

TCEQ DOCKET NO. 2007-0275-UCR

2007 OCT 24 AM 11:10

SECTION 13.248 AGREEMENT
DESIGNATING SERVICE AREAS
BETWEEN THE CITY OF FRISCO,
CCN NO. 11772 AND TERRA
SOUTHWEST, INC. CCN NO. 11608
IN DENTON COUNTY, TEXAS

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BEFORE THE CHIEF CLERKS OFFICE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

**CITY OF FRISCO'S REPLY TO
TERRA SOUTHWEST, INC.'S MOTION TO OVERTURN**

TO THE HONORABLE COMMISSIONERS OF THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY:

COMES NOW the City of Frisco, Texas ("City") located in Denton County, Texas and files this, its Response to the Motion to Overturn the Order of the Executive Director filed by Terra Southwest, Inc., ("Terra"). The Executive Director correctly issued the order deeming the 13.248 agreement between the City and Terra as valid and enforceable. However, the City agrees with Terra that an error occurred in the mapping process. The City does not agree with Terra to the extent of the error and believes the area in question to be different than Terra alleges. The City attaches to its response the map that was filed with the application ("Attachment A"), the map that was issued as part of this proceeding ("Attachment B"), and a map that illustrates the area the City believes to be in error ("Attachment C").

The Executive Director's Order correctly deems the 13.248 agreement as valid and enforceable but references an incorrect map as an attachment. Because of the reasons stated

above, the Honorable Commissioners should not grant Terra's Motion to Overturn, but should rather correct the map attached to the Order.

Respectfully submitted,

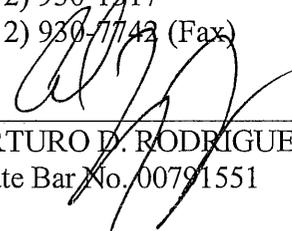
Russell & Rodriguez, L.L.P.

102 West Morrow, Suite 103

Georgetown, Texas 78626

(512) 930-1317

(512) 930-7742 (Fax)



ARTURO D. RODRIGUEZ, JR.

State Bar No. 00791551

ATTORNEY FOR THE CITY OF FRISCO, TEXAS

CERTIFICATE OF SERVICE

I hereby certify that on this the 24th day of October, 2007, a true and correct copy of the foregoing document has been sent via facsimile, first class mail, Federal Express overnight delivery, or hand delivery to the following:

<p>Ms. Celeste Baker Acting General Counsel (MC-101) Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087 (mail) Telephone: (512) 239-5525 Fax: (512) 239-5533</p>	<p>General Counsel of the Texas Commission on Environmental Quality</p>
<p>Ms. Shana Horton Texas Commission on Environmental Quality MC-173 P.O. Box 13087 Austin, Texas 78711-3087 Telephone: (512) 239-6259 Fax: (512) 239-3434</p> <p>Ms. Tammy Benter Utilities and Districts Section – MC 153 P.O. Box 13087 Austin, Texas 78711-3087 Fax: (512) 239-2214</p>	<p>Representing the Executive Director, Texas Commission on Environmental Quality</p>
<p>Mr. Blas Coy Office of the Public Interest Counsel Texas Commission on Environmental Quality MC-103 P.O. Box 13087 Austin, Texas 78711-3087 Telephone: (512) 239-6363 Fax: (512) 239-6377</p>	<p>Representing the Office of Public Interest Counsel, Texas Commission on Environmental Quality</p>
<p>Ms. Jody Henneke Office of the Public Assistance Texas Commission on Environmental Quality MC-108 P.O. Box 13087 Austin, Texas 78711-3087 Telephone: (512) 239-4000 Fax: (512) 239-4007</p>	<p>Representing the Office of Public Assistance, Texas Commission on Environmental Quality</p>

<p>Mr. Kyle Lucas Alternative Dispute Resolution Texas Commission on Environmental Quality MC-222 P.O. Box 13087 Austin, Texas 78711-3087 Telephone: (512) 239-4010 Fax: (512) 239-4015</p>	<p>Representing Alternative Dispute Resolution, Texas Commission on Environmental Quality</p>
<p>Docket Clerk TCEQ Office of Chief Clerk (MC-105) P.O. Box 13087 Austin, Texas 78711-3087 (mail) 12100 Park 35 Circle, Building F Austin, Texas 78753 (delivery) Fax: (512) 239-3311</p>	<p>For the Office of the Chief Clerk</p>
<p>Ms. Maria Sanchez Davidson & Troilo 919 Congress, Suite 810 Austin, Texas 78701 Fax: (512) 473-2159</p>	<p>Representing Terra Southwest, Inc.</p>

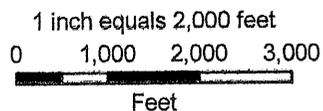


ARTURO D. RODRIGUEZ, JR.

