



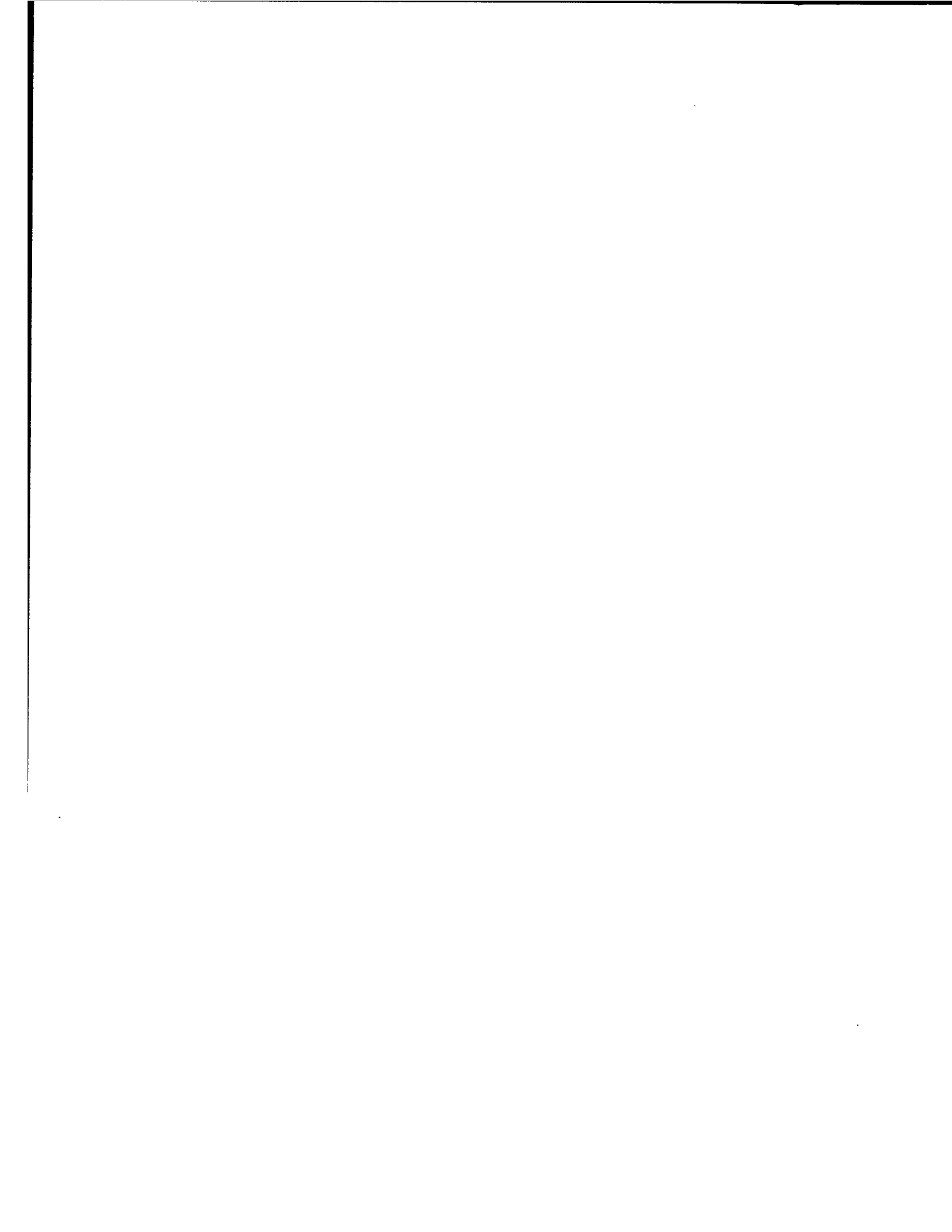
Control Number: 44052



Item Number: 8

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



** Transmit Conf. Report **

P.1

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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

June 9, 2010

BY FAX TO 866/929-1641 AND
BY CERTIFIED MAIL

Mr. Kerry E. Russell, Attorney
 Russell & Rodriguez, LLP
 1633 Williams Drive, Building 2, Suite 200
 Georgetown, Texas 78628

NOTICE OF DEFICIENCY

Re: Service Agreement Application Under Water Code Section 13.255 from the City of Jarrell, A1925, to Decertify a Portion of Certificate of Convenience and Necessity (CCN) No. 10002 from Jarrell Schwertner Water Supply Corporation (WSC), in Williamson County; Application No. 36697-C
 CN: 602777716; RN: pending (City of Jarrell)
 CN: 600657803; RN: 101457513 (Jarrell Schwertner WSC)

Dear Mr. Russell:

Your service agreement application for the City of Jarrell, received on May 13, 2010, has been assigned Application No. 36697-C, but has not been accepted for filing. Please refer to the application number in future correspondence.

