



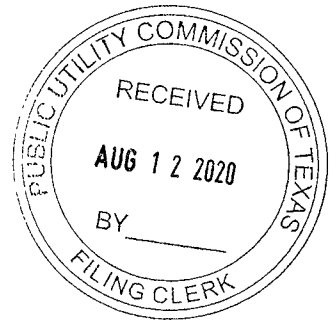
Control Number: 51160



Item Number: 1

Addendum StartPage: 0

PUC DOCKET NO. 51160



PETITION OF CENTRAL BOWIE	§	Before the
COUNTY WATER SUPPLY	§	
CORPORATION FOR CEASE AND	§	PUBLIC UTILITIES
DESIST ORDER AGAINST THE CITY	§	
OF NEW BOSTON, TEXAS	§	COMMISSION

ORIGINAL PETITION OF CENTRAL BOWIE COUNTY WATER SUPPLY CORPORATION
FOR CEASE AND DESIST ORDER AGAINST
CITY OF NEW BOSTON, TEXAS

TO THE HONORABLE PUBLIC UTILITIES COMMISSION OF TEXAS

1. Under TWC § 13.252, and IAW TAC, Title 16, Part II, § 24.255, Central Bowie County Water Supply Corporation (CBCWSC) requests that the Texas Public Utility Commission consider our petition for a cease and desist order against the City of New Boston.

Utility making request:

- a. Central Bowie County Water Supply Corporation
- b. CCN# 10525
- c. Email: cbwsc@windstream.net
- d. Ph#: (903) 628-5601
- e. P.O. Box 306
2822 Hwy 82 W
New Boston, TX 75570

Utility subject to order:

- f. City of New Boston
- g. CCN# 13164
- h. Email:
- i. Ph#: (903) 628-5596
- j. P.O. Box 5
301 E. N. Front Street
New Boston, TX 75570

2. CBCWSC has provided, and will continue to provide, continuous and adequate retail water service to its certificated service area under the terms of its lawful tariff. To that end, CBCWSC has completed several significant capital improvements in its CCN area. We are currently indebted to the United States department of Agriculture – Rural Development due to loans received for infrastructure improvements.

3. The City of New Boston recently annexed four parcels within the CCN of CBCWSC. See Exhibits. CBCWSC has had facilities in place and been providing services to properties a., b., & c. since 1972. A 6" water line is in place on parcels a., b., and c. Currently, there is one active CBCWSC service/customer and three inactive services on parcels a., b., and c.

4. Parcel d. is 38.692 acres out of an 80+ acre tract. Approximately 20+/- acres of the 38.692 acs on the east side is within the City of New Boston's CCN. The remaining 18 +/- acres in within CBCWSC's CCN. Furthermore, the remaining 40+/- acres not yet annexed on the western half of the 80+ acres is within CBCWSC's CCN. CBCWSC does not have facilities in place on this property. CBCWSC has a 3" line which runs parallel to the western boundary of the property and a 2" water line across CR 4001 from the western ½ of the property

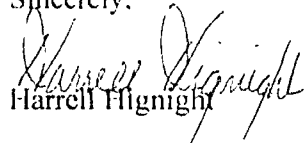
5. The City of New Boston is in conflict with TAC, Title 16, Part II, § 24.225. The City of New Boston is taking action to extend services within the boundaries of CBCWSC's CCN. They

do not have our consent. There have been no agreements. City of New Boston has not filed for any CCN changes. While services are not yet being provided by the City that we know of at either of the newly annexed locations, pipe is on site and pipe line installation by contractor began this morning at the parcel d. location on CR 4001.

6. Central Bowie County Water Supply Corporation seeks an order that prohibits the City of New Boston from locating lines, constructing facilities or lines, or extending or providing service to anyone within Central Bowie County Water Supply Corporation's CCN.

