



Control Number: 49926



Item Number: 3

Addendum StartPage: 0



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PUBLIC UTILITY COMMISSION  
FILING CLERK

September 18, 2019

Public Utility Commission of Texas  
Central Records  
1701 N. Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326

RE: Docket No. 49926

Request for a Name Change to Certificate of Convenience and Necessity No. 21086

To Whom It May Concern:

Crystal Clear Special Utility District (CCSUD) respectfully submits this request for a name change to Certificate of Convenience and Necessity (CCN) No. 21086 under Docket No. 49926. CCN No. 21086 currently authorizes Crystal Clear Water Supply Corporation to provide sewer utility service in Comal county. Crystal Clear Special Utility District requests a name change for CCN No. 21086 from Crystal Clear Water Supply Corporation to Crystal Clear Special Utility District.

**1. Contact Information:**

Authorized Representative:

Carla E. Brayton  
Engineer in Training  
376 Landa Street  
New Braunfels, TX 78130  
(830) 228-3301 Office  
[cbrayton@msengr.com](mailto:cbrayton@msengr.com)

Utility Representatives:

Mike Taylor (General Manager)  
Michael L Cox (President, Board of Directors)  
2370 FM 1979  
San Marcos, Texas 78666  
(830) 372-1031 Office  
[miket@crystalclearsud.org](mailto:miket@crystalclearsud.org)

**2. Background Information**

Crystal Clear Special Water Supply Corporation was formed in September 14, 1964. The file number issued to the entity by the secretary of state is 20636101. Crystal Clear Water Supply Corporation was converted to become Crystal Clear Special Utility District ordered

3



by statue, and confirmed by election held on January 18, 2014, and approved by Resolution passed by its Board of Directors on June 23, 2015. A Certificate of Termination of a Nonprofit Corporation or a Cooperative Association was filed with the Secretary of State of Texas on October 26, 2016. A copy of the Certificate of Termination is attached in Exhibit B.

**3. Description of Applicant**

- a) Legal name and all assumed names under which the Applicant conducts business if any: Crystal Clear Special Utility District; CCSUD; Crystal Clear SUD
- b) Address of principal office and business office:  
2370 FM 1979, San Marcos, Texas 78666
- c) Principal office/business office telephone number: (830) 372-1031  
Business Fax Number: (830) 372-0067  
Website address: <https://www.crystalclearsud.org/home>
- d) Legal Name of the Company: Crystal Clear Special Utility District

**4. Amendment to the CCNs**

Please amend CCN No. 21086 to list Crystal Clear Special Utility District as the certificate holder. This request seeks no change to CCN service territory.

Thank you for taking the time to review this submittal. Feel free to contact me at (830) 228-3301 or cbrayton@msengr.com if you have any questions or need additional details.

Regards,

Carla Brayton

M&S Engineering, LLC

Enclosures: Certificate of Filing; Certificate of Termination; August 23, 2016 Minutes; Resolution Authorizing Dissolution of Crystal Clear Water Supply Corporation; Assignment of Claims and Acknowledgement

Cc: Mike Taylor, General Manager – Crystal Clear Special Utility District

# **EXHIBIT A**

Certificate of Filing of  
Crystal Clear Water Supply  
Corporation



## Office of the Secretary of State

### CERTIFICATE OF FILING OF

CRYSTAL CLEAR WATER SUPPLY CORPORATION

File Number: 20636101

The undersigned, as Secretary of State of Texas, hereby certifies that the Certificate of Termination for the above named entity has been received in this office and has been found to conform to the applicable provisions of law.

ACCORDINGLY, the undersigned, as Secretary of State, and by virtue of the authority vested in the secretary by law, hereby issues this certificate evidencing filing effective on the date shown below.

Dated: 10/26/2016

Effective: 10/26/2016



A handwritten signature in black ink, appearing to read "Cascos", followed by a horizontal line.

Carlos H. Cascos  
Secretary of State



## Office of the Secretary of State

October 26, 2016

Attn: The Terrill Firm, P.C.

