

Brooke T. Paup, *Chairwoman*  
Catarina R. Gonzales, *Commissioner*  
Tonya R. Miller, *Commissioner*  
Kelly Keel, *Executive Director*



David Timberger, *Interim Public Interest Counsel*

## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

April 6, 2026

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

RE: **IN THE MATTER OF THE PETITION FOR CREATION OF ROCKETT  
RANCH MUNICIPAL UTILITY DISTRICT OF ELLIS COUNTY  
TCEQ DOCKET NO. 2026-0330-DIS**

Dear Ms. Gharis:

Enclosed for filing is the Office of Public Interest Counsel's Response to Hearing Requests in the above-entitled matter.

Sincerely,

A handwritten signature in cursive script that reads "Pranjal".

Pranjal M. Mehta, Attorney  
Assistant Public Interest Counsel

A handwritten signature in cursive script that reads "Jessica M. Anderson".

Jessica M. Anderson, Attorney  
Assistant Public Interest Counsel

cc: Mailing List

DOCKET NO. 2026-0330-DIS

PETITION FOR THE CREATION  
OF ROCKETT RANCH  
MUNICIPAL UTILITY DISTRICT  
OF ELLIS COUNTY

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BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

OFFICE OF PUBLIC INTEREST COUNSEL'S  
RESPONSE TO HEARING REQUESTS

**To the Members of the Texas Commission on Environmental Quality:**

The Office of Public Interest Counsel (OPIC) of the Texas Commission on Environmental Quality (TCEQ or the Commission) files this Response to Hearing Requests in the above-entitled matter.

**I. INTRODUCTION**

**A. Summary of Position**

The Commission received requests for contested case hearings from Ellis County and Senator Bob Hall regarding the application for the creation of Rockett Ranch Municipal Utility District of Ellis County (District). For the reasons discussed herein, OPIC respectfully recommends that the Commission find that Ellis County is an affected person and further recommends that the Commission grant its hearing request.

**B. Background**

Century Property Acquisitions, LLC (Petitioner), a Delaware limited liability company, filed a petition for creation of Rockett Ranch Municipal Utility District of Ellis County with the TCEQ pursuant to Article XVI, Section 59 of the Texas Constitution; Chapters 49 and 54 of the Texas Water Code (TWC); Title 30 of the Texas Administrative Code (TAC), Chapter 293; and the procedural rules of the

TCEQ. The petition states that: (1) the Petitioner holds title to a majority in value of the land to be included in the proposed district; (2) there is one lien, held by Frost Bank, a Texas state bank, on the property to be included in the proposed district and information provided indicates that the lienholder consents to the creation of the proposed district; (3) the proposed district will contain approximately 234.964 acres located within Ellis County; and (4) none of the land within the proposed district is within the corporate limits or extraterritorial jurisdiction (ETJ) of any city.

The petition was declared administratively complete on October 23, 2025, and the Notice of District Petition was published on November 29, 2025. According to the Notice, the proposed district would: (1) purchase, construct, acquire, improve, or extend inside or outside of its boundaries any and all works, improvements, facilities, plants, equipment, and appliances necessary or helpful to supply and distribute water for municipal, domestic, and commercial purposes; (2) collect, transport, process, dispose of, and control domestic and commercial wastes; (3) gather, conduct, divert, abate, amend, and control local storm water or other local harmful excesses of water in the proposed district; (4) design, acquire, construct, finance, improve, operate, and maintain macadamized, graveled, or paved roads and turnpikes, or improvements in aid of those roads; and (5) purchase, construct, acquire, improve, or extend inside or outside of its boundaries such additional facilities, systems, plants, and enterprises as shall be consonant with all of the purposes for which the proposed district is created. The comment period ended on December 29, 2025.

