



Control Number: 44212



Item Number: 4

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

44212

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PUBLIC UTILITY COMMISSION
FILING CLERK



Texas Commission on Environmental Quality

APPLICATION NO. 35087-C

AFFIDAVIT OF NOTICE TO NEIGHBORING UTILITIES AND AFFECTED PARTIES

STATE OF TEXAS

COUNTY OF ELLIS

The City of Ovilla, Texas has provided individual notice to the following entities:

Trinity River Authority	DATE	11-15-05
√ City of Glenn Heights		11-15-05
√ Sardis Lone Elm Water		11-15-05
√ City of Cedar Hill		11-15-05
√ City of DeSoto		11-15-05
√ City of Red Oak		11-15-05
√ Rockett J. U. D.		11-15-05
City of Duncanville		11-15-05
City of Lancaster		11-15-05
City of Waxahachie		11-15-05
City of Midlothian		11-15-05

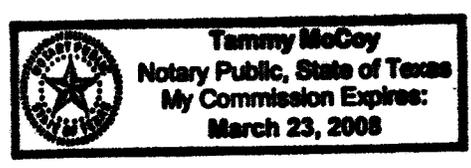
OATH

I, Velma Gould, being duly sworn, file this form as City Secretary (indicate relationship to applicant, that is, owner, member of partnership, title of officer of corporation, or other authorized representative of applicant); that in such capacity, I am qualified and authorized to file and verify such form, am personally familiar with the notices given with this application, and have complied with all notice requirements in the application and application acceptance letter; and that all such statements made and matters set for therein are true and correct.

Velma Gould
Applicant's Authorized Representative

If the applicant 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 this 21st day of November, 2005, to certify which witness my hand and seal of office.



Tammy McCoy
Notary Public in and for the State of Texas

Tammy McCoy
Print or Type Name of Notary Public
Commission Expires 3-23-08

NOTICE OF APPLICATION FOR CERTIFICATE OF CONVENIENCE AND
NECESSITY (CCN) TO PROVIDE WATER/SEWER UTILITY IN DALLAS AND
ELLIS COUNTIES

To: City of Glenn Heights
2938 S Hampton Rd
Glenn Heights, TX 75154

Noticed Mailed November 15, 2005

The City of Ovilla has filed an application to amend CCN No. 11459 and to decertify portions of the City of Glenn Heights with the Texas Commission on Environmental Quality to provide water and sewer utility service in Dallas and Ellis Counties.

The proposed utility service area is located approximately one mile east of downtown Ovilla, Texas and is generally bounded on the north by Little Creek; on the east by Little Creek; on the south by Red Oak Creek Road; and the west by Westmoreland Road. See the enclosed map of the proposed service area.

The total are being requested includes approximately 500 acres and 89 current customers.

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.

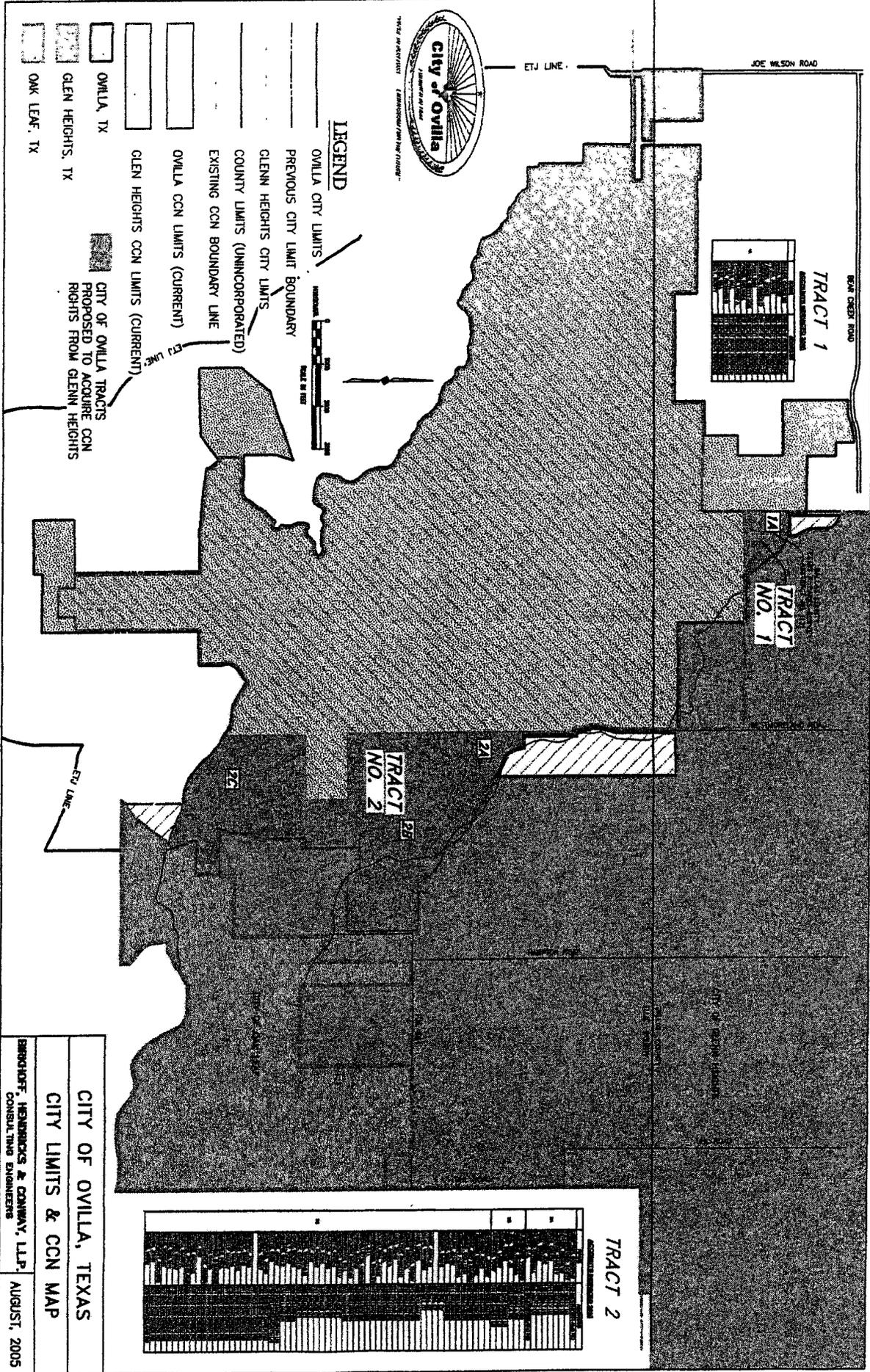
Persons who wish to intervene or comment should write the:

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.

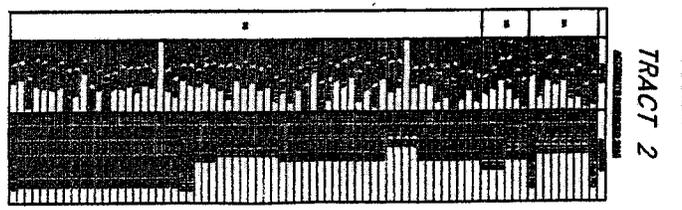
If a public hearing is requested, the Executive Director will not issue the CCN and will forward the application to the State Office of Administrative Hearings (SOAH) for a hearing. If no settlement is reached and an evidentiary hearing is held, the SOAH will submit a recommendation to the Commission for a final decision. If an evidentiary hearing is held, it will be a legal proceeding similar to a civil trial in state district court.

Si desea informacion en Espanol, puede llamar al 1-800-687-4040.



- LEGEND**
- OVILLA CITY LIMITS
 - PREVIOUS CITY LIMIT BOUNDARY
 - GLENN HEIGHTS CITY LIMITS
 - COUNTY LIMITS (UNINCORPORATED)
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 - OVILLA CCN LIMITS (CURRENT)
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 - GLENN HEIGHTS, TX
 - OAK LEAF, TX
 - CITY OF OVIlla TRACTS PROPOSED TO ACQUIRE CCN RIGHTS FROM GLENN HEIGHTS

CITY OF OVIlla, TEXAS
 CITY LIMITS & CCN MAP
 BERGHOFF, HERRING & COMPANY, LLP
 CONSULTING ENGINEERS
 AUGUST, 2005



TRACT 2

NOTICE OF APPLICATION FOR CERTIFICATE OF CONVENIENCE AND
NECESSITY (CCN) TO PROVIDE WATER/SEWER UTILITY IN DALLAS AND
ELLIS COUNTIES

To: City of Desoto
211 E Pleasant Run Rd
Desoto, TX 75115

Noticed Mailed November 15, 2005

The City of Ovilla has filed an application to amend CCN No. 11459 and to decertify portions of the City of Glenn Heights with the Texas Commission on Environmental Quality to provide water and sewer utility service in Dallas and Ellis Counties.

