



Control Number: 42962



Item Number: 2

Addendum StartPage: 0

House Bill (HB) 1600 and Senate Bill (SB) 567 83rd
Legislature, Regular Session, transferred the functions
relating to the economic regulation of water and sewer
utilities from the TCEQ to the PUC effective
September 1, 2014

Robert J. Huston, *Chairman*
R. B. "Ralph" Marquez, *Commissioner*
Kathleen Hartnett White, *Commissioner*
Jeffrey A. Saitas, *Executive Director*



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TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

Protecting Texas by Reducing and Preventing Pollution

January 7, 2002

CERTIFIED MAIL

Mr. Don R. Badeaux
City of Lyford
702 South Arroyo
Los Fresnos, Texas 78566

Re: Application of City of Lyford
Registration Numbers: A1326 (water) and A1237 (sewer)
Administrative Review Number: A-239-1

Dear Mr. Badeaux:

We have received the application on December 19, 2001 for the above referenced entity and it is currently under review. The Application to Obtain a CCN has been revised and contains different provisions and new requirements from the application that you submitted. Enclosed for your convenience please find the current CCN application. The updated application can also be found on the TNRCC web page at <http://www.tnrcc.state.tx.us/permitting/waterperm/ud/u&dpubs.html>. The information submitted on the old form should be transferred onto the current form. Please ensure while completing the enclosed application, you address the following items which were not found in your submitted application. Please submit your response within 30 days from the date of this letter.

1. The Core Data Form is a new tool TNRCC uses to maintain basic information about the people, businesses, and institutions that we (the TNRCC) must regulate under the law. Attached for your convenience are instructions and the Core Data Form. Please complete this form and return it to the Central Registry Program (Mail Code 144).
2. Item 2 on page 2 of the Instructions and Checklist: We were unable to locate the three copies of the application and all required attachments. Please provide the three copies of the application and all required attachments.
3. Item 2.B. on page 6 of the enclosed application: Indicate whether you have received any requests for service in the requested service area.
4. Item 2.D. on page 7 of the enclosed application: Your letter dated December 5, 2001 indicates a portion of your proposed service area is in another utility's CCN area. If the current CCN holder has agreed to decertify the proposed area, please provide the letter of consent from that utility.
5. Item 4.A. on page 8 of the enclosed application: Please provide a list of all public drinking water supply systems or sewer systems within a **two mile** radius of the proposed system; copies of written requests seeking to obtain services; and copies of written responses from each system or evidence that they did not reply.

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Mr. Don R. Badeaux
Page Two
January 7, 2002

6. Item 4.E. on page 9 of the enclosed application: Please submit the plans and specifications approval letter issued by the Texas Natural Resource Conservation Commission or predecessor agency. If the water system was not approved prior to use, please submit "as built" plans and specifications prepared and sealed by a licensed professional engineer as required in Texas Administrative Code 290.39(d).
7. Item 6 on page 10 of the enclosed application: Please provide an analysis of all necessary costs of constructing, operating, and maintaining the system for the first five years; projected profit and loss statements, cash flow worksheets and balance sheets for each of the first five years of operations.
8. Item 6 on page 10 of the enclosed application: We were unable to locate a proposed tariff or rate schedule. Please provide a proposed tariff or rate schedule.
9. Item 7.G. on page 11 of the enclosed application: We were unable to locate the completed Notice to Neighboring Utilities. Please complete the Notice to Neighboring Utilities.

Please submit the complete response, addressed to my attention by February 7, 2002. If the requested information is not received by the given deadline, pursuant to 30 TAC Chapter 281, the application will be returned from our list of pending applications. If you should have any questions, please do not hesitate to call me at (512) 239-6168.

Sincerely,



Cindy Cavazos
Water Quality Applications Team (MC 156)
Permits Administrative Review Section
Registration, Review & Reporting Division

Enclosures



P.O. Box 310 • 196 West Main
Lyford, Texas 78569
Phone: (956) 347-3512 • Fax: (956) 347-5434

December 5, 2001

Texas Natural Resource Conservation Commission
Water Utilities Division
Utility Rates and Services Section, MC-153
P. O. Box 13087
Austin, Texas 78711-3087

Dear Sir:

Enclosed is an application for Water and Sewer C. C. N.

The City of Lyford has never applied for nor received a C. C. N. because it was the City's understanding that Lyford did not need one for serving within our city limits, and when the City expanded its city limits, it would have the right to service its citizens.

Also, through the years, the City has expanded its utilities outside the city limits as requested by property owners. Recently, we have come to realize that cities do need a C. C. N. Outside the City Limits; therefore, we are applying for same.

Within the enclosed maps of our existing utility system, you will notice that we are presently serving customers who are within the C.C N.s of other water districts.

We have surveyed the area outside our city limits for which we are presently asking to serve utilities. Part of this area is within other utility districts' C. C. N.; and, from our information, it is very economically impractical for the present C. C. N. Holders to service said areas.

As you will note on our existing utility maps, most of our requested area outside the city limits is being presently served by Lyford.

ENCLOSED EXHIBITS.

- a. C.C.N. Area requesting
- b. Present City Limits
- c. Present E.T.J. Areas
- d. Existing utility area being serviced by Lyford
- e. Existing utilities
- f. Existing utilities
- g. County map of proposed C.C.N.

Page 2.

December 5, 2001

Texas Natural Resource Conservation Commission
Water Utilities Division
Utility Rates and Services Section, MC-153
P. O. Box 13087
Austin, Texas 78711-3087

If any additional information is needed, please contact Don R. Badeaux at 956-233-9740,
702 South Arroyo Blvd., Los Fresnos, Texas 78566.

Sincerely,

A handwritten signature in cursive script that reads "Lizandro Roman".

