



Control Number: 43177



Item Number: 10

Addendum StartPage: 0

**DOCKET NO. 43177**  
**Application of Ni America Texas, LLC to Amend a Certificate of Convenience and Necessity in Wise County (37937-C)**

**APPLICANT'S AFFIDAVIT OF PROVISION OF NOTICE**

RECEIVED  
2015 MAR -3 PM 1:52  
PUBLIC UTILITY COMMISSION  
FILING CLERK

STATE OF TEXAS                   §  
  §  
COUNTY OF TRAVIS           §

BEFORE ME, the undersigned authority, on this day personally appeared Affiant, who, being by me duly sworn on oath, states as follows:

1. I am the attorney for Ni America Texas, LLC ("Ni America"), I have prepared the Application to Amend Certificate of Convenience and Necessity ("CCN") Number 11922 with the help of the Ni America staff, and I am filing this Affidavit of Provision of Notice with the Public Utility Commission on behalf of Ni America; and
2. This affidavit is executed to meet the requirements of 16 Texas Administrative Code §24.106(b)(6) that within 30 days of the date of notice, the applicant shall submit to the commission an affidavit specifying the persons to whom notice was provided and the date of that notice; and
3. Notices to Neighboring Systems, Landowners and Cities, as approved by the Commission in Order Number 4, were sent to Aqua Texas, Inc., City of New Fairview, City of Rhome, and Upper Trinity Groundwater Conservation District via certified mail on February 13, 2015, and exact copies of the notices provided and signed certified mail receipts from each recipient are attached as exhibits hereto.

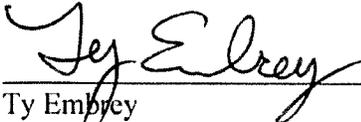
**EXHIBITS:**

- Exhibit A – Notice and certified mail receipt to Aqua Texas, Inc.
- Exhibit B – Notice and certified mail receipt to City of New Fairview
- Exhibit C – Notice and certified mail receipt to City of Rhome
- Exhibit D – Notice and certified mail receipt to Upper Trinity Groundwater Conservation District

*(Signature and Acknowledgement Appear on Following Page)*

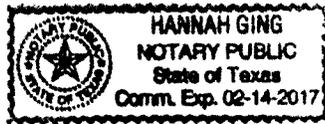
**DOCKET NO. 43177**  
**Application of Ni America Texas, LLC to Amend a Certificate of Convenience and Necessity in Wise County (37937-C)**

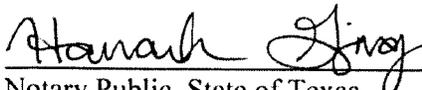
EXECUTED this the 3rd day of March, 2015.

  
\_\_\_\_\_  
Ty Embrey  
Attorney for Ni America Texas, LLC

STATE OF TEXAS                   §  
   §  
COUNTY OF TRAVIS           §

This instrument was acknowledged before me on this the 3<sup>rd</sup> day of March, 2015, by Ty Embrey, Attorney for Ni America Texas, LLC, a Texas corporation, on behalf of such corporation.



  
\_\_\_\_\_  
Notary Public, State of Texas

*(Exhibits Appear on Following Pages)*

**DOCKET NO. 43177**  
**Application of Ni America Texas, LLC to Amend a Certificate of Convenience and  
Necessity in Wise County (37937-C)**

**EXHIBIT A**

**Notice and Certified Mail Receipt to Aqua Texas, Inc.**

## Notice to Neighboring Systems, Landowners and Cities

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

To: Aqua Texas Inc. Date Notice Mailed February 13 20 15  
(Neighboring System, Landowner or City)

1106 Clayton Lane, Suite 400W  
(Address)  
Austin TX 78723  
City State Zip

Name of Applicant Ni America Texas, LLC has filed an application for a CCN to obtain or amend CCN No. (s) 11922 and to decertify a portion(s) of \_\_\_\_\_ with the  
(Name of Decertified Utility)

Public Utility Commission of Texas to provide water  
(specify 1) water or 2) sewer or 3) water & sewer)  
utility service in Wise County(ies).

