



Control Number: 43890



Item Number: 24

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

43890

To: Administrative Reviewer

Date Complete: July 28, 2011

RECEIVED

From: Cartographer-Utilities & Districts Section

2014 DEC -5 PM 4:38

Subject: Overlap & Notice Check for Administrative Review No. A-054-11/37044-C

PUBLIC UTILITY COMMISSION
FILING CLERK

Texas Water Systems (12473) to amend water CCN in Limestone county.

- X 1. No new overlap of service areas exists.
- 2. An overlap:
- 3. Dual certification:
- 4. An overlap exists with the city limits of:
- 5. If this is a Sale, Transfer, or Merger, is additional area being requested?
- 7. Map submitted is digital request digital data.
- 9. Utility notice was sufficient.
- X 10. Utility notice was insufficient. In addition to those systems listed in the application, they will also need to notify:

TWO MILES:

SLC WSC (12213)

Big Creek West Supply (126660)

Greenlake Estates Water (13109)

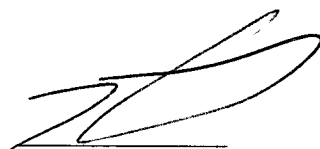
Lass Utility Service (proposed 37016-S)

Limestone County

All cities and etj's within 2 miles of the proposed area

- X 11. Notice: approximately 25 acres
On the north by approximately 1/2 mile north of LCR 823
On the south by LCR 823
On the west by approximately 1/2 mile east of LCR 822

12. Other comments:



Kent Steelman

2014 DEC -5 AM 8:10

**JOE L. HANEY, P. E., R. P. L. S. 3282
710 E. MILAM ST. (P. O. BOX 307)
MEXIA, TEXAS 76667
PH. NO. 254-562-6954**

July 24, 2011

Karen Blaschke
Utilities and Districts Section
Water Supply Division
Texas Commission on Environmental Quality
P.O. Box 13807
Austin, Texas 78711

Re: Application from Texas Water Systems, Inc. to Amend Certificate of Convenience and Necessity (CCN) No. 12473, in Limestone County, Application No. 37044-C.
CN: 600629893; RN: 101450484

2011 JUL 26 AM 11:09
WATER DIVISION
R-501 (11/09)

Dear Ms. Blaschke:

I hope I now have a better understanding of the map requirements for the referenced CCN amendment. Mr. Steelman explained to me the particulars of what was wanted for the location map. I am including a location map with the service area description tied to the state plane coordinate system, and a CD with the digital data for the location.. The map that we used to show the location of the service area was sent to us by Mr. Steelman. Also included is a revised plat, and metes and bounds description which includes only the proposed Tall Oaks Water Supply Service Area.

I believe that the delays and resubmittals could have been avoided if the Application instructions had indicated the actual requirements for the location map. If any additional information is needed please let me know.

Sincerely,



Joe L. Haney
Lake Limestone Properties LLC

Bryan W. Shaw, Ph.D., *Chairman*
Buddy Garcia, *Commissioner*
Carlos Rubinstein, *Commissioner*
Mark R. Vickery, P.G., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

August 15, 2011

Mr. James K. Brown, President
Texas Water Systems, Inc.
7891 US Hwy. 271
Tyler, Texas 75708

Re: Application from Texas Water Systems, Inc., to Amend Certificate of Convenience and Necessity (CCN) No. 12473, in Limestone County; Application No. 37044-C

CN: 600629893; RN: 101450484

Dear Mr. Brown:

Your application for Texas Water Systems, Inc., was received on May 23, 2011, and has been accepted for filing. Thank you for providing the items we requested with your July 24, 2011, letter. Ms. Debbie Reyes has been assigned to perform the technical review.

Your next step is to provide the **revised** public notices without delay. The notice to the public must be published once each week for two (2) consecutive weeks in a newspaper of general circulation in Limestone County. **It is the responsibility of the applicant to provide correct notice** of the application to any utilities, customers, cities and cities with an extraterritorial jurisdiction within two (2) miles of your proposed service area, any city with an extraterritorial jurisdiction which overlaps the proposed service area or other affected parties in your requested area. **You will also be required to provide mailed notice to all landowners with more than 25 acres in your proposed CCN area pursuant to TCEQ 30 TAC Chapter 291 Rules adopted on January 5, 2006. The landowner information may be obtained from the county appraisal district tax rolls for the county or counties in which the proposed CCN lies.** Check the notices carefully before mailing or publishing.

A review of our files and maps indicates that, **in addition to the neighboring utilities noted on your application, you must provide notice to the following entities:**

SLC WSC (CCN No. 12213)
Lass Utility Service Company (proposed area)
Limestone County
all cities and extraterritorial jurisdiction's within 2 miles of the proposed area

Mr. James K. Brown, President
Page 2
August 15, 2011

Information related to utilities and districts including addresses can be obtained from the TCEQ web site located at www10.tceq.texas.gov/iwud/.

