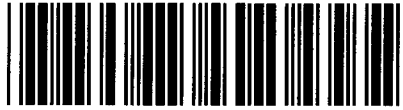




Control Number: 43901



Item Number: 38

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

Brown McCarroll

L.L.P.

111 Congress Avenue, Suite 1400, Austin, Texas 78701-4043
512-472-5456 fax 512-479-1101

direct 512-479-1144 edrews@mailbmc.com

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PUBLIC UTILITY COMMISSION
FILING CLERK

November 21, 2007

Ms. Lisa Fuentes, MC 153
Water Supply Division
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711

Re: TCEQ Docket No. 2003-0680-UCR, *Application of Angus Water Supply Corporation, Certificate of Convenience and Necessity (CCN) No. 11171, to Decertify Portions of CCN No. 12278 from Corbet Water Supply Corporation, to Decertify Portions of CCN No. 10748 from MEN Water Supply Corporation and to Amend CCN No. 11171 in Navarro County, Texas; Application No. 33780-C*

TCEQ Docket No. 2004-0816-UCR, *Application from City of Corsicana, Certificate of Convenience and Necessity (CCN) No. 10776, to Obtain Dual Certification with Portions of CCN No. 11317 of B & B Water Supply Corporation and with Portions of CCN No. 11086 of Chatfield Water Supply Corporation and to Amend CCN No. 10776 in Navarro County; Application No 34418-C*

Dear Ms. Fuentes,

Enclosed please find an executed original of the Amendment to Agreement Designating Areas and Customers to Receive Retail Water Utility Service By and Between Angus Water Supply Corporation and City of Corsicana, Texas effective July 12, 2005. As you will recall from the applicants' July 18 meeting with you at the Commission, the applicants have proceeded to draft, execute and submit to you this contract amendment. We appreciate your meeting with us, and if you have questions or need anything further, please let us know.

Very truly yours,



Elizabeth Drews
Attorney for the City of Corsicana

cc: Lara Nehman Zent
Attorney for Angus Water Supply Corporation

Austin • Dallas • Houston • Longview • El Paso

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53047.1

38.

AMENDMENT TO

**AGREEMENT DESIGNATING AREAS AND CUSTOMERS TO RECEIVE
RETAIL WATER UTILITY SERVICE BY AND BETWEEN
ANGUS WATER SUPPLY CORPORATION AND CITY OF CORSICANA, TEXAS,
EFFECTIVE JULY 12, 2005**

The AGREEMENT DESIGNATING AREAS AND CUSTOMERS TO RECEIVE RETAIL WATER UTILITY SERVICE (Agreement) by and between Angus Water Supply Corporation (Water Supply Corporation) and City of Corsicana, Texas (City) (hereinafter, Water Supply Corporation and City, collectively referred to as Parties) and effective July 12, 2005, is amended as follows:

WHEREAS the Texas Commission on Environmental Quality (TCEQ) staff recently notified Parties that the portions of the Agreement that involve the transfer of facilities from Water Supply Corporation to City described in Paragraph (3) of the Agreement will not be processed as an agreement under Section 13.248 WATER CODE as referenced in the Agreement but will instead require an application for sale, transfer, or merger of a retail public utility (STM) application; and

WHEREAS Parties intend that an STM application be filed so that TCEQ can complete all actions needed to effectuate Parties' full intent in entering into the Agreement as soon as possible;

NOW THEREFORE, in consideration of the mutual promises and agreements contained in the Agreement, as amended by this document (Amendment), the Parties agree as follows:

(1) The Agreement remains in full force and effect except as expressly stated in this Amendment. The Parties' mutual promises and agreements contained in the Agreement apply to the Agreement as amended unless expressly provided in this Amendment.

(2) The facilities described in Paragraph (3) of the Agreement will be transferred from Water Supply Corporation to the City on the date that the Parties' closing documents for the STM application for those facilities are submitted to the TCEQ.

(3) The second sentence of Paragraph (5) of the Agreement is amended to read as follows:

(5) The credits will begin on the first bill that City issues to Water Supply Corporation after the closing documents described in Paragraph (2) of the Amendment are submitted to the TCEQ.

01-11-2005
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CITY OF CORSICANA, TEXAS

(4) The first sentence of Paragraph (6) of the Agreement is amended to read as follows:

(6) City agrees to begin providing service to the area described in paragraph (3) of the Agreement and as depicted in Exhibit 1 to the Agreement within 60 days after the closing documents described in Paragraph (2) of the Amendment are submitted to the TCEQ.

(5) Paragraph (7) of the Agreement is amended to read as follows

(5) The Amendment shall be submitted to the TCEQ following execution of the Amendment by the Parties. The Agreement as amended by the Amendment shall be considered binding and effective as of the date on which the closing documents described in Paragraph (2) of the Amendment are submitted to the TCEQ.

IN WITNESS WHEREOF, the Parties have executed this Amendment to the Agreement effective the date of the last signature.

ANGUS WATER SUPPLY CORPORATION

By: 

Title: President, Board of Directors

Date: 10-31-07

Attest: 

CITY OF CORSIKANA, TEXAS

By: 

Title: Mayor

Date: 10-29-07

Attest: 

City Secretary

APPROVED AS TO FORM:

Attorney for Angus Water
Supply Corporation

Elizabeth Drews
Attorney for the City of
Corsicana, Texas

APPROVED:

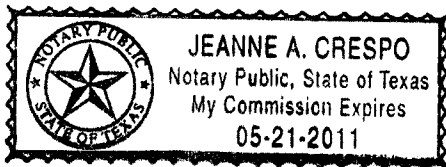
Connie Standridge
City Manager

Cathy McDaniel
Director Fiscal Services

[Signature]
City Attorney

STATE OF TEXAS §
COUNTY OF NAVARRO §

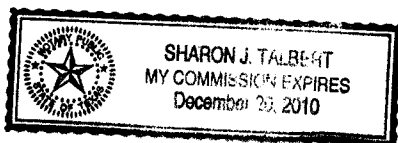
This instrument was acknowledged before me on the 31st day of
October, 2007, by J. A. Mertz, on behalf of Angus Water Supply
Corporation.



Jeanne Crespo
Notary Public, State of Texas

STATE OF TEXAS §
COUNTY OF NAVARRO §

This instrument was acknowledged before me on the 29th day of
Oct, 2007, by C. L. Brown, on behalf of the City of Corsicana,
Texas.



Sharon J. Talbert
Notary Public, State of Texas