

Control Number: 43976



Item Number: 8

Addendum StartPage: 0

House Bill (HB) 1600 and Senate Bill (SB) 567 83<sup>rd</sup> 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



April 6, 2010

#### VIA E-MAIL

Ms. Tammy Benter
Texas Commission on Environmental Quality
District Review Team
Utilities & Districts Section
Water Supply Division
P. O. Box 13087
Austin, TX 78711

Re: Application No. 36534-C by Sonterra Municipal Utility District (District) to Obtain a Water Certificate of Convenience and Necessity;

Application No. 36535-C by Sonterra Municipal Utility District (District) to Obtain a Sewer Certificate of Convenience and Necessity;

CN: 603151614; RN: 105161053 (water) 105830152 (sewer)

JHA#: 0061-003

Dear Ms. Benter,

This letter is to formally withdraw the District's application filed on October 28, 2009 and referenced above, for Water and Sewer Certificate of Convenience and Necessity.

Thank you for your assistance. If you have any questions, please contact me at phone number 512/989-2200.

Sincerely,

JONES - HEROY & ASSOCIATES, INC.

Samuel W. Jones P.E Engineer for the District

cc:

Mr. Ron Freeman

Mr. Andy Bilger

SASJC- Projects/0061 Somerra MUD/003 CCMSomerra for withdrawing CCN.doc

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

January 28, 2010

Mr. Samuel W. Jones, P.E. Jones-Heroy & Associates, Inc. 1900 Gregg Lane, Bldg. A, Ste 6 Pflugerville, Texas 78660

Do: Ammi

Application from Sonterra Municipal Utility District (MUD), P1337, to have a Dual Certification with a Portion of Certificate of Convenience and Necessity (CCN) No. 10002 from Jarrell Schwertner Water Supply Corporation (WSC) and to Obtain a Water CCN in Williamson County; Application No. 36534-C

Application from Sonterra MUD, A1915, to have a Dual Certification with a Portion of CCN No. 20998 from the City of Jarrell and to Obtain a Sewer CCN in Williamson County; Application No. 36535-C

CN: 603151614; RN: 105161053 (water) 105830152 (sewer) (Sonterra MUD)

CN: 600657803; RN: 101457513 (Jarrell Schwertner WSC)

CN: 602777716; RN: 104858592 (City of Jarrell)

#### Dear Mr. Jones:

We received your letter dated January 27, 2010 via email in response to our letter dated January 19, 2010 with reference to the above mentioned applications for Sonterra MUD. Your request to extend the deadline to submit the required notice documents for these applications is granted.

You must complete and submit all the required notice documents to our office by <u>April 5, 2010</u>. 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 applications will be returned for failure to prosecute.

If you have any questions, please contact me at 512/239-0680, or if by correspondence, include Mail Code 153 in the letterhead address.

Sincerely

Kamal Adhikari, E.I.T. Utilities & Districts Section Water Supply Division

P.O. Box 13087

Austin, Texas 78711-3087

512-239-1000

Internet address www tceq state.tx us

printed on recycled paper using sor-based int

January 27, 2010

#### VIA E-MAIL

Ms. Tammy Benter
Texas Commission on Environmental Quality
District Review Team
Utilities & Districts Section
Water Supply Division
P. O. Box 13087
Austin, TX 78711

Re: Application No. 36534-C by Sonterra Municipal Utility District (District) to Obtain a Water Certificate of Convenience and Necessity;

Application No. 36535-C by Sonterra Municipal Utility District (District) to Obtain a Sewer Certificate of Convenience and Necessity;

CN: 603151614; RN: 105161053 (water) 105830152 (sewer) JHA#: 0061-003

Dear Ms. Benter,

As discussed in our telephone conversation on January 27, 2010, we are requesting an extension of time to publish the notice for the above referenced application. We are requesting an additional 45 calendar days to provide you with the documentation requested in your letter dated January 19, 2010, which will be April 5, 2010. Please advise if this is not acceptable to you.

Your assistance is appreciated.

Sincerely,

JONES - HEROY & ASSOCIATES, INC.

Samuel W. Jones, P. E.

TrishPalsepha

Engineer for the District

cc:

Mr. Ron Freeman

Andy Bilger

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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 January 19, 2010

#### REVISED LETTER

Mr. Samuel W. Jones, P.E. Jones-Heroy & Associates, Inc. 1900 Gregg Lane, Bldg. A, Ste 6 Pflugerville, Texas 78660

Re:

Application from Sonterra Municipal Utility District (MUD), P1337, to have a Dual Certification with a Portion of Certificate of Convenience and Necessity (CCN) No. 10002 from Jarrell Schwertner Water Supply Corporation (WSC) and to Obtain a Water CCN in Williamson County; Application No. 36534-C

Application from Sonterra MUD, A1915, to have a Dual Certification with a Portion of CCN No. 20998 from the City of Jarrell and to Obtain a Sewer CCN in Williamson County; Application No. 36535-C

CN: 603151614; RN: 105161053 (water) 105830152 (sewer) (Sonterra MUD)

CN: 600657803; RN: 101457513 (Jarrell Schwertner WSC)

CN: 602777716; RN: 104858592 (City of Jarrell)

#### Dear Mr. Jones:

We received your letter dated January 8, 2010 in response to our letter dated December 28, 2009 with reference to the above mentioned applications for Sonterra MUD. Based on the information received we have revised the notices for your applications.

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 Williamson County. It is the responsibility of the applicant to provide correct notice of the applications to any utilities within five (5) 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. 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 applications, you must provide notice to the following utilities:

P.O. Box 13087

Austin, Texas 78711-3087

512-239-1000

Internet address www tceq state tx us

printed on recycled paper using soy-based int

Mr. Samuel W. Jones, P.E. Page 2 January 19, 2010

CLL MUD 1 Williamson 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; and
- d) an original and three copies of the signed affidavits that individual notice to neighboring utilities, affected individuals 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.

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

These items must be completed and returned to our office by <u>February 19, 2010</u>. 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 applications will be returned for failure to prosecute.

If you have any questions, please contact Mr. Kamal Adhikari at 512/239-0680, or if by correspondence, include Mail Code 153 in the letterhead address.

Sincerely,

Tammy Benter, Team Leader Utilities & Districts Section

Water Supply Division

Texas Commission on Environmental Quality

THB/KA/ln

Enclosures: as stated

#### Notice for Publication

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

Sonterra Municipal Utility District has filed an application to obtain CCNs and to have dual certifications with portions of Jarrell Schwertner Water Supply Corporation and the City of Jarrell with the Texas Commission on Environmental Quality to provide water and sewer utility service in Williamson County.

The proposed utility service area is located approximately 1/2 mile southeast of downtown Jarrell, Texas, and is generally bounded on the north by Farm to Market Road No. 487; on the east by a line approximately 2, 250 feet east of County Road 314; on the south by County Road 315; and on the west by Interstate Highway 35. The total area being requested includes approximately 1,458 acres and 556 current customers. The proposed application affects customers and/or areas located in the following zip code: 76537.

A copy of the proposed service area map is available at 8500 Bluffstone Cove, Suite B-104, Austin, Texas 78759 or by calling 512/451-6689.

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 request 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.

Persons who meet the requirements to opt out, and wish to request this option should file the required documents with the:

Texas Commission on Environmental Quality
Water Supply Division
Utilities and Districts Section, MC-153
P. O. Box 13087
Austin, TX 78711-3087

A copy of the request to opt out of the proposed area must also be sent to the applicant. Staff may request additional information regarding your request.

Si desea informacion en Espanol, puede llamar al 1-512-239-0200.

#### Notice to Neighboring Systems, Landowners and Cities

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

Го:		*		Date Notice Mailed:, 20
	(Neighborin	ng System, La	indowner or City)	
	(Address)			
	(City	State	Zip)	

Sonterra Municipal Utility District has filed an application to obtain CCNs and to have dual certifications with portions of Jarrell Schwertner Water Supply Corporation and the City of Jarrell with the Texas Commission on Environmental Quality to provide water and sewer utility service in Williamson County.

The proposed utility service area is located approximately 1/2 mile southeast of downtown Jarrell, Texas, and is generally bounded on the north by Farm to Market Road No. 487; on the east by a line approximately 2, 250 feet east of County Road 314; on the south by County Road 315; and on the west by Interstate Highway 35. The total area being requested includes approximately 1,458 acres and 556 current customers. The proposed application affects customers and/or areas located in the following zip code: 76537. 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.

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

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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 request 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.