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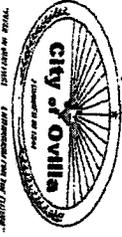
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Utilities and Districts Section, MC-153
P.O. Box 13087
Austin, TX 78711-3087

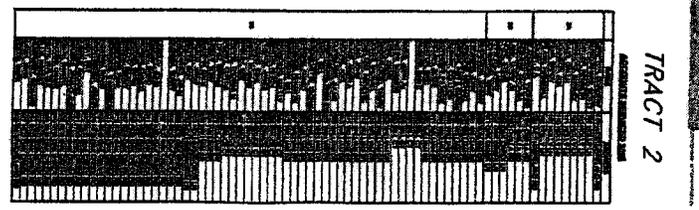
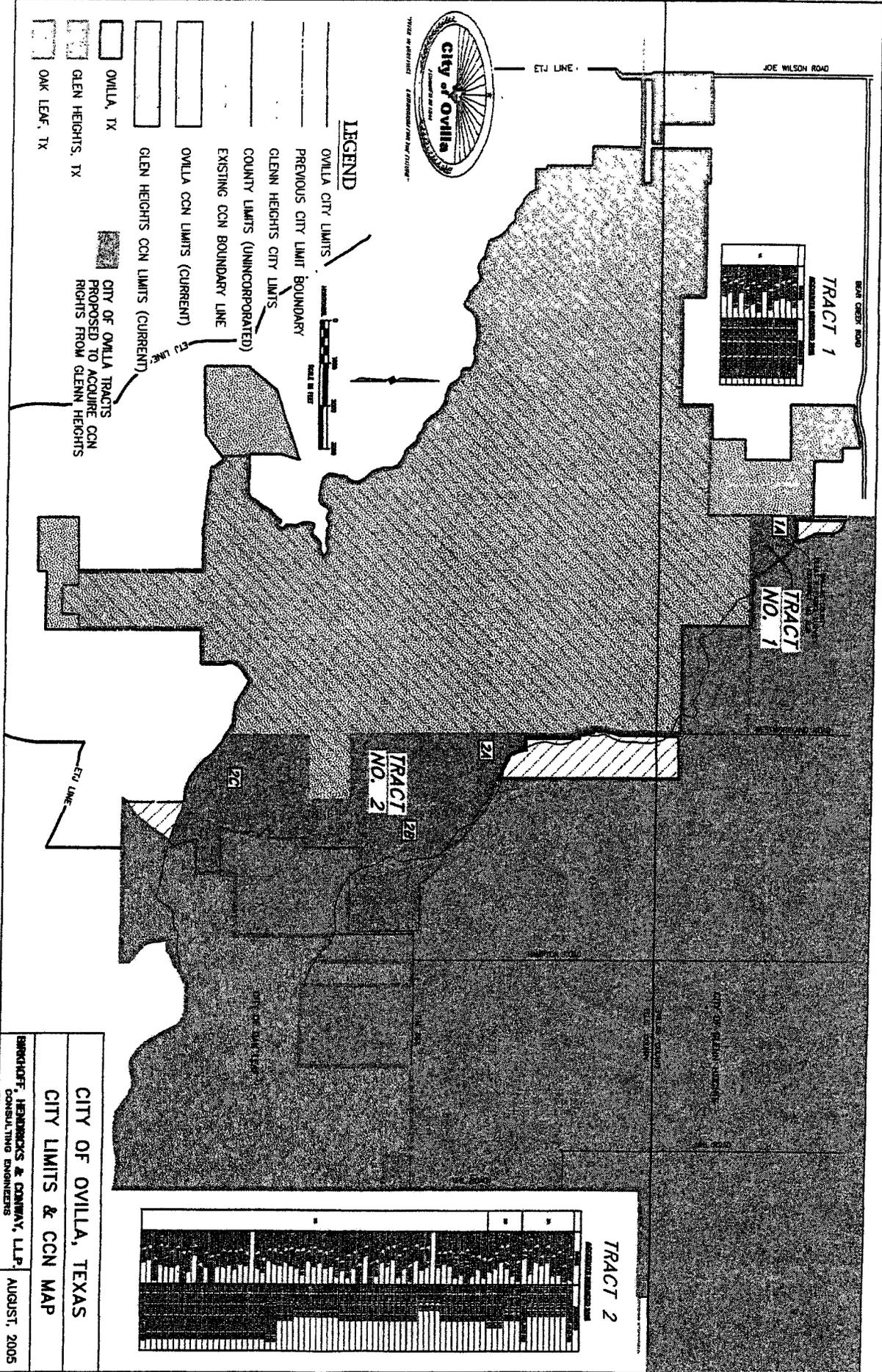
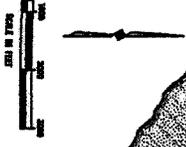
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 - OVILLA, TX
 - GLENN HEIGHTS, TX
 - OAK LEAF, TX



CITY OF OVILLA, TEXAS
CITY LIMITS & CCN MAP
 BIRKHOFF, HENDRICKS & CONWAY, LLP
 CONSULTING ENGINEERS
 AUGUST, 2005

**NOTICE OF APPLICATION FOR CERTIFICATE OF CONVENIENCE
AND NECESSITY (CCN) TO PROVIDE WATER/SEWER
UTILITY SERVICE IN DALLAS AND ELLIS COUNTIES**

The City of Ovilla has filed an application to amend CCN No. 11459 and to decertify portions of the City of Glenn Heights with the Texas Commission on Environmental Quality to provide water and sewer utility service in Dallas and Ellis Counties.

The proposed utility service area is located approximately one mile east of downtown Ovilla, Texas and is generally bounded on the north by Little Creek; on the east by Little Creek; on the south by Red Oak Creek Road; and the west by Westmoreland Road.

The total area being requested includes approximately 330 acres and 89 current customers.

A copy of the proposed service area map is available at 105 Cockrell Hill Road, Ovilla, Texas (972.617.7262).

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.

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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

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NOTICE OF APPLICATION FOR CERTIFICATE OF CONVENIENCE
AND NECESSITY (CCN) TO PROVIDE WATER/SEWER UTILITY
IN DALLAS AND ELLIS COUNTIES

To: City of Glenn Heights
1938 South Hampton
Glenn Heights, Texas 75154

Date Noticed Mailed _____, 2005

The City of Ovilla has filed an application to amend CCN No. 11459 and to decertify portions of the City of Glenn Heights with the Texas Commission on Environmental Quality to provide water and sewer utility service in Dallas and Ellis Counties.

