



Control Number: 44052



Item Number: 9

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

44052

RECEIVED

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**Information Sheet for
Application to Obtain or Amend a Water or Sewer CCN**

UNDER WATER CODE SECTION

PUBLIC UTILITY COMMISSION
FILING CLERK

13.255

Application Number (s) 36697-C

Administrative Review #A - 047 - 10 CCN-Other

Date TCEQ Received Application 05/13/2010

Date Assigned to program area 05/13/2010

Applicant Utility Name CCN #(s): City of Jarrell A 1925

Name of Retail Public Utility w/in the Certificated Area **involved** in this application CCN #(s):

Jarrell Schwertner WSC 10002

- ☒ Original and three copies of application received including any attachments
- ☒ Account Fees Due ☐ Regulatory Assessment Fees Due
none listed
- ☒ Copy of notice of city's intent to serve the incorporated or annexed area to the retail public utility
- ☒ Completed Oath
- ☒ Map scale should be prominently displayed.
1. Color coding should be used to differentiate the applicants existing service areas from the proposed service area.
 2. Written description of the proposed service area.
 3. Proposed service area should be the same on all maps.
 4. Digital map (if available)
- ☒ Filing Fee \$100
- ☐ Not on file with Central Registry. Core Date Form Needed.
new CCN.
- ☐ Attach a copy of CN and RN from WUD

J:\UDS\Utilities Forms and Checklists Admin Review\13.255 obtain or amend.doc

Williamson County

61-111-143-2-1

VL

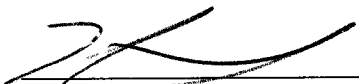
To: Administrative Reviewer

Date: May 25, 2010

From: Cartographer-Utilities & Districts Section

Subject: Overlap & Notice Check for Administrative Review No. a-047-10/36697-C
13.255 City of Jarrell / Jarrell-Schwertner WSC (10002) 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:
11. Notice:
- X 12. Other comments: The CCN area to be taken appears to be within Jarrell-Schwertner WSC (10002) CCN.


Kent Steelman



Texas Commission on Environmental Quality

Application to Obtain or Amend a Water/Sewer
Certificate of Convenience and Necessity (CCN) Under Water Code
Section 13.255

1. Applicant: City of Jarrell
(Name of City)

Address: P.O. Box 828
Jarrell, Texas 76537
(City/State/Zip)

Phone and Fax Number: 512/ 746-4593 (512) 746-2052
(Area Code/Number) (Area Code/Fax)

Tax Identification Number: _____

2. The purpose of this application is to: (check one) ☒ obtain single certification to a service area within the city's corporate limits, and/or _____ amend a Certificate of Convenience and Necessity (CCN) No. _____ to provide ☒ water or _____ sewer service to the

Area currently certificated to Jarrell Schwertner WSC that is located within the city limits of the City of Jarrell
(Name of Subdivision or Area)

and to decertify a portion of Jarrell Schwertner WSC 10002
(Name of Utility) (CCN No.)

3. Applicant is requesting a certificate to provide utility service in the following county(ies):

Williamson

4. Contact Person: Please provide information about the person to be contacted regarding this application. Indicate if this person is the owner, operator, engineer, attorney, accountant, or other title related to the applicant.

Name: Kerry E. Russell

Title Attorney

Address: 1633 Williams Drive, Building 2, Suite 200

Georgetown, Texas 78628
(City/State/Zip code)

Phone and Fax Number: 512-930-1317 866-929-1641
(Area Code/Number) (Area Code/Fax)

Please provide the name and address of the retail public utility currently certificated to the area involved in this application:

Utility Name: Jarrell Schwertner WSC

Address: P.O. Box 369

Jarrell, Texas 76537
(City/State/Zip)

Phone and Fax Number: (512) 746-2114 (512) 746-2374
(Area Code/Number) (Area Code/Fax)

5. Please provide the person's name and address who has been representing the retail public utility during negotiations with the city over the service area involved:

Name: Ms. Sheila Cunningham

Title: General Manager

Address: P.O. Box 369, Jarrell, Texas 76537
(City/State/Zip code)

