



Control Number: 42866



Item Number: 29

Addendum StartPage: 0

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OF

ADMINISTRATIVE HEARINGS

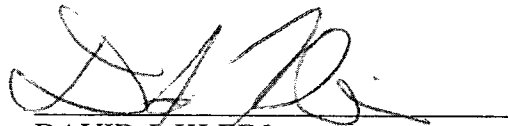
To: Travis County Municipal Utility District No. 12, by and through its attorney of record, J. Kay Trostle, Smith Trostle & Huerta LLP, 4401 Westgate Blvd., Suite 330, Austin, Texas 78701;

The West Travis County Public Utility Agency, Respondent in the above-referenced contested case, attaches hereto as Attachment No. 1, and incorporates herein by this reference for all purposes, its First Requests for Information (“RFI”) to Travis County Municipal Utility District No. 12. These RFIs are submitted pursuant to the Administrative Law Judge’s Order Nos. 1-3 in this proceeding, Rule 197 of the Texas Rules of Civil Procedure and Public Utility Commission (“PUC”) Procedural Rule 22.144.

29

Respectfully submitted,

LLOYD GOSSELINK
ROCHELLE & TOWNSEND, P.C.
816 Congress Avenue, Suite 1900
Austin, Texas 78701
Telephone: (512) 322-5800
Facsimile: (512) 472-0532

A handwritten signature in black ink, appearing to read 'D. J. Klein', written over a horizontal line.

DAVID J. KLEIN
State Bar No. 24041257

GEORGIA N. CRUMP
State Bar No. 05185500

**ATTORNEYS FOR WEST TRAVIS COUNTY
PUBLIC UTILITY AGENCY**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served on the following by U.S. Regular Mail, Certified Mail (return receipt requested), electronic mail, hand delivery and/or facsimile at the address listed below on this 16th day September, 2014.

FOR TRAVIS COUNTY MUD NO. 12:

Kay Trostle
Smith Trostle & Huerta LLP
4401 Westgate Blvd., Ste. 330
Austin, Texas 78745
(512) 494-9500 (phone)
(512) 494-9505 (fax)
ktrostle@smithtrostle.com

FOR HAYS COUNTY:

Mark D. Kennedy
Hays County
Office of General Counsel
111 E. San Antonio St., Suite 202
San Marcos, Texas 78666
(512) 393-2208 (phone)
(512) 392-6500 (fax)

FOR WEST TRAVIS COUNTY MUD NO. 5:

Randall Wilburn
3000 South IH 35, Suite 150
Austin, Texas 78704
(512) 535-1661 (phone)
(512) 535-1678 (fax)
(512) 431-8442 (cell)

FOR CITY OF BEE CAVE:

Jim Haley
The Akers Law Firm
6618 Sitio Del Rio Blvd., Bldg. E, Ste. 102
Austin, Texas 78730
(512) 810-2142 (phone)
(512) 233-0801 (fax)
jhaley@txcityattorney.com

FOR THE EXECUTIVE DIRECTOR:

Ron Olson
Texas Commission on Environmental Quality
Environmental Law Division
P.O. Box 13087, MC-173
Austin, Texas 78711-3087
(512) 239-0600 (phone)
(512) 239-0606 (fax)
ron.olson@tceq.texas.gov

FOR THE PUBLIC INTEREST COUNSEL:

Rudy Calderon
Texas Commission on Environmental Quality
Office of Public Interest Counsel
P.O. Box 13087, MC-103
Austin, Texas 78711-3087
(512) 239-3144 (phone)
(512) 239-6377 (fax)
rudy.calderon@tceq.texas.gov

FOR THE PUBLIC UTILITY COMMISSION:

Jessica Gray
Public Utility Commission
Legal Division
1701 N. Congress Avenue, Suite 8-110
Austin, Texas 78711
(512) 936-7620 (phone)
(512) 936-7268 (fax)



DAVID J. KLEIN

ATTACHMENT NO. 1

INSTRUCTIONS

The following paragraphs include instructions and definitions that apply to the requests for information that are contained in this discovery request. Unless otherwise clearly indicated within the context of a specific interrogatory herein, the definition of each term provided below applies whether the term is used or defined in the singular or plural.

You are directed to answer the following written questions fully and in writing, based on all information reasonably available to you or your attorney at the time your response is made.