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Utilities within 2 Miles of the Requested Area

1. City of Ovilla
2. Trinity River Authority
3. City of Glen Heights
4. Sardis – Lone Elm
5. City of Cedar Hill
6. City of DeSoto
7. City of Red Oak
8. Rockett W.U.D

Persons / Organizations Requesting Service

Ed Harrison
Harrison Homes Custom Builders
PO Box 626
DeSoto, Texas 75123
(972) 709-8130

Ovilla United Methodist Church
Cal Hoffman, Pastor
1403 Red Oak Creek Road
Ovilla, Texas 75154
(972) 614-8840

NOTICE OF APPLICATION FOR CERTIFICATE OF CONVENIENCE AND
NECESSITY (CCN) TO PROVIDE WATER/SEWER UTILITY IN DALLAS AND
ELLIS COUNTIES

To: Sardis Lone Elm Water
6681 W Highland Rd
Midlothian, TX 76065

Noticed Mailed November 15, 2005

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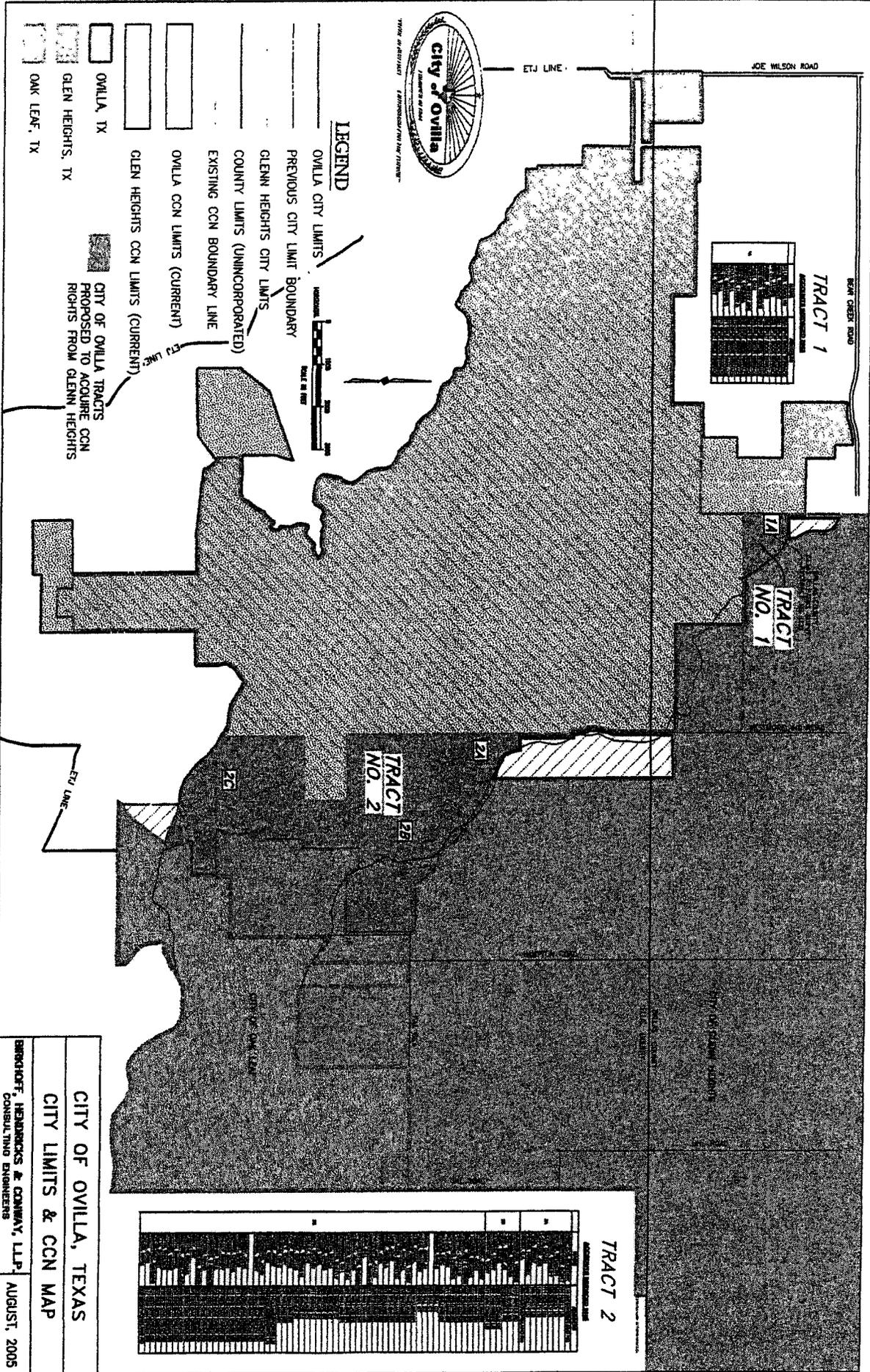
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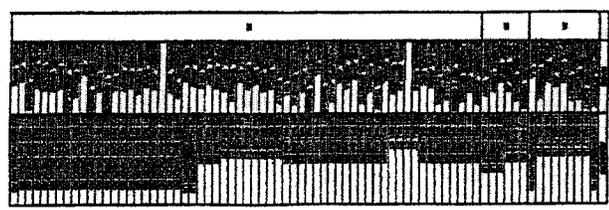
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 - CITY OF OVILLA TRACTS PROPOSED TO ACQUIRE CCN RIGHTS FROM GLENN HEIGHTS



CITY OF OVILLA, TEXAS
CITY LIMITS & CCN MAP
 BERCHOFF, HENDRICKS & CONWAY, LLP
 CONSULTING ENGINEERS
 AUGUST, 2005



NOTICE OF APPLICATION FOR CERTIFICATE OF CONVENIENCE AND
NECESSITY (CCN) TO PROVIDE WATER/SEWER UTILITY IN DALLAS AND
ELLIS COUNTIES

To: City of Cedar Hill
502 Cedar Dr.
Cedar Hill, TX 75104

Noticed Mailed November 15, 2005

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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

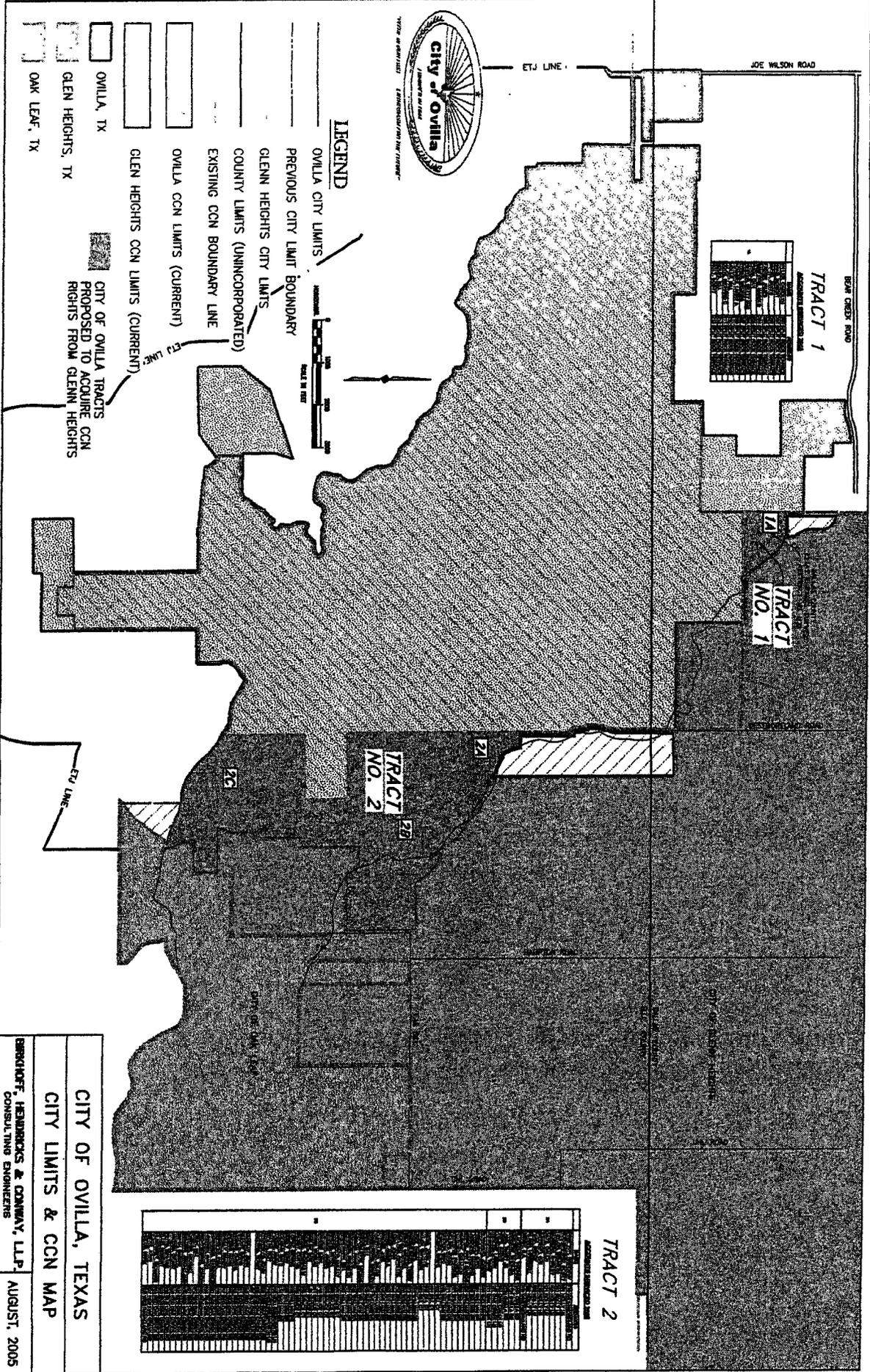
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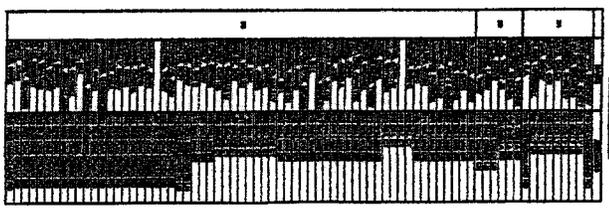
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 - CITY OF OVILLA TRACTS PROPOSED TO ACQUIRE CCN RIGHTS FROM GLENN HEIGHTS