The proposed utility service area is located approximately 2 miles west  
[direction] of downtown New Fairview, [City or Town] Texas, and is generally bounded on the north by Graham Road; on the east by Graham Road; on the south by Illinois Street; and on the west by State Highway 287

**See enclosed map of the proposed service area.**

The total area being requested includes approximately 10 acres and 0 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:**

Filing Clerk  
Public Utility Commission of Texas  
1701 North Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326

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 commission 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.

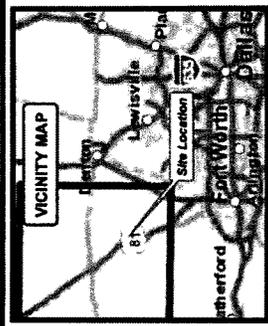
If you are a landowner with a tract of land at least 25 acres or more, that is partially or wholly located within the proposed area, you may request to be excluded from the proposed area (or "opt out") by providing written notice to the commission within (30) days from the date that notice was provided by the applicant. All requests to opt out of the requested service area must include a scaled, general location map and a metes and bounds description of the tract of land.

**Persons who meet the requirements to opt out, and wish to request this option should file the required documents with the:**

Filing Clerk  
Public Utility Commission of Texas  
1701 North Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326

A copy of the request to opt out of the proposed area must also be sent to the applicant. Staff may request additional information regarding your request.

**Si desea informacion en Espanol, puede llamar al 1-888-782-8477**



**Legend**

Wise County Boundary

NI AMERICA TEXAS LLC-CCN 11922



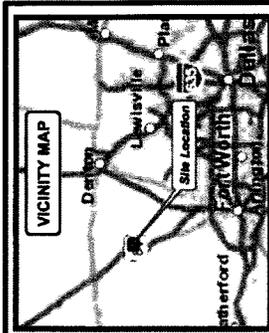
**APEX**

**Apex TITAN, Inc.**  
 2901 Nevada Boulevard, Suite 200  
 Frisco, Texas 75034  
 Phone: (469) 385-1907 • Fax: (469) 385-1199  
 A Subsidiary of Apex Companies, LLC

**FIGURE A**  
**GENERAL LOCATION MAP**  
 NI America CCN#11922  
 Wise County, Texas  
 Apex-TITAN Project No. 84800334-08  
 November 2013

Ground Condition Depicted April 2013  
 Digital Data Courtesy of Google Earth

Copyright © 2014, DigitalGlobe, Landsat, Sentinel, Texas Orthomobility Program, U.S. Geological Survey, USDA Farm Service Agency



Note: This maps digital data file format is ESRI ArcGIS shapefiles (.shp). The digital data projection is NAD 1983 State Plane Texas North Central FIPS 4202 (US Feet). Map units are in feet and the base map used is Arc2Earth, Google Maps



**Apex TITAN, Inc.**  
 7001 Westport Boulevard, Suite 200  
 Frisco, Texas 75034  
 Phone: (469) 365-1300 • Fax: (469) 365-1159  
 A Subsidiary of Apex Companies, LLC

**FIGURE B2  
 PROPOSED ADDITIONAL  
 SERVICE AREA**

Application to Amend  
 NI America CGN #11922  
 Wise County, Texas  
 Apex-TITAN Project No. 84800334-08  
 December 2013

from USGS Quadrangle Rhome, Texas  
 Ground Condition Depicted April 2013  
 Digital Data Courtesy of Google Earth



SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>		<p>A. Signature <input checked="" type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <input type="checkbox"/> Agent SCOT FOLLEN <input type="checkbox"/> Addressee</p> <p>C. Date of Delivery 2-17-15</p>	
<p>1. Article Addressed to:</p> <p>Mr. Robert Laughman Aqua Texas Inc. 1106 Clayton Lane, Suite 400 W Austin, TX 78723</p>		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
		<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>	
		<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<p>2. Article Number (Transfer from service)</p>		<p>7009 1410 0000 2459 7449</p>	
PS Form 3811, February 2004		Domestic Return Receipt	
		102595-02-M-1540	

**U.S. Postal Service™**  
**CERTIFIED MAIL™ RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

Postage	\$ .48
Certified Fee	3.30
Return Receipt Fee (Endorsement Required)	2.70
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

