

Control Number: 43371



Item Number: 26

Addendum StartPage: 0

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APPLICATION OF WILDERNESS §
SOUND AND HDU SERVICES, LLC FOR §
SALE, TRANSFER, OR MERGER OF §
FACILITIES AND CERTIFICATE OF §
CONVENIENCE AND NECESSITY IN §
BURLESON COUNTY (37990-S) §

PUBLIC UTILITY COMMISSION
FILING CLERK
OF TEXAS

PROPOSED NOTICE OF APPROVAL AND REQUEST TO ADMIT EVIDENCE

Staff of the Public Utility Commission files this Proposed Notice of Approval and Request to Admit Evidence of HDU Services, LLC (HDU Services or Buyer) and Wilderness Sounds' (Seller) application for the sale, transfer, or merger of a Retail Public Utility pursuant to TEX. WATER CODE ANN. §§ 13.246 and 13.301 and 30 TEX. ADMIN. CODE §§ 29.109 and 29.112. This Proposed Notice of Approval and Request to Admit Evidence includes findings of fact, conclusions of law, and ordering paragraphs. The Proposed Notice of Approval is timely filed on or before August 13, 2015.

I. Background

On July 20, 2014, Wilderness Sound and HDU Services filed an application with the Texas Commission on Environmental Quality (TCEQ) for the sale, transfer, or merger of the facilities and service area of Wilderness Sound, Certificate of Convenience and Necessity (CCN) No. 11699 and to obtain a CCN, pursuant to TEX. WATER CODE ANN. §§ 13.246(c), 13.254, 13.301 (TWC) and 30 TEX. ADMIN. CODE §§ 29.109 and 29.112. As a result of the proposed transaction, HDU will acquire CCN No. 11699 from Wilderness Sound.

On September 1, 2014, the Public Utility Commission of Texas (Commission or PUC) began the economic regulation of water and sewer utilities and this case was transferred from the TCEQ to the Commission for further review. On October 1, 2014, the Administrative Law Judge (ALJ) issued Order No. 2, which required Staff to file comments on the status of the application by October 26, 2014, including a recommendation on the application and if appropriate a proposed procedural schedule. Subsequently on October 23, 2014, January 9, 2015, and March 11, 2015, Staff found the application, including supplements, to not be administratively complete. On October 27, 2014, January 9, 2015, and March 13, 2015, Order Nos. 3, 4, and 5, respectively deemed the application incomplete and deficient, and therefore not

administratively complete or ready for further review. In response to Order No. 5, on April 7, 2015, Staff recommended that the application and notice be deemed sufficient and complete. Thereafter, on April 8, 2015, Order No. 6 found the application and notice sufficient. Subsequently, on July 3, 2015, HDU Services provided documentation of the sale, and on July 15, Commission Staff found that these documents provided sufficient proof that the sale in this proceeding had been consummated and that sufficient proof existed that customer deposits had been properly transferred or refunded. Order No. 8 was issued on July 20, 2015 finding sufficient proof has been provided that the sale in this docket has been consummated and customer deposits have been properly transferred or refunded. Order No. 8 also set July 28, 2015 as the deadline for Applicants to sign and return the consent forms provided by Commission Staff and set August 6, 2015 as the deadline for Commission Staff to make a final recommendation. In addition, Order No. 8 set August 13, 2015 as the date to file a proposed notice of approval with findings of fact, conclusions of law, and ordering paragraphs if no disputed issues arouse. On July 30, 2015, Commission Staff filed its Final Recommendation, in which Staff recommended final approval of the application.

II. Request to Admit Evidence

Staff requests to admit the following evidence into the record of this proceeding: (a) Application of Wilderness Sound and HDU Services and all attachments thereto, filed July 20, 2014; (b) Maps, filed October 28, 2014; (c) Applicant's response to Order No. 3 and all attachments thereto, filed January 23, 2015; (d) Applicant's response to Order No. 4 and all attachments thereto, filed March 27, 2015; (e) Commission Staff's Response to Order No. 5 and all attachments thereto, finding the application administratively complete; (f) all affidavits and attached proofs of notice filed May 7, 2015; (g) Commission Staff's Final Recommendation and all attachments thereto filed July 15, 2015; (h) Copies of the Bill of Sale filed July 3, 2015; (i) Commission Staff's Recommendation on Sufficiency of Documents filed July 15, 2015; (j) Consent Forms signed by the Applicants, filed July 21, 2015; (k) Commission Staff's Response to order No. 8 and all attachments thereto filed July 30, 2015; (l) CCN certificate and tariff, attached.

III. Proposed Notice of Approval

Pursuant to Order No. 8, Staff recommends approval of the attached Proposed Notice of Approval. This docket was processed in accordance with applicable statutes and Texas Commission on Environmental Quality (TCEQ) and Public Utility Commission of Texas (PUC or Commission) rules. Notice of the Application was provided to interested parties. The only parties to this proceeding are Commission Staff, Wilderness Sound, and HDU Services. There are no contested issues of law or fact in this proceeding. The Proposed Notice of Approval would grant Purchaser's and Seller's application for approval of the sale and transfer of Certificate of Convenience and Necessity (CCN) No. 11699 and facilities in Burleson County, Texas from Seller to Purchaser.

