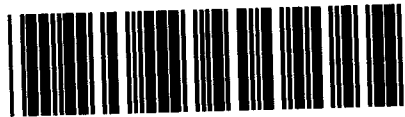


Control Number: 43965



Item Number: 22

Addendum StartPage: 0

Robert J. Huston, *Chairman*
R. B. "Ralph" Marquez, *Commissioner*
Kathleen Hartnett White, *Commissioner*
Margaret Hoffman, *Executive Director*



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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
PUBLIC UTILITY COMMISSION
FILING CLERK

Protecting Texas by Reducing and Preventing Pollution

October 31, 2002

Mr. Mark H. Zeppa, Attorney
Law Offices of Mark H. Zeppa, P.C.
4833 Spicewood Springs Road, Suite 202
Austin, Texas 78759-8436

Re: Application from Denton County Fresh Water Supply District No. 10 to Amend Water Certificate of Convenience and Necessity (CCN) No. 13021 in Denton County; Application No. 34068-C

Application from Denton County Fresh Water Supply District No. 10 to Amend Sewer CCN No. 20923 in Denton County; Application No. 34069-C

Dear Mr. Zeppa:

Your applications have been accepted for filing, and Ms. Lisa Mejia has been assigned to perform the technical review. The applications have been assigned Application Nos. 34068-C and 34069-C. Please refer to these numbers in future correspondence.

Your next step is to provide the 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 Denton County. It is the responsibility of the applicant to provide correct notice of the application to any utilities 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. 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 utilities:

Denton County Fresh Water Supply District (FWSD) No. 8A (CCN Nos. 13018 & 20920)
Denton County FWSD No. 8B (CCN Nos. 13019 & 20921)
Denton County FWSD No. 11 (CCN Nos. 13022 & 20924)
Mustang Special Utility District (CCN Nos. 11856 & 20930)
AquaSource Utility (CCN No. 11157)
City of Frisco (CCN Nos. 11772 & 20591)
Upper Trinity Regional Water District

Information related to utilities and districts including addresses can be obtained from the TCEQ web site located at www2.tceq.state.tx.us/iwud.

Mr. Mark H. Zeppa, Attorney
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October 31, 2002

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 other affected parties; and
- c) an original and three copies of the signed affidavits that individual notice to neighboring utilities and affected individuals has been given. (Copies of the Affidavit forms are enclosed with this letter.)

Include the enclosed location map delineating the proposed service area with your individual notices to neighboring utilities and other affected parties.

In addition, there also appears to be a complete overlap of your proposed service area with the proposed service area of City of Prosper. Please provide written documentation on how the overlap will be handled.

Also, your proposed area overlaps the corporate limits of the City of Prosper. Please provide a copy of a franchise, permit or consent granted by the city.

Finally, please indicate on a copy of a map submitted with the original applications the location of the request for service received from Binary Investments, Inc. Also, submit copies of any other requests for service received for the proposed service area.

These items must be completed and returned by **December 6, 2002**. Processing of the applications 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 applications may be returned for failure to prosecute.

If you have any questions, please contact Ms. Lisa Mejia at 512/239-6117, or if by correspondence, include Mail Code 153 in the letterhead address.

Sincerely,



Michelle Abrams, Team Leader
Utilities & Districts Section
Water Supply Division

MA/LM/ac

Enclosures

cc: TNRCC, Region 4 Office

Notice for Publication

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

Denton County Fresh Water Supply District No. 10 has filed to amend CCN No.13021 and CCN No. 20923 with the Texas Commission on Environmental Quality to provide water and sewer utility service in Denton County.

The proposed amendment to the utility service area is located approximately 3 miles north of downtown Little Elm, Texas and west 3 miles from downtown Prosper, Texas, and is generally bounded on the north by south right of way line of Parvin Road; on the east by the west right of way line of County Line Road; on the south by the north right of way line of US 380 and on the West by the east right of way line of FM 1385. The total amendment service area being requested includes approximately 5,100 acres. There are no existing customers.

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 Permits and Resource Management 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.

Notice to Neighboring Systems and Cities

**NOTICE OF APPLICATION FOR CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN)
TO PROVIDE WATER/SEWER UTILITY SERVICE IN DENTON COUNTY**

To: _____ Date Notice Mailed: _____, 2002
(Neighboring System or City)

(Address)

(City State Zip)

Denton County Fresh Water Supply District No. 10 has filed an application to amend CCN No. 13021 and CCN No. 20923 with the Texas Commission on Environmental Quality to provide water and sanitary sewer utility service in Denton County.

The proposed amendment to the utility service area is located approximately 3 miles north of downtown Little Elm, Texas and west 3 miles from downtown Prosper, Texas, and is generally bounded on the north by south right of way line of Parvin Road; on the east by the west right of way line of County Line Road; on the south by the north right of way line of US 380 and on the West by the east right of way line of FM 1385. The total amendment service area being requested includes approximately 5,100 acres. There are no existing customers.

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.

