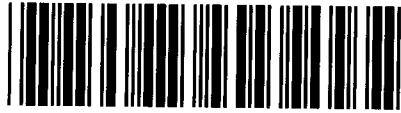


Control Number: 43975



Item Number: 19

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

RECEIVED
TCEQ
WATER SUPPLY DIV.
2009 OCT 29 PM 12 58



JACKSON WALKER L.L.P.
ATTORNEYS & COUNSELORS

43975

36501-C
SF

Leonard H. Dougal
(512) 236-2233 (Direct Dial)
(512) 391-2112 (Direct Fax)
ldougal@jw.com

October 29, 2009

HAND-DELIVERY

Mr. Doug Holcomb, P.E. (MC-153)
Texas Commission on Environmental Quality
Water Supply Division
Utilities and Districts Section
12100 Park 35 Circle, Building F, 3rd Floor
Austin, Texas 78753

RECEIVED
2014 DEC 22 AM 10:46
PUBLIC UTILITY COMMISSION
FILING CLERK

RE: **Protest and Request for Public Hearing;**
Regarding Eagle Falls Water Supply, LLC;
Application for Certificate of Convenience and
Necessity (CCN) to Provide Water Utility Service in
Trinity County

Dear Mr. Holcomb:

This letter is written in response to a "Notice of Application for Certificate of Convenience and Necessity (CCN) to Provide Water Utility Service in Trinity County" (the "Notice") mailed on October 1, 2009 by Eagle Falls Water Supply, LLC ("Eagle Falls"). A copy of the Notice is attached as Exhibit "A" hereto.

This firm represents Trinity Rural Water Supply Corporation ("TRWSC"), which holds CCN No. 10128 and owns and operates a retail water system adjacent to the 347.9-acre area for which Eagle Falls seeks to obtain a CCN. TRWSC is adversely affected by the application of Eagle Falls.

In response to the items set forth in the Notice, TRWSC states the following:

1. TRWSC is represented by Mr. Leonard H. Dougal of Jackson Walker L.L.P., 100 Congress Avenue, Suite 1100, Austin, Texas 78701; Phone (512) 236-2000; Fax (512) 391-2112.
2. Eagle Falls is the applicant. No application number was referenced in the Notice.
3. TRWSC requests a public (contested case) hearing on the application. At the hearing, Eagle Falls should be required to prove up each element of its ability to provide continuous and adequate water service to the proposed service area, including each factor set forth in Tex. Water Code Section 13.246.

19.

100 Congress Avenue, Suite 1100 • Austin, Texas 78701 • (512) 236-2000 • fax (512) 236-2002

www.jw.com • Austin • Dallas • Fort Worth • Houston • San Angelo • San Antonio • Member of GLOBALAWSM

EXHIBIT "A"
(Notice of Application)

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

To: Trinity Rural Water Supply Corp.
P.O. Box 709
Trinity, TX 75862-0790

Date Notice Mailed: October 1, 2009

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 northwest 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 the 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.