## II. APPLICABLE LAW

A municipal utility district may be created under and subject to the authority, conditions, and restrictions of Article XVI, Section 59, of the Texas Constitution. Chapters 49 and 54 of the TWC and the Commission's administrative rules found at Title 30, Chapter 293, of the TAC govern petitions to create a MUD. A district shall be created for the following purposes:

- (1) the control, storage, preservation, and distribution of its storm water and floodwater, the water of its rivers and streams for irrigation, power, and all other useful purposes;
- (2) the reclamation and irrigation of its arid, semiarid, and other land needing irrigation;
- (3) the reclamation and drainage of its overflowed land and other land needing drainage;
- (4) the conservation and development of its forests, water, and hydroelectric power;
- (5) the navigation of its inland and coastal water;
- (6) the control, abatement, and change of any shortage or harmful excess of water;
- (7) the protection, preservation, and restoration of the purity and sanitary condition of water within the state; and
- (8) the preservation of all natural resources of the state.

TWC § 54.012.

To create a MUD, a petition requesting creation shall be filed with the Commission. TWC § 54.014. The petition shall be signed by a majority in value of the holders of title of the land within the proposed district, as indicated by the tax rolls of the central appraisal district. *Id.* Among other things, the petition shall: (1) describe the boundaries of the proposed district by metes and bounds or by lot and block number; (2) state the general nature of the work proposed to be done, the necessity for the work, and the cost of the project as then estimated by those filing the petition; and (3) include a name of the district which shall be

generally descriptive of the locale of the district. TWC § 54.015. *See also* 30 TAC § 293.11(a) and (d).

The Commission shall grant the petition if it conforms to the requirements of § 54.015 and the project is feasible, practicable, necessary, and further, would be a benefit to the land to be included in the district. TWC § 54.021(a). In determining if the project is feasible, practicable, necessary, and beneficial to the land included in the district, the Commission shall consider:

- (1) the availability of comparable service from other systems, including but not limited to water districts, municipalities, and regional authorities;
- (2) the reasonableness of projected construction costs, tax rates, and water and sewer rates; and
- (3) whether or not the district and its system and subsequent development within the district will have an unreasonable effect on the following:
  - (A) land elevation;
  - (B) subsidence;
  - (C) groundwater level within the region;
  - (D) recharge capability of a groundwater source;
  - (E) natural run-off rates and drainage;
  - (F) water quality; and
  - (G) total tax assessments on all land located within a district.

TWC § 54.021(b).

If the Commission finds that not all of the land proposed to be included in the district will be benefited by the creation of the district, it shall exclude all land not benefited and redefine the proposed district's boundaries accordingly. TWC § 54.021(c). If the petition does not conform to the requirements of TWC § 54.015 or the project is not feasible, practicable, necessary, or a benefit to the land in the district, the Commission shall deny the petition. TWC § 54.021(d).

The rights, powers, privileges, authority, and functions of a district shall be subject to the continuing right of supervision by the Commission. TWC § 54.024.

Any district or any petitioner seeking the creation of a district may petition the Commission to acquire the power under the authority of Article III, Section 52, Texas Constitution, to design, acquire, construct, finance, issue bonds for, operate, maintain, and convey to this state, a county, or a municipality for operation and maintenance, a road or any improvement in aid of the road. TWC § 54.234.

The petitioner must publish notice of the petition to create a district once a week for two consecutive weeks in a newspaper regularly published or circulated in the county where the district is proposed to be located not later than the 30th day before the date of the Commission's decision on the application. TWC §§ 49.011(b) and 54.018. Additionally, the petitioner must post notice of the petition on the bulletin board used for posting legal notices in each county in which all or part of the proposed district is to be located. 30 TAC § 293.12(b)(2). The Commission shall hold a public hearing if requested by the Commission, Executive Director, or an "affected person" under the factors in 30 TAC, Chapter 55. TWC § 49.011(c). *See also* 30 TAC § 55.250 (applying rules governing contested case hearings to applications declared administratively complete after September 1, 1999). Affected persons must file their hearing requests during the 30 days following the final notice publication date. TWC § 49.011(c); 30 TAC § 293.12(c).

A hearing requestor must make the request in writing within the time period specified in the notice and identify the requestor's personal justiciable interest affected by the application, specifically explaining the "requestor's location and distance relative to the activity that is the subject of the application and how and why the requestor believes he or she will be affected by the activity in a manner not common to members of the general public." 30 TAC § 55.251(b)-(d).

