

incurred in the issuance of the Bonds and in the design, acquisition, construction and testing of the facilities, lands, and interests in lands comprising the Wastewater Project.

(b) GBRA shall be authorized from time to time to issue Bonds to refund outstanding Bonds or to meet regulatory or compliance requirements. GBRA shall consult with Wimberley prior to issuance of any such debt. Such refunding Bonds may be issued without approval from Wimberley.

Section 2.8 Extensions or Other Modifications of Wastewater Project.

GBRA may extend, expand, maintain, repair, improve, upgrade or otherwise modify the Wastewater Project from time to time, as it determines to be necessary or desirable. GBRA shall be authorized from time to time to issue Bonds for any such expansion, maintenance, repair, improvement, upgrade or other modification of the Project. GBRA shall consult with Wimberley regarding any such Bond sale. Such Bonds may be issued without approval from Wimberley provided such debt is used to finance facilities necessary for service to Users within the Wimberley Service Area

Section 2.9 Other Customers.

GBRA may utilize all or any portion of the Wastewater Project to provide wastewater service to Other Customers located outside the Wimberley Service Area, provided such wastewater service is approved in advance by Wimberley, and provided further that Wimberley has the first right to amend its CCN to expand its service area and to provide wastewater service to any Other Customer outside the Wimberley Service Area.

ARTICLE III

WASTEWATER SERVICE

Section 3.1 Commencement of Service.

After completion of construction of the Wastewater Project, GBRA shall provide retail sewer service to Users within the Wimberley Service Area, subject to the limitations provided in this Operating Agreement.

Section 3.2 Acceptable Wastes.

GBRA shall not be required to accept into the Wastewater System any kind or character of wastes other than domestic wastes as such term is defined by TNRCC. No other kind or character of wastes may be generated or disposed of within the Wimberley Service Area. Wimberley agrees to impose by ordinance or other lawful means, to the extent Wimberley has the authority, requirements by which those who own or occupy lands within the Wimberley Service Area are required to comply with the restriction set forth above in this Section 3.2.

Section 3.3 Preferred Service.

Wimberley agrees that, unless GBRA agrees otherwise in writing, the preferred means of disposing of wastewater generated by Users within the Wimberley Service Area shall be pursuant to wastewater service provided by GBRA utilizing the Wastewater Project developed under this Operating Agreement

Nothing in this Operating Agreement shall require a user of an onsite wastewater treatment system which is in existence prior to the date that wastewater service is available or an onsite wastewater treatment system that complies with ordinances and regulations of Wimberley and which is approved by Wimberley to connect to the Wastewater Project.

Wimberley agrees to impose by ordinance or other lawful means, to the extent Wimberley has the authority, requirements by which those who own or occupy lands within the Wimberley Service Area are required to comply with the restriction set forth above.

Section 3.4 User Service.

Wimberley may prepare and provide to GBRA reports raising User service issues with GBRA on behalf of Wimberley and its ratepayers. GBRA agrees to make reasonable efforts to address the issues raised in the reports and to reasonably respond to Wimberley and its' ratepayers.

ARTICLE IV

PERMITTING AND OTHER REGULATORY REQUIREMENTS

Section 4.1 Applicable Laws and Regulations.

This Operating Agreement is subject to all applicable federal, state, and local laws and any applicable ordinances, rules, orders, and regulations of any local, state, or federal governmental authority having jurisdiction. This Operating Agreement is specifically subject to all applicable sections of the Texas Water Code and the rules of the TNRCC, or any successor agency, and to all applicable requirements of Hays County.

Section 4.2 Cooperation.

(a) Wimberley agrees to cooperate with and support GBRA in pursuing all permits and approvals that GBRA determines to be necessary or desirable for the Wastewater Project to complete and file all required reports, and to comply with all applicable laws, rules and regulations.

(b) Without limiting the generality of and in addition to the requirements set forth in subsection (a), above, Wimberley expressly agrees to support the following:

- (1) an application filed for a certificate of convenience and necessity, in the name of Wimberley, providing for the retail sewer service by GBRA within the Wimberley Service Area pursuant to the terms of this Operating Agreement; and
- (2) an application or applications by GBRA for authorization under state and federal law to discharge and/or reuse or otherwise dispose of treated effluent derived from wastewater generated from Users located within the Wimberley Service Area, provided any application requesting authorization to discharge into a private or public body of water shall, prior to filing such application, be presented, considered and approved by Wimberley.
- (c) Wimberley agrees to cooperate with and support GBRA in promoting ordinances and regulations that provide for alternative development methods which protect natural resources, including the reuse of wastewater within the Wimberley Service Area.

Section 4.3 Operating Agreement Conditioned upon Permitting.

(a) GBRA's obligations under this Operating Agreement are expressly conditioned upon GBRA and Wimberley obtaining the necessary permits, amendments to permits, licenses and other governmental authorizations to allow the construction, operation and maintenance of the Wastewater Project, and to provide retail sewer service to Users within the Wimberley Service Area as provided herein.