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Texas Commission on Environmental Quality
Water Supply Division
Utilities and Districts Section, MC-153
P. O. Box 13087
Austin, TX 78711-3087

A copy of the request to opt out of the proposed area must also be sent to the applicant. Staff may request additional information regarding your request.

Si desea informacion en Espanol, puede llamar al 1-512-239-0200.

January 8, 2010

RECEIVED

VIA CERTIFIED MAIL

Mr. Kamal Adhikari Texas Commission on Environmental Quality Utilities & Districts Section Water Supply Division P. O. Box 13087 Austin, TX 78711 JAN 152010
TEXAS CUMMISSION
ON
ENVIRONMENTAL QUALITY

Re:

Application No. 36534-C by Sonterra Municipal Utility District (District) to Obtain a Water Certificate of Convenience and Necessity;

Application No. 36535-C by Sonterra Municipal Utility District (District) to Obtain a Sewer Certificate of Convenience and Necessity;

CN: 603151614; RN: 105161053 (water) 105830152 (sewer)

JHA#: 0061-003

Dear Mr. Adhikari,

We have received your letter (signed by Ms. Tammy Benter) dated December 28, 2009 providing a draft notice and instructions for publication. The letter states that we must publish and mail the notice and provide you with the appropriate documentation by January 22, 2010. The draft notice does not correctly reflect what we have requested and therefore, we request that it be revised and request an extension of time for complying with the notice requirements.

Specifically, the District's application requested an overlapping water and sewer ccn for the area currently within the City of Jarrell's service area and the area within the Jarrell-Schwertner WSC service area. Attachment No. 2 to the original application includes a copy of the City of Jarrell consent agreement. Section 5 of that agreement (**copy enclosed**) states that the City of Jarrell agrees that the District may obtain a water and/or sewer ccn for the area within its boundaries.

Attachment No. 3 to the original application includes a copy of Amendment No. 1 to Agreement Concerning Certificates of Convenience and Necessity between Sonterra MUD and Jarrell-Schwertner WSC (copy enclosed). This agreement provides the necessary consent for the overlapping CCN as requested.

1900 Gregg Lane • Bldg. A, Suite 6 • Pflugerville, TX 78660 • Office: (512) 989-2200 • Fax: (512) 989-2213

Mr. Kamal Adhikari, TCEQ January 8, 2010 Page 2 of 2

We trust that this information is sufficient for you to revise the notices to reflect that we are requesting a water and sewer CCN for the areas included in the boundary described (Attachment No. 2 submitted with letter dated November 23, 2009 to Ms. Karen Blaschke) which includes a portion of the City of Jarrell's service area and a portion of Jarrell-Schwertner WSC's service areas. We are not requesting decertification of either area. Please advise if you have any questions or need additional information.

Sincerely,

JONES - HEROY & ASSOCIATES, INC

Samuel W. Jones, F. E. Engineer for the District

VIA USPS Regular Mail

cc: Mr. Ron Freeman, (w/ attachments)

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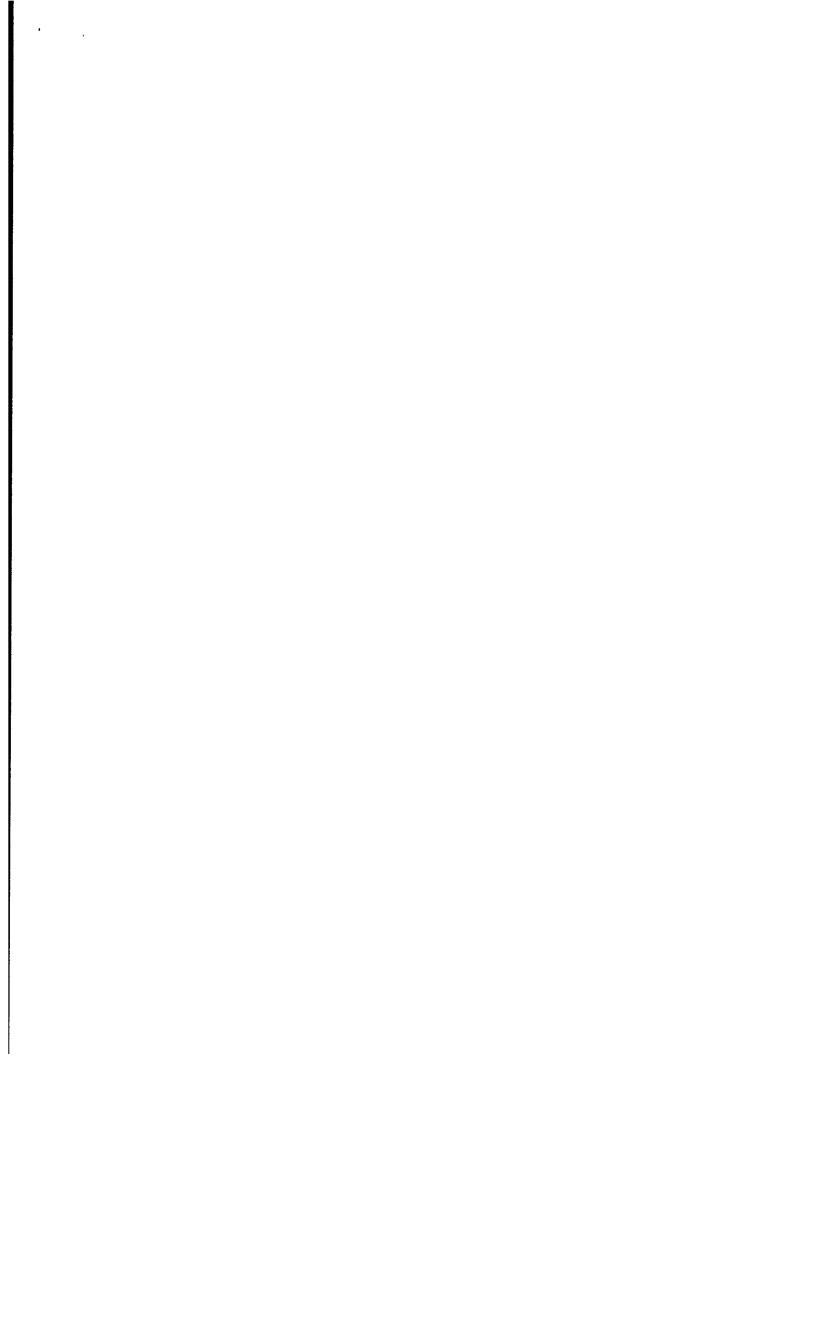
- (4) To pay organization and operation expenses during construction and interest during construction;
- (5) To provide parks and other recreational facilities as authorized pursuant to Chapters 49 and 54 of the Texas Water Code; and
- (6) To provide any other facilities, amenities or other improvements that benefit the Property within the District and that qualify for developer reimbursement pursuant to rules of the TCEQ.

#### Section 4. City Review.

- (a) The District shall, within thirty (30) days of submittal, provide any bond package that it submits to the TCEQ to the City for review, comments, and recommendations. The District further agrees to incorporate the City's recommendations into the District's final bond sales packages, so long as the City provides its recommendations to the District within thirty (30) days of the City's receipt of the bond sales packages and the recommendations provided that the City's recommendations (1) do not render the bonds and notes unmarketable and (2) are not materially detrimental to the District.
- (b) Furthermore, to the extent the following conditions are in compliance with TCEQ rules for any individual bond issuance, the Parties agree that the District Bonds:
  - Will have a maximum maturity of 25 years;
  - (2) Will not have interest rates that exceed 2% above the weekly tax exempt Bond Buyer Index for 25-year revenue bonds;
  - (3) Will not be issued if the District's debt to certified taxable assessed valuation as determined by the records of the Williamson County Appraisal District will exceed 25 percent upon issuance; and
  - (4) Will have amortization that results in level debt service payments over the life of the issue, except for an initial period, of up to 7 years.

#### Section 5. Certificates of Convenience and Necessity.

- (a) The Parties acknowledge that the Company or the District may obtain Certificates of Convenience and Necessity ("CCN") from the TCEQ to provide water service, sewer service, or both throughout the boundaries of the District. Thereafter, if the Company or the District seeks to add areas to any such CCN outside the boundaries of the District and if those areas are within the City's Extra-Territorial Jurisdiction ("ETJ"), then the Company or the District shall request the City's approval of the addition of these areas before filing a CCN amendment application with the TCEQ. If the City fails to take action on the Company's or the District's request for addition of land within sixty (60) days of the date of submittal of the request, then the City is deemed to have approved the request for addition of land. Following its approval of the Company's or the District's request to add land to the CCN, the City agrees that it will not protest or in any way hinder or slow the Company's effort to obtain those CCN(s).
- (b) The Parties agree and acknowledge that the Company may abandon or transfer those CCN(s) to the District upon the creation of the District and the TCEQ's subsequent approval of any transfer.
- (c) Should persons or entities other than the Company, its assigns, or its successors or the District apply for a water or sewer CCN for areas within or immediately adjacent to the boundaries of the District, then the Company, the District, and the City will support each other in opposing those CCN applications, as each Party decides is appropriate.



