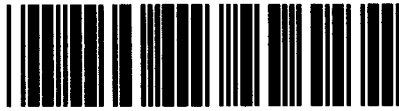




Control Number: 44268

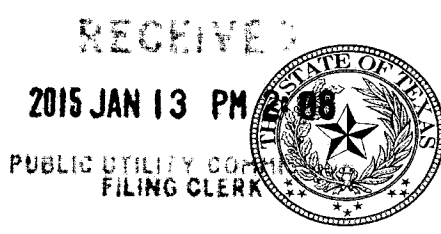


Item Number: 4

Addendum StartPage: 0

House Bill (HB) 1600 and Senate Bill (SB) 567 83<sup>rd</sup>  
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

44268 DKT



RECEIVED  
TCEQ WATER SUPPLY  
2007 JUN 18 PM 3:57

Texas Commission on Environmental Quality

APPLICATION NO. 3549C-C & 35497-C

AFFIDAVIT OF NOTICE TO NEIGHBORING UTILITIES AND AFFECTED PARTIES

STATE OF TEXAS

COUNTY OF Orange

City of Orange has provided individual notice to the following entities:

	DATE
<u>City of Pinehurst</u>	<u>06/14/07</u>
<u>Mauriceville Special Utility District</u>	<u>06/14/07</u>
_____	_____
_____	_____
_____	_____
_____	_____

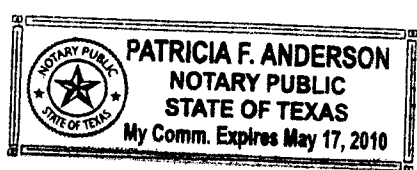
OATH

I, Kerry Kittrell, 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.

Kerry Kittrell  
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 14th day of June, 2007, to certify which witness my hand and seal of office.



Patricia F. Anderson  
Notary Public in and for the  
State of Texas  
Patricia F. Anderson  
Print or Type Name of Notary Public  
Commission Expires May 17, 2010



Texas Commission on Environmental Quality

APPLICATION NO. 35496-C & 35497-C

AFFIDAVIT OF NOTICE TO LANDOWNERS

STATE OF TEXAS

COUNTY OF Orange

\_\_\_\_\_ has provided individual notice to  
the following entities:

R.E. Odom

DATE  
11/02/06

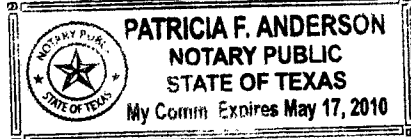
OATH

I, Kerry Kittrell, 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.

Kerry Kittrell  
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 2nd day of November, 2006, to  
certify which witness my hand and seal of office.



Patricia F. Anderson  
Notary Public in and for the State of Texas  
Print or Type Name of Notary Public  
Commission Expires May 17, 2010

Tammy

RURAL WATER COMPANY

Mailing Address: P. O. Box 1409, VIDOR TX 77670

Office Address: 1020 N. Main, Vidor TX 77662

Office Hours: 8 a.m. - 5 p.m. Monday - Friday

Emergency (24 Hour) Telephone: 409-769-9030 or 800-261-2110

RECEIVED  
TCEC WATER SUPPLY  
NOV 27 PM 3:20

November 22, 2006

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

Dear Sirs,

My name is Kelly Brewer, DBA Rural Water Company PO Box 1409  
Vidor, TX 77670; Daytime phone is (409) 769-9030.

The City of Orange is annexing an area that includes one half of my water  
system Hi-Ho Acres PWS#1810076. I am adversely affected by the city's  
application as it takes away one half of my operation, leaving the other  
half to bear the burden.

I demand a public hearing on this matter. I would withdraw my request if  
the City of Orange would not decertify my CCN#12400, and let my water  
system operate as it always has.

Thank you,  
Kelly Brewer

Cc: Ken Peterson  
Texas Rural Water Association

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

To: Brewer Kelly Date Notice Mailed: 11-02, 2006  
(Neighboring System or City)

(Address) P.O. Box 1409

(City Vidor State TX Zip) 77670

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.