8. If you have questions contact me at 903-628-5601.

Sincerely,


Harrell Hignight

President

EXHIBITS:

- A. Affidavit of Hal Harris
- B. Letter of Service
- C. City of New Boston Public Notice (3 pgs)
- D. Map, Overview #1
- E. Map, Overview #2
- F. Map, Parcel d.
- G. Map, Parcels a., b., & c.
- H. Photo, Pipe
- I. Photo, Construction Equipment

Exhibit A

Date: 8/11/2020

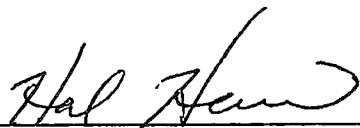
Subject: Affidavit of Hal Harris

To: Public Utility Commission of Texas

Before me, the undersigned authority, on this day appeared Hal Harris, who after being duly sworn, deposes and states as follows:


My name is Hal Harris. I am the General Manager of Central Bowie County Water Supply Corporation. I am over twenty-one years old, have never been convicted of a felony or of any misdemeanor involving moral turpitude, and am fully competent and qualified to make this Affidavit. I have reviewed the Original Petition of Central Bowie County Water Supply Corporation for a Cease and Desist order, and do hereby swear and affirm that all of the statement of facts set forth therein are true and correct based upon my personal knowledge.

Further Affiant sayeth not.



Hal Harris

SUBSCRIBED AND SWORN TO before me by Hal Harris on the 11th day of August, 2020.



Notary Public, State of Texas

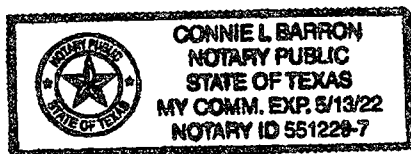


Exhibit B

Date: 8/11/2020

Subject: Certificate of Service

To: Public Utility Commission of Texas

I hereby certify by my signature below that on this 11th day of August, 2020, a true and correct copy of the above and foregoing document was forwarded via registered mail to:

City of New Boston

PO Box 5

New Boston, TX 75570

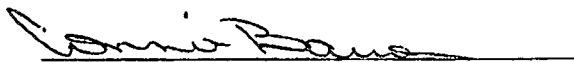
Connie Barron, Office Manager

Central Bowie County Water Supply Corporation

P.O. Box 306

2822 Hwy 82W

New Boston, TX 75570

A handwritten signature in cursive script, appearing to read "Connie Barron", is written over a horizontal line.

Connie Barron

Exhibit C

PUBLIC HEARING

The City Council of the City of New Boston, Texas, shall hear the following:

- 1) Consideration of a replat of a certain lot, tract or parcel of land lying and situated in the W. F. Thompson Headright Survey, Abstract 565, Bowie County, Texas, being a part of Lot 1, Block C of the H. B. Eubank minutes 1st Addition to the City of New Boston, Texas, as shown in the subdivision plat of the F. W. McGee minutes Addition to the City of New Boston, Texas, recorded in Volume 204, Page 171 of the Plat Records, of Bowie County Texas.
- 2) Applications for annexation of properties described as follows and requested zoning change:
 - a. 2.5 acres located at 2477 Hwy 82 W, New Boston, Texas from its Current Zoning of A-1 (Agricultural 1 District) to the new Proposed Zoning classification of C-2 (Commercial District)
 - b. 12.23 acres located at 2486 Hwy 82 W, New Boston, Texas from its Current Zoning of A-1 (Agricultural 1 District) to the new Proposed Zoning classification of C-2 (Commercial District)
 - c. 5.274 acres located on Hwy 82 W, New Boston, Texas from its Current Zoning of A-1 (Agricultural 1 District) to the new Proposed Zoning classification of C-2 (Commercial District)
 - d. 38.692 acres located on CR 4001, New Boston, Texas from its Current Zoning of A-1 (Agricultural 1 District) to the new Proposed Zoning classification of SF-1 (Single Family 1 District)

The Hearing will be held on July 28, 2020 at 5:00 p.m., or upon adjournment of the Planning and Zoning Commission Meeting, whichever is later, in the Community Center of the City of New Boston, Texas, at 301 E. North Front Street, New Boston, Texas. All persons having an interest may appear and be heard on said date.

SUPPLEMENTAL CALLED COUNCIL MEETING

The Governing Body of the City of New Boston, Texas will meet in a called Council Meeting, Tuesday, July 28, 2020 at 5:00 p.m., or upon the adjournment of the Public Hearing before the City Council, whichever is later, in the Community Center located at 301 E.N. Front Street, to consider and take official action on the following:

AGENDA

1. Call to order – Mayor Branson
2. Roll Call
3. Public Comment - Non-Agenda Items - limited to 15 minutes (each party will receive 3 minutes to speak)
4. Public Comment - Agenda Items - limited to 3 minutes per speaker

