

Control Number: 43537



Item Number: 2

Addendum StartPage: 0

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

TEXAS COMMISSION

ON ENVIRONMENTAL QUALITY

TRANSMITTAL OF ADMINISTRATIVE RECORD

PUBLIC OF TO PHY 3: 3.

TRANSMITTAL OF ADMINISTRATIVE RECORD

DATE:

March 8, 2005

TO:

**SOAH Natural Resources Docket Clerk** 

THRU:

Deanna Avalos, TCEQ Final Documents Team Leader

FROM:

\Melanie Mohair, TCEQ SOAH Docket Coordinator

RE:

City of Lindale

SOAH Docket No. 582-05-3744; TCEQ Docket No. 2004-1722-UCR

Pursuant to 30 TAC § 80.6(b)(4) regarding referrals to SOAH, a copy of the Chief Clerk's case file is attached. Please find **certified** copies of the following documents:

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1. the application;

2. public hearing notice and Chief Clerk's affidavit

If any of these documents are not included as enclosures with this memo, please notify Melanie Mohair, SOAH Coordinator at (512) 239-2578 or Deanna Avalos, Final Documents Team Leader at (512) 239-3327.

## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

### INTEROFFICE MEMORANDUM

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LaDonna Castanuela, Chief Clerk

DATE: November 8, 2004

THRU:

Earl Lott, Section Manager
Utilities & Districts Section
Water Supply Division

FROM:

Michelle Abrams, Team Leader
Utilities & Districts Section
Water Supply Division

Joseph L. Strouse P.E., Team Leader

Utilities & Districts Section Water Supply Division

SUBJECT:

Docket No. 2004-1722-UCR; Application from the City of Lindale to obtain Dual Certification with a portion of CCN No. 10772 from the City of Tyler and to Amend CCN

No. 12795 in Smith County, Application No. 34160-C

We hereby transfer the official file for the above application to the Chief Clerk's Office. Please refer this application to the State Office of Administrative Hearings and request that a hearing be scheduled.

Lindale Rural Water Supply Corporation has protested the referenced application. Lindale Rural Water Supply Corporation claims that it serves several hundred customers in the City of Lindale's proposed area. Staff estimates 10 people to attend this hearing.

The staff assigned to this case are:

Michelle Abrams, Team Leader

Technical - Prabin Basnet

Legal -

If we may be of further service regarding this matter, please call.

THE STATE OF LEXAS COUNTY OF TRAVIS

I hereby certify that this is a true and correct copy of a Texas Commission on Environmental Quality document, which is filed in the permanent records of the Commission. Given under my hand and the seal of office on

LaDonna Castanuela, Chief Clerk Texas Commission on Environmental Quality

MA/JS/TH/ac

cc:

TCEQ Public Interest Counsel; ATTN: Vic McWherter

TCEQ Agency Communications; ATTN: Andy Saenz, Manager

TCEQ Chief Clerk's Office; ATTN: Melanie Mohair, SOAH Docket Clerk

TCEQ Legal Office; ATTN: Robert Martinez

cc:

Mailing List

Kathleen Hartnett White, *Chairman* R. B. "Ralph" Marquez, *Commissioner* Larry R. Soward, *Commissioner* Glenn Shankle, *Executive Director* 



### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

November 8, 2004

FAX COPY TO: 903/581-6853 CERTIFIED MAIL

Mr. Philip Huseman, EIT Wisenbaker, Fix & Associates 821 ESE Loop 323, Suite 460 Tyler, Texas 75701

Re:

Application from the City of Lindale to obtain Dual Certification with a portion of CCN No. 10772 from the City of Tyler and to Amend CCN No. 12795 in Smith County, Application No. 34160-C

Dear Mr. Huseman:

The Texas Commission on Environmental Quality (TCEQ) received protests to your referenced application. The Commission's Chief Clerk has assigned Docket No. 2003-1722UCR to this matter. Any further communications should refer to this docket number. V.T.C.A. Water Code Section 13.246 provides that affected parties may protest the applications and request a hearing on whether a CCN should be amended. The referenced application has been protested by:

Lindale Rural Water Supply Corporation

This matter has been referred to the State Office of Administrative Hearings to schedule a hearing. When a hearing has been scheduled, you will receive a notice of hearing that outlines when and where the hearing will be held.

In order to review the application the staff of the TCEQ may need additional information regarding your utility's service. You may be receiving Staff Request for Information (RFI's) within a few weeks. We would appreciate your cooperation in providing the information requested.

If you have questions concerning this process or the material that you should bring with you to the hearing, please contact Mr. Prabin Basnet at (512) 239-0881 or if by correspondence, include MC 153 in the letterhead address.