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.

**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**  
**INTEROFFICE MEMORANDUM**

**TO:** LaDonna Castanuela, Chief Clerk

**THRU:** *DB* Doug Holcomb, P.E. Section Manager  
Utilities & Districts Section  
Water Supply Division

**FROM:** *DET 3/22/07* Debbie Reyes Tamayo  
Utilities & Districts Section  
Water Supply Division

**DATE:** March 13, 2007

*CHIEF CLERK'S OFFICE*  
*JUL 27 11 10:15*  
*TEXAS COMMISSION ON ENVIRONMENTAL QUALITY*

**SUBJECT:** Docket No. 200~~6~~<sup>7</sup>- 0358-UCR; 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

We hereby transfer the official file for the above application to the Chief Clerk's Office. Please refer the applications to the State Office of Administrative Hearings and request that a hearing be scheduled.

Mr. Kelly Brewer, Mr. Andrew Barrett, and Mr. Bobby Manshack have protested the applications. Staff estimates 12 people to attend this hearing.

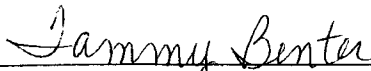
Mr. Kelly Brewer, Mr. Andrew Barrett, and Mr. Bobby Manshack believe that the City of Orange is including half of their systems which would adversely affect their ability to operate their currently certified systems.

The staff assigned to this case is:

Technical – Debbie Reyes Tamayo and Brian Dickey

Legal -

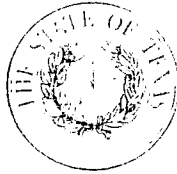
If we may be of further service regarding this matter, please call.

  
\_\_\_\_\_  
Tammy Benter, Team Leader

TB/DRT/ac

cc: TCEQ Public Interest Counsel; ATTN: Blas Coy  
TCEQ Agency Communications; ATTN: Andy Saenz, Manager  
TCEQ Chief Clerk's Office; ATTN: Deanna Avalos  
TCEQ Legal Division; ATTN: Todd Galiga

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



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

March 13, 2007

### **CERTIFIED MAIL**

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:

As you are aware, the Texas Commission on Environmental Quality (TCEQ) has received protests from Mr. Kelly Brewer, Mr. Andrew Barrett, and Mr. Bobby Manshack regarding your applications referenced above.

The Commission's Chief Clerk has assigned Docket No. 2006-0358-UCR to this matter. Any further communications should refer to these docket numbers. V.T.C.A. Water Code, Section 13.246 provides that affected parties may protest the applications and request a hearing on whether a CCN should be granted.

This matter has been referred to the State Office of Administrative Hearings to schedule a hearing. When a hearing has been scheduled, you will receive a notice of hearing which explains when and where the hearing will be held.

In order to review the CCN application, the staff of the TCEQ may need additional information regarding your utility's service. You may be receiving Staff Requests for Information (RFI's) within a few weeks. We would appreciate your cooperation in providing the information requested.



Mr. James B Wolf, P.E.

Page 2

March 13, 2007

If you have questions about this process or what material you should bring with you to the hearing, please contact Ms. Debbie Reyes Tamayo at (512) 239-4683.

Sincerely,

A handwritten signature in cursive script that reads "Tammy Benter".

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

TB/DRT/ac

cc: Mailing List

Mailing List for Application No. 35496-C & 35497-C  
City of Orange

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

Representing: City of Orange

Mr. Kelly Brewer, dba Rural Water Company  
P.O. Box 1409  
Vidor, TX 77670

Representing: Hi-Ho Acres

Mr. Andrew N. Barrett  
Barrett & Smith PLLC  
505 W 14<sup>th</sup> Street  
Austin, TX 78701

Representing: Aqua Texas, Inc.

Mr. Bobby Manshack  
10406 N HWY 87  
Orange, TX 77632

Representing:  
North Orange Water & Sewer LLC dba Country Squire Water & Sewer

Mr. Nelson Broussard  
6403 Hazelwood Drive  
Orange, TX 77632

Requested to be on mailing list.

