



Control Number: 49283



Item Number: 6

Addendum StartPage: 0

CE CHILDRESS ENGINEERS
ENGINEERS & CONSULTANTS
TEXAS REGISTERED ENGINEERING FIRM F-702

ROBERT T. CHILDRESS, JR., P.E. • BENJAMIN S. SHANKLIN, P.E. • ROBERT T. CHILDRESS III, P.E.

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PUBLIC UTILITY COMMISSION
FILING CLERK

April 18, 2019

Public Utility Commission of Texas
P.O. Box 13326
Austin, Texas 78711-3326

Re: Docket Number 49283, STM application of
Sardis-Lone Elm W.S.C., Response to
Order 2

Public Utility Commission of Texas:

We submit the following responses to the comments pertaining to the administrative review of the above referenced Docket completed by the Public Utilities Commission on April 2, 2019. The comments are in italics and our response is in bold type.

1. *A Portion of the requested area overlaps the City of Midlothian's corporate boundaries. Sardis-Lone Elm must obtain written consent from the City of Midlothian to provide water service within their corporate boundaries.*
SOAH Docket 582-09-1618 is attached showing the agreement of CCN boundaries between Sardis-Lone Elm (CCN 10058) and the City of Midlothian (CCN 11706). The requested areas to be transferred currently belong to Mountain Peak (CCN 10908) and will be transferred to Sardis-Lone Elm. All areas are outside the boundary of the City of Midlothian's CCN boundary.
2. *A general location map identifying only the requested areas to be transferred, in reference to the nearest county boundary, city, or town. Do not show surrounding existing CCNs.*
Exhibit-1 Location Map attached that only shows the areas to be transferred from Mountain Peak to Sardis-Lone Elm.
3. *A detailed map identifying only the requested areas to be transferred, in reference to verifiable man-made and natural landmarks, such as roads, rivers, and railroads. Do not show surrounding existing CCNs.*
Exhibit-3 Areas To Be Transferred Map attached that only shows the areas to be transferred from Mountain Peak to Sardis-Lone Elm.
4. *Digital mapping data for the requested areas provided as a single polygon record, in shapefile (SHP) format, georeferenced in either NAD83 Texas Statewide Mapping System (Meters) or NAD83 Texas State Plane Coordinate System (US Feet). The digital data must correspond to the same requested areas shown and the general location and detailed maps.*
Shapefile provided on included compact disc with the areas to be transferred in NAD83 Texas State Plane Coordinate System (US Feet).

6

5. *State the approximate total acreage for the requested areas.*

The approximate total acreage of the requested areas is 557 acres and is stated on Exhibit-3 Areas To Be Transferred.

If you have additional questions regarding these matters, please call us.



Very truly yours,

CHILDRESS ENGINEERS

A handwritten signature in black ink, appearing to read "Joshua J. Brockett".

Joshua J. Brockett, P.E.

JJB/cv



THE STATE OF TEXAS
COUNTY OF TRAVIS

I hereby certify that this is a true and correct copy of a
Texas Commission on Environmental Quality document,
which is filed in the permanent records of the Commission.
Given under my hand and the seal of office on

LaDonna Castanuela MAY 21 2009

LaDonna Castanuela, Chief Clerk
Texas Commission on Environmental Quality

SOAH DOCKET NO. 582-09-1618
TCEQ DOCKET NO. 2008-1539-UCR

APPLICATIONS BY SARDIS-LONE §
ELM WATER SUPPLY §
CORPORATION, CERTIFICATE OF §
CONVENIENCE AND NECESSITY NO. §
10058 AND THE CITY OF §
MIDLOTHIAN, CERTIFICATE OF §
CONVENIENCE AND NECESSITY NO. §
11706 TO TRANSFER PORTIONS AND §
TO AMEND CERTIFICATES OF §
CONVENIENCE AND NECESSITY §
NOS. 10058 AND 11706 FOR SALE, §
TRANSFER AND MERGER IN ELLIS §
COUNTY, TEXAS §

BEFORE THE

TEXAS COMMISSION

ON

ENVIRONMENTAL QUALITY

ORDER

Sardis-Lone Elm Water Supply Corporation (WSC), Certificate of Convenience and Necessity (CCN) No. 10058, has applied with the Texas Commission on Environmental Quality (TCEQ) to transfer a portion of CCN No. 11706 from the City of Midlothian and to amend CCN Nos. 10058 and 11706 in Ellis County, Texas. The City of Midlothian (City), CCN No. 11706, also applied with TCEQ to transfer a portion of CCN No. 10058 from the Sardis-Lone Elm Water Supply Corporation and to amend CCN Nos. 10058 and 11706 in Ellis County, Texas. The applications filed by and Sardis-Lone Elm WSC and the City were submitted to TCEQ on January 24, 2007 for approval pursuant to Section 5.122 of the Texas Water Code (TWC) and Commission rules.