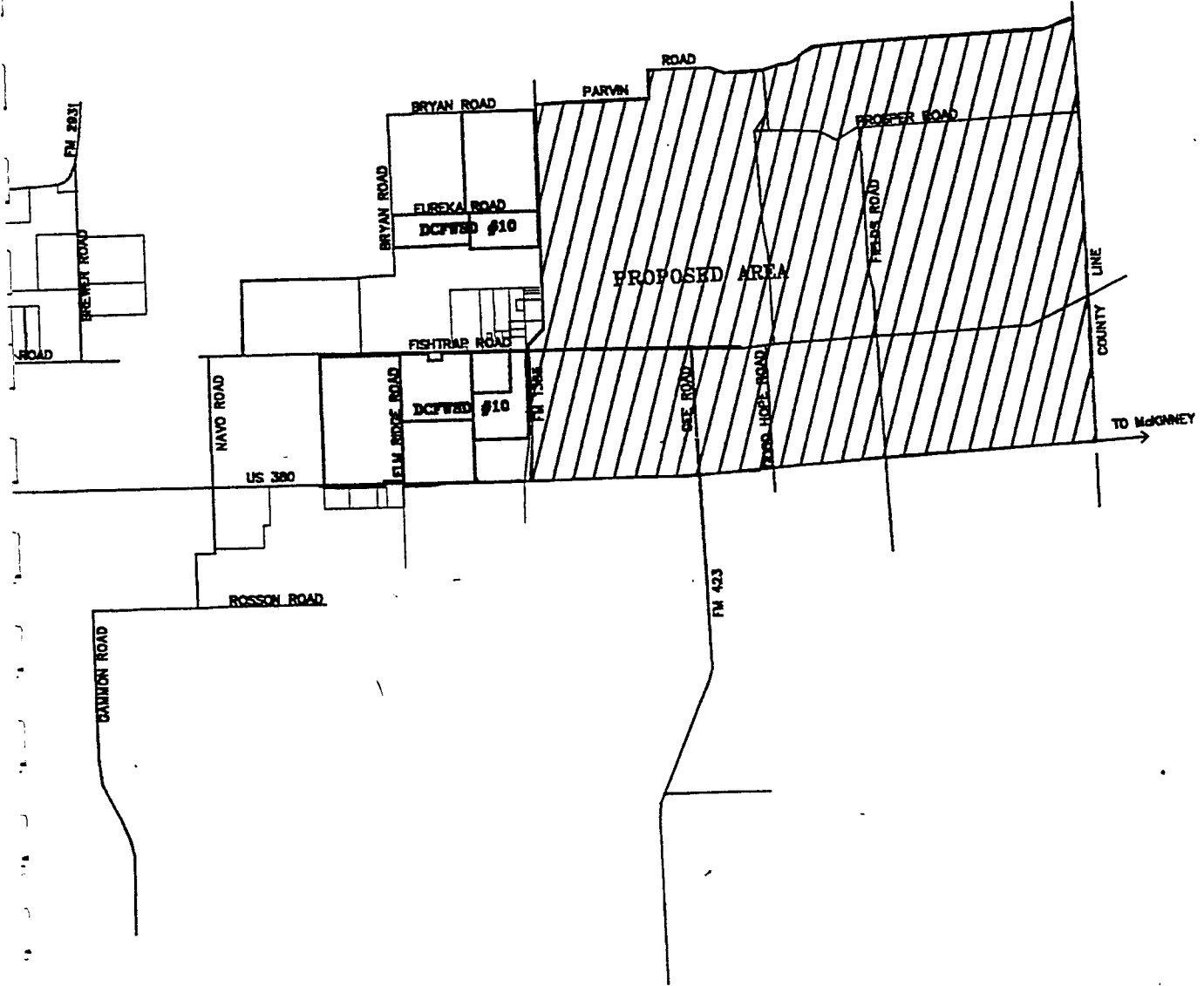
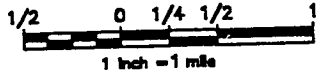
Persons who wish to intervene or comment should write the:

Texas Natural Resource Conservation Commission
Water Permits and Resource Management 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.

ATTACHMENT 1



VICINITY MAP

P_a **Petitt and Associates, Inc.**
ENGINEERING & SURVEYING

10720 MILLER ROAD, SUITE 218
Dallas, Texas 75238

Tel. No. (214) 221-9955
Fax No. (214) 340-3550

JOB NO: 00038
SCALE: 1"=1 MILE
DATE: SEPT. 11, 2002
DRAWN BY: SOL



Texas Commission on Environmental Quality

APPLICATION NO. _____

PUBLISHER'S AFFIDAVIT

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 _____ of the

TITLE

_____ ; that said

NAME OF NEWSPAPER

newspaper is regularly published in _____

County(ies) and generally circulated in _____

County (Counties), Texas; and that the attached notice was published in said newspaper on the

following date(s), to wit: _____

Newspaper Representative's Signature

Subscribed and sworn to before me this _____ day of _____, 2002, 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

APPLICATION NO. _____

AFFIDAVIT OF NOTICE TO NEIGHBORING UTILITIES AND AFFECTED PARTIES

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 _____