AUSTIN, TX  
FEB 17 2015  
Postmark Here  
26499  
HEG

Sent To  
Mr. Robert Laughman  
Street, Apt. No., or PO Box No. Aqua Texas Inc. 1106 Clayton Lane  
City, State, ZIP+4 Suite 400 W Austin, TX 78723

PS Form 3800, August 2006 See Reverse for Instructions

7009 1410 0000 2459 7449

**DOCKET NO. 43177**  
**Application of Ni America Texas, LLC to Amend a Certificate of Convenience and  
Necessity in Wise County (37937-C)**

**EXHIBIT B**

**Notice and Certified Mail Receipt to City of New Fairview**

## Notice to Neighboring Systems, Landowners and Cities

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

To: City of New Fairview Date Notice Mailed February 13 20 15  
(Neighboring System, Landowner or City)

999 Illinois Street  
(Address)  
New Fairview TX 76076  
City State Zip

Name of Applicant NI America Texas, LLC has filed an application for a CCN to obtain or amend CCN No. (s) 11922 and to decertify a portion(s) of \_\_\_\_\_ with the  
(Name of Decertified Utility)

Public Utility Commission of Texas to provide water  
(specify 1) water or 2) sewer or 3) water & sewer)  
utility service in Wise County(ies).

The proposed utility service area is located approximately 2 miles west  
[direction] of downtown New Fairview, [City or Town] Texas, and is generally bounded on the north by Graham Road; on the east by Graham Road; on the south by Illinois Street; and on the west by State Highway 287

**See enclosed map of the proposed service area.**

The total area being requested includes approximately 10 acres and 0 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:**

Filing Clerk  
Public Utility Commission of Texas  
1701 North Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326

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 commission 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.

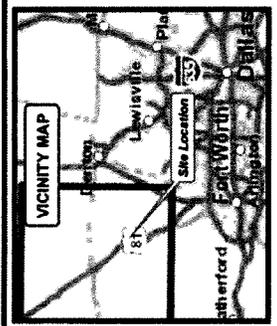
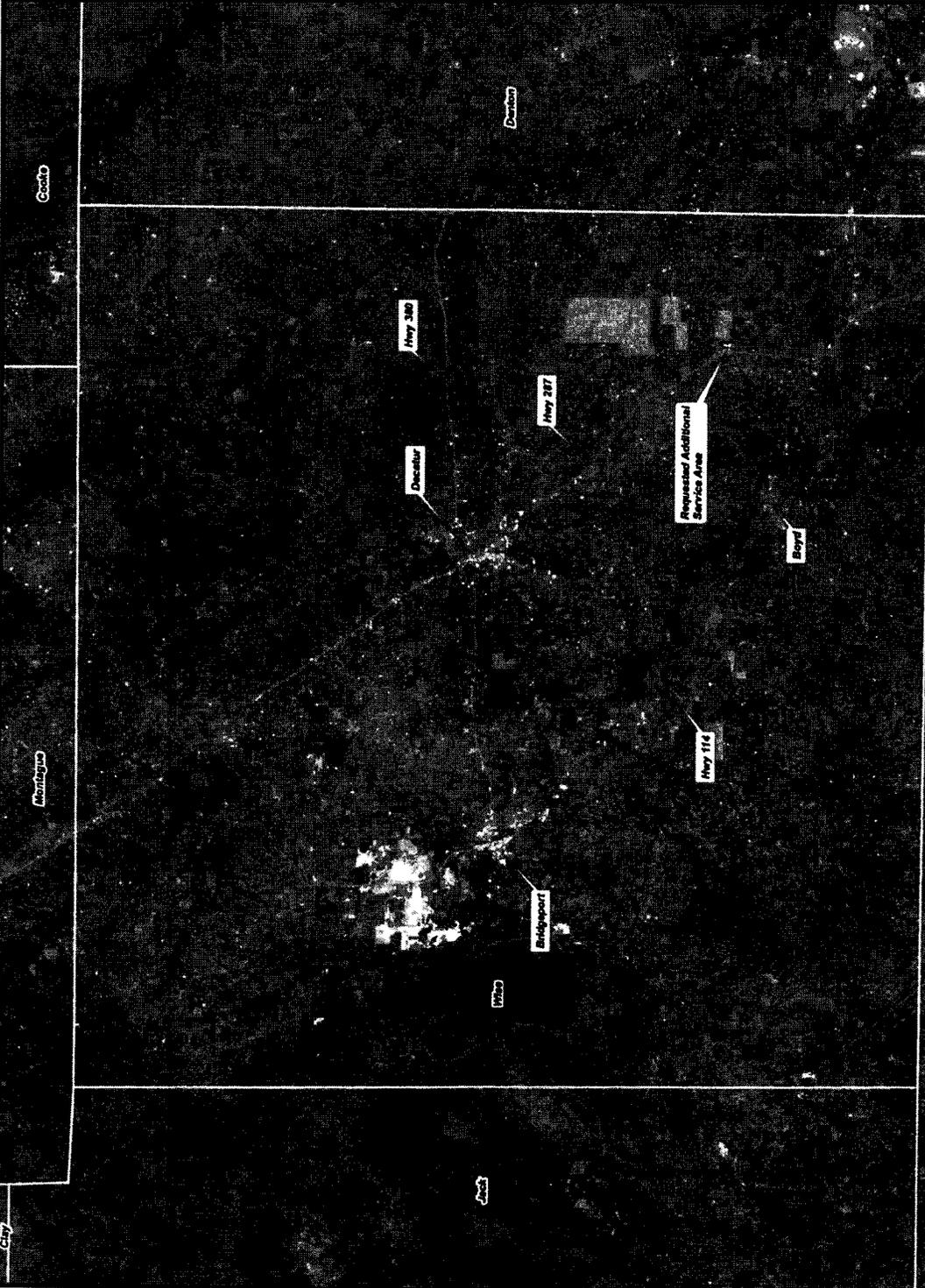
If you are a landowner with a tract of land at least 25 acres or more, that is partially or wholly located within the proposed area, you may request to be excluded from the proposed area (or "opt out") by providing written notice to the commission within (30) days from the date that notice was provided by the applicant. All requests to opt out of the requested service area must include a scaled, general location map and a metes and bounds description of the tract of land.

