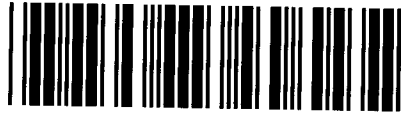




Control Number: 43769



Item Number: 4

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

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



CCN/20967/582-02-2288/CO

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
PUBLIC UTILITY COMMISSION
FILING CLERK
Protecting Texas by Reducing and Preventing Pollution

February 8, 2005

TO: Persons on the attached mailing list.

RE: City of Dripping Springs; CCN No. 20967; Application No. 33618-C
TCEQ Docket No. 2002-0030-UCR; SOAH Docket No. 582-02-2288

This letter is your notice that the Texas Commission on Environmental Quality (TCEQ) executive director has issued final approval of the above-named application.

You may file a **motion to overturn** with the chief clerk. A motion to overturn is a request for the commission to review the TCEQ executive director's approval of the application. Any motion must explain why the commission should review the TCEQ executive director's action.

A motion to overturn must be received by the chief clerk within 23 days after the date of this letter. An original and 11 copies of a motion must be filed with the chief clerk in person or by mail. The Chief Clerk's mailing address is Office of the Chief Clerk (MC 105), TCEQ, P.O. Box 13087, Austin, Texas 78711-3087. On the same day the motion is transmitted to the chief clerk, please provide copies to the applicant, the Executive Director's attorney, and the Public Interest Counsel at the addresses listed on the attached mailing list. If a motion is not acted on by the commission within 45 days after the date of this letter, then the motion shall be deemed overruled.

Individual members of the public may seek further information by calling the TCEQ Office of Public Assistance, toll free, at 1-800-687-4040.

Sincerely,

A handwritten signature in black ink, appearing to read "LaDonna Castañuela".

LaDonna Castañuela
Chief Clerk

LDC/is

RECEIVED

4 2005

TCEQ
CENTRAL FILE ROOM

4

MAILING LIST
for
City of Dripping Springs

Susan G. Zachos
Kelly, Hart & Hallman
301 Congress Avenue, Suite 2000
Austin, Texas 78701-2961

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

Robert P. Callegari, P.E.
CMA Engineering, Inc.
14101 West Highway 290, Building 800
Austin, Texas 78737

FOR THE CHIEF CLERK:

LaDonna Castañuela, Chief Clerk
Texas Commission on Environmental Quality
Office of Chief Clerk MC-105
P.O. Box 13087
Austin, Texas 78711-3087

FOR THE EXECUTIVE DIRECTOR:

Brian Dickey, Technical Staff
Texas Commission on Environmental Quality
Water Supply Division MC-153
P.O. Box 13087
Austin, Texas 78711-3087

Roberto Martinez, Staff Attorney
Texas Commission on Environmental Quality
Environmental Law Division MC-173
P.O. Box 13087
Austin, Texas 78711-3087

FOR PUBLIC INTEREST COUNSEL:

Blas J. Coy, Jr., Attorney
Texas Commission on Environmental Quality
Public Interest Counsel MC-103
P.O. Box 13087
Austin, Texas 78711-3087

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

February 8, 2005

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 "Michelle Abrams".

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



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

IN THE MATTER OF THE	§	BEFORE THE
APPLICATION OF THE CITY OF	§	
DRIPPING SPRINGS TO OBTAIN A	§	TEXAS COMMISSION ON
SEWER CERTIFICATE OF	§	
CONVENIENCE AND NECESSITY IN	§	ENVIRONMENTAL QUALITY
HAYS COUNTY, TEXAS	§	
	§	