Sincerely,

Michelle Abrams, Team Leader Utilities & Districts Section Water Supply Division

MA/PB/ac

cc: Mailing list

#### Mailing List for Docket No. 2004-1722-UCR (Application No. 34160-C)

Mr. Philip Huseman Wisenbaker, Fix & Associates 821 ESE Loop 323, Suite 460 Tyler, Texas 75701 Representing the applicant( City of Lindale)

Mr. Sam Beeler P.O. Box 756 Lindale, TX 75771 Representing the Lindale Rural Water Supply Corporation

Mr. Gregory M. Morgan, P.E. Operations Manager City of Tyler P.O. Box 2039 Tyler, Texas 75710

Representing City of Tyler

TCEQ, Region 5 Office



July 11, 2003

Ms. Tracy Harbour
Texas Commission on Environmental Quality
Utility Certification and Rate Analysis Team
Districts and Utilities Section-Water Supply Division
MC-153
P.O. Box 13087
Austin, Texas 78711-3087

RECEIVED

JUL 1 5 2003

"EXAS NATURAL RESULP" F I INSERVATION COMMISSION OLITIES AND DISTRICTS

Re:

City of Lindale CCN Amendment

Application No. 34160-C

CCN No. 12795

Dear Ms. Harbour,

Per our phone conversation on Thursday July 10, 2003, I am writing a letter summarizing the status of the protest filed by Lindale Rural on June 2, 2003. The two entities meet Tuesday morning, July 8, 2003 at Lindale City Hall. I have enclosed a copy of the letter sent to Lindale Rural and a sign in sheet of all present for your records. The two sides agreed that they would do whatever possible to reach an agreement so that Lindale Rural Water Supply Corporation could withdraw their protest prior to a hearing. The basis of their protest is that they do not want their customers currently in the un-certificated area taken away from them without fair compensation from the City of Lindale. The City of Lindale does not want their existing customers, they only want to acquire new customers that come into the area due to land development. However, due to the inevitable growth of the City of Lindale and past annexations, Lindale Rural requests that some kind of agreement be reached to compensate Lindale Rural for their existing customers if the City of Lindale annexes land extending the city limits in the future.

Both sides agreed to work on an agreement and meet again no later than 30 days. I will forward any agreements reached by the two sides on to the TCEQ prior to setting any hearing dates. The City of Lindale and Lindale Rural requests that the above items be considered by the TCEQ and adequate time allowed for the two parties to reach an agreement so that Lindale Rural may withdraw their protest.

Please contact me, Philip Huseman, Engineer in Training at (903) 581-8141 ext 115 if you have any questions.

Suite 460

Suite 460 Tyler, Texas 75701 P.O. Box 6868 Tyler, Texas 75711

tel 903.581.8141 fax 903.581.6853

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### Sincerely,

Philip Huseman

Engineer in Training

Philip Miseman

Encl.

Pc. Mr. Owen Scott-City Manager, Lindale, TX

Pc. Mr. Charles West

Pc. Mr. Charles Gilmore - Utility Superintendent

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July 2, 2003

Mr. Sam Beeler General Manager Lindale Rural Water Supply Corporation P. O. Box 756 Lindale, Texas 75771

RE: LD-088 CCN amendment

Dear Sam:

This letter is to confirm our up coming meeting on July 8, 2003 at 10:00 am at Lindale City Hall to discuss Lindale Rural WSC's protest to the City of Lindale's application to amend their CCN. Those from the City of Lindale that are planning on attending are Owen Scott, Charles Gilmore, Charles West, and me Philip Huseman from Wisenbaker, Fix and Associates.

If you have any questions or require additional information, please feel free to contact me.

Yours very truly,

WISENBAKER, FIX, & ASSOCIATES

Philip Huseman

By

Philip Huseman

Pc. Charles Gilmore

Tracy Harbour – TCEQ Utilities and District Section

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Lindale CCN a	mendment meeting
	city Hall
Nama'	Occuriantion
Name:	Organization
Philip Huseman	Wisenbaker, Fix & Assoc.
Charles Gilmore	City OF Lindale- utility supt.
Charles West	City of Lindale- Code Officia
Ower Cott	City of Lindole
JACK JACKSON	LRWSC-PRES, BOFD
SAM Beeler	LRWSC - Manager

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May 23, 2003

Ms. Tracy Harbour
Texas Commission on Environmental Quality
Utility Certification and Rate Analysis Team
Districts and Utilities Section-Water Supply Division
MC-153
P.O. Box 13087
Austin, Texas 78711-3087

RECEIVED

MAY 27 2003

TEXAS NATURAL MEDOURCE CONSERVATION COMMISSION UTILITIES AND DISTRICTS

Re:

City of Lindale CCN Amendment

Application No. 34160-C

CCN No. 12795

Dear Ms. Harbour,

Please find enclosed the proof of notices required for this application:

- 1. an original and three (3) copies of a publishers affidavit of the newspaper publication with tear sheets of the published notice attached;
- 2. four (4) copies of each individual notice and map sent to neighboring utilities and other affected parties;
- 3. an original and three (3) copies of the signed affidavits that individual notices to neighboring utilities and affected individuals has been given;

Please contact me, Philip Huseman, Engineer in Training at (903) 581-8141 ext 115 if you have any questions.