CITY OF OVILLA, TEXAS
 CITY LIMITS & CCN MAP

BERKHOFF, HENDERICKS & CONWAY, LLP
 CONSULTING ENGINEERS

AUGUST, 2005



TRACT 2

NOTICE OF APPLICATION FOR CERTIFICATE OF CONVENIENCE AND
NECESSITY (CCN) TO PROVIDE WATER/SEWER UTILITY IN DALLAS AND
ELLIS COUNTIES

To: City of Red Oak
411 W Red Oak Rd
Red Oak, TX 75154

Noticed Mailed November 15, 2005

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Water Supply Division
Utilities and Districts Section, MC-153
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Austin, TX 78711-3087

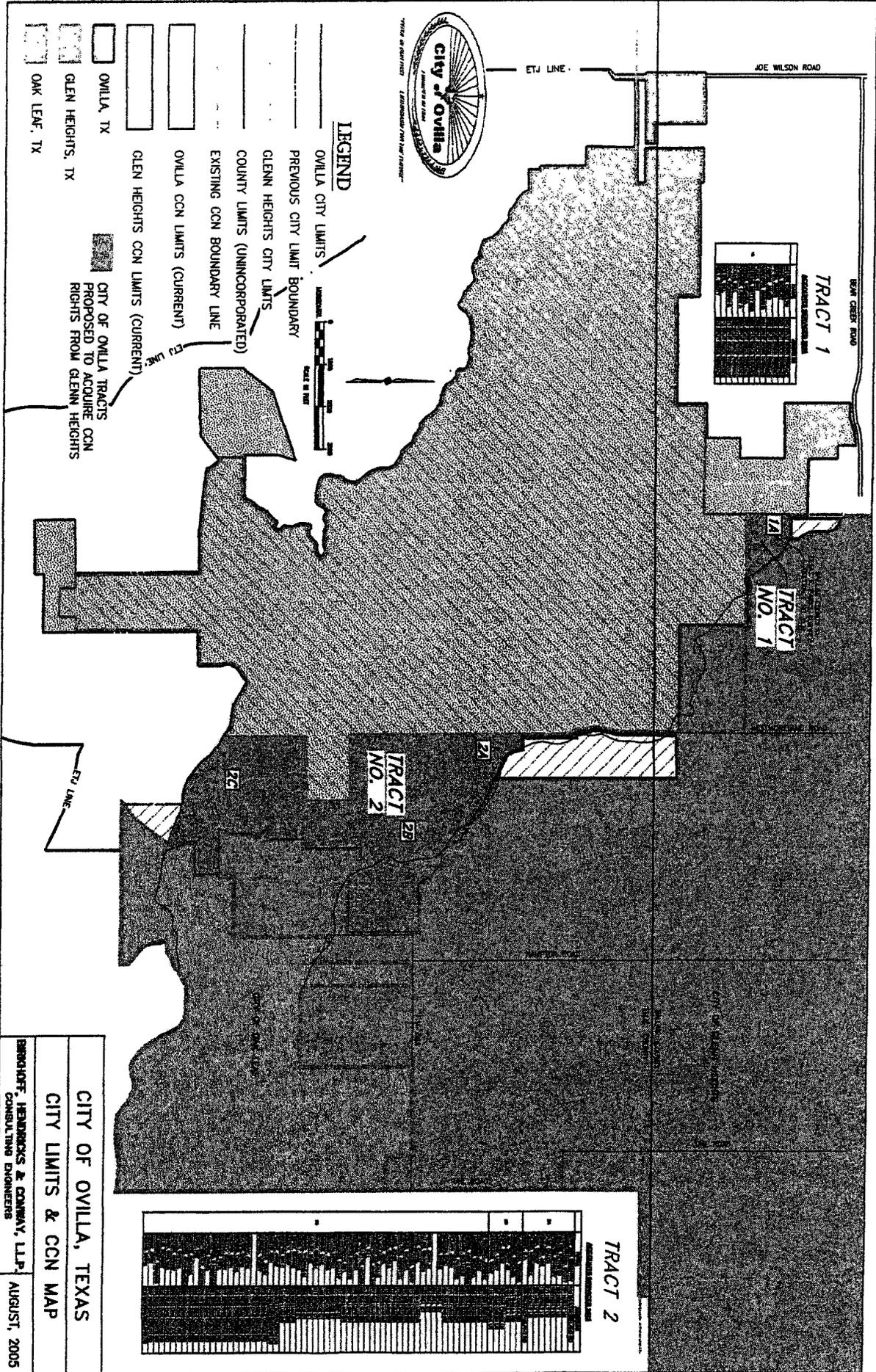
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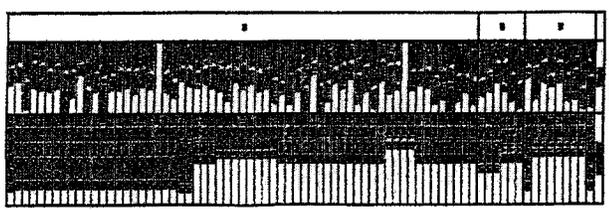


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CITY OF OVILLA, TEXAS
 CITY LIMITS & CCN MAP

BERGHOF, HENDRICKS & CONWAY, LLP
 CONSULTING ENGINEERS
 AUGUST, 2005



TRACT 2

NOTICE OF APPLICATION FOR CERTIFICATE OF CONVENIENCE AND
NECESSITY (CCN) TO PROVIDE WATER/SEWER UTILITY IN DALLAS AND
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To: Rocket W.U.D.
404 Hwy 342 S
Red Oak, TX 75154