#### AMENDMENT NO. 1 TO AGREEMENT CONCERNING CERTIFICATES OF CONVENIENCE AND NECESSITY BETWEEN SONTERRA MUNICIPAL UTILITY DISTRICT AND JARRELL-SCHWERTNER WATER SUPPLY CORPORATION

This "Amendment No. 1 to Agreement Concerning Certificates of Convenience and Necessity Between Sonterra Municipal Utility District and Jarrell-Schwertner Water Supply Corporation" (the "Agreement") is entered into between Sonterra Municipal Utility District (the "District") and Jarrell-Schwertner Water Supply Corporation (the "Corporation") to amend the Agreement as follows:

The District has annexed or intends to annex tracts of land totaling approximately 1,457.929 acres as shown on Exhibit A hereto. Exhibit A also shows the land originally within the District. The parties agree that the terms of the Agreement shall also apply to the lands shown on Exhibit A as being annexed into, or to be annexed into, the District as of the date of such annexation(s).

The District agrees that it will not object to any application for a water CCN, or amendment thereto, by the Corporation for a 100 foot strip wide area of land over any existing water lines of the Corporation within the area shown in Exhibit A as being included within or to be included within the District.

Except as set forth in this Amendment No. 1, the terms of the Agreement shall remain in full force and effect.

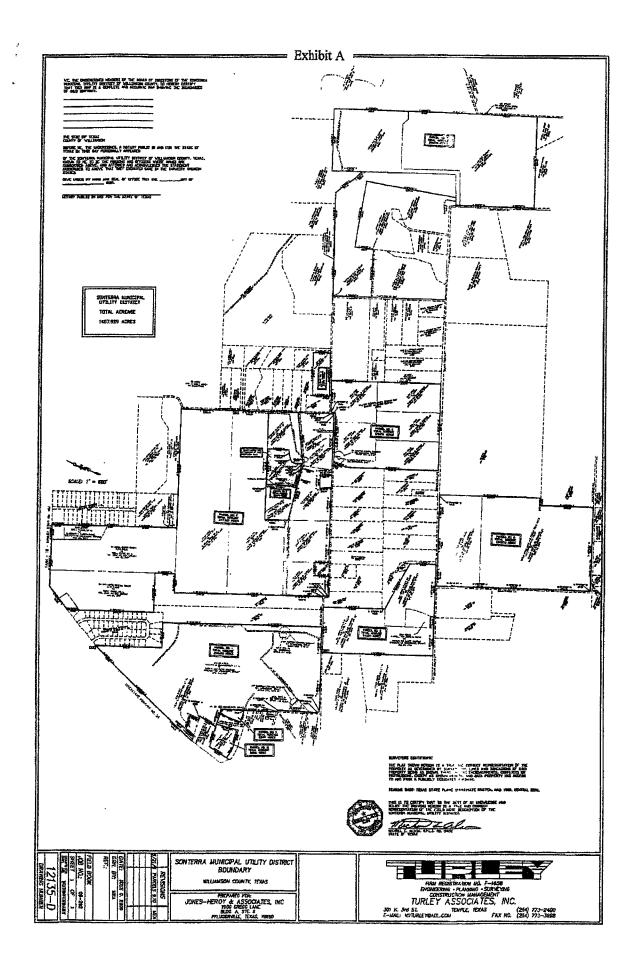
Agreed and executed as of Oct. 5, 2009, 2009.

SONTERRA MUNICIPAL UTILITY DISTRICT

Dungidant

JARRELL-SCHWERTNER WATER SUPPLY CORPORATION

President



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

December 28, 2009

Mr. Samuel W. Jones, P.E. Jones-Heroy & Associates, Inc. 1900 Gregg Lane, Bldg. A, Ste 6 Pflugerville, Texas 78660

Re: Application from Sonterra Municipal Utility District (MUD), P1337, to Decertify a Portion of Certificate of Convenience and Necessity (CCN) No. 10002 from Jarrell Schwertner Water Supply Corporation (WSC) and to Obtain a Water CCN in Williamson County; Application No. 36534-C

Application from Sonterra MUD, A1915, to Decertify a Portion of CCN No. 20998 from the City of Jarrell and to Obtain a Sewer CCN in Williamson County; Application No. 36535-C

CN: 603151614; RN: 105161053 (water) 105830152 (sewer) (Sonterra MUD)

CN: 600657803; RN: 101457513 (Jarrell Schwertner WSC)

CN: 602777716; RN: 104858592 (City of Jarrell)

#### Dear Mr. Jones:

Your applications for Sonterra MUD, to obtain CCNs were received on October 28, 2009, and have been accepted for filing. Thank you for providing the items we requested with your November 23, 2009, letter. Mr. Kamal Adhikari has been assigned to perform the technical review.

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 Williamson County. It is the responsibility of the applicant to provide correct notice of the applications to any utilities within five (5) 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. 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 applications, you must provide notice to the following utilities: CLL MUD 1

P.O. Box 13087

Austin, Texas 78711-3087

512-239-1000

Internet address: www.tceq state tx us

printed on recycled paper using sox-based ink

Mr. Samuel W. Jones, P.E. Page 2 December 28, 2009

#### Williamson 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; and
- d) an original and three copies of the signed affidavits that individual notice to neighboring utilities, affected individuals <u>and each landowner</u> 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 areas of Jarrell Schwertner WSC and the City of Jarrell.

Please provide written documentation on how the overlaps will be handled. There are several options to resolving this overlap. One is to amend your applications by submitting revised maps and change the requested CCN area so as to not include the areas of overlap. The second option is for you to meet with Jarrell Schwertner WSC and the City of Jarrell and work out an agreement whereby Jarrell Schwertner WSC and the City of Jarrell agrees to decertification of the areas of overlap. Written documentation from Jarrell Schwertner WSC and the City of Jarrell agreeing to decertification is required. If an agreement is not reached, you would have to provide compelling evidence that Jarrell Schwertner WSC and the City of Jarrell could not provide acceptable service. The notices have been revised to propose decertification of the portions of Jarrell Schwertner WSC and the City of Jarrell in the event this is considered.

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

These items must be completed and returned to our office by <u>January 22, 2010</u>. 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 applications will be returned for failure to prosecute.

Mr. Samuel W. Jones, P.E. Page 3 December 28, 2009

If you have any questions, please contact N correspondence, include Mail Code 153 in the lette

Sincerely, Jammy 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 AND SEWER UTILITY SERVICE IN WILLIAMSON COUNTY, TEXAS

Sonterra Municipal Utility District has filed an application to obtain CCNs and to decertify portions of Jarrell Schwertner Water Supply Corporation and the City of Jarrell with the Texas Commission on Environmental Quality to provide water and sewer utility service in Williamson County.

The proposed utility service area is located approximately 1/2 mile southeast of downtown Jarrell, Texas, and is generally bounded on the north by Farm to Market Road No. 487; on the east by a line approximately 2, 250 feet east of County Road 314; on the south by County Road 315; and on the west by Interstate Highway 35. The total area being requested includes approximately 1,458 acres and 556 current customers. The proposed application affects customers and/or areas located in the following zip code: 76537.

A copy of the proposed service area map is available at 8500 Bluffstone Cove, Suite B-104, Austin, Texas 78759 or by calling 512/451-6689.

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 AND SEWER UTILITY SERVICE IN WILLIAMSON COUNTY, TEXAS

(Neighbor	ring System, La	andowner or City	Date Notice Mailed:, 20
(Address)	(Address)		
(City	State	Zip)	

Sonterra Municipal Utility District has filed an application to obtain CCNs and to decertify portions of Jarrell Schwertner Water Supply Corporation and the City of Jarrell with the Texas Commission on Environmental Quality to provide water and sewer utility service in Williamson County.

The proposed utility service area is located approximately 1/2 mile southeast of downtown Jarrell, Texas, and is generally bounded on the north by Farm to Market Road No. 487, on the east by a line approximately 2, 250 feet east of County Road 314; on the south by County Road 315; and on the west by Interstate Highway 35. The total area being requested includes approximately 1,458 acres and 556 current customers. The proposed application affects customers and/or areas located in the following zip code: 76537. 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.