Sincerely,

Philip Huseman

Engineer in Training

Philip Huseman

Encl.

Pc. Mr. Owen Scott-City Manager, Lindale, TX

821 East Southeast, Loop 323 Suite 460

Tyler, Texas 75701 P.O. Box 6868

Tyler, Texas 75711

tel 903.581.8141 fax 903.581.6853

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## Texas Commission on Environmental Quality

APPLICATION NO. 34160-C

# AFFIDAVIT OF NOTICE TO NEIGHBORING UTILITIES AND AFFECTED PARTIES STATE OF TEXAS

COUNTY OF Smith	
City of Lindale	has provided individual notice to
the following entities:	DATE
City of Tyler	May 15, 2003
Crystal Systems, Inc.	May 15, 2003
Duck Creek Water Supply Corporation	May 15, 2003
Lindale Rural Water Supply Corporation	<b>R</b> 1 <b>€</b> (5, <b>E</b> 0d3 <b>V E D</b>
Southern Utilities Water Company	May 15, 2003
Texas Water Systems, Inc.	May MAY 2003
ОАТН	TEXAS NATURAL RESOURCE CONSERVATION COMMISSION UTILITIES AND DISTRICTS
I, C:Ty Adm./Sec. (in member of partnership, title of officer of corporation, or of in such capacity, I am qualified and authorized to file and notices given with this application, and have complied was application acceptance letter; and that all such statement correct.	verify such form, am personally familiar with the with all notice requirements in the application and its made and matters set for therein are true and
If the applicant to this form is any person other than the sattorney, a properly verified Power of Attorney must be	
Subscribed and sworn to before me this of which witness my hand and seal of office.	lay of <u>May</u> , 2003, to certify
LOUISE WILLIAMS  Notary Public  STATE OF TEXAS  My Comm. Exp. 10-8-2004	Notary Public in and for the State of Texas  Louise Williams  Print or Type Name of Notary Public Commission Expires 10-8-04

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## Texas Commission on Environmetal Quality ECEIVED

APPLICATION NOL\_34160-C

MAY 27 2003

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

## PUBLISHER'S AFFIDAVIT UTILITIES AND DISTRICTS STATE OF TEXAS COUNTY OF Smith Before me, the undersigned authority, on this day personally appeared Lauren Ballard who being by me duly sworn. deposes and says that (s)he Classified Ad Manager Tyler Morning Telegraph NAME OF NEWSPAPER newspaper is regularly published in <u>Smith</u> County(ies) and generally circulated in Smith County (Counties), Texas; and that the attached notice was published in said newspaper on the following date(s), to wit: May 16 & 23, 2003. Newspaper Representative's Signature Subscribed and sworn to before me this 23cd

witness my hand and seal of office. Sherry Catherine Shoemaker Notary Public

Print or Type Name of Notary Public

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NOTICE OF APPLICATION FOR CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) TO PROVIDE WATER UTLITIY SERVICE IN SMITH COUNTY

To:	City of Tyl	ler		Date Notice Mailed: May 15,2003
	(Neighboring Sy	stem or City)		
	PO Box 20	139		
	(Address)			
	Tyler	TX	75710	
	(City	State	Zip)	

The <u>City of Lindale</u> has filed an application to amend CCN No. <u>12795</u> and to dual certify portions of the City of Tyler with the Texas Commission on Environmental Quality to provide water utility service in <u>Smith County</u>.

The proposed utility service area is located approximately <u>16</u> miles <u>northwest</u> of downtown <u>Tyler</u>, Texas and is generally bounded on the north by <u>the Stevenson Branch Creek</u>; on the east by <u>the intersection of CR 461 and CR 431</u>; on the south by <u>a line approximately 3,000 feet south of I-20</u>; and on the west by <u>Hubbard Branch Creek</u>.

The total area being requested includes approximately 7,464 acres and 1822 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 your 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 adjustment to the application.

Persons who wish to intervene or comment should write the:

MAY 27 2003

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

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION UTILITIES AND DISTRICTS

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.

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NOTICE OF APPLICATION FOR CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) TO PROVIDE WATER UTLITIY SERVICE IN SMITH COUNTY

To:	Crystal Sys	stems Inc.		Date Notice Mailed: May 15, 2003
(Neighboring System or City)				/
	PO Box 1084			
	(Address)			
	Tyler	TX	75710	
	(City	State	Zip)	

The <u>City of Lindale</u> has filed an application to amend CCN No. <u>12795</u> and to dual certify portions of the City of Tyler with the Texas Commission on Environmental Quality to provide <u>water</u> utility service in <u>Smith</u> County.