Phone and Fax Number: (512) 746-2114 (512) 746-2374
(Area Code/Number) (Area Code/Fax)

6. When was this proposed service area incorporated by the city? May 5, 2001
(Date)

7. What date did negotiations begin between the city and the retail public utility? 8/19/09
(Date)

8. When was notice of the city's intent to provide service to the incorporated or annexed area provided to the retail public utility? August 19, 2009
(Date)

Please attach a copy of the notice provided. Also attach a copy of the mailing list indicating to whom such notice was provided. **See attached notice, attached as Attachment A.**

9. Please provide a brief description of the retail public utility's facilities in the service area involved in this application. Also indicate how many customers are currently receiving service from the retail public utility in this area:

The Jarrell Schwertner Water Supply Corporation currently serves about 4000 connections. Of that number, 418 are within the city limits of the City of Jarrell. Please see the memo and Attachment E for 2 locations that the City asserts are within its corporate limits but the TCEQ records do not clearly identify the areas as such.



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10. When can city service to the area begin? Within 90 days of transfer of existing assets
(Date)

11. If the city will allow a franchised utility to provide service to the area involved, please attach a copy of the city consent or franchise agreement and provide the following information:

Utility Name: N/A

Address: _____
(City/State/Zip)

Phone and Fax Number: _____
(Area Code/Number) (Area Code/Fax)

Franchised Utility's CCN Number: _____

Franchised Utility's contact person and their address:

Name: _____

Title: _____

Address: _____
(City/State/Zip code)

Phone and Fax Number: _____
(Area Code/Number) (Area Code/Fax)

12. Attach the following maps with each copy of the application: (All maps should include applicant's name, address, telephone number, and date of drawing or revision. All maps should be folded to 8½ x 11 inches). **See Attachments B, C, D and E for the required maps.**

A. Subdivision plat or engineering plans or other large scale map showing the following:

1. The exact proposed service area boundary showing locations of requests for service and locations of existing connections (if applicable).
 2. Metes and bounds (if available).
 3. Proposed and existing service area boundaries should be plotted on the map in relation to verifiable natural and man-made landmarks such as roads, creeks, rivers, railroads, etc.
 4. *Service area boundaries should be shown with such exactness that they can be located on the ground.*
- ★ NOTE: *Applicant may use a USGS 7.5"-minute series map if no other large scale map is available.*

B.. Small scale location map delineating the proposed service area. The proposed service area boundary should be delineated on a copy of the TCEQ official CCN map. This map will assist TCEQ staff in locating the proposed service area in relation to neighboring utility service areas. *A copy of the TCEQ official CCN map may be obtained by contacting the Utilities & Districts Section at 512/239-4691 or by mailing a written request to the following address:*

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

C. **Hard copy maps should include the following items:**

1. Map scale should be prominently displayed.
2. Color coding should be used to differentiate the applicants existing service areas from the proposed service area.
3. Attach a written description of the proposed service area.
4. Proposed service area should be the same on all maps.
5. Include map information in digital format (if available), *see 15, GIS Information.*

- D. Each utility shall make available to the public at each of its business offices and designated sales offices within Texas the map of the proposed service area currently on file with the Commission. The applicant employees shall lend assistance to persons requesting to see a map of the proposed area upon request.

13. GIS INFORMATION

A. **Digital Map Requirements:** In order that your digital data can be properly used, the following information is necessary:

- i. Submit digital data of the proposed CCN service area on a 3.25" diskette or CD. Only one diskette or CD is necessary. Most files of CCNs (minus the base map) should be small enough to zip up and put on a diskette or CD.
- ii. The digital data should include all items represented in the hard copy maps.
- iii. Please identify data file format, projection information, map units and base map used.

Acceptable Data File Formats:

1. ArcView shape file (preferred)
2. AutoCAD dwg file

★ **NOTE:** TCEQ uses TxDOT county (urban) digital road maps as the official CCN base map. Copies of these files can be obtained from Texas Natural Resources Information Systems (TNRIS) at (512) 463-8337 or downloaded from the [\[TNRIS website\]](#).

If you have any questions about sending the data or our GIS CCN coverage, please contact the Cartographer of the Utilities & Districts Section, Water Supply Division at (512) 239-4691.

