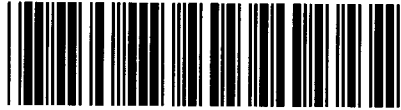


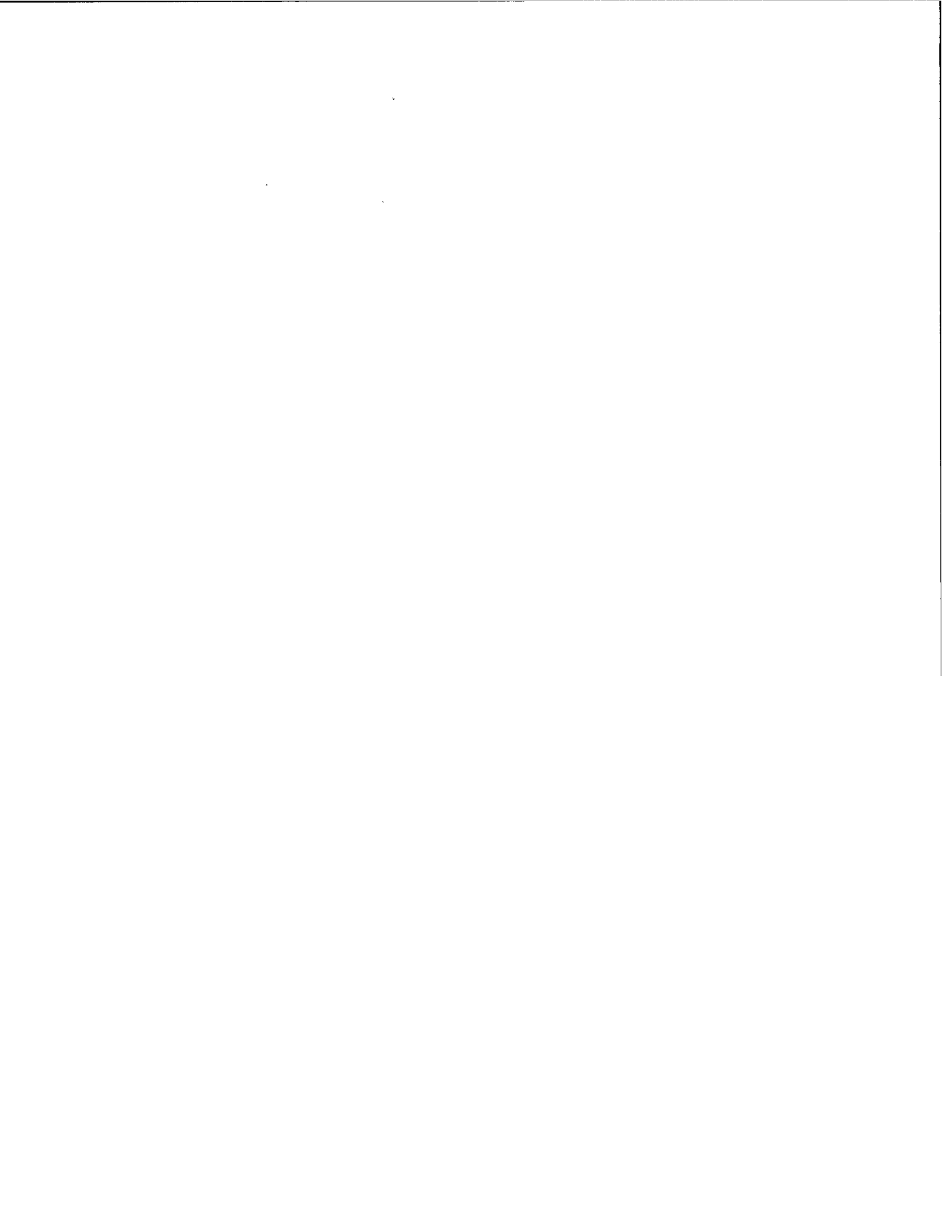
Control Number: 43781



Item Number: 161

Addendum StartPage: 0

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





STATE OFFICE  
OF  
ADMINISTRATIVE  
HEARINGS

### PUBLIC HEARING REGISTRATION

ALL PERSONS IN ATTENDANCE ARE REQUESTED TO COMPLETE  
PLEASE PRINT CLEARLY

RECEIVED

2014 NOV 26 AM 10:48 Date: 12-16-03

PUBLIC UTILITY COMMISSION  
Occupation: Attorney

Name: Skip Newsom

Mailing Address: 3724 Jefferson Street Suite #210 Austin TX 78731  
Street or P.O. Box City State Zip