5. Consider and take official action on calling the City's General Election that was postponed from May 2, 2020 to November 3, 2020 for Mayor, Councilpersons Place 2 and Place 3.
6. Consider and take official action on Resolution No. 20-R-08, a Resolution of the City Council of the City of New Boston, Texas; authorizing the Mayor and City Secretary to enter into an Interlocal Agreement for a Joint Election with Bowie County, for the purpose of sharing an election polling place and expenditures associated with the election.
7. Consider and take action, if any, to accept or decline the recommendation of the Planning & Zoning Commission regarding replat of a certain lot, tract or parcel of land lying and situated in the W. F. Thompson Headright Survey, Abstract 565, Bowie County, Texas, being a part of Lot 1, Block C of the H. B. Eubank minutes 1st Addition to the City of New Boston, Texas, as shown in the subdivision plat of the F. W. McGee minutes Addition to the City of New Boston, Texas, recorded in Volume 204, Page 171 of the Plat Records, of Bowie County Texas.
8. Consider and take action, if any, to accept or decline the recommendations of the Planning & Zoning Commission regarding the zoning change requests for the following properties:
 - a. 2.5 acres located at 2477 Hwy 82 W, New Boston, Texas from its Current Zoning of A-1 (Agricultural 1 District) to the new Proposed Zoning classification of C-2 (Commercial District)
 - b. 12.23 acres located at 2486 Hwy 82 W, New Boston, Texas from its Current Zoning of A-1 (Agricultural 1 District) to the new Proposed Zoning classification of C-2 (Commercial District)
 - c. 5.274 acres located on Hwy 82 W, New Boston, Texas from its Current Zoning of A-1 (Agricultural 1 District) to the new Proposed Zoning classification of C-2 (Commercial District)
 - d. 38.692 acres located on CR 4001, New Boston, Texas from its Current Zoning of A-1 (Agricultural 1 District) to the new Proposed Zoning classification of SF-1 (Single Family 1 District)
9. Consider and take official action, if any, on Ordinance No. 20-O-06 annexing to the City of New Boston, Texas 2.5 acres located at 2477 Hwy 82 W, New Boston, Texas, and Bowie County, Texas owned by Donna Scott.

An Ordinance annexing property into the City at the request of the owners of said property; approving a Services Agreement for newly annexed property; providing a severability clause; and establishing an effective date.

10. Consider and take official action, if any, on Ordinance No. 20-O-07 annexing to the City of New Boston, Texas the following properties:
 - a. 12.23 acres located at 2486 Hwy 82 W, New Boston, Texas, and Bowie County, Texas owned by Kenneth D. Lynch and Nancy A. Lynch.
 - b. 5.274 acres located on Hwy 82 W, New Boston, Texas, and Bowie County, Texas owned by BCDC Properties, Inc.

An Ordinance annexing property into the City at the request of the owners of said property; approving a Services Agreement for newly annexed property; providing a severability clause; and establishing an effective date.

11. Consider and take official action, if any, on Ordinance No. 20-O-08 annexing to the City of New Boston, Texas 38.692 acres located on CR 4001, New Boston, Texas, and Bowie County, Texas owned by 1993 Real Estate, LLC, a Texas limited company, Kyle B. Davis, Donald Kevin Schutte, Kimberly Ann Schutte, Nelson Nunez, and Kathryn Nunez. This is to correct the names of the property owners.

An Ordinance annexing property into the City at the request of the owners of said property; approving a Services Agreement for newly annexed property; providing a severability clause; and establishing an effective date.

