



Control Number: 43005



Item Number: 10

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.

June 22, 2014

TO WHOM IT MAY CONCERN

I AM WRITING THIS LETTER WITH THE PAPER WORK I AM SENDING TO THE THREE PARTY INVOLVE. I HAVE MAY SEVERAL CALL TO H2O FOR REFUND ON THE GRINDER PUMP AND FLOAT THAT WAS REVIEWED BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY AND WAS RULED THAT TEXAS H2O INC SHOULD OF NOT CHARGED FOR HIS EQUIPMENT. I HAVE NOT RECEIVED A CALL FROM TEXAS H2O INC. WHEN I LEAVE A MESSAGE HE REFUSED TO CALL ME BACK.

PLEASE REVIEWED THE PAPER WORK AND ASK TEXAS H2O INC TO REFUND MY BILL FOR THE GRINDER PUMP + FLOAT THE BILL IS INCHOC FOR YOUR REVIEW. IF YOU HAVE ANY QUESTION YOU MAY CONTACT ME AT MY HOME ADDRESS WHICH IS.

ROBERT ORTIZ JR.

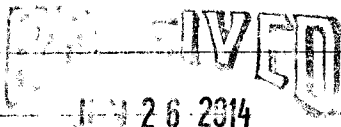
2426 CREEK DR,

GRANBURY TX 76048

OR TELEPHONE IS 817-243-7593 OR

682-240-1628

Sincerely yours
Robert Ortiz Jr

UTILITIES & DISTRICTS
SECTION

Notice to Current Customers, Neighboring Systems and Cities

TEXAS H2O, INC.'S NOTICE OF INTENT TO SELL FACILITIES AND TRANSFER
CERTIFICATE OF CONVENIENCE AND NECESSITY NOS. 12809 & 20814 TO AQUA TEXAS,
INC., IN HOOD, JOHNSON AND TARRANT COUNTIES, TEXAS

To: Customers, Neighboring Systems or Cities

Date Notice Mailed: June 12, 2014

<u>Texas H2O, Inc.</u>	<u>P.O. Box 613</u>	<u>Mansfield Texas 76063</u>
(Sellers or Transferor's Name)	(Address)	(City) (State) (Zip Code)

has submitted an application with the Texas Commission on Environmental Quality to sell facilities and transfer water and sewer service areas under CCN Nos. 12809 & 20814 in Hood, Johnson and Tarrant counties to:

<u>Aqua Texas, Inc.</u>	<u>1106 Clayton Ln. 400W</u>	<u>Austin Texas 78723</u>
(Seller's or Transferor's Name)	(Address)	(City) (State) (Zip Code)

The sale is scheduled to take place as approved by the Executive Director (V.T.C.A., Water Code §13.301). The transaction and proposed service area include the following subdivision(s) and zip codes: 76048, 76049, 76063, 76084 and 76140

Boynton Water (Hood County)

The area subject to this transaction is located approximately 4 miles south, southeast of downtown Granbury, Texas and is **generally** bounded on the north by Rhea Court; on the east by Davis Road; on the south by the Brazos River; and on the west by Jackson Lane.

Canyon Creek Addition (Hood County)

The area subject to this transaction is located approximately 3.6 miles south, southeast of downtown Granbury, Texas and is **generally** bounded on the north by the Brazos River; on the east by the Brazos River; on the south by Williamson Road; and on the west by Contrary Creek Road.

Forest Acres Gardens (Tarrant County)

The area subject to this transaction is located approximately 4.8 miles northwest of downtown Mansfield, Texas and is **generally** bounded on the north by Dick Price Road; on the east by Bennett Lawson Road; on the south by Forest Acre Circle; and on the west by Teague Road.

Granbury Industrial Park (Hood County)

The area subject to this transaction is located approximately 6.4 miles northeast of downtown Granbury, Texas and is **generally** bounded on the north by Old Granbury Road; on the east by West Sunchase; on the south by E. Hwy 377; and on the west by Gateway Hills Lane.