**Persons who meet the requirements to opt out, and wish to request this option should file the required documents with the:**

Filing Clerk  
Public Utility Commission of Texas  
1701 North Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326

A copy of the request to opt out of the proposed area must also be sent to the applicant. Staff may request additional information regarding your request.

**Si desea informacion en Espanol, puede llamar al 1-888-782-8477**



**Legend**

Wise County Boundary

NI AMERICA TEXAS LLC-CCN 11922



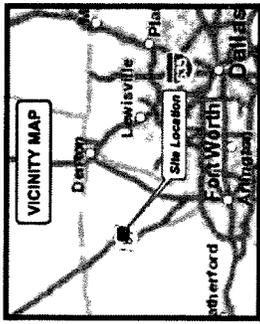
**APEX**

**Apex TITAN, Inc.**  
 2801 Network Boulevard, Suite 200  
 Frisco, Texas 75034  
 Phone: (469) 355-1607 • Fax: (469) 355-1199  
 A Subsidiary of Apex Companies, LLC

**FIGURE A**  
**GENERAL LOCATION MAP**  
 NI America CCN#11922  
 Wise County, Texas  
 Apex-TITAN Project No. 84800334-08  
 November 2013

Ground Condition Depicted April 2013  
 Digital Data Courtesy of Google Earth

Copyright ©2014, DigitalGlobe, Landsat, Sentinel, Texas Orthomosaic Program, U.S. Geological Survey, USDA Farm Service Agency



Note: This maps digital data file format is ESRI ArcGIS shapefiles (.shp). The digital data projection is NAD 1983 State Plane Texas North Central FIPS 4202 (US Feet). Map units are in feet and the base map used is Arc2Earth, Google Maps



**APEX**  
**Apex TITAN, Inc.**  
 2801 Highway 280  
 From Lewisville, TX 75057  
 Phone: (817) 365-1100 - Fax: (817) 365-1199  
 A Subsidiary of Apex Companies, LLC

