

Notice to Neighboring Systems and Cities

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

To: Crystal Systems Inc.
(Neighboring System or City)
PO Box 1084
(Address)
Tyler TX 75710
(City State Zip)

Date Notice Mailed: May 15, 2003

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:

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

RECEIVED

MAY 27 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 to Neighboring Systems and Cities

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

To: Duck Creek Water Supply Corporation
(Neighboring System or City)
PO Box 115
(Address)
Lindale TX 75771
(City State Zip)

Date Notice Mailed: May 15, 2003

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.

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Notice to Neighboring Systems and Cities

NOTICE OF APPLICATION FOR CERTIFICATE OF CONVENIENCE AND NECESSITY
(CCN) TO PROVIDE WATER UTILITY 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

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Notice to Neighboring Systems and Cities

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

To: Southern Utilities Water Company
(Neighboring System or City)
218 N. Broadway
(Address)
Tyler TX 75702
(City State Zip)

Date Notice Mailed: May 15, 2003

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UTILITIES AND DISTRICTS

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Notice to Neighboring Systems and Cities

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

To: Texas Water Systems Inc.
(Neighboring System or City)
PO Box 131945
(Address)
Tyler TX 75713-1945
(City State Zip)

Date Notice Mailed: May 15, 2003

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.

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Water Supply Division
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UTILITIES AND DISTRICTS

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
INTEROFFICE MEMORANDUM

TO: LaDonna Castanuela, Chief Clerk

DATE: November 8, 2004

THRU: *MA* Earl Lott, Section Manager
Utilities & Districts Section
Water Supply Division

FROM: *MA* 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:

Technical - Prabin Basnet

Legal - _____

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

Michelle Abrams

Michelle Abrams, Team Leader

MA/JS/TH/ac

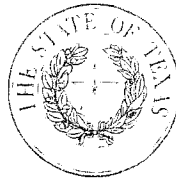
cc: TCEQ Public Interest Counsel; ATTN: Vic McWherter
TCEQ Agency Communications; ATTN: Andy Saenz, Manager
TCEQ Chief Clerk's Office; ATTN: Melanie Mohair, SOAH Docket Clerk
TCEQ Legal Office; ATTN: Robert Martinez

cc: Mailing List

CHIEF CLERK'S OFFICE

NOV 16 10 00 AM '04

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

FAX COPY TO: 903/ 581-6853

November 8, 2004

CERTIFIED MAIL

Mr. Philip Huseman, EIT
Wisembaker, 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,

A handwritten signature in cursive script that reads "Michelle Abrams".

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

MA/PB/ac

cc: Mailing list

P.O. Box 13087 • Austin, Texas 78711-3087 • 512/239-1000 • Internet address: www.tceq.state.tx.us

printed on recycled paper using soy based ink



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

Re: City of Lindale CCN Amendment
Application No. 34160-C
CCN No. 12795

RECEIVED

JUL 15 2003

TEXAS NATURAL RESOURCES
CONSERVATION COMMISSION
UTILITIES AND DISTRICTS

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.

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

a division of KSA ENGINEERS, INC.

Sincerely,

A handwritten signature in cursive script that reads "Philip Huseman". The signature is written in dark ink and has a long, horizontal flourish extending to the right.

Philip Huseman
Engineer in Training

Encl.

Pc. Mr. Owen Scott- City Manager, Lindale, TX
Pc. Mr. Charles West
Pc. Mr. Charles Gilmore – Utility Superintendent



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
By

Philip Huseman

Pc. Charles Gilmore
Tracy Harbour – TCEQ Utilities and District Section

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

a division of KSA ENGINEERS, INC.

Lindale CCW amendment meeting
7-8-03

Location: Lindale City Hall

Name:

Organization

Philip Huseman

Wisenbaker, Fix & Assoc.

Charles Gilmore

City of Lindale - utility syst.

Charles West

City of Lindale - Code Official

Owen Scott

City of Lindale

JACK JACKSON

LRWSC - PRES., BOED

Sam Beeler

LRWSC - Manager



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

Re: City of Lindale CCN Amendment
Application No. 34160-C
CCN No. 12795

RECEIVED

MAY 27 2003

TEXAS NATURAL RESOURCE
CONSERVATION COMMISSION
UTILITIES AND DISTRICTS

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

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

a division of KSA ENGINEERS, INC.

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
Wisembaker, Fix & Associates
821 ESE Loop 323, Suite 460
Tyler, Texas 75701

Re: Application from the City of Lindale, Certificate of Convenience and Necessity (CCN) No. 12795, 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:

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

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 May 27, 2003. 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
Water Supply Division

TH/MA/sr

Enclosures: Revised Notice for Application No. 34160-C

cc: TCEQ, Region 5 Office

Notice for Publication

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

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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 Lindale City Hall, 201 N. Main, Lindale, Texas 75771 phone number (903)882-3422

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(CCN) TO PROVIDE WATER UTILITY SERVICE IN SMITH COUNTY

To: _____ Date Notice Mailed: _____, 2003
(Neighboring System or City)

(Address)

(City State Zip)

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Municipal Advisory Council of Texas

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1836- LINDALE, CITY OF GENERAL OBLIGATION DEBT

[CUSIP Search](#)[Documents On File](#)[Related Issuers](#)[AV And Tax Rate History](#)[Bonds](#)[View \ Print PDF TMR](#)[Map](#)[Map Instructions](#)[View Entire TMR](#)[Search](#)

TMR Sections

[Financial Stmt](#)[Tax Data](#)[Sales Tax](#)[Outstanding Debt](#)[Mgmt Index](#)[Operating Stmt](#)[Water Supply](#)[Rates/Stats](#)[Unissued Bonds](#)[Pension Fund](#)[Non-funded Debt](#)[Overlapping Debt](#)[Economic](#)[Top Ten Taxpayers](#)[Officials](#)

Underlying Rating

[Moody's](#)[Standard and Poors](#)[Fitch](#)[Baa1](#)[BBB+](#)[NR](#)

FINANCIAL STATEMENT (As of September 30, 2001)

Taxable Assessed Valuation, 2001 (100% of Market) \$ 154,964,866

Total General Obligation Debt \$ 9,165,000

Less: Self-Supporting W&S 1,815,587

GO Debt payable from Ad Valorem Taxes \$ 7,349,414
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 Year	Assessed Valuation	Tax Rate	% Collections Current	Total	Year 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

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:

Calendar Year	Rate*	Total Collected	% of Ad Val Tax Levy	Equiv of Ad 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.

