



Control Number: 54565



Item Number: 2245

Tomme J. Hartgrove  
101 Shady Wood Court  
Weatherford, Texas 76087  
817-944-1474  
gthartgrove@icloud.com

RECEIVED  
2023 APR 25 AM 10:58  
PUBLIC UTILITY COMMISSION  
FILING CLERK

April 12, 2023

Texas Public Utility Commission:

Please accept this additional information to be added to docket number 54665.

Enclosed is a letter from Cindy Strunck a Falls County land owner in Tri County Water SUD. This complaint letter concerns acquiring water meters on her property. The water meters were approved on June 1, 2022 by the Bryan, Texas engineering company Goodwin, Lasiter, and Strong. Tri County Water SUD's standard engineering company. (See enclosed report).

Mrs. Strunck listed her property for sale and accepted a real estate contract for sale of her property. The buyer requested that Mrs. Strunck apply and pay for a new water study upgrading her property to fifteen (15) water meters, which she did. The water study was performed and approved by the Goodwin, Lasiter, and Strong engineering, on November 22, 2022. On November 23, 2022 the board of Tri County Water SUD, denied the engineering report, refusing to provide water meters to Mrs Strunck. They indicated her property was out of their area, we do not believe this is accurate, because the engineering company prepared a probable cost amount for this project. (See enclosed engineers cost opinion). Ultimately these actions by Tri County Water SUD, concluded in the buyer resending his offer to purchase this property, because he could not obtain water meters.

We believe these actions by Tri County Water SUD may indicate they do not have the funds or the will, to upgrade their one (1) inch water distribution lines. These one (1) inch distribution lines are installed throughout their entire CCN. Their solution to this problem seems to be to deny any additional water meters, for many property owners within their CCN. Although they know the one (!) inch water lines are not able to handle more meters Tri County Water SUD continues to accept fees for engineering studies they know will not be approve. I believe this maybe considered deceptive trade practices.

Please bring your attention to the engineering study enclosed and note the TCEQ chapter rule that states, all water distribution lines must be two (2) inches minimum.

This complaint, docket number 54665, ask TRI County Water SUD's distribution lines to be upgraded as required by TCEQ and water meter to be issued to property owners within their CCN and for their CCN to be extended on a one time basis, which they are allowed to do with very little effort.

2249

We also ask the Texas Public Utility Commission to strongly investigate Tri County Water SUD, including but not limited to the lack of upgrades to their systems, their refusal to make application for several grants, even though help with these applications was offered by the Waco office of Congressman Pete Sessions and a financial audit of this SUD.

Sincerely,

A handwritten signature in black ink, reading "Tomme J. Hartgrove". The signature is written in a cursive, flowing style with a large, stylized initial "T".

Tomme J. Hartgrove

March 17, 2023

To Whom It May Concern:

Re: Tri-County Special Utility District  
5212 State Hwy. 7 East  
Marlin, TX 76661

This letter is to serve as a complaint/  
unsatisfied decision on denying  
me a water meter on my  
property located in McLennan  
County, address being Various Lane,  
Mart, TX 76664.

My water meter was initially approved  
on June 1, 2022. See attached  
water meter study. After listing  
the property for sale on September  
28<sup>th</sup>, 2022, the prospective buyer  
requested another water meter study,  
for an infrastructure upgrade of  
15 water meters. His water meter  
study was also approved by the  
engineer on November 22, 2022.

On the very next day, November 23, 2022,  
Josh Simmons @ Tri-County called and

told me and the prospective buyer,  
the Board @ Tri-County Water had  
denied us both of water period.  
The reason being was Vanous Lane  
was out of their service area.

So what they were saying was that  
the engineer made the same  
mistake twice.

I honestly believe it was some sort  
of conspiracy to block us from  
receiving water or I simply  
was not part of "The Good Ole  
Boys Club."

What is the purpose of an engineer  
study if the Board of Directors  
overrides his water study decision?

Sincerely,

Cindy P. Strunck

337-344-6098

cindystrunck@yahoo.com

Tri-County Special Utility District  
P. O. Box 976  
5212 State Highway 7 East  
Marlin, Texas 76661  
254-803-3553  
Fax 254-803-3083

I wish to pursue with a hydraulic study (meter study) to find out if I qualify for a meter.  
The meter is to be installed on the property being served.

I understand that the hydraulic study does not guarantee a meter.

The cost of the hydraulic study is currently \$300.00 payable to Tri-County S.U.D.

The hydraulic study will be completed by a register engineer.