IV. Conclusion

Commission Staff has reviewed the Application and recommends its approval. Commission Staff, therefore, respectfully request that the Commission adopts the attached findings of fact and conclusions of law as well as granting the admittance of the specified pieces of evidence.

DATED: August 13, 2015

Respectfully Submitted,

Margaret Uhlig Pemberton
Division Director-Legal Division


Shelah J. Cisneros
Managing Attorney-Legal Division



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Attorney-Legal Division
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(512) 936-7235
(512) 936-7268 (facsimile)
Public Utility Commission of Texas
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326

DOCKET NO. 43371
CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on this the 13th of August, 2015, in accordance with 16 TAC § 22.74.


Maria Faconti
Maria Faconti

DOCKET NO. 43371

APPLICATION OF WILDERNESS	§	
SOUND AND HDU SERVICES, LLC FOR	§	PUBLIC UTILITY COMMISSION
SALE, TRANSFER, OR MERGER OF	§	
FACILITIES AND CERTIFICATE OF	§	OF TEXAS
CONVENIENCE AND NECESSITY IN	§	
BURLESON COUNTY (37990-S)	§	

PROPOSED NOTICE OF APPROVAL

This Proposed Notice of Approval addresses the application of HDU Services, LLC (Purchaser) and Wilderness Sound (Seller) for the sale and transfer of water certificated service area (Application) certificate of convenience and necessity (CCN) No. 11699, pursuant to TEX. WATER CODE ANN. §§ 13.246(c), 13.254, 13.301 (TWC) and 30 TEX. ADMIN. CODE Sections 29.109 and 29.112 (TAC). Under the application, the service area of Certificate of Convenience and Necessity (CCN) No. 11699 and facilities in Burleson County, Texas will be sold and transferred from Wilderness Sound to the HDU Services. Public Utility Commission of Texas Staff filed a memorandum recommending approval of the application. The Application is approved.

Consistent with the above discussion, the Administrative Law Judge (ALJ) makes the following findings of fact and conclusions of law.

I. Findings of Fact

1. On June 24, 2014, the HDU Services, LLC filed an application with the Texas Commission on Environmental Quality (TCEQ) to purchase and transfer facilities from Certificate of Convenience and Necessity (CCN) No. 11699 held by Wilderness Sound.
2. On September 1, 2014, pursuant to House Bill 1600 and Senate Bill 567 of the 83rd Legislature, Regular Session, functions relating to the economic regulation of water and sewer utilities were transferred from TCEQ to PUC. This application was part of the transfer and is now under the PUC's purview.
3. Seller holds water CCN No. 11699 in Burleson County, Texas.
4. Purchaser is a retail public utility in Burleson County.

5. The application requested the sale and transfer of the service area held under Seller's water CCN No 11699 and facilities in Burleson County from Seller to Purchaser.
6. On October 1, 2014, Order No. 1 was issued in which the Commission ALJ addressed the transfer of this docket from the TCEQ to the Commission.
7. On October 1, 2014, Order No. 2 was issued in which the Commission ALJ asked for Commission Staff to file a status update in this docket by October 26, 2014.
8. On October 27, 2015, Order No. 3 was issued, in which the Commission ALJ found the application insufficient.
9. On October 27, 2014, January 9, 2015, and March 13, 2015, Order Nos. 3, 4, and 5, respectively, deemed the application insufficient.
10. On April 8, 2015, in Order No. 6, the Commission ALJ found the application administratively complete and requested proof of notice from Purchaser and adopted a procedural schedule.
11. On May 7, 2015, Purchaser provided proof of sufficient notice to neighboring utilities and affected parties, which was provided on or about May 4, 2015.
12. No one contested the application.
13. A public hearing on the merits was not necessary.
14. On June 11, 2015, Commission Staff filed its recommendation on sale in which Commission Staff recommended that the application be approved and that Seller and Purchaser proceed with the transaction and provide documentation as evidence that all assets have been transferred to the acquiring entity and that the disposition of any remaining deposits has been addressed.
15. On June 15, 2015, in Order No. 7, the Commission ALJ authorized the sale/transfer transaction to proceed and by consummated.
16. On July 3, 2015, Purchaser filed a signed bill of sale.
17. In Order No. 8, issued July 20, 2015, the Commission ALJ found Purchaser's sale documents sufficient and required Seller and Purchaser to sign consent forms submitted by Commission Staff.