Heritage Oaks Water (Tarrant County)

The area subject to this transaction is located approximately 1.2 miles east of downtown Rowley, Texas and is **generally** bounded on the north by Shelby Road; on the east by Whipporwill; on the south by Mitchell Saxon; and on the west by Banks Road.

Long Creek Water (Hood County)

The area subject to this transaction is located approximately 5 miles north, northwest of downtown Granbury, Texas and is **generally** bounded on the north by Long Creek Court; on the east by Weatherford Hwy; on the south by Thomas Road; and on the west by the Brazos River.



UTILITIES & DISTRICTS
SECTION

Rancho Villa Water (Johnson County)

The area subject to this transaction is located approximately 6.6 miles east of downtown Alvarado, Texas and is **generally** bounded on the north by CR 119; on the east by FM 157; on the south by FM 1807; and on the west by CR 214.

Ridge Utilities (Hood County)

The area subject to this transaction is located approximately 6 miles southeast of downtown Granbury, Texas and is **generally** bounded on the north by Power Plant Court; on the east by Lake Granbury; on the south by Mambrino Highway; and on the west by Mambrino Highway.

Sunset Canyon Water Moore Estates (Hood County)

The area subject to this transaction is located approximately 4.4 miles north, northwest of downtown Granbury, Texas and is **generally** bounded on the north by Berry Road; on the east by Peveler Road; on the south by Killough Road; and on the west by the Brazos River.

The total area being requested includes approximately 2,130 acres water and 410 acres sewer and serves 1,088 current customers. This transaction will have the following effect on the current customers' rates and services: None.

Affected persons may file written protests and/or request a public hearing within 30 days of this notice.

To request a hearing, you must:

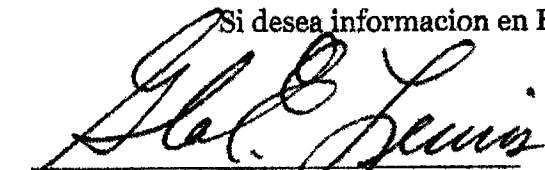
- (1) state your name, mailing address and daytime telephone number;
- (2) state the applicant's name, application number or another recognizable reference to this application;
- (3) the statement "I/we request a public hearing";
- (4) write a brief description of how you, the persons you represent,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

Only those persons who submit a written request to be notified of a hearing will receive notice if a hearing is scheduled. The Executive Director will issue the CCN requested in the referenced application unless a hearing is scheduled to consider the transaction. If no protests or requests for hearing are filed during the comment period, the Executive Director may issue the CCN 30 days after publication of this notice.

Persons who wish to protest or request a hearing on this application should write the:

Texas Commission on Environmental Quality
Water Supply Division
Utilities and Districts Section, MC-153
P. O. Box 13087
Austin, TX 78711-3087

Si desea informacion en Espanol, puede llamar al 1-512-239-0200.


Utility Representative

Aqua Texas, Inc.

Bryan W. Shaw, Ph.D., *Chairman*
Buddy Garcia, *Commissioner*
Carlos Rubinstein, *Commissioner*
Mark R. Vickery, P.G., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

April 26, 2011

Via Facsimile
(817) 473-6026

RECEIVED
JUN 26 2014

Mr. Jess W. Lewellyn, Sr., CEO
Mr. Jess Lewellyn, Jr., Director of Water Operations
Texas H2O, Inc.
550 N. Walnut Creek Drive, Suite 100
Mansfield, Texas 76063

UTILITIES & DISTRICTS
SECTION

NOTICE OF VIOLATION

Re: Texas H2O, Inc., Certificate of Convenience and Necessity (CCN) Nos. 12809 and 20814 in Hood, Tarrant, Johnson and Comal Counties

CN: 600656201; RN: 101451862 (water) 101274991 (sewer)

Dear Mr. Lewellyn:

The Texas Commission on Environmental Quality (Commission) has received complaints regarding unauthorized rates being charged by Texas H2O, Inc. (Texas H2O). Pursuant to Texas Administrative Code (TAC), Chapter 291.21, a utility may not charge rates different from those prescribed in its approved tariff filed with the Commission.

