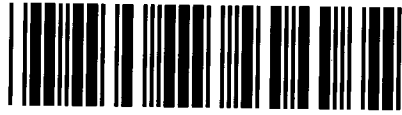


Control Number: 43177



Item Number: 6

Addendum StartPage: 0



PURSUANT TO PUC CHAPTER 24, SUBSTANTIVE RULES APPLICABLE TO WATER AND SEWER  
SERVICE PROVIDERS, SUBCHAPTER G: CERTIFICATES OF CONVENIENCE AND NECESSITY

**AMENDED**  
**Application to Obtain or Amend a Water or Sewer**  
**Certificate of Convenience and Necessity (CCN)**

**Docket Number:** 43177

(this number will be assigned by the Public Utility Commission after your application is filed)

7 copies of the application, including the original, shall be filed with

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

If submitting digital map data, two copies of the portable electronic storage medium (such as CD or DVD) are required.

**Table of Contents**

Purpose of Application .....	2
1. Applicant Information.....	2
2. Location Information.....	3
3. Map Requirements.....	5
4. New System Information or Utilities Requesting a CCN for the First Time .....	5
5. Existing System Information .....	6
6. Financial Information .....	9
7. Notice Requirements.....	10
OATH.....	12
Notice for Publication .....	13
Notice to Neighboring Systems, Landowners and Cities .....	15
Notice to Customers of IOUs in Proposed Area .....	17

6

Historical Balance Sheets .....	19
Historical Income Statement.....	20
Historical Expenses Statement .....	21
Projected Balance Sheets .....	22
Projected Income Statement .....	23
Projected Expenses Statement.....	24
Projected Sources And Uses Of Cash Statements .....	25

## Application to Obtain or Amend a Water or Sewer Certificate of Convenience and Necessity (CCN)

### Purpose of Application

<input type="checkbox"/> Obtain	<input type="checkbox"/> New Water CCN	<input type="checkbox"/> New Sewer CCN
<input checked="" type="checkbox"/> Amend	<input checked="" type="checkbox"/> Water CCN# (s) <u>11922</u>	
<input type="checkbox"/> Amend	<input type="checkbox"/> Sewer CCN#(s) <u>N/A</u>	

### 1. Applicant Information

#### Applicant

Utility name: Ni America Texas, LLC

Certificate number: 11922

Street address (City/ST/ZIP/Code): 10913 Metronome, Houston, Texas 77043

Mailing address(City/ST/ZIP/Code): 10913 Metronome, Houston, Texas 77043

Utility Phone Number and Fax: (713) 574-5952 / (713) 647-0277

#### Contact information

Please provide information about the person(s) to be contacted regarding this application. Indicate if this person is the owner, operator, engineer, attorney, accountant manager, or other title related to the applicant.

Name: Ty Embrey

Title: Attorney

Mailing address: 816 Congress Avenue, Austin, Texas 78701

Email: tembrey@lglawfirm.com

Phone and Fax: (512) 322-5829 / (512) 874-3929

List all counties in which service is proposed:  
Wise County

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

- ☒ Investor Owned Utility      ☐ Individual      ☐ Partnership  
☐ Home or Property Owners Association      ☐ For-profit Corporation  
☐ Non-profit, member-owned, member-controlled cooperative corporation  
(Water Code Chapter 67, Water Supply or Sewer Service Corporation)  
☐ Municipality      ☐ District      ☐ Other - Please explain:

N/A

B. If the applicant is a For-Profit business or corporation, please include the following information:

- i. A copy of the corporation's "Certification of Account Status" from the Texas State Comptroller of Public Accounts. **SEE EXHIBIT A**
- ii. The corporation's charter number as recorded with the Office of the Texas Secretary of State: 800902877 (Taxpayer #32034207814)
- iii. A listing of all stockholders and their respective percentages of ownership. Ni America Texas, LLC is a single member entity owned by Ni America Capital Management LLC.
- iv. A copy of the company's organizational chart, if available. **SEE EXHIBIT B**
- v. A list of all directors and disclose the title of each individual. **SEE EXHIBIT C**
- vi. A list of all affiliated organizations (if any) and explain the affiliate's business relationship with the applicant. **SEE EXHIBIT D**

C. If the applicant is a Texas Water Code (TWC) Chapter 67 water supply or sewer service corporation please provide:

- i. A copy of the Articles of Incorporation and By-Laws.
- ii. The corporation's charter number as recorded with the Office of the Texas Secretary of State.
- iii. Identification of all board members including name, address, title, and telephone number.
- iv. A copy of the corporation's *Certificate of Account Status* from the Texas Comptroller of Public Accounts.

## 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? N/A

B. Demonstrate the Need for Service by providing the following:

Have you received any requests for service in the requested service area?

☒ Yes    ☐ No

If YES, provide the following:

- i. Describe the service area and circumstances driving the need for service in the requested area. Indicate the name(s) and address(es) of landowner(s), prospective landowner(s), tenant(s), or resident(s) that have requested service; and/or
- ii. Describe the economic need(s) for service in the requested area (i.e. plat approvals, recent annexation(s) or annexation request(s), building permits, septic tank permits, hospitals, etc.); and/or
- iii. Discuss in detail the environmental need(s) for service in the requested area (i.e. failing septic tanks in the requested area, fueling wells, etc.); and/or
- iv. Provide copies of any written application(s) or request(s) for service in the requested area; and/or
- v. Provide copies of any reports and/or market studies demonstrating existing or anticipated growth in the requested area.
- vi. If none of these items exist or are available, please justify the need for service in the proposed area in writing. **SEE EXHIBIT E**

Note: Failure to demonstrate a need for additional service in the proposed service area may result in the delay and /or possible denial of the application.

C. Is any portion of the proposed service area inside an incorporated city or district?

☒ Yes    ☐ No

If YES, within the corporate limits of: City of New Fairview

Provide a copy of any franchise, permit, or consent granted by the city or district. If not available please explain:

**EXHIBIT F**

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?

If NO, are you seeking dual or single certification of the area? Explain why decertification of the area is in the public interest:

N/A

### 3. Map Requirements

Attach the following hard copy maps with each copy of the application:

- A. A location map delineating the proposed service area with enough detail to accurately locate the proposed area within the county. **SEE EXHIBIT G**
- B. A map showing only the proposed area by:
  - i. metes and bounds survey certified by a licensed state or register professional land surveyor; or
  - ii. projectable digital data with metadata (proposed areas should be in a single record and clearly labeled). Also, a data disk labeled with the applicant's name must be provided; or
  - iii. following verifiable natural and man-made landmarks; or
  - iv. a copy of recorded plat map with metes and bounds. **SEE ATTACHED DATA DISK**
- C. A written description of the proposed service area. **SEE EXHIBIT H**
- D. Provide separate and additional maps of the proposed area(s) to show the following:
  - i. all facilities, illustrating separately facilities for production, transmission, and distribution of the applicant's service(s); and
  - ii. any facilities, customers or area currently being served outside the applicant's certificated area(s).**NOT APPLICABLE**

**Note: Failure to provide adequate mapping information may result in the delay or possible denial of your application.**

Digital data submitted in a format other than ArcView shape file or Arc/Info E00 file may result in the delay or inability to review applicant's mapping information.

