

RESOLUTION NO. 01-09-03

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WESTON, COLLIN COUNTY, TEXAS, OPPOSING APPLICATION NO. 33522-C FILED BY THE CITY OF MCKINNEY WITH THE TEXAS NATURAL RESOURCE CONSERVATION COMMISSION TO AMEND MCKINNEY'S CCN NO. 10194 FOR WATER SERVICE AND TO DECERTIFY A PORTION OF NORTH COLLIN WATER SUPPLY CORPORATION'S CCN NO. 11035; AND REQUESTING THAT VENUE FOR THE ADMINISTRATIVE HEARING ON MCKINNEY'S APPLICATION BEFORE A DULY APPOINTED STATE ADMINISTRATIVE LAW JUDGE BE HAD IN THE CITY OF MCKINNEY, TEXAS, OR IN THE ALTERNATIVE, THAT THE ADMINISTRATIVE LAW JUDGE ASSIGNED TO HEAR MCKINNEY'S APPLICATION SCHEDULE A HEARING IN THE CITY OF MCKINNEY FOR PURPOSES OF RECEIVING PUBLIC COMMENT AND DETERMINING THE STATUS OF INDIVIDUALS OR ENTITIES SEEKING PARTY STATUS.

WHEREAS, North Collin Water Supply Corporation ("North Collin") provides retail public water service to Collin County, Texas, pursuant to its CCN No. 11035;

WHEREAS, the City of McKinney ("McKinney") filed Application No. 33522-C with the Texas Natural Resource Conservation Commission ("TNRCC") to amend McKinney's CCN No. 10194 for water service;

WHEREAS, McKinney's application requests decertification of approximately forty-five percent (45%) of North Collin's certificated area containing approximately 1,500 of North Collin's members;

WHEREAS, the Weston City Council finds that a majority of the citizens of Weston receives their water service from North Collin;

WHEREAS, the Weston City Council finds that North Collin has historically provided reliable water service at reasonable rates to the citizens of Weston;

WHEREAS, McKinney's application fails to offer North Collin compensation for its water system infrastructure located in the service area to be decertified;

WHEREAS, the Weston City Council finds that the granting of McKinney's application will have a negative impact on North Collin's ability to maintain and improve water service to the citizens of Weston, and on the rates North Collin charges those same citizens for water;

WHEREAS, the Weston City Council finds that its citizens would be particularly impacted should the TNRCC approve McKinney's application, and that such is grounds for requesting that administrative hearings on McKinney's application be held locally so that the citizens of Weston have an opportunity to provide comment;

THEREFORE, BE IT RESOLVED that, based on the findings set forth above, the City Council of the City of Weston is unanimous in opposing the City of McKinney's Application No. 33522-C, and in requesting that said application be denied by the TNRCC in its entirety.

BE IT FURTHER RESOLVED that the Weston City Council formally requests that venue for the administrative hearing on the City of McKinney's Application No. 33522-C before a duly appointed state administrative law judge be had in the City of McKinney, Texas, or in the alternative, that the state administrative law judge assigned to hear the application schedule a hearing in the City of McKinney for purposes of receiving public comment and determining the status of individuals or entities seeking party status.

ADOPTED by the Weston City Council on this 11th day of September, 2001.

CITY OF WESTON

By: *Patti Harrington*
Patti Harrington, Mayor

ATTEST:

Michelle Smith
Michelle Smith, City Secretary

RAPIER & WILSON, P.C.

ATTORNEYS AT LAW

103 W. McDERMOTT, ALLEN, TEXAS 75013-2782

JOHN E. RAPIER, J.D.
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September 26, 2001

Michelle Smith, City Secretary
City of Weston
P.O. Box 57
Weston, Texas 75097

RE: Resolution Opposing McKinney's CCN Application

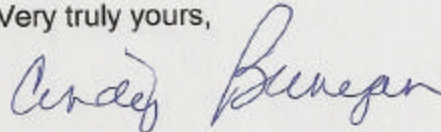
Dear Michelle:

I am enclosing a resolution opposing McKinney's CCN Application. Please have the Mayor and yourself sign the resolution and mail a copy of the resolution to:

Texas Natural Resources Commission
Water Permits and Resource Management Division
Utilities and Districts Section, MC-153
P.O. Box 13087
Austin, Texas 78711-3087

If you have any questions or concerns, please feel free to give us a call.

Very truly yours,



Cindy Bunyan
Legal Assistant

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enclosure