ALL APPLICABLE QUESTIONS MUST BE ANSWERED FULLY.

THE APPLICATION WILL NOT BE ACCEPTED FOR FILING WITHOUT MAPS. PLEASE NOTE THE FILING OF THIS APPLICATION DOES NOT CONSTITUTE AUTHORITY TO PROVIDE WATER/SEWER SERVICE IN THE REQUESTED AREA.



OATH

State of Texas

County of Williamson

I, Troy Clawson being duly sworn, file this application under V.T.C.A., Water Code Section 13.255 as Mayor of the City of Jarrell; that, in such capacity, I am qualified and authorized to file and verify such application, am personally familiar with the maps 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.

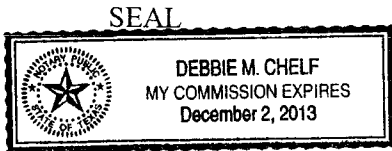
I further represent that the application form has not been changed, altered or amended from its original form available only from the Commission.

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.

Troy A. Clawson
AFFIANT
(Applicant'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, a 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
12 day of May, 20 10



Debbie M. Chelf
NOTARY PUBLIC

R&R
RUSSELL & RODRIGUEZ, L.L.P.
ATTORNEYS AT LAW

1633 WILLIAMS DRIVE
BUILDING 2, SUITE 200
GEORGETOWN, TEXAS 78628

PHONE (512) 930-1317
FAX (866) 929-1641
WWW.TXADMINLAW.COM

Email krussell@txadminlaw.com

August 19, 2009

VIA CERTIFIED, RETURN RECEIPT REQUESTED, FIRST CLASS U.S. MAIL

Ms. Sheila Cunningham, General Manager
Jarrell Schwertner WSC
P.O. Box 369
Jarrell, Texas 76537

Re: Jarrell Schwertner WSC

Dear Ms. Cunningham:

As you know, this firm represents the City of Jarrell. City residents currently receive retail water service from Jarrell-Schwertner WSC under CCN 10002. We understand that Jarrell-Schwertner currently has 1,458 customers and 422 of those are within the City limits. We also understand that Jarrell-Schwertner is unable to provide municipal level retail water service within the City limits.

Texas Water Code sections 13.254 and 13.255 provide the City with the option of providing retail water system within the City limits. Since the City's new sewer system is now operational, the City intends to begin providing municipal level retail water service to its residents in the near future. This issue has been the subject of extended discussions involving various parties over the past months. The City appreciates Jarrell-Schwertner's participation in those discussions. The City continues to believe a long term agreement between the City and Jarrell-Schwertner in regard to retail water service is in the best interest of everyone in the Jarrell area.

To initiate the TCEQ's CCN transfer process, the City has authorized us to file the notice required by Texas Water Code §13.255 to begin retail water service within the City limits after 180 days. A copy of the notice is attached to this letter and is also being mailed to the TCEQ Water Supply Division.

The City would like to meet with Jarrell-Schwertner as soon as possible to begin working out the details of a long term water service and supply agreement. We continue to believe the best option for everyone would be for the City to take over all of the Jarrell-Schwertner system

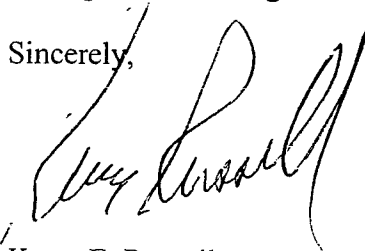
Ms. Sheila Cunningham, General Manager
Jarrell Schwertner WSC
August 19, 2009
Page 2 of 2

within the city limits, ETJ, and west of IH 35. That would relieve Jarrell-Schwertner of the current legal requirement to spend \$5-6 million for a total system replacement in this area. The City would be willing to assume residual federal debt, if any, associated with this portion of the Jarrell-Schwertner system. Either in the agreement, or by separate contract, the City should purchase long term wholesale water from Jarrell-Schwertner. Such a contract would assure current and future Jarrell-Schwertner customers of an income source to maintain reasonable retail water rates. Another part of the agreement should include joint efforts by the City and Jarrell-Schwertner to secure funding for improvements to both systems.