Daytime Phone: (512) 477-4121 Fax Number: (512) 477-2860

Representing:  Self  Other (specify): Mustang Special Utility District

Mailing Address: 5135 US Hwy 377 South, Suite B Aubrey Tx 76227  
Street or P.O. Box City State Zip

Daytime Phone: (940) 440-9561

Title of matter being considered: TOWN OF PROSPER SEWER CCN Application

Your position regarding the matter being considered:  In Favor  Opposed  Undecided  Observer



STATE OFFICE  
OF  
ADMINISTRATIVE  
HEARINGS

### PUBLIC HEARING REGISTRATION

ALL PERSONS IN ATTENDANCE ARE REQUESTED TO COMPLETE  
PLEASE PRINT CLEARLY

Date: 12/16/03

Name: GEORGE FOLEY Occupation: RETIRED / MUSTANG BOARD MEMBER

Mailing Address: 1965 BLACKJACK RD EAST, PILOT POINT TX 76258  
Street or P.O. Box City State Zip

Daytime Phone: (940) 440-9277 Fax Number: (945) 365-3217

Representing:  Self  Other (specify): MUSTANG SUD BOARD OF DIRECTORS

Mailing Address: \_\_\_\_\_  
Street or P.O. Box City State Zip

Daytime Phone: ( ) \_\_\_\_\_

Title of matter being considered: PROSPER SEWER CCN APPLICATION 161

Your position regarding the matter being considered:  In Favor  Opposed  Undecided  Observer



STATE OFFICE  
OF  
ADMINISTRATIVE  
HEARINGS

**PUBLIC HEARING REGISTRATION**  
ALL PERSONS IN ATTENDANCE ARE REQUESTED TO COMPLETE  
PLEASE PRINT CLEARLY

Date: 16 DEC 03

Name: CHRIS BOYD Occupation: GEN. MGR

Mailing Address: 5315 Hwy 377 S AUBREY TX 76227  
Street or P.O. Box City State Zip

Daytime Phone: (940) 440-9561 Fax Number: (940) 440-3313

Representing:  Self  Other (specify): MUSTANG SPECIAL UTILITY DISTRICT

Mailing Address: SAME  
Street or P.O. Box City State Zip

Daytime Phone: (940) 440-9561

Title of matter being considered: JURISDICTIONAL HEARING CITY OF PROSPER SEWER CCN

Your position regarding the matter being considered:  In Favor  Opposed  Undecided  Observer

STATE OFFICE OF ADMINISTRATIVE HEARINGS  
William P. Clements Building  
300 West Fifteenth Street  
Room 502  
Austin, Texas 78701  
Phone (512) 475-4993  
Facsimile (512) 475-4994

DATE: April 6, 2004  
NUMBER OF PAGES INCLUDING THIS COVER SHEET: 1  
SOAH DOCKET NO.: 582-03-1994  
FROM: Rita McBride

FAX TO:	FAX NO.:
Conference Operator	936-6664

**MESSAGE:**

Below is the list of names and numbers to be contacted for the telephone conference set for **April 6, 2004 @ 2:00 p.m.**

Lara Nehman - 239-1121  
~~Tom Leonard - 477-7161~~  
Art Rodriguez - 930-1317  
Skip Newsom - 477-4121  
Judge Norman - 475-1273

*Call Levantino - 474-4462 - call operator to confirm # change*  
*J. S. Norman*

**PLEASE CALL ME BACK FOR CONFIRMATION.**

NOTE: IF ALL PAGES ARE NOT RECEIVED, PLEASE CALL Rita McBride @ 475-3419.