City of Frisco - Terra Southwest CCN Transfer



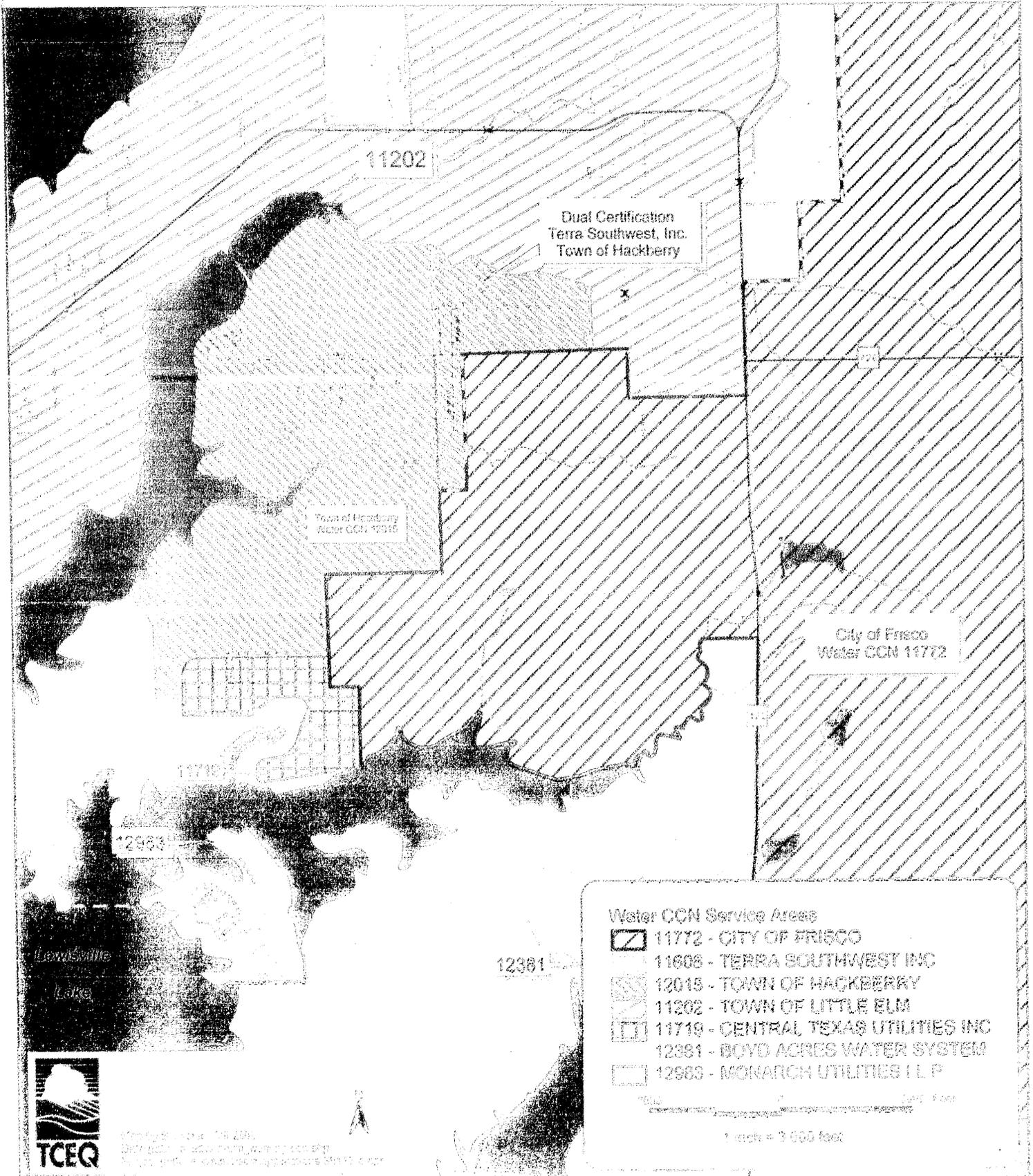
Source: City of Frisco, GIS
Date: January 5, 2006



Legend

- Major Roads
- Minor Roads
- Lakes
- 355 Acre Terra Southwest Tract
- Frisco City Limits
- City of Frisco
- Frisco ETJ

City of Frisco / Terra Southwest, Inc. 13.248 Agreement
 Portions of Water Service Area
 Application No. 35118-C (Denton County)



Water CCN Service Areas

-  11772 - CITY OF FRISCO
-  11608 - TERRA SOUTHWEST INC
-  12015 - TOWN OF HACKBERRY
-  11202 - TOWN OF LITTLE ELM
-  11719 - CENTRAL TEXAS UTILITIES INC
-  12361 - BOYD ACRES WATER SYSTEM
-  12963 - MONARCH UTILITIES L.L.P.