The Terrill Firm, P.C.  
810 West 10th St.  
Austin, TX 78701 USA

----

RE: CRYSTAL CLEAR WATER SUPPLY CORPORATION  
File Number: 20636101

It has been our pleasure to file the Certificate of Termination for the referenced entity. Enclosed is the certificate evidencing filing. Payment of the filing fee is acknowledged by this letter.

If we may be of further service at any time, please let us know.

Sincerely,

Corporations Section  
Business & Public Filings Division  
(512) 463-5555

Enclosure

# **EXHIBIT B**

## **Certificate of Termination of a Nonprofit Corporation or a Cooperative Association**



Secretary of State  
P.O. Box 13697  
Austin, TX 78711-3697  
FAX: 512/463-5709

Filing Fee: \$5

**Certificate of Termination  
of a  
Nonprofit Corporation or  
a Cooperative Association**

Filed in the Office of the  
Secretary of State of Texas  
Filing #: 20636101 10/26/2016  
Document #: 696243060002  
Image Generated Electronically  
for Web Filing

**Entity Information**

The name of the domestic entity is :

**CRYSTAL CLEAR WATER SUPPLY CORPORATION**

The date of formation of the entity is: **September 14, 1964**

The file number issued to the entity by the secretary of state is: **20636101**

**Governing Persons**

4. The names and addresses of each of the filing entity's governing persons are:

NAME OF GOVERNING PERSON :

**Carol U Hoffmann**

ADDRESS OF GOVERNING PERSON :

**2370 FM 1979 San Marcos TX, USA 78666-2100**

NAME OF GOVERNING PERSON :

**Richard A Hanz**

ADDRESS OF GOVERNING PERSON :

**2370 FM 1979 San Marcos TX, USA 78666-2100**

NAME OF GOVERNING PERSON :

**Dennis R Krackau**

ADDRESS OF GOVERNING PERSON :

**2370 FM 1979 San Marcos TX, USA 78666-2100**

NAME OF GOVERNING PERSON :

**Jack E Carson**

ADDRESS OF GOVERNING PERSON :

**2370 FM 1979 San Marcos TX, USA 78666-2100**

NAME OF GOVERNING PERSON :

**Michael L Cox**

ADDRESS OF GOVERNING PERSON :

**2370 FM 1979 San Marcos TX, USA 78666-2100**

NAME OF GOVERNING PERSON :

**James R Stewart**

ADDRESS OF GOVERNING PERSON :

**2370 FM 1979 San Marcos TX, USA 78666-2100**

NAME OF GOVERNING PERSON :

**Jarold R Hildebrand**

ADDRESS OF GOVERNING PERSON :

**2370 FM 1979 San Marcos TX, USA 78666-2100**



The nature of the event requiring winding up is:

**Crystal Clear Water Supply Corporation has converted to and become Crystal Clear Special Utility District ordered by statute, and confirmed by election held on January 18, 2014, and approved by Resolution passed by its Board of Directors on June 23, 2015.**

**Completion of Winding Up**

The filing entity has complied with the provisions of the Texas Business Organizations Code governing its winding up.

**Supplemental Information Required For a NonProfit Corporation**

The undersigned authorized person acting on behalf of the named nonprofit corporation certifies that:

1. Any property of the nonprofit corporation has been transferred, conveyed, applied, or distributed in accordance with chapter 11 and chapter 22 of the Texas Business Organizations Code.
2. There is no suit pending against the nonprofit corporation or that adequate provision has been made for the satisfaction of any judgment, order or decree that may be entered against the nonprofit corporation in a pending suit.
3. If the nonprofit corporation received and held property permitted to be used only for charitable, religious, eleemosynary, benevolent, educational, or similar purposes, but the nonprofit corporation did not hold the property on a condition requiring return, transfer, or conveyance because of the winding up and termination, that the distribution of that property has been effected in accordance with a plan of distribution adopted in compliance with the BOC for the distribution of that property.

**Effectiveness of Filing**

☒ A. This document becomes effective when the document is filed by the secretary of state.