For information on obtaining a CCN base map or questions about sending digital map data, please visit the Water Utilities section of the PUC website for assistance.

### 4. New System Information or Utilities Requesting a CCN for the First Time

- A. Please provide the following information:
  - i. a list of public drinking water supply system(s) or sewer system(s) 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 systems or sewer systems listed in a. 1 above or documentation that it is not economically feasible to obtain service from each entity;
  - iii. copies of written responses from each system or evidence that they did not reply; and
  - iv. for sewer utilities, documentation showing that you have obtained or applied for a wastewater discharge permit.
- B. Were your requests for service denied? ☐ Yes ☐ No

- i. If yes, please provide documentation of the denial of service and go to c.
  - 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 utility 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:  
N/A
- D. Date of plat approval, if required: N/A  
Approved by: N/A
- E. Date Plans & Specifications submitted to the TCEQ for approval:  
N/A Attach copy of approval letter, if available. If the letter is not available by the time your CCN application is submitted, please supplement your application with a copy of the letter once you receive it from the TCEQ.
- F. Date construction is scheduled to commence: N/A
- G. Date service is scheduled to commence: N/A

## 5. Existing System Information

A. Please provide the following information for each water and/or sewer system, attach additional sheets if necessary.

i. Water system(s): TCEQ Public Water System identification number(s):

2	4	9	0	0	4	4	2	4	9	0	0	5	3	2	4	9	0	0	4	6
2	4	9	0	0	5	8	2	4	9	0	0	6	1	2	4	9	0	0	5	0

ii. Sewer system(s): TCEQ Discharge Permit number(s)





TCEQ Water System			TCEQ Sewer System		
Other:			Other:		
Total Water			Total Sewer		

- E. If this application is for a water CCN only, please explain how sewer service is or will be provided:

The property that is subject to this CCN amendment application (the Multi-Chem Group site) is currently served by an onsite sanitary sewer facility (OSSF) consisting of two (2) septic tanks and associated spray fields.

- F. If this application is for a sewer CCN only, please explain how water service is or will be provided:

N/A

- G. Effect of Granting a Certificate Amendment.

Explain in detail the effect of granting a certificate or an amendment, including, but not limited to regionalization, compliance and economic effects on the following:

- i. the applicant,
- ii. any retail public utility of the same kind already serving the proximate area; and
- iii. any landowner(s) in the requested area.

**SEE EXHIBIT K**

- H. Do you currently purchase or plan to purchase water or sewer treatment capacity from another source?

- i. ☒ No, (skip the rest of this question and go to #6)

- ii. Yes, Water

Purchased on a ☐ Regular ☐ Seasonal ☐ Emergency basis?

Water Source	% of Total Treatment
	0.00%

Water Source	% of Total Treatment
	0.00%
	0.00%

iii. ☐ Yes, Sewer treatment capacity

Purchased on a ☐ Regular ☐ Seasonal ☐ Emergency basis?

Sewer Source	% of Total Treatment
	0.00%
	0.00%
	0.00%

iv. Provide a signed and dated copy of the most current water or sewer treatment capacity purchase agreement or contract.

I. Ability to Provide Adequate Service.

Describe the ability of the applicant to provide adequate service, including meeting the standards of the commission, taking both of the following items into consideration:

- i. the current and projected density; and
- ii. the land use of the requested area.

J. Effect on the Land. Explain the effect on the land to be included in the certificated area.

N/A

## 6. Financial Information

A. For new water and/or sewer systems and for applicants with existing CCNs who are constructing a new stand-alone water and/or sewer system:

- i. the applicant must provide an analysis of all necessary costs for constructing, operating, and maintaining the system, and the source of that capital (such as a financial statement for the developing entity) for which the CCN is requested for at least the first five years. In addition, if service has been offered by an existing retail 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 projected growth in connections, shown on the projected profit and loss statement.

- iii. Attach a proposed rate schedule or tariff. Describe the procedure for determining the rates and fees and indicate the date of last change, if applicable. Attach copies of any cost of service studies or rate analysis worksheets.

B. For existing water and/or sewer 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). **SEE EXHIBIT L**
- ii. Attach a proposed rate schedule or tariff. **SEE EXHIBIT M**

❖ **Note: An existing water and/or sewer 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. **Not Applicable.**
- 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.

❖ **Note: Failure to provide adequate financial information may result in the delay or possible denial of your application.**

## 7. Notice Requirements

- A. All proposed notice forms must be completed and submitted with the application. Do not mail or publish the notices 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 notice requirements for CCN applicants.
- 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, landowners with 25 acres or more, and customers are included with this application for use in preparing proposed notices. (Notice forms are 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 before providing the notice.
- F. Notice For Publication:  
The applicant shall publish the notice in a newspaper with general circulation in the county(ies) where a CCN is being requested. The notice must be published 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. **EXHIBIT N**
  - ii. For applications for the issuance of a NEW CCN, the applicant must mail the notice with a copy of the proposed CCN map to all cities and neighboring retail public utilities providing the same utility service within five (5) miles of the requested service area.

- iii. For applications for the AMENDMENT of a CCN, the applicant must mail the notice with a copy of the proposed CCN map to all cities and neighboring retail public utilities providing the same utility service within two (2) miles of the requested service area.
- H. Notice to Customers:  
Investor Owned Utilities (IOUs) that are currently providing service without a CCN 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. Authorization occurs after the commission has reviewed the notices for completeness, and your application has been accepted for filing. Once the application is accepted for filing, you will receive written authorization to provide notice. Please check the notices for accuracy before providing them to the public. It is the applicant's burden to ensure that correct and accurate notice is provided.**

# OATH

STATE OF TEXAS  
COUNTY OF HARRIS

I, Ed Wallace, being duly sworn, file this application as President (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 and financial information 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 Commission on Environmental Quality.

