

Control Number: 43971



Item Number: 42

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

TCEQ Interoffice Memorandum

CD CCN No A1908

To: Marisa Weber
Offices of the Chief Clerk

From: Elizabeth Nichols
Administrative Support
Water Supply Division

Date: September 27, 2011

Subject: Item for the Executive Director's Signature

Hidden Village Property Owners Association, Inc.

CCN No: 10490

CN: 603061474; RN: 105777130

RECEIVED

DEC 01 2011

TCEQ
CENTRAL FILE ROOM

PUBLIC UTILITY COMMISSION
FILING CLERK

2014 DEC 31 AM 9:57

RECEIVED

The item listed above is for the Executive Director's Signature. Please present this to Marisa Weber

Contact Name: Kamal Adhikari, E.I.T.

Date Stamp This Page One

Bryan W. Shaw, Ph.D., *Chairman*
Buddy Garcia, *Commissioner*
Carlos Rubinstein, *Commissioner*
Mark R. Vickery, P.G., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

Mr. James Sobczak, President
3711 West Green Oaks, Suite C
Arlington, Texas 76016

Re: Application from Hidden Village Property Owners Association, Inc., A1908 to Decertify a Portion of Certificate of Convenience and Necessity (CCN) No. 10490 from bi County Water Supply Corporation (WSC) and to Obtain a Water CCN in Camp County; Application No. 36730-C

CN: 603061474; RN: 105777130 (Hidden Village Property Owners Association, Inc.)
CN: 600676027; RN: 101384857 (Bi County Water Supply Corporation)

Dear Mr. Sobczak:

Enclosed is a certified copy of an order issued by the Commission in the above referenced application.

This action is taken under authority delegated by the Executive Director of the Texas Commission on Environmental Quality.

Should you have any questions regarding this matter, please contact Mr. Kamal Adhikari at 512/239-0680, or by fax at 512/239-6972, by email kamal.adhikari@tceq.state.gov, or if by correspondence, include MC159 in the letterhead address.

Sincerely,

Linda Brookins, Director
Water Supply Division

LB/KA/ln

Enclosures

cc: Mailing list

Mailing List- Hidden Village Property Owners Association, Inc.
TCEQ Docket No. 2010-1771-UCR
Application No. 36730-C

Mr. James Sobczak, President
3711 West Green Oaks, Suite C
Arlington, Texas 76016

Representing Hidden: Village POA

Mr. Patrick S. White
P.O. Box 393
Lessburg, Texas 75451

Ms. Gloria Workman
19903 East 48th Street
Blue Springs, MO 64015

Protestant

Mr. Cecil Workman
19903 East 48th Street
Blue Springs, MO 64015

Protestant

TCEQ:

Region 5 Office

Dinniah Tedema, Environmental Law Division, MC- 173

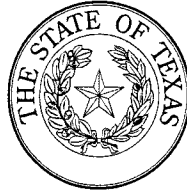
Chief Clerk's Office, MC-105

Vic McWherter, Office of Public Interest Council, MC-103

Elizabeth Flores, Utilities and District Section, MC-153

Kamal Adhikari, Plan and Groundwater Review Section, MC-159

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



SOAH DOCKET NO. 582-11-2576
TCEQ DOCKET NO. 2010-1771-UCR
APPLICATION NO. 36730-C

HIDDEN VILLAGE PROPERTY	§	BEFORE THE
OWNERS ASSOCIATION'S,	§	
INC.'S APPLICATION TO	§	
DECERTIFY A PORTION OF	§	TEXAS COMMISSION ON
CERTIFICATE OF	§	
CONVENIENCE AND	§	
NECESSITY NO. 10490 AND TO	§	ENVIRONMENTAL QUALITY
OBTAIN A WATER CCN IN	§	
CAMP COUNTY, TEXAS	§	

ORDER

Hidden Village Property Owners Association, Inc. ("Hidden Village") submitted an application to the Executive Director of the Texas Commission on Environmental Quality ("TCEQ" or "Commission") to decertify a portion of certificate of convenience and necessity ("CCN") number 10490 from Bi County Water Supply Corporation and to obtain a CCN in Camp County, Texas ("CCN application"). Hidden Village provides water service in Camp County, Texas and is a retail public utility as defined in Texas Water Code Section 13.002(19).

On June 3, 2010, Hidden Village filed an application with the Commission to decertify a portion of CCN No. 10490 from Bi County Water Supply Corporation and to obtain a water CCN in Camp County, Texas. The CCN application was accepted for filing and assigned Application No. 36730-C. Notice of the CCN application was

provided to property owners, neighboring utilities, and affected parties. Notice of the CCN application complied with the notice requirements of Texas Water Code Section 13.246 and 30 Texas Administrative Code Section 291.106 and was sufficient to place affected persons on notice regarding the CCN application. The Commission received protests from six customers.

