



Control Number: 43965



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43965 LISA

LAW OFFICES
OF
KERRY RUSSELL, P.C.
ATTORNEYS AT LAW
120 WEST 8TH STREET
GEORGETOWN, TEXAS 77626
PUBLIC UTILITY COMMISSION
CLERK

RECEIVED

JAN 03 2002

TEXAS NATURAL RESOURCE
CONSERVATION COMMISSION
UTILITIES AND DISTRICTS

Fax (512) 864-7744

Phone (512) 930-1317

E-mail krussell@kerlawfirm.com

**CONFIDENTIAL
PRIVILEGED ATTORNEY-CLIENT COMMUNICATION**

December 20, 2002

Via Facsimile & Certified U.S. Mail, Return Receipt Requested

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

Re: *Application of Denton County Fresh Water Supply District
No. 10 to Amend Certificate of Convenience and Necessity
(CCN) No. 13021 and No. 20923 in Denton County, Texas*

To the Texas Commission on Environmental Quality:

The City of Prosper, Texas ("City") is in receipt of the notification of the above-referenced application. This law firm represents the City in regard to the above referenced matter. The original notice to the City was dated November 21, 2002, but was sent to the wrong address. The first notice received by the City was dated December 16, 2002. The City is filing this public hearing within the time specified in the improper notice to facilitate TCEQ action on this matter. In compliance with the notice, the City makes the following statements:

1. The City may be notified of any developments in this case by providing notice to:

Kerry E. Russell
Law Offices of Kerry Russell
120 West 8th Street
Georgetown, Texas 78626
(512) 930-1317

2. Applicant information: *Application of Denton County Fresh Water Supply District No. 10 to Amend Certificate of Convenience and Necessity (CCN) No. 13021 and No. 20923 in Denton County, Texas.*

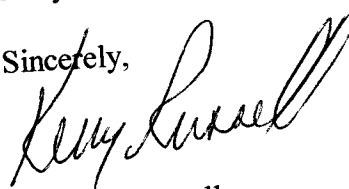
3. The City requests a public hearing on the application.
4. The City is adversely affected because the area requested by District 10 is within the City's current water CCN service area. The area requested is also within the area being requested by the City in a pending sewer CCN application. The area requested is also within the City's extraterritorial jurisdiction. The area requested is totally bounded by the City's corporate limits.

The City has a current agreement with District 10 for District 10 to provide temporary service to the area requested until the City completes the extension of its lines to the area.

Wastewater treatment capacity for the area requested has been reserved in the North Texas Municipal Water District's recently permitted Panther Creek wastewater treatment plant, which is the regional facility for this area.

5. Withdrawal of the CCN application by District 10 will resolve the City's concerns.

Sincerely,



Kerry E. Russell

Cc: Ms. Jennifer Finley, City of Prosper
Mr. Richard Abernathy
Mr. Travis Roberts

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

January 21, 2003

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:

As you are aware, the Texas Commission on Environmental Quality (TCEQ) has received a protest from the City of Prosper regarding your application to amend CCN No. 13021 and CCN No. 20923 in Denton County. The Commission's Chief Clerk has assigned Docket No. 2003-0033-UCR to this matter. Any further communications should refer to these docket numbers. V.T.C.A. Water Code, Section 13.246 provides that affected parties may protest the applications and request a hearing on whether a CCN should be amended. Please see the enclosed list of protestants.

This matter has been referred to the State Office of Administrative Hearings to schedule a hearing. When a hearing has been scheduled, you will receive a notice of hearing which explains when and where the hearing will be held.

In order to review the CCN applications, the staff of the TCEQ may need additional information regarding the utility's service. You may be receiving Staff Requests for Information (RFI's) within a few weeks. We would appreciate your cooperation in providing the information requested.

If you have questions about this process or what material you should bring with you to the hearing, please contact Mr. Prabin Basnet at (512) 239-0881 or Ms. Lisa Mejia at (512) 239-6117 of the Utilities and District Section.

Sincerely,

A handwritten signature in cursive script that reads "Michelle Abrams".

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

DEH/MA/ac

cc: Attached Mailing List
P.O. Box 13087 • Austin, Texas 78711-3087 • 512/239-1000 • Internet address: www.tceq.state.tx.us

PROPOSED MAILING LIST FOR DOCKET NO. 2003-0033-UCR
(Application No. 34068-C and 34069-C)

Mr. Mark H. Zeppa
Law Offices of Mark H. Zeppa, P.C.
4833 Spicewood Springs Road, Suite 202
Austin, Texas 78759-8436
Phone: 512/346-4011
Fax: 512/346-6847

Representing: Denton County FWSD No. 10

Mr. Kerry E. Russell, Attorney
Law Offices of Kerry Russell, P.C.
120 West 8th Street
Georgetown, Texas 78262
Phone: 512/930-1317
Fax: 512/864-7744

Representing: City of Prosper

TCEQ:

Region 4, Water Program Manager

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

INTEROFFICE MEMORANDUM

TO: LaDonna Castanuela, Chief Clerk

DATE: January 21, 2003

THRU: *MA* Doug Holcomb, P. E., Manager
Utilities & Districts Section
Water Supply Division

FROM: *MA 1/14/03* Michelle Abrams, Team Leader
Utilities & Districts Section
Water Supply Division

SUBJECT: Docket No. 2003-0033-UCR; 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

Docket No. 2003-0033-UCR; Application from Denton County Fresh Water Supply District No. 10 to Amend Sewer CCN No. 20923 in Denton County; Application No. 34069-C

We hereby transfer the official file for the above applications to the Chief Clerk's Office. Please refer these applications to the State Office of Administrative Hearings and request that a hearing be scheduled.

The City of Prosper has protested the application. A proposed mailing list is attached. Staff estimates 20 people to attend this hearing.

The staff assigned to this case are:

Technical - Prabin Basnet/ Lisa Mejia

Legal - _____

If we may be of further service regarding this matter, please call.

Michelle Abrams
Michelle Abrams, Team Leader

MA/LVM/ac

cc: TCEQ Public Interest Counsel; ATTN: Vic McWherter
TCEQ Agency Communications; ATTN: Andy Saenz, Manager
TCEQ Chief Clerk's Office; ATTN: Melanie Mohair
TCEQ Legal Division; ATTN: Geoff Kirschbaum

**LAW OFFICES
OF
KERRY RUSSELL, P.C.**

Attorneys at Law
120 West 8th Street
Georgetown, Texas 78626

Phone (512) 930-1317

E-mail: krussell@kerlawfirm.com

Fax (512) 864-7744

DATE: Friday, December 20, 2002

TO: Ms. Lisa Mejia
Texas Commission on Environmental Quality

FAX Number: (512) 239-6972

Client Number: 1900-00

FROM: Kerry Russell

Direct Phone: (512) 930-1317

Page 1 of 3 pages (Including Cover Page)

Re: Application of Denton County Fresh Water Supply District No. 10
to Amend Certificate of Convenience and Necessity (CCN)
No. 13021 and No. 20923 in Denton County, Texas

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 to us by U.S. Mail.

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Texas Commission on Environmental Quality
December 20, 2002
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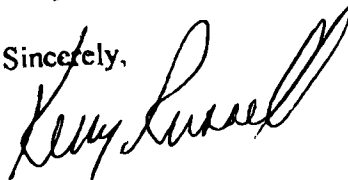
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