Noticed Mailed November 15, 2005

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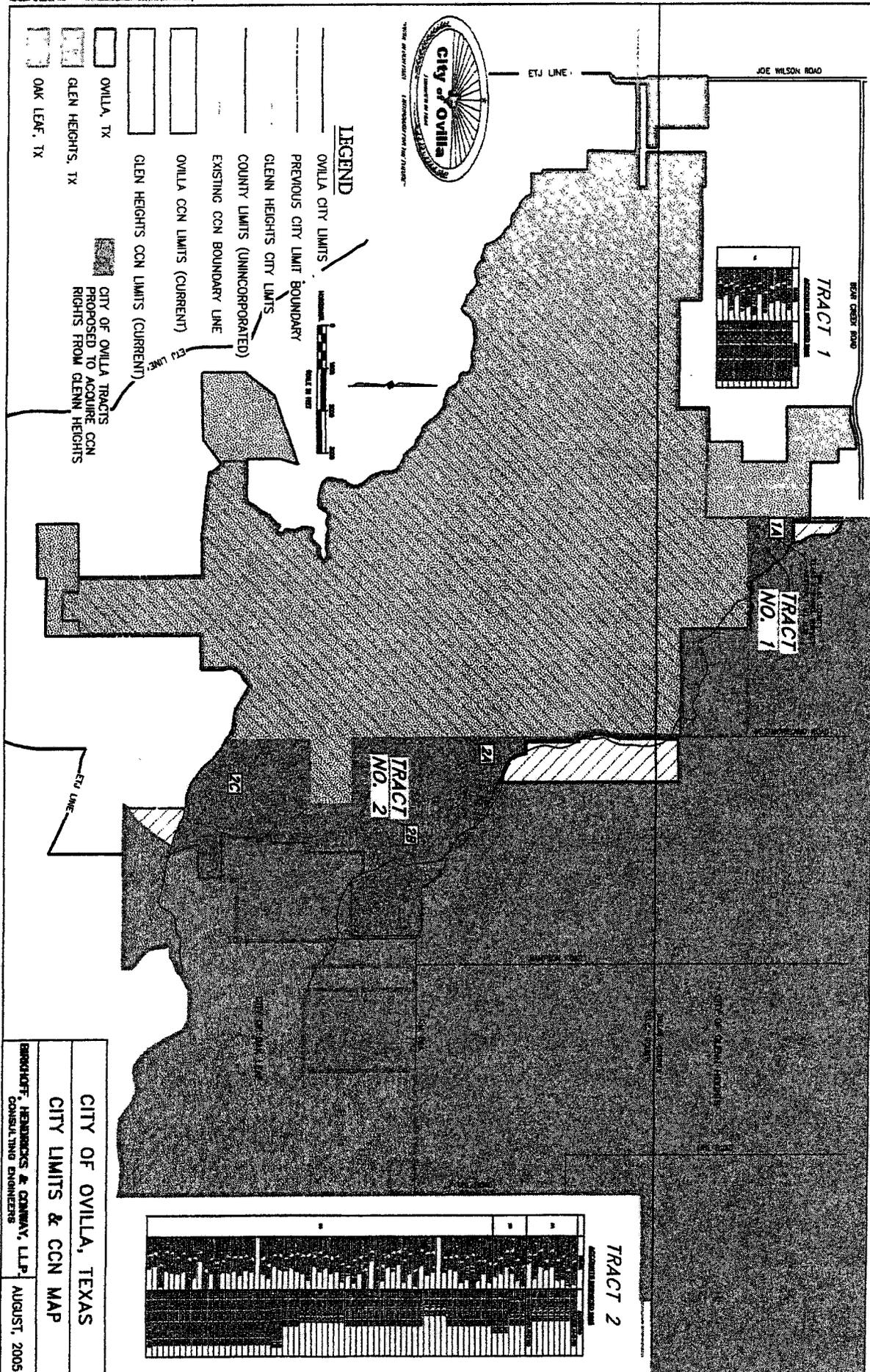
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CITY OF OVILLA, TEXAS
 CITY LIMITS & CCN MAP

BERCHOFF, HENDRICKS & CONWAY, LLP
 CONSULTING ENGINEERS
 AUGUST, 2005

NOTICE OF APPLICATION FOR CERTIFICATE OF CONVENIENCE AND
NECESSITY (CCN) TO PROVIDE WATER/SEWER UTILITY IN DALLAS AND
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To: Trinity River Authority
P O Box 538
Red Oak, TX 75154

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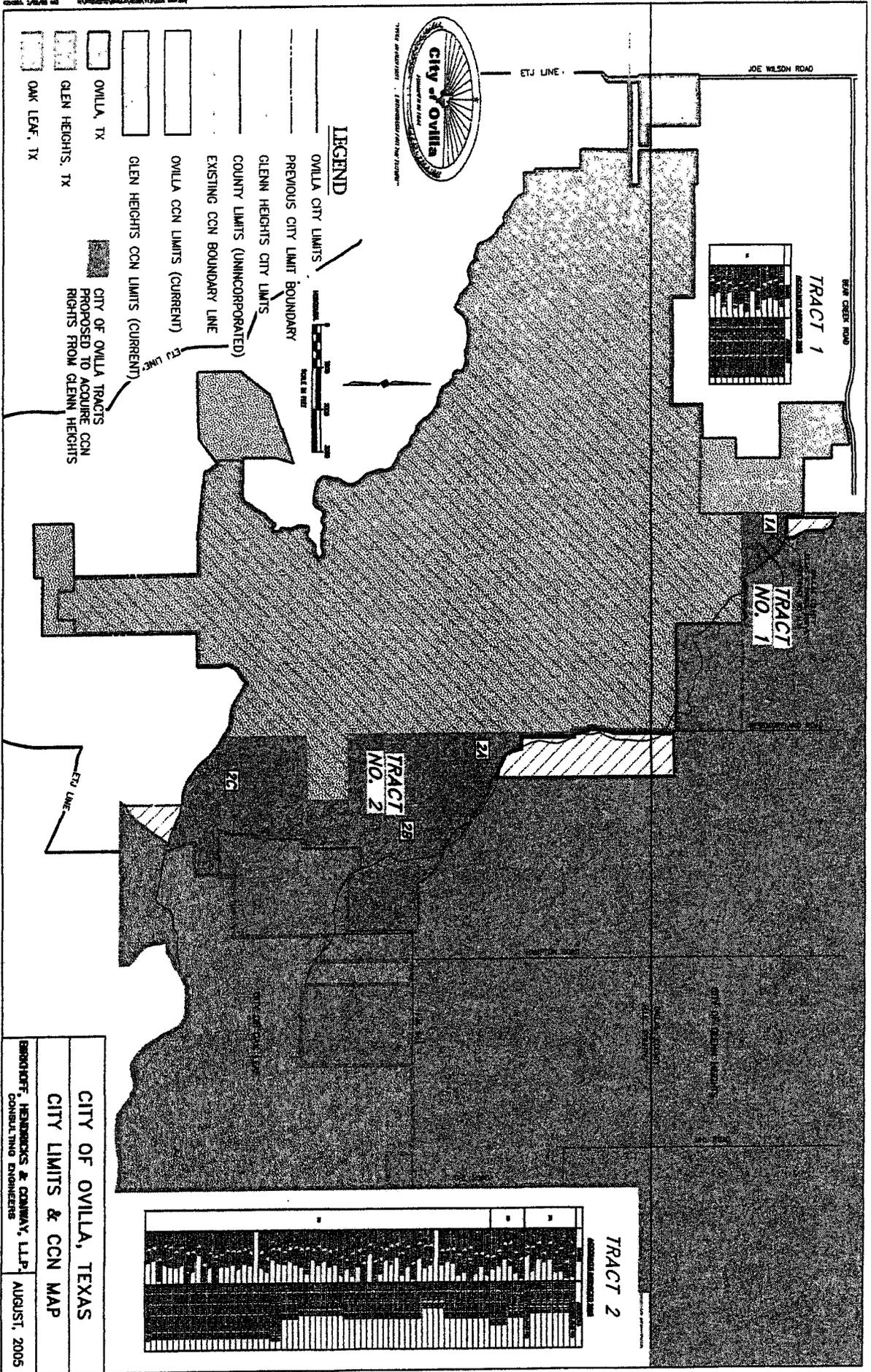
Persons who wish to intervene or comment should write the:

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.

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Si desea informacion en Espanol, puede llamar al 1-800-687-4040.



NOTICE OF APPLICATION FOR CERTIFICATE OF CONVENIENCE AND
NECESSITY (CCN) TO PROVIDE WATER/SEWER UTILITY IN DALLAS AND
ELLIS COUNTIES

To: City of Duncanville
203 E Wheatland
Duncanville, TX 75116

Noticed Mailed November 15, 2005

The City of Ovilla has filed an application to amend CCN No. 11459 and to decertify portions of the City of Glenn Heights with the Texas Commission on Environmental Quality to provide water and sewer utility service in Dallas and Ellis Counties.

The proposed utility service area is located approximately one mile east of downtown Ovilla, Texas and is generally bounded on the north by Little Creek; on the east by Little Creek; on the south by Red Oak Creek Road; and the west by Westmoreland Road. See the enclosed map of the proposed service area.

The total are being requested includes approximately 500 acres and 89 current customers.