**OR**

☐ B. This document becomes effective at a later date, which is not more than ninety (90) days from the date of its signing. The delayed effective date is:

**EXECUTION**

The undersigned signs this document subject to the penalties imposed by law for the submission of a materially false or fraudulent instrument.

Date: **October 26, 2016**

**Scott R. Shoemaker**

Signature and title of authorized person(s)

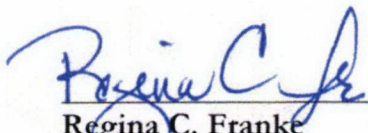
**FILING OFFICE COPY**

# **EXHIBIT C**

August 23, 2016 Minutes  
Item 4

September 16, 2019

I , Regina C. Franke, the Business Manager and Custodian of Records of Crystal Clear Special Utility District, certify that the attached two (2) pages, being the Approved and Executed Minutes for the Crystal Clear Special Utility District Board of Directors Meeting dated August 23, 2016, constitute a true and correct copy of such pages and document on file in this office.

  
\_\_\_\_\_  
Regina C. Franke  
CCSUD Business Manager

09/16/19  
Date

Attachment: CCSUD Board Meeting Minutes August 23, 2016







## BOARD OF DIRECTORS MEETING

AUGUST 23, 2016

### Minutes

In accordance with Chapter 551 of the Texas Government Code, Vernon's Annotated Civil Statutes, Section 31, notice was given to the public that the Board of Directors for the CRYSTAL CLEAR SPECIAL UTILITY DISTRICT was to hold a meeting on the 23<sup>rd</sup> of August, 2016, 6:30 PM, immediately following the WSC meeting, at 2370 FM 1979, San Marcos, Texas.

Item 1. Open Meeting, Pledge of Allegiance and Invocation

**Vice-President Carson called the meeting to order at 6:34PM.**

**Vice-President Carson gave the invocation.**

**Vice-President Carson led the Pledge of Allegiance.**

Item 2. Citizen or customers to be heard (Three minutes each)

a. Terrance Hurst – Meter relocation and July bill

**Mr. Hurst explained his concern over meter reading/consumption.**

**Director Davidson recommended a change out of his meter to be replaced with a cloud meter. Staff would move forward with the clouds meter installation.**

Item 3. Consent Agenda

a. Approve Minutes July 26, 2016 Board Meeting

b. Approval of July 2016 Financials

c. Approval of the July 2016 Directors Report

**Treasurer Cox moved to approve items 3a and 3c on the consent agenda.**

**Director Hanz seconded the motion. Motion passed.**

**Item 3b was moved from the consent agenda. After discussion by the Board, Treasurer Cox moved to approve item 3b. Director Davidson seconded the motion. Motion passed.**

Item 4. Report on daily operations and related matters

a. Update on Trinity Wells and Martin-Marietta litigation

**Mr. Taylor distributed a copy of the latest litigation documents provided by Terrill Waldrop, Attorneys for Crystal Clear Special Utility District. No action required.**

b. Actions to complete the conversion from Crystal Clear Water Supply Corporation to Crystal Clear Special Utility District

**Director Patlan moved to authorize signing of the Assignment of Claims and accept Resolution authorizing dissolution of Crystal Clear Water Supply Corporation. Director Hanz seconded the motion. Motion passed.**

c. Expedited Decertification by las Colinas Development

**Staff was directed to continue with this process and track legal expenses.**

d. Authorization to initiate a condemnation proceeding on Crystal Clear's behalf.

**Director Davidson moved to authorize initiation of condemnation proceeding on Crystal Clear's behalf. Secretary Galle seconded the motion. Motion passed.**



- e. Consider and approve resolution authorizing application to the Texas Water Development board for financial assistance in an amount not to exceed \$15,000,000

**Director Patlan moved to approve the Board Resolution and authorize proceeding with the loan application. Treasurer Cox seconded the motion. Motion passed.**

- f. Award bid for FM 621 Pipeline Project

**Secretary Galle moved to award the bid for the FM 621 Water Main Extension, per recommendation letter from M&S Engineering, to Nelson Lewis, Inc. for the base bid amount of \$555,800. Director Davidson seconded the motion. Motion passed.**

