

Debbie Reyes Tamayo - City of Orange 35496-C & 35497-C

From: Debbie Reyes Tamayo
To: kkittrell@orangetexas.net
Date: 6/1/2007 2:18 PM
Subject: City of Orange 35496-C & 35497-C

Kerry, I am going over the applications and I do not see the affidavit of notice to neighboring utilities sand affected parties for the City of Pinehurst 11237/20494 and Mauriceville SUD 11722/20811. Please provide a copy of the affidavit with the two utilities.

Thank you in advance. If you have any questions, please call me.

Debbie Reyes Tamayo
dreyesta@tceq.state.tx.us
Utilities Financial Review Team
Water Supply Division
512-239-4683 512-239-0030 Fax

Debbie Reyes Tamayo - City of Orange Application 35496-C & 35497-C

From: Debbie Reyes Tamayo
To: jwolf@orangetexas.net
Date: 5/16/2007 9:47 AM
Subject: City of Orange Application 35496-C & 35497-C

Dear Mr. Jim Wolf, I am checking on the status of the application concerning your request for extension to work out the differences with the people that protested the City of Orange's applications. Have you reached any agreement with the Protestants? Please let me know, otherwise I will go ahead and refer to SOAH by COB 5/17/07.

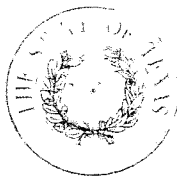
The process will then will take more then three months to get a date of when a hearing will be scheduled. Let me know.

Sincerely,

DEBBIE REYES TAMAYO

Debbie Reyes Tamayo
dreyesta@tceq.state.tx.us
Utilities Financial Review Team
Water Supply Division
512-239-4683 512-239-0030 Fax

Kathleen Hartnett White, *Chairman*
Larry R. Soward, *Commissioner*
Martin A. Hubert, *Commissioner*
Glenn Shankle, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

November 7, 2006

CORRECTION LETTER

BY FAX TO 409/883-1952

Mr. James B Wolf, P.E.
Director of Public Works
City of Orange
P.O. Box 520
Orange, Texas 77631-0520

Re: Application from the City of Orange, Certificate of Convenience and Necessity (CCN) No. 11398, to Decertify a Portion of CCN No. 11157 from Aqua Utilities, Inc. dba Aqua Texas, Inc., to Decertify a Portion of CCN No. 11642 from North Orange Water & Sewer, LLC dba Country Squire Water and Sewer, to Decertify a Portion of CCN No. 12400 from G. Kelly Brewer and to Amend CCN No. 11398 in Orange County; Application No. 35496-C

Application from the City of Orange, CCN No. 20535, to Decertify a Portion of CCN No. 20453 from Aqua Utilities, Inc. dba Aqua Texas, Inc., to Decertify a Portion of CCN No. 20564 from North Orange Water & Sewer, LLC dba Country Squire Water and Sewer and to Amend CCN No. 20535 in Orange County; Application No. 35497-C

CN: 600643530; RN: 101198307

Dear Mr. Wolf:

Your applications for the City of Orange to amend their CCNs were received on October 2, 2006, and have been accepted for filing. Ms. Debbie Tamayo has been assigned to perform the technical review. The applications have been assigned Application Nos. 35496-C and 35497-C respectively. Please refer to these numbers in future correspondence.

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 Orange County. It is the responsibility of the applicant to provide correct notice of the applications to any 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 of 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.

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
- P.O. Box 13087 • Austin, Texas 78711-3087 • 512/239-1000 • Internet address: www.tceq.state.tx.us

November 7, 2006

- 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.

Also, please provide the notices of these applications to Aqua Utilities, Inc. dba Aqua Texas, Inc., North Orange Water & Sewer, LLC dba Country Squire Water and Sewer and G. Kelly Brewer by certified mail.

After 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 **November 27, 2006**. 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. Debbie Tamayo at 512/239-4683, or if by correspondence, include Mail Code 153 in the letterhead address.