18. On July 21, 2015, Purchaser filed a signed document consenting to the map of Purchaser's water CCN No. 11699, as prepared by Commission Staff.
19. On July 21, 2015, Seller filed a signed document consenting to the map of Purchaser's water CCN No. 11699, as prepared by Commission Staff.
20. On July 20, 2015, the Commission ALJ in Order No. 8, directed Commission Staff to file a proposed notice of approval by August 13, 2015.
21. The maps described in Findings of Fact 18 and 19 are attached to this order. The revised CCN certificates are also attached to this order.
22. On July 30, 2015, Commission Staff filed its final recommendation and recommended that the application be approved.
23. On August 13, 2015, Commission Staff filed a request to admit the following evidence: (a) Application of Wilderness Sound and HDU Services and all attachments thereto, filed July 20, 2014; (b) Maps, filed October 28, 2014; (c) Applicant's response to Order No. 3 and all attachments thereto, filed January 23, 2015; (d) Applicant's response to Order No. 4 and all attachments thereto, filed March 27, 2015; (e) Commission Staff's Response to Order No. 5 and all attachments thereto, finding the application administratively complete; (f) all affidavits and attached proofs of notice filed May 7, 2015; (g) Commission Staff's Final Recommendation and all attachments thereto filed July 15, 2015; (h) Copies of the Bill of Sale filed July 3, 2015; (i) Commission Staff's Recommendation on Sufficiency of Documents filed July 15, 2015; (j) Consent Forms signed by the Applicants, filed July 21, 2015; (k) Commission Staff's Response to order No. 8 and all attachments thereto filed July 30, 2015; (l) CCN certificate and tariff, attached.
24. On _____, 2015, Order No. ____ was issued granting Staff's request to admit evidence.

II. CONCLUSIONS OF LAW

1. The Commission has jurisdiction over these matters pursuant to TEX. WATER CODE ANN. §§ 13.246, 13.254, 13.301 and 16 TAC §§24.109 AND 24.112.
2. Seller and Purchaser are retail public utilities as defined in TEX. WATER CODE ANN. § 13.002 and 16 TAC § 24.3(41).

3. Public notice of the Application was provided as required by TEX. WATER CODE ANN. § 13.301(a)(2).
4. The application was processed in accordance with the requirements of TEX. WATER CODE ANN. § 13.301 and 16 TAC § 24.109 and 24.112.
5. Seller and Purchaser completed the sale within 365 days from the date of the Commission's approval of the sale, consistent with 16 TAC § 24.112(e).
6. After considering the factors in TEX. WATER CODE ANN. § 13.246(c), Purchaser has demonstrated adequate financial, managerial, and technical capability for providing continuous and adequate service to the requested area.
7. Seller and Purchaser have demonstrated that the sale and transfer of certificated service areas and new CCNs requested in this application are necessary for the service, accommodation, convenience, and safety of the public.
8. The requirements for informal disposition pursuant to 16 TAC § 22.35 have been met in this proceeding.

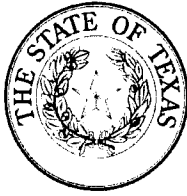
III. ORDERING PARAGRAPHS

In accordance with these findings of fact and conclusions of law, the Commission issues the following Order:

1. The application is approved and the certificated service areas held under Seller's water CCN No. 11699 is transferred to Purchaser.
2. Purchaser shall serve every customer and applicant for service within the areas previously served by Seller under the CCN No. 11699, and such service shall be continuous and adequate.
3. All other motions, requests for entry of specific findings of fact or conclusions of law, and any other requests for general or specific relief, if not expressly granted herein, are hereby denied.

SIGNED AT AUSTIN, TEXAS the _____ day of _____, 2015.

PUBLIC UTILITY COMMISSION OF TEXAS



Public Utility Commission Of Texas

By These Presents Be It Known To All That

HDU Services, LLC

d/b/a Yegua Water System

having duly applied for certification to provide water utility service for the convenience and necessity of the public, and it having been determined by this Commission that the public convenience and necessity would in fact be advanced by the provision of such service by this Applicant, is entitled to and is hereby granted this

Certificate of Convenience and Necessity No. 11699

to provide continuous and adequate water utility service to that service area or those service areas in Burleson County as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 43371 are on file at the Commission offices in Austin, Texas; and are matters of official record available for public inspection; and be it known further that these presents do evidence the authority and the duty of the HDU Services, LLC d/b/a Yegua Water System, to provide such utility service in accordance with the laws of this State and Rules of this Commission, subject only to any power and responsibility of this Commission to revoke or amend this Certificate in whole or in part upon a subsequent showing that the public convenience and necessity would be better served thereby.