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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

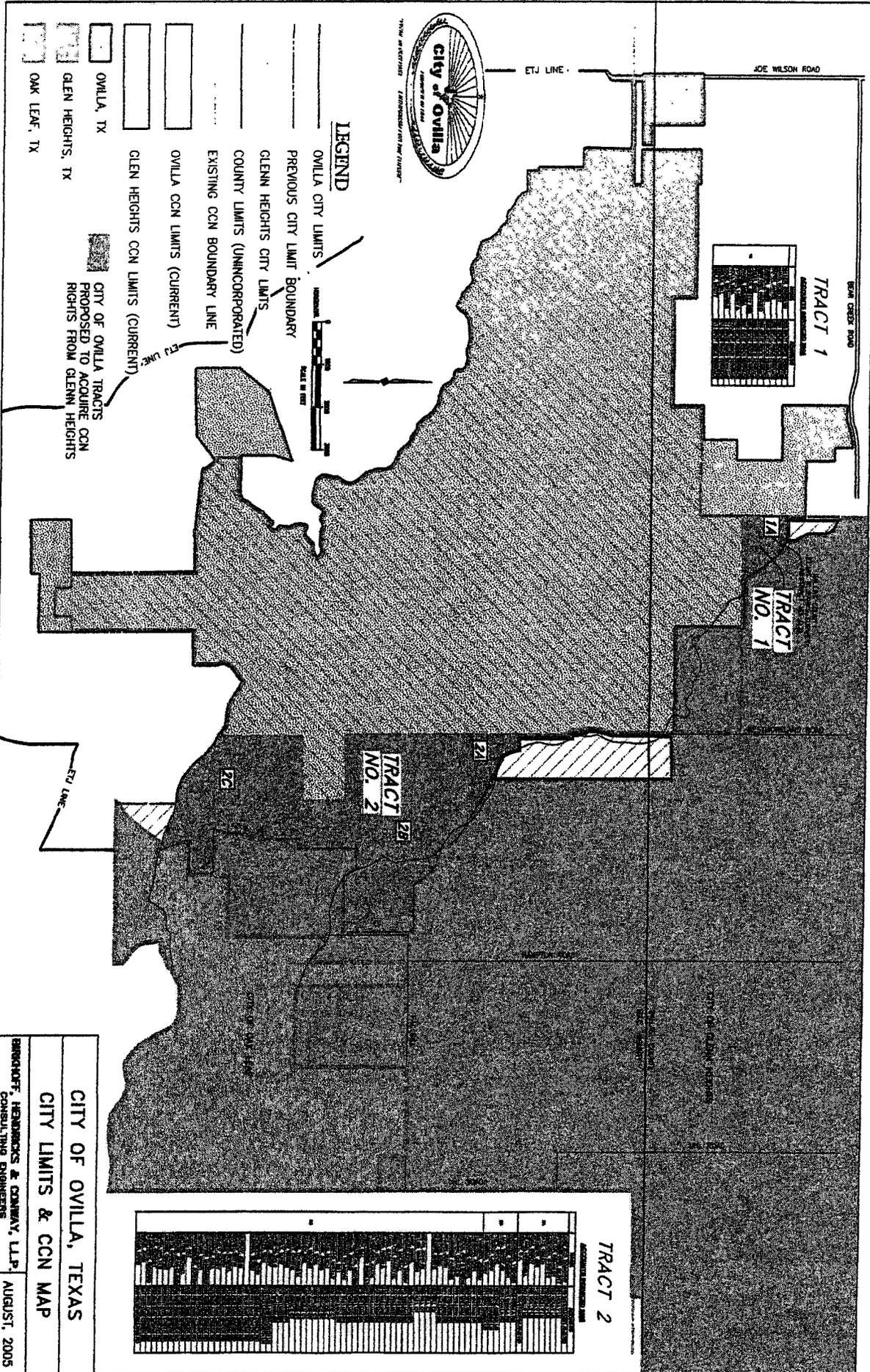
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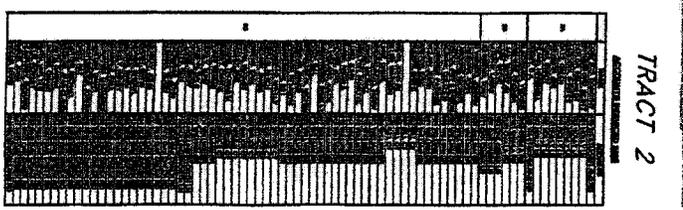
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- LEGEND**
- OVILLA CITY LIMITS
 - PREVIOUS CITY LIMIT BOUNDARY
 - GLENN HEIGHTS CITY LIMITS
 - COUNTY LIMITS (UNINCORPORATED)
 - EXISTING CCN BOUNDARY LINE
 - OVILLA CCN LIMITS (CURRENT)
 - GLENN HEIGHTS CCN LIMITS (CURRENT)
 - OVILLA, TX
 - GLENN HEIGHTS, TX
 - OAK LEAF, TX
 - CITY OF OVILLA TRACTS PROPOSED TO ACQUIRE CCN RIGHTS FROM GLENN HEIGHTS



CITY OF OVILLA, TEXAS
CITY LIMITS & CCN MAP
 BERGHOFF, HENDRICKS & COMPANY, LLP
 CONSULTING ENGINEERS
 AUGUST, 2005



NOTICE OF APPLICATION FOR CERTIFICATE OF CONVENIENCE AND
NECESSITY (CCN) TO PROVIDE WATER/SEWER UTILITY IN DALLAS AND
ELLIS COUNTIES

To: City of Lancaster
211 N Henry
Lancaster, TX 75134

Noticed Mailed November 15, 2005

The City of Ovilla has filed an application to amend CCN No. 11459 and to decertify portions of the City of Glenn Heights with the Texas Commission on Environmental Quality to provide water and sewer utility service in Dallas and Ellis Counties.

The proposed utility service area is located approximately one mile east of downtown Ovilla, Texas and is generally bounded on the north by Little Creek; on the east by Little Creek; on the south by Red Oak Creek Road; and the west by Westmoreland Road. See the enclosed map of the proposed service area.

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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

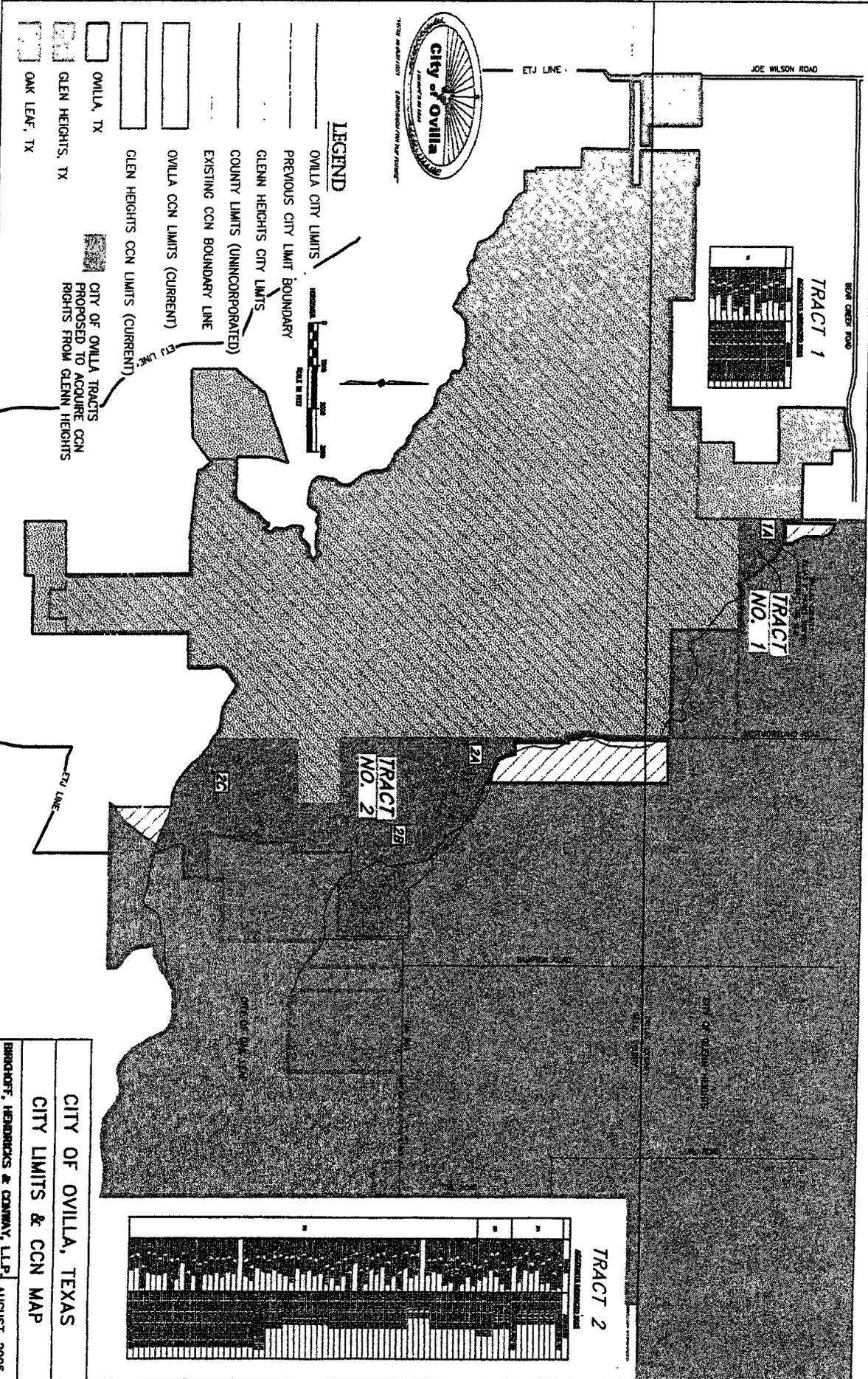
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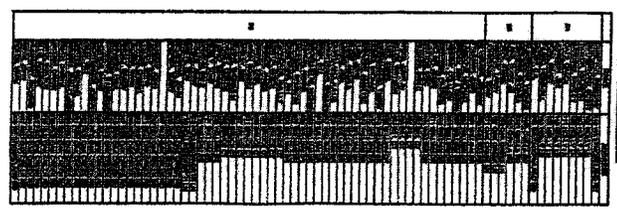
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- LEGEND**
- OVIALLA CITY LIMITS
 - PREVIOUS CITY LIMIT BOUNDARY
 - GLENN HEIGHTS CITY LIMITS
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 - GLENN HEIGHTS CCN LIMITS (CURRENT)
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 - GLENN HEIGHTS, TX
 - OAK LEAF, TX