I further represent that the application form has not been changed, altered or amended from its original form available only from the 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.**

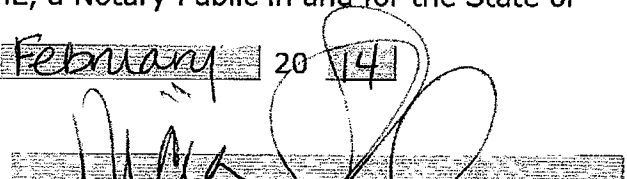
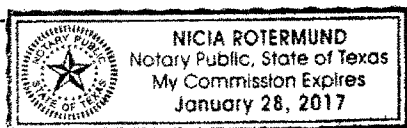


AFFIANT  
(Utility's Authorized Representative)

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 of Texas,  
This day 20 of February 2014

SEAL



NOTARY PUBLIC IN AND FOR THE  
STATE OF TEXAS

Nicia Rotermund  
PRINT OR TYPE NAME OF NOTARY

MY COMMISSION EXPIRES 1-28-2017

## Notice for Publication

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

WISE COUNTY(IES), TEXAS

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

The total area being requested includes approximately 10 acres and 0  
current customers.

A copy of the proposed service area map is available at (Utility Address and Phone  
Number): Ni America Texas, 2401 Callender Rd., Suite 105, Mansfield, TX 76063; (817) 579-8100

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 file with the PUC at the following address:**

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***

## 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 January 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.



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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.

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PROVIDE WATER/SEWER UTILITY SERVICE IN

WISE COUNTY(IES), TEXAS

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

999 Illinois Street

(Address)

<u>New Fairview</u>	<u>TX</u>	<u>76078</u>
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  
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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 January 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  
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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**

## 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 January 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.

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

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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**

**DOCKET NO. 43177  
NI AMERICA TEXAS, LLC  
AMENDED APPLICATION**

**LIST OF EXHIBITS**

Exhibit A	Certification of Account Status
Exhibit B	Organizational Chart for Ni America Texas, LLC
Exhibit C	List of Directors for Ni America Texas, LLC
Exhibit D	List of Affiliated Organizations and Explanation
Exhibit E	Demonstration of Need for Service
Exhibit F	Information – City of New Fairview
Exhibit G	General Location Maps
Exhibit H	Written Description of Proposed Service Area
Exhibit I	Most Recent Inspection Report Letter
Exhibit J	Explanation of Ni America Texas, LLC Actions
Exhibit K	Effect of Granting of CCN Amendment
Exhibit L	Profit and Loss Statement / Current Balance Sheet
Exhibit M	Tariff
Exhibit N	List of Neighboring Utilities and Cities



Docket No. 43177  
Ni America Texas, LLC  
Amended Application

## **EXHIBIT A**

### **CERTIFICATION OF ACCOUNT STATUS**



## Franchise Tax Account Status

As of: 02/16/2014 04:40:20 PM

**This Page is Not Sufficient for Filings with the Secretary of State**

### NI AMERICA TEXAS, LLC

Texas Taxpayer Number 32034207814  
Mailing Address 10913 METRONOME DR  
HOUSTON, TX 77043-2201  
Right to Transact Business in Texas ACTIVE  
State of Formation DE  
Effective SOS Registration Date 11/27/2007  
Texas SOS File Number 0800902877  
Registered Agent Name CORPORATION SERVICE COMPANY DBA CSC -  
LAWYERS INCO  
Registered Office Street Address 211 E. 7TH STREET SUITE 620  
AUSTIN, TX 78701

Docket No. 43177  
Ni America Texas, LLC  
Amended Application

## **EXHIBIT B**

### **ORGANIZATIONAL CHART FOR NI AMERICA TEXAS, LLC**

## **Ni America Texas LLC Information**

Ni America Capital Management, LLC, a Delaware limited liability company (the "Company"), was founded by Ed Wallace and funded by members of management, including Mr. Wallace, and Metalmark, a private equity firm. The Company was formed to acquire and operate water and wastewater assets throughout the United States. Ni America Texas LLC is a subsidiary of the Company and is responsible for the Company's water systems in Texas.

Mr. Wallace oversees day-to-day activities of the Company, including Ni America Texas, LLC. The Company prepares monthly management reports for its Board of Directors addressing financial, operational, and development efforts.

Andy Thomas is in charge of operations and capital projects for Ni America Texas LLC. Ni America Texas LLC has an Operations and Maintenance Contract with Texas Rain, owned and managed by Butch Hardie, for the Wise County portion of Ni America Texas LLC's system. Besides complying with applicable TCEQ requirements, Mr. Hardie reports to Andy Thomas on a regular basis as to on-goings of the Wise County portion of Ni America Texas LLC's system.

Contact info for Ni America Texas LLC:

Ed Wallace (President)                      office 713-574-7755

Andy Thomas (VP Operations)           office 713-574-7771

---

*Ed Wallace:* Mr. Wallace started AquaSource in 1996 and served as its initial CFO. After his time at AquaSource, he formed API Investments, an M&A firm that focused primarily on transactions in the water utility industry. Over a period of four years, he oversaw in excess of 100 purchase/sale transactions. Since Ni America Capital Management was formed in 2007, eight utilities have been acquired (two in Texas).

*Andy Thomas:* Mr. Thomas has over 20 years of experience including a period of time serving as managing a rail car cleaning and water treatment facility. Mr. Thomas currently oversees the management of utility operations and scheduled and unscheduled capital projects. Mr. Thomas is also instrumental in carrying out operational due diligence as part of the Company's continued acquisition efforts.

Docket No. 43177  
Ni America Texas, LLC  
Amended Application

## **EXHIBIT C**

### **LIST OF DIRECTORS FOR NI AMERICA TEXAS, LLC**

Window on State Government

Susan Combs

Comptroller of Public Accounts

Taxable Entity Search ResultsTaxable Entity Search

## Officers and Directors

NI AMERICA TEXAS, LLC

Report Year: 2013

Report Year: 2013

Officer and director information on this site is obtained from the most recent Public Information Report (PIR) processed by the Secretary of State (SOS). PIRs filed with annual franchise tax reports are forwarded to the SOS. After processing, the SOS sends the Comptroller an electronic copy of the information, which is displayed on this web site. The information will be updated as changes are received from the SOS.

You may order a copy of a Public Information Report from [open.records@cpa.state.tx.us](mailto:open.records@cpa.state.tx.us) or Comptroller of Public Accounts, Open Government Division, PO Box 13528, Austin, Texas 78711.