The City looks forward to hearing from you and is hopeful that an agreement can be finalized and executed prior to the expiration of the 180 day period. There is simply no reason for the City and Jarrell-Schwertner to incur the costs associated with a 13.255 contested case hearing. It is essentially the same citizens who would be paying the bills for both sides in such litigation.

Please do not hesitate to call if you have any questions regarding this matter. Also, please feel free to contact the City directly to arrange a time to begin discussions.

Sincerely,

A handwritten signature in black ink, appearing to read "Kerry Russell", written over a horizontal line.

Kerry E. Russell

Cc: Mayor Troy Clawson
Mr. Mel Yantis
Mr. Sonny Kretzschmar
Ms. Trish Coy



NOTICE OF INTENT TO FILE A TEXAS WATER CODE SECTION 13.255 APPLICATION WITH
THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY FOR SINGLE CERTIFICATION IN
WILLIAMSON COUNTY(IES)

To: Jarrell Schwertner WSC
P.O. Box 369
Jarrell Texas 76537

Date Notice Mailed: August 19, 2009

CERTIFIED MAIL NUMBER: 7008 1300 0000 8683 4679

The City of Jarrell intends to provide water/sewer utility service to an incorporated area pursuant to Texas Water Code Section 13.255. If an agreement is not executed within 180 days of the date of this notice, the City of Jarrell will file an application with the Texas Commission on Environmental Quality (Commission) to grant single certification to the area within its corporate limits.

The area involved is located approximately 17 miles north of downtown Georgetown, Texas, and is generally bounded on the north by the Williamson/Bell county line; on the east CR 332; on the south by CR 144; and on the west by CR 396. See enclosed map of the affected area.

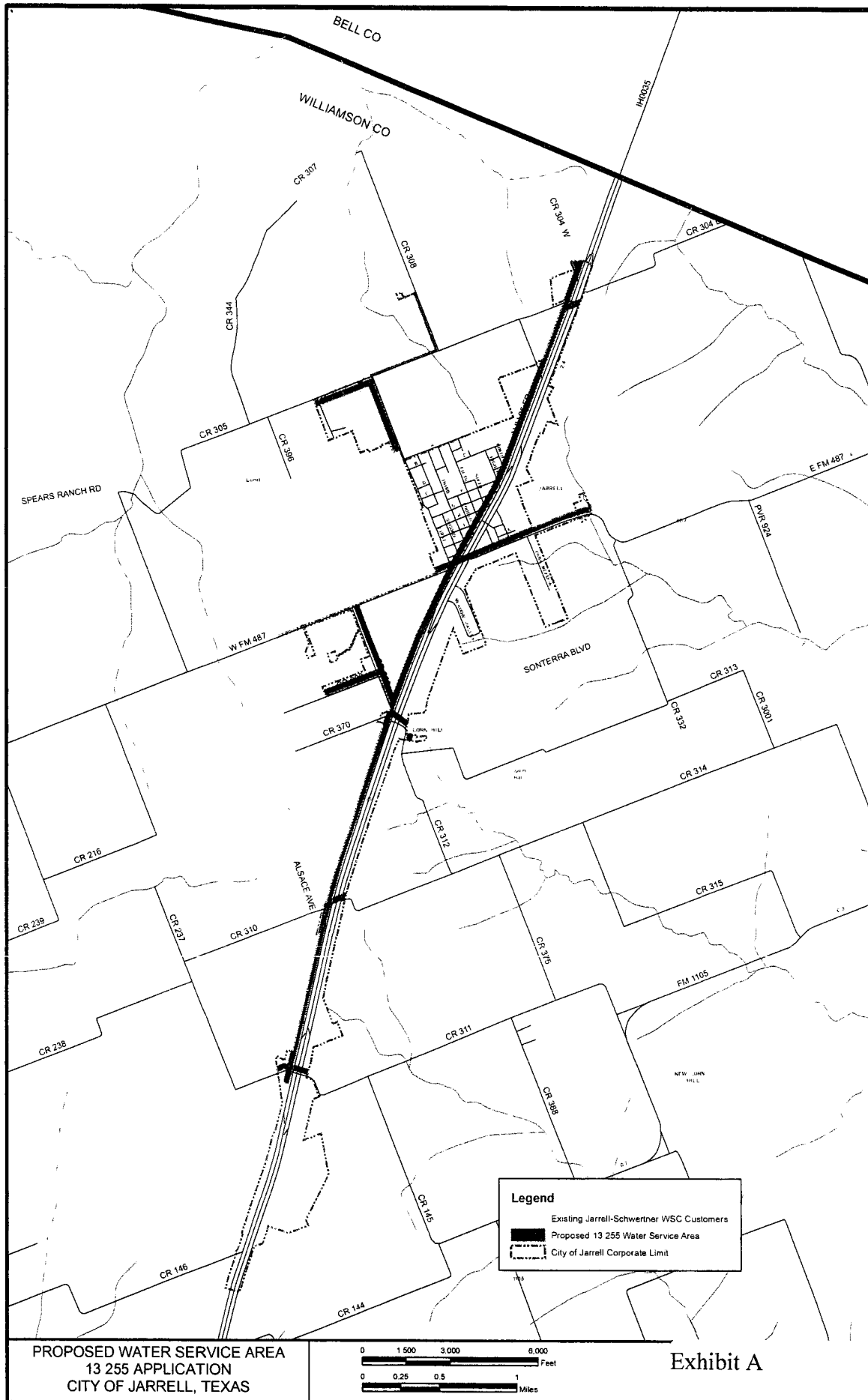
If a Texas Water Code Section 13.255 application is filed, the Commission will forward the application to the State Office of Administrative Hearings (SOAH) for a hearing. If no settlement is reached and an evidentiary hearing is held, SOAH will submit a recommendation to the Commission for final decision. If an evidentiary hearing is held, it will be a legal proceeding similar to a civil trial in state district court. The Commission shall grant single certification to the city and determine the monetary amount that it is adequate and just for the city to compensate the retail public utility.