Lizandro Roman
Mayor



APPLICATION TO OBTAIN OR AMEND A WATER/SEWER CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN)

*RN #

*CN #

*If known (See instructions)

PURPOSE OF THIS APPLICATION

☒ OBTAIN

☐ New Water CCN

☐ New Sewer CCN

AMEND

☐ Water CCN # _____

☐ Sewer CCN # _____

1. APPLICANT INFORMATION

Utility Name: City of Lyford

Utility Address (city/state/zip) 196 W. Main, Lyford, TX, 78569

Utility Phone and Fax Number (956) 347-3512 Phone (956) 347-5434 Fax _____

Contact Person: Please provide information about the person to be contacted regarding this application. Indicate if this person is the owner, operator, engineer, attorney, accountant, or other title related to the applicant.

Name: Don R. Badeaux

Title: _____

Address: 702 S. Arroyo, Los Fresnos Telephone (956) 233-9740

City Los Fresnos St TX Zip 78566 Fax (956) 233-9740

County(ies) in which service is proposed Willacy

A. Provide the following information about the utility's certified operators

Name	Classes	License Number
Abran Rubio	C	523135490 Water
Abran Rubio	C	523135490 Waste Water

- Attach additional sheet(s) if necessary -

B. Check the appropriate box and provide information regarding the legal status of the applicant:

<input type="checkbox"/>	Investor owned utility
<input checked="" type="checkbox"/>	Individual
<input type="checkbox"/>	Home or Property Owners Association
<input type="checkbox"/>	For-profit corporation
<input type="checkbox"/>	Non-profit, member-owned, member-controlled cooperative corporation (Water Code Chapter 67, Water Supply or Sewer Service Corporation)
<input checked="" type="checkbox"/>	Municipality
<input type="checkbox"/>	District
<input type="checkbox"/>	Other
	Please explain:

C. If the applicant is a For-Profit Corporation:

- i. Please provide a copy of the corporation's "Certification of Account Status" from the Texas State Comptroller of Public Accounts. (See Note below).
 - ii. Please provide the corporation's charter number as recorded with the Office of the Texas Secretary of State. _____.
- D. If the applicant is a Water Code Chapter 67 water supply or sewer service corporation or other non-profit corporation:
- i. Please provide a copy of the Articles of Incorporation and By-Laws.
 - ii. Please provide the corporation's charter number as recorded with the Office of the Texas Secretary of State

2. LOCATION INFORMATION

- A. Are there people already living in the proposed area?
 YES ☒ NO _____
 If YES, are any currently receiving utility service?
 YES ☒ NO _____, if YES, from Whom _____.
- B. Have you received any requests for service in the requested service area?
 YES ☒ NO _____
 If yes, please indicate the number of verbal and number of written requests and provide a clear explanation of the need for service in the requested area.
 On a separate page, list the name, address, and phone number of persons requesting service. Include any letters of intent, service inquiries, and/or any other documentation demonstrating a need for service in the proposed area.
 If no, please justify the need for service in the proposed area.
- C. Is any portion of the proposed service area inside an incorporated city?
 YES ☒ NO _____
 If YES, within the city limits of: Lyford
 Provide a copy of any franchise, permit, or consent granted by the city. If not available, please explain:
Lyford is the applicant

- D. Is any portion of the proposed service area inside another utility's CCN area?
 YES ☒ NO _____
 If YES, has the current CCN holder agreed to decertify the proposed area.
 YES _____ NO ☒ _____
 If NO, are you seeking dual or single certification of the area? Explain why decertification of the area is in the public interest. Dual Certification
- E. Attach the following maps with each copy of the application: *(All maps should include applicant's name, address, telephone number, and date of drawing or revision. All maps should be folded to 8½ x 11 inches).*
- i. Subdivision plat or engineering plans or other large scale map showing the following:
 - a. The exact proposed service area boundary showing locations of requests for service and locations of existing connections (if applicable).
 ★ NOTE: Applicant may send their facility line map showing current connections (if available), OR estimate the number of connections along each side of the street on the large scale map.
 - b. The existing service area (if applicable).
 - c. Metes and bounds (if available).

2. B. The City has recieved request for water and sewer in two colonias.
The City has applied and recieved federal funds to install water and sewer
in said subdivisions. Both colonias are being serviced by Lyford.

- d. Proposed and existing service area boundaries should be plotted on the map in relation to verifiable natural and man-made landmarks such as roads, creeks, rivers, railroads, etc.
- e. *Service area boundaries should be shown with such exactness that they can be located on the ground.*

★ NOTE: *Applicant may use a USGS 7.5"-minute series map if no other large scale map is available.*

- ii. Small scale location map delineating the proposed service area. This map will assist TNRCC staff in locating the proposed service area in relation to neighboring utility service areas. The proposed service area boundary may be delineated on a copy of the TNRCC official CCN map. *A copy of the TNRCC official CCN map may be obtained by contacting the Utilities & Districts Section at 512/239-6960 or by mailing a written request to the following address:*

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

★ NOTE: If the proposed service areas shown on the large scale map and small scale map do not delineate the same area, the more detailed large scale map will be used to delineate the official CCN service area.

- iii. **Hard copy maps should include the following items:**
 - a. Map scale should be prominently displayed.
 - b. Color coding should be used to differentiate the applicants existing service areas from the proposed service area.
 - c. Attach a written description of the proposed service area.
 - d. Proposed service area should be the same on all maps.
 - e. Include map information in digital format (if available), *see Section 3, GIS Information.*

3. GIS INFORMATION

We are currently developing a state wide Geographic Information Systems (GIS) coverage of all CCN service areas. The mylar maps are being retired. In order to assist us in this move, we are requesting that a digital file of the proposed CCN service area boundary be submitted with the 3 hard copy maps. **This is not a requirement.** It is understood that not all utilities employ the services of an engineering company or use mapping software to produce a map of the proposed CCN service area boundary. However, by submitting the information digitally, the evaluation of your CCN will be faster and more accurate. Also, by receiving the information in digital form it is easier for us to update and maintain the CCN GIS coverage.