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

Maturity	Amount	Coupon	Orig Reoffering 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%
			-----\$5,240,000

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
 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%	100.000%

08/15/2004	50,000	4.4000%	100.000%
08/15/2005	50,000	4.5000%	100.000%
08/15/2006	50,000	4.5500%	4.600%
08/15/2007	55,000	4.6500%	4.700%
08/15/2008	55,000	4.7500%	4.800%
08/15/2009	60,000	4.8000%	4.850%
08/15/2010	65,000	4.9000%	4.950%
08/15/2011	65,000	4.9000%	5.000%
08/15/2012	70,000	5.0500%	5.100%
08/15/2013	75,000	5.1500%	5.200%
08/15/2014	75,000	5.2000%	5.250%
08/15/2020	555,000	5.3750%	98.989%
			-----\$1,315,000

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

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
			=====

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

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
Customer Count:				
Water	1,783	1,713	1,492	1,468
Sewer	1,330**	1,269	1,178	1,110

*Includes \$410,585 in Maintenance expenses.

**Estimate.

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 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	
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

under GLTDAG as follows:

	Amount Outstanding	Int Rate	Next Year's Requirements	Reported Under
Compensated Absences	\$37,194	N/A	N/A	GLTDAG
Compensated Absences	21,073	N/A	N/A	GLTDAG
Notes	41,892	5.85%	17,444	GLTDAG

ESTIMATED OVERLAPPING DEBT STATEMENT

	Net Debt			Amount
Taxing Body	Amount	As of	% Ovlpg	Ovlpg
Lindale ISD	\$ 18,434,783*	05-31-02	30.20	\$ 5,567,305
Smith Co	22,400,000*	05-31-02	2.01	450,240
Tyler JCD	-None-	05-31-02	1.13	0
Total Net Overlapping Debt:				\$6,017,545
Lindale, City of		09-30-01		6,794,786
Total direct and overlapping Debt				\$12,812,331
Total direct and overlapping Debt % of A.V.:				8.27%
Total direct and overlapping Debt Per Capita:				\$4,337

*Gross Debt

ECONOMIC BACKGROUND

The City of Lindale is a residential community located 12 miles north of Tyler on U.S. Highway 69. The City had a 2000 census population of 2,954, increasing 21.7% since 1990. Many residents commute to Tyler jobs.

County Characteristics: Smith County is located in northeast Texas and was created in 1846. The economy is diversified by manufacturing, agribusiness, oil production, and education. Principal sources of agricultural income include roses, horticultural crops, cattle, and fruit.

The County's 2000 population was 174,706, an increase of 15.5% since 1990. The Texas Employment Commission reported countywide employment at 82,549 persons, earning \$608.5 million in the third quarter of 2001. The total 2001 Effective Buying Income was \$3.2 billion with a median income of \$36,538 per household compared to the state median of \$37,636.* A total of 73.1% of the households had Effective Buying Incomes in excess of \$20,000, while 26.9% had incomes below \$20,000. Total Retail Sales in 2001 were \$3.4 billion.*

Minerals produced in Smith County include oil, gas, clay, sand, gravel, and stone. There were 1.14 million barrels crude oil and 8.7 billion cubic feet of natural gas recovered in 2001. Harvest Trends, a publication of the Texas Forest Service, indicates 12.8 million cubic feet of timber produced in 2000 with a delivered value of \$13.6 million. The University of Texas at Tyler and Tyler Junior College had a 2001 combined fall enrollment of 12,230 students. Tyler State Park had 355,784 visitors in the 2001 season.

Any data on population, value added by manufacturing or production of agricultural products or minerals are from U.S. Census or other

official sources.

* Sales & Marketing Management: 2001 Survey of Buying Power; further reproduction not licensed.

Principal Taxpayers	2001 AV	% of AV
1. Dayton-Hudson Corp. Commercial	\$ 34,648,213	22.35%
2. Southwestern Bell Tele. Telephone Utility	3,352,895	2.16%
3. Meadowlark Place Commercial	2,967,315	1.91%
4. Cracker Barrell Commercial	2,178,160	1.40%
5. United Lodging Inc Land/Improvements	2,149,996	1.38%
6. Greenlaw, Lindale Prop. Real Estate	2,100,400	1.35%
7. Lindale Lodging Lodging	2,096,900	1.35%
8. Texas Utilities Electric Electric Utility	1,877,190	1.21%
9. Senior Living Prop. Nursing Home	1,296,892	0.83%
10. Financial Earnings Group Investments	1,154,683	0.74%
Total:	\$ 53,822,644	34.73%*

* Rounding differences

FINANCE CONNECTED OFFICIALS

Mayor
Bobby McClenny
P.O. Box 130
Lindale, TX 75771-0130
Phone: 903-882-3422
Fax: 903-882-1054

City Manager
Owen Scott
P.O. Box 130
Lindale, TX 75771-0130
Phone: 903-882-3422
Fax: 903-882-1054
lincity@gower.net

Tax Collector
Kay M. Smith
Smith County Tax Office
P.O. Box 2011
Tyler, TX 75710
Phone: 903-535-0835
Fax: 903-593-0396

Chief Appraiser
Michael D. Barnett
Smith County Appraisal District

245 South S.E. Loop 323
Tyler, TX 75702-6456
Phone: 903-510-8600
Fax: 903-510-8621
smithcoappraisal@scad.org

NLB

LINDALE RURAL WATER SUPPLY CORPORATION

P.O. BOX 756
LINDALE, TEXAS 75771
(903) 882-3335

RECEIVED

JUN 02 1977

TEXAS NATURAL RESOURCES
CONSERVATION
UTILITIES

Lindale Rural Water Supply Corporation
Sam Beeler
P. O. Box 756
Lindale, Tx 75771

Re: Notice of Application of Amendment of CCN 12795

Dear Sir,

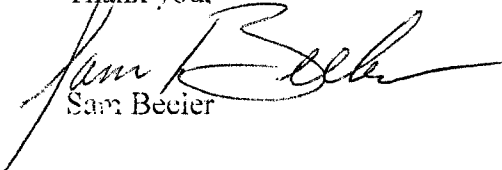
I am Sam Beeler, General Manager of Lindale Rural Water Supply Corporation. Our office phone number is 903-882-3335 and my cell phone number is 903-870-0246.