(b) Without limiting the generality of the condition set forth in subsection (a), above, and in addition to that condition, GBRA's obligations under this Operating Agreement are expressly conditioned upon:

- (1) the granting of Wimberley's application for a certificate of convenience and necessity providing for retail sewer service by GBRA on behalf of Wimberley within the Wimberley Service Area pursuant to the terms of this Operating Agreement; and
- (2) Wimberley remaining legally incorporated.

(c) If for any reason, construction on the Wastewater Project has not started before January 1, 2005, either party may terminate this Operating Agreement by giving written notice of termination to other party so long as no Bonds have been issued for the Wastewater Project.

Section 4.4 Development Within the Wimberley Service Area.

(a) Wimberley agrees that the provision of retail sewer service to Users within the Wimberley Service Area under this Operating Agreement shall be conditioned on compliance, in the design, construction and operation of any building, facility, development or other improvement on

such lands or other use of or activities on such lands, with all federal, state and local laws, rules and regulations relating to land use or protection of the environment or natural resources including, without limitation: (i) protection of the quality of groundwaters or surface waters, (ii) regulation of the use of groundwaters or surface waters; (iii) recharge of aquifers; and (iv) drainage and flood control. Wimberley further agrees that GBRA shall have the right not to provide retail sewer service under this Operating Agreement for any lands if and for so long as there is any material non-compliance, in the design, construction or operation of any building, facility, development or other improvement on such lands or other use of or activities on such lands, with any such laws, rules or regulations. At GBRA's request from time to time, Wimberley shall demonstrate to GBRA compliance with the requirements of this Section 4.4. If Wimberley fails to demonstrate such compliance on any lands within the Wimberley Service Area and Wimberley has the authority to require compliance on such lands, then GBRA shall have available all remedies allowed by law including, without limitation, suspension or termination of this Operating Agreement, until Wimberley demonstrates that compliance has been achieved on such lands.

(b) Without limiting the generality of the requirements set forth in subsection (a), above, Wimberley shall insure, to the extent it has the authority to do so, that there is compliance with all requirements of Hays County relating in any way to development and use of lands within the Wimberley Service Area including, without limitation, compliance with all requirements to submit plats and obtain approvals thereof.

Section 4.5 Use of Wimberley's Public Rights of Way.

Wimberley grants GBRA the non-exclusive right and privilege to have, acquire, construct, expand, reconstruct, maintain, use and operate in, along, across, on, over, through, above and under the public rights of way of Wimberley, a Wastewater System to provide retail sewer service to Users within the Wimberley Service Area. GBRA will comply with uniform codes and ordinances adopted by Wimberley for use of Wimberley public rights of way. As used herein, the term "public rights of way" means the surface, the air space above the surface, and the area below the surface of any public street, highway, lane, path, alley, sidewalk, boulevard, drive, bridge, tunnel, easement or similar property in which Wimberley holds any property interest or exercises any rights of management or control and which, consistent with the purposes for which it was acquired or dedicated, may be used for the installation and maintenance of the Wastewater System. A reference in this Operating Agreement to a "public rights of way" shall not be a representation or guarantee by Wimberley that its interests or other rights in the property are sufficient to permit its use for the installation and maintenance of the Wastewater System and GBRA shall receive only those rights which Wimberley has the right and power to give.

Wimberley and GBRA agree to enter into a separate agreement governing the specific terms of GBRA's use of, occupancy of, and construction upon the Village's public right of way.

ARTICLE V

CHARGES AND FEES

Section 5.1 Connection Fees Charged to Users.

GBRA will develop fees to be charged to individual Users within the Wimberley Service Area for connecting to the Wastewater System, and shall present such fees to Wimberley for review and approval, which approval shall not be unreasonably withheld or delayed. Wimberley agrees to approve fees necessary to provide funds to support the Annual Debt Service Requirement and Annual Operation and Maintenance Requirement associated with the provision of wastewater to Users within the Wimberley Service Area. Such fees may be changed by the GBRA Board of Directors at any time and from time to time; provided, however, GBRA shall first provide Wimberley at least 30 days notice of any such proposed change. Wimberley shall have the right to assert rate or fee issues before GBRA on behalf of Users within the Wimberley Service Area.

Section 5.2 Charges to Users for Retail Sewer Service.

(a) The amount to be paid to GBRA by each User for retail sewer service each month will be charges for GBRA costs and services associated with the provision of retail sewer service to each User.

(b) GBRA will establish rates and other charges to be charged each User of the Wastewater System based on a cost-of-service methodology. These rates and other charges shall be adequate to permit the prompt payment of all costs of operation of the Wastewater System including the Annual Debt Service Requirement. These rates and charges may be changed by the GBRA Board of Directors at any time and from time to time.