**FIGURE B2**  
**PROPOSED ADDITIONAL SERVICE AREA**  
 Application to Amend  
 NI America CCN #11922  
 Wise County, Texas  
 Apex-TITAN Project No. 84800334-08  
 December 2013

from USGS Quadrangle Rhome, Texas  
 Ground Condition Depicted April 2013  
 Digital Data Courtesy of Google Earth

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee  <i>X</i> <i>Manuel Lopez</i></p> <p>B. Received by (Printed Name) _____ C. Date of Delivery <i>2-17-05</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes          If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p><i>Mayer Joe Max Wilson          City of New Fairview          999 Illinois St.          New Fairview, TX 76078</i></p>	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number          (Transfer from service lab.)</p>	<p><i>7009 1410 0000 2459 7432</i></p>
<p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540</p>	

**U.S. Postal Service™**  
**CERTIFIED MAIL™ RECEIPT**  
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

Postage	\$ <i>.48</i>	
Certified Fee	<i>3.30</i>	
Return Receipt Fee (Endorsement Required)	<i>2.70</i>	
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Sent To *Mayer Joe Max Wilson*

Street, Apt. No., or PO Box No. *City of New Fairview*

City, State, ZIP+4® *New Fairview TX 76078*

PS Form 3800, August 2006 See Reverse for Instructions

7009 1410 0000 2459 7432

**DOCKET NO. 43177**  
**Application of Ni America Texas, LLC to Amend a Certificate of Convenience and**  
**Necessity in Wise County (37937-C)**

**EXHIBIT C**

**Notice and Certified Mail Receipt to City of Rhome**

## Notice to Neighboring Systems, Landowners and Cities

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

To: City of Rhome Date Notice Mailed February 13 20 15  
(Neighboring System, Landowner or City)

P.O. Box 228  
\_\_\_\_\_  
(Address)  
Rhome TX 76078  
\_\_\_\_\_  
City State Zip

Name of Applicant Ni America Texas, LLC has filed an application for a  
CCN to obtain or amend CCN No. (s) 11922 and to  
decertify a portion(s) of \_\_\_\_\_ with the  
(Name of Decertified Utility)

Public Utility Commission of Texas to provide water  
(specify 1) water or 2) sewer or 3) water & sewer  
utility service in Wise County(ies).

The proposed utility service area is located approximately 2 miles west  
[direction] of downtown New Fairview, [City or Town] Texas, and is  
generally bounded on the north by Graham Road; on the east by  
Graham Road; on the south by Illinois Street; and on the west by State Highway 287

**See enclosed map of the proposed service area.**

The total area being requested includes approximately 10 acres and 0  
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:**

Filing Clerk  
Public Utility Commission of Texas  
1701 North Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326

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 commission 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.

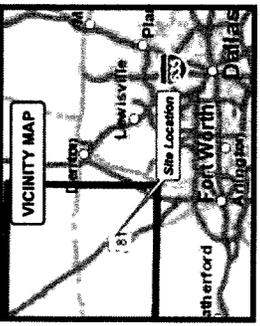
If you are a landowner with a tract of land at least 25 acres or more, that is partially or wholly located within the proposed area, you may request to be excluded from the proposed area (or "opt out") by providing written notice to the commission within (30) days from the date that notice was provided by the applicant. All requests to opt out of the requested service area must include a scaled, general location map and a metes and bounds description of the tract of land.

**Persons who meet the requirements to opt out, and wish to request this option should file the required documents with the:**

Filing Clerk  
Public Utility Commission of Texas  
1701 North Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326

A copy of the request to opt out of the proposed area must also be sent to the applicant. Staff may request additional information regarding your request.