The following information is necessary to continue processing your application:

1. Please submit documentation showing the City of Jarrell has a municipally owned water utility and that it is in compliance with commission's minimum requirements for retail public drinking water systems.
2. Submit four (4) copies of any agreements or other documents between the City of Jarrell and Jarrell Schwertner WSC supporting the proposed transaction.

These items must be completed and returned to our office by **July 9, 2010**. 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. Karen Blaschke at 512/239-6932, or if by correspondence, include Mail Code 153 in the letterhead address.



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Karen Blaschke - Re: Fwd: City of Jarrell/Jarrell Schwertner 13.255 App.

From: James Aldredge
To: Blaschke, Karen
Date: 7/13/2010 8:29 AM
Subject: Re: Fwd: City of Jarrell/Jarrell Schwertner 13.255 App.

I think after Tammy and I talked about this, we decided that the application should be accepted. I assumed that Tammy would let you know that, so I didn't follow up with you afterward. I apologize for the confusion.

James

>>> Karen Blaschke 7/12/2010 2:09 PM >>>
James, I'm just checking on this application.

Thanks,
Karen Blaschke
Water Supply Division
x6932

>>> Karen Blaschke 6/23/2010 9:24 AM >>>
James, I just talked to Tammy Benter and she asked me to forward a copy of Mr. Kerry Russell's response to our NOD for the City of Jarrell's 13.255 application.

Please let me know if we can accept this 13.255 application or if we should return the application.

Thanks,
Karen Blaschke
Water Supply Division
Utilities & Districts Section
MC-153
x6932

>>> irgw55@tceq.state.tx.us <irgw55@tceq.state.tx.us> 6/23/2010 10:33 AM >>>

DEVICE NAME: Not Set
DEVICE MODEL: MX-M350N
LOCATION: Not Set

FILE FORMAT: PDF MMR(G4)
RESOLUTION: 300dpi x 300dpi

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From: Karen Blaschke
To: James Aldredge
Date: 7/12/2010 2:09 PM
Subject: Fwd: City of Jarrell/Jarrell Schwertner 13.255 App.
Attachments: irgw55@tceq.state.tx.us_20100623_093317.pdf

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Karen Blaschke - City of Jarrell/Jarrell Schwertner 13.255 App.

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Date: 6/23/2010 9:24 AM
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Karen Blaschke - Fwd: City of Jarrell/Jarrell Schwertner 13.255 App

From: Kent Steelman
To: Karen Blaschke
Date: 5/25/2010 8:45 AM
Subject: Fwd: City of Jarrell/Jarrell Schwertner 13.255 App

>>> James Aldredge 5/25/2010 8:43 AM >>>
Tammy and Kent,

Pursuant to our discussion on May 21, and after having had a chance to review the relevant statutes and regulations concerning this matter, I advise that the Utilities and Districts Section draft a notice of deficiency to send to the City of Jarrell regarding its application. Specifically, the City should be asked to demonstrate its qualifications to file a 13.255 application in that it has a municipally owned water or sewer utility and that it is in compliance with the commission's minimum requirements for retail public drinking water systems.

Subsection 13.255(b) of the Water Code is worded such that an application under 13.255 is for the commission to grant single certification to a "municipally owned water or sewer utility or to a franchised utility." From the information submitted by the City, it does not appear that such an entity exists in this case. Absent some further showing that there is a municipally owned water or sewer utility to which single certification can be granted, the application should be returned.

Please let me know if you need any more information or wish to discuss this matter further.

James Aldredge, Staff Attorney
TCEQ, Office of Legal Services
512-239-2496

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