



Control Number: 44212



Item Number: 6

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

Kathleen Hartnett White, *Chairman*
R. B. "Ralph" Marquez, *Commissioner*
Larry R. Soward, *Commissioner*
Glenn Shankle, *Executive Director*



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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
Protecting Texas by Reducing and Preventing Pollution

CITY COMMISSION
FILING CLERK

November 17, 2005

Mr. John McDonald, City Administrator
City of Ovilla
105 South Cockrell Hill Road
Ovilla, Texas 75154

FINAL NOTICE OF DEFICIENCY

Re: Application from the City of Ovilla, Certificate of Convenience and Necessity (CCN) No. 11459, to Decertify a Portion of CCN No. 11059 from the City of Glenn Heights and to Amend CCN No. 11459 in Dallas and Ellis Counties; Application No. 35087-C

Application from the City of Ovilla to Obtain a Sewer CCN and to Decertify a Portion of CCN No. 20427 from the City of Glenn Heights in Dallas and Ellis Counties; Application No. 35088-C

CN: 600632129; RN: 102678265 (water) and pending (sewer)

Dear Mr. McDonald:

To date we have not received the required information necessary to proceed with the City of Ovilla's applications.

As stated in our letter dated September 23, 2005, the next step towards having your applications accepted 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 Dallas and Ellis Counties. It is the responsibility of the applicant to provide correct notice of the applications to any sewer utilities within five (5) miles and water utilities within two (2) 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 included in your proposed CCN area pursuant to commission order dated October 21, 2004. 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:

2 Mile Utility:
Community Water Service (CCN No.: 10091)

5 Mile Utilities:

City of Duncanville (CCN No. 20033)

City of Lancaster (CCN No. 20039)

City of Waxahachie (CCN No. 20361)

City of Midlothian

Information related to utilities and districts including addresses can be obtained from the TCEQ web site located at www3.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) one copy of the landowner 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.)

Include a location map delineating the proposed service area with your individual notices to neighboring utilities, other affected parties and each landowner.

There also appears to be an overlap of your proposed service area with the certified service area of the City of Glenn Heights.

Please provide written documentation on how the overlap 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 area of overlap. The second option is for you to meet with the City of Glenn Heights and work out an agreement whereby the City of Glenn Heights agrees to decertification of the area of overlap. Written documentation from the City of Glenn Heights agreeing to decertification is required. If an agreement is not reached, you would have to provide compelling evidence that the City of Glenn Heights could not provide acceptable service. The notices have been revised to propose decertification of the portions of the City of Glenn Heights in the event this is considered.

In addition to the notice requirements the following information is also necessary to proceed with your applications:

- a) Provide copies of any additional letters of intent from developers, landowner requests, applications for service or a combination of the above to justify the need for water and sewer service in the requested area.
- b) Indicate on a copy of a map submitted in the original applications the location of the current water and sewer connections and the requests for service received for water and sewer for the proposed area.
- c) Provide copies of the most recent water and sewer inspection reports. For each of the

November 17, 2005

systems deficiency listed in the inspection report letters, attach a brief explanation listing the actions taken or being taken to correct the listed deficiencies, including the proposed completion dates. This information was also requested in a letter from Ms. Peggy Fox dated September 9, 2005.

- 5 ✓
- d) Submit copies of written requests seeking to obtain sewer service from the 2 mile utility, ~~Community Water Service~~, and the City of Glenn Heights, the ~~City of DeSoto, Sardis Lone Elm WSC~~, the City of Red Oak and ~~Rockett SUD~~ or documentation that it is not economically feasible to obtain service from them. Also submit copies of written responses from each of these systems or evidence that they did not reply.
 - e) Please submit the digital data for the map submitted with the original applications.
 - f) You will also be required to provide landowners consent for all proposed areas located outside the City of Ovilla's current extraterritorial jurisdiction.

City
Peggy
Blaschke

These items must be completed and returned by **November 25, 2005**. Processing of these applications 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 Ms. Karen Blaschke at 512/239-6932, or if by correspondence, include Mail Code 153 in the letterhead address.

Sincerely,

Michelle Abrams

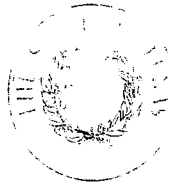
Michelle Abrams, Team Leader
Utilities & Districts Section
Water Supply Division

MA/KLB/mmg

Enclosures

cc: Ms. Debbie Reyes, TCEQ

Kathleen Hartnett White, *Chairman*
R. B. "Ralph" Marquez, *Commissioner*
Larry R. Soward, *Commissioner*
Glenn Shankle, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

September 23, 2005

Mr. John McDonald, City Administrator
City of Ovilla
105 South Cockrell Hill Road
Ovilla, Texas 75154

Re: Application from the City of Ovilla, Certificate of Convenience and Necessity (CCN) No. 11459, to Decertify a Portion of CCN No. 11059 from the City of Glenn Heights and to Amend CCN No. 11459 in Dallas and Ellis Counties; Application No. 35087-C

Application from the City of Ovilla to Obtain a Sewer CCN and to Decertify a Portion of CCN No. 20427 from the City of Glenn Heights in Dallas and Ellis Counties; Application No. 35088-C

CN: 600632129; RN: 102678265 (water) and pending (sewer)

Dear Mr. McDonald:

Your CCN applications for the City of Ovilla, received on September 1, 2005, have been assigned Application Nos. 35087-C and 35088-C, but have not been accepted for filing. Please refer to these numbers in future correspondence.