Sincerely,



Tammy Benter, Team Leader
Utilities & Districts Section
Water Supply Division

Enclosures: as stated

THB/KLB/mmg

cc: TCEQ Region 10 Office

** Transmit Conf. Report **

P.1

Nov 8 2006 8:22

Fax/Phone Number	Mode	Start	Time	Page	Result	Note
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NOTES:

SName

Division/Region

Telephone Number

FAX Number

KAREN BLASCHKE

WATER SUPPLY

512-239-6932

512-239-6972

Kathleen Hartnett White, *Chairman*
Larry R. Soward, *Commissioner*
Martin A. Hubert, *Commissioner*
Glenn Shankle, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

October 20, 2006

Mr. James B Wolf, P.E.
Director of Public Works
City of Orange
P.O. Box 520
Orange, Texas 77631-0520

Re: Application from the City of Orange, Certificate of Convenience and Necessity (CCN) No. 11398, to Decertify a Portion of CCN No. 11157 from Aqua Utilities, Inc. dba Aqua Texas, Inc., to Decertify a Portion of CCN No. 11642 from North Orange Water & Sewer, LLC dba Country Squire Water and Sewer, to Decertify a Portion of CCN No. 12400 from G. Kelly Brewer and to Amend CCN No. 11398 in Orange County; Application No. 35496-C

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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.)

Mr. James B Wolf, P.E.

Page 2

October 20, 2006

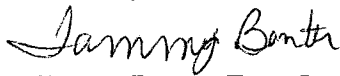
Please be sure to include a map showing the proposed service area with your individual notices to neighboring utilities, other affected parties and each landowner. It is the applicant's burden to provide an accurate map delineating the proposed area with each individual notice.

Also, please provide the notices of these applications to Aqua Utilities, Inc. dba Aqua Texas, Inc., North Orange Water & Sewer, LLC dba Country Squire Water and Sewer and G. Kelly Brewer by certified mail.

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

If you have any questions, please contact Ms. Debbie Tamayo at 512/239-4683, or if by correspondence, include Mail Code 153 in the letterhead address.

Sincerely,



Tammy Benter, Team Leader
Utilities & Districts Section
Water Supply Division

Enclosures: as stated

THB/KLB/fg

cc: TCEQ Region 10 Office

Notice for Publication

NOTICE OF APPLICATION FOR CERTIFICATE OF CONVENIENCE
AND NECESSITY (CCN) TO PROVIDE WATER AND SEWER
UTILITY SERVICE IN ORANGE COUNTY

City of Orange has filed applications to amend CCN Nos. 11398 and 20535 and to decertify portions of Aqua Utilities, Inc. dba Aqua Texas, Inc., North Orange Water & Sewer, LLC dba Country Squire Water and Sewer and G. Kelly Brewer with the Texas Commission on Environmental Quality to provide water & sewer utility service in Orange County.

The proposed utility service area is located approximately 4.2 miles north of downtown Orange, Texas, and is generally bounded on the north by the intersection of SH 87 and West Bluff Road; on the east by Union-Pacific Spur (Railroad); on the south by FM 3247; and on the west by Sabine River Authority canal. The total area being requested includes approximately 951 acres and 1,611 current customers.

A copy of the proposed service area map is available at 4103 Meeks Dr., Orange, Texas 77632 and Phone Number 409/883-1901

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 1-512-239-0200.

NOTICE OF APPLICATION FOR CERTIFICATE OF CONVENIENCE AND NECESSITY
(CCN) TO PROVIDE WATER AND SEWER UTILITY SERVICE IN ORANGE COUNTY

To: _____ Date Notice Mailed: _____, 2006
(Neighboring System or City)

(Address)

(City State Zip)

City of Orange has filed applications to amend CCN Nos. 11398 and 20535 and to decertify portions of Aqua Utilities, Inc. dba Aqua Texas, Inc., North Orange Water & Sewer, LLC dba Country Squire Water and Sewer and G. Kelly Brewer with the Texas Commission on Environmental Quality to provide water & sewer utility service in Orange County.

The proposed utility service area is located approximately 4.2 miles north of downtown Orange, Texas, and is generally bounded on the north by the intersection of SH 87 and West Bluff Road; on the east by Union-Pacific Spur (Railroad); on the south by FM 3247; and on the west by Sabine River Authority canal. The total area being requested includes approximately 951 acres and 1,611 current customers. 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.