As proof that notice was provided, you are required to send us the following:

- a) an original and three copies of a publisher's affidavit of the newspaper publication with tear sheets of the published notice attached;
- b) four copies of each individual notice and map sent to neighboring utilities and affected parties;
- c) four copies of notice sent to customers in the proposed area;
- d) four copies of notice and map sent to each landowner; and
- e) an original and three copies of the signed affidavits that individual notice to neighboring utilities, affected individuals, customers **and each landowner** has been given. (Copies of the Affidavit forms are enclosed with this letter.)

Please be sure to include a map showing the proposed service area with your individual notices to neighboring utilities, other affected parties and each landowner. It is the applicant's burden to provide an accurate map delineating the proposed area with each individual notice.

Additional financial or technical information may also be requested through future correspondence.

These items must be completed and returned to our office by **September 9, 2011**. Processing of this application cannot proceed until the close of the 30 day public comment period which begins after all the required notices have been given. If we do not receive the requested information by this date, your application will be returned for failure to prosecute.

If you have any questions, please contact Ms. Debbie Reyes at 512/239-4683, or if by correspondence, include Mail Code 153 in the letterhead address.

Sincerely,



Tammy Benter, Manager
Utilities & Districts Section
Water Supply Division
Texas Commission on Environmental Quality

TB/KLB/mm

Enclosures: as stated

cc: by email to joelhaney@sbcglobal.net (without enclosures)

Notice for Publication

NOTICE OF APPLICATION FOR CERTIFICATE OF CONVENIENCE
AND NECESSITY (CCN) TO PROVIDE WATER
UTILITY SERVICE IN LIMESTONE COUNTY, TEXAS

Texas Water Systems, Inc. has filed an application to amend CCN No. 12473 with the Texas Commission on Environmental Quality to provide water utility service in Limestone County.

The proposed utility service area is located approximately 11.3 miles south 66° E of downtown Groesbeck, Texas, and is **generally** bounded on the north by approximately 1/2 mile north of LCR 823; on the east by Lake Limestone; on the south by LCR 823; and on the west by approximately 1/2 mile east of LCR 822.

The total area being requested includes approximately 25 acres and 0 current customers.

The proposed amendment affects customers and/or areas located in the following zip code: 76642.

A copy of the proposed service area map is available at Texas Water Systems, Inc., 7891 US Hwy. 271, Tyler, Texas 75708 or by calling 903/595-2128.

A request for a public hearing must be in writing. 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 intervene or comment should write the:

Texas Commission on Environmental Quality
Water Supply 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. A public hearing will be held only if a legally sufficient hearing request is received or if the Commission on its own motion requests a hearing. Only those individuals who submit a written hearing request or a written request to be notified if a hearing is set will receive notice if a hearing is scheduled.

If a public hearing is requested, the Executive Director will not issue the CCN and will forward the application to the State Office of Administrative Hearings (SOAH) for a

Notice to Neighboring Systems, Landowners and Cities

**NOTICE OF APPLICATION FOR CERTIFICATE OF CONVENIENCE AND
NECESSITY (CCN) TO PROVIDE WATER UTILITY SERVICE IN
LIMESTONE COUNTY, TEXAS**

To: _____ Date Notice Mailed: _____, 2011
(Neighboring System, Landowner or City)

(Address)

(City State Zip)

Texas Water Systems, Inc. has filed an application to amend CCN No. 12473 with the Texas Commission on Environmental Quality to provide water utility service in Limestone County.

The proposed utility service area is located approximately 11.3 miles south 66° E of downtown Groesbeck, Texas, and is **generally** bounded on the north by approximately 1/2 mile north of LCR 823; on the east by Lake Limestone; on the south by LCR 823; and on the west by approximately 1/2 mile east of LCR 822.

The total area being requested includes approximately 25 acres and 0 current customers.

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See enclosed map of the proposed service area.

A request for a public hearing must be in writing. 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 intervene or comment should write the:

Texas Commission on Environmental Quality
Water Supply Division
Utilities and Districts Section, MC-153
P. O. Box 13087

Texas Commission on Environmental Quality



PUBLISHER'S AFFIDAVIT
APPLICATION NO. _____

STATE OF TEXAS
COUNTY OF _____

Before me, the undersigned authority, on this day personally appeared _____, who being by me
duly sworn, deposes and says that (s)he is the _____
(TITLE)

of the _____;
(NAME OF NEWSPAPER)

that said newspaper is regularly published in _____
(COUNTY/COUNTIES)

and generally circulated in _____, Texas; and
(COUNTY/COUNTIES)

that the attached notice was published in said newspaper on the following date(s), to wit:

(DATES)

(SIGNATURE OF NEWSPAPER REPRESENTATIVE)

Subscribed and sworn to before me this _____ day of _____, 2011,
to certify which witness my hand and seal of office.

