

# COATS | ROSE

*A Professional Corporation*

ANGELA M. STEPHERSON  
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July 2, 2014

VIA OVERNIGHT DELIVERY

Bridget C. Bohac  
TCEQ Chief Clerk (MC 105)  
12100 Park 35 Circle, Building F  
Austin, Texas 78753

2014-0943-UCR

Re: Petition for Expedited Release Pursuant to Texas Water Code, Section 13.254(a-5) from Meadow Ridge Farm, LP, to Decertify a Portion of Certificate of Convenience and Necessity No. 10841 held by High Point Water Supply Corporation in Kaufman County; Application No. 37892-C

Dear Ms. Bohac:

Enclosed please find a Joint Motion to Overturn with respect to the above-referenced application. Thank you.

Very truly yours,



Angela M. Stepherson

cc: Service List

2014 JUL -3 7M 2:46  
CHIEF CLERKS OFFICE  
TEXAS COMMISSION  
ON ENVIRONMENTAL  
QUALITY

Two Lincoln Centre, 5420 LBJ Freeway, Suite 600 Dallas, Texas 75240  
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APPLICATION NO. 37892-C

PETITION FROM MEADOW RIDGE	§	BEFORE THE
FARM, LP, FOR AN EXPEDITED	§	
RELEASE FROM HIGH POINT WATER	§	TEXAS COMMISSION ON
SUPPLY CORPORATION, CERTIFICATE	§	
OF CONVENIENCE AND NECESSITY	§	ENVIRONMENTAL QUALITY
(CCN) NO. 10841 IN KAUFMAN	§	
COUNTY, TEXAS	§	

**JOINT MOTION TO OVERTURN**

TO THE HONORABLE COMMISSIONERS:

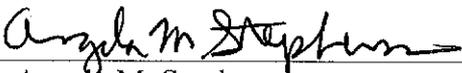
COME NOW, Meadow Ridge Farm, LP (“Petitioner”) and High Point Water Supply Corporation (“High Point WSC”), and file this Joint Motion to Overturn the Executive Director’s Order dated May 28, 2014 (the “Order”) approving Petitioner’s petition for expedited release from Certificate of Convenience and Necessity (“CCN”) No. 10841 held by High Point WSC. A copy of the Order is attached hereto as Exhibit A.

Petitioner filed the petition at issue here pursuant to Texas Water Code Section 13.254 (a-5). That section allows an owner of at least 25 acres of land that is not receiving service and that is located in one of certain counties to petition for expedited release from a CCN. Under Texas Water Code Section 13.254(a-6), the Texas Commission on Environmental Quality (the “Commission” or “TCEQ”) is required to grant a petition no later than the 60<sup>th</sup> day after it is filed. Petitioner owns approximately 418.3131 acres of land located within CCN No. 10841 in Kaufman County, one of the counties to which Section 13.254(a-5) applies.

Petitioner filed the petition on April 17, 2014, and it was accepted for filing by the TCEQ Executive Director on April 24, 2014. During the time that the petition was under review, Petitioner and High Point WSC continued discussions regarding water service to Petitioner's land. As a result of progress in those discussions, Petitioner decided to withdraw the petition and filed the attached letter with the Executive Director on June 13, 2014, within the 60 days. See Exhibit B hereto. After filing the withdrawal, however, Petitioner learned that the Executive Director had already signed the Order granting the petition on May 28, 2014, but the Order was not mailed by the TCEQ Chief Clerk until June 16, 2014.

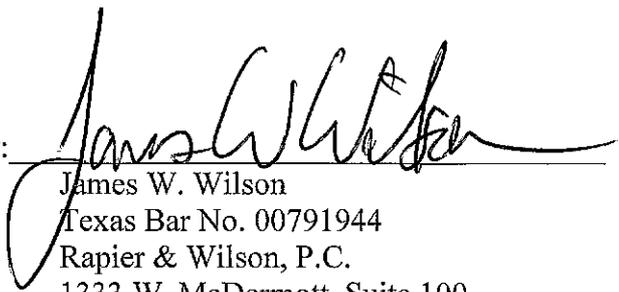
Petitioner and High Point WSC believe that they may be able to reach agreement regarding water service to Petitioner's land, and they wish to continue working toward that end. Therefore, Petitioner and High Point WSC respectfully request that the Commission overturn the Executive Director's Order dated May 28, 2014 and restore the 418.3131 acres of land covered by that Order to CCN No. 10841.

Respectfully submitted,

By:   
Angela M. Stepherson  
Texas Bar No. 19169070  
Coats, Rose, Yale, Ryman & Lee, P.C.  
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Dallas, Texas 75240  
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ATTORNEYS FOR MEADOW RIDGE FARM,  
LP

By:



James W. Wilson  
Texas Bar No. 00791944  
Rapier & Wilson, P.C.  
1333 W. McDermott, Suite 100  
Allen, Texas 75013  
Telephone: (972) 727-9904  
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[wilson@rapierwilson.com](mailto:wilson@rapierwilson.com)

ATTORNEYS FOR HIGH POINT WATER  
SUPPLY CORPORATION

**CERTIFICATE OF SERVICE**

I hereby certify that I have served a true and correct copy of the foregoing on this 2nd day of July, 2014 on the following:

Linda Stewart, General Manager  
High Point Water Supply Corporation  
16986 Valley View Road  
Forney, Texas 75126

BY ELECTRONIC MAIL

Doug Brown  
TCEQ Environmental Law Division (MC 173)  
P.O. Box 13087  
Austin, Texas 7811-3087  
Fax: (512) 239-0606