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



### 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 as	nd says that (s)he is the
the TITLE	
	; that
said NAME OF NE	EWSPAPER
newspaper is regularly published in	
County(ies) and generally circulated in	
	County (Counties), Texas, and that
the attached notice was published in said new	vspaper on the following date(s), to wit
	Newspaper Representative's Signature
Subscribed and sworn to before me this which	day of, 200_, to certify
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	S	
COUNTY OF			* .
			has provided individual notice t
the following entities:			DATE
,	<del></del>	, ,	
	<del></del>		
O.A.	ATH		
member of partnership, title of officer of corporation in such capacity, I am qualified and authorized to file notices given with this application, and have compliant application acceptance letter; and that all such state correct.	(indicate a, or other a and verify ed with all	e relations authorized such form notice rec	n, am personally familiar with the quirements in the application and
	-	Applic	ant's Authorized Representative
If the applicant to this form is any person other than tattorney, a properly verified Power of Attorney must			er, officer of the applicant, or its'
Subscribed and sworn to before me thiswhich witness my hand and seal of office.	day of _		, 20, to certify
	_		Notary Public in and for the State of Texas
	_	Print Com	or Type Name of Notary Public mission Expires



### Texas Commission on Environmental Quality

### APPLICATION NO.\_\_\_\_

### AFFIDAVIT OF NOTICE TO LANDOWNERS

ST	ATE OF TEXAS	S			
COUNTY OF					
		ha	s provided in	dividual no	ntice to
the following entities:			r		, ti <b>c c</b> c
			DAT	E	
					<del></del>
					<del></del> -
	OATH				
-					
1,			sworn, file		m as
member of partnership, title of officer of co	rporation or other	e relationsn er authorize	ip to applicar	it, that is, (	owner,
that in such capacity, I am qualified and auth	orized to file and	d verify such	h form, am ne	ersonally fa	miliar
with the notices given with this application	, and have com	plied with	all notice rea	uirements	in the
application and application acceptance letter therein are true and correct.	r; and that all si	uch stateme	nts made and	d matters s	set for
and the different sections.	1				
	-	Applica	nt's Authorize	ed Represer	ntative
If the applicant to this form is any person other	r than the sole ov	vner, partne	r, officer of th	ne applican	t, or
its' attorney, a properly verified Power of Atto	orney must be end	closed.		1.	,
Subscribed and sworn to before me this	day of			20 to	
certify which witness my hand and seal of offi	ce.		······································	, 20, 10	
	s <sup>-</sup>	T . 70 11	1.6		
	Γ	notary Publi	c in and for th	ne State of	Texas
	-		r Type Name		Public
		Comn	ussion Expire	2S	

To:

Administrative Reviewer

Date: December 18, 2009

From:

Cartographer-Utilities & Districts Section

Subject:

Overlap & Notice Check for Administrative Review No. A-115-9/36534&5-C

Sonterra MUD to obtain water and sewer CCNs in Williamson county.

1. No new overlap of service areas exists.

- X 2. An overlap: Partial with City of Jarrell (20990) and Jarrell Schwertner WSC (10002)
  - 3. Dual certification:
  - 4. An overlap exists with the city limits of:
  - 5. If this is a Sale, Transfer, or Merger, is additional area being requested?
  - 7. Map submitted is digital request digital data.
  - 9. Utility notice was sufficient.
  - 10. Utility notice was insufficient. In addition to those systems listed in the application, they will also need to notify:

TWO MILES:

City of Jarrell (20990)

Jarrell Schwertner WSC (10002)

Jonah Water SUD (10970)

Chisholm Trail SUD (11590)

Williamson County MUD 14

CLL MUD 1

#### FIVE MILES:

City of Jarrell (20990)

Jarrell Schwertner WSC (10002)

Jonah Water SUD (10970)

Chisholm Trail SUD (11590)

City of Georgetown (12369)

Salado WSC (10879)

Foster Consolidated Investment (11977)

Williamson County MUD 14

CLL MUD 1

X 11. Notice: \*\*overlaps\*\* need to be addressed

X 12. Other comments:

Kent Steelman

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

November 12, 2009

### BY FAX TO 512/989-2213 AND BY CERTIFIED MAIL

Mr. Samuel W. Jones, P.E. Jones-Heroy & Associates, Inc. 1900 Gregg Lane, Bldg. A, Ste 6 Pflugerville, Texas 78660

#### **NOTICE OF DEFICIENCY**

Re: Application from Sonterra Municipal Utility District (MUD), P1337, to Obtain a Water Certificate of Convenience and Necessity (CCN) in Williamson County; Application No 36534-C

Application from Sonterra MUD, A1915, to Obtain a Sewer Certificate of Convenience and Necessity (CCN) in Williamson County; Application No. 36535-C

CN: 603151614; RN: 105161053 (water) pending (sewer)

Dear Mr. Jones:

Your CCN applications for Sonterra MUD, received on October 28, 2009, have been assigned Application Nos. 36534-C and 36535-C, respectively. The applications have not been accepted for filing. Please refer to the application numbers in future correspondence.

Processing for the above referenced applications cannot proceed and notices cannot be published or mailed until we receive maps meeting the mapping requirements.

The maps submitted do not match, data does not appear to be in a projection and metes and bounds for multiple tracts that are not clearly labeled for each tract. Please submit four (4) copies of the following map information.

- A. General location maps delineating the proposed service area with enough detail to accurately locate the proposed service area within the county.
- B. Maps showing only the proposed service area by:
  - 1. metes and bounds survey certified by a licensed state land surveyor or a

P.O. Box 13087

Austin, Texas 78711-3087

512 - 239 - 1000

Internet address www.tceg.state.tx.us

Mr. Samuel W. Jones, P.E. Page 2 November 12, 2009

registered professional land surveyor; or

- 2. projectable digital data with metadata (proposed areas should be in a single record and clearly labeled for each utility), or
- 3. following verifiable natural and man-made landmarks; or
- 4. copies of recorded plat map with metes and bounds.
- C. Written descriptions of the proposed service area.

These items must be completed and returned by <u>December 11, 2009</u>. If we do not receive the requested information by this date, your applications will be returned for failure to prosecute.

If you have any questions, please contact me at 512/239-6932, or if by correspondence, include Mail Code 153 in the letterhead address.

Sincerely,

Karen Blaschke

Utilities & Districts Section Water Supply Division

Texas Commission on Environmental Quality

THB/KLB/ln

To: Administrative Reviewer Date: November 9, 2009

From: Cartographer-Utilities & Districts Section

Subject: Overlap & Notice Check for Administrative Review No. <u>A-115-9/36534&5-S</u> Sonterra MUD to obtain water and sewer CCNs in Williamson county.

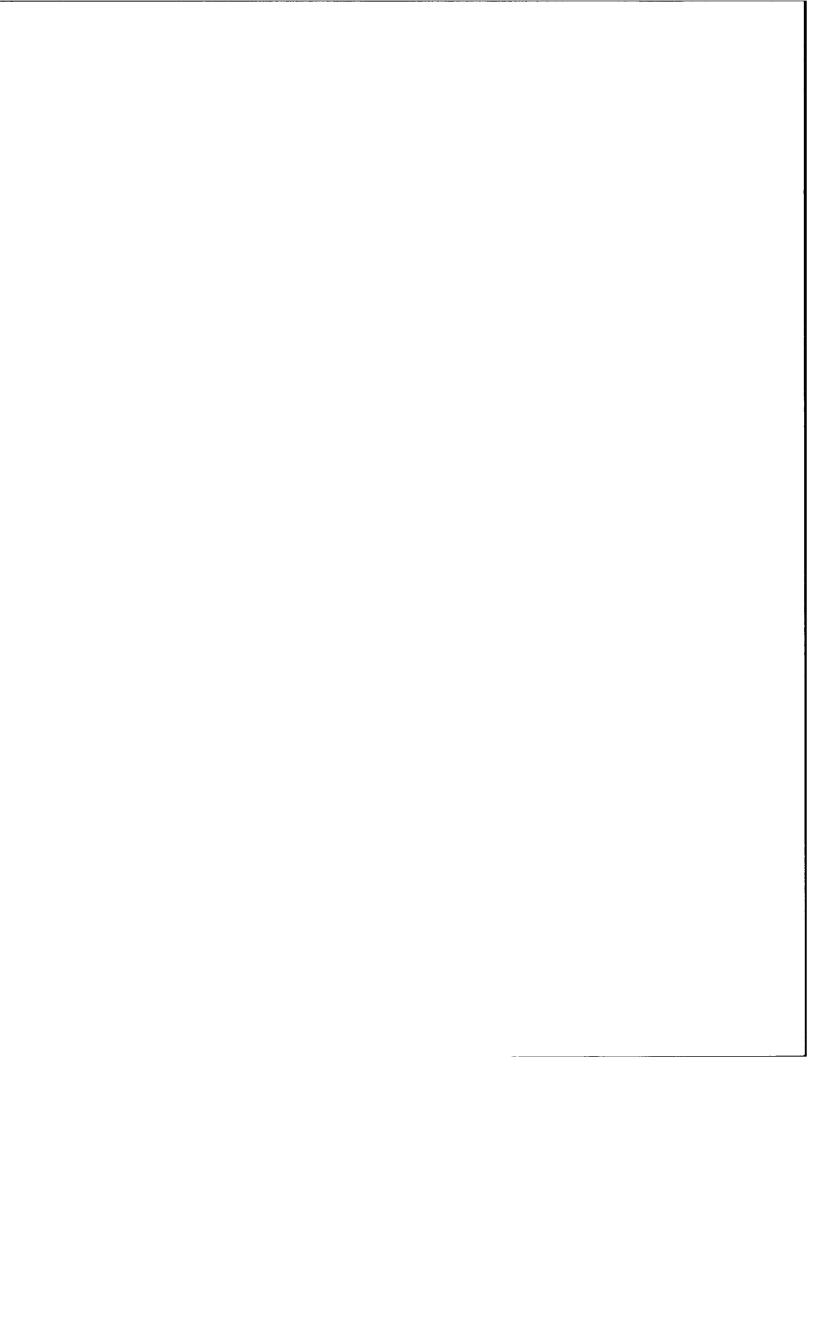
- 1. No new overlap of service areas exists.
- 2. An overlap:
- 3. Dual certification:
- 4. An overlap exists with the city limits of:
- 5. If this is a Sale, Transfer, or Merger, is additional area being requested?
- 7. Map submitted is digital request digital data.
- 9. Utility notice was sufficient.
- 10. Utility notice was insufficient. In addition to those systems listed in the application, they will also need to notify:

TWO MILES:

- X 11. Notice: **<u>DO NOT NOTICE</u>**
- X 12. Other comments: Maps do not meet requirements. Please submit original and copies of the following. (maps do not match, data does not appear to be in projection, metes and bounds for multiple tracts maps not clearly labeled for tracts)
  - A. A general location map delineating the proposed service area with enough detail to accurately locate the proposed area within the county
  - B. A map showing only the proposed area by:
    - (1) Metes and bounds survey certified by a licensed state or register professional land surveyor; or
    - (2) Projectable digital data with metadata (proposed areas should be in a single record and clearly labeled for each utility); or
    - (3) Following verifiable natural and man-made landmarks, or
    - (4) Copy of recorded plat map with metes and bounds

C. A written description of the proposed service area.

Kent Steelman



November 23, 2009

TEXAS COMMISSION ON YTITAUD TATHENTITA

MC/ 5.7 2000

#### VIA HAND DELIVERY

Ms. Karen Blaschke Texas Commission on Environmental Quality Utilities & Districts Section Water Supply Division 12100 Park 35 Circle Austin, TX 78753

**BECEINED** 

Re: Application to Obtain a Water Certificate of Convenience and Necessity (CCN) for Sonterra Municipal Utility District (District). Application No. 36534-C;

Application to Obtain a Sewer Certificate of Convenience and Necessity (CCN) for Sonterra Municipal Utility District (District). Application No. 36535-C;

CN: 603151614; RN: 105161053 (water) Pending (sewer) JHA#: 0061-003

Dear Ms. Blaschke,

We have received your letter dated November 12, 2009 requesting additional information necessary to complete the administrative review of the subject application. We are pleased to provide the following information:

- 1) General location maps delineating the proposed service area with enough detail to accurately locate the proposed service area within the county: Attached please find 4 copies of a detailed location map for the proposed service area.
- 2) Maps showing only the proposed service area by metes and bounds survey certified by a licensed state land surveyor or a registered professional land surveyor and projectable digital data with metadata: Attached please find 4 copies of a boundary map which corresponds to the metes and bounds submitted with the original application. Also, please find 4 copies of a color map showing the proposed service area that corresponds with the cd(autocad file) submitted with the original application.

1900 Gregg Lane • Bldg. A, Suite 6 • Pflugerville, TX 78660 • Office: (512) 989-2200 • Fax: (512) 989-2213

Ms. Karen Blaschke, TCEQ November 23, 2009 Page 2 of 2

3) Written descriptions of the proposed service area: Please see the decription in the attached notices.

We trust that the information submitted fulfills the requirements of TCEQ. Please advise if you have any questions or need additional information.

Sincerely,

JONES - HEROY & ASSOCIATES, INC

Samuel W. Jones, P. E. Engineer for the District

VIA USPS Regular Mail

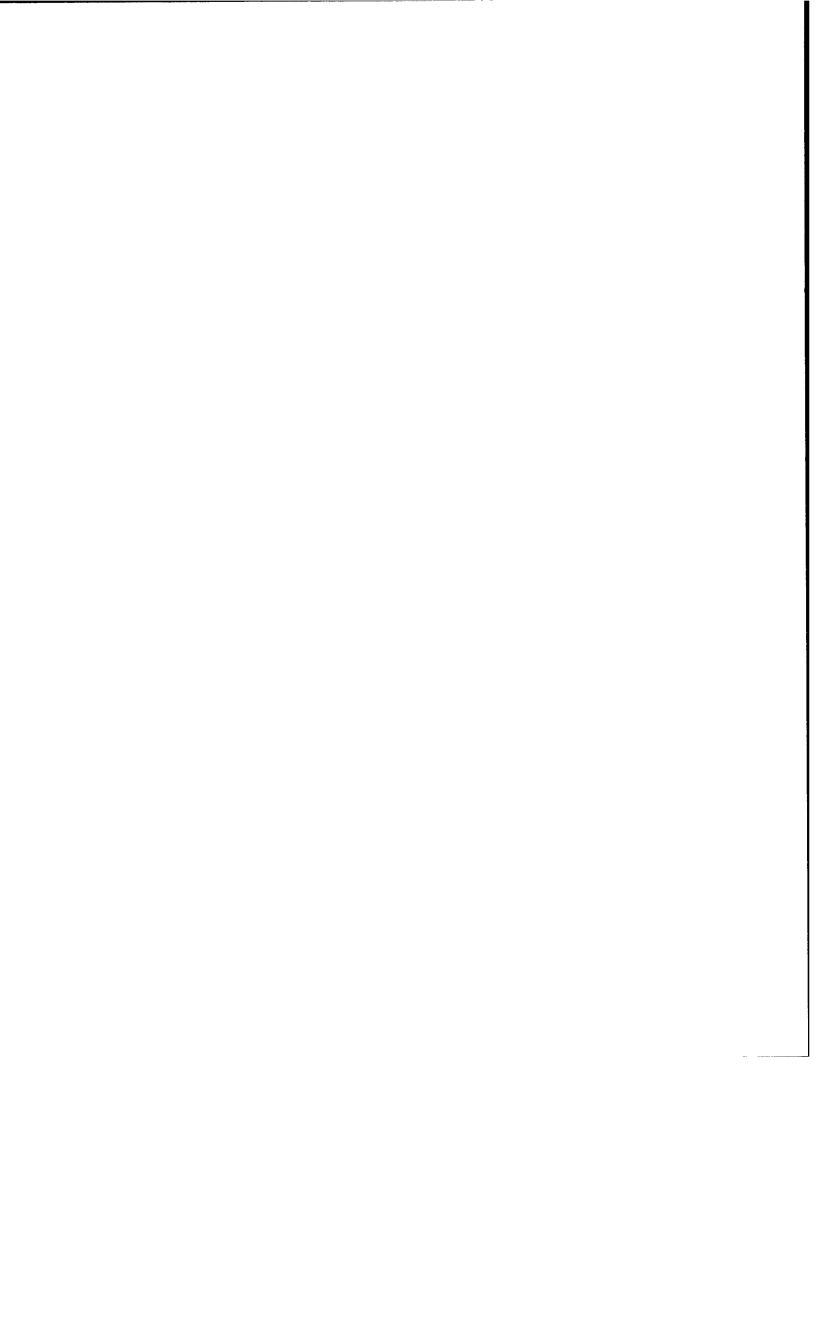
cc: Mr. Ron Freeman, (w/ attachments)

S:\SJC- Projects\0061 Souterra MUD\003 CCN\Response to NOD Souterra CCN doc

# OVERSIZED MAP(S)

TO VIEW OVERSIZED MAP(S)
PLEASE GO TO
CENTRAL RECORDS

FOR ANY QUESTIONS
PLEASE CALL *CR* MAIN LINE
(512) 936-7180



#### Notice for Publication

# NOTICE OF APPLICATION FOR CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) TO PROVIDE WATER/SEWER UTILITY SERVICE IN \_\_\_\_\_\_ Williamson COUNTY, TEXAS

Name of Applicant Sonterra Municipal Utility District has filed an application for a CCN to obtain a CCN with the Texas Commission on Environmental Quality to provide water & sewer (specify 1) water or 2) sewer or 3) water & sewer) utility service in							
Williamson Co	Williamson County.						
The proposed utility service area is located approximately 1/2 mile southeast [direction] of downtown Jarrell [City or Town] Texas, and is generally bounded on the north by Farm to Market Road No. 487 ; on the east by A line approximately 2,250 feet east of County Road 314; on the south by County Road 315 ; and on the west by Interstate Highway 35.							
The total area being requested includes approximately 1,458 acres and 556 current customers.							
The proposed amendment affects customers and/or areas located in the following zip code(s):							
76537							
		,					
(List All Affected Zip Codes)							
A copy of the proposed service area map is available at (Utility Address and Phone Number): 8500 Bluffstone Cove, Suite B-104, Austin, Texas 78759							

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.

