

Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Zak Covar, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*



Blas J. Coy, Jr., *Public Interest Counsel*

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

July 17, 2014

Bridget Bohac, Chief Clerk
Texas Commission on Environmental Quality
Office of the Chief Clerk (MC-105)
P.O. Box 13087
Austin, Texas 78711-3087

**RE: TALTY WATER SUPPLY CORPORATION
TCEQ DOCKET NO. 2014-0944-UCR**

Dear Ms. Bohac:

Enclosed for filing is the Office of Public Interest Counsel's Reply to Royse World Land, LP's Motion to Overturn the Executive Director's Order in the above-entitled matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Isabel Segarra".

Isabel G. Segarra Treviño, Attorney
Assistant Public Interest Counsel

cc: Mailing List

Enclosure

TCEQ DOCKET NO. 2014-0944-UCR

**PETITION FROM ROYSE WORLD
LAND, LP, FOR AN EXPEDITED
RELEASE FROM TALTY WATER
SUPPLY CORPORATION'S
CERTIFICATE OF
CONVENIENCE AND NECESSITY
NO. 10850 IN KAUFMAN COUNTY,
TEXAS**

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**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

**THE OFFICE OF PUBLIC INTEREST COUNSEL'S REPLY TO ROYSE WORLD
LAND, LP MOTION TO OVERTURN THE EXECUTIVE DIRECTOR'S ORDER**

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

The Office of Public Interest Counsel (OPIC) of the Texas Commission on Environmental Quality (TCEQ or Commission) files this reply to Royse World Land, LP's (Petitioner) Motion to Overturn the Executive Director's Order (MTO) granting Petitioner's petition for an expedited release from a portion of Talty Water Supply Corporation's (Talty WSC) Certificate of Convenience and Necessity (CCN) in Kaufman County, Texas. OPIC recommends granting the MTO for the reasons stated below.

Background

On April 17, 2014, Petitioner filed a petition for an expedited CCN release pursuant to § 13.254 of the Texas Water Code. The Executive Director (ED) signed an order granting the petition on May 28, 2014. While the matter was pending before the ED, discussions between Petitioner and Talty WSC ultimately lead Petitioner to withdraw the petition. The withdrawal was submitted to the Commission via facsimile on June 9, 2014. The ED's signed order was mailed to Petitioner on June 16, 2014. Petitioner filed a MTO pursuant 30 TAC § 50.139 on July 2, 2014.

Applicable Law

Any person may file a Motion to Overturn the Executive Director's decision. 30 Texas Administrative Code (TAC) § 50.139(a). Motions to Overturn the ED's decision must be filed no later than twenty-three days after the Commission mails notice of the signed permit, approval, or other action of the ED to the applicant or persons on any required mailing list. 30 TAC § 50.139(b).

Discussion

Petitioner timely filed the MTO on July 2, 2014. In the motion, Petitioner states that the partial CCN transfer is no longer necessary because the parties may be able to reach a private agreement regarding water service to Petitioner's land. Talty WSC does not object to the MTO and Petitioner believes it will be able to reach an agreement with Talty WSC. A private water

services agreement obviates the need for a partial CCN transfer. OPIC recommends that the Commissioners grant the MTO to set the ED's order aside.

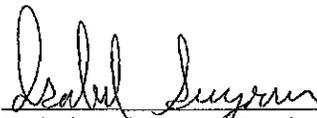
Respectfully submitted,

Public Interest Counsel

By: 
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CERTIFICATE OF SERVICE

I hereby certify that on July 17, 2014 the original and a true and correct copy of the Office of Public Interest Counsel's Reply to Motion to Overturn was filed with the Chief Clerk of the TCEQ and a copy was served to all persons listed on the attached mailing list via hand delivery, facsimile transmission, Inter-Agency Mail, electronic mail, or by deposit in the U.S. Mail.


Isabel G. Segarra Treviño

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TCEQ DOCKET NO. 2014-0944-UCR

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