The information contained in this facsimile message is privileged and confidential information intended only for the use of the above-named recipient(s) or the individual or agent responsible to deliver it to the intended recipient. You are hereby notified that any dissemination, distribution or copying of this communication 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.

\*\*\*\*\*  
\*\*\* TX REPORT \*\*\*  
\*\*\*\*\*

TRANSMISSION OK

TX/RX NO 2323  
CONNECTION TEL 99366664  
CONNECTION ID  
ST. TIME 04/06 08:39  
USAGE T 00'49  
PGS. SENT 1  
RESULT OK

**STATE OFFICE OF ADMINISTRATIVE HEARINGS**  
**William P. Clements Building**  
**300 West Fifteenth Street**  
**Room 502**  
**Austin, Texas 78701**  
**Phone (512) 475-4993**  
**Facsimile (512) 475-4994**

DATE: April 6, 2004  
NUMBER OF PAGES INCLUDING THIS COVER SHEET: 1  
SOAH DOCKET NO.: 582-03-1994  
FROM: Rita McBride

FAX TO:	FAX NO:
Conference Operator	936-6664

**MESSAGE:**

Below is the list of names and numbers to be contacted for the telephone conference set for **April 6, 2004 @ 2:00 p.m.**

- Lara Nehman - 239-1121
- Tom Leonard - 477-7161
- Art Rodriquez - 930-1317
- Skip Newsom - 477-4121
- Judge Norman- 475-1273

**PLEASE CALL ME BACK FOR CONFIRMATION.**

SOAH DOCKET NO. 582-03-1994  
TCEQ DOCKET NO. 2002-1250-UCR

APPLICATION OF THE TOWN OF § BEFORE THE STATE OFFICE  
PROSPER TO AMEND SEWER §  
CERTIFICATE OF CONVENIENCE § OF  
AND NECESSITY NO. 20888 IN §  
DENTON COUNTY, APPLICATION § ADMINISTRATIVE HEARINGS  
NO. 34004-C §

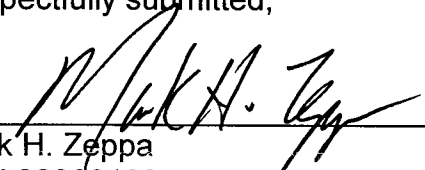
NOTICE OF WITHDRAWAL OF AS PARTIES AND  
STATEMENT OF SUPPORT

COMES NOW, the following designated parties which previously indicated that they had reached a settlement with the Town of Prosper (Prosper) in the above-referenced sewer certification docket and that they had each jointly and severally withdrawn their individual protest to Prosper's sewer CCN amendment.

Denton County Fresh Water District No. 10  
Binary Investments, Inc.  
Huffines Communities, Inc.  
Sealed Bid DFW, LP  
Inwood Plaza Joint Venture

Upon the amendment of Prosper's sewer CCN application to exclude the "Development Area" in the parties' Settlement Agreement, these designated parties now express their unreserved support for Prosper's application. They further move to be dismissed as parties to this docket.

Respectfully submitted,

  
\_\_\_\_\_  
Mark H. Zeppa  
SBN 22260100  
Law Offices of Mark H. Zeppa  
4833 Spicewood Springs Road #202  
Austin, TX 78759-8436  
(512) 346-4011, FAX (512) 346-6847

ATTORNEY FOR DENTON COUNTY  
FRESH WATER DISTRICT NO. 10,  
BINARY INVESTMENTS, INC.,  
HUFFINES COMMUNITIES, INC.,  
SEALED BID DFW, LP, INWOOD  
PLAZA JOINT VENTURE

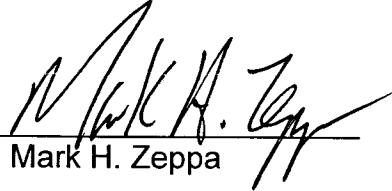
CERTIFICATE OF SERVICE

I, Mark H. Zeppa, certify that true and correct copies of the foregoing pleading were served on the following persons by fax and/or 1st class USPS mail on the 30th day of June 2003:

1. Judge James Norman  
State Office of Administrative Hearings  
P O Box 13025  
Austin, TX 78711-3025  
FAX 475-4994
2. Kerry Russell  
Russell, Moorman & Rodriguez, LLP  
102 W. Morrow, Suite 103  
Georgetown, TX 78626  
FAX 864-7744
3. Lara Nehman  
Sheridan Gilkerson  
Environmental Law Division  
TCEQ  
P O Box 13087, MC 173  
Austin, TX 78711-3087  
FAX 239-0606
4. Blas Coy, Jr.  
Public Interest Counsel  
TCEQ  
P O Box 13087, MC 103  
Austin, TX 78711-3087  
FAX 239-6377
5. Tom Leonard  
Leonard, Kurt, Frost, Lilly & Levin  
816 Congress Ave, Ste. 1280  
Austin, TX 78701  
FAX 477-1676 - Leonard  
FAX 482-0051 - Levatino

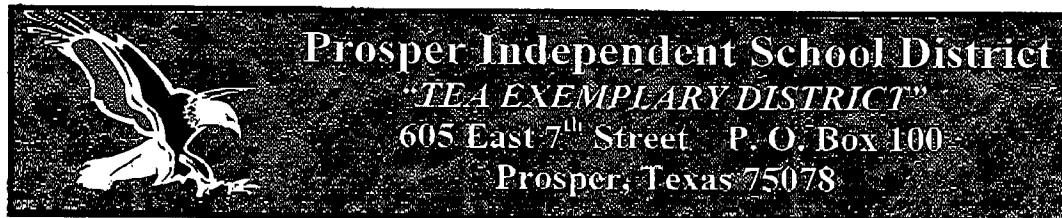


6. Sal Levatino  
Attorney at Law  
1524 S. IH-35, Ste. 234  
Austin, TX 78704  
Fax 482-0051
  
7. TCEQ Docket Clerk  
Office of the Chief Clerk  
TCEQ  
PO Box 13087, MC 105  
Austin, TX 78711-3087  
FAX 239-3311



---

Mark H. Zeppa



**J. Drew Watkins**  
Superintendent of Schools  
(972)346-3316 (972)346-9247/fax  
dwatkins@prosper-isd.net

---

June 26, 2003  
State Office of Administrative Hearings  
Att: Judge James W. Norman  
Fax: (512) 475-4994

SOAH DOCKET NO. 582-03-2282  
TCEQ DOCKET NO. 2003-0033-UCR

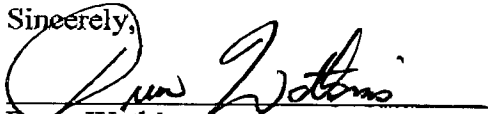
ORDER NO. 3

CONCERNING DENTON COUNTY FRESH WATER SUPPLY DISTRICT NO. 10 MOTION  
TO DISMISS INTERVENOR

Prosper Independent School District OPPOSES the motion to dismiss the school district as an intervenor in the afore-mentioned case. According to the Mayor of Prosper, Charles Niswanger, the City Administrator, Jennifer Finley, and the City Planner, Doug Mousel, the City DID NOT withdraw its opposition to the application in a pleading filed on June 10, 2003; therefore, there is no basis for the district's motion.

Moreover, since the district's application included possible school sites, Prosper ISD maintains its contention regarding the uncertainty that the proposed fresh water district can provide adequate service for one and possibly two school sites that will result in the projected 3,500+ additional students (three times our current student population) in our district that will need to be served in that area.

