

Control Number: 43965



Item Number: 97

Addendum StartPage: 0

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



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2014 DEC 17 AM 7:49

PUBLIC UTILITY COMMISSION
CLERK

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

Page 2

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.

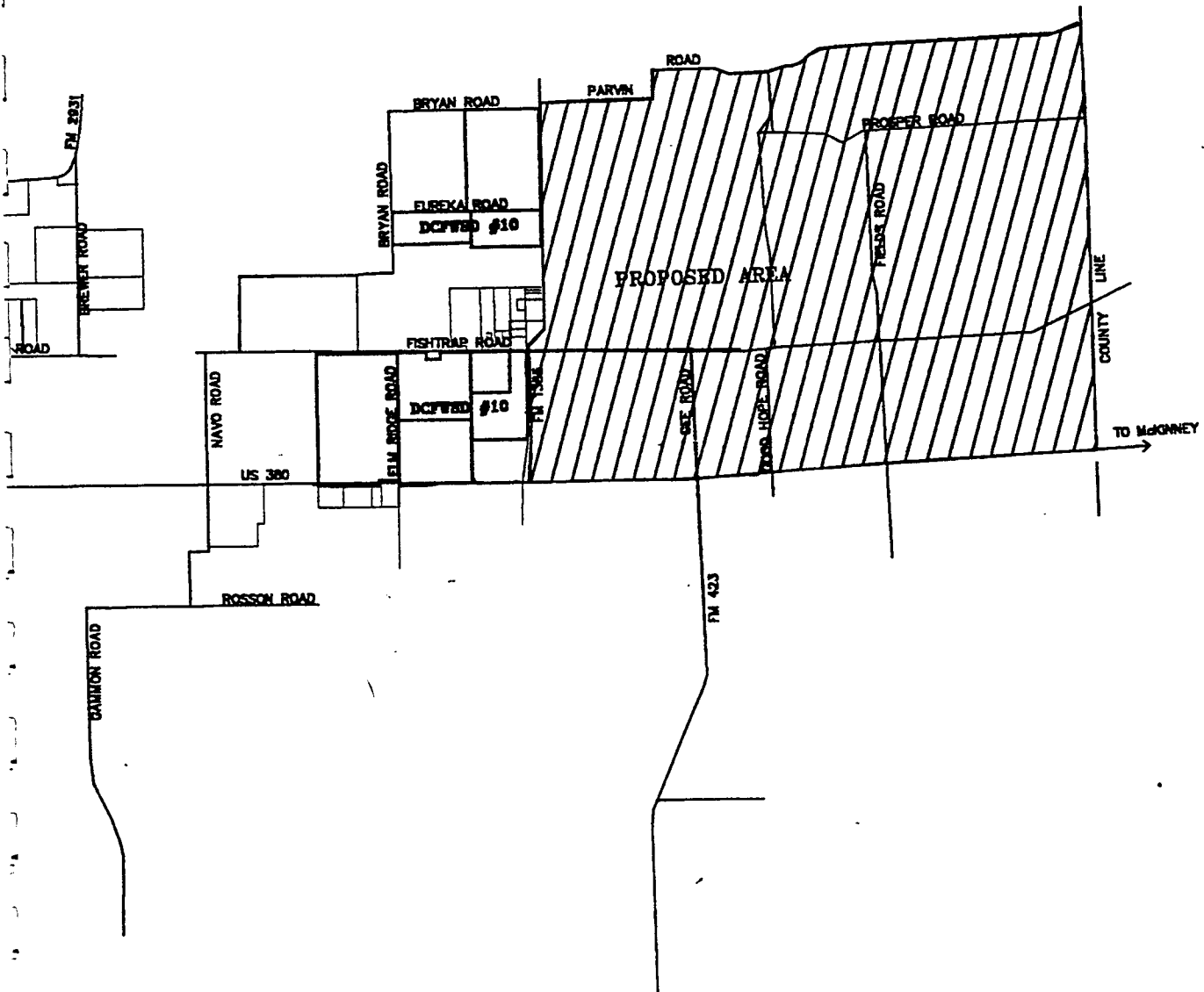
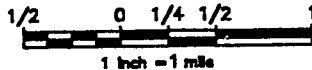
Persons who wish to intervene or comment should write the:

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



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: SDL



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 _____

43965

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Checklist For Obtaining or Amending CCN

2014 DEC 17 AM 7:50

PUBLIC UTILITY COMMISSION
FILING CLERK

Current Application Form Used

Purpose of Application:

Administrative Review # A- -

- Obtain New Water CCN Registration # A
- Obtain New Sewer CCN Registration # A
- Amend Water CCN # 13021
- Amend Sewer CCN # 20923
- Utility Name (Item 1 on page 5 of the application)
- Utility Address and phone number (Item 1 on page 5 of the application)
- Contact Person (Item 1 on page 5 of the application)
- Contact person Address and phone number (Item 1 on page 5 of the application)
- Original and three copies of application received (Item 2 on page 2 of Instructions & Checklist)

If the applicant is a For-Profit Corporation:

- copy of the corporation's "Certification of Account Status" from the Texas State Comptroller of Public Accounts (1.C.i.)
- corporation's charter number as recorded with the Office of the Texas Secretary of State (1.C.ii.)

If the applicant is a Water Code Chapter 67 water supply or sewer service corporation or other non-profit corporation:

- copy of the Articles of Incorporation (1.D.i)
- copy of By-Laws (1.D.i)
- corporation's charter number as recorded with the Office of the Texas Secretary of State (1.D.ii)

Governmental Agencies: Federal, city, or local government-type entities. Examples: I.S.D.; County; State Agencies; Federal Agencies; Water Authority.

County(ies) Denton Field Office 4

Filing Fee \$100 (Page 4 of Instructions & Check List) 200 sent

- Have you received any request for service in the requested service area (2.B)
 - Explanation of need for service
 - List of each person's name, address and phone number
 - Location of each person requesting service indicated on map
- If within city limits, need franchise, permit, or consent granted by the city (2.C.)
- decertification agreement, if applicable (2.D)

- subdivision plat or engineering plans or other large scale map (2.E.i)
 - Indicate location of existing service
 - Indicate location of requested service
- small scale location map delineating the proposed service area OR a copy of the TCEQ official CCN map (2.E.ii)
- oath
- notice for publication (7.F.)
- notice to neighboring systems and cities (7.G)
- notice to customers of IOUs in Proposed Area (7.H)4,38
- certified copy of most current water and/or sewer agreement (5.G.iv)

New System Information or Utilities Requesting a CCN for the First Time:

- Core Data Sheet
- list of all public drinking water supply systems or sewer systems within a 2 mile radius (4.A.i)
- copies of written request seeking to obtain service (4.A.ii)
- copies of written responses from each system or evidence that they did not reply (4.A.iii)
- if constructing a new system - need approved plans and specifications or engineering report
 - plans and specifications Log Number: _____
- if operating without a CCN - "as built" plans and specs or plan approval letter
- analysis of all necessary costs for constructing, operating, and maintaining the system for first five years (6.A.i)
- projected profit and loss statements for first five years (6.A.ii)
- proposed rate schedule or tariff (6.A.iii)
- number of existing and/or proposed connections _____

Existing System Information:

- PWS ID numbers for water system(s) (5.A.i)
- discharge permit number for sewer system(s) (5.A.ii)
- copy of the most recent inspection report letter (5.A.iv.)
- copy of response to most recent inspection report letter (5.A.v.)
- number of existing and/or proposed connections 13,210
- profit and loss statement and current balance sheet (6.B.i)
- proposed rate schedule or tariff (6.B.ii)
- List of all utilities within a 2 miles radius (Instructions page 4)

To: Administrative Reviewer

Date: October 28, 2002

From: Cartographer-Utilities & Districts Section

Subject: Overlap & Notice Check for Administrative Review No. **A-187-2**
Denton County FWSD 10 to amend CCN 13021 & 20923 in Denton County

1. No new overlap of service areas exists.
- X 2. An overlap **Complete with City of Prosper proposed A-153-2**
3. Dual certification
- X 4. An overlap exists with the city limits of: **City of Prosper**
5. If this is a Sale, Transfer, or Merger, is additional area being requested?
6. Due to an inadequate map no map filed by the applicant, a determination cannot be made as to the actual location of requested service boundary.
7. Map submitted is in a digital version. Attach insert to request electronic copy with response letter.
8. Need a more detailed map, such as a subdivision plat or USGS topo map with the boundary clearly identified.
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:

Denton County FWSD 8A (13018, 20920, & district)

Denton County FWSD 8B (13019, 20921, & district)

Denton County FWSD 11 (13022, 20924, & district)

Mustang SUD (11856 & 20930)

AquaSource Utility (11157)

AquaSource Development (20867)

City of Frisco (11772 & 20591)

City of Celina (12667 & 20764)

City of Prosper (12967 & 20888)

Town of Little Elm (proposed A-181-2)

City of Prosper (proposed A-153-2)

Upper Trinity Regional WD

- X 11. Notice: **OK**
12. Other comments:



Kent Steelman

Robert J. Huston, *Chairman*
R. B. "Ralph" Marquez, *Commissioner*
Kathleen Hartnett White, *Commissioner*
Jeffrey A. Saitas, *Executive Director*



TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

Protecting Texas by Reducing and Preventing Pollution

October 15, 2002

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

RE: Declaration of Administrative Completeness
Name: Denton County Fresh Water Supply District No. 10
CCN Numbers: 13021 (water) and 20923 (sewer)
Administrative Review Number: A-187-2
Type of Application: Amend CCNs

Dear Mr. Zeppa:

The above referenced application was received by the Water Quality Applications Team on October 2, 2002. An administrative review of the application was conducted and a Notice of Deficiency letter was sent to you on October 3, 2002. Your response was received on October 14, 2002. The application was declared administratively complete on October 14, 2002.

This application has been forwarded to Ms. Michelle Abrams, Utility Certification and Rate Analysis Team, Districts and Utilities Section (Mail Code 153), Water Supply Division for a technical review. If during the course of the technical review additional information is needed, you will be notified of the deficiency and be requested to supplement the application.

You may contact Ms. Abrams at (512) 239-6014 if you have questions regarding the technical evaluation of your application. If you have questions regarding the administrative review, please contact Peggy Hiscoe at (512) 239-6168.

Sincerely,

A handwritten signature in cursive script that reads "Peggy Hiscoe".

Peggy Hiscoe
Water Quality Applications Team (Mail Code 156)
Permits Administrative Review Section
Registration, Review & Reporting Division

Peggy Hiscoe - RE: Denton County FWSD #10, CCN's #13021 & 20923; Admin Rev No. A-187-2 - missing address & Phone number (10-11-02)

From: "Jones, Sam" <SJones@PateEng.com>
To: "mhzeppa@attglobal.net" <mhzeppa@attglobal.net>, Peggy Hiscoe <phiscoe@tnrcc.state.tx.us>
Date: 10/14/02 10:47 AM
Subject: RE: Denton County FWSD #10, CCN's #13021 & 20923; Admin Rev No. A-187-2 - missing address & Phone number (10-11-02)
CC: "Clay E. Crawford (ccrawford@crawlaw.net)" <ccrawford@crawlaw.net>

Mark, I feel it necessary that I ask you refrain from using my name on this type of E-mail. For TCEQ's record and as you are aware, I have not been in the loop on this application. I did not see the application before it was submitted and have not had any part of its submittal.

-----Original Message-----

From: Mark H. Zeppa, Attorney at Law [<mailto:mhzeppa@attglobal.net>]

Sent: Friday, October 11, 2002 4:49 PM

To: Peggy Hiscoe

Cc: Samuel Jones

Subject: Denton County FWSD #10, CCN's #13021 & 20923; Admin Rev No. A-187-2 - missing address & Phone number (10-11-02)

Dear Peg,

In response to your most professional and dignified letter of October 3, 2002, concerning apparent missing information on the above-referenced water and sewer CCN application, do you really expect me to keep track of the Train Wreck's (as its was the properly known) screw ups. Remember, it was the higher math in Organic Chemistry that fluked me out of engineering school or I too could be running the joint. I can't count that many tickler lists of things to watch out for at your employer. Even my computer has only got so many reminder whistles.

I only use the forms that get circulated. They work for me. Got plenty of blanks. Really more than you'll every need so why bother with extra data. It just confuses Central Registry. They haven't gotten straight the mess they inherited yet so why give them more to fool with.