AUBREY STRUNCK, JR.  
CINDY STRUNCK  
106 PINNACLE DRIVE  
YOUNGSVILLE, LA 70592

88-324/1119 15739

DATE 5-6-2022

PAY TO THE ORDER OF Tri-County SUD \$300.00

Three hundred and 00/100 DOLLARS

1st The First National Bank of Central Texas

MEMO Meter Study - Various Lane Cindy P. Strunck

5739

Check #15739  
Form of payment

\$300.00  
Amount Paid

Cindy P. Strunck  
Signature of Applicant

5-6-2022  
Date



# GOODWIN • LASITER • STRONG

ENGINEERING • ARCHITECTURE • INTERIOR DESIGN • SURVEYING

LUPKIN • GROESBECK • BRYAN/COLLEGE STATION  
www.GLSTEXAS.com

Tri County Special Utility District  
Highway 7 East (PO Box 976)  
Marlin, TX 76661

June 01, 2022

Attn: Sandy Drews

Re: Water Meter Request – Cindy Strunck

Dear Mrs. Drews,

We have input the meter requested into the system model provided at the location specified. Based on the modeling results, it appears the system can serve this meter with upgrading a portion of the existing 1" line. A 1" waterline cannot be used as a distribution line per the current Texas Commission on Environmental Quality (TCEQ) standards. The minimum distribution line size allowed is a 2" water main. The maximum connections per TCEQ for a 2" line is 10 connections. Currently, the 1" line serves 1 existing connection based on the model.

The approximate distance of the line to be upgraded to a 2" line is 1,203 LF. The limits of the line replacement begin at the existing 3" waterline located at the northwestern corner of the County Road 169 and Vanous Lane intersection. Begin replacing the existing 1" line with new 2" CL 200 PVC along the western side of Vanous Lane, northerly for ~1,203 LF to the location of the new meter. The new 2" line would interconnect to the existing 3" line at the northern side of County Road 169. An existing service within the replacement area would be re-connected to the new 2" line.

With the improvements noted above, this meter can be served by providing a service tap to the new 2" line on the western side of Vanous Lane and running a 1" service line to this location by encased 2" steel casing bore and over-the-line tap. The proposed service would be the 2<sup>nd</sup> connection to the new 2" line. The results of the model indicate the pressure at this location is ~50 PSI under normal conditions.

## Engineer's Opinion of Probable Cost:

1" CL. 200, (PVC Service Line Included)						
Meter & Service Tap	1	EA	x	\$ 2,500.00	=	\$ 2,500.00
2" CL. 200 (PVC Waterline)	1,203	LF	x	\$ 12.00	=	\$ 14,436.00
3" Interconnect	1	EA	x	\$ 1,200.00	=	\$ 1,200.00
3" Gate Valve & Box	1	EA	x	\$ 725.00	=	\$ 725.00
2" Gate Valve & Box	1	EA	x	\$ 650.00	=	\$ 650.00
2" Steel Casing, By Bore	40	LF	x	\$ 70.00	=	\$ 2,800.00
Reconnect Ex. Service	1	EA	x	\$ 100.00	=	\$ 100.00
Deposit	1	EA	x	\$ 200.00	=	\$ 200.00
Total Cost:					\$	22,611.00

**Note:** This cost is the engineer's opinion of probable cost of construction based upon bids received for work of a similar nature. Prices obtained from contractors, for this exact project, should be used in the determination of charges to the meter applicant.

Sincerely,

John Rusk, P.E.  
Project Manager



Enclosures

4077 CROSS PARK DRIVE • SUITE 100  
BRYAN, TEXAS • 77802

T.S.P.E. FIRM NO. 413

PHONE: 979-776-9700  
FAX: 979-776-3838

T.S.P.L.S. FIRM NO. 10110801

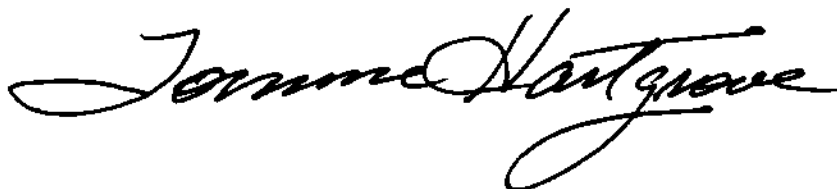
**DOCKET NO. 54665**

**COMMISSION STAFF'S FIRST REQUEST FOR INFORMATION TO  
TOMME HARTGROVE, DAVID AND DONNA FITZ, AND TERRY AND ROBIN  
FUNDERBURK  
QUESTION NO. STAFF 1-1 THROUGH STAFF 1-1**

**STAFF 1-1** Please provide a statement stating the specific relief as to which the complainants are seeking.

This complaint is asking the Texas Public Utility Commission/TCEQ to investigate Tri County Water SUD and to enforce all rules concerning this complaint.

