

Chairman H.S. Buddy Garcia EMERGENCY AGENDA
Commissioner Larry R. Soward Tuesday June 30, 2009
Commissioner Bryan W. Shaw, Ph.D.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

1:00 PM

12100 Park 35 Circle
Building F, Room 4213
Austin Texas 78753

Region 2 Office
5012 50th Street, Suite 100
Conference Room
Lubbock, Texas 79414

Docket No. 2009-0992-UCR. Meeting of the Texas Commission on Environmental Quality ("Commission") to consider a request by Darryl and Marjorie Winstead ("Winstead"), CCN No. 10320, for the issuance of an Emergency Order to compel Chisholm Trail Special Utility District ("Chisholm Trail SUD", CCN No. 11590) to provide an emergency interconnection for temporary water service for the San Gabriel River Ranches subdivision (RN101250306) in Williamson County, Texas, pursuant to Texas Water Code Section 13.041(d)(2) and Title 30, Section 291.14(a)(2) of the Texas Administrative Code.

Winstead operates as an investor-owned utility that provides retail water under water Certificate of Convenience and Necessity ("CCN") No. 10320, in Williamson and Travis Counties. Winstead alleges that the groundwater pump systems that supply water to the San Gabriel River Ranches subdivision have ceased operating due to low water levels. Winstead alleges that the customers in the subdivision are no longer receiving any water service from Winstead's system. Winstead alleges that the closest neighboring retail public utility to the San Gabriel River Ranches subdivision is Chisholm Trail SUD, which has not agreed to act as an alternative water service provider.

The Commission may issue an emergency order to compel a retail public utility to provide an emergency interconnection with a neighboring retail public utility for the provision of temporary water or sewer service, or both, for not more than 90 days if service discontinuance or serious impairment in service is imminent or has occurred under Texas Water Code Section 13.041(d)(2) and Title 30, Section 291.14(a)(2) of the Texas Administrative Code. The Commission may establish reasonable compensation for the temporary service and may allow the retail public utility receiving the service to make a temporary adjustment to its rate structure to ensure proper payment under Texas Water Code Section 13.041(e) and Title 30, Section 291.14(a)(3) of the Texas Administrative Code. An urgent public necessity for this emergency meeting to consider the issuance of an emergency order exists, and immediate action is required because the lack of continuous and adequate water service to the San Gabriel River Ranches subdivision creates an imminent threat to public health and safety. The emergency meeting will be held by

videoconference call because the Commission will convene a quorum at the Texas Commission on Environmental Quality, 12100 Park 35 Circle, Building F, Room 4213, Austin Texas 78753 and videoconference the other participant at the Texas Commission on Environmental Quality's Region 2 Office, 5012 50th Street, Suite 100, Conference Room, Lubbock, Texas 79414. The authority for holding an emergency meeting with a videoconference call to consider this matter is Texas Government Code Sections 551.045 and 551.127.

No action taken.

/s/ Les Trobman
General Counsel,
Les Trobman

06/30/2009
Date