Pursuant to Texas Water Code Section 13.242 and 30 Texas Administrative Code Section 291.103, the City of Jarrell intends to provide retail water service to an area or customers currently being served by Jarrell Schwertner WSC in the area described above. The enclosed map shows the location of the area affected where the city proposes to serve. A copy of this notice was mailed to the Commission on August 19, 2009 at the following address:

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



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PROPOSED WATER SERVICE AREA
13 255 APPLICATION
CITY OF JARRELL, TEXAS

Exhibit A



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Other Fees		
Total	\$	5.54

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08.19.09

Ms. Sheila Cunningham
General Manager
Jarrell Schwermer WSC
Post Office Box 369
Jarrell, Texas 76537

PS Form 3800, August 2008 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or of the front if space permits.

1. Article Addressed to:
Ms. Sheila Cunningham
General Manager
Jarrell Schwermer WSC
Post Office Box 369
Jarrell, Texas 76537

COMPLETE THIS SECTION ON DELIVERY

A. Signature Sheila Cunningham
B. Received by (Printed Name) Sheila Cunningham C. Date of Delivery 8-20-09
D. Is delivery address different from item 1? ☒ Yes ☐ No
If YES, enter delivery address below:

2. Article Number

(Transfer from service label)

PS Form 3811, February 2004 7008 1300 0000 8683 4679 Domestic Return Receipt

3. Service Type

- ☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes



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JAY ENGINEERING COMPANY, INC.

P.O. Box 1220 (512) 259-3882
Leander, TX 78646 Fax 259-8016

Texas Registered Engineering Firm F-4780

April 13, 2010

Ms. Faith Wright
Russell & Rodriguez, LLP
1633 Williams Dr
Building 2, Suite 200
Georgetown, Texas 78628

Re: City of Jarrell 13.255 Water Service Area Application

Dear Ms. Wright:

Jay Engineering Company, Inc. has prepared maps and descriptions of the City of Jarrell's proposed water service area to accompany the 13.255 application to the Texas Commission on Environmental Quality (TCEQ). The maps have been prepared using ESRI GIS software (ArcMap ver. 9.2). In accordance with TCEQ requirements, our office has depicted the City of Jarrell's proposed water service area and supplemental exhibits in relation to the TCEQ's official CCN Map ("CCN_WATER" digital shape file dated 5/6/2009) and the Texas Department of Transportation's (TxDOT's) Williamson County Urban Map Files ("246urban.dwg" distributed by the Texas Natural Resources Information Systems, dated 2003). The City of Jarrell's proposed 13.255 water service area has been prepared in ESRI shape file format in units of feet and projected in the State Plane Coordinate System – Texas Central, FIPS 4203, NAD 1983 (feet).