- g. Award bid for Kirchoff/McGee Wells

**Director Davidson moved to award the bid for the Kirchoff/McGee Wells, per recommendation letter from M&S Engineering, to Brien Water Wells, Inc. for the base bid amount of \$218,708. Secretary Galle seconded the motion. Motion passed.**

- h. Update on TCEQ inspection and alleged violations

**Easements for fencing on Martin Marietta are pending. No action**

- i. Miscellaneous meter requests and line extensions:

- 1. Cherryville/Caldwell County M.U.D. #1

**Staff was directed to continue their effort to obtain a signed commitment from Cherryville to expand the FM 621 project as full replacement supply for Staples.**

- 2. Update on other miscellaneous proposed developments and/or other O&M needs

**O&M needs: Connectivity and leak repair – No action required.**

**Item 5. Board Member Items**

- a. Next regular board meeting

**September 27, 2016**

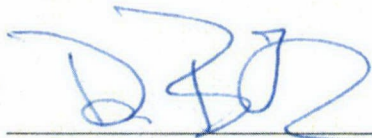
- b. Water Loss Report

**SAMCO provided the Board and Staff with a bound copy of the report, briefed the board on their findings and advised of suggested repair phases. No action required.**

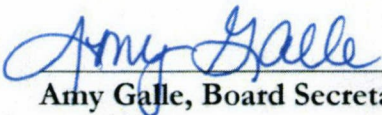
- c. Items for future agendas

**None**

**Adjournment – 8:28 PM**



**Don Bosworth, Board President**



**Amy Galle, Board Secretary**

# **EXHIBIT D**

## **Resolution Authorizing Dissolution of Crystal Clear Water Supply Corporation**

**RESOLUTION AUTHORIZING DISSOLUTION OF CRYSTAL CLEAR WATER  
SUPPLY CORPORATION**

THE STATE OF TEXAS           §  
  §  
COUNTIES OF COMAL, HAYS,   §  
CALDWELL and GUADALUPE

WHEREAS, Crystal Clear Water Supply Corporation (the "Corporation"), was heretofore incorporated as a non-profit, member-owned water supply corporation under the provisions of Article 1434a, V.T.C.S.;

WHEREAS, at a meeting of the members of the Corporation duly called, noticed and held in accordance with the requirement of law and the By-laws of the Corporation, the members of the Corporation approved a resolution to create a special utility district to be known as Crystal Clear Special Utility District (the "District"), the transfer of all assets and liabilities of the Corporation to the District and the dissolution of the Corporation and amendment of the By-laws to permit the same;

WHEREAS, the Texas Legislature created the Crystal Clear Special Utility District through Senate Bill 1116 passed on May 22, 2013;

WHEREAS, on January 18, 2014, an election was held within the boundaries of the District and the creation of the District was confirmed by the voters of the District;

WHEREAS, the Board of Directors of the Corporation adopted a resolution authorizing the sale, conveyance, transfer, and assignment of the System and CCN 10297 to the District and the District adopted a resolution agreeing to accept the System and to assume all obligations of the Corporation in connection therewith, all as provided for and in compliance with Senate Bill 1116;

WHEREAS, the Corporation and the District have entered into a contract of sale to evidence sale, conveyance, transfer, and assignment of the System to the District; and

WHEREAS, the Board of Directors of the District desires to dissolve the Corporation; NOW THEREFORE,

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF CRYSTAL CLEAR WATER SUPPLY CORPORATION AS FOLLOWS:

1. The Board of Directors finds that upon consummation of the sale, conveyance, transfer, and assignment of the System to the District and the assumption by the District of all assets, rights, and obligations of the Corporation in connection therewith and all of the same have been transferred to the District in accordance with law and the requirements of SB 1116 creating the District.



2. Accordingly, the Board of Directors of the District hereby dissolve the Corporation effective once this Resolution is executed and thereafter recorded in Comal, Hays, Caldwell and Guadalupe Counties.