CITY OF OVIALLA, TEXAS
CITY LIMITS & CCN MAP
 BERKHOFF, HENDERICKS & CONWAY, LLP
 CONSULTING ENGINEERS
 AUGUST, 2005



NOTICE OF APPLICATION FOR CERTIFICATE OF CONVENIENCE AND
NECESSITY (CCN) TO PROVIDE WATER/SEWER UTILITY IN DALLAS AND
ELLIS COUNTIES

To: City of Waxahachie
401 S Rogers
Waxahachie, TX 75165

Noticed Mailed November 15, 2005

The City of Ovilla has filed an application to amend CCN No. 11459 and to decertify portions of the City of Glenn Heights with the Texas Commission on Environmental Quality to provide water and sewer utility service in Dallas and Ellis Counties.

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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

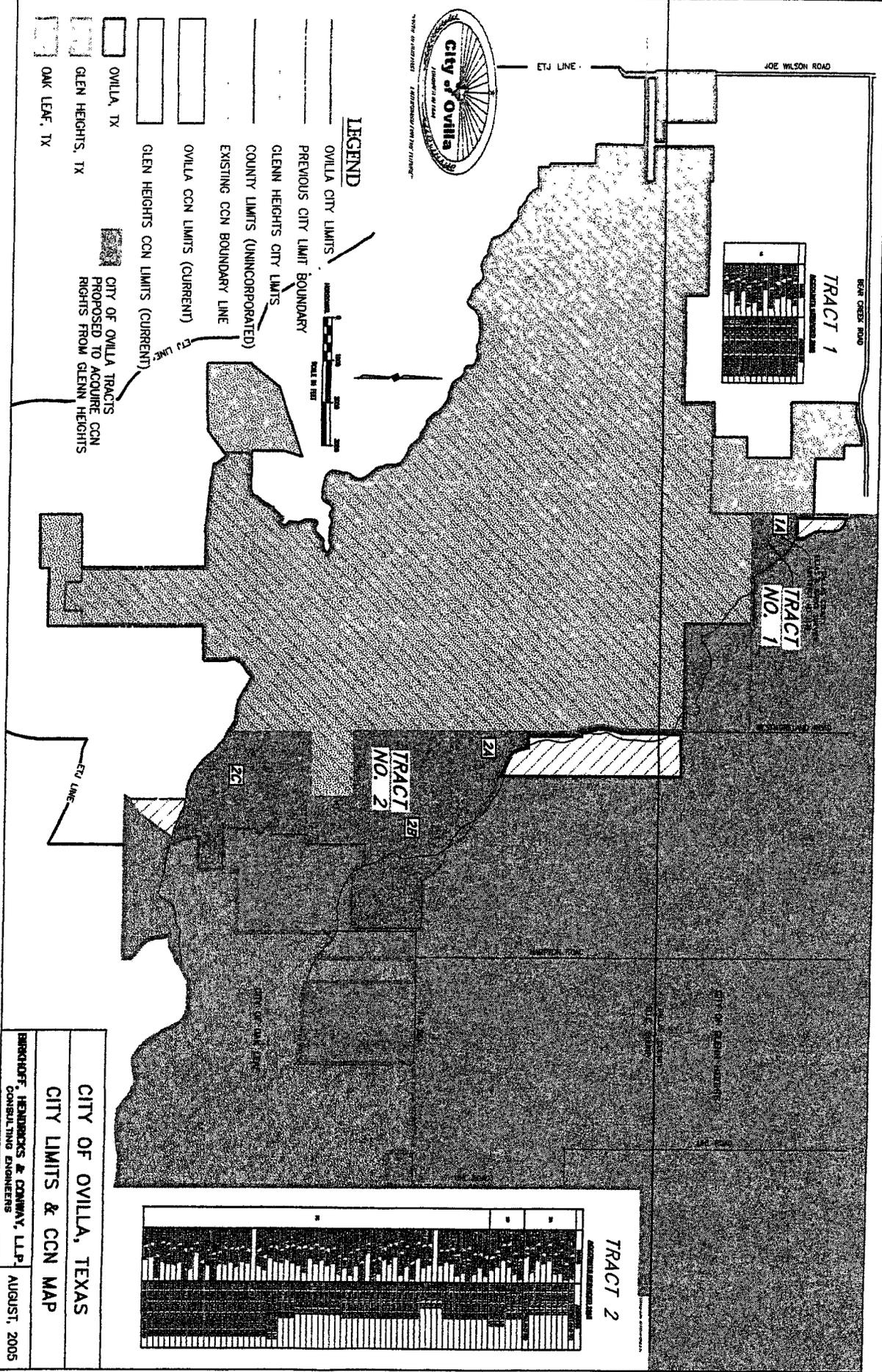
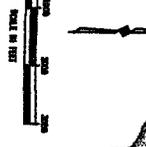
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 - GLENN HEIGHTS, TX
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 - CITY OF OVILLA TRACTS PROPOSED TO ACQUIRE CCN RIGHTS FROM GLENN HEIGHTS



CITY OF Ovilla TRACTS PROPOSED TO ACQUIRE CCN RIGHTS FROM GLENN HEIGHTS

CITY OF OVILLA, TEXAS
 CITY LIMITS & CCN MAP
 BERKHOFF, HENRICKS & CONWAY, LLP
 CONSULTING ENGINEERS
 AUGUST, 2005

NOTICE OF APPLICATION FOR CERTIFICATE OF CONVENIENCE AND
NECESSITY (CCN) TO PROVIDE WATER/SEWER UTILITY IN DALLAS AND
ELLIS COUNTIES

To: City of Midlothian
104 W Avenue E
Midlothian, TX 76065

Noticed Mailed November 15, 2005

The City of Ovilla has filed an application to amend CCN No. 11459 and to decertify portions of the City of Glenn Heights with the Texas Commission on Environmental Quality to provide water and sewer utility service in Dallas and Ellis Counties.

The proposed utility service area is located approximately one mile east of downtown Ovilla, Texas and is generally bounded on the north by Little Creek; on the east by Little Creek; on the south by Red Oak Creek Road; and the west by Westmoreland Road. See the enclosed map of the proposed service area.