- A. **Digital Map Requirements** In order that your digital data can be properly used, the following information is necessary:
 - i. Submit digital data of the proposed CCN service area on a 3.25" diskette or CD. Only one diskette or CD is necessary. Most files of CCNs (minus the base map) should be small enough to zip up and put on a diskette or CD.
 - ii. The digital data should include all items represented in the hard copy maps (see Section 2, items E.i and E.ii).
 - iii. Please identify data file format, projection information, map units and base map used.
- Acceptable Data File Formats:**
- 1. ArcView shape file (preferred)
 - 2. AutoCAD dwg file

3. Arc/Info E00 file
4. DXF file
5. Microstation dgn files

★ NOTE: If you use a format that is not listed, contact the Cartographer at the number listed below to see if we can use the data.

- a. **Projection, Datum, and Units Information** The data should be submitted in the Texas State Mapping System (TSMS) Projection. However, if it cannot be submitted in TSMS, list the Projection (e.g. State Plane Central Zone, NAD27) or coordinate system being used and Units (e.g. meters, feet, etc.)

- b. **Base Map Information**

List the base map used (e.g. TxDOT county digital road maps, USGS maps, etc.) Base map information should be included only if it has been produced in-house and is not easily available at most data repositories.

★ NOTE: TNRCC uses TxDOT county (urban) digital road maps as the official CCN base map. Copies of these files can be obtained from Texas Natural Resources Information Systems (TNRIS) at (512) 463-8337 or downloaded from the TNRIS website at <http://www.tnr.is.state.tx.us/DigitalData/TxDOT/txdot.htm>.

- c. **Read-me text file**

Data file format, base map used, projection and units information, and other necessary information can be specified in a read-me text file.

B. Important Information For those applicants that submit digital data:

- i. Please make sure the proposed service area boundary shown on the hard copy map is identical to the digital data. If the proposed service area shown on the digital data does not delineate the same area shown on the hard copy map, the hard copy map will be used to delineate the official CCN service area.
- ii. Modifications may be made to submitted digital data in order to match the proposed service area boundary to features represented on the TxDOT base map, as opposed to the same features used in the applicants base map.
- iii. If an applicant proposes to amend a portion of their existing CCN service area, the existing service area shown on the digital data must match the official CCN service area that was previously certificated to the utility. If it does not, then only the proposed portion of the digital data will be used.

If you have any questions about sending the data or our GIS CCN coverage, please contact the Cartographer of the Utilities & Districts Section, Water Permits & Resource Management Division at (512) 239-6960. Your cooperation and help is appreciated. Thank you.

4. NEW SYSTEM INFORMATION OR UTILITIES REQUESTING A CCN FOR THE FIRST TIME

- A. Please provide the following information:
 - i. A list of all public drinking water supply systems or sewer systems within a 2 mile radius of the proposed system.
 - ii. Copies of written requests seeking to obtain service from each of the public drinking water supply systems or sewer systems listed in #4.a.i above or documentation that it is not economically feasible to obtain service from them.
 - iii. Copies of written responses from each system or evidence that they did not reply.

B. Were your requests for service denied?

- i. If yes, continue.
- ii. If no, please provide a detailed analysis which justifies your reasons for not accepting service. A separate analysis must be prepared and submitted for each system that granted your request for service.

- C. Please summarize how the proposed utility system will be constructed and describe each projected construction phase, if any: _____

- D. Date of plat approval, if required: _____
 Approved by: _____
- E. Date Plans & Specifications submitted for approval _____ Log No. _____
 Attach copy of approval letter if available.
- F. Date construction is scheduled to commence _____
- G. Date service is scheduled to commence _____

5. EXISTING SYSTEM INFORMATION

A. Please provide the following information for **each** water and/or sewer system:

- i. Water system's TNRCC Public Water System identification number:
 2 4 5 0 0 0 3 ; ;
- ii. Sewer system's TNRCC Discharge Permit number: (for each system)
 W Q 1 1 2 1 0 - 0 0 1 ; W Q -
- iii. Date of last inspection (see attached)
- iv. Attach a copy of the most recent inspection report letter.
- v. For each system deficiency listed in the inspection report letter, attach a brief explanation listing the actions taken or being taken by the utility to correct the listed deficiencies, including the proposed completion dates.

- B. Using the current number of customers, is any facility component in systems named in #5A above operating at 85% or greater of minimum standard capacity?
 Yes _____ No X
 Attach an explanation listing the actions to be taken to make system improvements including proposed completion dates (See 291.93(3)(A) of TNRCC Rules).

- C. List in the table below, the number of existing and/or proposed metered and non-metered connections (by size):

Water System			Sewer System		
Connection	Existing	Proposed	Connection	Existing	Proposed
5/8" or 3/4" meter	726		Residential	556	96
1" meter or larger	52		Commercial	47	7
Non-Metered			Industrial		
Other:			Other:		
Total Water	778		Total Sewer	603	103

- D. If this application is for a water CCN only, please explain how sewer service is provided:
CCN for water and sewer

- E. If this application is for a sewer CCN only, please explain how water service is provided:
CCN for water and sewer
- F. What is the effect of the granting or amending a certificate on a recipient of the certificate and on any retail public utility of the same kind already serving the proximate area:
CCN is presently held by other utilities Company
but they are not serving the area. Lyford is presently serving this
area.
- G. Do you currently purchase or plan to purchase water or sewer treatment capacity from another source?
- i. No X (skip the rest of this question and go to #6)
- ii. Water
 Yes _____
 Purchased on a () regular - () seasonal - () emergency basis?
- | Source | % of total supply |
|--------|-------------------|
| | |
| | |
- iii. Sewer treatment capacity
 Yes N/C
 Purchased on a () regular - () seasonal - () emergency basis
- | Source | % of total treatment |
|--------|----------------------|
| | |
| | |
- iv. Provide a **certified** copy of the most current water or sewer treatment capacity purchase agreement or contract.