Issued at Austin, Texas, this _____ day of _____ 2015



Public Utility Commission Of Texas

By These Presents Be It Known To All That

Wilderness Sound d/b/a Birch Creek

CANCELATION OF CERTIFICATE OF CONVENIENCE AND NECESSITY

To Provide Sewer Service Under V.T.C.A., Water Code
and Public Utility Commission of Texas Substantive Rules

Certificate No. 11699

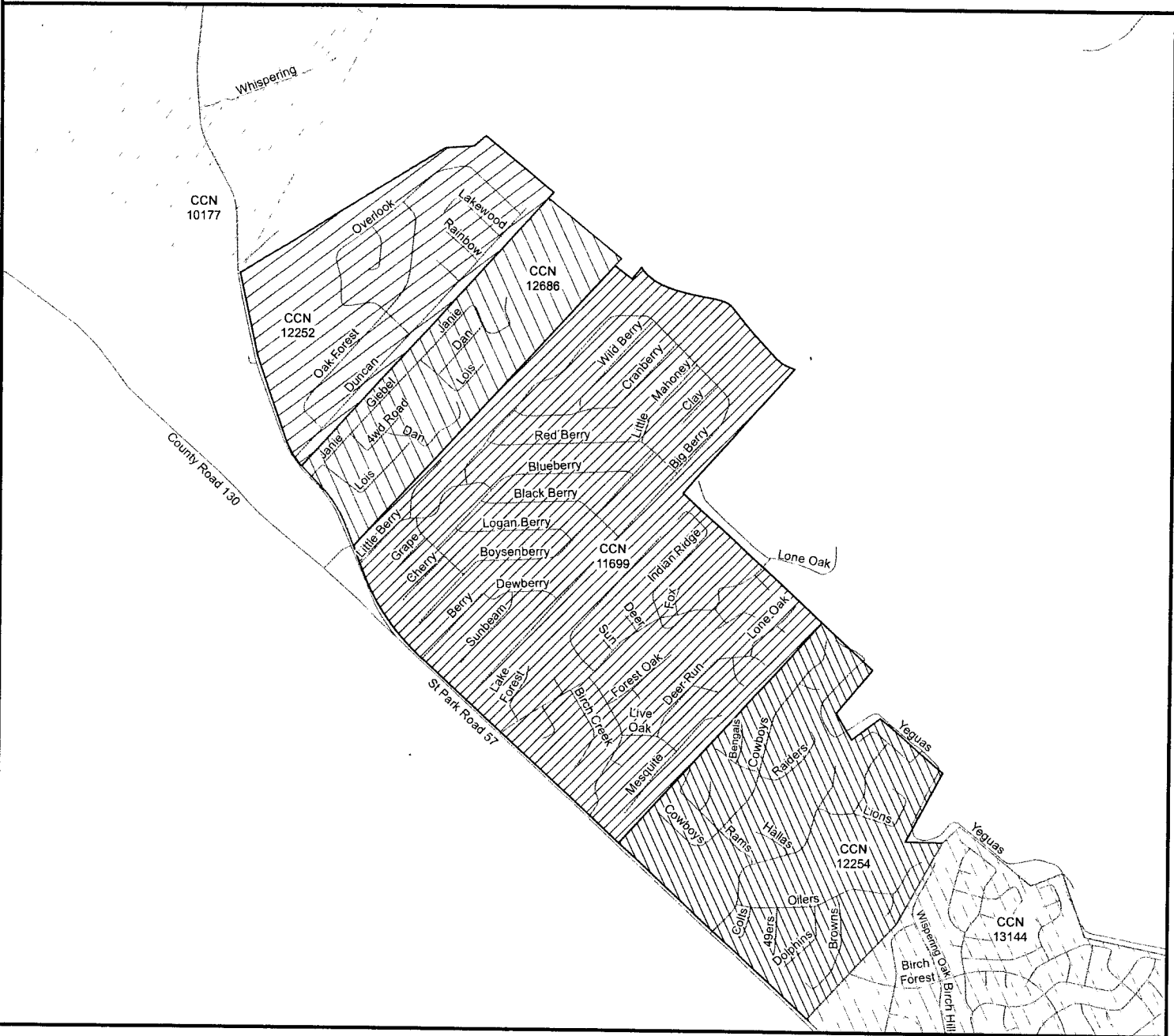
Certificate No. 11699 was canceled and transferred by Order of the Commission in Docket No. 43371. Wilderness Sound d/b/a Birch Creek's facilities were transferred to HDU Services, LLC, CCN No. 11699, in Burleson County.

Please reference Certificate No. 11699 for the location of maps and other information related to the service area transferred.






Certificate of Convenience and Necessity No. 11699 is hereby CANCELED and TRANSFERRED by Order of the Public Utility Commission of Texas.