3. The <sup>vice</sup> President of the Board of Directors of the District is authorized to take all action necessary or convenient in connection with the dissolution of the Corporation including the filing of any Articles of Dissolution with the Secretary of State as required by law, the filing of any applicable notice with the Texas Commission of Environmental Quality, Public Utility Commission of Texas, or the Attorney General of the State of Texas, and any other matters.

4. The Corporation is dissolved upon issuance of a certificate of dissolution by the Texas Secretary of State, if necessary, as provided by the Texas Non-Profit Corporation Act.

ADOPTED this 23<sup>rd</sup> day of August, 2016.

Jack Carson  
~~Donald Bosworth~~ Jack Carson  
<sup>vice</sup> President, Board of Directors  
Crystal Clear Water Supply Corporation

STATE OF TEXAS §

COUNTY OF ~~HAYS~~ §  
guadalupe §

<sup>vice</sup> Before me the undersigned notary public, on this day personally appeared Jack Carson ~~Donald Bosworth~~, President of the Crystal Clear Water Supply Corporation, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he expressed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 23<sup>rd</sup> day of August, 2016.

Regina C. Franke  
Notary Public, State of Texas





# **EXHIBIT D**

## **Assignment of Claims and Acknowledgment**

## ASSIGNMENT OF CLAIMS

State of Texas

§

Know all men by these presents:

Counties of Comal, Hays,  
Caldwell, and Guadalupe

§

§

§

This Assignment of Claims ("Assignment") is entered into between Crystal Clear Special Utility District (Assignee) and Crystal Clear Water Supply Corporation (Assignor) (collectively referred to herein as the "Parties").

NOW, THEREFORE, in consideration of the mutual agreements, covenants, and promises between the Parties hereto, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the Parties, to the extent not already assigned as part of the process wherein Assignor has transferred assets to Assignee, Assignor has ASSIGNED, CONVEYED and TRANSFERRED and by these presents does hereby ASSIGN, CONVEY and TRANSFER unto Assignee, its successors and assigns:

Any and all rights, claims, interest, demands, and cause or causes of action or choses in action of any kind whatsoever, whether asserted or unasserted, including but not limited to claims for compensation in connection with any prior or pending decertification of Assignor's certificated service area.

TO HAVE AND TO HOLD the above described rights, together with, all and singular, the rights and privileges thereto in any wise belonging, unto the said Assignee, its successors and assigns forever. Assignee may in its own name and for its own benefit prosecute, collect, settle, compromise and grant releases on said rights as it in its sole discretion deems advisable. Assignee may maintain suit or any other claim or claims concerning the above assigned rights in its own name or in the Assignor's name. Assignee may recover either in its own name or in that of the Assignor. Assignor covenants that the rights, title and interest assigned herein have not been previously assigned or encumbered to a party other than Assignee.

Assignor:

Jack Carson  
~~Donald Bosworth~~ Jack Carson  
Authorized Representative for  
Crystal Clear Water Supply Corporation

Date: 08-23-2016

Assignee:

Jack Carson  
~~Donald Bosworth~~ Jack Carson  
Authorized Representative for  
Crystal Clear Special Utility District

Date: 08-23-2016

### ACKNOWLEDGMENT

STATE OF TEXAS

COUNTY OF Guadalupe

§  
§  
§

Before me, the undersigned authority in and for said County and State, on this 23<sup>rd</sup> day of August, 2016, personally appeared Jack Carson, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes therein expressed, and in the respective capacity therein stated.

Given under my hand and seal of office, this 23<sup>rd</sup> day of August, 2016.



Regina C. Franke

Notary Public, State of Texas

My Commission Expires: 05-29-2019

### ACKNOWLEDGMENT

STATE OF TEXAS

COUNTY OF Guadalupe

§  
§  
§

Before me, the undersigned authority in and for said County and State, on this 23<sup>rd</sup> day of August, 2016, personally appeared Jack Carson, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes therein expressed, and in the respective capacity therein stated.

Given under my hand and seal of office, this 23<sup>rd</sup> day of August, 2016.



Regina C. Franke

Notary Public, State of Texas

My Commission Expires: 05-29-2019