In those instances when you choose to answer an RFI propounded herein by referring to a specific document or record, you are instructed to specify the same in sufficient detail to permit the West Travis County Public Utility Agency to locate and identify the records or documents from which the answer is to be ascertained as readily as could you.

You are under a continuing duty to supplement your answers to these RFIs if you discover that they were incomplete or incorrect when made, or if you discover that they are no longer complete and correct. Supplementation must be made reasonably promptly after you discover the need for supplementation.

DEFINITIONS

1. **“You”, “you”, “Your” and/or “your”** refers to the Travis County Municipal Utility District No. 12, named as a Party to SOAH Docket No. 582-14-3382 by the presiding Administrative Law Judge’s Order No. 1, currently styled as SOAH Docket No. 473-14-5144; PUC Docket No. 42866.
2. **“West Travis County Public Utility Agency” or “PUA”** refers to its officers, employees, agents, representatives, attorneys, and all other natural persons, businesses or legal entities, presently or formerly, acting in concert with, under the direct or indirect control of, or on behalf of the PUA.
3. **“Travis County Municipal Utility District No. 12” or “MUD 12”** refers to its officers, employees, agents, representatives, attorneys, and all other natural persons, businesses or legal entities, presently or formerly, acting in concert with, under the direct or indirect control of, or on behalf of Travis County Municipal Utility District No. 12.
4. The term **“Commission”** refers to the Public Utility Commission, an administrative agency of the State of Texas, and its Staff, Commissioners, any other natural person employed by and working for such agency.

5. The term “**Staff**” as used herein refers to the natural persons employed by and working for the Public Utility Commission in any capacity.
6. “**Document**” and “**documents**” are used herein in their broadcast sense as set forth in Tex. R. Civ. P. 192.3(b), and specifically include electronic information or magnetic data as described in Rule 196.4. These words mean and include all written, printed, typed, recorded, or graphic matter of every kind and description, both original and copies, and all attachments and appendices. Without limiting the foregoing, the terms “Document” and “Documents” shall include all agreements, contracts, Communications, correspondence, letters, opinion letters, telegrams, telexes, telefaxes, messages, memoranda, records, reports, books, summaries or other records of telephone conversations or interviews, summaries or other records of personal conversations or interviews, minutes, summaries, or other records of meetings and conferences, statements obtained from witnesses, summaries or other records of negotiations, other summaries, diaries, diary entries, calendars, appointment books, time records, instructions, work assignments, forecasts, progress reports, statistical data, statistical statements, financial statements, work sheets, work papers, drafts, graphs, charts, tables, accounts, analytical records, consultants’ and experts’ reports, appraisals, bulletins, notes, notices, marginal notations, notebooks, telephone records, bills, statements, records of obligation and expenditure, invoices, lists, journals, printouts, compilations, tabulations, analyses, studies, surveys, expense reports, microfilm, microfiche, tape or disc recordings, sound recordings, video recordings, film, tape, photographs, programs and data compilations from which information can be obtained (including matter used in data processing), and other printed, written, handwritten, typewritten, recorded, stenographic, computer-generated, computer stored, magnetically-stored, optically-stored, or electronically stored matter and Electronic Information, however produced, prepared, reproduced, disseminated, made or stored in any data source. The words “Document” and “Documents” also include all copies of documents by whatever means made, except that where a document is produced, identical copies of it that do not contain any markings, additions, or deletions that are different from the original do not have to be separately produced.
7. The term “**communication**” includes, without limitation of its generality, statements, discussions, conversations, speeches, meetings, remarks, questions, answers, panel discussions and symposia, whether written or oral. The term includes, without limitation of its generality, both communications and statements which are face-to-face and those which are transmitted by any media such as intercoms, telephones, television, radio, or computer including electronic information.
8. The term “**electronic information**” includes, without limitation, the following: databases, data files, program files (e.g. .DOC, .DOCX, .TXT, .XLS, .WPD files), image files (e.g. .JPEG, .TIFF, .PDF files), email messages and files, voice mail messages and files, instant messaging messages, text messages, temporary files, system-history files, deleted files or emails, back up files and archival files, website files, website information stored in textual, graphical or audio format, cache files, and cookies.
9. The term “**data sources**” includes, without limitation, mainframe computers, network servers, internet (“web”) servers, computers (including desktop, laptop and handheld

computers), hard drives (including portable or temporary hard drives), flash drives (including thumb drives, secure digital cards or other flash memory devices), email servers, handheld devices like personal digital assistants and cell phones or smart phones (e.g. iPhones, BlackBerrys).

