



class” or “periodical” permit with the United States Post Office as required by Texas Gov’t Code § 2051.044. Instead of publishing notice in a legal “newspaper” as defined by Texas law, the applicant attempted to publish a “notice” statement in a free-distribution publication, which is published outside the boundaries of Rockwall County and not holding the requisite “second-class” or “periodical” permit required by law.

The Texas Water Code § 49.011(b) requires publication in a “newspaper” as does Texas Admin. Code § 293.12(b)(1) (TCEQ Rule). However, neither the statutory requirement in the Water Code, or the administrative rule provide the statutory-specified definition of a newspaper. As such, Texas Gov’t Code § 2051.044 requires recognition of a publishing entity which meets the statutory definition of a “newspaper,” which specifically requires publication “in the county” and the holding of a “second-class” or “periodical” permit with the United States Post Office.

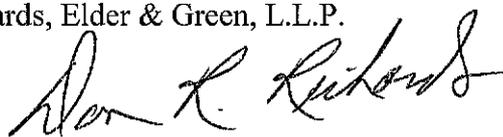
The applicant has thus yet failed to provide the required notice to the public under Texas law and the permit should be denied until the applicant meets this statutory mandate.

**3. Request for Contested Case.**

For the foregoing reasons, the *Rockwall County News*, and Wesley Burnett, respectfully protests this proceeding and requests a contested case proceeding in order to address, among other things, the complete lack of required notice under the required provisions of Texas law.

Respectfully submitted,

Richards, Elder & Green, L.L.P.

By 

Don R. Richards, SBN 16846300  
D. Daniel Gibson, SBN 24045939

*Attorneys for Texas Media Enterprises, LLC,  
Publisher of the Rockwall County News, and Wesley  
Burnett*

cc: Tim Green (via e-mail [Tgreen@coatsrose.com](mailto:Tgreen@coatsrose.com) and regular U.S. Mail)  
Shanna Horton, Attorney, TCEQ Environmental Division (via regular U.S. Mail)

From: Origin ID: LBBA (806) 798-8868  
ANGEE L LEDBETTER  
Richards, Elder & Green, L.L.P.  
3223 South Loop 289 Suite 424



LUBBOCK, TX 79423

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JAN 26 2009

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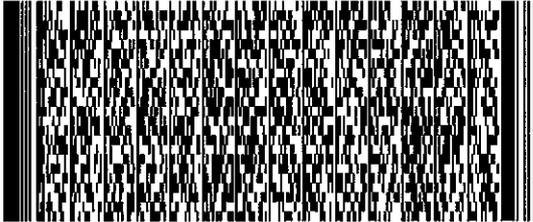
MON - 26JAN A1

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TX Comm on Environmental Quality  
12100 PARK THIRTY FIVE CIR

AUSTIN, TX 78753

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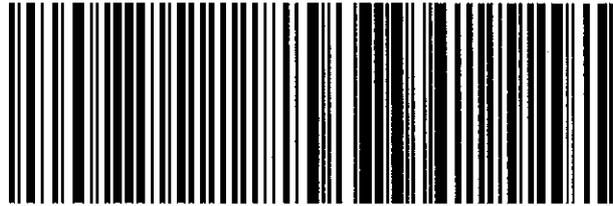


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CHRIS FLORANCE  
COUNTY JUDGE

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2008 AUG 29 AM 11 44

August 25,2008

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AUG 28 2008  
EXECUTIVE DIRECTOR

Office of the Executive Director  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

Re: Petition for Creation of Rockwall County Water Control and Improvement District  
No. 1 TCEQ Internal Control No. 06182008-D04 CN: 603377441- RN: 105557854

DIS  
64997

Petition for Creation of Rockwall County Water Control and Improvement District  
No. 2 TCEQ Internal Control No. 06182008-D05 CN: 603377466- RN:105557870

DIS  
64998

Dear Sirs:

The Commissioners Court of Rockwall County is opposed to the creation of Rockwall County Water Control and Improvement District's No. 1 and No. 2 (the "Districts").

These proposed Districts would be located in the county of Rockwall inside and outside of the extraterritorial jurisdiction of McLendon-Chisholm.

The Commissioners Court requests to review any and all information relating to the proposed District that the court deems necessary. We ask that petitioners for creation of the Districts submit to the Rockwall County Commissioners Court all relevant information requested by the Court.

We also request that a hearing be held on this issue, and that the opinion of the Rockwall County Commissioners Court be considered by the Texas Commission On Environmental Quality.

✓ Chris Florance  
Rockwall County Judge

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY  
2008 SEP -4 PM 2:18  
CHIEF CLERKS OFFICE

✓ Jerry Wimpee, Comm. Pct.1

✓ Lorie Grinnan, Comm. Pct. 2

✓ Bruce Beaty, Comm. Pct. 3

J. David Magness, Comm. Pct. 4

IP Nos  
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150771

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29486



CHRIS FLORANCE  
COUNTY JUDGE

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August 25, 2008

Office of the Executive Director  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

RECEIVED  
AUG 28 2008  
EXECUTIVE DIRECTOR

Re: Petition for Creation of Rockwall County Water Control and Improvement District  
No. 1 TCEQ Internal Control No. 06182008-D04 CN: 603877441- RN: 105557854

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Jerry Wimpee, Comm. Pct. 1

Lorie Grinnan, Comm. Pct. 2

Bruce Beaty, Comm. Pct. 3

J. David Magness, Comm. Pct. 4

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

1.P. NOS  
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