Sincerely,

  
Drew Watkins

*"Children First"*

# FAX TRANSMITTAL

Prosper Independent School District  
P.O. Box 100  
Prosper, Texas 75078  
(972) 346-3316

To:	Fax Number:
Tracy-Lynne Lewis, Asst. to Judge Norman	512-475-4994
Blas Coy	512-239-6377
Docket Clerk (TCEQ)	512-239-3311
Mark Zeppa – Denton Cty Water	512-346-6847
Lara Nehman, Sheridan Gilkerson – TCEQ	512-239-0606
Kerry Russell – City of Prosper	512-864-7744
John Turney – Mahard Egg Farm	512-476-1513

From: Drew Watkins, Prosper ISD  
Fax (972) 346-9247

Date: June 27, 2003

# of Pages (including this page): 2

The information contained in this facsimile message is privileged and confidential information intended only for the use of the above-mentioned recipients or the individual or agent responsible to deliver it to the intended recipient. You are hereby notified that any dissemination, distribution or copying of this communication 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.

**BELL, TURNEY, COOGAN & RICHARDS, L.L.P.**

Attorneys at Law  
823 Congress, Suite 706  
Austin, Texas 78701  
Telephone: (512) 476-0005  
Telefax: (512) 476-1513

ALLEN ELI BELL  
JOHN B. TURNEY  
FRED COOGAN, III  
DANIEL R. RICHARDS

June 27, 2003

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

Re: SOAH Docket No. 582-03-2282; TCEQ Docket 2003-0033-UCR  
Application of Denton County Fresh Water Supply District No.10  
To Amend Water And Sewer Certificates of Convenience and Necessity  
Nos. 13021 and 20923 in Denton County, Texas

Attention: Docket Clerk

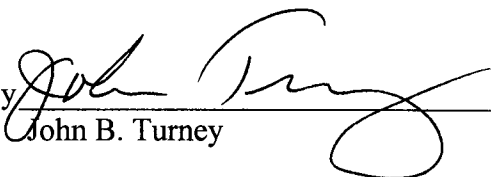
Dear Ms. Castañuela:

Enclosed herewith is Mahard Egg Farm, Inc.'s Unopposed Motion to Extend Time for Response to Applicant's Motion to Amend Application and Dismiss Intervenors for filing in the above-referenced matter.

Thank you for your attention in this matter. Should you have any questions, please do not hesitate to call.

Sincerely,

BELL, TURNEY, COOGAN & RICHARDS, L.L.P.

By   
John B. Turney

Enclosure

cc: Hon. James W. Norman

SOAH DOCKET NO. 582-03-2282  
TCEQ DOCKET NOS. 2003-0033-UCR

APPLICATION OF DENTON COUNTY	§	BEFORE THE STATE OFFICE
FRESH WATER SUPPLY DISTRICT	§	
NO. 10 TO AMEND WATER AND SEWER	§	OF
CERTIFICATES OF CONVENIENCE	§	
AND NECESSITY NOS. 13021 AND 20923	§	ADMINISTRATIVE HEARINGS
IN DENTON COUNTY, TEXAS	§	

**MAHARD EGG FARM, INC.'S UNOPPOSED MOTION TO EXTEND TIME FOR  
RESPONSE TO APPLICANT'S MOTION TO AMEND APPLICATION AND DISMISS  
INTERVENORS**

Now comes Mahard Egg Farm, Inc. and files this UNOPPOSED MOTION TO EXTEND TIME FOR RESPONSE TO APPLICANT'S MOTION TO AMEND APPLICATION AND DISMISS INTERVENORS and in support thereof would show as follows:

Applicant's Amendment of Application and Motion to Dismiss Intervenors is currently pending, and the honorable Administrative Law Judge on June 23, 2003, issued Order No. 3 requiring a response by Mahard to such motion on or before June 30, 2003.

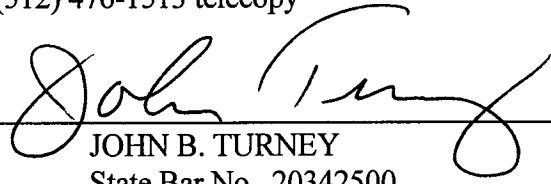
Mahard is reviewing this matter in order to determine whether or not to continue its participation in this proceeding. That review has been delayed due to the injury and resulting temporary unavailability of Mr. Tolleson, the Mahard representative who attended the preliminary hearing on May 13, 2003, and the temporary unavailability of Mahard's business counsel due to changing firms. Arrangements have now been made to determine a course of action on July 1, 2003. Based on that determination, Mahard will either withdraw or will file its response to Applicant's motion no later than July 3, 2003.