10. The terms “**relate**” or “**relating**” or “**regarding**” to any given subject, when used to specify a document, communication, statement, or correspondence mean any document, communication, statement or correspondence that constitutes, contains, evidences, embodies, reflects, identifies, states, discusses, refers to, deals with, or is in any manner whatsoever pertinent to that subject.
11. The term “**identify**,” **when used in reference to a natural person** means to provide his or her (1) full name and (2) present or last known position or business affiliation, job title, employment address, and telephone number (designating which).
12. The term “**identify**” and “**describe**,” **when used in reference to facts, an event, or an allegation**, means to include: (a) a detailed description of the facts, events, or allegation at issue; (b) the date or dates on which the facts or event occurred, or the time period involved in the events giving rise or relating to the allegation; (c) the name, address, telephone number, and affiliation of all persons involved in the facts, event, or allegation; and (d) the date, author, addressee or recipient, and type of document of any document relating to or concerning the event or allegation.
13. The term “**2012 Rate Order**” means the order adopted by the Board of Directors of the PUA on November 15, 2012, which establishes the wholesale water treatment rates charged to the PUA’s wholesale water treatment service customers, a copy of which is attached hereto as Exhibit A.
14. The term “**2013 Rate Order**” means the order adopted by the Board of Directors of the PUA on November 21, 2013, which establishes the wholesale water treatment rates charged to the PUA’s wholesale water treatment service customers, a copy of which is attached hereto as Exhibit B.

FIRST REQUESTS FOR INFORMATION

By providing written responses to these requests for information below, you acknowledge that you have read and are familiar with the instructions and definitions included above.

REQUEST FOR INFORMATION NO. 1-1: Identify and provide the dollar amount of the ad valorem tax bonds that have been previously approved by the voters of MUD 12 in bond elections but have not yet been issued by MUD 12, as of March 6, 2014.

RESPONSE:

REQUEST FOR INFORMATION NO. 1-2: What do you contend is the rate methodology used by the PUA to compute the wholesale water treatment service rates adopted in the 2012 Rate Order? Provide a detailed explanation for your contention and the basis thereof.

RESPONSE:

REQUEST FOR INFORMATION NO. 1-3: What do you contend is the rate methodology used by the PUA to compute the wholesale water treatment service rates adopted in the 2013 Rate Order? Provide a detailed explanation for your contention and the basis thereof.

RESPONSE:

REQUEST FOR INFORMATION NO. 1-4: List the other potable water service providers within 3 miles of the jurisdictional boundaries of MUD 12, as of November 21, 2013.

RESPONSE:

REQUEST FOR INFORMATION NO. 1-5: Describe and explain what is a monopoly.

RESPONSE:

REQUEST FOR INFORMATION NO. 1-6: Explain how the wholesale water treatment service rates charged by the PUA to MUD 12, adopted by the PUA in the 2013 Rate Order, have impaired MUD 12's financial and/or operational abilities to continue providing water service to MUD 12's customers after November 21, 2013, if any.

RESPONSE:

REQUEST FOR INFORMATION NO. 1-7: Describe and explain how the wholesale water treatment service rates charged by the PUA to MUD 12, as adopted by the PUA in the 2013 Rate Order, impair the PUA's financial and/or operational abilities to continue providing water service to its wholesale and retail customers after November 21, 2013, if any.

RESPONSE:

REQUEST FOR INFORMATION NO. 1-8: Describe and explain the disparate bargaining power between the PUA and MUD 12, experienced by MUD 12, regarding the provision of wholesale water treatment services by the PUA to MUD 12 between November 15, 2012 and March 6, 2014, if any.

RESPONSE:

REQUEST FOR INFORMATION NO. 1-9: Describe and explain how the PUA's wholesale water treatment service rate methodology used for calculating the PUA's wholesale water treatment rates charged to MUD 12 changed between the 2012 Rate Order and the 2013 Rate Order, if any.

RESPONSE:

REQUEST FOR INFORMATION NO. 1-10: Describe and explain how the wholesale water treatment service rate methodology that the PUA utilized to compute the wholesale water treatment service rates adopted by the PUA Board of Directors in the 2012 Rate Order is different from the wholesale water treatment service rate methodology used by the PUA to compute the wholesale water treatment rates adopted by the PUA Board of Directors in the 2013 Rate Order, if any.