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: **JAN 20 2005**

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY



For the Commission



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

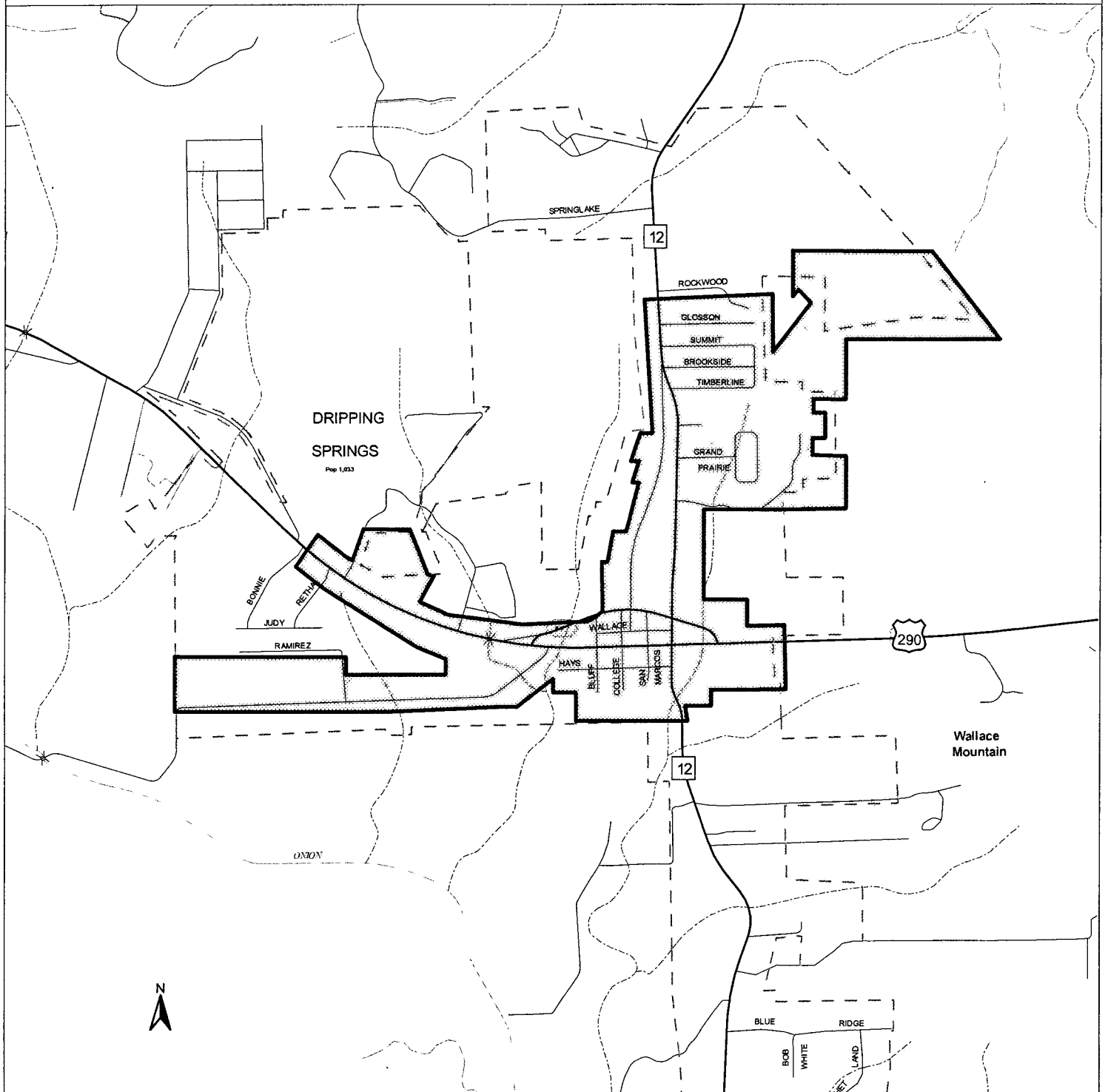
Certificate of Convenience and Necessity No. 20967

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 JAN 20 2005


For the Commission

City of Dripping Springs
Sewer Service Area
CCN No. 20967
Application No. 33618-C
Hays County



Sewer CCN Service Area
20967 - CITY OF DRIPPING SPRINGS

2000 0 2000 Feet

1 inch = 2,000 feet

Map by S. Jaster 1/5/2005
Data path: s:\ud\ccn\ccn_working\ccn.shp
Project path: k:\gis\projects\33618-c.apr