We received notice of application for CCN amendment from the City of Lindale on CCN no. 12795. Lindale Rural Water Supply Corporation is requesting a public hearing on this CCN amendment by the City of Lindale. The description in the notice will not just affect the City of Tyler whose CCN is 12795, but will also affect Lindale Rural Water whose CCN is 10738. The map and description in the notice does not match the proposed CCN boundary of the City of Lindale.

We have several hundred customers in the proposed area. I believe that this amendment would adversely affect our ability to meet our financial obligations which include a USDA loan and also hamper our ability to improve our system. The City of Lindale has already annexed several hundred acres of our CCN without settling with us.

I propose that the City of Lindale pay Lindale Rural Water for our existing customers and our CCN that they are trying to incorporate into their CCN.

Thank you,


Sam Beeler

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

June 30, 2003

TRANSMITTED BY
FACSIMILE TO: (903)581-6853

CERTIFIED MAIL

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

Re: Application from the City of Lindale, Certificate of Convenience and Necessity (CCN) No. 12795, 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:

Thank you for the notice information received in our office on May 27, 2003. As we discussed on June 24, 2003, we received a protest and request for hearing on the above referenced application on June 2, 2003, from Lindale Rural Water Supply Corporation (WSC). Their protest was received prior to June 23, 2003, which marks the end of the 30-day comment period for receiving protests to your application.

Enclosed is a copy of Lindale Rural WSC's request for hearing, so that the City of Lindale may contact them and attempt to resolve the issues brought forward in their request. Please respond to Lindale Rural WSC in writing and forward a copy of the response to our office. If Lindale Rural WSC does not file a written withdrawal of their request for a hearing, the application may be sent to the State Office of Hearings Administrators for scheduling.

We need to receive the following documentation to complete the processing of this application:

- 1) A copy of the Application for Sale, Transfer or Merger (STM) of a Retail Public Utility and accompanied map used in the transaction between Lindale Rural WSC and the City of Lindale as referenced in your letter dated February 28, 2003.

LINDALE RURAL WATER SUPPLY CORPORATION

P.O. BOX 756
LINDALE, TEXAS 75771
(903) 882-3335

RECEIVED

JUN 02 1977

TEXAS RURAL WATER
CONSERVATION
UTILITIES

Lindale Rural Water Supply Corporation
Sam Beeler
P. O. Box 756
Lindale, Tx 75771

Re: Notice of Application of Amendment of CCN 12795

Dear Sir,

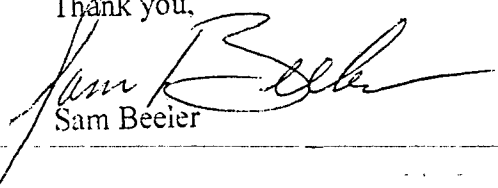
I am Sam Beeler, General Manager of Lindale Rural Water Supply Corporation. Our office phone number is 903-882-3335 and my cell phone number is 903-870-0246.

We received notice of application for CCN amendment from the City of Lindale on CCN no. 12795. Lindale Rural Water Supply Corporation is requesting a public hearing on this CCN amendment by the City of Lindale. The description in the notice will not just affect the City of Tyler whose CCN is 12795, but will also affect Lindale Rural Water whose CCN is 10758. The map and description in the notice does not match the proposed CCN boundary of the City of Lindale.

We have several hundred customers in the proposed area. I believe that this amendment would adversely affect our ability to meet our financial obligations which include a USDA loan and also hamper our ability to improve our system. The City of Lindale has already annexed several hundred acres of our CCN without settling with us.

I propose that the City of Lindale pay Lindale Rural Water for our existing customers and our CCN that they are trying to incorporate into their CCN.

Thank you,


Sam Beeler

Notice to Neighboring Systems and Cities

NOTICE OF APPLICATION FOR CERTIFICATE OF CONVENIENCE AND NECESSITY
(CCN) TO PROVIDE WATER UTILITY 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 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:

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.

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.



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

JUN 30 2003

TEXAS NATURAL RESOURCE
CONSERVATION COMMISSION
UTILITIES AND WATER DIVISION

Re: City of Lindale CCN Amendment
Application No. 34160-C
CCN No. 12795

Dear Ms. Harbour,

Per your request I have enclosed a copy of the application for sale, transfer or merger of a retail public utility that the City of Lindale filed back in 1996 with the TNRCC for the area south of I-20 and west of US 69 to CR 433 and another copy of the agreement that was in the original application. In addition, I have printed information and reports off of your web page that shows the application was filed and completed with the TNRCC for your convenience.

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

Encl.

Pc. Mr. Owen Scott- City Manager, Lindale, TX
Pc. Mr. Charles West
Pc. Mr. Charles Gilmore – Utility Superintendent

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

a division of KSA ENGINEERS, INC.

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION



APPLICATION NO. 31088-C

IN THE MATTER OF THE APPLICATION	§	BEFORE THE
OF CITY OF LINDALE FOR A WATER	§	
CERTIFICATE OF CONVENIENCE AND	§	TEXAS NATURAL RESOURCE
NECESSITY AND TO DECERTIFY A	§	
PORTION OF CERTIFICATE NO. 10758 IN	§	CONSERVATION COMMISSION
SMITH COUNTY, TEXAS	§	

ORDER

On MAY 03 1996, the Executive Director of the Texas Natural Resource Conservation Commission pursuant to Chapters 5 and 13 of the Texas Water Code considered the application of City of Lindale for a water Certificate of Convenience and Necessity and to decertify a portion of Certificate No. 10758 issued to Lindale Rural Water Supply Corporation in Smith County.

No person has requested a public hearing on the application;

Notice of the application was given all affected and interested parties;

The criteria set forth in Sections 13.246(c) and 13.254 have been considered; and

Granting the application is necessary for the service, accommodation, convenience and safety of the public.

NOW, THEREFORE, BE IT ORDERED BY THE TEXAS NATURAL RESOURCE CONSERVATION COMMISSION that the application is granted and Certificate of Convenience and Necessity No. 12795 is issued to the City of Lindale in accordance with the terms and conditions set forth herein and in the certificate.