**Si desea informacion en Espanol, puede llamar al 1-888-782-8477**



**Legend**

Wise County Boundary

NI AMERICA TEXAS LLC-CGN 11922



**APEX**

**Apex TITAN Inc.**  
 2011 Westport Boulevard, Suite 200  
 Frisco, Texas 75034  
 Phone: (469) 305-1900 • Fax: (469) 365-1199  
 A Subsidiary of Apex Companies, LLC

**FIGURE A**  
**GENERAL LOCATION MAP**  
 NI America CGN#11922  
 Wise County, Texas  
 Apex-TITAN Project No. 84800334-08  
 November 2013

Ground Condition Depicted April 2013  
 Digital Data Courtesy of Google Earth

Copyright ©2014, DigitalGlobe, Landsat, Sentinel, Texas Orthomosaic Program, U.S. Geological Survey, USDA Farm Service Agency



SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee  <i>x Chris Moore</i></p> <p>B. Received by (Printed Name) <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee  <i>Angie Young</i></p> <p>C. Date of Delivery  <i>2/18</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No          If YES, enter delivery address below:</p>
<p>1. Article Addressed to:</p> <p><i>Mayor Chris Moore          City of Rhome          P.O. Box 228          Rhome, TX 76078</i></p>	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number          (Transfer from service label)</p>	<p><i>7009 1410 0000 2459 7456</i></p>
<p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1</p>	

7009 1410 0000 2459 7456

U.S. Postal Service CERTIFIED MAIL RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)											
For delivery information visit our website at <a href="http://www.usps.com">www.usps.com</a>											
<table border="1"> <tr> <td>Postage</td> <td>\$ .48</td> </tr> <tr> <td>Certified Fee</td> <td>3.30</td> </tr> <tr> <td>Return Receipt Fee (Endorsement Required)</td> <td>2.70</td> </tr> <tr> <td>Restricted Delivery Fee (Endorsement Required)</td> <td></td> </tr> <tr> <td>Total Postage &amp; Fees</td> <td>\$</td> </tr> </table>	Postage	\$ .48	Certified Fee	3.30	Return Receipt Fee (Endorsement Required)	2.70	Restricted Delivery Fee (Endorsement Required)		Total Postage & Fees	\$	<p>Postmark Here  <i>AUSTIN TX FEB 18 2005                  2649-9 HEG</i></p>
Postage	\$ .48										
Certified Fee	3.30										
Return Receipt Fee (Endorsement Required)	2.70										
Restricted Delivery Fee (Endorsement Required)											
Total Postage & Fees	\$										
<p>Sent To <i>Mayor Chris Moore / City of Rhome</i></p> <p>Street, Apt. No., or PO Box No. <i>P.O. Box 228</i></p> <p>City, State, ZIP+4 <i>Rhome, TX 76078</i></p>											
<p>PS Form 3800, August 2006 See Reverse for Instructions</p>											

**DOCKET NO. 43177**  
**Application of Ni America Texas, LLC to Amend a Certificate of Convenience and**  
**Necessity in Wise County (37937-C)**

**EXHIBIT D**

**Notice and Certified Mail Receipt to Upper Trinity**  
**Groundwater Conservation District**

## Notice to Neighboring Systems, Landowners and Cities

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

WISE COUNTY(IES), TEXAS

To: Upper Trinity Groundwater Conservation District Date Notice Mailed February 13 20 15  
(Neighboring System, Landowner or City)

P.O. Box 1749  
(Address)  
Springtown TX 76082  
City State Zip

Name of Applicant NI America Texas, LLC has filed an application for a CCN to obtain or amend CCN No. (s) 11922 and to decertify a portion(s) of \_\_\_\_\_ with the  
(Name of Decertified Utility)

Public Utility Commission of Texas to provide water  
(specify 1) water or 2) sewer or 3) water & sewer  
utility service in Wise County(ies).

The proposed utility service area is located approximately 2 miles west  
[direction] of downtown New Fairview, [City or Town] Texas, and is generally bounded on the north by Graham Road; on the east by Graham Road; on the south by Illinois Street; and on the west by State Highway 287

**See enclosed map of the proposed service area.**

The total area being requested includes approximately 10 acres and 0 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:**

Filing Clerk  
Public Utility Commission of Texas  
1701 North Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326

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 commission 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.

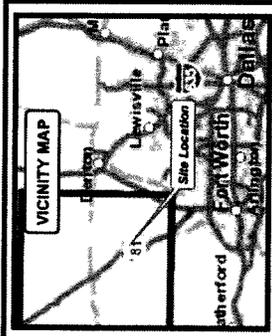
If you are a landowner with a tract of land at least 25 acres or more, that is partially or wholly located within the proposed area, you may request to be excluded from the proposed area (or "opt out") by providing written notice to the commission within (30) days from the date that notice was provided by the applicant. All requests to opt out of the requested service area must include a scaled, general location map and a metes and bounds description of the tract of land.