The cost associated with the replacement or repair of grinder pumps and sewer lines should not be directly charged to customers. These costs are part of the utility's operating and maintenance expenses included in the cost of service used to calculate the utility's rates. In addition, Texas H2O, Inc., is not authorized to charge its customers for pass through fees for the Upper Trinity Ground Conservation District. TAC, Chapter 291.21(h), states that a utility may include a provision in its tariff to pass through to its customer, changes in such costs and the provision must specify how it is calculated and affects customer billings. This provision must be approved by the commission in a rate proceeding.

If the utility has changed its rates without Commission approval, the rates must be changed back to the approved rates and refunds must be issued to the customers. Refunds may be made over the same length of time the additional rate was charged. For example, if your utility charged a new rate for three months, refunds may be return to customers in the form of credit on the customer's bills over the next three months. If the customer paid for the grinder pump in a lump sum amount, Texas H2O must issue a refund check for the same amount.

P.O. Box 13087 • Austin, Texas 78711-3087 • 512-239-1000 • www.tceq.texas.gov

How is our customer service? www.tceq.texas.gov/goto/customersurvey

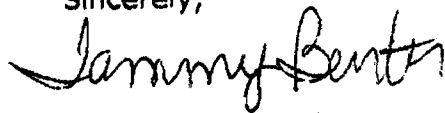
printed on recycled paper using soy-based ink

Mr. Jess W. Lewellyn, Sr., CEO
Page 2
April 26, 2011

On March 27, 2008, a Notice of Violation (NOV) was issued to Texas H2O for similar violations. Violation of Commission rules will result in enforcement action. Please provide documentation by **May 22, 2011**, verifying that a refund or a credit to the customer bills has been issued. In addition, please confirm that no customers have been disconnected for non-payment of this additional rate.

If you have any questions, please contact Ms. Elsie N. Pascua at (512) 239-5367 or Mr. Brian Dickey at (512) 239-0963, or if by correspondence include MC-153 in the letterhead address.

Sincerely,



Tammy Benter, Manager
Utilities & Districts Section
Water Supply Division

TB/EP/cp

UTILITIES + DISTRICTS SECTION MC 153

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

P.O. BOX 13087

AUSTIN TEXAS 78711-3087

Utility Management, Inc.
P. O. Box 613
Mansfield, TX 76063

Invoice

Date	Invoice #
10/28/2005	872

Bill To
Mr. Ortiz 2426 Creek Dr. Granbury, Tx 76048

P.O. No.	Terms	Project

Quantity	Description	Rate	Sales Tax	Amount
	09/20/05 2426 Creek Dr. CCK, W. O. No. 7198			
1	Replaced Grinder/ pump and float	1,535.00		1,535.00
	<i>pump</i> \$1,450.00			
	<i>float</i> 85.00			
817 473-6808			Total	\$1,535.00

To: Texas H2O
P.O. Box 613
Mansfield, TX 76063
(817)473-6080
(800) 791-8101

Attn: Jess Lewellyn

This letter shall serve as notification to Texas H2O of a concern and or formal request for service that has been registered with T.C.E. Q.

Property Owner Name: Mary F. + Robert Ortiz Date: Apr. 8, 04
Address: 2426 Creek Dr. Granbury, Texas 76048
Telephone number: 817-279-7283 or _____
Unit 7 Lot(s) 243-44 + 45

Request/complaint:

We have here since Aug 1st 1994, our water + sewerage rates have been raised 2 times and H2O is saying the last rate hike was 1994. June 2003, H2O tried to charge us a service charge to check their sewerage pump in our yard. Also said we needed to call someone to pump out their holding tank in our yard. Then we were told by the H2O owner that he was going to replace something in the system in our yard that wasn't working right. As of today April 8, 2004, we are still waiting for the work to be done!!! We were told by our POA about the hole in one of the water storage tanks + that we should boil our water. There is a tarp over the tank, so I don't think the tank is fixed yet. The only thing we have received from H2O is a notice to raise our rates!!