The proposed utility service area is located approximately <u>16</u> miles <u>northwest</u> of downtown <u>Tyler</u>, Texas and is generally bounded on the north by <u>the Stevenson Branch Creek</u>; on the east by <u>the intersection of CR 461 and CR 431</u>; on the south by <u>a line approximately 3,000 feet south of I-20</u>; and on the west by <u>Hubbard Branch Creek</u>.

The total area being requested includes approximately 7,464 acres and 1822 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 your 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:

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

MAY 27 2003 S NATUKAL RESOURCE

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION UTILITIES AND DISTRICTS

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#### NOTICE OF APPLICATION FOR CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) TO PROVIDE WATER UTLITIY SERVICE IN SMITH COUNTY

To: Duck Creek W	ater Supply C	Corporation	Date Notice Mailed: May 15, 2003
(Neighboring Sys	stem or City)		
PO Box 11	5		
(Address)			
Lindale	TX	75771	
(City	State	Zip)	

The City of Lindale has filed an application to amend CCN No. 12795 and to dual certify portions of the City of Tyler with the Texas Commission on Environmental Quality to provide water utility service in Smith County.

The proposed utility service area is located approximately 16 miles northwest of downtown Tyler, Texas and is generally bounded on the north by the Stevenson Branch Creek; on the east by the intersection of CR 461 and CR 431; on the south by a line approximately 3,000 feet south of I-20; and on the west by Hubbard Branch Creek.

The total area being requested includes approximately 7,464 acres and 1822 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 your 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:

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MAY 27 2003

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

**CONSERVATION COMMISSION UTILITIES AND DISTRICTS** 

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## NOTICE OF APPLICATION FOR CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) TO PROVIDE WATER UTLITIY SERVICE IN SMITH COUNTY

To: Lindale Rural Water Supply Corporation
(Neighboring System or City)
PO Box 756
(Address)
Lindale TX 75771
(City State Zip)

Date Notice Mailed: May 15, 2003

The <u>City of Lindale</u> has filed an application to amend CCN No. <u>12795</u> and to dual certify portions of the City of Tyler with the Texas Commission on Environmental Quality to provide water utility service in Smith County.

The proposed utility service area is located approximately <u>16</u> miles <u>northwest</u> of downtown <u>Tyler</u>, Texas and is generally bounded on the north by <u>the Stevenson Branch Creek</u>; on the east by <u>the intersection of CR 461 and CR 431</u>; on the south by <u>a line approximately 3,000 feet south of I-20</u>; and on the west by <u>Hubbard Branch Creek</u>.

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Persons who wish to intervene or comment should write the:

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

MAY 2.7 2003
TEXAS NATURAL RESOURCE
CONSERVATION COMMISSION

UTILITIES AND DISTRICTS

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.

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## NOTICE OF APPLICATION FOR CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) TO PROVIDE WATER UTLITIY SERVICE IN SMITH COUNTY

To: Southern Util	ities Water Co	mpany	Date Notice Mailed: May 15, 2003
(Neighboring S	ystem or City)		<del></del>
218 N. Br	oadway		
(Address)	<del>-</del>		
Tyler	TX	75702	
(City	State	Zip)	

The <u>City of Lindale</u> has filed an application to amend CCN No. <u>12795</u> and to dual certify portions of the City of Tyler with the Texas Commission on Environmental Quality to provide <u>water</u> utility service in <u>Smith</u> County.

The proposed utility service area is located approximately <u>16</u> miles <u>northwest</u> of downtown <u>Tyler</u>, Texas and is generally bounded on the north by <u>the Stevenson Branch Creek</u>; on the east by <u>the intersection of CR 461 and CR 431</u>; on the south by <u>a line approximately 3,000 feet south of I-20</u>; and on the west by <u>Hubbard Branch Creek</u>.

The total area being requested includes approximately 7,464 acres and 1822 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 your 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:

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

MAY 27 2003 TEXAS NATURAL HESUURCE

CONSERVATION COMMISSION
UTILITIES AND DISTRICTS

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NOTICE OF APPLICATION FOR CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) TO PROVIDE WATER UTLITIY SERVICE IN SMITH COUNTY

To:	Texas Water Sy	zstems Inc	c	Date Notice Mailed:	May 15, 2003
	(Neighboring Syst	em or City)	)	-	
•	PO Box 131	945			
	(Address)				
	Tyler	TX	75713-1945		
	(City	State	Zip)		

The <u>City of Lindale</u> has filed an application to amend CCN No. <u>12795</u> and to dual certify portions of the City of Tyler with the Texas Commission on Environmental Quality to provide <u>water</u> utility service in <u>Smith County</u>.

The proposed utility service area is located approximately <u>16</u> miles <u>northwest</u> of downtown <u>Tyler</u>, Texas and is generally bounded on the north by <u>the Stevenson Branch Creek</u>; on the east by <u>the intersection of CR 461 and CR 431</u>; on the south by <u>a line approximately 3,000 feet south of I-20</u>; and on the west by <u>Hubbard Branch Creek</u>.