Issued at Austin, Texas, this _____ day of _____ 2015

HDU Services, LLC dba Yegua Water System
Water Service Area
CCN No. 11699
PUC Docket No. 43371
Transferred Wilderness Sound dba Birch Creek, CCN No. 11699
in Burleson County

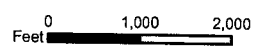


Water CCN Serice Areas

-  11699 - HDU Services LLC
-  12686 - Post Oak Hill WSC
-  12254 - Curtis J Shupak
-  12252 Nerro Supply
-  13144 - Burleson County MUD 1
-  10177 - Deanville WSC



Public Utility Commission of Texas
 1701 N. Congress Ave
 Austin, TX 78701



Map by: Komal Patel
 Date created: July 13, 2015
 Project Path: n:/finalmapping/43371HDUServicesLLC mxd



WATER UTILITY TARIFF
Docket Number: 43371

HDU Services, LLC
(Utility Name)

13193 C.R. 424
(Business Address)

Somerville, Texas 77879
(City, State, Zip Code)

(979) 739-1706
(Area Code/Telephone)

This tariff is effective for utility operations under the following Certificate of Convenience and Necessity:

11699

This tariff is effective in the following county:

Burleson

This tariff is effective in the following cities or unincorporated towns (if any):

N/A

This tariff is effective in the following subdivisions and public water systems:

Yegua Water System: PWS # 0260039

TABLE OF CONTENTS

The above utility lists the following sections of its tariff (if additional pages are needed for a section, all pages should be numbered consecutively):

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APPENDIX A -- SAMPLE SERVICE AGREEMENT	
APPENDIX B -- APPLICATION FOR SERVICE	

SECTION 1.0 -- RATE SCHEDULE

Section 1.01 - Rates

<u>Meter Size</u>	<u>Monthly Minimum Charge</u>	<u>Gallage Charge</u>
5/8" or 3/4"	<u>\$31.04</u> (Includes 5000 gallons)	<u>\$3.00</u> per 1000 gallons thereafter

FORM OF PAYMENT: The utility will accept the following forms of payment:

Cash X, Check X, Money Order X, Credit Card , Other (specify)

THE UTILITY MAY REQUIRE EXACT CHANGE FOR PAYMENTS AND MAY REFUSE TO ACCEPT PAYMENTS MADE USING MORE THAN \$1.00 IN SMALL COINS. A WRITTEN RECEIPT WILL BE GIVEN FOR CASH PAYMENTS.

REGULATORY ASSESSMENT.....1.0%
PUC RULES REQUIRE THE UTILITY TO COLLECT A FEE OF ONE PERCENT OF THE RETAIL MONTHLY BILL AND REMIT FEE TO THE TCEQ.

Section 1.02 - Miscellaneous Fees

TAP FEE.....\$700.00
TAP FEE COVERS THE UTILITY'S COSTS FOR MATERIALS AND LABOR TO INSTALL A STANDARD RESIDENTIAL 5/8" or 3/4" METER. AN ADDITIONAL FEE TO COVER UNIQUE COSTS IS PERMITTED IF LISTED ON THIS TARIFF.

TAP FEE (Unique costs).....Actual Cost
FOR EXAMPLE, A ROAD BORE FOR CUSTOMERS OUTSIDE OF SUBDIVISIONS OR RESIDENTIAL AREAS.

TAP FEE (Large meter).....Actual Cost
TAP FEE IS THE UTILITY'S ACTUAL COST FOR MATERIALS AND LABOR FOR METER SIZE INSTALLED.

METER RELOCATION FEE.....Actual Relocation Cost, Not to Exceed Tap Fee
THIS FEE MAY BE CHARGED IF A CUSTOMER REQUESTS THAT AN EXISTING METER BE RELOCATED.

METER TEST FEE.....\$25.00
THIS FEE WHICH SHOULD REFLECT THE UTILITY'S COST MAY BE CHARGED IF A CUSTOMER REQUESTS A SECOND METER TEST WITHIN A TWO-YEAR PERIOD AND THE TEST INDICATES THAT THE METER IS RECORDING ACCURATELY. THE FEE MAY NOT EXCEED \$25.

SECTION 1.0 -- RATE SCHEDULE (Continued)

RECONNECTION FEE

THE RECONNECT FEE MUST BE PAID BEFORE SERVICE CAN BE RESTORED TO A CUSTOMER WHO HAS BEEN DISCONNECTED FOR THE FOLLOWING REASONS (OR OTHER REASONS LISTED UNDER SECTION 2.0 OF THIS TARIFF):

- a) Non payment of bill (Maximum \$25.00).....\$25.00
- b) Customer's request that service be disconnected.....\$25.00

TRANSFER FEE.....\$25.00

THE TRANSFER FEE WILL BE CHARGED FOR CHANGING AN ACCOUNT NAME AT THE SAME SERVICE LOCATION WHEN THE SERVICE IS NOT DISCONNECTED.

LATE CHARGE (EITHER \$5.00 OR 10% OF THE BILL).....\$5.00

PUC RULES ALLOW A ONE-TIME PENALTY TO BE CHARGED ON DELINQUENT BILLS. A LATE CHARGE MAY NOT BE APPLIED TO ANY BALANCE TO WHICH THE PENALTY WAS APPLIED IN A PREVIOUS BILLING.

RETURNED CHECK CHARGE.....\$35.00

RETURNED CHECK CHARGES MUST BE BASED ON THE UTILITY'S DOCUMENTABLE COST.