6. FINANCIAL INFORMATION

- A. For new systems and for applicants with existing CCNs who are constructing a new stand alone system:
- i. the applicant must provide an analysis of all necessary costs for constructing, operating, and maintaining the system for which the CCN is requested for at least the first five years. In addition, if service has been offered by an existing water service provider as stated in #4.A., but the applicant has determined that the cost of service as finally offered renders the project not economically feasible, the applicant must provide a comparison analysis of all necessary costs for acquiring and continuing to receive service from the existing system for the same period.
- ii. Attach projected profit and loss statements, cash flow worksheets, and balance sheets (projected five year financial plan worksheet is attached) for each of the first five years of operation. Income from rates should correlate to the growth projections in #6.A above.
- iii. Attach a proposed rate schedule or tariff. Describe the procedure for determining the rates and fees and indicate date of last change, if applicable. Attach copies of any cost of service studies or rate analysis worksheets.

- B. For existing systems:
- i. Attach a profit and loss statement and current balance sheet for existing businesses (end of last fiscal year is acceptable). Describe sources and terms for borrowed capital such as loans, bonds, or notes (profit and loss and balance sheet worksheets are attached, if needed).
 - ii. Attach a proposed rate schedule or tariff.
- ★ NOTE: An existing system may be required to provide the information in 6.A.i. above during the technical review phase if necessary for staff to completely evaluate the application.
- C. Identify any funds you are required to accumulate and restrict by lenders or capital providers.
- D. In lieu of the information in #6.A. thru #6.C., you may provide information concerning loan approvals within the last three (3) years from lending institutions or agencies including the most recent financial audit of the applicant.

7. **NOTICE REQUIREMENTS**

- A. All proposed notice forms must be completed and submitted with the application. However, do not mail or publish them until you receive written approval from the Commission to do so.
- B. The Commission cannot grant a CCN until proper notice of the application has been given. Commission rules do not allow a waiver of these notice requirements.
- C. It is the applicant's responsibility to ensure that proper notice is given to all entities that are required to receive notice.
- D. Recommended notice forms for publication, neighboring cities and systems, and customers are included with this application to use in preparing your proposed notices. (These notice forms are also available in Spanish upon request.)
- E. After reviewing and, if necessary, modifying the proposed notice, the Commission will send the notice to the applicant after the application is accepted for filing along with instructions for publication and/or mailing. Please review the notice carefully and note any additional neighboring utilities which may be included in the acceptance letter.
- F. Notice For Publication:
The applicant shall publish the notice in a newspaper having general circulation in the county or counties where a certificate of convenience and necessity is being requested, once each week for two consecutive weeks beginning with the week after the notice is received from the Commission. Proof of publication in the form of a publisher's affidavit shall be submitted to the Commission within 30 days of the last publication date. The affidavit shall state with specificity each county in which the newspaper is of general circulation.
- G. Notice To Neighboring Utilities:
- i. List all neighboring retail public utilities and cities providing the same utility service within the following vicinities of the applicant's proposed certificate area; and
 - ii. any city whose extra-territorial jurisdiction (ETJ) overlaps the proposed service area.
 - iii. For applications for the issuance of a **NEW** certificate of public convenience and necessity, the applicant must mail the notice to all cities and neighboring retail public utilities providing the same utility service within **five (5) miles** of the requested service area, and any city with an ETJ which overlaps the proposed service area.
 - iv. For applications for the **AMENDMENT** of certificate of public convenience and necessity, the applicant must mail the notice to all cities and neighboring retail public utilities providing the same utility service within **two (2) miles** of the requested service area, and any city with an extra-territorial jurisdiction which overlaps the proposed service area.
 - v. Include a copy of the above mentioned location map (Section 2.E.ii) with notice.

- H. Notice to Customers
Investor Owned Utilities (IOUs) that are currently providing service without a certificate must provide individual mailed notice to all current customers. The notice must contain the current rates, the date those rates were instituted, and any other information required in the application.
- I. The Commission may require the applicant to deliver notice to other affected persons or agencies.

Do not publish or send copies of the proposed notices to anyone at the time you submit the application to the Commission. Wait until you receive written authorization to do so. This will occur after the Commission has reviewed the notices for completeness, and your application has been accepted for filing.

OATH

State of Texas

County of Willacy

OATH

State of Texas

County of Willacy

I, Lisandro Ramon

Mayer being duly sworn, file this application as
(indicate relationship to Applicant, that is, owner, member of partnership,
title as officer of corporation, or other authorized representative of Applicant); that, in such capacity, I am qualified and authorized
to file and verify such application, am personally familiar with the maps filed with this application, and have complied with all the
requirements contained in this application; and, that all such statements made and matters set forth therein are true and correct.
I further state that the application is made in good faith and that this application does not duplicate any filing presently before
the Texas Natural Resource Conservation Commission.

**I further represent that the Applicant will provide continuous and adequate service to all customers and qualified
applicants for service within its certificated service area.**

Lisandro Ramon

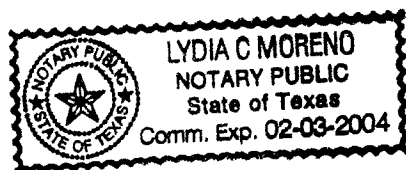
AFFIANT

(Applicant's Authorized Representative)

If the Affiant to this form is any person other than the sole owner, partner, officer of the Applicant, or its attorney, a properly
verified Power of Attorney must be enclosed.

SUBSCRIBED AND SWORN TO BEFORE ME, a Notary Public in and for the State and County above-named, this 14th day
of December, 2001.

SEAL



Lydia C. Moreno
NOTARY PUBLIC

Notice for Publication

NOTICE OF APPLICATION FOR CERTIFICATE OF CONVENIENCE
AND NECESSITY (CCN) TO PROVIDE WATER/SEWER
UTILITY SERVICE IN WILLACY COUNTY(IES)

City of Lyford
Name of Applicant
has filed an application for a CCN / to
amend CCN No. _____ / and to decertify a portion(s) of North Alamo and Sunny Dew with the
Texas Natural Resource Conservation Commission to provide 3 (specify 1) water or 2) sewer
or 3) water & sewer) utility service in Willacy County(ies).