The total area being requested includes approximately 7,464 acres and 1822 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 your 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:

RECEIVED

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

MAY 2.7 2003 TEXAS NATURAL RESOURCE

CONSERVATION COMMISSION
UTILITIES AND DISTRICTS

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.

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Robert J. Huston, Chairman R. B. "Ralph" Marquez, Commissioner Kathleen Hartnett White, Commissioner Margaret Hoffman, Executive Director



### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

May 6, 2003

#### **CERTIFIED MAIL**

Mr. Philip Huseman, EIT Wisenbaker, Fix & Associates 821 ESE Loop 323, Suite 460 Tyler, Texas 75701

Application from the City of Lindale, Certificate of Convenience and Necessity (CCN) No. 12795, Re: to dual certify a portion of CCN No. 10772 from the City of Tyler and to Amend CCN No. 12795 in Smith County; Application No. 34160-C

#### Dear Mr. Huseman:

The technical review of your revised public notices and your proposed CCN maps are complete for the application listed above. The accepted location map named Attachment "C" and dated March 3, 2003 was created by the City of Lindale. Please provide the Attachment "C" map in a reduced, 8 1/2' x 11' format with each required notice as stated below. The revised public notices are enclosed and must be provided to the following utilities, in addition to the neighboring utilities and other affected parties noted on your application:

Texas Water Systems (CCN No. 12473) Southern Utilities (CCN No. 10762)

Your next step is to provide the **revised** public notices without delay. The notice to the public must be published once each week for two (2) consecutive weeks in a newspaper of general circulation in Smith County. It is the responsibility of the applicant to provide correct notice of the application to any utilities within two (2) miles of your proposed service area, any city with an extraterritorial jurisdiction which overlaps the proposed service area or other affected parties in your requested area. Check the notices carefully before mailing or publishing.

As a reminder, proof that notice was provided, you are required to send us the following:

- an original and three copies of a publisher's affidavit of the newspaper publication with a) tear sheets of the published notice attached;
- four copies of each individual notice and map sent to neighboring utilities and other b) affected parties; and
- an original and three copies of the signed affidavits that individual notice to neighboring c) utilities and affected individuals has been given. (Copies of the Affidavit forms are enclosed with this letter.)

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Mr. Philip Huseman, EIT Page 2 May 6, 2003

In addition, please, submit copies of any additional letters of intent from developers, landowner requests, applications for service or a combination of the above, that you received after you submitted this application, to justify the need for additional water service in the requested area.

These items must be completed and returned by <u>May 27, 2003</u>. Processing of this application cannot proceed until the close of the 30 day public comment period which begins after all the required notices have been given. If we do not receive the requested information by this date, your application may be returned for failure to prosecute.

Should you have questions, please contact me at (512) 239-6952 by phone, by fax at (512) 239-0030, or E-mail address: tharbour@tceq.state.tx.us, or if by correspondence, include Mail Code 153 (MC 153) in the letterhead address.

Sincerely,

Tracy Harbour

Natural Resource Specialist Utilities & Districts Section

Tracy Harborr

Water Supply Division

TH/MA/sr

Enclosures:

Revised Notice for Application No. 34160-C

cc:

TCEQ, Region 5 Office

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#### Notice for Publication

# NOTICE OF APPLICATION FOR CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) TO PROVIDE WATER UTILITY SERVICE IN <u>SMITH</u> COUNTY

The City of Lindale has filed an application to amend CCN No. 12795 and to dual certify portions of the City of Tyler with the Texas Commission on Environmental Quality to provide water utility service in Smith County.

The proposed utility service area is located approximately <u>16</u> miles <u>northwest</u> of downtown <u>Tyler</u>, Texas, and is generally bounded on the north by <u>the Stevenson Branch Creek</u>; on the east by <u>the intersection of CR 461 and CR 431</u>; on the south by <u>a line approximately 3,000 feet south of I 20</u>; and on the west by <u>the Hubbard Branch Creek</u>.

The total area being requested includes approximately 5.678 acres and 272 current customers.

A copy of the proposed service area map is available at <u>Lindale City Hall, 201 N. Main, Lindale, Texas 75771 phone number (903)882-3422</u>

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

Persons who wish to intervene or comment should write the:

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

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

## Notice to Neighboring Systems and Cities

# NOTICE OF APPLICATION FOR CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) TO PROVIDE WATER UTILITY SERVICE IN <u>SMITH</u> COUNTY

(Neighboring	g System or	City)	 003
(Address)	<u> </u>		 -
(City	State	Zip)	

<u>The City of Lindale</u> has filed an application to amend CCN No. <u>12795</u> and to dual certify portions of <u>the City of Tyler</u> with the Texas Commission on Environmental Quality to provide <u>water</u> utility service in <u>Smith County</u>.