IT IS FURTHER ORDERED that Certificate of Convenience and Necessity No. 10758 issued to Lindale Rural Water Supply Corporation is amended in accordance with the terms and conditions set forth herein and in the certificate.

IT IS FURTHER ORDERED that the City of Lindale shall serve every customer and applicant for service within the area certified under Certificate of Convenience and Necessity No. 12795 and that such service shall be continuous and adequate.

W ISENBAKER, F I X & A S S O C I A T E S

Consulting Engineers

821 ESE Loop 323, Suite 460
Tyler, Texas 75701
P. O. Box 6868
Tyler, Texas 75711
(903) 581-8141
FAX (903) 581-6853

February 28, 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

MAR 04 2003

TEXAS NATURAL RESOURCE
CONSERVATION COMMISSION
UTILITIES AND DISTRICTS

Re: City of Lindale CCN Amendment
Application No. 34160-C
CCN No. 12795

Dear Ms. Harbour,

Enclosed you will find a revised large and small scale map for the proposed CCN amendment for the City of Lindale, Texas. The small scale location map is color coded to help clarify CCN overlap issues. The green area was decertified to the City of Lindale as stated and shown in the agreement, attachment "H", in the original application. The combined green and red area depicts an overlap between Lindale Rural, the City of Tyler, and the proposed City of Lindale CCN boundary. As stated above, Lindale Rural decertified this area to the City of Lindale as shown in attachment "H". The proposed City of Lindale CCN boundary will abut Lindale Rural's CCN boundary at all other locations. Therefore, there will not be any requirements for Lindale Rural Water Supply Corporation to decertify any areas to the City of Lindale. I have also included attachment "H" with this letter for easy reference. I can mail you a copy of the Application for Sale, Transfer or Merger of a Retail Public Utility for this transaction between Lindale Rural and the City of Lindale if required.

The red area and the combined red and green area delineated on the small scale location map depict overlapping boundaries with the City of Tyler CCN no. 10772 and the proposed City of Lindale CCN limits. The City of Tyler and the City of Lindale have agreed to dual certification of this area only. This area is bounded by CR 431 (Jim Hogg Rd.) on the east, CR 461 on the south, and the Tyler ETJ/CCN arc boundary on the north and west. Enclosed with this letter is a copy of a letter from the City of Tyler to the City of Lindale agreeing to dual certification.

I have enclosed one (1) original and three (3) copies of the maps as required along with a digital copy on diskette for updating your GIS maps. In addition, you will find enclosed a mark up of your publishers affidavit and the notice to neighboring utilities.

Please contact me, Philip Huseman, Engineer in Training at (903) 581-8141 ext 115 if you need any other information on the above referenced permit.

Sincerely,

A handwritten signature in cursive script that reads "Philip Huseman". The signature is written in dark ink and has a long, horizontal flourish extending to the right.

Philip Huseman
Engineer in Training

Encl.

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



February 28, 2003

Mr. Owen Scott
City Administrator
City of Lindale
P.O. Box 130
Lindale, Texas 75771

Re: City of Tyler
CCN # 10772

Dear Mr. Scott:

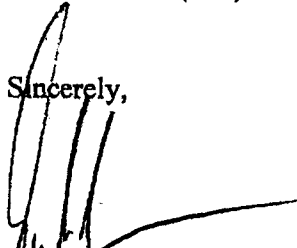
I wish to advise that the City of Tyler Water Utilities operates under Texas Commission on Environmental Quality Certificate of Convenience and Necessity Number 10722. The certificate provides that Tyler shall have sole certification to the area falling inside the corporate limits, in areas encompassed by its facilities outside the city limits and 200 feet of any point along the distribution lines outside the city limits. In the extra-territorial jurisdiction of Tyler, there shall be joint certification within that area between the City of Tyler and any other utilities falling within that area.

The area in the vicinity of U.S. Highway 69 and Interstate Highway 20, as described in your February 27, 2003 letter, for which you are requesting certification falls within Tyler's extra-territorial jurisdiction.

Accordingly, while not agreeing to de-certification, the City of Tyler Water Utilities have no objections to joint certification within that area with the City of Lindale.

Should you have any questions or require additional information, please do not hesitate to contact me at (903) 531-1234.

Sincerely,


Gregory M. Morgan, P.E.
Operations Manager
Tyler Water Utilities

RECEIVED

MAR 04 2003

TEXAS NATURAL RESOURCE
CONSERVATION COMMISSION
UTILITIES AND DISTRICTS

Notice for Publication

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

dual certify
The City of Lindale has filed an application to amend CCN No. 12795 and to ~~decrease~~ portions of ~~Lindale Public Water Supply Corporation~~ and 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 the Hubbard Branch Creek.

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 Lindale City Hall, 201 N. Main, Lindale, Texas 75771 phone number (903)882-3422

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.

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.

RECEIVED

MAR 04 2003

TEXAS NATURAL RESOURCE
CONSERVATION COMMISSION
UTILITIES AND DISTRICTS

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

To: _____ Date Notice Mailed: _____, 2003
(Neighboring System or City)

(Address)

(City State Zip)

duel certify
The City of Lindale has filed an application to amend CCN No. 12795 and to ~~de-certify~~ portions of ~~Lindale Rural Water Supply Corporation~~ and 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 the Hubbard Branch Creek.

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.