TCEQ:

TCEQ Region 10, Beaumont Office  
Debbie Reyes Tamayo, MC-153, Water Supply Division

**BARRETT & SMITH PLLC**

ATTORNEYS  
505 W 14<sup>th</sup> Street  
AUSTIN, TEXAS 78701  
(512) 438-1234  
FAX (512) 472-6463

WRITER'S E-MAIL ADDRESS ANB@BARRETTLAW.NET

December 2, 2006

TCEQ  
Water Supply Division  
Utilities and District Section, MC 153  
PO Box 13087  
Austin, Texas 78711-3087

RE. City of Orange CCN Application; Case No. 35496 and 35497; Document ID 226883 and 226884

Dear Mr. Cowan:

This firm represents Aqua Utilities, Inc., dba Aqua Texas, Inc. (Aqua Texas, Inc.) in connection with the above referenced matter. Our name, address and daytime telephone number are provided in the letterhead. The City of Orange's above-referenced applications appears to seek to amend its Certificate of Convenience and Necessity for both water and sewer into areas that are currently certificated to Aqua Texas, Inc. and to decertify from Aqua Texas service areas that are currently certificated and being served by Aqua Texas.

Aqua Texas, Inc., pursuant to CCN #'s 11157 and 20453 currently provide continuous and adequate water and sewer service to some of the areas which the City of Orange wishes to include in this application. There is no need for additional providers in this area as service is being provided. In addition, Aqua Texas would be impaired by losing its CCN for that area by losing its ability to serve the area that it currently serves and has made substantial investments to serve. As such, Aqua Texas, Inc. requests a public hearing on the City of Orange's applications.

Should the City of Orange amend its applications to exclude any mention of decertifying area currently certificated to Aqua Texas, Inc., Aqua Texas, Inc. and would remove any intention of serving in Aqua Texas, Inc.'s certificated area, Aqua Texas, Inc. would strongly consider withdrawing its objection to the City of Orange's applications. Until that time, we request that the TCEQ consider this a formal protest and request for a public hearing/contested case hearing.

FROM : ANDREW N. BARRETT

PHONE NO. : 512 472 6463

Dec. 02 2006 11:23PM P3

We appreciate your time and attention to this matter. If you have any questions, please do not hesitate to contact me at 472-9326.

Very truly yours,

A handwritten signature in black ink, appearing to read "Andrew Barrett". The signature is fluid and cursive, with the first name "Andrew" and last name "Barrett" clearly distinguishable.

Andrew N. Barrett

12-1-2006

BARRETT & SMITH PLLC

ATTORNEYS  
505 W. 14<sup>th</sup> Street  
AUSTIN, TEXAS 78701  
(512) 439-1234  
FAX (512) 472-6463

WRITER'S E-MAIL ADDRESS ANB@BARRETTLAW.NET

December 1, 2006

Mr. Mike Cowan  
Water Supply Division, MC 154  
TCEQ  
PO Box 13087  
Austin, Texas 78711-3087

RE: City of Orange CCN Application; Case No. 35496 and 35497; Document ID 226883  
and 226884

Dear Mr. Cowan:

This firm represents Aqua Texas, Inc. in connection with the above referenced matter. The City of Orange's application appears to seek to amend its Certificate of Convenience and Necessity for both water and sewer into areas that are currently certificated to Aqua Texas, Inc.

Aqua Texas, Inc., pursuant to CCN #'s 11157 and 20453 currently provide continuous and adequate water and sewer service to some of the areas which the City of Orange wishes to include in this application. There is no need for additional providers in this area as service is being provided. As such, Aqua Texas, Inc. requests a public hearing on the City of Orange's application.

Aqua Texas, Inc. has not yet received formal notice on this matter but intends to continue monitoring the process. Nonetheless, we request that the TCEQ consider this a formal protest and request for a contested case hearing.