An affected person is "one who has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application. An interest common to members of the general public does not qualify as a personal justiciable interest." 30 TAC § 55.256(a). Governmental entities with authority under state law over issues contemplated by the application may be considered affected persons. 30 TAC § 55.256(b). Relevant factors to be considered in determining whether a person is affected include, but are not limited to:

- (1) whether the interest claimed is one protected by the law under which the application will be considered;
- (2) distance restrictions or other limitations imposed by law on the affected interest;
- (3) whether a reasonable relationship exists between the interest claimed and the activity regulated;
- (4) likely impact of the regulated activity on the health, safety, and use of property of the person;
- (5) likely impact of the regulated activity on use of the impacted natural resource by the person; and
- (6) for governmental entities, their statutory authority over or interest in the issues relevant to the application.

30 TAC § 55.256(c).

The Commission shall grant a request for a contested case hearing if: (1) the request is made by the applicant or the ED; or (2) the request is made by an affected person, complies with the requirements of § 55.251, is timely filed with the chief clerk, and is made pursuant to a right to hearing authorized by law. 30 TAC § 55.255(b).

### III. ANALYSIS OF HEARING REQUESTS

#### Ellis County

The Commission received a timely hearing request on behalf of Ellis County. According to the Petition for Creation, and reiterated on the map created by ED staff, the proposed MUD would be located entirely within Ellis County.

Governmental entities with authority under state law over issues contemplated by the application may be considered affected persons. 30 TAC § 55.256(b). Additionally, a relevant factor for determining whether governmental entities qualify as affected persons is their statutory authority over or interest in the issues relevant to the application. 30 TAC § 55.256(c)(6). In its request, Ellis County asserts that it is an affected person because the County has interests related to legal rights, duties, privileges, powers, or economic interests affected by the application pursuant to 30 TAC § 55.256(c)(6). According to the request, the County has statutory and/or constitutional authority over various functions—including transportation, emergency services, and health and safety—that may be affected by the creation of the district. Further, the County

also has enforcement authority against people or entities that violate Texas Water Code Chapter 26. *See* TWC § 7.351.

In determining whether the project is feasible, practicable, necessary, and beneficial to the land included in the district, TWC § 54.021(b) provides that the Commission shall consider where or not the district and its system and subsequent development within the district will have an unreasonable effect on several factors. In its request, the County articulated several concerns encapsulated by these statutory factors. First, the County raised concerns about potential contamination or depletion of groundwater within the region. TWC § 54.021(b)(3)(C)&(D). The County is specifically concerned about negative impacts to health and safety that may result from reduced water quality. TWC § 54.021(b)(3)(F). Second, the County expressed concerns about impacts to County infrastructure as a result of subsidence. TWC § 54.021(b)(3)(B). Additionally, the County raised issues related to natural run-off rates and drainage, citing existing County drainage requirements and whether the proposed district would be able to abide by those requirements. TWC § 54.021(b)(3)(E).

Based on Ellis County's identified statutory authority over and interest in the aforementioned issues, the reasonable relationship that exists between the county's claimed interests and TCEQ's regulation of utility districts, and the proposed district's location entirely within its boundaries, OPIC finds that Ellis County has demonstrated that it qualifies as an affected person in this matter.

Senator Bob Hall

The Commission received a timely hearing request from Senator Bob Hall during the public comment period. However, Senator Hall's request does not articulate any specific interests that would be protected by the law under which this application is considered. In his request, Senator Hall did not describe how he or his constituents would be affected by the proposed district. Senator Hall's request only articulated his desire for a hearing on this matter. The Senator's request explained that he heard from some of his constituents about their concerns regarding the creation of this district, but Senator Hall did not include any specific concerns related to the petition. Therefore, Senator Hall did not articulate a personal justiciable interest that is not common to members of the general public. *See* 30 TAC § 55.256(a). Given that this request does not raise a fact dispute for SOAH to address, nor concerns that would be protected by the law under which this application is considered, OPIC recommends that that the Commission find that Senator Bob Hall does not qualify as an affected person.

**IV. CONCLUSION**

For the foregoing reasons, OPIC respectfully recommends the Commission find that Ellis County qualifies as an affected person, grant its hearing request, and refer the matter to the State Office of Administrative Hearings for a contested case hearing.

