

Control Number: 43975

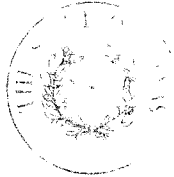


Item Number: 10

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

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

September 24, 2009

RECEIVED
 2014 DEC 22 AM 10:41
 PUBLIC UTILITY COMMISSION
 FILING CLERK

Ms. Shelley Young, P.E.
 WaterEngineers, Inc.
 17230 Huffmeister Road
 Cypress, Texas 77429

Re: Application from Eagle Falls Water Supply, LLC, A1911, to Obtain Dual Certification with a Portion of Certificate of Convenience and Necessity (CCN) No. 10147 of Lake Livingston Water Supply & Sewer Service Corporation and to Obtain a CCN, in Trinity County; Application No. 36501-C

CN: pending; RN: pending (Eagle Falls Water Supply, LLC)
 CN: 600623029; RN: 101652097 (Lake Livingston Water Supply
 & Sewer Service Corporation)

Dear Ms. Young:

Your application for Eagle Falls Water Supply, LLC, to obtain a water CCN was received on September 14, 2009, and has been accepted for filing. Ms. Stacy Foster has been assigned to perform the technical review. The application has been assigned Application No. 36501-C. Please refer to this number in future correspondence.

Your next step is to provide the **revised** 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 Trinity County. It is the responsibility of the applicant to provide correct notice of the application to any utilities within five (5) miles of your proposed service area, customers, any city with an extraterritorial jurisdiction which overlaps the proposed service area or other affected parties in your requested area. You will also be required to provide mailed notice to all landowners with more than 25 acres in your proposed CCN area pursuant to TCEQ 30 TAC Chapter 291 Rules adopted on January 5, 2006. The landowner information may be obtained from the county appraisal district tax rolls for the county or counties in which the proposed CCN lies. 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:**

2 Mile Utilities:
 Waterwood MUD 1

/0.

Ms. Shelley Young, P.E.

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September 24, 2009

5 Mile Utilities:

Aqua Utilities, Inc. dba Aqua Texas, Inc. (CCN No. 11157)

Emerald Utilities, Inc. (CCN No. 13041)

P B & S C WSC (CCN No. 10126)

Emerald Estates POA (CCN No. 13168)

Canyon Park WSC (proposed area)

Polk County FWSD 2

Trinity County

Information related to utilities and districts including addresses can be obtained from the TCEQ web site located at www10.tceq.state.tx.us/iwud.

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 affected parties;
- c) four copies of notice and map sent to each landowner;
- d) four copies of notice sent to customers; and
- e) an original and three copies of the signed affidavits that individual notice to neighboring utilities, affected individuals, customers and each landowner has been given. (Copies of the Affidavit forms are enclosed with this letter.)

Please be sure to include a map showing the proposed service area with your individual notices to neighboring utilities, other affected parties and each landowner. It is the applicant's burden to provide an accurate map delineating the proposed area with each individual notice.

There also appears to be an overlap of your proposed service area with the certified service area of Lake Livingston Water Supply & Sewer Service Corporation, as indicated in the application.

Please provide written documentation from Lake Livingston Water Supply & Sewer Service Corporation agreeing to dual certification of the area of overlap.

Also, please submit a copy of the request seeking to obtain water service from the neighboring 2 mile utility Waterwood MUD 1.

After further technical review additional financial, technical or other information may also be requested through future correspondence.

Ms. Shelley Young, P.E.

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September 24, 2009

These items must be completed and returned to our office by **October 24, 2009**. Processing of this application 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 application will be returned for failure to prosecute.

If you have any questions, please contact Ms. Stacy Foster at 512/239-3105, or if by correspondence, include Mail Code 153 in the letterhead address.

Sincerely,

A handwritten signature in cursive script that reads "Tammy Benter".

Tammy Benter, Team Leader
Utilities & Districts Section
Water Supply Division
Texas Commission on Environmental Quality

THB/KLB/ln

Enclosures: as stated

Notice for Publication

NOTICE OF APPLICATION FOR CERTIFICATE OF CONVENIENCE
AND NECESSITY (CCN) TO PROVIDE WATER
UTILITY SERVICE IN TRINITY COUNTY, TEXAS

Eagle Falls Water Supply, LLC has filed an application for a CCN and to obtain dual certification with a portion of Lake Livingston Water Supply & Sewer Service Corporation with the Texas Commission on Environmental Quality to provide water utility service in Trinity County.

The proposed utility service area is located approximately 5.7 miles southeast of downtown Sebastapol, Texas, and is generally bounded on the north by Big Hawg Road (Main Road); on the east by FM 356; on the south by Lake Livingston; and on the west by Armadillo Road. The total area being requested includes approximately 347.9 acres and 0 current customers. The proposed CCN affects customers and/or areas located in the following zip codes: 77360 and 75826.

A copy of the proposed service area map is available at WaterEngineers, Inc., 17230 Huffmeister Road, Cypress, Texas 77429 or by calling 281/373-0500.

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 Supply 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.

If you are a landowner with a tract of land at least 25 acres or more, that is partially or wholly located within the proposed area, you may request to exclude the tract from the proposed area (or

Notice to Neighboring Systems, Landowners and Cities

NOTICE OF APPLICATION FOR CERTIFICATE OF CONVENIENCE AND NECESSITY
(CCN) TO PROVIDE WATER UTILITY SERVICE IN TRINITY COUNTY, TEXAS

To: _____ Date Notice Mailed: _____, 2009
(Neighboring System, Landowner or City)

(Address)

(City State Zip)

Eagle Falls Water Supply, LLC has filed an application for a CCN and to obtain dual certification with a portion of Lake Livingston Water Supply & Sewer Service Corporation with the Texas Commission on Environmental Quality to provide water utility service in Trinity County.

The proposed utility service area is located approximately 5.7 miles southeast of downtown Sebastopol, Texas, and is generally bounded on the north by Big Hawg Road (Main Road); on the east by FM 356; on the south by Lake Livingston; and on the west by Armadillo Road. The total area being requested includes approximately 347.9 acres and 0 current customers. The proposed CCN affects customers and/or areas located in the following zip codes: 77360 and 75826. See enclosed map of the proposed service area.

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.

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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 _____, 200_, 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 _____



Texas Commission on Environmental Quality

APPLICATION NO. _____

AFFIDAVIT OF NOTICE TO LANDOWNERS

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 _____