Title	Name and Address
<i>ASSISTANT</i>	<b>CAREY A THOMAS</b> 10913 METRONOME DR HOUSTON , TX 77043
<i>PRESIDENT</i>	<b>EDWARD R WALLACE SR</b> 10913 METRONOME DR HOUSTON , TX 77043
<i>CHIEF FINA</i>	<b>EDWARD R WALLACE SR</b> 10913 METRONOME DR HOUSTON , TX 77043
<i>VICE PRESI</i>	<b>WILLIAM A THOMAS</b> 10913 METRONOME DR HOUSTON , TX 77043
<i>SECRETARY</i>	<b>WILLIAM A THOMAS</b> 10913 METRONOME DR HOUSTON , TX 77043

texas.gov | Statewide Search from the Texas State Library | State Link Policy | Texas Homeland Security

**Susan Combs**, Texas Comptroller • Window on State Government • Contact Us  
Privacy and Security Policy | Accessibility Policy | Link Policy | Public Information Act | Compact with Texans

Docket No. 43177  
Ni America Texas, LLC  
Amended Application

## **EXHIBIT D**

### **LIST OF AFFILIATED ORGANIZATIONS AND EXPLANATION**

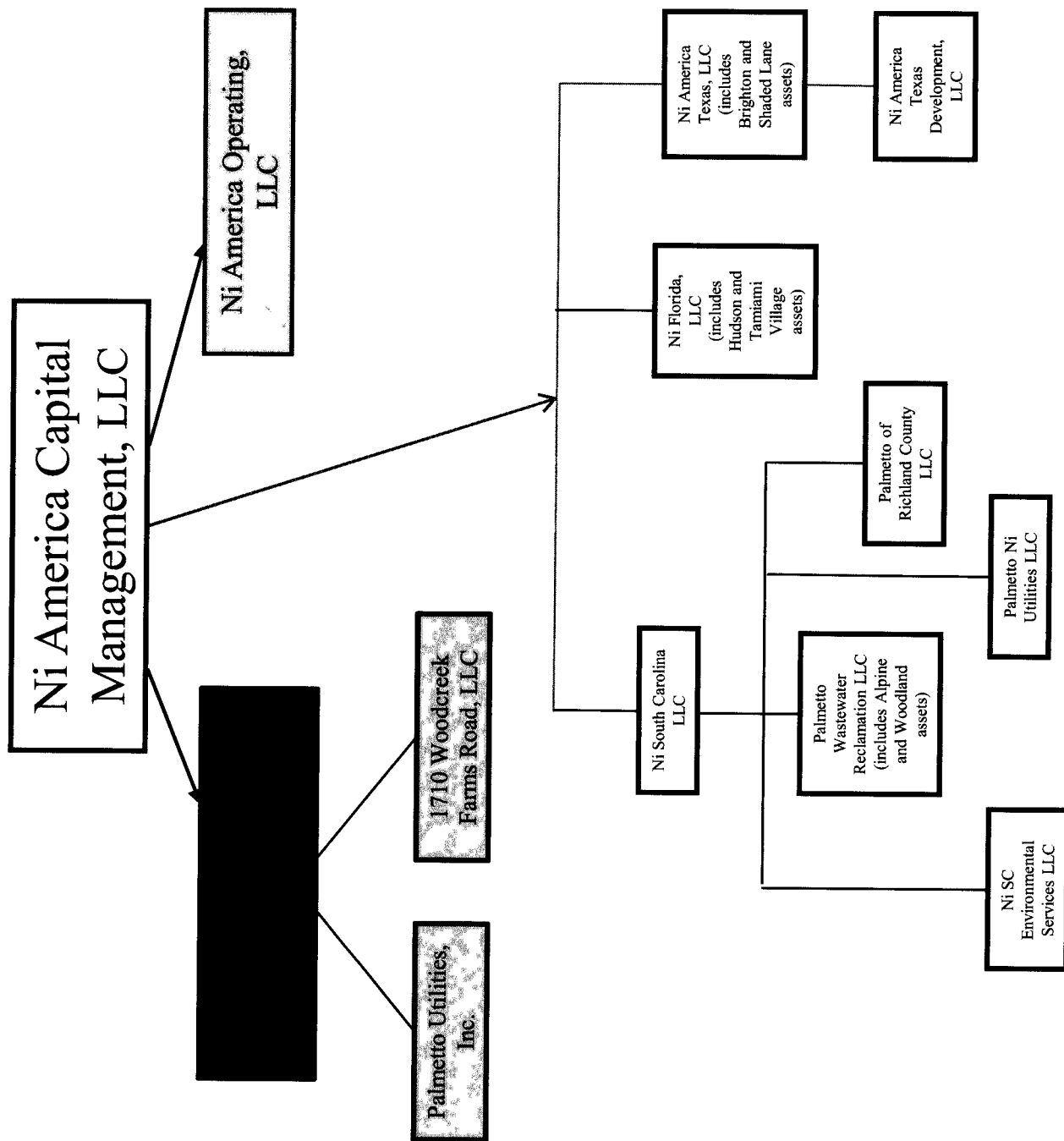
## Exhibit D

Ni America Texas LLC, a Delaware limited liability company (the “Company”), was created under Ni America Capital Management, LLC (“Ni Management”) as the entity to be used to acquire water utility assets in Texas. Ni Management was founded by Pete Moerbeek and Ed Wallace and funded primarily by a private equity firm and members of management.

While the private equity firm has majority ownership of Ni Management, Mr. Wallace oversees the day-to-day activities of the Company. Ni Management prepares monthly management reports for its Board of Directors addressing financial, operational and development matters.

The Company is sufficiently funded to operate the assets of the Company and maintain those assets in accordance with applicable regulatory standards.





Docket No. 43177  
Ni America Texas, LLC  
Amended Application

## **EXHIBIT E**

### **DEMONSTRATION OF NEED FOR SERVICE**

February 24, 2014

Mike Ashfield  
Senior Vice President – Operations  
Ni America Texas  
10913 Metronome Drive  
Houston, Texas 77043

Re: Request for Water Service in Wise County, Texas

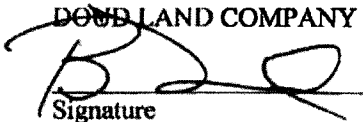
Dear Mr. Ashfield:

This letter serves as Doud Land Company, LLC's request for water service from Ni America Texas LLC for 10.01 acres located in Wise County, Texas with a mailing address of 223 Illinois Lane, New Fairview, Texas 76078 and leased to Multi-Chem Group ("Lessee"), a subsidiary of Halliburton. The property is specifically described in the attached via a metes and bounds description.

Lessee is an oil and gas services company and has a facility located on the 10.01 acre tract in need of water service. Currently, Lessee operates a water well on the 10.01 acre tract that provides water for its facility. However, Lessee desires to reduce its need for water from a groundwater source and transition to a water source from a more centralized water system, such as Ni America Texas, that can provide a greater amount of water.