RESPONSE:

REQUEST FOR INFORMATION NO. 1-11: Describe and explain how the wholesale water treatment service rate methodology that the PUA utilized to compute the wholesale water treatment service rates adopted by the PUA in the 2013 Rate Order is prejudicial, preferential, or discriminatory to MUD 12, as compared to the wholesale water treatment service rates adopted

by the PUA in the 2013 Rate Order for the PUA's other wholesale water treatment customers listed in the 2013 Rate Order, if any.

RESPONSE:

REQUEST FOR INFORMATION NO. 1-12: For all entities that have provided raw water, treated water, or water treatment services to MUD 12 between January 1, 2009 and January 1, 2014, list the names of such service providers, and for each of these service providers, the dates that such services were provided, the quantity or amount of water delivered to MUD 12 for such services, and the costs incurred by MUD 12 for such services.

RESPONSE:

REQUEST FOR INFORMATION NO. 1-13: Describe and explain the disparate bargaining power between the PUA and MUD 12, experienced by MUD 12, regarding the calculation and determination of wholesale water treatment service rates by the PUA to MUD 12 between November 15, 2012 and March 6, 2014, if any.

RESPONSE:

**ORDER REGARDING PROPOSED INCREASES TO RATES FOR WHOLESAL
WASTEWATER, WHOLESAL WATER AND EFFLUENT RAW WATER
IRRIGATION CUSTOMERS**

THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

The Board of Directors of the West Travis County Public Utility Agency (the "Agency") met in a regular session, open to the public, after due notice, at City of Bee Cave, City Hall, 4000 Galleria Parkway, Bee Cave, Texas 78738, an official meeting place within the boundaries of the Agency, on November 15, 2012; whereupon the roll was called of the members of the Board of Directors, to wit:

Larry Fox	President
Michael Murphy	Vice President
Ray Whisenant, Jr.	Secretary

All members of the Board were present.

WHEREUPON, among other business conducted by the Board, Director Fox introduced the order set out below and moved its adoption, which motion was seconded by Director Whisenant, and, after full discussion and the question being put to the Board of Directors, said motion was carried by the following vote:

"Aye" X ; "No" .

The Order thus adopted is as follows:

WHEREAS, the Agency's fiscal year ends September 30 of each calendar year;

WHEREAS, the Agency is in the process of evaluating rates for wholesale wastewater, wholesale water and effluent raw water irrigation customers contained in Tariff ("Agency Rate Tariff") as a part of its planning for its next fiscal year;

WHEREAS, the Agency held a public hearing regarding potential amendments to the Agency rates, to ensure that the Agency's customers have the opportunity to provide input and participate in this process; and

WHEREAS, the Agency desires to consider increases to the aforementioned rates to be effective January 1, 2013 to provide additional time for review and to receive additional input from customers impacted by such proposed increases.

NOW THEREFORE, it is ordered by the Board of Directors of West Travis County Public Utility Agency that:

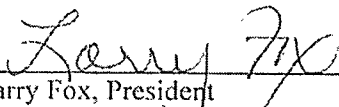
Section 1: The above recitals are true and correct and are incorporated into this Order for all purposes.

Section 2: The increases to rates for wholesale wastewater, wholesale water and effluent raw water irrigation customers are shown in Attachment A.


Section 3: The Agency's General Manager, Engineer, and General Counsel are authorized to take all actions necessary to carry out the purposes of this Order, including, but not limited to, providing notice of the proposed increases to Agency customers and amended Tariff, and petitioning the Lower Colorado River Authority ("LCRA") Board of Directors to confirm such rates as required by the Agency's agreements with the LCRA.

Section 4: These proposed rate increases shall be effective as of January 1, 2013.

PASSED AND APPROVED this 15th day of November, 2012.


Larry Fox, President
Board of Directors

ATTEST:


Ray Whisenant, Jr., Secretary
Board of Directors

West Travis County Public Utility Agency

Attachment A

Minimum Bill	Current	Stepped Increase - 15.5%
CRYSTAL MOUNTAIN HOA, INC.	\$ 655.00	\$ 756.53
DEER CREEK RANCH WATER CO., LLC	\$ 2,500.00	\$ 2,887.50
DRIPPING SPRINGS WSC	\$ 4,548.00	\$ 5,252.94
EANES ISD	\$ 175.00	\$ 202.13
HAYS COUNTY WCID #1	\$ 7,450.00	\$ 8,604.75
REUNION RANCH WCID	\$ 3,190.00	\$ 3,684.45
SENNA HILLS MUD #1	\$ 3,730.00	\$ 4,308.15
BARTON CREEK WEST WSC	\$ 2,167.00	\$ 2,502.89
HAYS COUNTY WCID #2	\$ 6,515.00	\$ 7,524.83
CITY OF DRIPPING SPRINGS	\$ 7,000.00	\$ 8,085.00
LAZY NINE MUD #1A	\$ 10,200.00	\$ 11,781.00
TRAVIS COUNTY MUD #12	\$ 9,430.00	\$ 10,891.65