CUSTOMER DEPOSIT RESIDENTIAL (Maximum \$50).....\$0.00

COMMERCIAL & NON-RESIDENTIAL DEPOSIT1/6TH OF ESTIMATED ANNUAL BILL

GOVERNMENTAL TESTING, INSPECTION AND COSTS SURCHARGE:

WHEN AUTHORIZED IN WRITING BY TCEQ AND AFTER NOTICE TO CUSTOMERS, THE UTILITY MAY INCREASE RATES TO RECOVER INCREASED COSTS FOR INSPECTION FEES AND WATER TESTING. [30 TAC 24.21(K)(2)]

LINE EXTENSION AND CONSTRUCTION CHARGES:

REFER TO SECTION 3.0--EXTENSION POLICY FOR TERMS, CONDITIONS, AND CHARGES WHEN NEW CONSTRUCTION IS NECESSARY TO PROVIDE SERVICE.

SECTION 2.0 - SERVICE RULES AND REGULATIONS

Section 2.01 – Public Utility Commission of Texas (PUC or Commission) Rules

The utility will have the most current PUC Rules, Chapter 24, available at its office for reference purposes. The Rules and this tariff shall be available for public inspection and reproduction at a reasonable cost. The latest Rules or Commission approved changes to the Rules supersede any rules or requirements in this tariff.

Section 2.02 - Application for and Provision of Water Service

All applications for service will be made on the utility's standard application or contract form (attached in the Appendix to this tariff) and will be signed by the applicant before water service is provided by the utility. A separate application or contract will be made for each service location.

After the applicant has met all the requirements, conditions and regulations for service, the utility will install tap, meter and utility cut-off valve and/or take all necessary actions to initiate service. The utility will serve each qualified applicant for service within 5 working days unless line extensions or new facilities are required. If construction is required to fill the order and if it cannot be completed within 30 days, the utility will provide the applicant with a written explanation of the construction required and an expected date of service.

Where service has previously been provided, service will be reconnected within one working day after the applicant has met the requirements for reconnection.

The customer will be responsible for furnishing and laying the necessary customer service pipe from the meter location to the place of consumption. Customers may be required to install a customer owned cut-off valve on the customer's side of the meter or connection.

Section 2.03 - Refusal of Service

The utility may decline to serve an applicant until the applicant has complied with the regulations of the regulatory agencies (state and municipal regulations) and for the reasons outlined in the PUC Rules. In the event that the utility refuses to serve an applicant, the utility will inform the applicant in writing of the basis of its refusal. The utility is also required to inform the applicant a complaint may be filed with the Commission.

Section 2.04 - Customer Deposits

If a residential applicant cannot establish credit to the satisfaction of the utility, the applicant may be required to pay a deposit as provided for in Section 1.02 of this tariff. The utility will keep records of the deposit and credit interest in accordance with PUC Rules.

Residential applicants 65 years of age or older may not be required to pay deposits unless the applicant has an outstanding account balance with the utility or another water or sewer utility which accrued within the last two years.

Nonresidential applicants who cannot establish credit to the satisfaction of the utility may be required to make a deposit that does not exceed an amount equivalent to one-sixth of the estimated annual billings.

SECTION 2.0 - SERVICE RULES AND REGULATIONS (CONT.)

Section 2.04 - Customer Deposits (cont.)

Refund of deposit - If service is not connected, or after disconnection of service, the utility will promptly refund the customer's deposit plus accrued interest or the balance, if any, in excess of the unpaid bills for service furnished. The utility may refund the deposit at any time prior to termination of utility service but must refund the deposit plus interest for any customer who has paid 18 consecutive billings without being delinquent.

Section 2.05 - Meter Requirements, Readings, and Testing

All water sold by the utility will be billed based on meter measurements. The utility will provide, install, own and maintain meters to measure amounts of water consumed by its customers. One meter is required for each residential, commercial or industrial facility in accordance with the PUC Rules.

Service meters will be read at monthly intervals and as nearly as possible on the corresponding day of each monthly meter reading period unless otherwise authorized by the Commission.

Meter tests. The utility will, upon the request of a customer, and, if the customer so desires, in his or her presence or in that of his or her authorized representative, make without charge a test of the accuracy of the customer's meter. If the customer asks to observe the test, the test will be made during the utility's normal working hours at a time convenient to the customer. Whenever possible, the test will be made on the customer's premises, but may, at the utility's discretion, be made at the utility's testing facility. If within a period of two years the customer requests a new test, the utility will make the test, but if the meter is found to be within the accuracy standards established by the American Water Works Association, the utility will charge the customer a fee which reflects the cost to test the meter up to a maximum \$25 for a residential customer. Following the completion of any requested test, the utility will promptly advise the customer of the date of removal of the meter, the date of the test, the result of the test, and who made the test.