**Persons who meet the requirements to opt out, and wish to request this option should file the required documents with the:**

Filing Clerk  
Public Utility Commission of Texas  
1701 North Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326

A copy of the request to opt out of the proposed area must also be sent to the applicant. Staff may request additional information regarding your request.

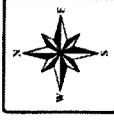
**Si desea informacion en Espanol, puede llamar al 1-888-782-8477**



**Legend**

Wise County Boundary

NI AMERICA TEXAS LLC-CCN 11922



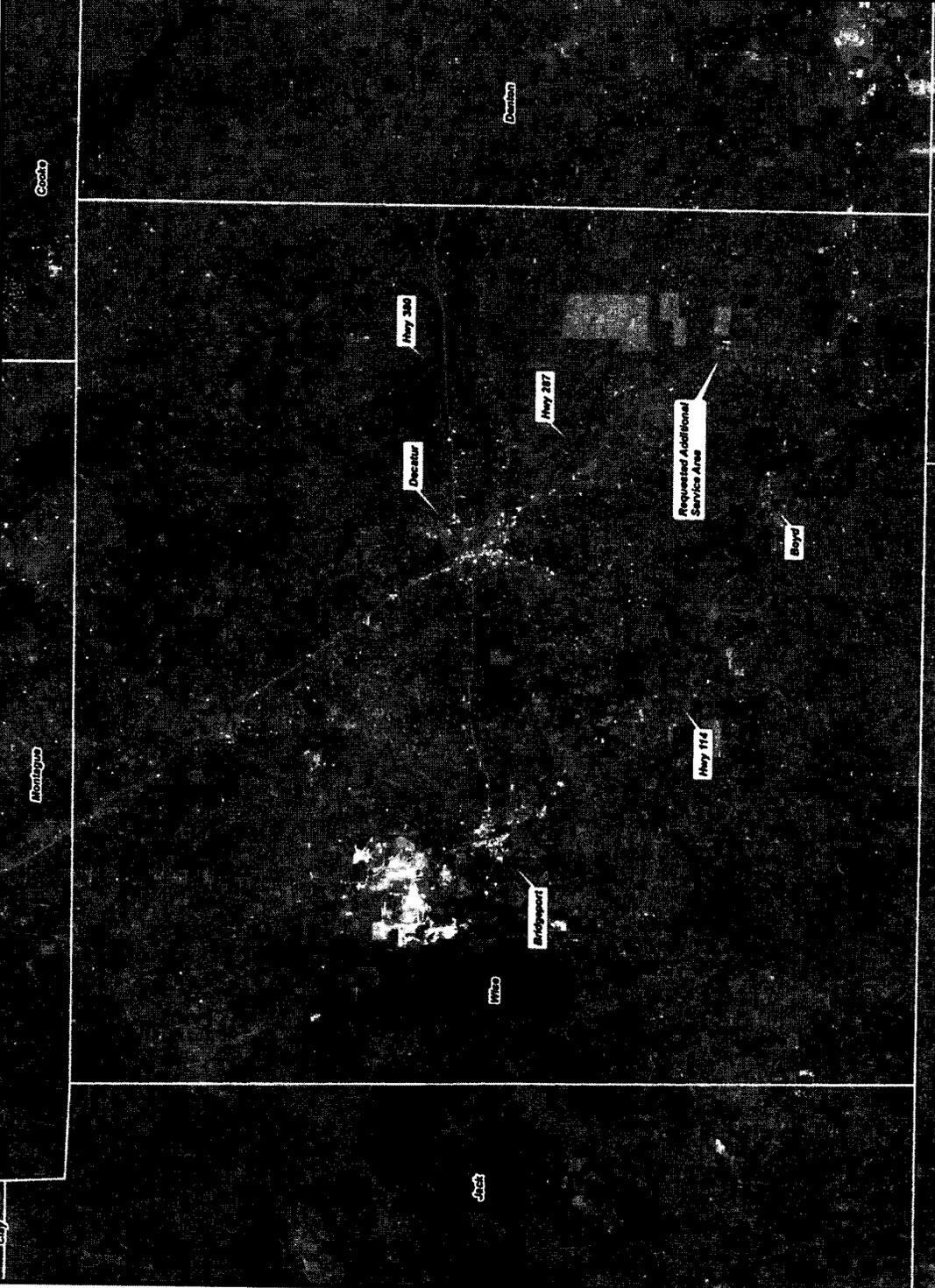
**APEX**

**Apex TITAN, Inc.**  
 2811 Veterans Boulevard, Suite 200  
 Dallas, Texas 75244  
 Phone: (469) 385-1000 • Fax: (469) 855-1199  
 www.apex-titan.com

A Subsidiary of Apex Companies, LLC

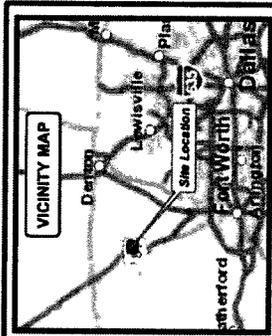
**FIGURE A**  
**GENERAL LOCATION MAP**  
 NI America CCN#11922  
 Wise County, Texas  
 Apex-TITAN Project No. 84800334-08  
 November 2013

Ground Condition Depicted April 2013  
 Digital Data Courtesy of Google Earth

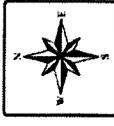


Google

Imagery ©2014, DigitalGlobe, Landsat, Sanborn, Texas Orthomosaic Program, U.S. Geological Survey, USDA Farm Service Agency



*Note: This maps digital data file format is ESRI ArcGIS shapefiles (.shp). The digital data projection is NAD 1983 State Plane Texas North Central FIPS 4202 (US Feet). Map units are in feet and the base map used is Arc2Earth, Google Maps*



**Apex TITAN, Inc.**  
 7601 Veterans Boulevard, Suite 200  
 Fort Worth, Texas 76116  
 Phone: (469) 385-1200 • Fax: (469) 385-1199  
 www.apextitan.com  
 A Subsidiary of Apex Companies, LLC

**FIGURE B2  
 PROPOSED ADDITIONAL  