Well, if you really insist, here it is:

Denton County Fresh Water Supply District No. 10
c/o Clay Crawford, Esq.
Law Offices of Clay Crawford
4265 San Felipe Street, Suite 1050
Houston, Texas 77027

(713) 621-3707, Fax (713) 621-3909

Mark

Mark Zeppa
Law Offices of Mark H. Zeppa, PC
Independent Water & Sewer Companies of Texas
4833 Spicewood Springs Road, Suite 202
Austin, Texas 78759-8436
(512) 346-4011, Fax (512) 346-6847
mhzeppa@attglobal.net
IWSCOT@attglobal.net

Peggy Hiscoe - Denton County FWSD #10, CCN's #13021 & 20923; Admin Rev No. A-187-2 - missing address & Phone number (10-11-02)

From: "Mark H. Zeppa, Attorney at Law" <mhzeppa@attglobal.net>
To: "Peggy Hiscoe" <phiscoe@tnrcc.state.tx.us>
Date: 10/11/02 4:47 PM
Subject: Denton County FWSD #10, CCN's #13021 & 20923; Admin Rev No. A-187-2 - missing address & Phone number (10-11-02)
CC: "Samuel Jones" <sjones@pateeng.com>

Dear Peg,

In response to your most professional and dignified letter of October 3, 2002, concerning apparent missing information on the above-referenced water and sewer CCN application, do you really expect me to keep track of the Train Wreck's (as its was the properly known) screw ups. Remember, it was the higher math in Organic Chemistry that fluked me out of engineering school or I too could be running the joint. I can't count that many tickler lists of things to watch out for at your employer. Even my computer has only got so many reminder whistles.

I only use the forms that get circulated. They work for me. Got plenty of blanks. Really more than you'll every need so why bother with extra data. It just confuses Central Registry. They haven't gotten straight the mess they inherited yet so why give them more to fool with.

Well, if you really insist, here it is:

Denton County Fresh Water Supply District No. 10
c/o Clay Crawford, Esq.
Law Offices of Clay Crawford
4265 San Felipe Street, Suite 1050
Houston, Texas 77027
(713) 621-3707, Fax (713) 621-3909

Mark

Mark Zeppa
Law Offices of Mark H. Zeppa, PC
Independent Water & Sewer Companies of Texas
4833 Spicewood Springs Road, Suite 202
Austin, Texas 78759-8436
(512) 346-4011, Fax (512) 346-6847
mhzeppa@attglobal.net
IWSCOT@attglobal.net

Robert J. Huston, *Chairman*
R. B. "Ralph" Marquez, *Commissioner*
Kathleen Hartnett White, *Commissioner*
Jeffrey A. Saitas, *Executive Director*



TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

Protecting Texas by Reducing and Preventing Pollution

October 3, 2002

CERTIFIED MAIL

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

Re: Application of Denton County Fresh Water Supply District No. 10
CCN Numbers: 13021 and 20923
Administrative Review Number: A-187-2
Type of Application: CCN

Dear Mr. Zeppa:

The above referenced application was received by the Water Quality Applications Team on October 2, 2002 and it is currently under review. Your attention to the following items is requested before we can declare the application administratively complete. Please submit your response within 30 days from the date of this letter.

1. After the revised CCN application (7/01) was posted on the web, it was discovered that the space for the utility's address and phone number was inadvertently omitted. A corrected CCN application has since been posted on the web. Please provide us with the utility address and phone number.
2. For future applications, please check our web site to download the current application.
www.tceq.state.tx.us
Utilities and Water Supplies (left side)
Water Utilities and Water Districts
Utility Publications, Applications and Checklists (left side)
CCN Applications and Documents

Please submit the complete response, addressed to my attention by November 4, 2002. My fax number is (512) 239-0884. If the requested information is not received by the given deadline, pursuant to 30 TAC Chapter 281, the application will be returned from our list of pending applications. If you should have any questions, please do not hesitate to call me at (512) 239-6168.

Sincerely,

A handwritten signature in cursive script that reads "Peggy Hiscoe".

Peggy Hiscoe
Water Quality Applications Team (MC 156)
Permits Administrative Review Section
Registration, Review & Reporting Division