The next step towards having your applications accepted 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 Dallas and Ellis Counties. It is the responsibility of the applicant to provide correct notice of the applications to any sewer utilities within five (5) miles and water utilities within two (2) 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 included in your proposed CCN area pursuant to commission order dated October 21, 2004. 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:

2 Mile Utility:

Community Water Service (CCN No. 10091)

5 Mile Utilities:

City of Duncanville (CCN No. 20033)

City of Lancaster (CCN No. 20039)

Mr. John McDonald, City Administrator

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City of Waxahachie (CCN No. 20361)

City of Midlothian

Information related to utilities and districts including addresses can be obtained from the TCEQ web site located at www3.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) one copy of the landowner 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.)

Include a location map delineating the proposed service area with your individual notices to neighboring utilities, other affected parties and each landowner.

There also appears to be an overlap of your proposed service area with the certified service area of the City of Glenn Heights.

Please provide written documentation on how the overlap 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 area of overlap. The second option is for you to meet with the City of Glenn Heights and work out an agreement whereby the City of Glenn Heights agrees to decertification of the area of overlap. Written documentation from the City of Glenn Heights agreeing to decertification is required. If an agreement is not reached, you would have to provide compelling evidence that the City of Glenn Heights could not provide acceptable service. The notices have been revised to propose decertification of the portions of the City of Glenn Heights in the event this is considered.

In addition to the notice requirements the following information is also necessary to proceed with your applications:

- a) Provide copies of any additional letters of intent from developers, landowner requests, applications for service or a combination of the above to justify the need for water and sewer service in the requested area.
- b) Indicate on a copy of a map submitted in the original applications the location of the current water and sewer connections and the requests for service received for water and sewer for the proposed area.
- c) Provide copies of the most recent water and sewer inspection reports. For each of the systems deficiency listed in the inspection report letters, attach a brief explanation listing the actions taken or being taken to correct the listed deficiencies, including the proposed completion dates. This information was also requested in a letter from Ms. Peggy Fox dated September 9, 2005.

September 23, 2005

- d) Submit copies of written requests seeking to obtain sewer service from the 2 mile utility listed above and the City of Glenn Heights, the City of DeSoto, Sardis Lone Elm WSC, the City of Red Oak and Rockett SUD or documentation that it is not economically feasible to obtain service from them. Also submit copies of written responses from each of these systems or evidence that they did not reply.
- e) Please submit the digital data for the map submitted with the original applications.
- f) You will also be required to provide landowners consent for all proposed areas located outside the City of Ovilla's current extraterritorial jurisdiction.

Your applications have received a preliminary review of your financial and managerial capability to provide service to the requested area. No additional financial information is required at this time, but you may be asked for additional information after a comprehensive review.

These items must be completed and returned by **October 28, 2005**. Processing of these applications 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 Ms. Karen Blaschke at 512/239-6932, or if by correspondence, include Mail Code 153 in the letterhead address.

Sincerely,



Michelle Abrams, Team Leader
Utilities & Districts Section
Water Supply Division

MA/KLB/ac

Enclosures

cc: Ms. Debbie Reyes, TCEQ
TCEQ, Region 4 Office

Notice for Publication

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

The City of Ovilla has filed applications for a sewer CCN, 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 & sewer utility service in Dallas and Ellis Counties.

The proposed utility service area is located approximately 1 mile east and 1 mile north of downtown Ovilla, Texas, and is generally bounded on the north by Bear Creek Road; on the east by Hampton Road; on the south by Red Oak Creek Road; and on the west by Cockrell Hill Road.

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

A copy of the proposed service area map is available at 105 Cockrell Hill Road, Ovilla, Texas, Phone Number 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.

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.

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

Notice to Neighboring Systems and Cities

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

To: _____ Date Notice Mailed: _____, 2005
(Neighboring System or City)

(Address)

(City State Zip)

The City of Ovilla has filed applications for a sewer CCN, 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 & sewer utility service in Dallas and Ellis Counties.

The proposed utility service area is located approximately 1 mile east and 1 mile north of downtown Ovilla, Texas, and is generally bounded on the north by Bear Creek Road; on the east by Hampton Road; on the south by Red Oak Creek Road; and on the west by Cockrell Hill Road. See enclosed map of the proposed service area.

The total area 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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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 AND SEWER UTILITY SERVICE IN DALLAS AND ELLIS
COUNTIES

To: _____ Date Notice Mailed: _____, 2005
(Landowner)

(Address)

(City State Zip)

The City of Ovilla has filed applications for a sewer CCN, 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 & sewer utility service in Dallas and Ellis Counties.

The proposed utility service area is located approximately 1 mile east and 1 mile north of downtown Ovilla, Texas, and is generally bounded on the north by Bear Creek Road; on the east by Hampton Road; on the south by Red Oak Creek Road; and on the west by Cockrell Hill Road. See enclosed map of the proposed service area.

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

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