Please let us know if you have any questions. Thank you for your attention to this request.

Sincerely,

DOUD LAND COMPANY  
  
Signature

MULTI-CHEM GROUP  
  
Signature

Ben R. Doud Mgr  
Printed Name / Title

Jorge Velazquez  
Printed Name / Title  
Attorney-in-Law

Attachment

Docket No. 43177  
Ni America Texas, LLC  
Amended Application

## **EXHIBIT F**

Information - City of New Fairview

May 14, 2014

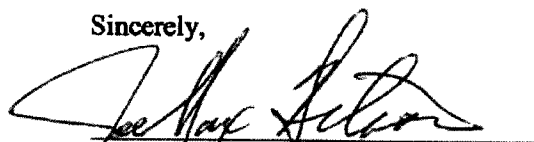
Michael J. Ashfield  
Senior Vice President  
Ni America Texas, LLC  
10913 Metronome Drive  
Houston, Texas 77043

Re: Consent to Addition of 10.01 Acre Tract to Ni America Texas, LLC's Retail Water  
Service Area (CCN No. 11922)

Dear Mr. Ashfield:

The City of New Fairview consents to the addition of the 10.01 acre tract, as shown per the attached map, located within the City's corporate limits and with a mailing address of 223 Illinois Lane, New Fairview, Texas 76078 to Ni America Texas, LLC's retail water service area identified as Certificate of Convenience and Necessity (CCN) No. 11922.