The undersigned counsel has discussed this motion with counsel for the applicant and the Executive Director, and provided a copy to them in advance, and they have indicated that they do not oppose it.

WHEREFORE, Mahard Egg Farm, Inc. respectfully requests that this motion be granted, that the deadline for responding to Applicant's motion set forth in the honorable Administrative Law Judge's Order No. 3 be extended to July 3, 2003, and for such other relief to which it may be entitled.

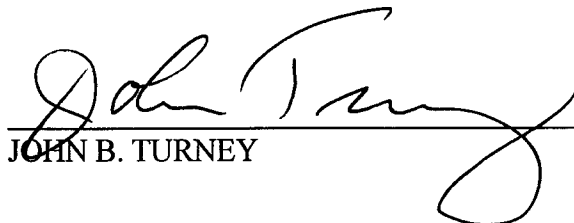
Respectfully submitted,

BELL, TURNEY, COOGAN & RICHARDS, L.L.P.  
823 Congress Avenue, Suite 706  
Austin, Texas 78701  
(512) 476-0005 telephone  
(512) 476-1513 telecopy

  
\_\_\_\_\_  
JOHN B. TURNEY  
State Bar No. 20342500

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document has been forwarded via facsimile or U.S. Mail to all parties of record on this the 27<sup>th</sup> day of June, 2003.

  
\_\_\_\_\_  
JOHN B. TURNEY

**RUSSELL, MOORMAN & RODRIGUEZ, L.L.P.**

Attorneys at Law

102 Morrow, Suite 103

Georgetown, Texas 78626

Phone (512) 930-1317

E-mail: arodriguez@rmrlawfirm.com

Fax (512) 864-7744

---

**FAX COVER SHEET**

Date: July 2, 2003

Honorable James Norman	Fax: (512) 475-4994
Lara Nehman	Fax: (512) 239-0606
Sal Levatino	Fax: (512) 482-0051
Mark Zeppa	Fax: (512) 346-6847
Blas Coy	Fax: (512) 239-6377
Docket Clerk, TCEQ	Fax: (512) 239-3311

Client Number: 190-00

FROM: Kerry Russell/ Art Rodriguez

Direct Phone: (512) 930-1317

PAGES: \_\_ PAGES (INCLUDING COVER PAGE)

Comments:

Prosper's Request for Subpocna.

Notice: The following material is intended for the use of the individual or entity to which it is addressed. The material may contain information that is attorney-client privileged, or otherwise confidential and exempt from disclosure under law. If you are not the specified recipient, do not read this material. Any use, dissemination or copying of this material is strictly prohibited. If you have received this material in error, please notify us by telephone at the above number and return the material to us by U.S. Mail.

STATE OFFICE OF ADMINISTRATIVE HEARINGS

STATE OFFICE OF ADMINISTRATIVE HEARINGS

REQUEST FOR SUBPOENA

Party Requesting:

Town of Prosper

Date of Request:

July 2, 2003

Telephone Number(s):

(512) 930-1317 -Arturo D. Rodriguez, Jr.  
Attorney for Prosper

SOAH Docket No. & Style of Case:

582-03-1994; Application of the  
Town of Prosper to Amend Sewer  
Certificate of Convenience and  
Necessity No. 20888 in Denton  
County, Application No. 34004-C

Witness to be subpoenaed:

Thomas Taylor  
Executive Director of the Upper Trinity Regional Water District  
Upper Trinity Regional Water District  
P.O. Box 305  
Lewisville, TX 75067

Address and/or probable location:

Law Offices of Leonard Frost Levin & Van Court  
600 North Pearl Street, Suite 900  
Dallas, TX

1. Has the witness been asked to appear at the deposition? Yes

If yes, please describe the circumstances of the contact: Sal Levatino, attorney for Protestant in this case, was contacted on June 27, 2003, regarding the deposition of Mr. Taylor. Mr. Levatino informed this office that they have no control over Mr. Taylor. Mr. Levatino has since called this office again and informed this office that he has been unable to make contact with Mr. Taylor for the scheduling of a deposition.