Section 2.06 - Billing

Bills from the utility will be mailed monthly unless otherwise authorized by the Commission. The due date of bills for utility service will be at least sixteen (16) days from the date of issuance. The postmark on the bill or, if there is no postmark on the bill, the recorded date of mailing by the utility will constitute proof of the date of issuance. Payment for utility service is delinquent if full payment, including late fees and the regulatory assessment, is not received at the utility or the utility's authorized payment agency by 5:00 p.m. on the due date. If the due date falls on a holiday or weekend, the due date for payment purposes will be the next work day after the due date.

A late penalty of either \$5.00 will be charged on bills received after the due date. The penalty on delinquent bills will not be applied to any balance to which the penalty was applied in a previous billing. The utility must maintain a record of the date of mailing to charge the late penalty.

Each bill will provide all information required by the PUC Rules. For each of the systems it operates, the utility will maintain and note on the monthly bill a telephone number (or numbers) which may be reached by a local call by customers. At the utility's option, a toll-free telephone number or the equivalent may be provided.

SECTION 2.0 - SERVICE RULES AND REGULATIONS (CONT.)

In the event of a dispute between a customer and a utility regarding any bill for utility service, the utility will conduct an investigation and report the results to the customer. If the dispute is not resolved, the utility will inform the customer that a complaint may be filed with the Commission.

Section 2.07 - Service Disconnection

Utility service may be disconnected if the bill has not been paid in full by the date listed on the termination notice. The termination date must be at least 10 days after the notice is mailed or hand delivered.

The utility is encouraged to offer a deferred payment plan to a customer who cannot pay an outstanding bill in full and is willing to pay the balance in reasonable installments. However, a customer's utility service may be disconnected if a bill has not been paid or a deferred payment agreement entered into within 26 days from the date of issuance of a bill and if proper notice of termination has been given.

Notice of termination must be a separate mailing or hand delivery in accordance with the PUC Rules.

Utility service may also be disconnected without notice for reasons as described in the PUC Rules.

Utility personnel must be available to collect payments and to reconnect service on the day of and the day after any disconnection of service unless service was disconnected at the customer's request or due to a hazardous condition.

Section 2.08 - Reconnection of Service

Service will be reconnected within 24 hours after the past due bill and any other outstanding charges are paid or correction of the conditions which caused service to be disconnected.

Section 2.09 - Service Interruptions

The utility will make all reasonable efforts to prevent interruptions of service. If interruptions occur, the utility will re-establish service within the shortest possible time. Except for momentary interruptions due to automatic equipment operations, the utility will keep a complete record of all interruptions, both emergency and scheduled and will notify the Commission in writing of any service interruptions affecting the entire system or any major division of the system lasting more than four hours. The notice will explain the cause of the interruptions.

Prorated Bills - If service is interrupted or seriously impaired for 24 consecutive hours or more, the utility will prorate the monthly base bill in proportion to the time service was not available to reflect this loss of service.

Section 2.10 - Quality of Service

The utility will plan, furnish, and maintain production, treatment, storage, transmission, and distribution facilities of sufficient size and capacity to provide a continuous and adequate supply of water for all reasonable consumer uses. Unless otherwise authorized by the Commission, the utility will maintain facilities as described in the PUC Rules or in the Texas Commission on Environmental Quality (TCEQ) "Rules and Regulations for Public Water Systems."

Docket Number: 43371

SECTION 2.0 - SERVICE RULES AND REGULATIONS (CONT.)

Section 2.11 - Customer Complaints and Disputes

If a customer or applicant for service lodges a complaint, the utility will promptly make a suitable investigation and advise the complainant of the results. Service will not be disconnected pending completion of the investigation. If the complainant is dissatisfied with the utility's response, the utility must advise the complainant that he has recourse through the Commission's complaint process. Pending resolution of a complaint, the Commission may require continuation or restoration of service.

The utility will maintain a record of all complaints which shows the name and address of the complainant, the date and nature of the complaint and the adjustment or disposition thereof, for a period of two years after the final settlement of the complaint.

SECTION 2.20 - SPECIFIC UTILITY SERVICE RULES AND REGULATIONS

This section contains specific utility service rules in addition to the rules previously listed under Section 2.0. It must be reviewed and approved by the Commission and in compliance with PUC Rules to be effective.

SECTION 3.0 - EXTENSION POLICY

Section 3.01 - Standard Extension Requirements

LINE EXTENSION AND CONSTRUCTION CHARGES. No contribution in aid of construction may be required of any customer except as provided for in this approved extension policy.

The customer will be given an itemized statement of the costs, options such as rebates to the customer, sharing of construction costs between the utility and the customer, or sharing of costs between the customer and other applicants prior to beginning construction.

The utility will bear the full cost of any oversizing of water mains necessary to serve other customers in the immediate area. The individual residential customer shall not be charged for any additional production, storage, or treatment facilities. Contributions in aid of construction may not be required of individual residential customers for production, storage, treatment or transmission facilities unless otherwise approved by the Commission under this specific extension policy.