The proposed utility service area is located approximately 1 miles N/S/E/W [direction] of
downtown Lyford, [City or Town] Texas, and is generally bounded on the north by
_____; on the east by _____; on the south by _____; and on the west by _____.

The total area being requested includes approximately 129,600 acres and 778 current customers.

A copy of the proposed service area map is available at 196 W. Main, Lyford, TX 78569

A request for a public hearing must be in writing. You must state (1) your name, mailing address, and daytime telephone number; (2) the applicant's name, application number or another recognizable reference to this application; (3) the statement, "I/we request a public hearing"; (4) a brief description of how you or the persons you represent, would be adversely affected by the granting of the application for a CCN; and (5) your proposed adjustment to the application or CCN which would satisfy your concerns and cause you to withdraw your request for a hearing.

Persons who wish to intervene or comment should write the:

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

within thirty (30) days from the date of this publication or notice. A public hearing will be held only if a legally sufficient hearing request is received or if the Commission on its own motion requests a hearing. Only those individuals who submit a written hearing request or a written request to be notified if a hearing is set will receive notice if a hearing is scheduled.

If a public hearing is requested, the Executive Director will not issue the CCN and will forward the application to the State Office of Administrative Hearings (SOAH) for a hearing. If no settlement is reached and an evidentiary hearing is held, the SOAH will submit a recommendation to the Commission for final decision. If an evidentiary hearing is held, it will be a legal proceeding similar to a civil trial in state district court.

Notice to Neighboring Systems and Cities

NOTICE OF APPLICATION FOR CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN)
TO PROVIDE WATER/SEWER UTILITY SERVICE IN WILLACY COUNTY(IES)

To: North Alamo WSC Date Notice Mailed: 2/6, 2001
(Neighboring System or City)

(Address)

(City State Zip)

City of Lyford

City of Lyford has filed an application for a CCN / to
Name of Applicant
amend CCN No. / and to decertify a portion(s) of North Alamo WSC with
the Texas Natural Resource Conservation Commission to provide 3 (specify 1) water or 2)
sewer or 3) water & sewer) utility service in Willacy County County(ies).

The proposed utility service area is located approximately 1 miles Around [direction] of
downtown Lyford, [City or Town] Texas, and is generally bounded on the north by
1761; on the east by (See Map)
(See Map); on the south by (See Map); and on the west by (See Map). See enclosed map of the proposed service area.

The total area being requested includes approximately 29,600 acres and 778 current customers.

A request for a public hearing must be in writing. You must state (1) your name, mailing address, and daytime telephone number; (2) the applicant's name, application number or another recognizable reference to this application; (3) the statement, "I/we request a public hearing"; (4) a brief description of how you or the persons you represent, would be adversely affected by the granting of the application for a CCN; and (5) your proposed adjustment to the application or CCN which would satisfy your concerns and cause you to withdraw your request for a hearing.

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Notice to Neighboring Systems and Cities

NOTICE OF APPLICATION FOR CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN)
TO PROVIDE WATER/SEWER UTILITY SERVICE IN Willacy COUNTY(IES)

To: Sunny Dew WSC Date Notice Mailed: 2/6, 2001
(Neighboring System or City)
(Address)
(City State Zip)

City of Lyford has filed an application for a CCN / to
Name of Applicant
amend CCN No. _____ / and to decertify a portion(s) of Sunny Dew WSC with
the Texas Natural Resource Conservation Commission to provide 3 (specify 1) water or 2)
sewer or 3) water & sewer) utility service in Willacy County(ies).

The proposed utility service area is located approximately 1 miles Around [direction] of
downtown Lyford, [City or Town] Texas, and is generally bounded on the north by
1761; on the south by (See Map); on the east by (See Map)
(See Map); and on the west by (See Map). See enclosed map of the proposed service area.

The total area being requested includes approximately 129,600 acres and 778 current customers.

A request for a public hearing must be in writing. You must state (1) your name, mailing address, and daytime telephone number; (2) the applicant's name, application number or another recognizable reference to this application; (3) the statement, "I/we request a public hearing"; (4) a brief description of how you or the persons you represent, would be adversely affected by the granting of the application for a CCN; and (5) your proposed adjustment to the application or CCN which would satisfy your concerns and cause you to withdraw your request for a hearing.

Persons who wish to intervene or comment should write the:

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

within thirty (30) days from the date of this publication or notice. A public hearing will be held only if a legally sufficient hearing request is received or if the Commission on its own motion requests a hearing. Only those individuals who submit a written hearing request or a written request to be notified if a hearing is set will receive notice if a hearing is scheduled.

If a public hearing is requested, the Executive Director will not issue the CCN and will forward the application to the State Office of Administrative Hearings (SOAH) for a hearing. If no settlement is reached and an evidentiary hearing is held, the SOAH will submit a recommendation to the Commission for final decision. If an evidentiary hearing is held, it will be a legal proceeding similar to a civil trial in state district court.

NOTICE OF APPLICATION FOR CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN)
TO PROVIDE WATER/SEWER UTILITY SERVICE IN _____ COUNTY

Dear Customer:

Date Notice Mailed _____, 2000

_____ has filed an application for a CCN to/
Name of Applicant
amend CCN No. _____ and to decertify a portion(s) of _____ Name of Decertificated Utility with the Texas
Natural Resource Conservation Commission to provide _____ (specify 1) water or 2) sewer or
3) water & sewer) utility service in _____ County(ies).