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

NOTICE OF APPLICATION FOR CERTIFICATE OF CONVENIENCE AND NECESSITY
(CCN) TO PROVIDE WATER AND SEWER UTILITY SERVICE IN ORANGE COUNTY

To: _____ Date Notice Mailed: _____, 2006
(Landowner)

(Address)

(City State Zip)

City of Orange has filed applications to amend CCN Nos. 11398 and 20535 and to decertify portions of Aqua Utilities, Inc. dba Aqua Texas, Inc., North Orange Water & Sewer, LLC dba Country Squire Water and Sewer and G. Kelly Brewer with the Texas Commission on Environmental Quality to provide water & sewer utility service in Orange County.

The proposed utility service area is located approximately 4.2 miles north of downtown Orange, Texas, and is generally bounded on the north by the intersection of SH 87 and West Bluff Road; on the east by Union-Pacific Spur (Railroad); on the south by FM 3247; and on the west by Sabine River Authority canal. The total area being requested includes approximately 951 acres and 1,611 current customers. 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.

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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 1-512-239-0200.



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 and says that (s)he is the _____ of
the _____

TITLE

_____ ; that
said _____

NAME OF NEWSPAPER

newspaper is regularly published in _____

County(ies) and generally circulated in _____

_____ County (Counties), Texas; and that

the attached notice was published in said newspaper on the following date(s), to wit: _____

Newspaper Representative's Signature

Subscribed and sworn to before me this _____ day of _____, 200_, to certify
which

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

COUNTY OF _____

_____ has provided individual notice to
the following entities:

DATE

OATH

I, _____, being duly sworn, file this form as
_____ (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.

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 _____ day of _____, 20____, to certify
which 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 LANDOWNERS

STATE OF TEXAS

COUNTY OF _____

_____ has provided individual notice to
the following entities:

DATE

OATH

I, _____, being duly sworn, file this form as
_____ (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.

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 _____ day of _____, 20____, to
certify which 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

To: Administrative Reviewer

Date: October 13, 2006

Updated Date: October 16, 2006

From: Cartographer-Utilities & Districts Section

Subject: Overlap & Notice Check for Administrative Review No.: (A-136-6): City of Orange to amend water CCN (11398) and Sewer CCN (20535) in Orange County

1. No new overlap of service areas exists.
- X 2. Overlaps exists with a portion of Aquasource Utility Inc (11157/20453) and Country Squire Water and Sewer (11642/20564) and Brewer Kelly (12400)
3. Dual certification exists
4. An overlap exists with the city limits of
5. If this is a Sale, Transfer, or Merger, is additional area being requested?
6. Due to an inadequate map filed by the applicant, a determination cannot be made as to the actual location of the requested water and sewer service boundaries.
- X 7. Map submitted is in a digital version. Request an electronic copy with the response letter.
- X 8. Need more detailed maps, which clearly identify the water and sewer service boundaries to be amended.
9. Utility notice was sufficient.

- X 10. Utility notice was insufficient.

TWO MILES:

City of Pinehurst (11237/ 20494)

Aquasource Utility Inc (11157/20453)

Brewer Kelly (12400)

Country Squire Water and Sewer (11642/20564)

Mauriceville SUD (11722 / 20811)

- X 11. Notice: Revise the notice as follows...
bounded on the north by the intersection of SH 87 and West Bluff Road

- X 12. Other comments: Revise notice as stated above.
Applicant is aware of all existing overlaps with water and sewer CCNs located within their proposed boundaries as stated in their application. Request the metes and bounds and/or digital file for the proposed water and sewer CCN boundaries. Request the city limits and the ETJ for the City of Orange on a scaled map. Please include a a full size, scaled subdivision plat map, which corresponds to the metes and bounds provided for the proposed boundaries. The applicant should submit the maps as stated in the Addendum for CCN Applications, in order to meet new mapping requirements according to TCEQ rules.

Tracy Harbour Tracy Harbour