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Texas Commission on Environmental Quality
Water Supply Division
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P. O. Box 13087
Austin, TX 78711-3087

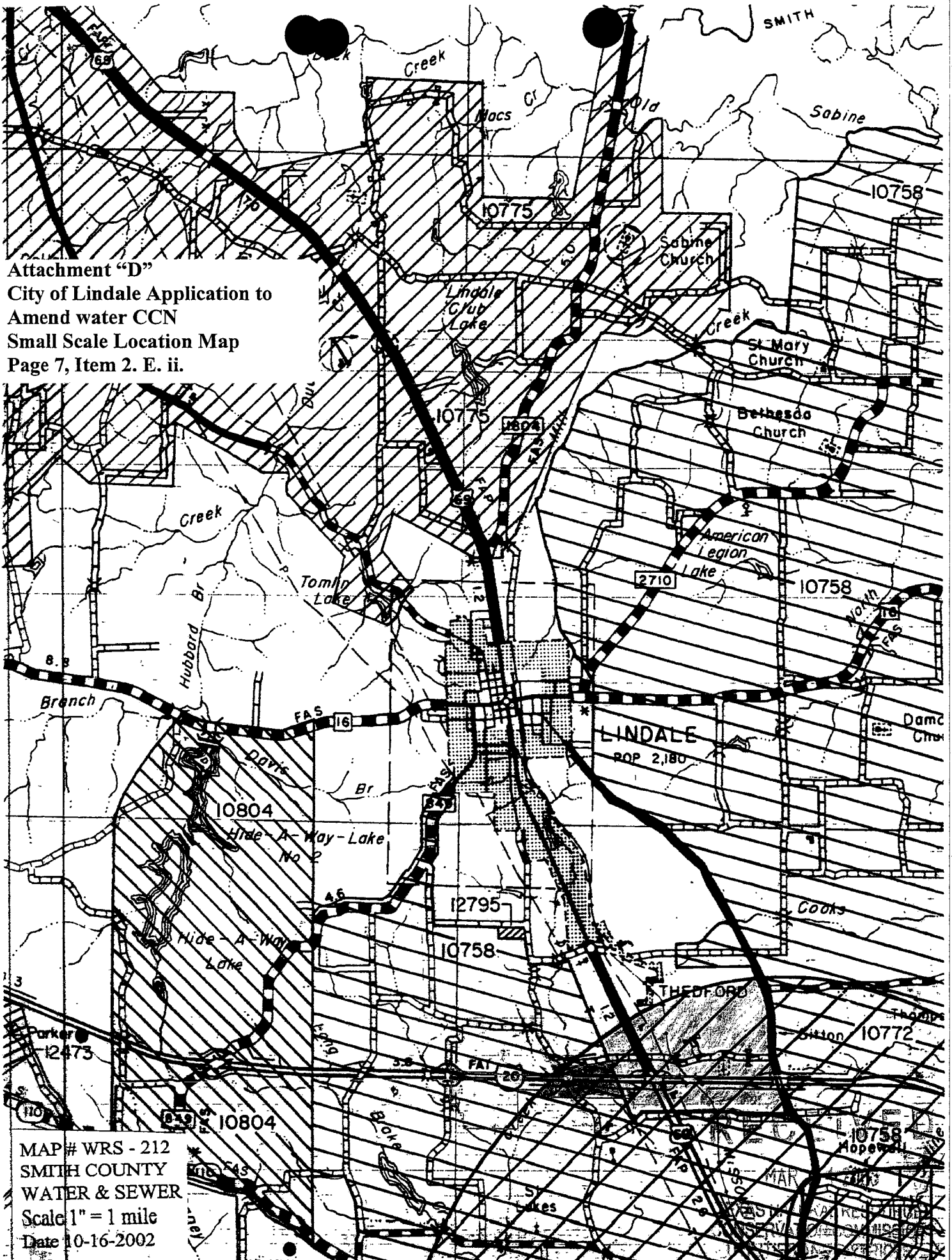
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RECEIVED

MAR 04 2003

TEXAS NATURAL RESOURCE
CONSERVATION COMMISSION
UTILITIES AND DISTRICTS



MAP# WRS - 212
SMITH COUNTY
WATER & SEWER
Scale 1" = 1 mile
Date 10-16-2002

AGREEMENT BETWEEN CITY OF LINDALE AND LINDALE
RURAL WATER SUPPLY CORPORATION REGARDING
RETAIL WATER SERVICE

WHEREAS, the City of Lindale, Texas ("City") has either annexed the property more fully described in Exhibit "A" or the property is within the City's extraterritorial jurisdiction;

WHEREAS, Lindale Rural Water Supply Corporation ("Rural Water") is a nonprofit water supply corporation;

WHEREAS, the property more fully described in Exhibit "A" is within the area that Rural Water has the right to render retail water service pursuant to its certificate of convenience and necessity;

WHEREAS, Rural Water owns personal property within the area more fully described as Exhibit "A";

WHEREAS, the City and Rural Water desire single certification of the area more fully described in Exhibit "A" for the City pursuant to Section 13.255 of the Texas Water Code;

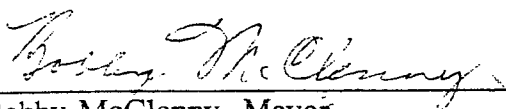
THEREFORE, in consideration of the mutual covenants and promises set forth herein, the City and Rural Water agree as follows:


1. Rural Water's certificate of convenience and necessity shall be modified to remove the property more fully described in Exhibit "A".
2. The property more fully described on Exhibit "A" shall be added to the City's certificate of convenience and necessity;
3. City shall provide retail water service to the property more fully described in Exhibit "A" pursuant to single certification of the area as authorized by Section 13.255 of the Texas Water Code.

4. Rural Water hereby grants, sells and conveys to City all of its interest in the personal property located within the area more fully described in Exhibit "A".
5. City shall pay the sum of \$29,500.00 to Rural Water as consideration for the personal property transferred to City and the other covenants contained herein. Rural Water acknowledges that the compensation paid by City is just and adequate for the personal property, including the Rural Water's business in the area acquired by City.
6. The recitals to this Agreement are incorporated herein and shall be deemed representations and warranties by the parties.
7. This Agreement shall bind and benefit each of the parties and their legal successors and assigns. This agreement is solely for the benefit of the parties and their successors and assigns and is not intended to and shall not be construed to create any rights in favor of third parties.
8. This Agreement shall be construed in accordance with the laws of the State of Texas.
9. No alteration or amendment of this Agreement shall be effective unless given in writing and executed by all parties after approval by their respective governing body.
10. The parties hereby acknowledge that this Agreement was approved by their respective governing bodies at a joint meeting on Thursday, April 24, 1997 and the execution of this Agreement has been authorized by the governing bodies of the City and Rural Water.

In witness whereof this Agreement is executed this ____ day of August, 1997.