The proposed utility service area is located approximately <u>16</u> miles <u>northwest</u> of downtown <u>Tyler</u>, Texas, and is generally bounded on the north by <u>the Stevenson Branch Creek</u>; on the east by <u>the intersection of CR 461 and CR 431</u>; on the south by <u>a line approximately 3,000 feet south of I 20</u>; and on the west by <u>the Hubbard Branch Creek</u>.

The total area being requested includes approximately 5.678 acres and 272 current customers. See enclosed map of the proposed service area.

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:

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Austin, TX 78711-3087

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

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

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1836- LINDALE, CITY OF GENERAL OBLIGATION DEBT

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Related **Issuers**  **AV And Tax** Rate History

**Bonds** 

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<u>Map</u>

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**Financial Stmt** 

Tax Data

Sales Tax

**Outstanding Debt** Operating Stmt Water Supply

**Mgmt Index** Rates/Stats

**Unissued Bonds** 

**TMRs Pension Fund Bonds** 

Non-funded Debt

Overlapping Debt Economic

Bond Calendar

Top Ten Taxpayers Officials

**Underlying Rating** 

Moodys

Standard and Poors

Fitch

Calendar **Documents** 

Baa1

BBB+

NR

FINANCIAL STATEMENT (As of September 30, 2001)

Sale Results

Sale

Monthly

Taxable Assessed Valuation, 2001 (100% of Market)

\$ 154,964,866

Results Line

Total General Obligation Debt

\$ 9,165,000

Less: Self-Supporting

Site Map

W&S

1,815,587

Your

\$ 7,349,414

Comments? GO Debt payable from Ad Valorem Taxes Less: I&S Funds

554,628

Net Debt

\$ 6,794,786 -------------

Net Debt Per Net Assessed Valuation - 4.38%

Net Debt Per Capita - \$2,300.20

Net Assessed Valuation Per Capita - \$52,459.33

Bureau of Census Pop: 1990 - 2,428; 2000 - 2,954

PAYMENT RECORD The City has never defaulted on its General Obligation Debt and has not defaulted on its Revenue Bonds since 1945 when all bonds were refunded at par with extended maturities and at no reduction in interest rate.

#### TAX DATA

Tax	Assessed	Tax	% Collec	tions	Year
Year	Valuation	Rate	Current	Total	Ended
1996	\$66,865,637	\$0.5450	96.80	99.91	09/30/1997
1997	74,362,034	0.5415	97.16	99.60	09/30/1998
1998	119,227,547	0.5400	97.11	99.01	09/30/1999
1999	111,776,236*	0.5400	96.97	101.30	09/30/2000
2000	134,437,278	0.5400	96.90	100.30	09/30/2001

<del></del>		^
	<b>*</b>	•

2001 154,964,866 0.5400 (In process of collection)

\*Decrease due to tax abatement granted to Dayton Hudson Corporation of \$62,855,432.

Tax Rate Distribution 2001 2000 1999 1998

Operations \$0.1402 \$0.1606 \$0.1999 \$0.2223

I&S 0.3998 0.3794 0.3401 0.3177

----- Totals \$0.5400 \$0.5400 \$0.5400 \$0.5400

Tax Rate Limitation: Article XI, Section 4 of Texas Constitution, applicable to cities of 5,000 or less - \$1.50 per \$100 assessed valuation for all purposes.

Municipal Sales Taxes: The City has adopted the provisions of Article 1066c, VACS, Section 9. In addition some cities are subject to a property relief and/or an economic and industrial development tax. Net collections on calendar year basis are as follows:

Calenda	r	Total	% of Ad Val	Equiv of Ad
Year	Rate*	Collected	Tax Levy	Val Tax Rate
1998	1.50%	\$647,476	100.60%	\$0.54
1999	1.50	556,008	92.12	0.50
2000	1.50	564,765	77.80	0.42
2001	1.50	654,646	78.23	0.42

\*One half of one percent is used by the Lindale Economic Development Corporation for the benefit of the citizens of the City.

#### DETAILS OF GENERAL OBLIGATION DEBT

Outstanding: 09/30/2001

COMB TAX & UTIL SYS REV C/O SER 96

Tax Treatment: BQ

Original Issue Amount: \$6,000,000

Dated Date: 02/01/1996

Sale Date: 02/13/1996

Delivery Date: 03/05/1996

Record Date: MSRB

Bond Form: FR
Denomination: \$5,000

Interest Pays: Semi-Annually: 08/15, 02/15

1st Coupon Date: 08/15/1996 Principal Pays: Annually

Insurance: FSA

Paying Agent: JPMorgan Chase Bank, Dallas

Bond Counsel: Fulbright & Jaworski

Fin Adv: Rauscher Pierce Refsnes, Inc., Dallas Lead Manager: Rauscher Pierce Refsnes, Inc., Dallas

Water & Sewer 19.81%

Call Option: Bonds maturing on August 15, 2006 to August 15, 2014 and August 15, 2020 callable in whole or in part on any date beginning August 15, 2005 @ par.