On September 12, 2006, Sardis-Lone Elm Water Supply Corporation, a Texas non-profit water supply corporation, and the City of Midlothian, Texas ("City"), a home rule city, executed an agreement concerning the transfer of approximately 5.176 acres of joint water service area.

The application filed by the City was accepted for filing on March 16, 2007 and assigned application No. 35598-S. The application filed by Sardis –Lone Elm WSC was accepted for filing on March 22, 2007 and was assigned application No. 35597-S.

On April 6, 2007, the City provided notice to the neighboring utilities and affected parties. Notice was provided to Rocket SUD, Sardis-Lone Elm WSC, the City of Ovilla, the City of Cedar Hill, the City of Waxahachie, Mt. Peak SUD, Wax Mid Inc., Pecan Acres Water Company, and Ellis County Water Control & Improvement District No. 1.

On April 23, 2007, the Sardis-Lone Elm WSC provided notice to the neighboring utilities and affected parties. Notice was provided to Wax Mid Inc., the City of Waxahachie, Buena Vista-Bethel SUD, Rocket SUD, the City of Midlothian, the City of Glenn Heights, Mountain Peak SUD, Ellis County WCID #1, the City of Ovilla, Denton County FWSD #3, and the City of Cedar Hill.

TCEQ staff received protests on May 14, 2007 from ECOM Real Estate Management, Inc. (ECOM), Wax-Mid, Inc., and Randal L. Tucker (Landowner) requesting a public hearing on the Sale Transfer Merger (STM). On August 20, 2007, the TCEQ notified the City, the WSC, ECOM, Randal L. Tucker, and Wax-Mid Inc. that staff reviewed the criteria in TWC Section 13.301 (e), and determined that a public hearing would not be necessary.

Subsequently, staff was unable to acquire authorization from the City and the WSC consenting to the final maps associated with the STM. On October 3, 2008 staff referred this matter to the State Office of Administrative Hearings (SOAH), SOAH Docket No. 582-09-1618, with a preliminary hearing scheduled on February 2, 2009. However, prior to the preliminary hearing, the parties supplemented and consented to the specific mapping information that was necessary for staff to issue final maps. Upon receipt of this information the Executive Director (ED) moved to remand this matter for uncontested processing. On January 9, 2009, the

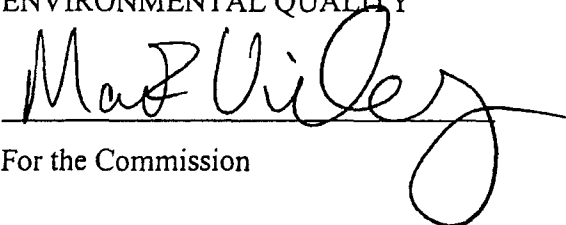
Honorable William G. Newchurch, Administrative Law Judge for SOAH, issued Order No. 1 granting the ED's motion to withdraw his protest and cancel the preliminary hearing.

NOW, THEREFORE, BE IT ORDERED BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY that:

1. The application filed by the Sardis Lone Elm WSC to transfer approximately 5,176 acres of CCN territory and amend water CCN Nos. 10058 and 11706, (Application No. 35597-S) in Ellis County, Texas as reflected in the official water service map for Ellis County, Texas (attached to this Order) is hereby approved.
2. The application filed by the City of Midlothian to transfer approximately 5,176 acres of CCN territory and amend water CCN Nos. 10058 and 11706, (Application Nos. 35598-S) in Ellis County, Texas as reflected in the official water service map for Ellis County, Texas (attached to this Order) is hereby approved.
3. The Chief Clerk of the Texas Commission on Environmental Quality shall forward a copy of this Order to the parties.
4. If any provision, sentence, clause, or phrase of this Order is for any reason held to be invalid, the invalidity of any portion shall not affect the validity of the remaining portions of the Order.