The City of Lindale, Texas


Bobby McClenny, Mayor


Owen Scott, City Administrator

Attachment "H"
City of Lindale Application to
Amend water/sewer CCN
Existing Water Agreement

Lindale Rural Water Supply Corporation

Sharon Selinger
President

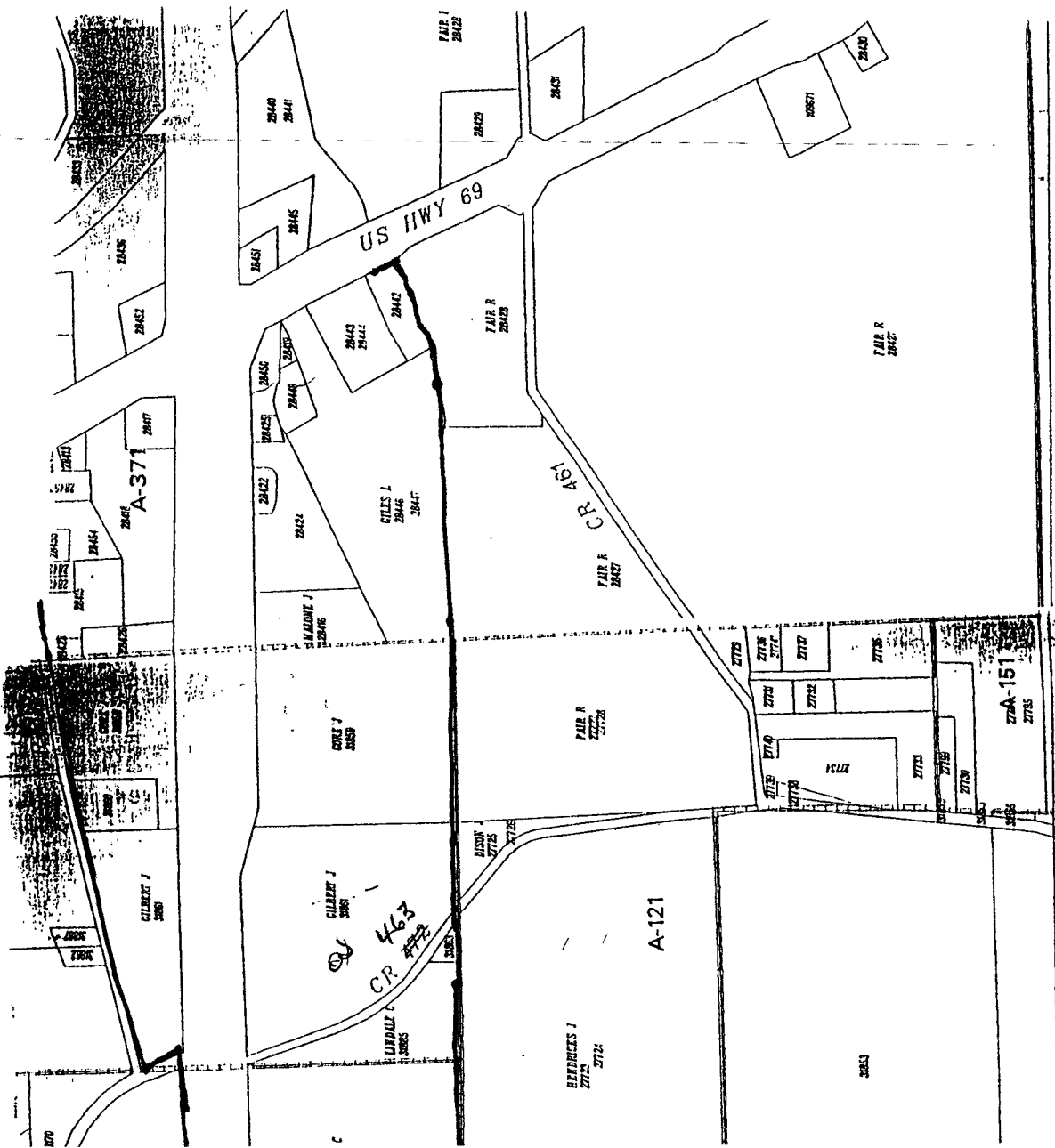


EXHIBIT "A"

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

February 5, 2003

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

Re: Application from the City of Lindale, Certificate of Convenience and Necessity (CCN) No. 12795, to decertify a portion of CCN No. 10758 from Lindale Rural Water Supply Corporation, to decertify 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:

Your application has been accepted for filing, and Ms. Tracy Harbour has been assigned to perform the technical review. The application has been assigned Application No. 34160-C. Please refer to this number in future correspondence.

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.

A review of our files and maps indicates that, in addition to the neighboring utilities noted on your application, you must provide notice to the following utilities:

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

Information related to utilities and districts including addresses can be obtained from the TCEQ web site located at www2.tceq.state.tx.us/iwud.

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

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

P.O. Box 13087 • Austin, Texas 78711-3087 • 512/239-1000 • Internet address: www.tceq.state.tx.us

printed on recycled paper using soy-based ink

Mr. Philip Huseman, EIT
Page 2
February 5, 2003

Include the enclosed location map delineating the proposed service area with your individual notices to neighboring utilities and other affected parties.

There also appears to be an overlap of your proposed service area with the certified service area of Lindale Rural Water Supply Corporation and the City of Tyler. Enclosed is a map showing the overlap of your proposed water CCN area with the CCN areas of Lindale Rural Water Supply Corporation and the City of Tyler.

Your application included an overlap agreement with the Rural Water Supply Corporation. It appears the Rural Water Supply Corporation's agreement does not cover all of the overlap areas. Please, provide written documentation on how the overlaps will be handled. There are several options to resolving this overlap. One is to amend your application by submitting revised maps and change the requested CCN area so as to not include the areas of overlap. The second option is for you to meet with Lindale Rural Water Supply Corporation and the City of Tyler and work out an agreement whereby Lindale Rural Water Supply Corporation and the City of Tyler agrees to decertification of the areas of overlap. Written documentation from Lindale Rural Water Supply Corporation and the City of Tyler agreeing to decertification is required. If an agreement is not reached, you would have to provide compelling evidence that Lindale Rural Water Supply Corporation and the City of Tyler could not provide acceptable service. The notices have been revised to propose decertification of the portions of Lindale Rural Water Supply Corporation and the City of Tyler in the event this is considered.

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 **March 7, 2003**. 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.

If you have any questions, please contact Ms. Tracy Harbour at 512/239-6952, or if by correspondence, include Mail Code 153 in the letterhead address.