We appreciate your time and attention to this matter. If you have any questions, please do not hesitate to contact me at 472-9326.

Very truly yours,

  
Andrew N. Barrett

**STATE OFFICE OF ADMINISTRATIVE HEARINGS  
300 WEST 15TH STREET, STE. 502  
AUSTIN, TEXAS 78701  
(512) 475-4993  
FAX (512) 475-4994  
DOCKET (512) 475-3445**

**CONFIRMATION OF REQUEST TO DOCKET CASE**

TO: EMILY REYNA  
TX COMM ON ENVIRONMENTAL QUALITY

VIA FACSIMILE 239-3311

FROM: NATALIE HOWARD  
DEPUTY CLERK

DATE: September 12, 2007

RE: SETTINGS OF HEARING(S)

At your request, the following hearing(s) have been set:

OFFICE OF  
ADMINISTRATIVE  
HEARINGS  
300 WEST 15TH STREET  
AUSTIN, TEXAS 78701

<u>Docket Number</u>	<u>Case</u>	<u>Date</u>	<u>Time</u>	<u>Hearing Location</u>
582-08-0128 2007-1208-UCR	Tim Bennett Engineering	10/23/07	10:00 am	<u>WPC Bldg.</u> <u>300 West 15<sup>th</sup> St.</u> <u>4<sup>th</sup> Floor Street</u> <u>Austin, TX 78701</u>
582-08-0129 2007-1270-UCR	MB Wastewater Services	10/30/07	10:00 am	same as above
582-08-0130 2007-1185-UCR	Southern Utilities Co	11/07/07	10:00 am	same as above
582-08-0131 2007-1296-UCR	RCH Water Supply	11/07/07	10:00 am	same as above
582-08-0132 2007-0358-UCR	City of Orange	11/13/07	10:00 am	same as above
582-08-0133 2007-1289-UCR	Bandera River Ranch	11/14/07	10:00 am	same as above
582-08-0134 2007-1288-UCR	T. Johnson Industries	12/04/07	10:00 am	same as above
582-08-0135 2007-1346-UCR	Menlow Water Supply Corp	12/11/07	10:00 am	same as above


**TEXAS COMMISSION  
ON ENVIRONMENTAL QUALITY**

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**TRANSMITTAL OF ADMINISTRATIVE RECORD**



**DATE:** September 26, 2007

**TO:** SOAH Natural Resources Docket Clerk

**FROM:**  Emily Reyna

**RE:** City of Orange  
SOAH Docket No. 582-08-0132; TCEQ Docket No. 2007-0358-UCR

Pursuant to 30 TAC § 80.6(b)(4) regarding referrals to SOAH, a copy of the Chief Clerk's case file is attached. Please find certified copies of the following documents:

-  1. the application;
-  2. public hearing notice and Chief Clerk's affidavit

If any of these documents are not included as enclosures with this memo, please notify Deanna Avalos, Final Documents Team Leader at (512) 239-3327.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

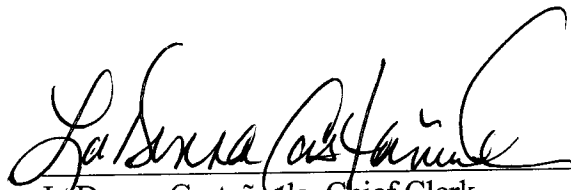


STATE OF TEXAS §

COUNTY OF TRAVIS §

I, LaDonna Castañuela, Chief Clerk of the Texas Commission on Environmental Quality, do hereby certify that the attached mailing list provides the persons to whom the notice of the public hearing for City of Orange, SOAH Docket No. 582-08-0132, TCEQ Docket No. 2007-0358-UCR, was mailed on September 20, 2007.

Given under my hand and the seal of the Texas Commission on Environmental Quality, this the 20th day of September, 2007.

  
\_\_\_\_\_  
LaDonna Castañuela, Chief Clerk  
Texas Commission on Environmental Quality

(SEAL)