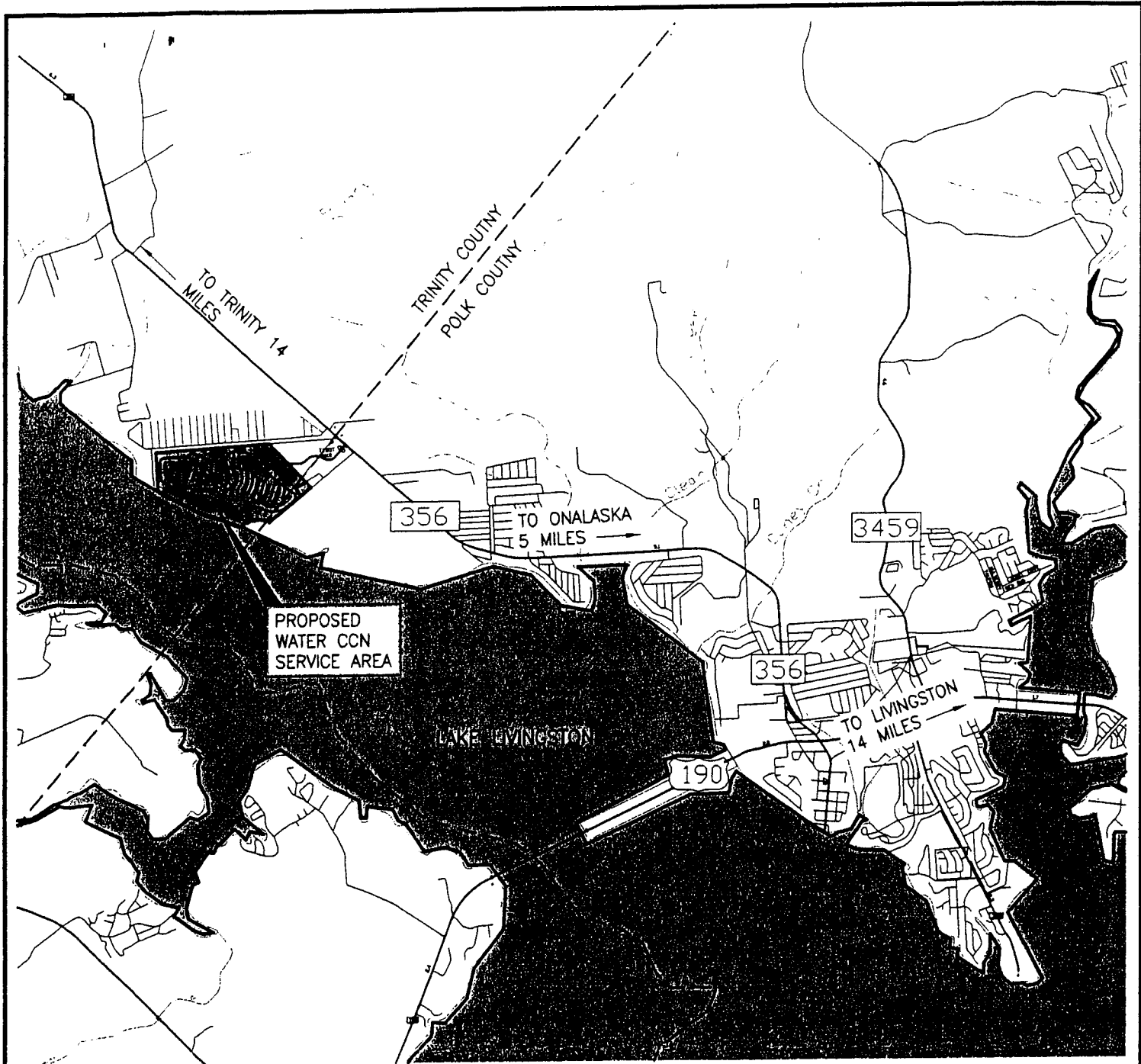
Persons who wish to intervene or comment should write the:

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 "opt out") by providing written notice to the Commission within (30) days from the date that notice was provided by the applicant. All requests to opt out of the requested service area must include a scaled, general location map and a metes and bounds description of the tract of land.



THIS DRAWING CONTAINS CONFIDENTIAL PROPRIETARY INFORMATION AND MAY NOT BE TRANSFERRED, REPRODUCED, OR USED TO CONSTRUCT ANY PROJECT OTHER THAN THAT FOR WHICH IT WAS ISSUED WITHOUT PRIOR PERMISSION FROM WATER ENGINEERS, INC.

WATER ENGINEERS, INC.
Water & Wastewater Treatment Consultants
17230 HUFFMEISTER ROAD TEL. 281-373-0500
CYPRESS, TEXAS 77429 FAX 281-373-1113

EAGLE FALLS WATER SUPPLY, LLC. ~ APPLICANT
APPLICATION FOR A NEW WATER CCN

GENERAL LOCATION MAP

DRAWN BY JLW

DWG NO

APPROVED BY DRY

SCALE AS NOTED

DATE 9/10/2009

JOB No

ATTACHMENT
"B-1"

\\server\landcurrent\pub\14008 Eagle Falls water system\ccn\attachment B-1.dwg