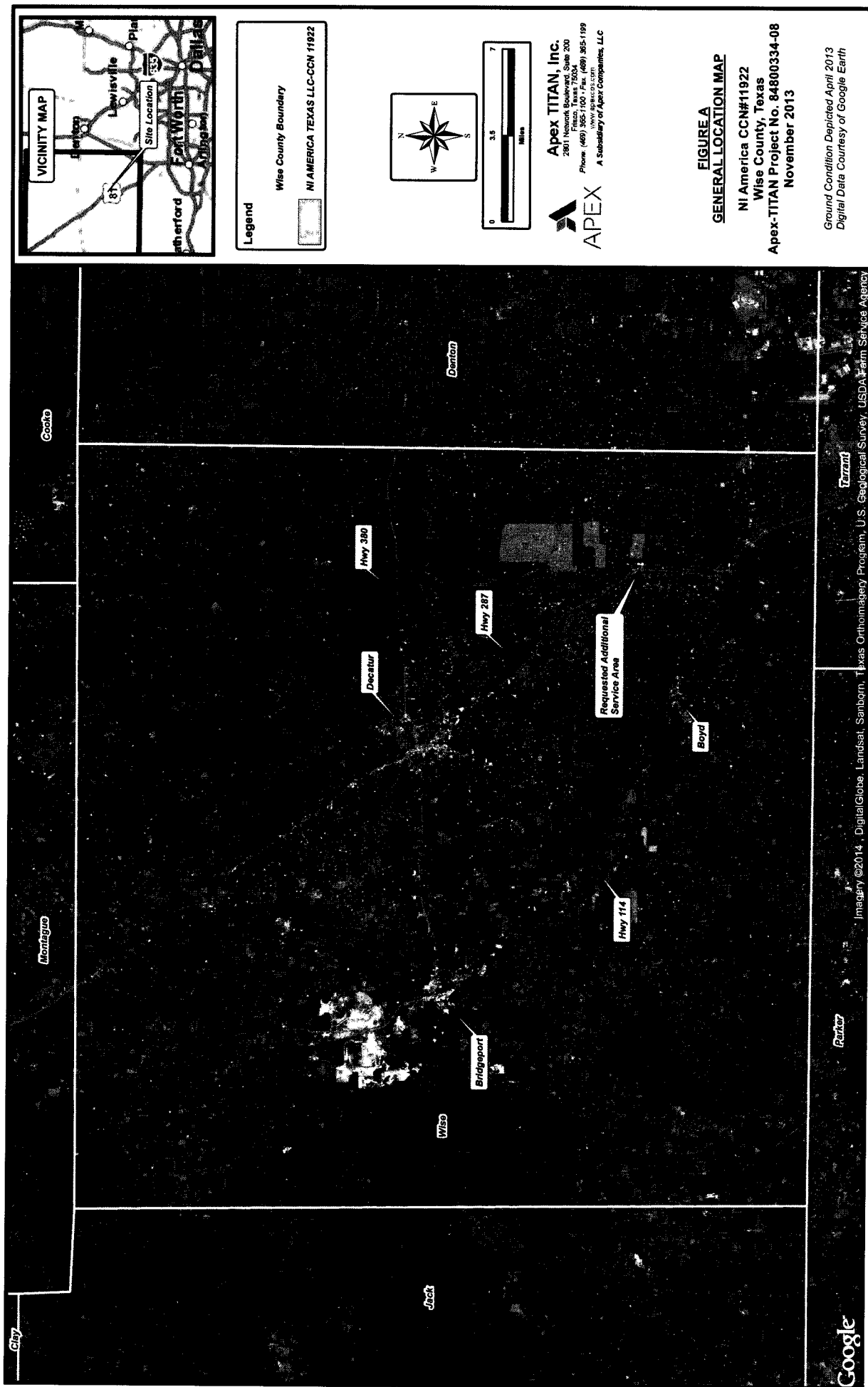
Sincerely,

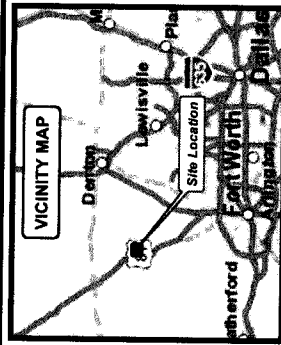
  
Mr. Joe Max Wilson  
Mayor  
City of New Fairview

Docket No. 43177  
Ni America Texas, LLC  
Amended Application

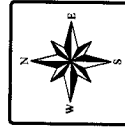
## **EXHIBIT G**

### **GENERAL LOCATION MAPS**





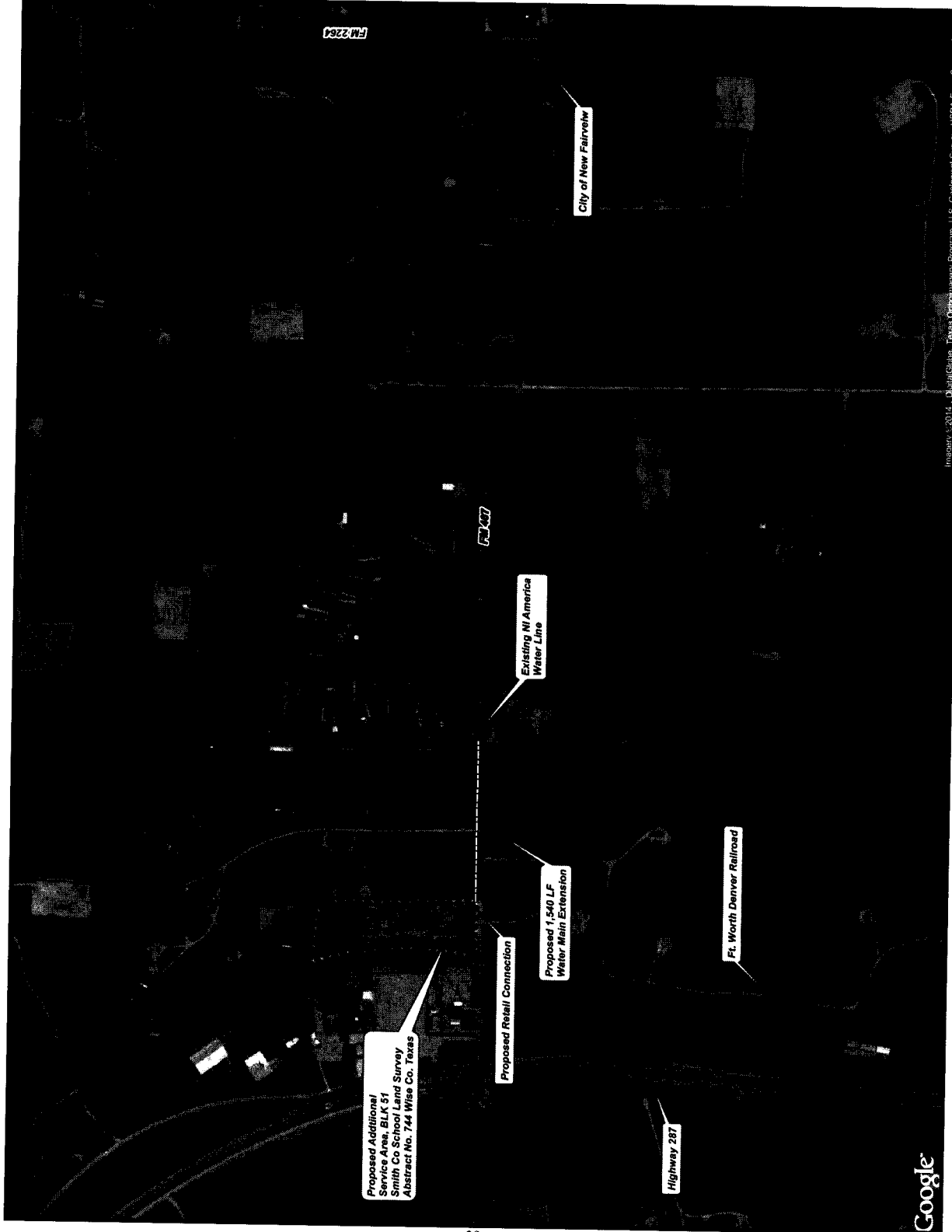
Note: This maps digital data file format is ESRI/ArcGIS shapefiles (.shp). The digital data projection is NAD 1983 State Plane Texas North Central FIPS 4202 (US Feet). Map units are in feet and the base map used is Arc2Earth, Google Maps



**Apex TITAN, Inc.**  
2801 Network Boulevard, Suite 200  
Frisco, Texas 75034  
Phone: (469) 460-1000 Fax: (469) 365-1199  
www.apexco.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 Rhorne, Texas  
Ground Condition Depicted April 2013  
Digital Data Courtesy of Google Earth



Imagery © 2014, © 2013 Google, Texas Ortho Imagery Program, U.S. Geological Survey, USDA Farm Service Agency



Docket No. 43177  
Ni America Texas, LLC  
Amended Application

## **EXHIBIT H**

### **WRITTEN DESCRIPTION OF PROPOSED SERVICE AREA**

**EXHIBIT "A"**

Block 51, of the SMITH COUNTY SCHOOL LAND SURVEY, Abstract No. 744, Wise County, Texas, and being more particularly described by metes and bounds, as follows:

Beginning at a 1/2" iron found at the intersection of the north right-of-way line of F.M. Road 407 and the east right-of-way line of the Ft. Worth & Denver RR Co. (50' right-of-way from the center of the track as described in deed as recorded in Volume W, Page 104 of the Deed Records of Wise County, Texas;

THENCE along said east right-of-way of the Ft. Worth & Denver RR Co. Right-of-way the following calls;

N 11° 37' 29" E a distance of 89.85 feet to a 1/2" iron rod set with a "TQ Burks #5509" cap;

N 10° 18' 29" E a distance of 112.82 feet to a 1/2" iron rod set with a "TQ Burks #5509" cap;

N 08° 15' 46" E a distance of 101.07 feet to a 1/2" iron rod set with a "TQ Burks #5509" cap;

N 05° 35' 34" E a distance of 104.40 feet to a 1/2" iron rod set with a "TQ Burks #5509" cap;

N 02° 27' 09" E a distance of 110.18 feet to a 1/2" iron rod set with a "TQ Burks #5509" cap;

N 00° 46' 41" E a distance of 101.15 feet to a 1/2" iron rod set with a "TQ Burks #5509" cap;

N 03° 53' 11" W a distance of 104.40 feet to a 1/2" iron rod set with a "TQ Burks #5509" cap;

N 06° 57' 11" W a distance of 101.23 feet to a 1/2" iron rod set with a "TQ Burks #5509" cap;

N 10° 05' 51" W a distance of 106.15 feet to a 1/2" iron rod set with a "TQ Burks #5509" cap;

N 13° 15' 51" W a distance of 105.08 feet to a 1/2" iron rod set with a "TQ Burks #5509" cap;

N 16° 18' 31" W a distance of 100.70 feet to a 1/2" iron rod set with a "TQ Burks #5509" cap;

N 21° 19' 12" E a distance of 102.09 feet to a metal fence post for a corner, said point also being at the southwest corner of a tract of land described in deed to Martin Hudgins as recorded in Volume 664, Page 26 of the Deed Records of Wise County, Texas;

THENCE S 82° 05' 27" E along the south line of said Hudgins tract a distance of 464.64 feet to a metal fence post for a corner, said point also being the southeast corner of said Hudgins tract and being a point in the west line of a tract of land described in deed to Guadalupe Palos as recorded in Volume 877, Page 894 O.R.W.C.T.;

