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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

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



SOAH DOCKET NO. 582-10-3437
TCEQ DOCKET NO. 2010-0396-UCR
APPLICATION NO. 36501-C

APPLICATION BY EAGLE FALLS
WATER SUPPLY, LLC TO OBTAIN
DUAL CERTIFICATION WITH A
PORTION OF CCN NO. 10147 OF
LAKE LIVINGSTON WATER SUPPLY
AND SEWER SERVICE CORPORATION
AND OBTAIN A CCN IN TRINITY
COUNTY, TX

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BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

2014 DEC 22 AM 10:39
PUBLIC UTILITY COMMISSION
FILING CLERK

RECEIVED

ORDER

An application by Eagle Falls Water Supply, LLC (Applicant), for dual certification with a portion of the service area of Lake Livingston Water Supply and Sewer Service Corporation (Lake Livingston), Certificate of Convenience and Necessity (CCN) No. 10147, and to obtain a CCN in Trinity County (Application), was presented to the Executive Director (ED) of the Texas Commission on Environmental Quality (Commission) for approval, pursuant to section 5.122 of the Texas Water Code (Code).

On September 14, 2009, the Applicant filed the Application with the Commission, which was assigned Application No. 36501-C. Notice of the Application was mailed to all required neighboring utilities on October 1, 2009, by the Applicant. The notice was published on October 8, 2009, and on October 15, 2009, in the Trinity Standard. The Commission received requests for a public hearing on the application from two neighboring utilities, Lake Livingston, and Trinity Rural Water Supply Corporation (TRWSC).

The Honorable Roy G. Scudday, an administrative law judge (ALJ) of the State Office of Administrative Hearings (SOAH), conducted a preliminary hearing on June 21, 2010, in Austin, Texas. The ALJ took jurisdiction over the case and designated the following parties: the Applicant, the ED, protestant TRWSC, and protestant Lake Livingston. At the preliminary hearing, the Applicant moved for an indefinite continuance of the proceedings to allow the parties to pursue settlement negotiations. Status updates stating that negotiations were ongoing were filed on September 21, 2010, November 22, 2010, and January 24, 2011.

On March 30, 2011, the Applicant filed a motion to dismiss the matter from the SOAH docket and remand the matter to the ED pursuant to 1 Tex. Admin. Code §155.503(c) and 30 Tex. Admin. Code §80.25, stating that it was withdrawing its application. On March 31, 2011, the ALJ issued an order dismissing the application without prejudice and remanding the matter to the ED.

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

1. The Application is dismissed without prejudice from the Texas Commission on Environmental Quality pursuant to any terms agreed to in writing between the parties.
2. The Chief Clerk of the Texas Commission on Environmental Quality shall forward a copy of this Order and tariff 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