COST UTILITIES SHALL BEAR. Within its certificate area, the utility will pay the cost of the first 200 feet of any water main or distribution line necessary to extend service to an individual residential customer within a platted subdivision. However, if the residential customer requesting service purchased the property after the developer was notified of the need to provide facilities to the utility, the utility may charge for the first 200 feet. The utility must also be able to document that the developer of the subdivision refused to provide facilities compatible with the utility's facilities in accordance with the utility's approved extension policy after receiving a written request from the utility.

Developers may be required to provide contributions in aid of construction in amounts to furnish the system with all facilities necessary to comply with the TCEQ's "Rules and Regulations for Public Water Systems."

This section contains the utility's specific extension policy which complies with the requirements already stated under Section 3.01. It must be reviewed and approved by the Commission and in compliance with PUC Rules to be effective.

Residential customers not covered under Section 3.01 will be charged the equivalent of the costs of extending service to their property from the nearest transmission or distribution line even if that line does not have adequate capacity to serve the customer. However, if the customer places unique, non-standard service demands upon the system, the customer may be charged the full cost of extending service to and throughout their property, including the cost of all necessary transmission and storage facilities necessary to meet the service demands anticipated to be created by that property.

Developers will be required to provide contributions in aid of construction in amounts sufficient to furnish the development with all facilities necessary to provide for reasonable local demand requirements and to comply with TCEQ's minimum design criteria for facilities used in the production, transmission, pumping, or treatment of water or TCEQ minimum requirements. For purposes of this subsection, a developer is one who subdivides or requests more than two meters on a piece of property. Commercial, industrial, and wholesale customers will be treated as developers.

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SECTION 4.0 -- DROUGHT CONTINGENCY PLAN
(Utility must attach copy of TCEQ approved Drought Contingency Plan)

APPENDIX A -- SAMPLE SERVICE AGREEMENT **Error! Bookmark not defined.**

From 30 TAC Chapter 290.47(b), Appendix B

SERVICE AGREEMENT

- I. **PURPOSE.** The NAME OF WATER SYSTEM is responsible for protecting the drinking water supply from contamination or pollution which could result from improper private water distribution system construction or configuration. The purpose of this service agreement is to notify each customer of the restrictions which are in place to provide this protection. The utility enforces these restrictions to ensure the public health and welfare. Each customer must sign this agreement before the NAME OF WATER SYSTEM will begin service. In addition, when service to an existing connection has been suspended or terminated, the water system will not re-establish service unless it has a signed copy of this agreement.
- II. **RESTRICTIONS **Error! Bookmark not defined.**** The following unacceptable practices are prohibited by State regulations.
 - A. No direct connection between the public drinking water supply and a potential source of contamination is permitted. Potential sources of contamination shall be isolated from the public water system by an air-gap or an appropriate backflow prevention device.
 - B. No cross-connection between the public drinking water supply and a private water system is permitted. These potential threats to the public drinking water supply shall be eliminated at the service connection by the installation of an air-gap or a reduced pressure-zone backflow prevention device.
 - C. No connection which allows water to be returned to the public drinking water supply is permitted.
 - D. No pipe or pipe fitting which contains more than 8.0% lead may be used for the installation or repair of plumbing at any connection which provides water for human use.
 - E. No solder or flux which contains more than 0.2% lead can be used for the installation or repair of plumbing at any connection which provides water for human use.
- III. **SERVICE AGREEMENT **Error! Bookmark not defined.**** The following are the terms of the service agreement between the NAME OF WATER SYSTEM (the Water System) and NAME OF CUSTOMER (the Customer).
 - A. The Water System will maintain a copy of this agreement as long as the Customer and/or the premises is connected to the Water System.
 - B. The Customer shall allow his property to be inspected for possible cross-connections and other potential contamination hazards. These inspections shall be conducted by the Water System or its designated agent prior to initiating new water service; when there is reason to believe that cross-connections or other potential contamination hazards exist; or after any major changes to the private water distribution facilities. The inspections shall be conducted during the Water System's normal business hours.

- C. The Water System shall notify the Customer in writing of any cross-connection or other potential contamination hazard which has been identified during the initial inspection or the periodic re-inspection.
 - D. The Customer shall immediately remove or adequately isolate any potential cross-connections or other potential contamination hazards on his premises.
 - E. The Customer shall, at his expense, properly install, test, and maintain any backflow prevention device required by the Water System. Copies of all testing and maintenance records shall be provided to the Water System.
- IV. **ENFORCEMENT****Error! Bookmark not defined.** If the Customer fails to comply with the terms of the Service Agreement, the Water System shall, at its option, either terminate service or properly install, test, and maintain an appropriate backflow prevention device at the service connection. Any expenses associated with the enforcement of this agreement shall be billed to the Customer.

CUSTOMER'S SIGNATURE: _____

DATE: _____

APPENDIX B -- APPLICATION FOR SERVICE
(Utility Must Attach Blank Copy)