The City of Jarrell's corporate limit is located in northern Williamson County along the east and west sides of a seven mile stretch of Interstate Highway 35 (IH 35). At the present time, the City of Jarrell has no designated water service area; the City does not operate any water production, storage, or distribution facilities; and the City provides no water service to any customers. Water service to existing customers within the City of Jarrell's corporate limit is currently provided by Jarrell-Schwertner Water Supply Corporation (WSC).

The City of Jarrell's corporate limit includes some area that is part of the official Jarrell-Schwertner WSC water service area. Jarrell-Schwertner WSC has a "Line CCN" which is 200 feet wide centered along designated water lines in its water system. The City of Jarrell's corporate limit overlaps the official Jarrell-Schwertner WSC CCN at the following locations:

1. South side of County Road (CR) 305 between CR 207 and Double Creek Dr
2. West side of CR 207 between CR 305 and Ave A
3. West side of IH 35 from CR 304 W to CR 237/CR 311
4. Across IH 35 at CR 305/CR 304
5. Across IH 35 at W FM 487/Ave L
6. Across IH 35 at CR 312
7. Across IH 35 at CR 310/CR 314
8. Across IH 35 at CR 237/CR 311
9. North side of W FM 487 from IH 35 to approx. 500 feet west of 1st St
10. North side of Ave L from IH 35 to E FM 487
11. North side of E FM 487 from Ave L to approx. 3,300 feet northeast of the E FM 487/Ave L intersection

12. East side of CR 306 from W FM 487 to IH 35
13. North side of CR 309 from CR 306 to approx. 1,900 feet southwest of CR 306
14. Approx. 225 feet along the east side of CR 312 between IH 35 and CR 313

Please note that Jarrell-Schwertner WSC owns and operates water facilities and serves numerous customers within the City of Jarrell's corporate limit that are outside the official Jarrell-Schwertner WSC CCN. It is the intent of the City of Jarrell to assume and provide service to all of the existing water customers within the corporate limit.

The proposed 13.255 water service area is depicted in Exhibit B. The locations of existing Jarrell-Schwertner WSC customer service connections throughout the City of Jarrell's corporate boundary have also been shown in Exhibit B. The general location of the proposed 13.255 water service area within Williamson County is shown in Exhibit C. A supplemental Exhibit D is provided that shows the position of the City of Jarrell's proposed water service area relative to nearby, existing water utility service areas.

There are two locations where the physical, existing water line to which Jarrell-Schwertner WSC customers are connected is located within the City of Jarrell's corporate limit, but the Jarrell-Schwertner WSC line facility has been represented outside the corporate limit in the TCEQ's official CCN map. These locations are described as follows:

1. 1st St right-of-way from approx. 400 feet northwest of Ave A to approx. 100 feet southeast of Ave E
2. W FM 487 right-of-way from approx. 500 feet southwest of 1st St to approx. 2,800 feet southwest of CR 206

These areas have been depicted in a supplemental Exhibit E. It is the intent of the City of Jarrell to assume the water lines represented by the Jarrell-Schwertner WSC CCN in these areas and provide service to all of the existing customers connected to these water lines.

Digital copies of the City of Jarrell's proposed 13.255 Water Service Area (shape file), corporate limit (shape file), county boundary (shape file) and TxDOT's Williamson County Urban Files (.DWG - file) have been included in the enclosed CD for submittal to the TCEQ. Please let us know if you have any questions or we can be of additional service.

Yours truly,



David Simons, P.E.

DFS/s

Attachments

Copy: Mel Yantis, City of Jarrell

PN: 170-005-29





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