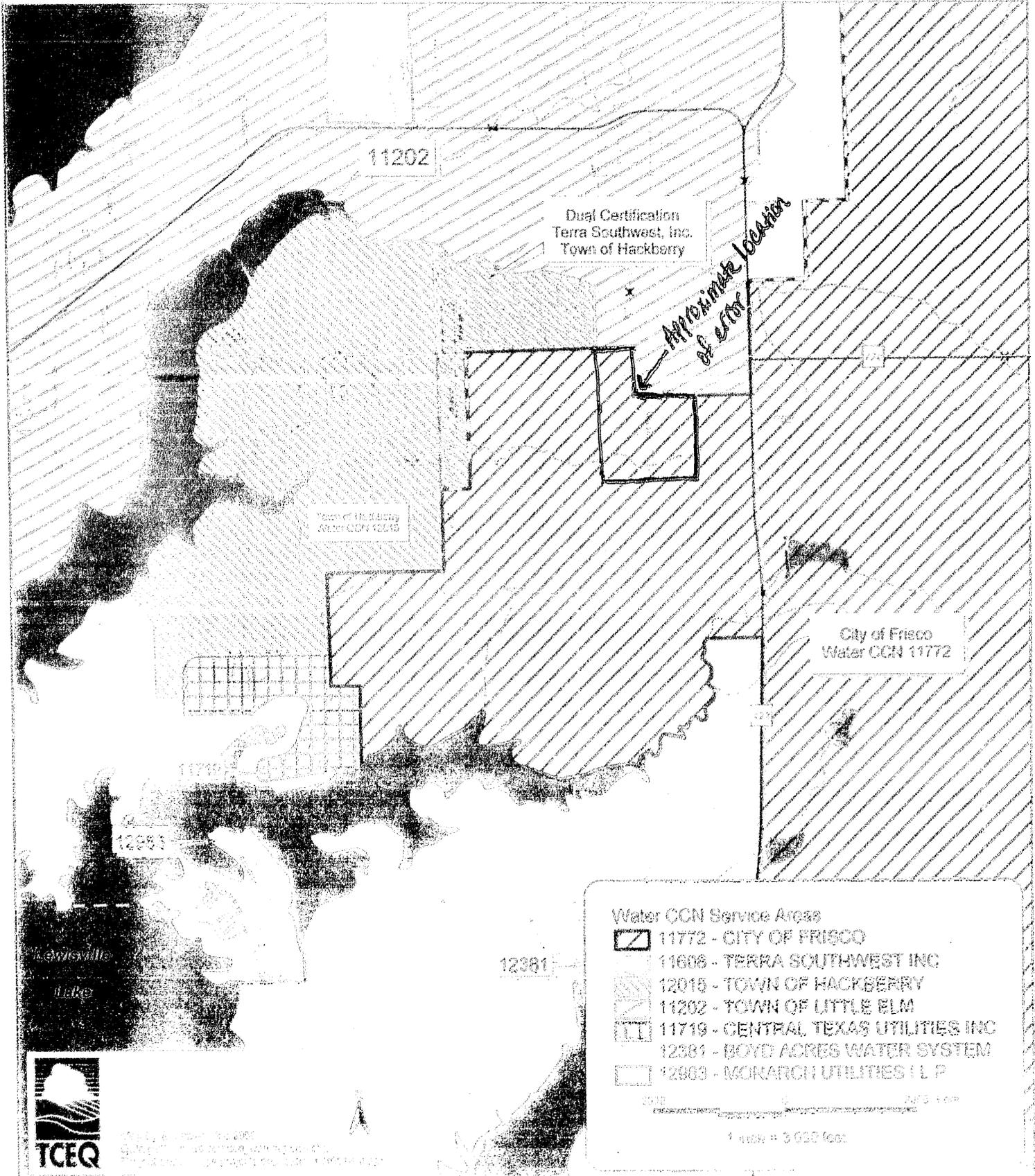
0 1 2 3 4 5 6 7 8 9 10 Miles

1 inch = 3,000 feet



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0 1000 2000 3000 Feet

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