Volumetric Rate	Current	Stepped Increase - 15.5%
Customers With own Raw Water	\$ 2.40	\$ 2.77
Customers Using PUA Raw Water	\$ 2.86	\$ 3.30

Wastewater	Current	Full Cost of Service - 18%
Minimum Charge	\$ 2,500.00	\$ 2,500.00
Volumetric Charge	\$ 2.75	\$ 3.25

Effluent	Current	Stepped Increase - 4.6%
Volumetric Charge	\$ 3.00	\$ 3.14

**ORDER REGARDING AMENDMENTS TO WHOLESALE WATER AND
WASTEWATER RATES**

THE STATE OF TEXAS §
 §
COUNTIES OF TRAVIS AND HAYS §

The Board of Directors of the West Travis County Public Utility Agency (the "*PUA*") met in a regular session, open to the public, after due notice, at City of Bee Cave, City Hall, 4000 Galleria Parkway, Bee Cave, Texas 78738, an official meeting place within the boundaries of the Agency, on November 21, 2013; whereupon the roll was called of the members of the Board of Directors, to wit:

Larry Fox	President
Michael Murphy	Vice President
Ray Whisenant, Jr.	Secretary
Scott Roberts	Director
Bill Goodwin	Director

All members of the Board were present.

WHEREUPON, among other business conducted by the Board, Director Goodwin introduced the order set out below and moved its adoption, which motion was seconded by Director Whisenant, and, after full discussion and the question being put to the Board of Directors, said motion was carried by the following vote:

"Aye" 4 ; "No" 1 .

The Order thus adopted is as follows:

WHEREAS, the PUA entered into that certain "Utility Installment Purchase Contract" between the PUA and the Lower Colorado River Authority ("*LCRA*") on January 17, 2012, providing in part for the sale of certain water and wastewater assets in west Travis County and north Hays County from LCRA to the PUA;

WHEREAS, in taking over and operating such LCRA facilities, the PUA in part provides wholesale water and wastewater service to the following 13 wholesale customers, based upon their existing contracts, as may be amended from time to time:

1. Dripping Springs Water Supply Corporation
2. Senna Hills Municipal Utility District No. 1
3. Crystal Mountain Homeowners Association, Inc.
4. Barton Creek West Water Supply Corporation

5. Eanes Independent School District
6. Travis County Municipal Utility District No. 18
7. Hays County Water Control and Improvement District No. 1
8. Hays County Water Control and Improvement District No. 2
9. Lazy Nine Municipal Utility District No. 1A
10. Deer Creek Ranch Water Company
11. Reunion Ranch Water Control and Improvement District
12. Travis County Municipal Utility District No. 12
13. Travis County Water Control and Improvement District No. 17;

WHEREAS on November 15, 2012, the PUA adopted wholesale water and wastewater rates at a public meeting, open to the public;

WHEREAS, the PUA's fiscal year ends September 30 of each calendar year;

WHEREAS, the PUA has been in the process of evaluating its wholesale water and wastewater rates for each of its wholesale water and wastewater customers as a part of the PUA's planning for the current fiscal year;

WHEREAS, the PUA has conducted meetings with its wholesale water and wastewater customers in 2013 regarding future amendments to the PUA's wholesale water and wastewater rates, and it has received comments from these customers regarding the proposed amendments; and

WHEREAS, the PUA desires to amend its wholesale water and wastewater rates for each of the 13 wholesale customers, to be effective January 1, 2014.

NOW THEREFORE, it is ordered by the Board of Directors of West Travis County Public Utility Agency that:

Section 1: The above recitals are true and correct and are incorporated into this Order for all purposes.

Section 2: The Board of Directors of the PUA hereby approves, adopts, and orders that the wholesale water rate for the Dripping Springs Water Supply Corporation shall include a monthly minimum charge of \$10,917.33 and a volumetric rate of \$2.14 per 1,000 gallons, effective January 1, 2014.