12. Consideration and take official action to approve the donation of the radio tower located behind 120 West Street.

13. Adjourn.

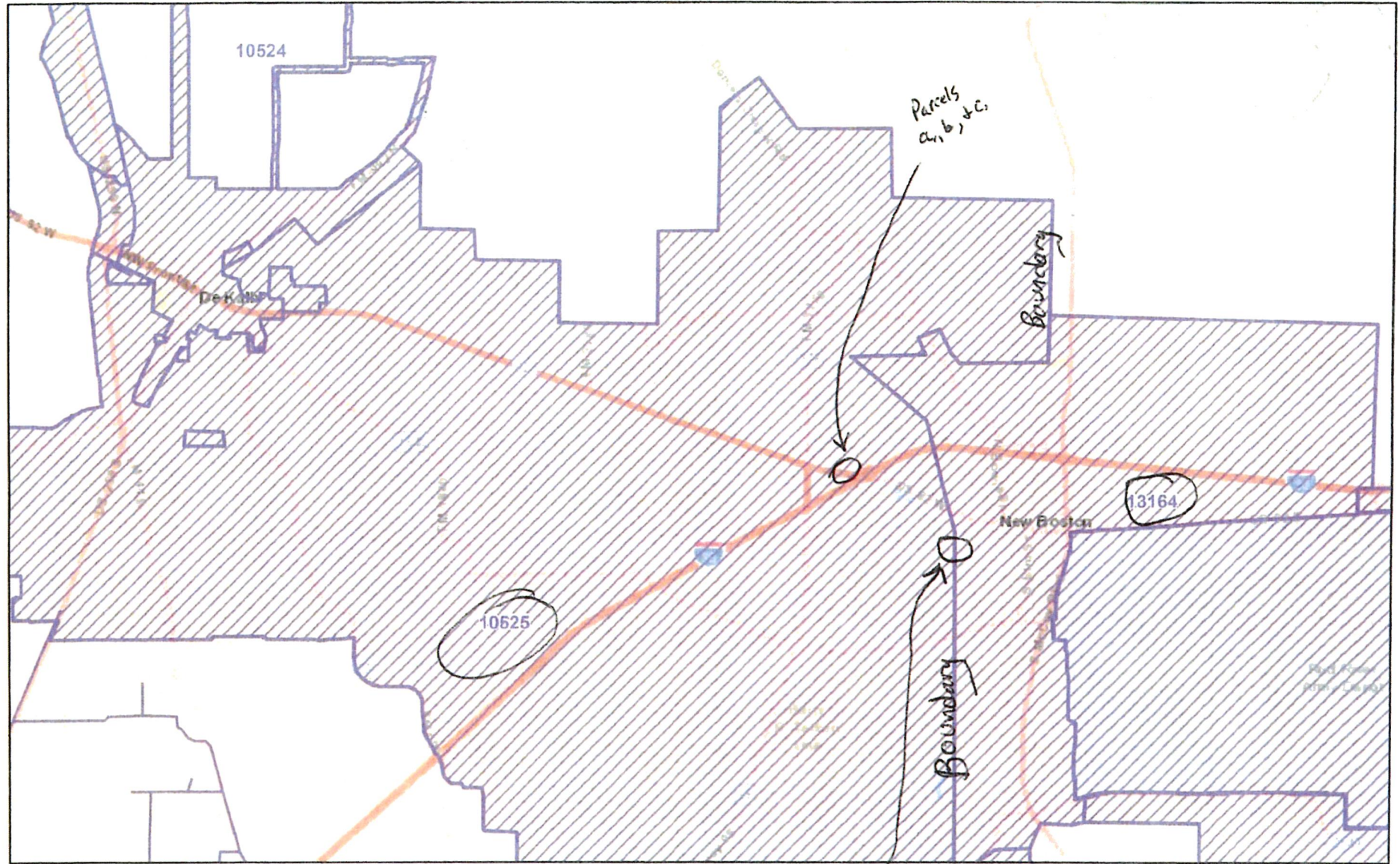
NOTE: The Council reserves the right to retire into Executive Session concerning any of the items listed on this Agenda, whenever it is considered permissible under the Open Meetings Act.

I certify that the above notice of meeting was posted in City Hall, 301 E.N. Front Street, New Boston, Texas on the 24th day of July 2020 at 5:00 p.m. I further certify that the following media was properly notified of this meeting as stated above: Bowie County Citizens Tribune and Texarkana Gazette.

This facility is wheelchair accessible and accessible spaces are available. Request for accommodations or interpretive services must be made 48 hours prior to this meeting. Contact Sharmin R. Hutto, City Secretary at (903) 628-5596 or fax (903) 628-6034.


Sharmin Hutto
City Secretary

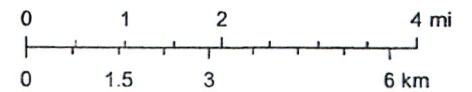
PUBLIC COMMENT REQUIREMENTS. Persons desiring to address the City Council regarding an item on this Agenda, must sign up with the City Secretary during the period commencing thirty (30) minutes before the meeting starts and ending at the Call to Order of the Meeting. The person must give his/her name, address, and telephone number and the Agenda item upon which he/she desires to speak. Each person is limited to three (3) minutes to speak on each item. A non-English speaking person who addresses the City Council through a translator may speak for up to six (6) minutes.



