33618-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 the City of Dripping Springs 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 _____

For the Commission

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



SOAH DOCKET NO. 582-02-2288
TCEQ DOCKET NO. 2001-1047-UCR
APPLICATION NO. 33618-C

IN THE MATTER OF THE
APPLICATION OF THE CITY OF
DRIPPING SPRINGS TO OBTAIN A
SEWER CERTIFICATE OF
CONVENIENCE AND NECESSITY IN
HAYS COUNTY, TEXAS

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§
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BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

ORDER

An application by the City of Dripping Springs ("Dripping Springs") to obtain a Certificate of Convenience and Necessity ("CCN") to provide sewer service in Hays County, Texas was presented to the Executive Director of the Texas Commission on Environmental Quality ("Commission") for approval pursuant to Section 5.122 of the Texas Water Code ("Code") and Commission rules.

Dripping Springs wants to provide sewer service in Hays County, Texas, and to become a retail public utility as defined in Section 13.002(19) of the Code.

On September 20, 2001, Dripping Springs filed an application with the Commission pursuant to Section 13.241 *et. seq.* of the Code to obtain a sewer CCN to provide sewer service in Hays County, Texas. The application was accepted for filing and it was assigned Application No. 33618-C. Notice was provided to affected persons and neighboring utilities by Dripping Springs on

November 15, 2001. Notice of the application was published on November 15, 2001, and November 22, 2001, in The News Dispatch, a newspaper generally circulated in Hays County, Texas. The notice to obtain a CCN by Dripping Springs complied with the notice requirements of 30 Texas Administrative Code ("TAC") Section 291.106 and was sufficient to place affected persons on notice regarding the application for service. The Commission received a request for a public hearing on the application from Dripping Springs Water Supply Corporation.

On May 16, 2002, Tommy L. Broyles, an administrative law judge with the State Office of Administrative Hearings ("SOAH"), conducted a preliminary hearing, assumed jurisdiction, and designated the following parties: the City of Dripping Springs represented by Susan G. Zachos; the Executive Director ("ED") represented by Lara K. Nehman; the Public Interest Counsel ("PIC") Blas Coy who did not appear; and Dripping Springs Water Supply Corporation ("Corporation") represented by Shelly Stone Eversole and Philip S. Haag. All parties requested a 30 day continuance of the proceeding to allow time for settlement negotiations. Judge Broyles granted the request and ordered the parties to file a status report by June 17, 2002.

The parties filed their status report on June 17, 2002, indicating that the City of Dripping Springs and the Corporation had executed a settlement agreement calling for the Corporation to withdraw its protest of the application.

On September 3, 2002, the Corporation filed a Motion to Withdraw Protest on the basis of the settlement, stating all issues in dispute with the City of Dripping Springs on the application had been resolved. Judge Broyles granted the motion on November 5, 2002, dismissed the case from the SOAH docket, and remanded the application to the Executive Director for processing as an uncontested matter.

NOW, THEREFORE, BE IT ORDERED BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY that:

The application by the City of Dripping Springs for a Certificate of Convenience and Necessity as reflected in the attached copy of official sewer service area map of Hays County, Texas, is hereby approved.

The Chief Clerk of the Texas Commission on Environmental Quality shall forward a copy of this Order to the parties, and the Commission will issue a Certificate of Convenience and Necessity to the applicant.

If any provision, sentence, clause, or phrase of this Order is for any reason held to be invalid, the invalidity of any portion shall not affect the validity of the remaining portions of the Order.

Issue Date:

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

For the Commission