ACTION REQUESTED: Unless H2O is going to give us better service, they should not get the okay to raise their rates!!!

Mary F. Ortiz Robert Ortiz Jr
Signature of Property Owner

T.C.E.Q. Arlington Region 4: 1101 E. Arkansas Lane Arlington, TX 76010-6499
Austin Office: P.O.Box 13087 Austin, TX 78711-3087
WWW.TCEQ.STATE.TX.US

CONTRACT/APPLICATION FOR WATER SERVICE

Texas H2O, Inc
PO Box 613
Mansfield, TX 76063
817-473-6080 Office
817-473-6026 Fax

Acct. Number _____
Route Number _____
Lot Number _____
Seq Number _____
Days Prorated _____

System: _____ Date: 11-30-05

Name Of Applicant: ROBERT ORTIZ JR.

Service Address: 2426 CREEK DR.

Billing Address: ~~2426~~ GRANBURY TEXAS 76048

Telephone Number: 817-279-7283

Type of Service: ☐ Residential ☐ Commercial ☐ Water Service Only
☐ Owner ☐ Tenant ☐ Water & Sewer Service
Water Meter Size ☐ Standard Residential 5/8" - 3/4" ☐ Site Built ☐ Manufactured Home
☐ Other - Size _____

By signing this application for water utility service, I agree to comply with the Utility's Tariff and all rules and regulations of the Texas Commission on Environmental Quality (TCEQ) and other applicable regulatory agencies. I have had an opportunity to review the Utility's tariff. I guarantee prompt payment of all utility bills for the service address printed above. I agree to remain responsible for utility bills for this service address from the date service is started until the date service is terminated. I understand that service will not be terminated voluntarily until I request it in writing.

By executing this application, I grant the utility an easement to install, maintain, and inspect Utility equipment on (and necessary to serve) the real property described above. I acknowledge that utility company personnel shall have the right to enter my property for the purpose of inspecting, maintaining, and repairing utility equipment and inspecting any customer plumbing of water-related facilities which may impact the Utility's operations or the public's safety. Normal cost of maintenance will be borne by Utility; abnormal costs and grinder pump replacement and parts will be charged to the customer.

I acknowledge that I am responsible for damage to utility property caused by my invitees my agents, myself, and others under my control. I agree to take no actions to create a health hazard or otherwise endanger the Utility's equipment, its personnel, or its customers. I agree to put no unusual, non-domestic service demands on the utility system without notice and permission from the utility. I acknowledge that I may not resell or give water service to another nor extend water service from my meter or service line to another person or property. I acknowledge that water is provided for domestic purposes only (fire protection is excluded).

The Customer will install, at his own expense, a service line from the water meter to the point of use which includes a dual cutoff valve on the Customer's side of the water meter. The Customer shall hold the Utility harmless from any and all claims or demands for damage to real or personal property occurring from the point the Customer ties on to the Utility's water meter.

11/28/05

Mr. Robert Ortiz
2426 Creek Dr.
Granbury, Tx 76048

PAYMENT AGREEMENT

Mr. Ortiz of 2426 Creek Dr., Granbury, Tx 76048 agrees to pay Texas H2O, Inc. \$100.00 per month for payment on Invoice No. 872. This will be billed as an additional \$100.00 charge on the water bill per month, beginning in December, 2005 and ending when the \$1535.00 balance is paid in full.

The undersigned agrees to these payment terms.

Robert Ortiz, Jr.

Dated: 11-30-05

Mr. Ortiz

Dated: _____

Jess Lewellyn, CEO