Sarah G. Ramos, an administrative law judge of the State Office of Administrative Hearings ("SOAH"), conducted a preliminary hearing on March 22, 2011, assumed jurisdiction, and designated the following parties: Hidden Village Property Owners Association, Inc. represented by James Sobczak, the Executive Director ("ED") represented by Dinniah C. Tadema, the Office of Public Interest Counsel represented by Scott Humphrey, and the protestants, Ms. Gloria Workman and Mr. Cecil Workman who appeared pro se. Judge Ramos consolidated this case with Hidden Village's rate application, and on April 5, 2011, the ALJ issued Order No. 1 memorializing the preliminary hearing and setting a procedural schedule.

By letters dated April 22 and 25, 2011, Hidden Village filed a request that its rate application be withdrawn, but not its CCN application. On June 28, 2011, the Office of Public Interest Counsel filed a Motion to Dismiss the CCN application without prejudice. On July 8, 2011, Hidden Village filed a notice of its intent to withdraw its CCN application without prejudice. On July 11, 2011, Judge Ramos issued Order No. 2 granting the motions and dismissing the applications from SOAH's docket and referred the applications to the ED as withdrawn applications.

NOW, THEREFORE, BE IT ORDERED BY THE TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY that:

1. Hidden Village Property Owners Association's application to decertify a portion of CCN No. 10490 from Bi County Water Supply Corporation and to obtain a water CCN in Camp County, Texas, identified with Application No. 36730-C is hereby dismissed without prejudice.

2. The Chief Clerk of the Texas Commission on Environmental Quality shall forward a copy of the Order to the parties.

3. If any provision, sentence, clause, or phrase of this Order is for any reason held to be invalid, the invalidity of any portion shall not affect the validity of the remaining portions of the Order.

Issue Date:

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

For the Commission

TCEQ - Interoffice Memorandum

To: Elizabeth Nichols
Business Support Section

Thru: 9/26/11
2/10
Tammy Benter, Manager
Utilities & Districts Section
Water Supply Division

9/26/11
Lisa Fuentes, Team Leader
Utilities Financial Review Team
Water Supply Division

9/26/11
Vera Poe, P.E., Team Leader
Utilities Technical Review Team
Water Supply Division

From: 9/26/11
Elizabeth Flores
Utilities Financial Review Team
Water Supply Division

K.A.
9/26/11
Kamal Adhikari, E.I.T.
Utilities Technical Review Team
Water Supply Division

Date: September 27, 2011

Subject: Hidden Village Property Owners Association, Inc.
CCN Number: N/A
Application/Docket Numbers:

36730-C

SOAH Docket No. 582-11-2576

TCEQ Docket No. 2010-1771-UCR

CN: 603061474; RN: 105777130 (Hidden Village Property Owners Association, Inc.)
CN: 600676027; RN: 101384857 (Bi County Water Supply Corporation)

On June 3, 2010, the TCEQ received the above referenced application from Hidden Village Property Owners Association, Inc. (Hidden Village). The purpose of the application was to decertify a portion of water Certificate of Convenience and Necessity (CCN) No. 10490 from Bi County Water Supply Corporation and to obtain a water CCN in Camp County. Notice of the application was sufficient to place affected persons on notice regarding the application. The TCEQ received protests from six customers.

On March 22, 2011, Administrative Law Judge (ALJ) Sarah G. Ramos, with the State Office of Administrative Hearings (SOAH) held a preliminary hearing in Austin, Texas, and designated the following parties: Hidden Village Property Association, Inc., Ms. Gloria Workman and Mr. Cecil Workman (protestants), the ED, and the Office of Public Interest Council.

At the hearing the ALJ consolidated this case with the contested rate application from Hidden Village. By letters dated April 22, and 25, 2011, Hidden Village withdrew its rate application but not the CCN application. On June 28, 2011, the Office of Public Interest Council filed a motion to dismiss the CCN application without prejudice. On July 8, 2011, Hidden Village filed notice of

its intension to withdraw its CCN application without prejudice. On July 11, 2011, Judge Ramos issued Order No. 2 granting the motion and dismissing the applications from SOAH's docket and referred the applications to the ED as withdrawn applications.

In order to complete the closing of this application, please do the following:

- Forward the enclosed application to central records,
- Forward the attached letter and enclosures to the applicant,
- Update the database to reflect the completion and closure of this application as of the date of the signed order.

Case Status W