- 1) Including but not limited too, Under sized water distribution lines within their CCN, according to TCEQ rule 290.44 (C) all distribution water lines must be a minimum of two (2) inches.
- 2) The refusal of Tri County Water SUD to extend their service. TCEQ rule, under the Texas water code, states service can be extended without amending their CCN, if applicant is within a quarter mile (1320 ft) from the CCN boundary.
- 3) The refusal of Tri County Water SUD to apply for grants. The fact that one of their major water wells is contaminated with arsenic makes it necessary to obtain water else where at considerable cost. The Waco office of Congressman Pete Sessions offered to assist in acquiring grants but were turned down.
- 4) A complete financial audit of Tri County Water SUD's entire operation. According to the Texas water code CCN is required to provide continuous and adequate service within its CCN boundary and must keep their operations updated at the water companies expense not the applicate or customer.

A handwritten signature in black ink, reading "Tomme Hartgrove". The signature is written in a cursive, flowing style with a large, prominent loop at the end of the last name.



Tri-County Special Utility District  
P. O. Box 976  
5212 State Highway 7 East  
Marlin, Texas 76661  
254-803-3553  
Fax 254-803-3083

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Reconnect Ex. Service	1	EA	x	\$ 100.00	=	\$ 100.00
Deposit	1	EA	x	\$ 200.00	=	\$ 200.00
Total Cost:						\$ 22,611.00

Note: This cost is the engineer's opinion of probable cost of construction based upon bids received for work of a similar nature. Prices obtained from contractors, for this exact project, should be used in the determination of charges to the meter applicant.

Sincerely,

John Rusk, P.E.  
Project Manager



Enclosures

4077 CROSS PARK DRIVE • SUITE 200  
BRYAN, TEXAS • 77802

T.S.P.E. FIRM NO. 413

PHONE: 979-776-9700  
FAX: 979-776-3838

T.S.P.L.S. FIRM NO. 10110801

4  
From: Tomme Hartgrove <gthartgrove@icloud.com>  
Subject: Fwd: Tri-County SUD - service extensions  
Date: Oct 13, 2022 at 10:21:05 AM  
To: Robin Funderburk <rpfinderburk@catamounttelecom.com>

---

Sent from my iPhone

Begin forwarded message:

From: Tomme Hartgrove <gthartgrove@icloud.com>  
Date: October 12, 2022 at 3:30:11 PM CDT  
To: David Yager <David.Yager@tceq.texas.gov>  
Subject: Re: Tri-County SUD - service extensions

Thank you so much for the information.  
Tomme Hartgrove

Sent from my iPhone

On Oct 12, 2022, at 3:25 PM, David Yager <David.Yager@tceq.texas.gov> wrote:

Mr. Hartgrove,

You were asking about 1-inch lines in distribution for the above Public Water System (PWS# 0730004). Line sizing for distribution is found in TAC Chapter 290.44(c).

X §290.44(c) Minimum waterline sizes. The minimum waterline sizes are for domestic flows only and do not consider fire flows. Larger pipe sizes shall be used when the licensed professional engineer deems it necessary. It should be noted that the required sizes are based strictly on the number of customers to be served and not on the distances between connections or differences in elevation or the type of pipe. No new waterline less than two inches in diameter will be allowed to be installed in a public water system distribution system. These minimum line sizes do not apply to individual customer service lines. Table 2: 10 homes on 2-inch, 25 homes on 2.5", 50 homes on 3", 100 homes on 4-inch, etc

You could contact Richard Monreal at 254-751-0335 at the Waco office to come out



(B) is providing the services of a water supply or sewer service corporation under a certificate of convenience and necessity issued by the commission or a predecessor agency.

Added by Acts 1983, 68th Leg., p. 2448, ch. 435, Sec. 4, eff. Aug. 29, 1983. Amended by Acts 1985, 69th Leg., ch. 447, Sec. 1, eff. Nov. 15, 1985; Acts 1985, 69th Leg., ch. 795, Sec. 1.153, eff. Sept. 1, 1985; Acts 1987, 70th Leg., ch. 149, Sec. 47, eff. Sept. 1, 1987; Acts 1991, 72nd Leg., 1st C.S., ch. 3, Sec. 1.082, eff. Aug. 12, 1991; Acts 1997, 75th Leg., ch. 474, Sec. 1, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 62, Sec. 18.67, eff. Sept. 1, 1999; Acts 1999, 76th Leg., ch. 320, Sec. 1, eff. Aug. 30, 1999; Acts 2001, 77th Leg., ch. 669, Sec. 150, eff. Sept. 1, 2001.