Section 3: The Board of Directors of the PUA hereby approves, adopts, and orders that the wholesale water rate for the Senna Hills Municipal Utility District No. 1 shall include a monthly minimum charge of \$13,466.51 and a volumetric rate of \$2.11 per 1,000 gallons, effective January 1, 2014.

Section 4: The Board of Directors of the PUA hereby approves, adopts, and orders that the wholesale water rate for the Crystal Mountain Homeowners Association, Inc. shall

include a monthly minimum charge of \$2,237.34 and a volumetric rate of \$2.69 per 1,000 gallons, effective January 1, 2014.

Section 5: The Board of Directors of the PUA hereby approves, adopts, and orders that the wholesale water rate for the Barton Creek West Water Supply Corporation shall include a monthly minimum charge of \$14,187.66 and a volumetric rate of \$2.59 per 1,000 gallons, effective January 1, 2014.

Section 6: The Board of Directors of the PUA hereby approves, adopts, and orders that the wholesale water rate for the Eanes Independent School District shall include a monthly minimum charge of \$739.32 and a volumetric rate of \$2.35 per 1,000 gallons, effective January 1, 2014.

Section 7: The Board of Directors of the PUA hereby approves, adopts, and orders that the wholesale water rate for the Travis County Municipal Utility District No. 18 shall include a monthly minimum charge of \$1,112.77 and a volumetric rate of \$2.11 per 1,000 gallons, effective January 1, 2014.

Section 8: The Board of Directors of the PUA hereby approves, adopts, and orders that the wholesale water rate for the Hays County Water Control and Improvement District No. 1 shall include a monthly minimum charge of \$16,477.28 and a volumetric rate of \$2.02 per 1,000 gallons, effective January 1, 2014.

Section 9: The Board of Directors of the PUA hereby approves, adopts, and orders that the wholesale water rate for the Hays County Water Control and Improvement District No. 2 shall include a monthly minimum charge of \$12,113.97 and a volumetric rate of \$2.06 per 1,000 gallons, effective January 1, 2014.

Section 10: The Board of Directors of the PUA hereby approves, adopts, and orders that the wholesale water rate for the Lazy Nine Municipal Utility District No. 1A shall include a monthly minimum charge of \$12,815.48 and a volumetric rate of \$1.86 per 1,000 gallons, effective January 1, 2014.

Section 11: The Board of Directors of the PUA hereby approves, adopts, and orders that the wholesale water rate for the Deer Creek Ranch Water Company shall include a monthly minimum charge of \$7,011.28 and a volumetric rate of \$2.00 per 1,000 gallons, effective January 1, 2014.

Section 12: The Board of Directors of the PUA hereby approves, adopts, and orders that the wholesale water rate for the Reunion Ranch Water Control and Improvement District shall include a monthly minimum charge of \$947.20 and a volumetric rate of \$2.08 per 1,000 gallons, effective January 1, 2014.

Section 13: The Board of Directors of the PUA hereby approves, adopts, and orders that the wholesale water rate for the Travis County Municipal Utility District No. 12 shall

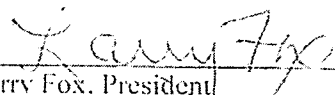
include a monthly minimum charge of \$8,140.89 and a volumetric rate of \$2.11 per 1,000 gallons, effective January 1, 2014.

Section 14: The Board of Directors of the PUA hereby approves, adopts, and orders that the wholesale wastewater rate for the Travis County Water Control and Improvement District No. 17 shall include a monthly minimum charge of \$10,981.89 and a volumetric rate of \$3.67 per 1,000 gallons, effective January 1, 2014.

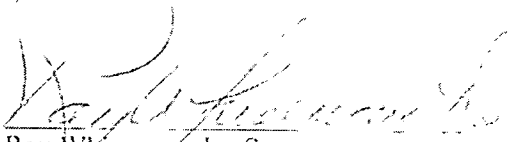
Section 15: The Agency's General Manager, Engineer, and General Counsel are authorized to take all actions necessary to carry out the purposes of this Order, including, but not limited to, providing notice of the proposed increases to Agency customers and amended Tariff.

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PASSED AND APPROVED this 21st day of November, 2013.


Larry Fox, President
Board of Directors

ATTEST:


Ray Whisenant, Jr., Secretary
Board of Directors