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Term bonds maturing 2020 subject to mandatory sinking fund redemption ea 08-15 @ par as follows: \$320M-2015; \$340M-2016; \$355M-2017; \$375M-2018; \$395M-2019; \$420M matures 2020.

Security : Limited Tax and a Subordinate lien on the Net revenues of the Water & Sewer system

			Orig Reoffering	
Maturity	Amount	Coupon	Price/Yield	
08/15/2002	175,000	4.1500%	100.000%	
08/15/2003	185,000	4.3000%	100.000%	
08/15/2004	190,000	4.4000%	100.000%	
08/15/2005	200,000	4.5000%	100.000%	
08/15/2006	210,000	4.5500%	4.600%	
08/15/2007	220,000	4.6500%	4.700%	
08/15/2008	230,000	4.7500%	4.800%	
08/15/2009	240,000	4.8000%	4.850%	
08/15/2010	250,000	4.9000%	4.950%	
08/15/2011	265,000	4.9000%	5.000%	
08/15/2012	275,000	5.0500%	5.100%	
08/15/2013	290,000	5.1500%	5.200%	
08/15/2014	305,000	5.2000%	5.250%	
08/15/2020	2,205,000	5.3750%	98.989%	
			\$5	5,240,000

COMB TAX & UTIL SYS REV REF BDS SER 96

Tax Treatment: BQ

Original Issue Amount: \$1,510,000
Dated Date: 02/01/1996
Sale Date: 02/13/1996
Delivery Date: 03/05/1996
Record Date: MSRB

Record Date: MSRB
Bond Form: FR
Denomination: \$5,000

Interest Pays: Semi-Annually: 08/15, 02/15

1st Coupon Date: 08/15/1996 Principal Pays: Annually

Insurance: FSA

Paying Agent: JPMorgan Chase Bank, Dallas

Bond Counsel: Fulbright & Jaworski

Fin Adv: Rauscher Pierce Refsnes, Inc., Dallas Lead Manager: Rauscher Pierce Refsnes, Inc., Dallas

Water & Sewer 19.81%

Call Option: Bonds maturing on August 15, 2006 to August 15, 2014 and August 15, 2020 callable in whole or in part on any date beginning August 15, 2005 @ par.

Term bonds maturing 2020 subject to mandatory sinking fund redemption ea 08-15 @ par as follows: \$80M-2015; \$85M-2016; \$90M-2017; \$95M-2018; \$100M-2019; \$105M matures 2020.

Security: Limited Tax and a Subordinate lien on the Net revenues of the Water & Sewer system

Maturity	Amount	Coupon	Orig Reoffering Price/Yield
08/15/2002	45,000	4.1500%	100.000%
08/15/2003	45,000	4.3000%	

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COMB TAX & UTIL SYS REV C/O SER 2000

Tax Treatment: BQ

Original Issue Amount: \$2,690,000
Dated Date: 11/15/1999
Sale Date: 11/30/1999
Delivery Date: 01/12/2000
Type of Sale: Negotiated
Record Date: MSRB

Bond Form: BE
Denomination: \$5,000

Interest Pays: Semi-Annually: 02/15, 08/15

1st Coupon Date: 02/15/2000 Principal Pays: Annually

Insurance: FSA

Paying Agent: JPMorgan Chase Bank, Houston

Bond Counsel: Fulbright & Jaworski

Lead Manager: Dain Rauscher Incorporated

Water & Sewer 19.81%

Use of Proceeds: Utility.

Call Option: Bonds maturing on 08/15/2010 to 08/15/2014 and 08/15/2020 and 08/15/2022 and 08/15/2025 callable in whole or in part on any date beginning 08/15/2009 @ par. The following term bonds are subject to mandatory sinking fund redemption each 8/15 @ par as follows: Mty 08/15/2020: 25M-2015; 25M-2016; 25M-2017; 30M-2018; 30M-2019; 30M matures 2020. Mty 08/15/2022: 395M-2021; 420M matures 2022. Mty 08/15/2025: 445M-2023; 470M-2024; 500M matures 2025.

Security: Limited Tax and a Subordinate lien on the Net revenues of the Water & Sewer system.