Issue Date: MAY 15 2009

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY


For the Commission



Texas Commission On Environmental Quality

By These Presents Be It Known To All That

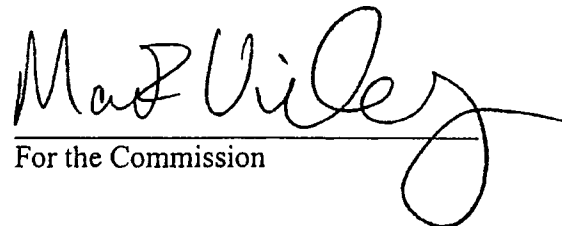
City of Midlothian

having duly applied for certification to provide water utility service for the convenience and necessity of the public, and it having been determined by this commission that the public convenience and necessity would in fact be advanced by the provision of such service by this Applicant, is entitled to and is hereby granted this

Certificate of Convenience and Necessity No. 11706

to provide continuous and adequate water utility service to that service area or those service areas in Ellis County as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Application No. 35598-S is on file at the Commission offices in Austin, Texas; and are matters of official record available for public inspection; and be it known further that these presents do evidence the authority and the duty of the City of Midlothian to provide such utility service in accordance with the laws of this State and Rules of this Commission, subject only to any power and responsibility of this Commission to revoke or amend this Certificate in whole or in part upon a subsequent showing that the public convenience and necessity would be better served thereby.

Issued at Austin, Texas, this MAY 15 2009


For the Commission



Texas Commission On Environmental Quality

By These Presents Be It Known To All That

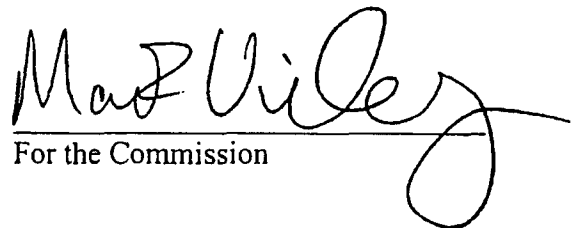
Sardis-Lone Elm Water Supply Corporation

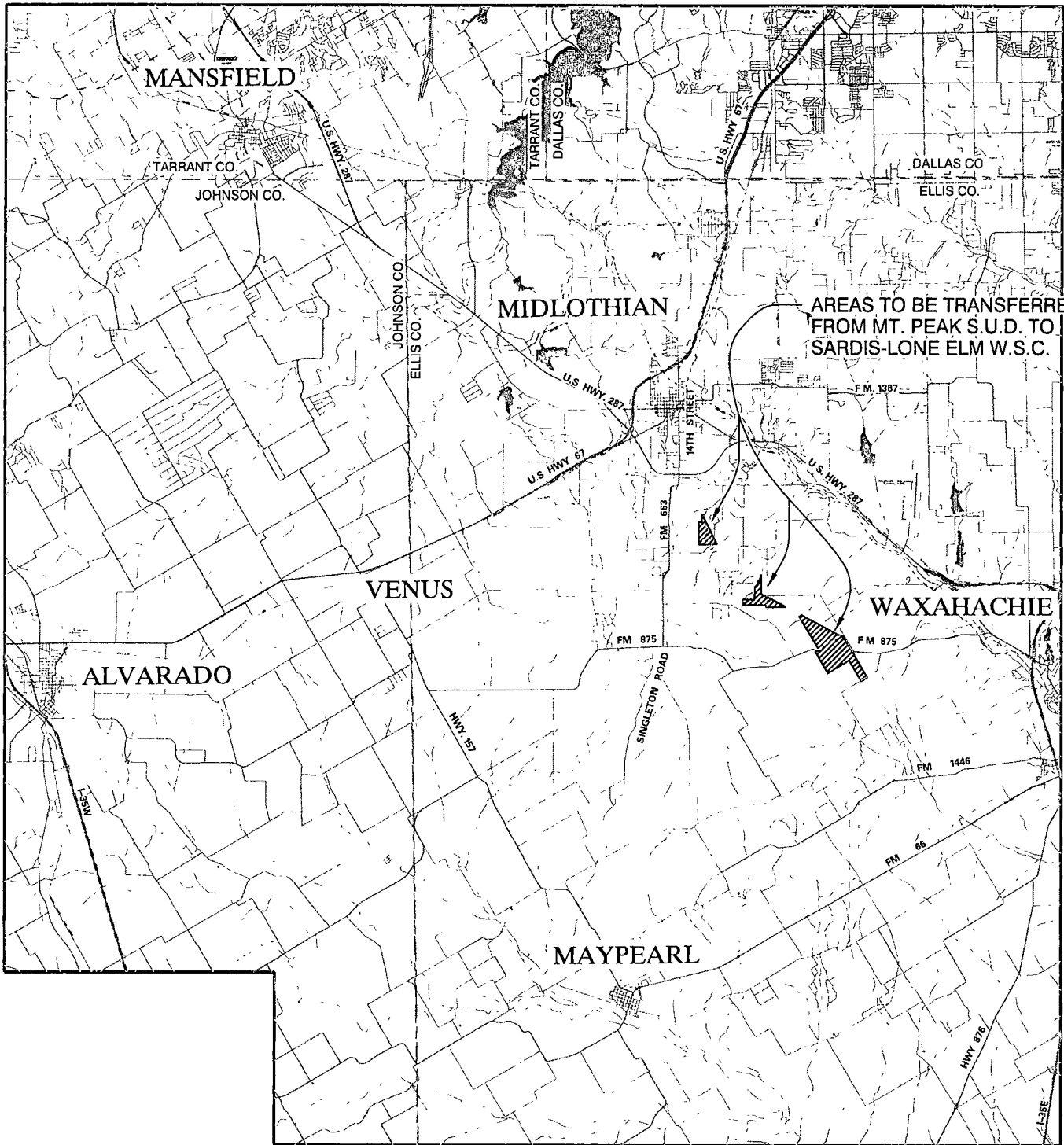
having duly applied for certification to provide water utility service for the convenience and necessity of the public, and it having been determined by this commission that the public convenience and necessity would in fact be advanced by the provision of such service by this Applicant, is entitled to and is hereby granted this