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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

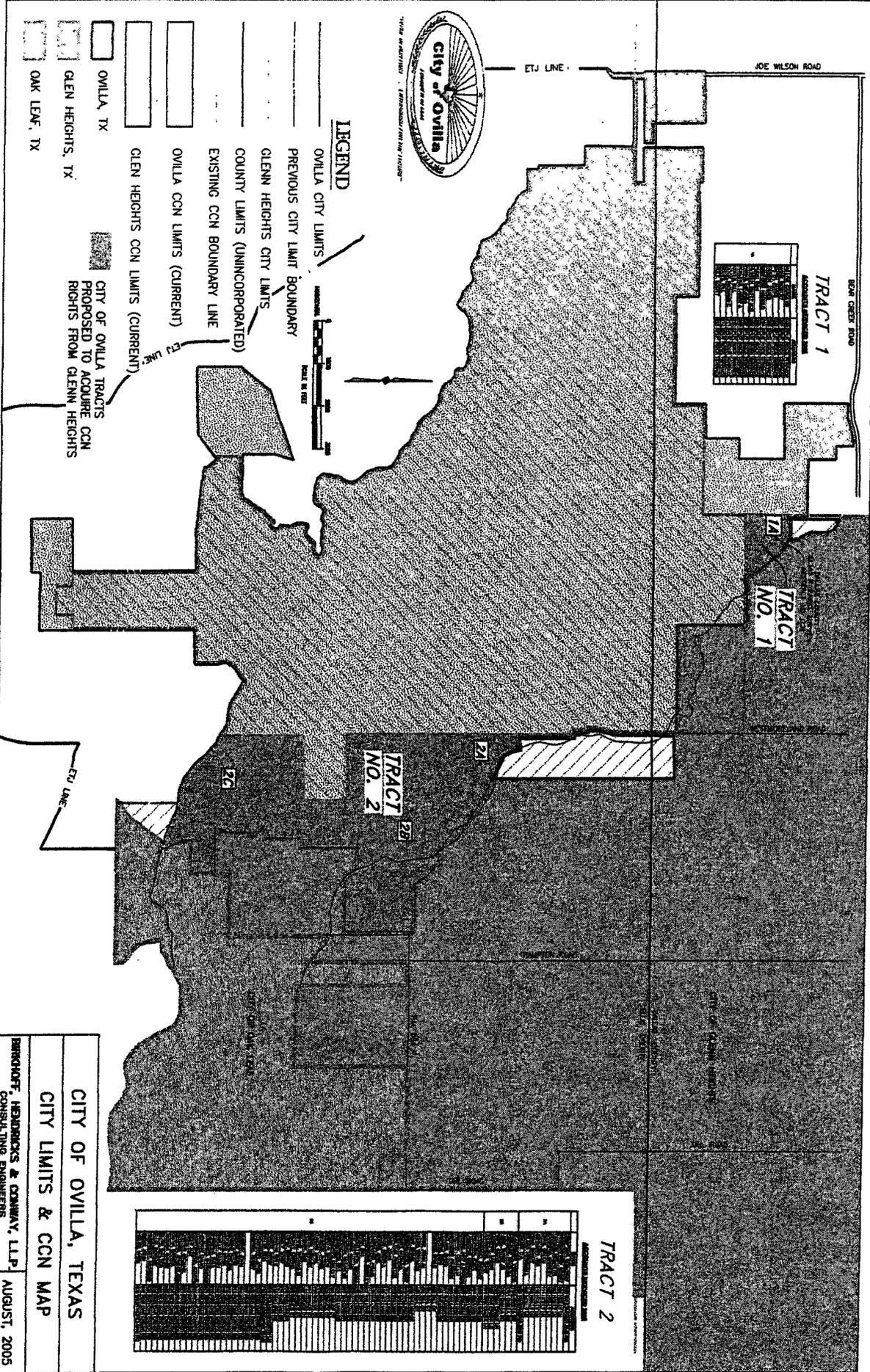
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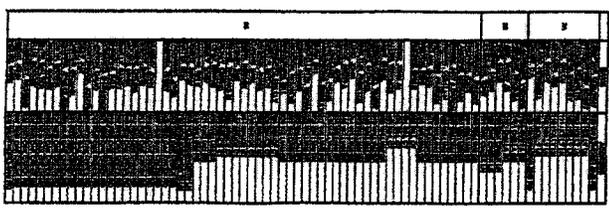
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 - CITY OF OVIILLA TRACTS PROPOSED TO ACQUIRE CCN RIGHTS FROM GLENN HEIGHTS
 - OVIILLA, TX
 - GLENN HEIGHTS, TX
 - OAK LEAF, TX



CITY OF OVIILLA, TEXAS
CITY LIMITS & CCN MAP
 BERKHOFF, HENDRICKS & COMPANY, LLP
 CONSULTING ENGINEERS
 AUGUST, 2005



35087-C
DR

BOVEY, AKERS & BOJORQUEZ, LLP
Attorneys at Law

12325 Hymeadow Drive, Suite 3-200 ♦ Austin, Texas 78750 ♦ Phone: (512) 250-0411 Fax: 250-0749

December 1, 2005

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

Re: Application of the City of Ovilla, Texas for CCN to Provide Water and Sewer Service in Dallas and Ellis Counties

Dear sir or madam:

Our firm submitted a letter on behalf of the City of Glenn Heights dated November 2 requesting a public hearing on the referenced application. However, I learned recently that the letter was not on file with the application. Accordingly, it is submitted a second time, now in response to the notice of the application dated November 7, 2005.

The City of Ovilla's application is apparently for an amendment of CCN No. 11459 for water service and for a new CCN for sewer service. However, the areas for which Ovilla seeks certification are currently contained within the certificated areas of the City of Glenn Heights under CCN No. 11059 for water service and CCN No. 20477 for sewer service. Ovilla is apparently requesting that portions of the Glenn Heights CCNs be decertified, even though Glenn Heights is able to and is prepared to provide continuous and adequate service within those areas.

By separate filing, the City Glenn Heights has requested a commission order to prohibit the City of Ovilla from constructing, extending, or providing service within the Glenn Heights certificated areas. To the extent that it is necessary and convenient, the City of Glenn Heights requests that this matter be consolidated with its request for a commission order. Glenn Heights asks that the application of the City of Ovilla be denied and further that any request for decertification or dual certification be denied.

Yours truly,

Monte Akers RECEIVED

Monte Akers

DEC 05 2005
TEXAS COMMISSION
ON
ENVIRONMENTAL QUALITY

Dilbert

BOVEY, AKERS & BOJORQUEZ, LLP
Attorneys at Law

12325 Hymeadow Drive, Suite 3-200 ♦ Austin, Texas 78750 ♦ Phone: (512) 250-0411 Fax: 250-0749

November 2, 2005

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

Re: Application of the City of Ovilla, Texas for CCN to Provide Water and Sewer Service in Dallas and Ellis Counties

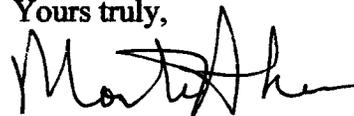
Dear sir or madam:

Our law firm represents the City of Glenn Heights. Glenn Heights requests a public hearing on the application of the City of Ovilla for a Certificate of Convenience and Necessity to provide water and sewer service in Dallas and Ellis Counties.

The City of Ovilla's application, notice of which was published on October 28, 2005, is apparently for an amendment of CCN No. 11459 for water service and for a new CCN for sewer service. However, the area for which Ovilla seeks certification is currently contained within the certificated areas of the City of Glenn Heights under CCN No. 11059 for water service and CCN No. 20477 for sewer service. Ovilla is apparently requesting that portions of the Glenn Heights CCNs be decertified, even though Glenn Heights is prepared to provide continuous and adequate service within those areas.

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Yours truly,



Monte Akers

NOV 10 2005

DAVIE W. EMBRY
601 CARDINAL DRIVE
OVIALLA TX.

75154

972-287-4605

469-337-7495

11-17-05 DR
35087-C
+
35088-C

I HEREBY REQUEST A PUBLIC HEARING IN REFERENCE
TO CCN # 11459.

I AM CONCERNED WITH BEING FORCED TO CHANGE
TO CITY SEWER SERVICE AT MY EXPENSE.

THIS APPEARS TO BE ANOTHER ATTEMPT BY THE
CITY OF OVIALLA TO CHANGE EXISTING ZONING LAWS
TO BENEFIT A GROUP OF DEVELOPERS.

Davie W. Embry

NOV 15 2005