TCEQ-10362 (REV 4/09)

Page 15 of 27

If a public hearing is requested, the Executive D application to the State Office of Administrative reached and an evidentiary hearing is held, tl Commission for final decision. If an evidentiary to a civil trial in state district court.

If you are a landowner with a tract of land at least within the proposed area, you may request to be providing written notice to the Commission with by the applicant. All requests to opt out of the re location map and a metes and bounds descriptio

Persons who meet the requirements to opt out required documents with the:

Texas Commission Water Utilities and Di P. C Austin,

A copy of the request to opt out of the proposed request additional information regarding your re

Si desea informacion en Espa

### Notice to Neighboring Systems, Landowners and Cities

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

To:					Date Notice	Mailed		, 20
(1)	leighboring	System, Lan	downer or City	)				
***************************************	(A	Address)						
City	***************************************	State	Zip					
			unicipal Utility			l l	nas filed an ap	plication
for a CCN water &	I to obtain a t <b>sewer</b>	CCN with th	ne Texas Comn (spe			l Quality to	provide & sewer) utili	•
Williamso	on Coun	ty.		• /	,	<del></del> -,		vy 002 . 100 AL
			s located approx	ximately _	1/2 mile	southea	st	[direction] of
downtown			75 1 49 10 10 10 10 10 10 10 10 10 10 10 10 10	[City or Tov	vn] Texas, ai	nd is general	ly bounded or	n the north by
Farm to M	larket Road	No. 487	;on the east	by Alin	e approxima	tely 2,250 fe	et east of Cou	nty Road 314;
on the sou	th by(	County Road :	315	and on the	west by I	nterstate Hig	hway 35.	
The total	on the south by County Road 315; and on the west by Interstate Highway 35.  The total area being requested includes approximately 1,458 acres and 556 current customers.							ustomers.
The proposed amendment affects customers and/or areas located in the following zip code(s):							4510111015.	
76537								1
				*				

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.

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 TCEQ-10362 (REV 4/09)

Page 17 of 27

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 be excluded from the proposed area (or Aopt 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.

Persons who meet the requirements to opt out, and wish to request this option should file the required documents with the:

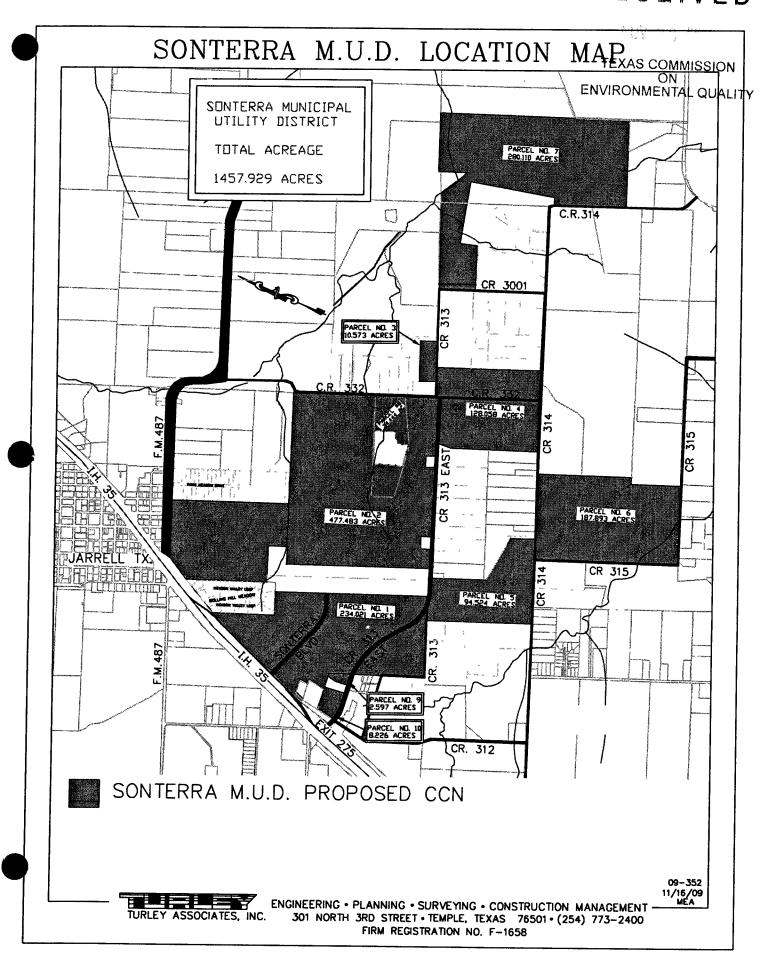
Texas Commission on Environmental Quality
Water Supply Division
Utilities and Districts Section, MC-153
P. O. Box 13087
Austin, TX 78711-3087

A copy of the request to opt out of the proposed area must also be sent to the applicant. Staff may request additional information regarding your request.

Si desea informacion en Espanol, puede llamar al 1-512-239-0200.

TCEQ-10362 (REV 4/09) Page 18 of 27

# RECEIVED



October 27, 2009

# VIA HAND DELIVERY

Ms. Sarah Henderson Texas Commission on Environmental Quality Water Rights Permitting (MC 160) Water Supply Division 12100 Park 35 Circle Austin, TX 78753

Application to Obtain a Water /Sewer Certificate of Convenience and Re:

Necessity (CCN) for Sonterra Municipal Utility District (District).

JHA#: 0061-003

Dear Ms. Henderson,

On behalf of Sonterra Municipal Utility District, we are submitting an application to obtain a water and sewer Certificate of Convenience and Necessity. Enclosed please find one original and three copies of the application and attachments. A check for the filing fee is also enclosed.

We trust that the information submitted fulfills the requirements of TCEQ. Please advise if you have any questions or need additional information.

Sincerely,

JONES - HEROY & ASSOCIATES, INC

Samuel W. Jones, P. E. Engineer for the District

**VIA USPS Regular Mail** 

Mr. Ron Freeman, (w/ attachments) Andy Bilger, (w/o attachments)

S:\SJC- Projects\0061 Sonterra MUD\003 CCN\Appl Cover Ltr Sonterra CCN.doc



# APPLICATION TO OBTAIN OR AMEND A WATER OR SEWER CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN)

TCEQ-10362 (REV 4/09)

Page 1 of 27

# TCEQ

\*CN# 105160550

# APPLICATION TO OBTAIN OR AMEND A WATER/SEWER

# CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN)

\*RN# 603151614 \*If known (See Instructions)