Notary Public in and for the State of Texas

Print or Type Name of Notary Public
Commission Expires _____

Texas Commission on Environmental Quality



AFFIDAVIT OF NOTICE TO LANDOWNERS
APPLICATION NO. _____

STATE OF TEXAS
COUNTY OF _____

_____ has provided individual notice to the following entities:
(NAME OF UTILITY)

	DATE
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

OATH

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

Applicant's Authorized Representative

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

Subscribed and sworn to before me this _____ day of _____, 20____, to
certify which witness my hand and seal of office.

Notary Public in and for the State of Texas

Print or Type Name of Notary Public
Commission Expires _____

Texas Commission on Environmental Quality



AFFIDAVIT OF NOTICE TO NEIGHBORING UTILITIES AND AFFECTED PARTIES
APPLICATION NO. _____

STATE OF TEXAS
COUNTY OF _____

_____ has provided individual notice to the following entities:

	DATE
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

OATH

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

Applicant's Authorized Representative

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

Subscribed and sworn to before me this _____ day of _____, 20____, to certify which witness my hand and seal of office.

Notary Public in and for the State of Texas

Print or Type Name of Notary Public
Commission Expires _____

Notice to Neighboring Systems, Landowners and Cities

NOTICE OF APPLICATION FOR CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) TO PROVIDE WATER UTILITY SERVICE IN LIMESTONE COUNTY, TEXAS

To: Willie J. Nelson, Jr. Date Notice Mailed: 09/20, 2011
(Neighboring System, Landowner or City)

1219 Honea Egypt Rd.
(Address)

Magnolia, Texas 77354
(City State Zip)

Texas Water Systems, Inc. has filed an application to amend CCN No. 12473 with the Texas Commission on Environmental Quality to provide water utility service in Limestone County.

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The total area being requested includes approximately 25 acres and 0 current customers.

The proposed amendment affects customers and/or areas located in the following zip code: 76642.

See enclosed map of the proposed service area.

A request for a public hearing must be in writing. 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 intervene or comment should write the:

Texas Commission on Environmental Quality
Water Supply Division
Utilities and Districts Section, MC-153
P. O. Box 13087

2011 OCT 3 PM 1 55
RECEIVED
WATER SUPPLY DIV.

Austin, TX 78711-3087

within thirty (30) days from the date of this publication or notice. A public hearing will be held only if a legally sufficient hearing request is received or if the Commission on its own motion requests a hearing. Only those individuals who submit a written hearing request or a written request to be notified if a hearing is set will receive notice if a hearing is scheduled.

If a public hearing is requested, the Executive Director will not issue the CCN and will forward the application to the State Office of Administrative Hearings (SOAH) for a hearing. If no settlement is reached and an evidentiary hearing is held, the SOAH will submit a recommendation to the Commission for final decision. If an evidentiary hearing is held, it will be a legal proceeding similar to a civil trial in state district court.

If you are a landowner with a tract of land at least 25 acres or more, that is partially or wholly located within the proposed area, you may request to be excluded from the proposed area (or "opt out") by providing written notice to the Commission within (30) days from the date that notice was provided by the applicant. All request to opt out of the requested service area must include a scaled, general location map and a metes and bounds description of the tract of land.

Persons who meet the requirements to opt out, and wish to request this option should file the required documents with the:

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

A copy of the request to opt out of the proposed area must also be sent to the applicant. Staff may request additional information regarding your request.

Si desea informacion en Espanol, puede llamar al 1-512-239-0200.

CONSENT FORM

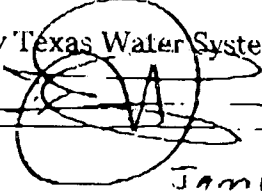
Applicant's Name: Texas Water Systems, Inc.

Application No.: 37044-C

- I concur with the recommendation contained in the staff memorandum transmitted by letter dated December 20, 2011.
- I do not concur with and intend to respond to the recommendation contained in the staff memorandum transmitted by letter dated December 20, 2011.

I understand that I have 14 days from the date of this letter to provide my response.

I am authorized by Texas Water Systems, Inc., to sign this form.

Signature: 

Printed Name: JAMES K. BROWN

Relationship to Applicant: President

Date signed: JAN 3, 2012

Mail or fax to:
 Debbie Reyes Tamayo
 Utilities & Districts Section, MC 153
 Water Supply Division
 Texas Commission on Environmental Quality
 P.O. Box 13087
 Austin, TX 78711-3087
 Fax: (512) 239-0030