The proposed utility service area is located approximately _____ miles _____ [direction] of
downtown _____, [City or Town] Texas

A copy of the proposed service area map is available at _____ (Utility Address and Phone Number)

The current utility rates which were first effective on _____, 200__ are:

• Monthly Flat Rate of \$ _____ per connection

-OR-

• Monthly Base Rate including _____ gallons per
connection for:

5/8" meter	\$ _____
1" meter	\$ _____
1½" meter	\$ _____
2" meter	\$ _____
Other _____	\$ _____

Gallonge charge of \$ _____ per 1,000 gallons
above minimum (same for all meter sizes)

Miscellaneous Fees

-Regulatory Assessment	1%
-Tap Fee (Average Actual Cost)	\$ _____
-Reconnection fee:	
-Non Payment (\$25.00 max)	\$ _____ -
Transfer	\$ _____
-Customer's request	\$ _____
-Late fee	\$5.00 or 10%
-Returned Check charge	\$ _____
-Customer Deposit (\$50.00 max)	\$ _____
-Meter test fee (Actual Cost not exceed \$25.00)	\$ _____
-Other Fees	\$ _____

Your utility service rates and fees cannot be changed by this application. If you are currently paying rates, those rates must remain in effect unchanged. Rates may only be increased if the utility files and gives notice of a separate rate change application.

A request for a public hearing must be in writing. You must state (1) your name, mailing address, and daytime telephone number; (2) the applicant's name, application number or another recognizable reference to this application; (3) the statement, "I/we request a public hearing"; (4) a brief description of how you or the persons you represent, would be adversely affected by the granting of the application for a CCN; and (5) your proposed adjustment to the application or CCN which would satisfy your concerns and cause you to withdraw your request for a hearing.

EXHIBIT A

City residential and business rate	\$10.00 per month for use of 3,000 gallons or less \$1.50 for each 1,000 gallons used above the 3,000 gallon amount
Out-of-the City limits residential and business rate	\$18.50 per month for use of 3,000 gallons or less \$1.50 for each 1,000 gallons used above the 3,000 gallon amount
Lyford Evergreen Cemetery rate	\$10.00 per month for use of 20,000 gallons or less \$1.50 for each 1,000 gallons used above the 20,000 gallon amount
Raw Water Accounts	\$15.00 per month for use of 3,000 gallons or less \$0.27 for each 1,000 gallons used above the 3,000 gallon amount

EXHIBIT B

City residential rate	\$9.50 (flat rate) for sewer per month
Business rate	\$13.00 (flat rate) for sewer per month
Out-of-the city limits residential rate	\$18.00 (flat rate) for sewer per month
Lyford Schools	\$33.50 (flat rate) for sewer per month

EXHIBIT C

City residential rate	\$11.45 (flat rate) for garbage per month, plus sales tax
Out-of-the city limits residential rate	\$16.45 (flat rate) for garbage per month, plus sales tax

Ordinance No. 95-2 (Amended)

AN ORDINANCE AMENDING ORDINANCE NO. 95-2 FIXING WATER, SEWER, AND GARBAGE RATES FOR THE CITY OF LYFORD, TEXAS, AND OTHER MATTERS RELATIVE THERETO; PROVIDING THAT SAID ORDINANCE SHALL APPLY TO ALL CUSTOMERS OF THE CITY OF LYFORD WHETHER OR NOT THEIR RESIDENCE, BUSINESS, OR OTHER SERVICE LOCATION IS WITHIN OR OUTSIDE THE CORPORATE LIMITS OF SAID CITY; PROVIDING FOR THE PAYMENT OF BILLS FOR WATER, SEWER, AND GARBAGE SERVICE, DISCONTINUANCE OF SERVICE FOR NONPAYMENT AND A CHARGE FOR RESUMING SERVICES; PROVIDING ALL OTHER PROVISIONS OF SAID WATER, SEWER, AND GARBAGE ORDINANCE SHALL REMAIN IN FULL FORCE AND EFFECT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LYFORD, TEXAS:

1. That effective November 1, 1991, the monthly WATER rate for the persons provided water service by the City shall be as specified in Exhibit A attached hereto and made a part of for all purposes.
2. That effective November 1, 1991, the monthly SEWER rate for the persons provided sewer service by the City shall be as specified in Exhibit B attached hereto and made a part of for all purposes.
3. That effective June 18, 2001, the monthly GARBAGE rate for the persons provided garbage service by the City shall be as specified in Exhibit C attached hereto and made a part of for all purposes.
 - (a) Bills for water, sewer, and garbage services rendered by the City shall be due and payable by the 20th day of the month following the month in which service is provided. If full payment is not made within thirty (30) days of the due date, the City may discontinue the services, in which event, an additional sum of \$10.00 shall be due and paid prior to resuming the services.
 - (b) This ordinance shall apply to all customers of the City of Lyford whether or not their residence, business or other service location is located within or outside the corporate limits of the City of Lyford.
4. Any customer receiving water, sewer, and/or garbage services (hereafter referred to as "utility services") from the City shall be required to subscribe to and pay for all available utility services. Unless otherwise permitted by the City Commission, a customer's failure to subscribe to and to timely pay for all such available utility services, including refusal to connect to the City's sewer service where available, shall constitute grounds for discontinuing water services and all other utility services to a customer.
5. That the water and sewer connection fees shall be as follows: Water and Sewer connection fee inside the city shall be \$200; Water and Sewer connection fee out-of-the city shall be \$300.
6. That if any portion of this Ordinance shall be invalid or unconstitutional, the remaining portions of the same shall, nevertheless, be valid.
7. This Ordinance shall be in force and take effect upon the publication of its caption.

PASSED, APPROVED AND ADOPTED on first reading the 18th day of June, 2001.

City of Lyford

Attest:

Euphia Mow
City Secretary

Lisandra Ramon
Lisandra Ramon, Mayor

Persons who wish to intervene or comment should write the:

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

within thirty (30) days from the date of this publication or notice. A public hearing will be held only if a legally sufficient hearing request is received or if the Commission on its own motion requests a hearing. Only those individuals who submit a written hearing request or a written request to be notified if a hearing is set will receive notice if a hearing is scheduled.

If a public hearing is requested, the Executive Director will not issue the CCN and will forward the application to the State Office of Administrative Hearings (SOAH) for a hearing. If no settlement is reached and an evidentiary hearing is held, the SOAH will submit a recommendation to the Commission for final decision. If an evidentiary hearing is held, it will be a legal proceeding similar to a civil trial in state district court.