Respectfully submitted,

David Timberger  
Interim Public Interest Counsel

By: Pranjal  
Pranjal M. Mehta  
Assistant Public Interest Counsel  
State Bar No. 24080488  
P.O. Box 13087, MC 103  
Austin, Texas 78711-3087  
(512) 239-0574

By: Jessica M. Anderson  
Jessica M. Anderson  
Assistant Public Interest Counsel  
State Bar No. 24131226  
P.O. Box 13087, MC 103  
Austin, Texas 78711-3087  
(512) 239-6823

**CERTIFICATE OF SERVICE**

I hereby certify that on April 6, 2026, the Office of Public Interest Counsel's Response to Hearing Requests was filed with the Chief Clerk of the TCEQ and a copy was served to all persons listed on the attached mailing list via Inter-Agency Mail, electronic mail, or by deposit in the U.S. Mail.

Jessica M. Anderson  
Jessica M. Anderson

**MAILING LIST**  
**ROCKETT RANCH MUD OF ELLIS COUNTY**  
**TCEQ DOCKET NO. 2026-0330-DIS**

FOR THE APPLICANT  
via electronic mail:

Mindy L. Koehne  
Coats Rose PC  
16000 North Dallas Parkway, Suite 360  
Dallas, Texas 75248  
[mkoehne@coatsrose.com](mailto:mkoehne@coatsrose.com)

Brent Murphee  
Kimley-Horn & Associates Inc.  
400 North Oklahoma Drive, Suite 105  
Celina, Texas 75009

FOR THE EXECUTIVE DIRECTOR  
via electronic mail:

Allie Soileau, Staff Attorney  
Texas Commission on Environmental  
Quality  
Environmental Law Division MC-173  
P.O. Box 13087  
Austin, Texas 78711-3087  
Tel: 512/239-0600 Fax: 512/239-0606  
[allie.soileau@tceq.texas.gov](mailto:allie.soileau@tceq.texas.gov)

James Walker, Technical Staff  
Texas Commission on Environmental  
Quality  
Water Supply Division MC-152  
P.O. Box 13087  
Austin, Texas 78711-3087  
Tel: 512/239-2532 Fax: 512/239-2214  
[james.walker@tceq.texas.gov](mailto:james.walker@tceq.texas.gov)

Ryan Vise, Director  
Texas Commission on Environmental  
Quality  
External Relations Division  
Public Education Program MC-108  
P.O. Box 13087  
Austin, Texas 78711-3087  
Tel: 512/239-4000 Fax: 512/239-5678  
[pep@tceq.texas.gov](mailto:pep@tceq.texas.gov)

FOR ALTERNATIVE DISPUTE RESOLUTION  
via electronic mail:

Kyle Lucas, Attorney  
Texas Commission on Environmental  
Quality  
Alternative Dispute Resolution MC-222  
P.O. Box 13087  
Austin, Texas 78711-3087  
Tel: 512/239-0687 Fax: 512/239-4015  
[kyle.lucas@tceq.texas.gov](mailto:kyle.lucas@tceq.texas.gov)

FOR THE CHIEF CLERK  
via eFiling:

Docket Clerk  
Texas Commission on Environmental  
Quality  
Office of Chief Clerk MC-105  
P.O. Box 13087  
Austin, Texas 78711-3087  
Tel: 512/239-3300 Fax: 512/239-3311  
<https://www14.tceq.texas.gov/epic/eFiling/>

REQUESTER(S):

The Honorable Bob Hall, State Senator  
The Senate of Texas District 2  
6537 Horizon Road, Suite B-1  
Rockwall, Texas 75032

The Honorable Bob Hall, State Senator  
The Senate of Texas District 2  
P.O. Box 12068 Cap 4E.2  
Austin, Texas 78711

Stefanie P. Albright  
Bickerstaff Heath Delgado Acosta LLP  
1601 South MoPac Expressway, Suite C400  
Austin, Texas 78746

Stefanie P. Albright  
Bickerstaff Heath Delgado Acosta LLP  
Two Barton Skyway  
1601 South MoPac Expressway, Suite C400  
Austin, Texas 78746