Certificate of Convenience and Necessity No. 10058

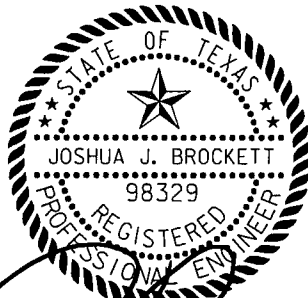
to provide continuous and adequate water utility service to that service area or those service areas in Ellis County as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Application No. 35597-S is on file at the Commission offices in Austin, Texas; and are matters of official record available for public inspection; and be it known further that these presents do evidence the authority and the duty of Sardis-Lone Elm Water Supply Corporation to provide such utility service in accordance with the laws of this State and Rules of this Commission, subject only to any power and responsibility of this Commission to revoke or amend this Certificate in whole or in part upon a subsequent showing that the public convenience and necessity would be better served thereby.

Issued at Austin, Texas, this MAY 15 2009


For the Commission



0 4000 8000 12000 16000 20000
SCALE IN FEET



[Signature]
4/16/19

17040 CCN TRANSFER to Sar 01.0gn

SARDIS LONE-ELM WATER SUPPLY CORPORATION

C.C.N. BOUNDARY REVISIONS

EXHIBIT-1 LOCATION MAP

CE CHILDRESS ENGINEERS
ENGINEERS & CONSULTANTS
211 N RIDGEWAY DRIVE
CLEBURNE, TEXAS 76033
TXL REG NO. F 202

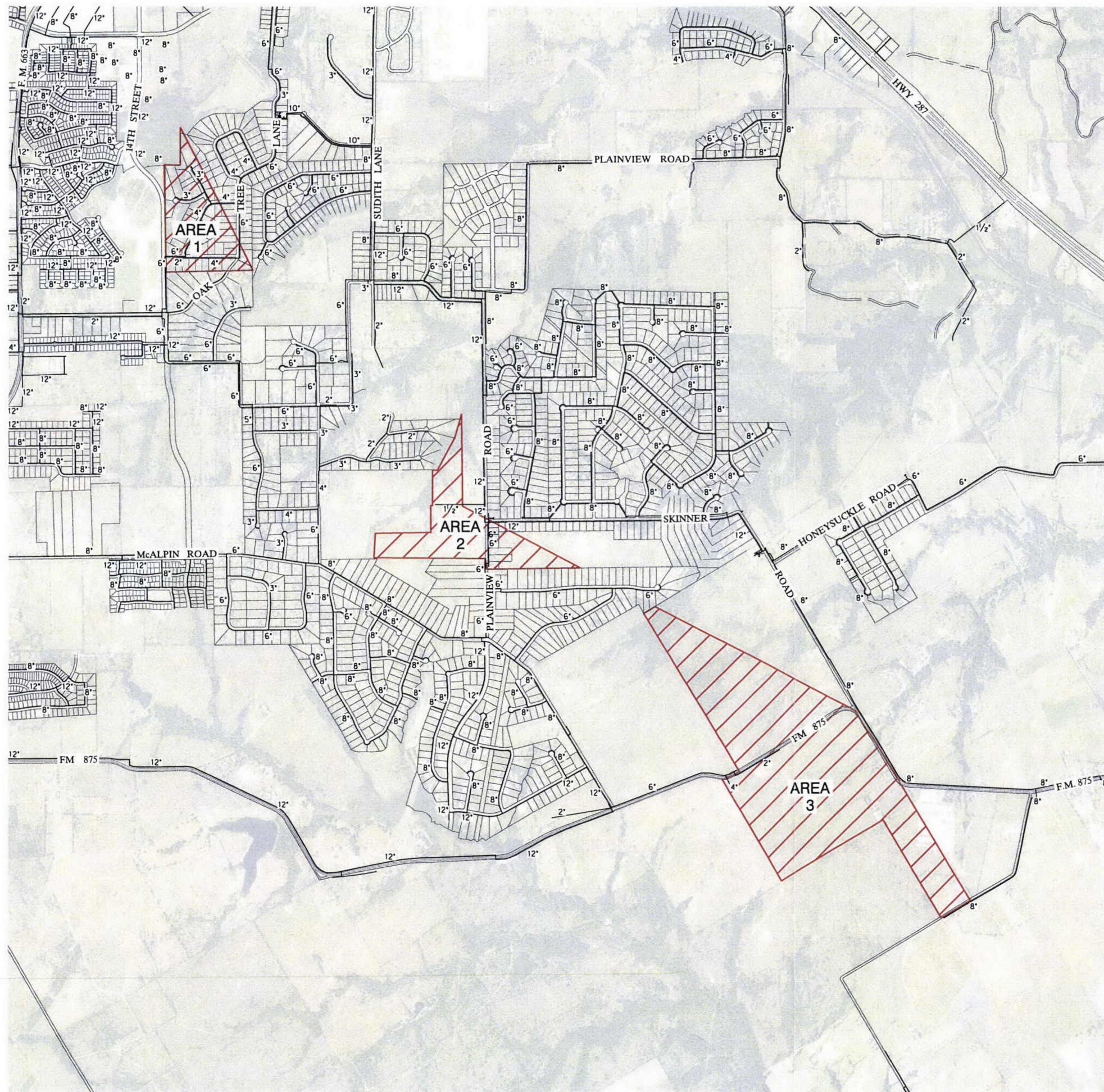
DESIGNED BY: JJB	REV. BY DATE SYMBOL	DATE: MARCH 2018
DRAWN BY: JSD		JOB NO: 17040
CHECKED BY: RTC		SHEET NO. 1 OF 3

SCALE 1:2400

7:41:53 AM

PLOT DATE: 4/17/2019

17040 CCN TRANSFER to Sdr 03.dgn



AREA 1: 77.87 ACRES
AREA 2: 92.95 ACRES
AREA 3: 386.29 ACRES
TOTAL: 557.08 ACRES

LEGEND:



PROPOSED MT. PEAK TO SARDIS



4/16/19

N

0 400 800 1200 1600 2000 2400 2800 3200 3600
SCALE IN FEET

17040 CCN TRANSFER to Sdr 03.dgn

SARDIS LONE-ELM
WATER SUPPLY CORPORATION

C.C.N. BOUNDARY REVISIONS

EXHIBIT-3
AREAS TO BE TRANSFERRED

CE CHILDRESS ENGINEERS
ENGINEERS & CONSULTANTS
211 N. RIDGEWAY DRIVE
CLEBURNE, TEXAS 76033
TEX. REG. NO. P-702

DESIGNED BY: JJB	REV. BY	DATE	SYMBOL	DATE: MARCH 2018
DRAWN BY: JSD				JOB NO: 17040
CHECKED BY: RTC				SHEET NO. 3 OF 3

CD ATTACHED

TO VIEW PLEASE CONTACT
CENTRAL RECORDS
512-936-7180