IF A HEARING IS HELD, it is important that you or your representative attend to present your concerns. Your request serves only to cause a hearing to be held and is not used during the hearing.

Historical Profit & Loss Statement

	Current Year (a)	(a) - 1 year	(a) - 2 years	(a) - 3 years	(a) - 4 years
Number of connections					
Income:					
Gross Revenue					
Fees					
Other					
Gross Income					
Expenses: General & Administrative:					
Salary Expense					
Office Expense					
Computer Expense					
Auto Expense					
Insurance Expense					
Telephone Expense					
Utilities Expense					
Property Tax Expense					
Professional Fees					
Other					
Total General & Administrative					
Expenses: Operational					
Salary Expense					
Auto Expense					
Utilities Expense					
Supply Expense					
Maintenance & Repair Expense					
Other Expense					
Total Operational					
Total Expenses					
Net Income					

Historical Balance Sheets - ASSETS					
	Current Year (a)	(a) - 1 year	(a) - 2 years	(a) - 3 years	(a) - 4 years
CURRENT ASSETS					
Cash					
Cost Accounts Receivable					
Inventories					
Income Tax Receivables					
Other					
TOTAL CURRENT ASSETS					
FIXED ASSETS					
Land					
Collection/Distribution System					
Buildings					
Equipment					
Other					
TOTAL FIXED ASSETS					
Less:					
Accum Depreciation/Reserve					
NET FIXED ASSETS					
TOTAL ASSETS					

Historical Balance Sheets - LIABILITIES					
	Current Year (a)	(a) - 1 year	(a) - 2 years	(a) - 3 years	(a) - 4 years
CURRENT LIABILITIES					
Accounts Payable					
Notes Payable, Due < 1 Year					
Accrued Expenses					
Customer Deposits					
Other					
TOTAL CURRENT LIABILITIES					
LONG TERM LIABILITIES					
Notes Payable, Due > 1 Year					
Other					
TOTAL LONG TERM LIABILITIES					
OWNER'S EQUITY					
Paid-in Capital					
Retained Equity					
Other					
Current Period Profit or Loss					
TOTAL OWNER'S EQUITY					
TOTAL LIABILITIES & EQUITY					

Projected Profit & Loss Statement

	Year 1	Year 2	Year 3	Year 4	Year 5
Number of connections					
Income:					
Gross Revenue					
Fees					
Other					
Gross Income					
Expenses: General & Administrative:					
Salary Expense					
Office Expense					
Computer Expense					
Auto Expense					
Insurance Expense					
Telephone Expense					
Utilities Expense					
Property Tax Expense					
Professional Fees					
Other					
Total General & Administrative					
Expenses: Operational					
Salary Expense					
Auto Expense					
Utilities Expense					
Supply Expense					
Maintenance & Repair Expense					
Other Expense					
Total Operational					
Total Expenses					
Net Income					

Projected Balance Sheets - ASSETS					
	Year 1	Year 2	Year 3	Year 4	Year 5
CURRENT ASSETS					
Cash					
Cost Accounts Receivable					
Inventories					
Income Tax Receivables					
Other					
TOTAL CURRENT ASSETS					
FIXED ASSETS					
Land					
Collection/Distribution System					
Buildings					
Equipment					
Other					
TOTAL FIXED ASSETS					
Less:					
Accum Depreciation/Reserve					
NET FIXED ASSETS					
TOTAL ASSETS					

Projected Balance Sheets - LIABILITIES					
	Year 1	Year 2	Year 3	Year 4	Year 5
CURRENT LIABILITIES					
Accounts Payable					
Notes Payable, Due < 1 Year					
Accrued Expenses					
Customer Deposits					
Other					
TOTAL CURRENT LIABILITIES					
LONG TERM LIABILITIES					
Notes Payable, Due > 1 Year					
Other					
TOTAL LONG TERM LIABILITIES					
OWNER'S EQUITY					
Paid-in Capital					
Retained Equity					
Other					
Current Period Profit or Loss					
TOTAL OWNER'S EQUITY					
TOTAL LIABILITIES & EQUITY					

Projected Statements of Sources & Uses of Cash					
	Year 1	Year 2	Year 3	Year 4	Year 5
SOURCES OF CASH					
Net Profit					
Depreciation (if funded)					
Loan Proceeds					
Other					
TOTAL SOURCES					
USES OF CASH					
Net Loss					
Principal portion of payments					
Fixed Asset Purchases					
Reserve					
Other					
TOTAL USES					
NET CASH FLOW					
AVAILABLE DEBT SERVICE COVERAGE (ADSC)					
Cash Available for Debt Service					
Net Profit/Loss					
Depreciation or Reserve					
Interest					
TOTAL ADSC					
REQUIRED DEBT SERVICE COVERAGE (RDSC)					
Principal + Interest					
DEBT SERVICE COVERAGE RATIO (ADSC/RDSC)					

Robert J. Huston, *Chairman*
R. B. "Ralph" Marquez, *Commissioner*
John M. Baker, *Commissioner*
Jeffrey A. Saitas, *Executive Director*



TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

Protecting Texas by Reducing and Preventing Pollution

February 9, 2000

CERTIFIED MAIL Z144793628
RETURN RECEIPT REQUESTED

The Honorable Rudy Saldaña
Mayor of Lyford
P.O. Box 310
Lyford, Texas 78569

Re: Notice of Violation for the Public Water Supply Sanitary Survey at:
City of Lyford, 196 Main Street, Lyford (Willacy County), Texas
TNRCC ID No.: 2450603

Dear Mayor Saldaña,

On January 11, 2000, Mr. Jacinto R. Hinojosa of the Texas Natural Resource Conservation Commission (TNRCC) Harlingen Region Office conducted an inspection of the above-referenced facility to evaluate compliance with applicable public water supply requirements. During the inspection, certain outstanding alleged violations were identified for which a written reply is needed. Enclosed is a summary which lists the inspection findings. Please submit to this office by March 9, 2000 a schedule outlining a compliance plan that addresses the outstanding alleged violation. Within 15 days of completion of the compliance plan, you must provide this office with documentation demonstrating that compliance has been achieved.