August 11, 2020

Parcel d.

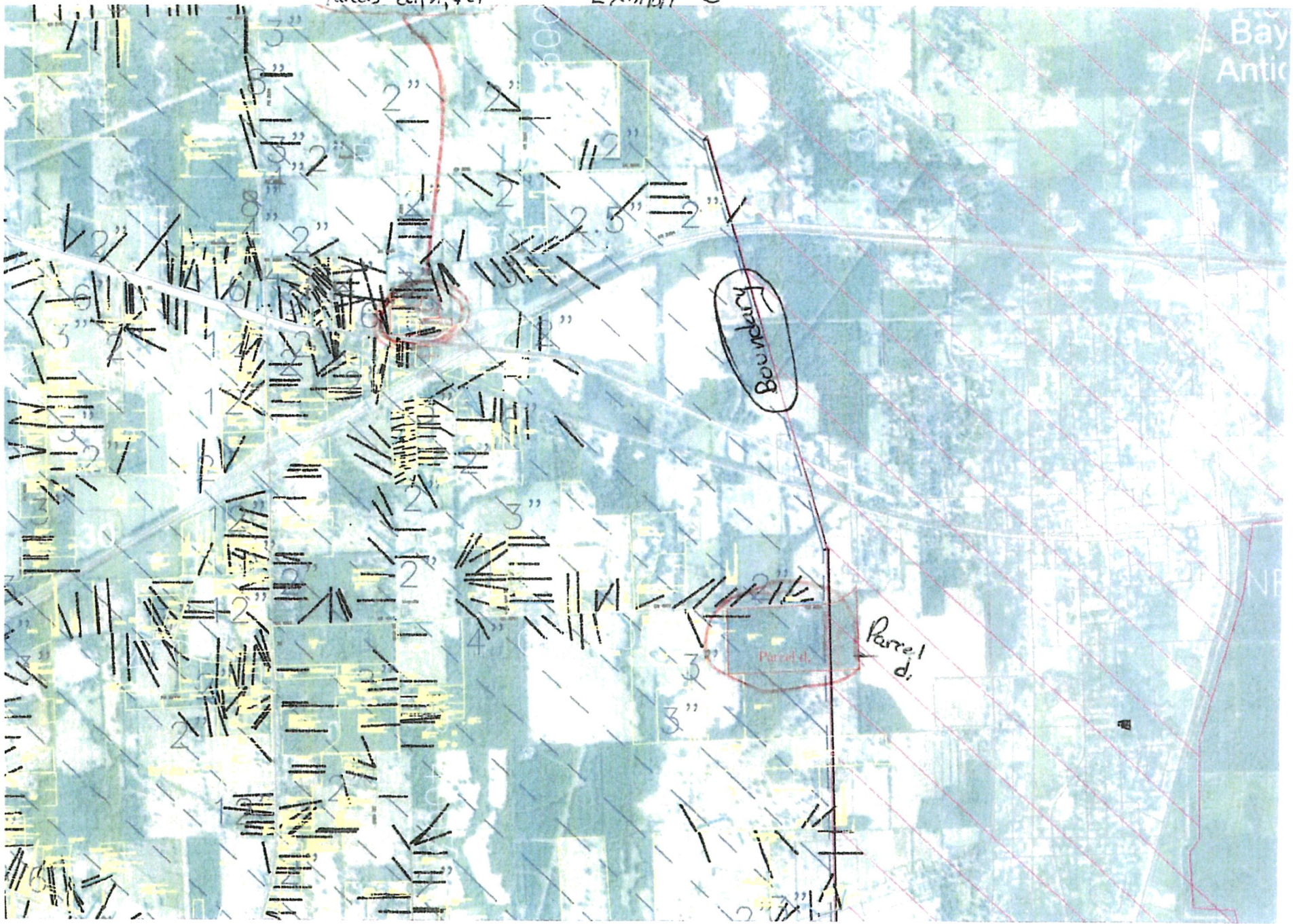
1:144,448



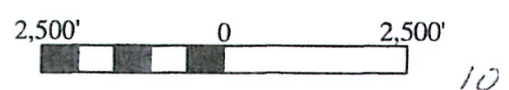
Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan.