#### SUBCHAPTER B. CREATION OF DISTRICT; CONVERSION OF DISTRICT

Sec. 65.011. CREATION OF DISTRICT. A special utility district may be created under and subject to the authority, conditions, and restrictions of, and is considered a conservation and reclamation district under Article XVI, Section 59, of the Texas Constitution.

Added by Acts 1983, 68th Leg., p. 2448, ch. 435, Sec. 4, eff. Aug. 29, 1983. Amended by Acts 1985, 69th Leg., ch. 447, Sec. 1, eff. Nov. 15, 1985.

Sec. 65.012. PURPOSES OF DISTRICT. A district may be created:

(1) to purchase, own, hold, lease, and otherwise acquire sources of water supply; to build, operate, and maintain facilities for the transportation of water; and to sell water to towns, cities, and other political subdivisions of this state, to private business entities, and to individuals;

(2) for the establishment, operation, and maintenance of fire-fighting facilities to perform all fire-fighting activities within the district; or

(3) for the protection, preservation, and restoration of the purity and sanitary condition of water within the district.

Added by Acts 1983, 68th Leg., p. 2448, ch. 435, Sec. 4, eff. Aug.



# Public Utility Commission of Texas

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## Rules and Guidance for Water and Sewer Utilities

If you wish to start a water or sewer utility, it is important to become familiar with the associated rules and requirements. Various water and sewer utilities are regulated in different ways, based on state law. The Public Utility Commission of Texas (PUC) will provide, upon request, electronic and paper copies, at a reasonable cost, of the Public Utility Regulatory Act (PURA) and adopted rules from Texas Water Code, Chapters 13.016, 13.043, and 13.187.

### What is a Utility Annual Report and when is it due?

Please see the publication: Annual Reports: A Guide for Utilities.

### Certificates of Convenience and Necessity (CCNs)

A Certificate of Convenience and Necessity (CCN) grants a CCN holder the exclusive right to provide retail water or sewer utility service to an identified geographic area. Chapter 13 of the Texas Water Code requires a CCN holder to provide continuous and adequate service to the area within its CCN boundary. Municipalities and districts are not required to have a CCN to serve in areas that are not already being lawfully served by another retail public utility; however, some municipalities and districts choose to obtain a CCN to protect their service area from encroachment. A district may not provide retail water or sewer service within the CCN service area of a retail public utility or within the boundaries of another district without the retail public utility's or district's consent, unless the district has a CCN to provide retail water or sewer utility service to that area. Similarly, a municipality may not provide retail water or sewer service within the CCN service area of a retail public utility unless the municipality has a CCN to provide retail water or sewer utility service to that area.

#### Types of Certificated Service Areas:

**Bounded Service Areas:** A certificated service area with closed boundaries that often follows identifiable physical and cultural features such as roads, rivers, streams and political boundaries.

**Facilities+200 Feet:** A certificated service area represented by lines on a map. They include a buffer of a specified number of feet (usually 200 feet). The lines on a map normally follow along roads and may correspond to distribution lines or facilities in the ground.

**Facilities Only:** A certificated service area represented by lines on a map. They are granted for a "point of use" that covers only the customer connections at the time the CCN is granted. Facility only service lines normally follow along roads and may correspond to the distribution lines or facilities in the ground.

### Frequently Asked Questions about Certificates of Convenience and Necessity (CCNs)

- What happens when CCNs overlap?
- Who provides water or sewer service to my property?
- How do I apply to obtain or amend a CCN?
- How do I apply to Sell, Transfer, or Merge a Utility?
- What if I need to change the rates for my CCN service area?
- Can I get an exemption from the requirement of having a CCN?
- What is the List of Approved Counties for a Streamlined Expedited Release Petition?
- How Do I File a Petition for a Streamlined Expedited Release?
- Rules, Forms and Publications for Water Utilities
- How to contact the PUC Water Utilities Division

### What happens when CCNs overlap?

Dual certification occurs when CCN areas overlap. In areas of dual certification, the customer has the choice of which utility to request service from, as long as all of the required extensions and connection fees are paid to the chosen utility.

### Who provides water or sewer service to my property?

The PUC's CCN Viewer enables users to view, print and download retail water and sewer utility CCN service area boundaries. Additionally, the viewer allows users to determine if there are existing retail utility providers that hold a CCN for a particular site or area.

To help identify the water and/or sewer CCN holders in a particular area, please E-mail the Water Utilities Division mapping staff at [water@puc.texas.gov](mailto:water@puc.texas.gov). In the subject line of your E-mail write: "Attention Mapping Staff".





Notice the 1" lines in this area only. More in other areas of TM City 300 CCN