PURI		THIS APPLICA  New Wat		New Sew	er CCN								
	AMEND	Water CC	N#	Sev	ver CCN # _								
1.		APPLICANT INFORMATION Utility Name: Sonterra Municipal Utility District											
	Utility Address (city/state/zip) _c/o Mr. Ron J. Freeman, Attorney, Freeman & Corbett, L.L.P.												
	8500 Bluffstone Cove, Suite B-104, Austin, Texas 78759												
	Utility Ph	one Number ( )		51-6689		Fax ( ) 51:							
	Contact I Indicate it the application	f this person is th	ovide infor e owner, op	mation abou erator, engin	t the person eer, attorney,	to be contacted re accountant manage	garding this application er, or other title related						
		Samuel W. Jones				Title: Engine	er for the District						
		1900 Gregg lar		Ste 6		Telephone ( )							
	City Pfl			TX Zip	78660	_ Fax ( ) _512	989-2213						
	E-mail: samj@jones-heroy.com County(ies) in which service is proposed Williamson												
	County(1e	s) in which servi	ce is propos	ed <u>Williar</u>	nson								
	A. C	heck the appropr	iate box and	l provide inf	ormation reas	ording the legal stat	tus of the applicant:						
		Investor owner	ed utility	provide ini	offication rega	irding the legal stat	us of the applicant:						
		Individ	······································										
				Owners A	ssociation								
		Partner		O WIIOIS 71	550ClattO11								
			ofit corpora	tion	<del></del>								
		1 01 pr	ont corpora	tion									
		Non-profit n	ember-ow	ned member	er-controlled	Cooperative cor	poration (Water Code						
		Chapter 67, V	Vater Supp	lv or Sewer	Service Con	rnoration)	boration ( Mater Cone						
		Municipality	· attr Supp	1) 01 50 1101	Belvice Co.	iporation)							
	1	District											
		<del></del>	se Explain:	1									
	<del>L </del>			<u> </u>									
	B. If the	applicant is a For	-Profit busin	ness or corpo	ration, please	include the follow	ving information: N/A						
	i.	Provide a	copy of the c	corporation's	<b>ACertificatio</b>	n of Account Statu	is@ from the Texas State						
	••	Comptrolle	er of Public	Accounts.									
	ii.	Provide the of State.	corporation	n's charter nu	imber as reco	rded with the Offic	e of the Texas Secretary						
	iii	Provide a l	isting of all	stockholders	and their res	pective percentage	s of ownership.						

C. If the applicant is a Water Code Chapter 67 water supply or sewer service corporation: N/A

Provide a copy of the company's organizational chart, if available.

Provide a list of all directors and disclose the tile of each individual.

Provide a list of all affiliated organizations (if any) and explain the relationship with the

TCEQ-10362 (REV 4/09)

iv.

v.

vi.

applicant.

Page 7 of 27

	i.	Provide a copy of the Articles of Incorporation and By-Laws.
	ii.	Provide the corporation's charter number as recorded with the Office of the Texas Secretary of State.
	iii.	Identify all members including name, address, title, and telephone number.
	iv.	Provide a copy of the corporation's Certificate of Account Status from the Texas Comptroller
		of Public Accounts.
LOCA	TION I	INFORMATION
A.	Are the	ere people already living in the proposed area?
		√ NO
	If YES	, are any currently receiving utility service?
		NO if YES, from Whom? Sonterra Municipal Utility District
	Demor	nstrate the Need for Service by providing the following:
В.	Have v	ou received any requests for service in the requested service area?
	YES	NO if YES, provide the following: See Attachment 1
	i.	Describe the service area and circumstances driving the need for service in the requested area.
	••	Indicate the name(s) and address(es) of landowner(s), prospective landowner(s), tenant(s), or
		resident(s) that have requested service; and/or
	ii.	Describe the economic need(s) for service in the requested area (i.e. plat approvals, recent
		annexation(s) or annexation request(s), building permits, septic tank permits, hospitals, etc.);
		and/or
	iii.	Discuss in detail the environmental need(s) for service in the requested area (i.e. failing septic
		tanks in the requested area, fueling wells, etc.); and/or
	iv.	Provide copies of any written applications or requests for service in the requested area; and/or
	v.	Provide copies of any reports and/or market studies demonstrating existing or anticipated
		growth in the requested area. If no, please justify the need for service in the proposed area.
	vi.	If none of these items exist or are available, please justify the need for service in the proposed

Failure to demonstrate a need for additional service in the proposed service area may result in

A copy of the City's consent to the creation of Sonterra MUD is included as

Provide a copy of any franchise, permit, or consent granted by the city or district. If not available

If NO, are you seeking dual or single certification of the area? Explain why decertification of the area

See Attachment 3 for agreement with Jarrell - Schwertner WSC for dual certification of the area.

metes and bounds survey certified by a licensed state or register professional land surveyor; or

Page 8 of 27

2.

C.

D.

B.

TCEQ-10362 (REV 4/09)

i.

3.

area in writing.

√ NO

NO √

is in the public interest.

MAP REQUIREMENTS:

please explain:

**Attachment 2** 

the delay and /or possible denial of the application.

If YES, within the corporate limits of: City of Jarrell

Is any portion of the proposed service area inside an incorporated city or district?

Is any portion of the proposed service area inside another utility=s CCN area?

A general location map delineating the proposed service area with enough detail to

If YES, has the current CCN holder agreed to decertify the proposed area?

See Attachment 4 Attach the following hard copy maps with each copy of the application:

accurately locate the proposed area within the county.

A map showing only the proposed area by:

- projectable digital data with metadata (proposed areas should be in a single record and ii. clearly labeled). Also, a data disk labeled with the applicant's name must be provided; or iii. following verifiable natural and man-made landmarks; or iv. a copy of recorded plat map with metes and bounds. A written description of the proposed service area. Provide separate and additional maps of the proposed area(s) to show the following:
- C.
- D.
  - all facilities, illustrating separately facilities for production, transmission, and distribution of the applicant's service(s); and
  - any facilities, customers or area currently being served outside the applicant's certificated ii. area(s).

See map of overlapping CCN of Jarrell-Schwertner WSC

Failure to provide adequate mapping information may result in the delay or possible denial of your application. Digital data submitted in a format other than ESRI ArcGIS may result in the delay or inability to review applicant's mapping information.

#### NEW SYSTEM INFORMATION OR UTILITIES REQUESTING A CCN FOR THE FIRST TIME 4.

- Please provide the following information: See Attachment 5
  - a list of public drinking water supply system(s) or sewer system(s) within a 2 mile radius of the proposed system;
  - ii. copies of written requests seeking to obtain service from each of the public drinking water systems or sewer systems listed in #4.A.i above or documentation that it is not economically feasible to obtain service from each entity;

A request to the City of Jarrell was not made since they have given us consent to obtain a CCN. See Attachment 2

- iii. copies of written responses from each system or evidence that they did not reply; and
- iv. for sewer utilities, documentation showing that you have obtained or applied for a wastewater discharge permit.

A copy of the first two pages of the discharge permit is provided as Attachment 6.

- Were your requests for service denied? Yes. See Attachment 5 В.
  - If yes, please provide documentation of the denial of service and go to 4.C. i.
  - ii. If no, please provide a detailed analysis which justifies your reasons for not accepting service. A separate analysis must be prepared and submitted for each utility that granted your request for service.
- Please summarize how the proposed utility system will be constructed and describe each C. projected construction phase, if any: See Attachment 7
- Date of plat approval, if required: Area will be developed in phases D. Approved by:
- Date Plans & Specifications submitted for approval E. Log No. Attach copy of approval letter if available. Multiple plan sets have been submitted.
- Date construction is scheduled to commence Project is partially complete. F.
- G. Date service is scheduled to commence Project started in 2007.

#### 5. **EXISTING SYSTEM INFORMATION**

- Please provide the following information for each water and/or sewer system, attach additional sheets if A. necessary.
  - Water system's TCEQ Public Water System identification number(s): i.

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ii.		Se	wer s	syste	m's	ГСЕ	QD	isch	irge	Pern	nit n	umb	er(s)	, ,	<b></b>	· · · · ·	 L		
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- iii Date of last inspection Water: September 9, 2007; Wastewater: February 19, 2007.
- iv Attach a copy of the most recent inspection report letter. See Attachment 8
- v. For each system deficiency listed in the inspection report letter, attach a brief explanation listing the actions taken or being taken by the utility to correct the listed deficiencies, including the proposed completion dates.

B. Provide the following information about the utility's certified operators

Name	Classes	License Number
Mr. Hal Lanham w/ AWR Services, Inc.	A	WO0026123
Mr. Hal Lanham w/ AWR Services, Inc.	С	WW0027540

<sup>-</sup> Attach additional sheet(s) if necessary -

C.	Using the current number of customers, is any facility component in systems named in #5A above operating
	at 85% or greater of minimum standard capacity?

YES \_\_\_\_ NO √

Attach an explanation listing the actions to be taken to make system improvements including proposed completion dates (See 291.93(3)(A) of TCEQ Rules).

D. List in the table below, the number of existing and/or proposed metered and non-metered connections (by size). The proposed number should reflect the information presented in the business plan or financial documentation and reflect the number of service requests identified in Question 2.b in the application.

