

# COATS | ROSE

*A Professional Corporation*

ANGELA M. STEPHERSON  
OF COUNSEL

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Direct Dial  
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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

2014-0944-UCR

Re: Petition for Expedited Release Pursuant to Texas Water Code, Section 13.254(a-5) from Royse World Land, LP, to Decertify a Portion of Certificate of Convenience and Necessity (CCN) No. 10850 held by Talty Water Supply Corporation (WSC) in Kaufman County; Application No. 37887-C

Dear Ms. Bohac:

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

Very truly yours,



Angela M. Stepherson

cc: Service List

CHIEF CLERK'S OFFICE

2014 JUL -3 PM 2:46

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

Two Lincoln Centre, 5420 LBJ Freeway, Suite 600 Dallas, Texas 75240  
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HOUSTON | CLEAR LAKE | AUSTIN | DALLAS | SAN ANTONIO | NEW ORLEANS

4833-3711-5932.v1

APPLICATION NO. 37887-C

PETITION FROM ROYSE WORLD	§	BEFORE THE
LAND, LP FOR AN EXPEDITED	§	
RELEASE FROM TALTY WATER	§	TEXAS COMMISSION ON
SUPPLY CORPORATION'S CERTIFICATE	§	
OF CONVENIENCE AND NECESSITY	§	ENVIRONMENTAL QUALITY
(CCN) NO. 10850 IN KAUFMAN	§	
COUNTY, TEXAS	§	

**MOTION TO OVERTURN**

TO THE HONORABLE COMMISSIONERS:

COMES NOW, Royse World Land, LP ("Petitioner") and files this 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. 10850 held by Talty Water Supply Corporation ("Talty 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 239.104 acres of land located within CCN No. 10850 in Kaufman County, one of the counties to which Section 13.254(a-5) applies.

Petitioner filed the petition on April 14, 2014, and it was accepted for filing by the TCEQ Executive Director on April 17, 2014. During the time that the petition was under review,

Petitioner and Talty WSC continued discussions regarding water service to Petitioner's land. Petitioner decided to withdraw the petition and filed the attached letter with the Executive Director on June 9, 2014, within the 60 days. *See* Exhibit B hereto.<sup>1</sup> 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 believes that it may be able to reach agreement with Talty WSC regarding water service to Petitioner's land and wishes to continue working toward that end. Therefore, Petitioner respectfully requests that the Commission overturn the Executive Director's Order dated May 28, 2014 and restore the 239.104 acres of land covered by that Order to CCN No. 10850.

The undersigned has consulted with counsel to Talty WSC, and Talty WSC does not oppose this Motion.

Respectfully submitted,

COATS, ROSE, YALE, RYMAN & LEE, P.C.

By: Angela M. Stepherson  
Angela M. Stepherson  
Texas Bar No. 19169070  
5420 LBJ Freeway, Suite 600  
Dallas, Texas 75240  
Telephone: (972) 982-8450  
Fax: (972) 982-8451  
[astepherson@coatsrose.com](mailto:astepherson@coatsrose.com)

ATTORNEYS FOR ROYSE WORLD LAND, LP

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<sup>1</sup> The letter was inadvertently dated May 9, 2014, but it was actually filed on June 9, 2014 as shown on the fax confirmation, also attached.

**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:

Corey Trail  
Talty Water Supply Corporation  
P.O. Box 890  
Forney, Texas 75126-0890

BY ELECTRONIC MAIL

Gregory A. Shumpert  
Shumpert Law Office  
302 West Nash Street  
Terrell, Texas 75160

BY ELECTRONIC MAIL

Todd Galiga, Senior Attorney  
TCEQ Environmental Law Division (MC 173)  
P.O. Box 13087  
Austin, Texas 78111-3087  
Fax: (512) 239-0606

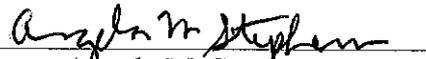
BY FACSIMILE

Vic McWherter  
TCEQ Office of Public Interest Counsel (MC 103)  
P.O. Box 13087  
Austin, Texas 78111-3087  
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. 37887-C

PETITION FROM ROYSE WORLD	§	BEFORE THE
LAND, LP FOR AN EXPEDITED	§	
RELEASE FROM TALTY WATER	§	
SUPPLY CORPORATION'S	§	TEXAS COMMISSION ON
CERTIFICATE OF CONVENIENCE	§	
AND NECESSITY (CCN) NO. 10850	§	
IN KAUFMAN COUNTY, TEXAS	§	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 Royse World Land, LP (Petitioner) for expedited release from water CCN No. 10850, held by Talty 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.

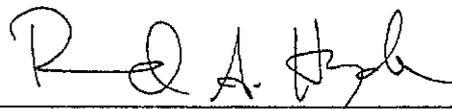
NOW, THEREFORE, BE IT ORDERED BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY that

1. The petition from Royse World Land, LP for expedited release from water CCN No. 10850 of Talty 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 petitioner 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.

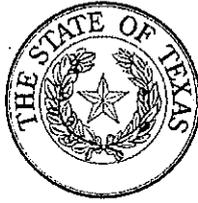
Issue Date: **May 28, 2014**

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**

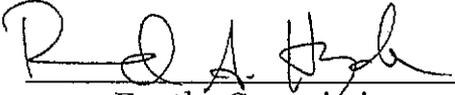
**Talty Water Supply Corporation**

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. 10850**

to provide continuous and adequate water utility service to that service area or those service areas in Kaufman County as by final Order or Orders duly entered by this Commission, which Order resulting from Application No. 37887-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 Talty 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

Talty Water Supply Corporation  
Portion of Water Service Area  
CCN No. 10850

Application No. 37887-C 13.254(a-5) Petition for an Expedited Release  
from Royse World Land, LP to Decertify a Portion of Talty WSC, CCN No. 10850  
in Kaufman County



 Decertified Area

**Water CCN Service Areas**

 10850 - Talty WSC



Exhibit B



ANGELA M. STEPHERSON  
OF COUNSEL

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(972) 982-8455  
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(972) 982-8451

May 9, 2014

VIA FACSIMILE

Ahmad Tavakoly  
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 Royse World Land, LP, to Decertify a Portion of Certificate of Convenience and Necessity (CCN) No. 10850 held by Talty Water Supply Corporation (WSC) in Kaufman County; Application No. 37887-C

Dear Mr. Tavakoly:

The applicant, Royse World Land, LP, hereby withdraws the above-referenced application. Thank you.

Very truly yours,

A handwritten signature in black ink that reads "Angela M. Stepherson".

Angela M. Stepherson

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HOUSTON | CLEAR LAKE | AUSTIN | DALLAS | SAN ANTONIO | NEW ORLEANS

# hp LaserJet 4345mfp series



## Fax Call Report 1

2  
1  
Jun-09-2014 01:28 PM

Job	Date/Time	Type	Identification	Duration	Pages	Result
2380	Jun-09-2014 01:26 PM	Send	915122396972	1:13	2	Success

### COATS | ROSE

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#### FACSIMILE TRANSMITTAL PAGE

Date: June 9, 2014

To:	Ahmad Tavakoly	Fax Number:	512/239-6972
	TCEQ Utilities and Districts		

From: Angela Stepherson Phone: (972) 982-8455

No. of Pages (including cover page): 2

Client/Matter #: 12689.1

Message: Petition for Expedited Release Pursuant to Texas Water Code, Section 13.254(a-5) from Royse World Land, LP, to Decertify a Portion of Certificate of Convenience and Necessity (CCN) No. 10850 held by Talty Water Supply Corporation (WSC) in Kaufman County; Application No. 37887-C

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