In the listing of alleged violations, we have cited applicable requirements, including TNRCC rules. If you would like to obtain a copy of the applicable TNRCC rules, you may contact any of the sources listed in the enclosed brochure entitled "Obtaining TNRCC Rules." Also included for your information is a brochure on the enforcement process entitled "The TNRCC Has Inspected Your Business."

The TNRCC recognizes that the great majority of the regulated community wants to prevent pollution and to comply with environmental laws. The TNRCC looks forward to working with you to resolve these matters. If you complete the necessary corrective actions and resolve the outstanding alleged violations in a timely manner, we will not pursue further action for the alleged violations at this time. However, please note that if you fail to adequately respond, the TNRCC will consider exercising the enforcement powers granted by the Legislature to carry out its mission to protect human health and the environment.

REPLY TO: REGION 15 • 1804 WEST JEFFERSON AVE. • HARLINGEN, TEXAS 78550-5247 • 956/425-6010 • FAX 956/412-5059

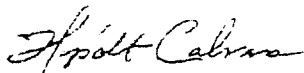
P.O. Box 13087 • Austin, Texas 78711-3087 • 512/239-1000 • Internet address: www.tnrcc.state.tx.us

printed on recycled paper using soy-based ink

The Honorable Rudy Saldaña
Mayor of Lyford
Page 2
February 9, 2000

If you or members of your staff have any questions regarding these matters, please feel free to contact Mr. Hinojosa in the Harlingen Region Office at (956) 430-6029.

Sincerely,



Hipolito Cabrera
Water Section Manager
Harlingen Region Office

HC/JH/jh

cc: TNRCC-Central Office
Mr. Cesario Vela, Compliance Assistance, Texas Rural Water Association

Enclosures: Summary of Inspection Findings
Obtaining TNRCC Rules
Enforcement Brochure RG-344

SUMMARY OF INSPECTION FINDINGS

Entity: City of Lyford	TNRCC ID No.: 2450003	Inspection Date: 11/15/2000 NOV Sent: 2/9/2006
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OUTSTANDING ALLEGED VIOLATIONS

Nd.	Requirement(s) Cited	Description of Alleged Violation, Corrective Action Recommendation, and Compliance Documentation	Compliance Due Date
1	30 TAC, §290.46(e)(2)	<p>Failure to provide the plant with proper monitoring equipment when the plant is in operation and unattended</p> <p>Must provide the plant with continuous turbidity and disinfectant residual monitors with automatic plant shutdown and alarms to summon operators so as to ensure that the water produced continues to meet the commission's drinking water standards during periods in which the plant is in operation and unattended.</p> <p>Please submit photographs, receipts and/or other documentation verifying compliance has been achieved. The water system may request an exception to any requirement by contacting the Technical Assistance Section, Water Utilities Division at 512-239 6020. Please be reminded that all requests for exceptions must be supported with adequate documentation. (See attached guidance document)</p>	Submit a plan and schedule within 30 days
2	30 TAC §290.42(d)(7)(C)	<p>Failure to provide dry chemical feeders in a separate room and be provided with facilities for dust control</p> <p>Must provide dry chemical feeders in a separate room with facilities for dust control</p> <p>Please submit photographs, receipts and/or other documentation verifying compliance has been achieved. The water system may request an exception to any requirement by contacting the Technical Assistance Section, Water Utilities Division at 512-239 6020. Please be reminded that all requests for exceptions must be supported with adequate documentation. (See attached guidance document)</p>	Submit a plan and schedule within 30 days.

City of Lyford

P. O. Box 310
Lyford, Texas 78569
Phone: (956) 347-3512
FAX: (956) 347-5434

March 9, 2000

Mr. Hipolito Cabrera
Water Section Manager
TNRCC Region 15
1804 W. Jefferson Ave.
Harlingen, Texas 78550

Re: Notice of Violation for the Public Water Supply
Sanitary Survey at: City of Lyford, 126 W. Main
Lyford, Willacy County, Texas, TNRCC NO. 2460002

Dear Mr. Cabrera:

In response to your letter dated February 9, 2000, the following action has been taken to correct the outstanding alleged violations as follows:

1. Failure to provide the plant with proper monitoring equipment when the plant is in operation and unattended.

The turbidity recorder is working now. We are waiting on GTE to set up the phone line for the autodialer to monitor the water plant.

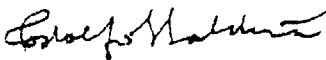
2. Failure to provide dry chemical feeders in a separate room and be provided with facilities for dust control.

The lab will be located in a separate room to protect our equipment for dust control.

Photographs and paid invoices for the equipment installed will be forwarded to you once in operation.

If you have any questions, please call me at 956-347-3512.

Sincerely,



Rodolfo S. Saldana
Mayor

cc: Jacinto R. Hinojosa



PLEASE KEEP THE COMMISSION ADVISED OF CHANGES OF ADDRESS

ABRAN R RUBIO
PO BOX 224
LYFORD TX 78569

PLEASE BE BOLD FOR NATIONAL
WATERWORKS OPERATOR CERTIFICATE
It should be displayed with your original training size certificate to verify
that you are currently certified.

RECEIVED
NOV 04 1998
CITY OF LYFORD

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

Class

C-Waste

Is/has been renewed for a period of 1/23/2003

Expires

1/23/2003

[Signature]
Executive Director

PLEASE KEEP THE COMMISSION ADVISED OF CHANGES OF ADDRESS

ABRAN R RUBIO
PO BOX 244
LYFORD TX 78569

TNRC Form 05-01 (Rev. 01/97)

Please cut out your renewal
WASTEWATER OPERATOR CERTIFICATE
located at the left.
It should be displayed with your original training size certificate to verify
that you are currently certified.

