



Control Number: 43901



Item Number: 23

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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

43901

MEN WATER SUPPLY CORPORATION

P. O. BOX 3019
CORSICANA, TEXAS 75151-3019
903 874-4331
December 9, 2003

DEC 12 2003

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

Fax 512 239-6972

Certified Mail # 7003 1010 0003 7102 5633

Gentlemen:

MEN Water Supply Corporation's (CCN 10748) Board of Directors having reviewed the City of Corsicana's application to amend its CCN No. 10776 as described in a notice mailed 11/20/03, hereby requests a public hearing.

The integrity of MEN's service area is very important to us, in that any loss of area or dual certification would affect our ability to generate revenue to repay USDA Rural Development and other loans obtained for making capital improvements in or near the areas where dual certification is being requested. It would most probably result in higher cost of providing water service to members located in our entire service area. Finally, any TCEQ order granting dual certification in the absence of consent on the part of both retail public utilities appears contrary to the Texas Legislature's express purpose in regulating water and sewer utility services, as set forth in Section 13.001 of the Texas Water Code; the Commission appears to have no legal authority to grant the City of Corsicana's application if it is protested by any retail water utility certificated to the area requested.

In order to avoid a public hearing we need to have the City of Corsicana's proposed written description and CCN map as was enclosed, eliminate any requested dual certification or release of area or encroachment involving MEN WSC's CCN.

MEN WSC would also like to remain a party to any public hearing that may be requested by the other parties notified by the city involving areas around the City of Corsicana. The impact on other CCN's could affect the cost and quality of services provided to MEN WSC by the City of Corsicana and might impact MEN's ability as provided by law to extend service into areas outside its CCN not presently served or covered by another entity's CCN.

We would welcome additional time that would allow MEN WSC representatives to meet with the City of Corsicana to review modifications to their requests.

If additional information is needed you may contact our manager, Dennis Donoho, at the above address and telephone number.

Yours truly,



Paul Mitchell
President MEN WSC

pm:dd

Enclosure: Notice of 11/20/03

Cc: Ms. Connie Standridge, Interim City Manager
City of Corsicana, 200 N. 12th St., Corsicana, TX 75110

Mr. Doug Holcomb, Section Manager, Utilities and Districts Section
TCEQ, Water Supply Division, P O Box 13087, Austin, TX 78711-3087

Mr. Kenneth Petersen, General Counsel
TRWA, 1616 Rio Grande St., Austin, TX 78701

Mr. Louis Reininger
USDA Rural Development
P O Box 410, Groesbeck, TX 76642-0410

B & B Water Supply
Community Water Supply
Angus Water Supply
Chatfield Water Supply
Rice Water Supply

TCEQCOR4.doc

Notice to Neighboring Systems and Cities

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

To: M.E.N. Water Supply Date Notice Mailed: 11/20, 2003
(Neighboring System or City)
P . O. Box 3019
(Address)
Corsicana, Texas 75151-3019
(City State Zip)

City of Corsicana has filed an application to amend CCN No. 10776 and to obtain dual certification with portions of B & B Water Supply Corporation, Community Water Company, Angus Water Supply Corporation, MEN Water Supply Corporation and Chatfield Water Supply Corporation with the Texas Commission on Environmental Quality to provide water utility service in Navarro County.

The proposed utility service area is located around the City of Corsicana, Texas, and is generally bounded on the north by Briar Creek; on the east by SE 0070 Road; on the south by FM 739; and on the west by Cedar Creek.

The total area being requested includes approximately 14,697 acres and 10,500 current customers. 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
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.