Sincerely,



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

MA/TH/ac

Enclosures

cc: TCEQ, Region 5 Office

Notice for Publication

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

The City of Lindale has filed an application to amend CCN No. 12795 and to decertify portions of Lindale Rural Water Supply Corporation and 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 the Hubbard Branch Creek.

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 Lindale City Hall, 201 N. Main, Lindale, Texas 75771 phone number (903)882-3422

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.

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.

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

To: _____ Date Notice Mailed: _____, 2003
(Neighboring System or City)

(Address)

(City State Zip)

The City of Lindale has filed an application to amend CCN No. 12795 and to decertify portions of Lindale Rural Water Supply Corporation and 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 the Hubbard Branch Creek.

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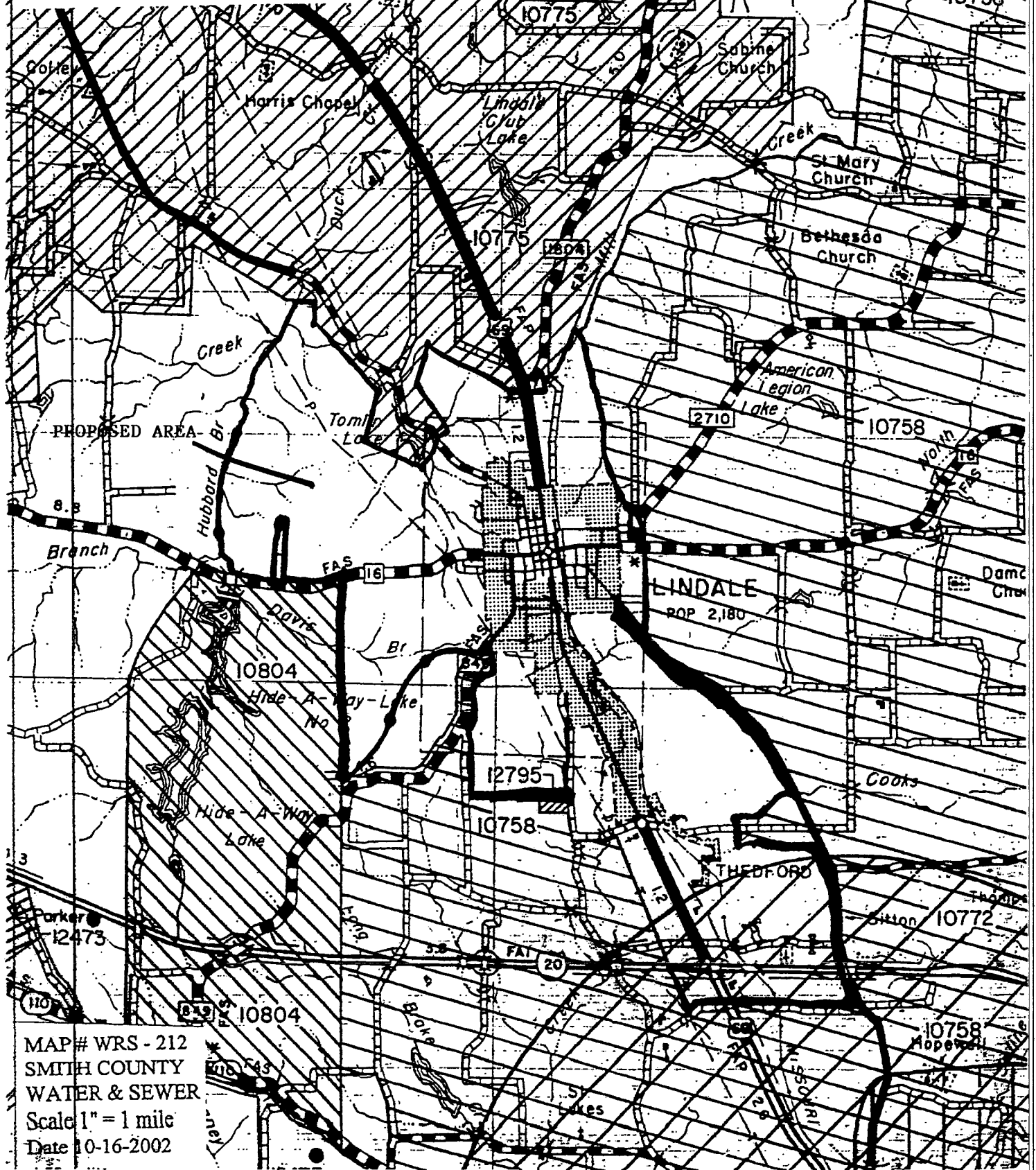
Persons who wish to intervene or comment should write the:

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Water Supply Division
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P. O. Box 13087
Austin, TX 78711-3087