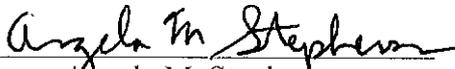
BY FACSIMILE

Vic McWherter  
TCEQ Office of Public Interest Counsel (MC 103)  
P.O. Box 13087  
Austin, Texas 7811-3087  
Fax: (512) 239-6377

BY FACSIMILE

TCEQ Office of Chief Clerk (MC 105)  
12100 Park 35 Circle, Building F  
Austin, Texas 78753

BY OVERNIGHT DELIVERY

  
Angela M. Stepherson



JUN 16 2014

Application No. 37892-C

PETITION FROM MEADOW RIDGE FARM, LP, FOR AN EXPEDITED RELEASE FROM HIGH POINT WATER SUPPLY CORPORATION, CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) NO. 10841 IN KAUFMAN COUNTY, TEXAS

§  
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§

BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

ORDER

On **May 28, 2014**, the Executive Director of the Texas Commission on Environmental Quality, pursuant to Chapters 5 and 13 of the Texas Water Code, considered the petition of Meadow Ridge Farm, LP, (Petitioner) for expedited release from water CCN No. 10841, held by High Point Water Supply Corporation in Kaufman County, Texas.

The criteria set forth in section 13.254(a-5) of the Texas Water Code have been considered. The Petitioner has satisfied all criteria to be released from the CCN pursuant to that section.

NOW, THEREFORE, BE IT ORDERED BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY that:

1. The petition from Meadow Ridge Farm, LP, for expedited release from water CCN No. 10841 of High Point Water Supply Corporation as reflected in the attached copy of the official water service area map for Kaufman County, Texas, is hereby approved.

2. The Chief Clerk of the Texas Commission on Environmental Quality shall forward a copy of this Order and the attached map to the petitioners and the CCN holder.
3. If any provision, sentence, clause, or phrase of this Order is for any reason held to be invalid, the invalidity of any portion shall not affect the validity of the remaining portions of the Order.

Issue Date: **May 28, 2014**

TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY



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For the Commission



# Texas Commission On Environmental Quality

**By These Presents Be It Known To All That**

## **High Point Water Supply Corporation**

having duly applied for certification to provide water utility service for the convenience and necessity of the public, and it having been determined by this Commission that the public convenience and necessity would in fact be advanced by the provision of such service by this Applicant, is entitled to and is hereby granted this

### **Certificate of Convenience and Necessity No. 10841**

to provide continuous and adequate water utility service to those service areas in Kaufman County as by final Order or Orders duly entered by this Commission, which Order resulting from Application No. 37892-C is on file at the Commission offices in Austin, Texas; and is a matter of official record available for public inspection; and be it known further that these presents do evidence the authority and the duty of High Point Water Supply Corporation to provide such utility service in accordance with the laws of this State and Rules of this Commission, subject only to any power and responsibility of this Commission to revoke or amend this Certificate in whole or in part upon a subsequent showing that the public convenience and necessity would be better served thereby.

Issued at Austin, Texas, this **May 28, 2014**

  
For the Commission

# High Point Water Supply Corporation

Portion of Water Service Area

CCN No. 10841

Application No. 37892-C 13.254(a-5) Petition for an Expedited Release  
 from Meadow Ridge Farm, LP to Decertify a Portion of High Point WSC, CCN No. 10841  
 in Kaufman County



## Water CCN Service Areas

 Decertified Area

 10841 - High Point WSC

 10850 - Talty WSC

 10856 - City of Forney

 12944 - Kaufman Co Dev District 1

0 500 1,000 2,000  
 Feet 



Map by: Suzanne Jaster  
 Date created: May 14, 2014  
 Project path: c:/gis/projects/applications/37892-c.mxd

**Exhibit B**

*A Professional Corporation*

ANGELA M. STEPHERSON  
OF COUNSEL

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(972) 982-8451

June 13, 2014

VIA FACSIMILE

Mary Damron  
TCEQ Utilities & Districts Section  
Utilities Financial Review (MC 153)  
P.O. Box 13087  
Austin, Texas 78711

Re: Petition for Expedited Release Pursuant to Texas Water Code, Section 13.254(a-5) from Meadow Ridge Farm, LP, to Decertify a Portion of Certificate of Convenience and Necessity No. 10841 held by High Point Water Supply Corporation in Kaufman County; Application No. 37892-C

Dear Ms. Damron:

The applicant, Meadow Ridge Farm, LP, hereby withdraws the above-referenced application. Thank you.

Very truly yours,



Angela M. Stepherson

cc: James W. Wilson, Rapier, Wilson & Wendland, P.C.

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## Fax Call Report

1

2  
1  
Jun-13-2014 09:56 AM

Job	Date/Time	Type	Identification	Duration	Pages	Result
2382	Jun-13-2014 09:54 AM	Send	915122396972	1:21	2	Success

## COATS | ROSE

*A Professional Corporation*

### FACSIMILE TRANSMITTAL PAGE

<b>Date:</b>	June 13, 2014		
<b>To:</b>	Mary Damron TCEQ -- Utilities Financial Review (MC 153)	<b>Fax Number:</b>	(512) 239-6972
<b>From:</b>	Angela Stepherson	<b>Phone:</b>	(972) 982-8455

**No. of Pages (including cover page):** 2

**Re:** Petition for Expedited Release Pursuant to Texas Water Code, Section 13.254(a-5) from Meadow Ridge Farm, LP, to Decertify a Portion of Certificate of Convenience and Necessity No. 10841 held by High Point Water Supply Corporation in Kaufman County; Application No. 37892-C

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