THENCE S 00° 03' 00" W and passing at 423.92 feet a 1/2" iron rod found and said point being by deed call the southwest corner of said Palos tract and the northwest corner of a tract of land as described in deed to Howard-Kirk & Gibbs, Trustees as recorded in Volume 1128, Page 156 O.R.W.C.T. and passing at 856.61 feet a 1/2" iron rod found and being by deed call the southwest corner of said Howard-Kirk & Gibbs tract and also being by deed call the northwest corner of a tract of land as described in deed to Teresa Markarian as recorded in Volume 767, Page 580 O.R.W.C.T. and continuing in all a distance of 1176.21 feet to a metal fence post for a corner and said point being in the north right-of-way line of said F.M. Road 407 and also being the southwest corner of said Markarian tract;

THENCE N 84° 05' 33" W along said north right-of-way line a distance of 400.27 feet to the Point of Beginning and containing in all 436049 square feet or 10.010 acres of land and designated herein as the Home Quarters Addition subdivision to Wise County, Texas, and whose name is subscribed hereto, hereby to the use of the public forever all streets, alleys, parks, water courses, drains, easements, rights-of-way and public places thereon shown for the purpose and consideration therein expressed.

RTC GF# 07-00502  
DT/STownsend:mm

**EXHIBIT "A"**

Block 51, of the SMITH COUNTY SCHOOL LAND SURVEY, Abstract No. 744, Wise County, Texas, and being more particularly described by metes and bounds, as follows:

Beginning at a 1/2" iron found at the intersection of the north right-of-way line of F.M. Road 407 and the east right-of-way line of the Ft. Worth & Denver RR Co. (50' right-of-way from the center of the track as described in deed as recorded in Volume W, Page 10c of the Deed Records of Wise County, Texas;

THENCE along said east right-of-way of the Ft. Worth & Denver RR Co. right-of-way the following calls:

N 11° 37' 29" E a distance of 99.85 feet to a 1/2" iron rod set with a "TQ Burks #5509" cap;

N 10° 18' 29" E a distance of 112.52 feet to a 1/2" iron rod set with a "TQ Burks #5509" cap;

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N 16° 18' 31" W a distance of 100.70 feet to a 1/2" iron rod set with a "TQ Burks #5509" cap;

N 21° 19' 12" E a distance of 102.09 feet to a metal fence post for a corner, said point also being at the southwest corner of a tract of land described in deed to Martin Hudgins as recorded in Volume 664, Page 28 of the Real Records of Wise County, Texas;

THENCE S 82° 05' 27" E along the south line of said Hudgins tract a distance of 464.64 feet to a metal fence post for a corner, said point also being the southeast corner of said Hudgins tract and being a point in the west line of a tract of land described in deed to Guadalupe Palos as recorded in Volume 877, Page 594 O.R.W.C.T.;

THENCE S 00° 05' 00" W and passing at 423.92 feet a 1/2" iron rod found and said point being by deed call the southwest corner of said Palos tract and the northwest corner of a tract of land as described in deed to Howard-Kirk & Gibbs, Trustee as recorded in Volume 1128, Page 156 D.R.W.C.T. and passing at 856.61 feet a 1/2" iron rod found and being by deed call the southwest corner of said Howard-Kirk & Gibbs tract and also being by deed call the northwest corner of a tract of land as described in deed to Teresa Markarian as recorded in Volume 767, Page 580 R.R.W.C.T. and continuing in all a distance of 1176.21 feet to a metal fence post for a corner and said point being in the north right-of-way line of said F.M. Road 407 and also being the southwest corner of said Markarian tract;

THENCE N 88° 05' 33" W along said north right-of-way line a distance of 400.27 feet to the Point of Beginning and containing in all 436049 square feet or 10.010 acres of land and designated herein as the Home Quarters Addition subdivision to Wise County, Texas, and whose name is subscribed hereto, hereby to the use of the public forever all streets, alleys, parks, water courses, drains, easements, rights-of-way and public places thereon shown for the purpose and consideration therein expressed.

Docket No. 43177  
Ni America Texas, LLC  
Amended Application

## **EXHIBIT I**

**MOST RECENT INSPECTION REPORT LETTER**

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*

October 4, 2011

**e-Signature Confirmation - 91 3408 2133 3932 0108 9311**

Edward R. Wallace, President  
10913 Metronome Drive  
Houston, TX 77043-2201

Re: Notice of Violation for the Compliance Evaluation Investigation at:  
Chisholm Hills Estates WS, Decatur, Wise County, Texas  
RN 101280840, TCEQ ID No.: 2490044, Investigation No.: 956891

Dear Mr. Wallace:

On September 14, 2011, Mr. Steven Mindt of the Texas Commission on Environmental Quality (TCEQ) Dallas/Fort Worth (D/FW) Region Office conducted an investigation of the above-referenced regulated entity to evaluate compliance with applicable requirements for public water supply. Enclosed is a summary which lists the investigation findings. During the investigation, certain outstanding alleged violations were identified for which compliance documentation is required. Please submit to this office by January 2, 2012, a written description of corrective action taken and the required documentation demonstrating that compliance has been achieved for each of the outstanding alleged violations.

In the listing of the alleged violations, we have cited applicable requirements, including TCEQ rules. Please note that both the rules themselves and the agency brochure entitled *Obtaining TCEQ Rules* (GI 032) are located on our agency website at <http://www.tceq.state.tx.us> for your reference. If you would like a hard copy of this brochure mailed to you, you may call and request one from either the D/FW Region Office at 817-588-5800 or the Central Office Publications Ordering Team at 512-239-0028.

The TCEQ appreciates your assistance in this matter. Please note that the Legislature has granted TCEQ enforcement powers which we may exercise to ensure compliance with environmental regulatory requirements. We anticipate that you will resolve the alleged violations as required in order to protect the State's environment. If you have additional information that we are unaware of, you have the opportunity to contest the violations documented in this notice. Should you choose to do so, you must notify the D/FW Region Office within 10 days from the date of this letter. At that time, Mr. Charles Marshall will schedule a violation review meeting to be conducted within 21 days from the date of this letter. However, please be advised that if you decide to participate in the violation review process, the

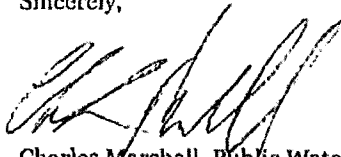
TCEQ Region 4-Dallas/Fort Worth • 2309 Gravel Dr. • Fort Worth, Texas 76118-6951 • 817-588-5800 • Fax 817-588-5700  
Austin Headquarters: 512-239-1000 • [www.tceq.state.tx.us](http://www.tceq.state.tx.us) • How is our customer service? [www.tceq.state.tx.us/goto/customersurvey](http://www.tceq.state.tx.us/goto/customersurvey)

Mr. Wallace  
October 4, 2011  
Page 2

still require you to adhere to the compliance schedule included in the attached Summary of Investigation Findings until an official decision is made regarding the status of any or all of the contested violations.