 SERVICE AREA**  
 Application to Amend  
 NI America CCN #11922  
 Wise County, Texas  
 Apex-TITAN Project No. 84800334-08  
 December 2013

from USGS Quadrangle Phoenix, Texas  
 Ground Condition Depicted April 2013  
 Digital Data Courtesy of Google Earth



Imagery ©2014 DigitalGlobe, Terra Data, GeoEye, IGN, GeoEye, U.S. Geological Survey, USDA, Farm Service Agency



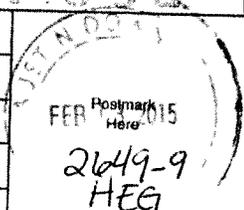
SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature <input checked="" type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <u>John Myatt</u></p> <p>C. Date of Delivery <u>2/18/15</u></p>
<p>1. Article Addressed to:</p> <p><u>Mr. Doug Shaw</u> <u>Upper Trinity GCD</u> <u>P.O. Box 1749</u> <u>Springtown, TX 76082</u></p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type  <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> <del>Registered Mail</del>  <input type="checkbox"/> Insured Mail <input checked="" type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label)</p>	<p><u>7009 1410 0000 2459 7425</u></p>
<p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540</p>	

**U.S. Postal Service**  
**CERTIFIED MAIL RECEIPT**  
*(Domestic Mail Only; No Insurance Coverage Provided)*

For delivery information visit our website at [www.usps.com](http://www.usps.com).

SPECIAL USE

Postage	\$	<u>.48</u>
Certified Fee		<u>3.30</u>
Return Receipt Fee (Endorsement Required)		<u>2.70</u>
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	



Sent To	<u>Mr. Doug Shaw / Upper Trinity GCD</u>
Street, Apt. No., or PO Box No.	<u>P.O. Box 1749</u>
City, State, ZIP+4	<u>Springtown, TX 76082</u>

PS Form 3800, August 2006 See Reverse for Instructions

7009 1410 0000 2459 7425