Wate	er System		Sev	ver System	
Connection	Existing	Proposed	Connection	Existing	Proposed
5/8" or 3/4" meter	556	2444	Residential	545	2455
1" meter or larger	" meter or larger		Commercial		
Non-Metered	Non-Metered		Industrial		
Other:			Other:		
Total Water			Total Sewer		

E. If this application is for a water CCN only, please explain how sewer service is or will be provided:

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	N/A	
F.	If this application is for a sewer CCN only, pleas	e explain how water service is or wil
	N/A	
G	ii any retail public utility of the same A portion of the requested area is area; however, it is all within the So	to serve all customers within its taxi kind already serving the proximate as located within the Jarrell-Schwertnenterra MUD and J-S WSC has agreeing customers of J-S WSC is small an area.
Н	Do you currently purchase or plan to purchase wa  i No (skip the rest of this quality water Yes	ter or sewer treatment capacity from uestion and go to #6)
	Purchased on a regular	seasonal Emergency basis
	Source	% of total treatment
	iii Sewer treatment capacity iv Yes $\sqrt{}$	
	Purchased on a _√ regular	seasonal Emergency basis?
	Source	% of total treatment
	City of Jarrell	100%

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- vi Provide a signed and dated copy of the most current water or sewer treatment capacity purchase agreement or contract. See Attachment 9
- I. Ability to Provide Adequate Service.

Describe the ability of the applicant to provide adequate service, including meeting the standards of the commission, taking both of the following items into consideration:

- i. the current and projected density, and
- ii. the land use of the requested area.

See the description of the existing facilities described in **Attachment 7** and the current Land Use Plan under **Attachment 4**.

J Effect on the Land.

Explain the effect on the land to be included in the certificated area.

Providing water and wastewater services will allow this area to be developed as single family, commercial, and retail property which will be an economic benefit to the area.

#### 6. FINANCIAL INFORMATION

- A. For new systems and for applicants with existing CCNs who are constructing a new stand alone system:
  - i. the applicant must provide an analysis of all necessary costs for constructing, operating, and maintaining the system, and the source of that capital (such as a financial statement for the developing entity) for which the CCN is requested for at least the first five years. In addition, if service has been offered by an existing water service provider as stated in #4.A., but the applicant has determined that the cost of service as finally offered renders the project not economically feasible, the applicant must provide a comparison analysis of all necessary costs for acquiring and continuing to receive service from the existing system for the same period.
  - ii. Attach projected profit and loss statements, cash flow worksheets, and balance sheets (projected five year financial plan worksheet is attached) for each of the first five years of operation. Income from rates should correlate to the projected growth in connections, shown on the projected profit and loss statement.
  - iii. Attach a proposed rate schedule or tariff. Describe the procedure for determining the rates and fees and indicate the date of last change, if applicable. Attach copies of any cost of service studies or rate analysis worksheets.
- B. For existing systems:
  - i. Attach a profit and loss statement and current balance sheet for existing businesses (end of last fiscal year is acceptable). Describe sources and terms for borrowed capital such as loans, bonds, or notes (profit and loss and balance sheet worksheets are attached, if needed).
  - ii. Attach a proposed rate schedule or tariff.
  - ★NOTE: An existing system may be required to provide the information in 6.A.i. above during the technical review phase if necessary for staff to completely evaluate the application.
- C. Identify any funds you are required to accumulate and restrict by lenders or capital providers.
- D. In lieu of the information in #6.A. thru #6.C., you may provide information concerning loan approvals within the last three (3) years from lending institutions or agencies including the most recent financial audit of the applicant.

The existing system is owned and operated by Sonterra Municipal Utility District which has the authorization to levy a maintenance tax and issue unlimited tax bonds for capital costs. The District has had two tax bond issues which have financed a portion of the water and wastewater system as it currently exists. **Attachment 10** is a copy of the District's operating budget approved for fiscal year 2010.

Note: Failure to provide adequate financial information may result in the delay or possible denial of your application.

## 7. NOTICE REQUIREMENTS

A. All proposed notice forms must be completed and submitted with the application. However, do not mail or TCEQ-10362 (REV 4/09)

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publish them until you receive written approval from the Commission to do so.

Proposed notice forms are included as Attachment 11. Also included is a copy of the Williamson County

Appraisal District's Roll showing landowners with 25+ acres in the district's boundaries.

- B. The Commission cannot grant a CCN until proper notice of the application has been given. <u>Commission</u> rules do not allow a waiver of these notice requirements for CCN applicants.
- C. <u>It is the applicant's responsibility to ensure that proper notice is given to all entities that are required to receive notice.</u>
- D. Recommended notice forms for publication, neighboring cities and systems, landowners with 25 acres or more, and customers are included with this application to use in preparing your proposed notices. (These notice forms are also available in Spanish upon request.)
- E. After reviewing and, if necessary, modifying the proposed notice, the Commission will send the notice to the applicant after the application is accepted for filing along with instructions for publication and/or mailing. Please review the notice carefully and note any additional neighboring utilities which may be included in the acceptance letter.
- F. Notice For Publication:

The applicant shall publish the notice in a newspaper having general circulation in the county or counties where a CCN is being requested, once each week for two consecutive weeks beginning with the week after the notice is received from the Commission. Proof of publication in the form of a publisher's affidavit shall be submitted to the Commission within 30 days of the last publication date. The affidavit shall state with specificity each county in which the newspaper is of general circulation.

- G. Notice To Neighboring Utilities:
  - i. List all neighboring retail public utilities and cities providing the same utility service within the following vicinities of the applicant's proposed certificate area. See Attachment 11.
  - ii. For applications for the issuance of a NEW CCN, the applicant must mail the notice with a copy of the proposed CCN map to all cities and neighboring retail public utilities providing the same utility service within five (5) miles of the requested service area.
  - iii. For applications for the AMENDMENT of a CCN, the applicant must mail the notice with a copy of the proposed CCN map to all cities and neighboring retail public utilities providing the same utility service within two (2) miles of the requested service area.
- H. Notice to Customers

Investor Owned Utilities (IOUs) that are currently providing service without a CCN must provide individual mailed notice to all current customers. The notice must contain the current rates, the date those rates were instituted and any other information required in the application. The notice must also list all zip codes affected by the application.

I. The Commission may require the applicant to deliver notice to other affected persons or agencies.

Do not publish or send copies of the proposed notices to anyone at the time you submit the application to the Commission. Wait until you receive written authorization to do so. This will occur after the Commission has reviewed the notices for completeness, and your application has been accepted for filing. Once the application is accepted for filing, you will receive written authorization to provide notice. Please check the notices for accuracy before providing them to the public. It is the applicant's burden to ensure that correct and accurate notice is provided.

TCEO-103

OATH
STATE OF (EXAS
COUNTY OF Williams
I, <u>Samuel W. Jones</u> , being duly sworn, file this application as indicate relationship to Applicant, that is, owner, member of paymership, title as officer of corporation, or other authorized representative of Applicant); that, in such capacity, am qualified and authorized to file and verify such application, am personally familiar with the maps and financial information filed with this application, and have complied with all the requirements contained in this application and, that all such statements made and matters set forth therein are true and correct. I further state that the application is made in good faith and that this application does not duplicate any filing presently before the Texas Commission on Environmental Quality.
I further represent that the application form has not been changed, altered or amended from its original form available only from the Commission.
I further represent that the Applicant will provide continuous and adequate service to all customers and qualified applicants for service within its certificated service area.
Sal W Janana
(Utility's Authorized Representative)
If the Affiant to this form is any person other than the sole owner, partner, officer of the Applicant, or its attorney properly verified Power of Attorney must be enclosed.
SUBSCRIBED AND SWORN TO BEFORE ME, a Notary Public in and for the State of Texas, this day
SEAL MARKET
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS
Helen M. Kinlow
PRINT OR TYPE NAME OF NOTARY
MY COMMISSION EXPIRES $\sqrt{-29-1}$

## List of Attachments

- - 1) Letter request for service to Sonterra MUD
  - 2) City consent to creation of Sonterra MUD
  - 3) Agreement with Jarrell-Schwertner WSC for dual certification
  - 4) Maps:
    - a) Location map and description
    - b) Metes & Bounds
    - c) Sonterra DWG MUD Boundary/CCN Request
    - d) Land Use Plan
    - e) J-S WSC CCN overlaid district boundary
  - 5) List of surrounding providers

Letter requests for service to surrounding providers with evidence of denial responses

- 6) Wastewater discharge permit
- 7) Projected utility construction summary
- 8) Recent inspection report letter & evidence of deficiencies resolved
- 9) Sewer treatment capacity contract with City of Jarrell
- 10) Sonterra MUD's operating budget for FY 2010
- 11) Proposed notice forms

List of landowners with 25+ acres of land within the district List of neighboring utilities & cities providing same services