**If not, why not?**

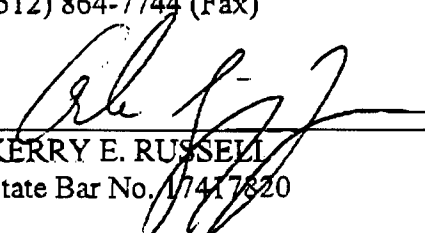
2. Explain the relevance of the witness' testimony and/or documents. The Applicant seeks Mr. Taylor to explain alternate sources of provision of water to the Protestants and any contractual arrangements between the Regional Water District and the Protestant to provide water or sewer service to the Protestant.



3. Is the information requested of the witness available from another source? No  
If yes, please explain the need for the participation of the witness for which subpoena is sought:
4. Estimate the number of hours that this witness will be needed. 4
5. What date is the deposition scheduled to begin? July 18, 2003 at 1:00 p.m.
6. Upon the witness' appearance at the hearing, tender a witness fee in the amount of \$95.00 per day plus \$0.28 per mile if the hearing is more than 25 miles from the witness' residence for each day the person is necessarily present as a witness, unless the witness and/or the person who has called the witness provides the Judge with written documentation of Agreement to Waive the Witness Fee, or if the witness is a "party witness."
7. List the documents that you would like the witness to produce:  
See attached list of documents

Respectfully submitted,

Russell, Moorman & Rodriguez, L.L.P.  
102 West Morrow, Suite 103  
Georgetown, Texas 78626  
(512) 930-1317  
(512) 864-7744 (Fax)

  
KERRY E. RUSSELL  
State Bar No. 17417820

ARTURO D. RODRIGUEZ, JR.  
State Bar No. 00791551

ATTORNEYS FOR THE TOWN OF  
PROSPER, TEXAS

cc: Service List

**EXHIBIT A.**

1. All correspondence, contracts, and communications between Upper Trinity Regional Water District and Fishtrap LLP related to the provision of water and/or wastewater service to Fishtrap LLP.
2. All correspondence, contracts, and communications between Upper Trinity Regional Water District and Glenbrook Water Supply related to the provision of water and/or wastewater service to Glenbrook Water Supply.



STATE OFFICE  
OF  
ADMINISTRATIVE  
HEARINGS

**PUBLIC HEARINGS**  
ALL PERSONS IN ATTENDANCE  
PLEASE

Name: Mark Zeppa

Mailing Address: 4033 Spicewood Spin  
Street or P.O. Box

Daytime Phone: (512) 346-4011

Representing:  Self  Other (specify): Denton Co  
Jeal Bid  
Binary F

Mailing Address: c/o law Office of Mark  
Street or P.O. Box

Daytime Phone: ( ) \_\_\_\_\_

Title of matter being considered: SOAH Docket

Your position regarding the matter being considered:  I



STATE OFFICE  
OF  
ADMINISTRATIVE  
HEARINGS

**PUBLIC HEARING REGISTRATION**  
ALL PERSONS IN ATTENDANCE ARE REQUESTED TO COMPLETE  
PLEASE PRINT CLEARLY

Date: April 11, 2003

Name: FRED BROWN P.E. Occupation: Engineer

Mailing Address: 8222 Douglas Ave Dallas TX 75225  
Street or P.O. Box City State Zip

Daytime Phone: (972) 948-3014 Fax Number: ( )

Representing:  Self  Other (specify): Sealed Bid OFW, L.P. Binney Investment I Huffines Comment

Mailing Address: 8222 Douglas Ave Dallas TX 75225  
Street or P.O. Box City State Zip

Daytime Phone: (972) 948-3014

Title of matter being considered: SOAH Docket No 582-03-1994 - City of Prosper

Your position regarding the matter being considered:  In Favor  Opposed  Undecided  Observer