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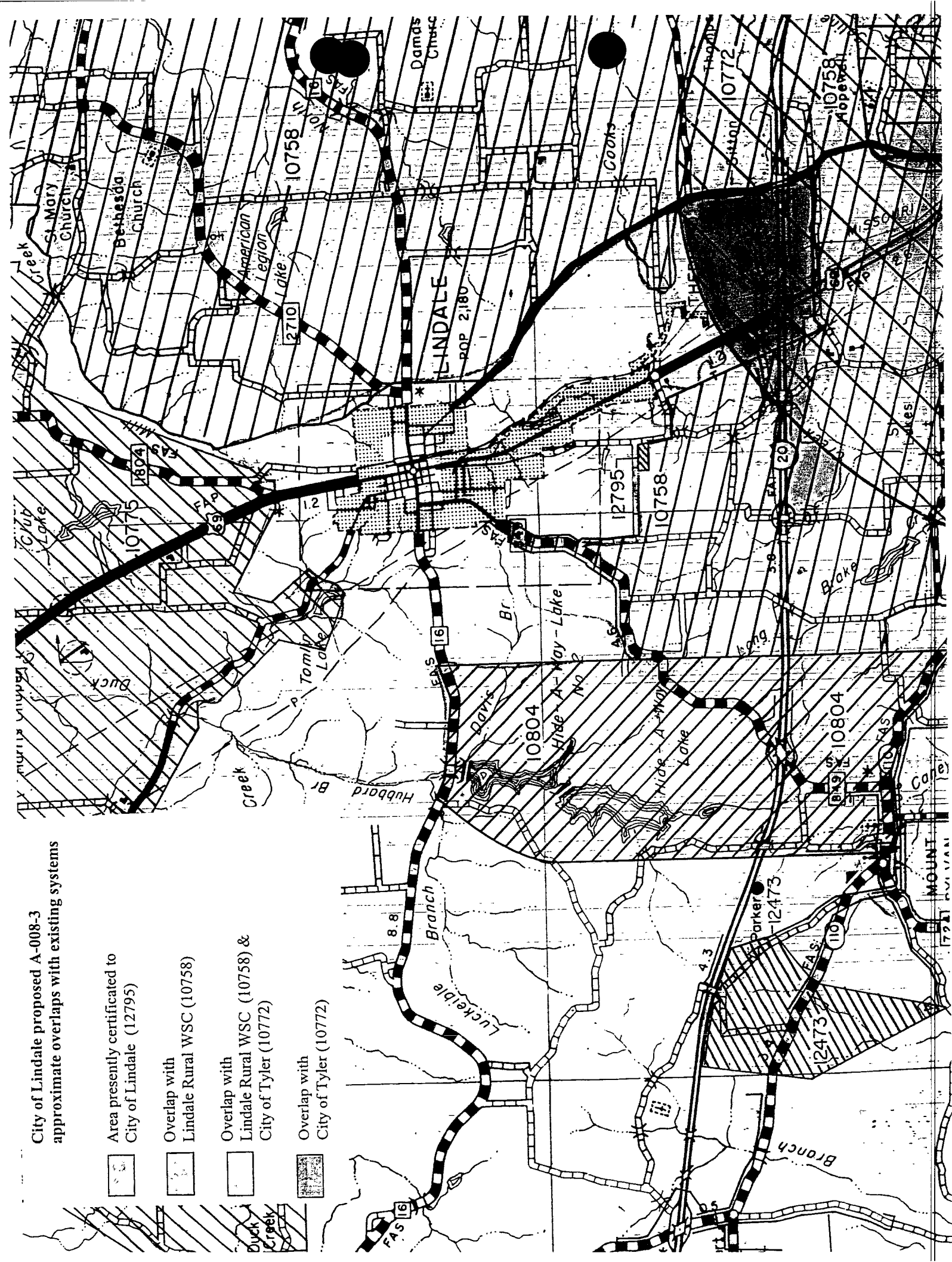
If a public hearing is requested, the Executive Director will not issue the CCN and will forward the application to the State Office of Administrative Hearings (SOAH) for a hearing. If no settlement is reached and an evidentiary hearing is held, the SOAH will submit a recommendation to the Commission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

Attachment "D"
City of Lindale Application to
Amend water ~~CCN~~ CCN
Small Scale Location Map
Page 7, Item 2. E. ii.



City of Lindale proposed A-008-3
approximate overlaps with existing systems

-  Area presently certificated to City of Lindale (12795)
-  Overlap with Lindale Rural WSC (10758)
-  Overlap with Lindale Rural WSC (10758) & City of Tyler (10772)
-  Overlap with City of Tyler (10772)





Texas Commission on Environmental Quality

APPLICATION NO. _____

PUBLISHER'S AFFIDAVIT

STATE OF TEXAS

COUNTY OF _____

Before me, the undersigned authority, on this day personally appeared _____,

who being by me duly sworn, deposes and says that (s)he is the _____ of the
TITLE

_____; that said
NAME OF NEWSPAPER

newspaper is regularly published in _____

County(ies) and generally circulated in _____

County (Counties), Texas; and that the attached notice was published in said newspaper on the
following date(s), to wit: _____

Newspaper Representative's Signature

Subscribed and sworn to before me this _____ day of _____, 2003, to certify which
witness my hand and seal of office.

Notary Public in and for the State of Texas

Print or Type Name of Notary Public

Commission Expires _____



Texas Commission on Environmental Quality

APPLICATION NO. _____

AFFIDAVIT OF NOTICE TO NEIGHBORING UTILITIES AND AFFECTED PARTIES

STATE OF TEXAS

COUNTY OF _____

_____ has provided individual notice to the following entities:

DATE

OATH

I, _____, being duly sworn, file this form as _____ (indicate relationship to applicant, that is, owner, member of partnership, title of officer of corporation, or other authorized representative of applicant); that in such capacity, I am qualified and authorized to file and verify such form, am personally familiar with the notices given with this application, and have complied with all notice requirements in the application and application acceptance letter; and that all such statements made and matters set forth therein are true and correct.

Applicant's Authorized Representative

If the applicant 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 this _____ day of _____, 20____, to certify which witness my hand and seal of office.

Notary Public in and for the
State of Texas

Print or Type Name of Notary Public
Commission Expires _____

Robert J. Huston, *Chairman*
R. B. "Ralph" Marquez, *Commissioner*
Kathleen Hartnett White, *Commissioner*
Jeffrey A. Saitas, *Executive Director*



TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

Protecting Texas by Reducing and Preventing Pollution

January 24, 2003

Mr. Philip Huseman, E.I.T.
Wisembaker, Fix & Associates
821 ESE Loop 323 - Suite 460
Tyler, Texas 75701

RE: Declaration of Administrative Completeness
Name: City of Lindale
CCN Number: 12795
Administrative Review Number: A-008-3
Type of Application: CCN

Dear Mr. Huseman:

The above referenced application was received by the Water Quality Applications Team on January 22, 2003. An administrative review of the application has been conducted and the application was declared administratively complete on January 24, 2003.

This application has been forwarded to Ms. Michelle Abrams, Utility Certification and Rate Analysis Team, Districts and Utilities Section (Mail Code 153), Water Supply Division for a technical review. If during the course of the technical review additional information is needed, you will be notified of the deficiency and be requested to supplement the application.

You may contact Ms. Abrams at (512) 239-6014 if you have questions regarding the technical evaluation of your application. If you have questions regarding the administrative review, please contact Peggy Hiscoe at (512) 239-6168.

Sincerely,

A handwritten signature in cursive script that reads "Peggy Hiscoe".

Peggy Hiscoe
Water Quality Applications Team (Mail Code 156)
Permits Administrative Review Section
Registration, Review & Reporting Division