Parcels a, b, & c,

Exhibit E

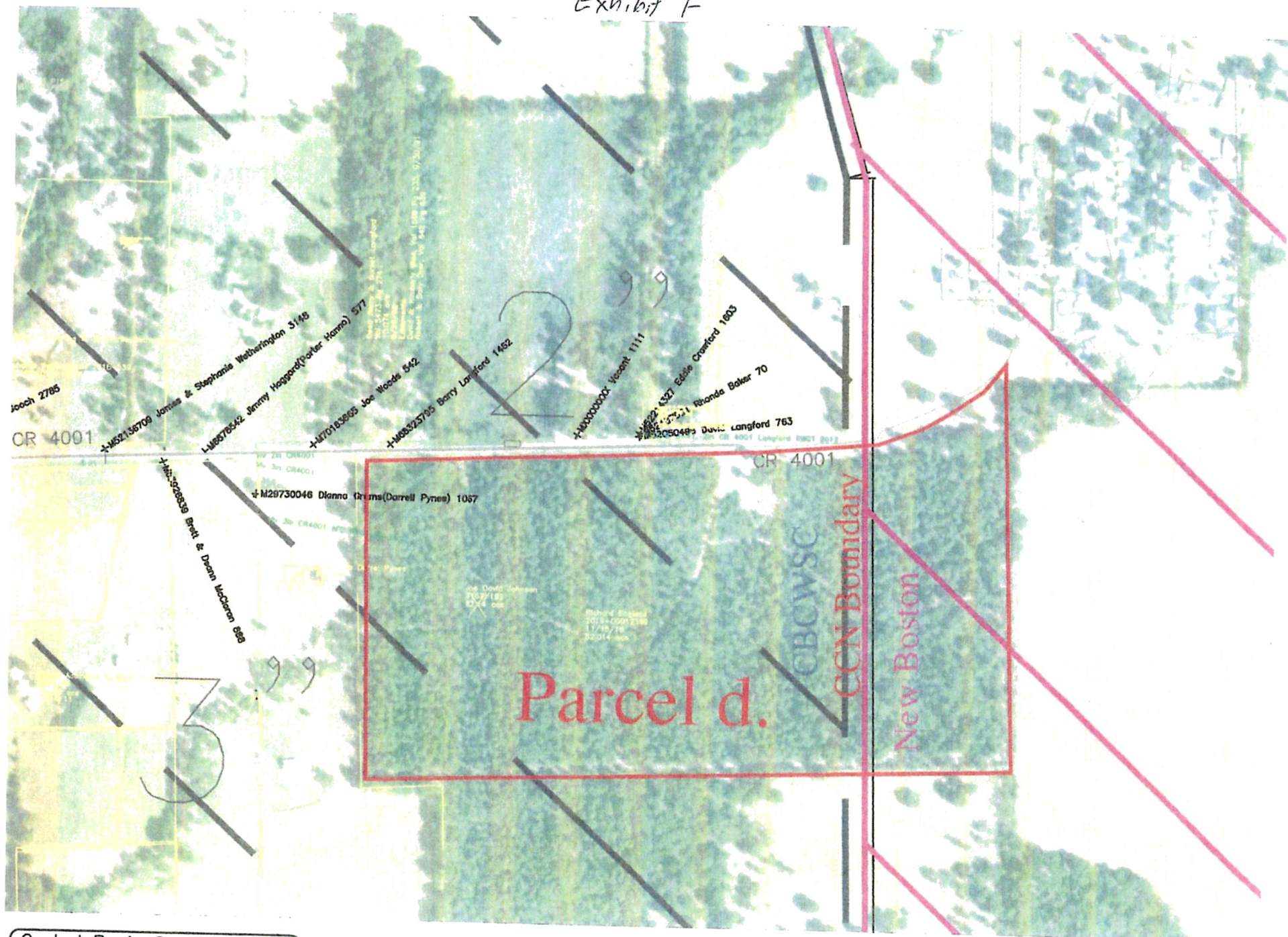


Central Bowie County Water
Supply Corporation



Date:	8/11/20	Drawing:	CCN
Scale:	30,000	AutoCAD Map	Sheet 1

Exhibit F



Central Bowie County Water
Supply Corporation

Date: 8/11/20	Drawing: CCN
---------------	--------------

Ex h, bit G