Maturity	Amount	Coupon	Orig Reoffering Price/Yield
08/15/2002 08/15/2003 08/15/2004 08/15/2005 08/15/2006 08/15/2007 08/15/2008 08/15/2009 08/15/2010	15,000 10,000 15,000 15,000 15,000 15,000 15,000 15,000	4.6000% 4.7500% 4.9000% 5.0000% 5.1000% 5.2000% 5.3000% 5.3500%	100.000% 100.000% 100.000% 100.000% 100.000% 100.000% 100.000% 5.400%
08/15/2011 08/15/2012	20,000 20,000	5.4500% 5.5500%	5.500% 5.600%

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08/15/2013	20,000	5.6500%	5.700%	
08/15/2014	25,000	5.7500%	5.800%	
08/15/2020	165,000	5.9000%	5.950%	
08/15/2022	815,000	5.7500%	6.000%	
08/15/2025	1,415,000	6.0000%	6.080%	
				\$2,610,000
GRAND TOTAL===================================				\$9,165,000

#### BOND DEBT SERVICE

Period Ending	Principal	Interest	Debt Service
09/30/2002	235,000.00	482,180.00	717,180.00
09/30/2003	240,000.00	472,360.00	712,360.00
09/30/2004	255,000.00	461,995.00	716,995.00
09/30/2005	265,000.00	450,700.00	715,700.00
09/30/2006	275,000.00	438,700.00	713,700.00
09/30/2007	290,000.00	426,105.00	716,105.00
09/30/2008	300,000.00	412,537.50	712,537.50
09/30/2009	315,000.00	398,205.00	713,205.00
09/30/2010	330,000.00	383,002.50	713,002.50
09/30/2011	350,000.00	366,765.00	716,765.00
09/30/2012	365,000.00	349,505.00	714,505.00
09/30/2013	385,000.00	330,972.50	715,972.50
09/30/2014	405,000.00	311,045.00	716,045.00
09/30/2015	425,000.00	289,847.50	714,847.50
09/30/2016	450,000.00	266,872.50	716,872.50
09/30/2017	470,000.00	242,553.75	712,553.75
09/30/2018	500,000.00	217,160.00	717,160.00
09/30/2019	525,000.00	190,127.50	715,127.50
09/30/2020	555,000.00	161,751.25	716,751.25
09/30/2021	395,000.00	131,762.50	526,762.50
09/30/2022	420,000.00	109,050.00	529,050.00
09/30/2023	445,000.00	84,900.00	529,900.00
09/30/2024	470,000.00	58,200.00	528,200.00
09/30/2025	500,000.00	30,000.00	530,000.00
	9,165,000.00	7,066,297.50	16,231,297.50
=========	===========	<b>==========</b> ==========================	

COMPUTED ON BASIS OF MANDATORY REDEMPTION.

### DEBT SERVICE FUND MANAGEMENT INDEX

G.O. Debt Service Requirements for	
fiscal year-ending 09/30/2002	\$717,180
I&S Fds all G.O. issues 09/30/2001	\$554,628
2001 I&S Fund Tax Levy @ 90%	557,594
W&S	142,073

## SELF SUPPORTING DEBT

The September 30, 2001 Audit reports the following General Obligation Debt being paid from revenues other than ad valorem taxes; thus considered self-supporting.

Source	Amount of debt
W&S	\$1.815.587

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WATERWORKS & SEWER SYSTEM OPERATING EXPERIENCE The following condensed statements have been compiled using accounting principles customarily employed in the determination of net revenues available for debt service, and in all instances exclude depreciation, transfers, debt service payments and expenditures identified as capital.

	Fiscal Year Ended			
	09-30-01	09-30-00	09-30-99	09-30-98
Revenues	\$1,260,843	\$1,257,235	\$1,379,399	\$1,742,711
Expenditures	\$929,122	\$1,013,386*	\$917,227	\$677,589
Available For Debt Service	\$331,721	\$243,849	\$462,172	\$1,065,122
Debt bervice	ψ331, /21	¥213,013	7101,171	4-7
Customer Count:				
Water	1,783	1,713	1,492	1,468
Sewer	1,330**	1,269	1,178	1,110

<sup>\*</sup>Includes \$410,585 in Maintenance expenses.

WATER SUPPLY Four wells.

WATER RATES (Monthly billing) Effective September 30, 2001. No change since December 21, 1995.

Inside City - Residential

Gallons

First 2,000 \$10.00 (Min) Over 2,000 2.20/M

Outside City =  $1 \frac{1}{2}$  times the inside city rates.

SEWER RATES (Monthly billing) Effective September 30, 2001; no change since September 30, 1997. Based on water consumption.

Inside City Limits

Gallons

2,000 \$15.00 (Min) 2,001-20,000 20.00 (Min) Over 20,000 25.00 (Min)

Outside City Limits - 1 1/2 times inside rates.

GENERAL OBLIGATION BONDS AUTHORIZED BUT UNISSUED

Date	-	Amount	Issued	77
Auth.	Purpose	Authorized	To Date	Unissued
07/01/66	W&S	\$400,000	\$325,000	\$75,000

PENSION FUND LIABILITY All permanent, full-time City employees are covered by a plan administered by Fortis Benefits Insurance Company, a contributory, annuity-purchase type plan.

NON-FUNDED DEBT PAYABLE (As of September 30, 2001)

The City reports additional debt in the principal amount of \$100,159

<sup>\*\*</sup>Estimate.