If you or members of your staff have any questions, please feel free to contact Mr. Steven Mindt in the D/FW Region Office at (817) 588-5843.

Sincerely,



Charles Marshall, Public Water Supply Section, Team Leader  
Dallas/Fort Worth Region Office

CM/sm

Enclosures: Summary of Investigation Findings

CC: David Rowman; 801 S. Files St., Itasca, TX 76055

## Summary of Investigation Findings

CRISHOLM HILLS ESTATES

Investigation # 956891

, WISE COUNTY,

Investigation Date: 09/14/2011

Additional ID(s): 2490044

### OUTSTANDING ALLEGED VIOLATION(S) ASSOCIATED TO A NOTICE OF VIOLATION

Track No: 447086

Compliance Due Date: 01/02/2012

30 TAC Chapter 290.46(n)(3)

**Alleged Violation:**

Investigation: 956891

Comment Date: 9/27/2011

At the time of inspection the water system was unable to provide a copies of the well logs.

290.46(n)(3) Copies of well completion data such as well material setting data, geological log, sealing information disinfection,, microbiological sample results, and chemical analysis report of a representative sample of water from the well shall be kept on file for as long as the well remains in service.

**Recommended Corrective Action:** Provide copies of the well logs to TCEQ.

Track No: 447088

Compliance Due Date: 01/02/2012

30 TAC Chapter 290.46(u)

**Alleged Violation:**

Investigation: 956891

Comment Date: 9/20/2011

Failure to maintain or properly plug an abandoned well.

At the time of the inspection, a third well at Plant #1, with the casing extending approximately 18 inches above the well pedestal, was observed to have an unsecured cap. When the cap was removed, standing water could be observed 5 to 10 feet below the surface of the ground. (pictures taken)

290.46(u) Abandoned public water supply wells owned by the system must be plugged with cement according to 16 Texas Administrative Code (TAC) Chapter 76. Wells that are not in use and are non-deteriorated as defined in those rules must be tested every five years or as required by the executive director to prove that they are in a non-deteriorated condition. The test results shall be sent to the executive director for review and approval. Deteriorated wells must be either plugged with cement or repaired to a non-deteriorated condition.

**Recommended Corrective Action:** Comply. Properly plug and provide a plugging report or maintain the well in accordance with the Texas Administrative Code.

Track No: 447089

Compliance Due Date: 01/02/2012

30 TAC Chapter 290.46(m)(1)(A)

**Alleged Violation:**

Investigation: 956891

Comment Date: 9/20/2011

Failure to maintain the exterior coating of the storage tank at Plant # 1.

Summary of Investigation Findings

Page 1 of 2

During the inspection it was noted that the exterior surface of the storage tank had rust and deteriorated paint.

290.46(m)(1)(A) Ground and elevated storage tank inspections must determine that the vents are in place and properly screened, the roof hatches closed and locked, flap valves and gasketing provide adequate protection against insects, rodents and other vermin, the interior and exterior coating systems are continuing to provide adequate protection to all metal surfaces, and the tank remains in a water tight condition.

**Recommended Corrective Action:** Repair and maintain the exterior coating of the storage tank and provide a photo or copy of the invoice.



Bryan W. Shriver, 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*

October 4, 2011

**e-Signature Confirmation - 91 3408 2133 3932 0108 9304**

Edward R. Wallace, President  
10913 Metronome Drive  
Houston, TX 77043-2201

Re: Notice of Violation for the Compliance Evaluation Investigation at:  
Hills of Oliver Creek WS, Rhome, Wise County, Texas  
RN 101218360, TCEQ ID No.: 2490046, Investigation No.: 956912

Dear Mr. Wallace:

On September 14, 2011, Mr. Steven Mindt of the Texas Commission on Environmental Quality (TCEQ) Dallas/Fort Worth (D/FW) Region Office conducted an investigation of the above-referenced regulated entity to evaluate compliance with applicable requirements for public water supply. Enclosed is a summary which lists the investigation findings. During the investigation, certain outstanding alleged violations were identified for which compliance documentation is required. Please submit to this office by January 2, 2012, a written description of corrective action taken and the required documentation demonstrating that compliance has been achieved for each of the outstanding alleged violations.

In the listing of the alleged violations, we have cited applicable requirements, including TCEQ rules. Please note that both the rules themselves and the agency brochure entitled *Obtaining TCEQ Rules* (GI 032) are located on our agency website at <http://www.tceq.state.tx.us> for your reference. If you would like a hard copy of this brochure mailed to you, you may call and request one from either the D/FW Region Office at 817-588-5800 or the Central Office Publications Ordering Team at 512-239-0028.

The TCEQ appreciates your assistance in this matter. Please note that the Legislature has granted TCEQ enforcement powers which we may exercise to ensure compliance with environmental regulatory requirements. We anticipate that you will resolve the alleged violations as required in order to protect the State's environment. If you have additional information that we are unaware of, you have the opportunity to contest the violations documented in this notice. Should you choose to do so, you must notify the D/FW Region Office within 10 days from the date of this letter. At that time, Mr. Charles Marshall will schedule a violation review meeting to be conducted within 21 days from the date of this letter. However, please be advised that if you decide to participate in the violation review process, the TCEQ may

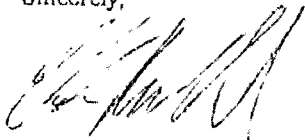
TCEQ Region 4-Dallas/Fort Worth • 2309 Gravel Dr. • Fort Worth, Texas 76118-6951 • 817-588-5800 • Fax 817-588-5700  
Austin Headquarters: 512-239-1000 • [www.tceq.state.tx.us](http://www.tceq.state.tx.us) • How is our customer service? [www.tceq.state.tx.us/goto/customersurvey](http://www.tceq.state.tx.us/goto/customersurvey)

Mr. Wallace  
October 4, 2011  
Page 2

still require you to adhere to the compliance schedule included in the attached Summary of Investigation Findings until an official decision is made regarding the status of any or all of the contested violations.

If you or members of your staff have any questions, please feel free to contact Mr. Steven Mindt in the D/FW Region Office at (817) 588-5843.

Sincerely,



Charles Marshall, Public Water Supply Section, Team Leader  
Dallas/Fort Worth Region Office

CM/sm

Enclosures: Summary of Investigation Findings

CC: David Bowman; 801 S. Files St., Itasca, TX 76055