(c) Wimberley agrees that GBRA shall be entitled to recover from all Users for the twelve month period ending on August 31 of each year not less than the product of 1.0 times the Total Annual Requirement (hereinafter defined) for that twelve month period. The "Total Annual Requirement" for each twelve month period ending on August 31 of each year shall be the sum of the following for that twelve month period: (1) the Annual Operation and Maintenance Requirement for the Wastewater Project; (2) the Annual Debt Service Requirement, if any, for the Wastewater Project; and (3) the Annual Miscellaneous Bond Requirements, if any, for the Wastewater Project.

(d) Not later than August 1 of each year, GBRA shall prepare and submit to Wimberley an estimated budget showing the estimated Total Annual Requirement for the twelve month period beginning September 1 of that year, and the estimated total revenues from Users during that twelve month period from the amounts charged such Users for the Wastewater Project.

(e) GBRA shall have the right to use all funds received by GBRA from Users under this Operating Agreement for any purpose related to providing wastewater service to Users within the Wimberley Service Area and any other lawful purpose approved by the GBRA Board of Directors.

Section 5.3 Fees Charged to GBRA.

Any fees that GBRA is required to pay in connection with the provision of retail sewer service shall be included as part of the Annual Operation and Maintenance Requirement for the Wastewater Project.

ARTICLE VI

TERM OF AGREEMENT, EXTENSION, AND RIGHTS AFTER TERMINATION

Section 6.1 Term and Extension of Term.

(a) This Operating Agreement shall be effective as of the Effective Date and, unless it is terminated earlier pursuant to its terms, shall continue in effect until the Termination Date (as such date is defined initially under subsection (c), below, or as it may be extended pursuant to subsection (d) below), on which date this Operating Agreement shall terminate.

(b) From and after the Termination Date, GBRA shall have no obligation to operate the Wastewater System to provide retail sewer service to any User.

(c) The Termination Date shall be December 31, 2037, unless such date is extended pursuant to subsection (d) below.

(d) If all of the Wastewater Project debt instruments (including principal and interest) will not be fully paid by the Termination Date, then GBRA shall have the right, at any time before such date, to extend the Termination Date to December 31 of the year in which the Wastewater Project debt instruments are to be paid. Any extension by GBRA pursuant to this subsection shall be effective as of the date that GBRA gives Wimberley written notice of the extension.

Section 6.2 Rights after Termination.

Except as specifically provided otherwise in this Operating Agreement, all of the rights and obligations of the parties under this Operating Agreement shall terminate upon termination of this Operating Agreement, except that such termination shall not affect any rights or liabilities accrued prior to such termination.

ARTICLE VII

OTHER PROVISIONS

Section 7.1 Waiver and Amendment.

Failure to enforce or the waiver of any provision of this Operating Agreement or any breach or nonperformance by Wimberley or GBRA shall not be deemed a waiver by GBRA or Wimberley of the right in the future to demand strict compliance and performance of any provision of this Operating Agreement. No officer or agent of GBRA or Wimberley is authorized to waive or modify any provision of this Operating Agreement. No modifications to or rescission of this Operating Agreement may be made except by a written document signed by GBRA's and Wimberley's authorized representatives.

Section 7.2 Remedies.

It is not intended hereby to specify (and this Operating Agreement shall not be considered as specifying) an exclusive remedy for any default by either party, but all such other remedies existing at law or in equity including, without limitation, termination or suspension of service, may be availed of by either party and shall be cumulative. In no event shall either party be entitled to any monetary damages (including, without limitation, any consequential or indirect damages) or any other remedy other than specific performance for any default by either party under this Operating Agreement or for any claim brought against either party under this Operating Agreement or otherwise relating to the provision of retail sewer service by GBRA, and in no event shall either party be entitled to any attorneys fees, court costs or other expenses incurred by either party in bringing any suit alleging such default or claim.

Section 7.3 Force Majeure.

If for any reason of force majeure, either GBRA or Wimberley shall be rendered unable, wholly or in part, to carry out its obligations under this Operating Agreement, other than the obligation of Wimberley to make the payments required under the terms of this Operating Agreement, then if the party shall give notice of the reasons in writing to the other party within a reasonable time after the occurrence of the event, or cause relied on, the obligation of the party giving the notice, so far as it is affected by the force majeure, shall be suspended during the continuance of the inability then claimed, but for no longer period. The term "force majeure" as used in this Operating Agreement shall mean acts of God, strikes, lockouts, or other industrial disturbances, acts of public enemy, orders or actions of any kind of government of the United States or of the State of Texas, or any civil or military authority, insurrections, riots, epidemics, land slides, lightning, earthquakes, fires, hurricanes, storms, floods, washouts, droughts, arrests, restraints of government and people, civil disturbances, explosions, breakage or accident to dams, machinery, pipelines, canals, or other structures, partial or entire failure of water supply including pollution (accident or intentional), and any inability on the part of GBRA to provide retail sewer service on account of any other cause not reasonably within the control of GBRA.

Section 7.4 Non-Assignability.

Neither Wimberley nor GBRA may assign this Operating Agreement without first obtaining the written consent of the other party.

Section 7.5 Entire Agreement.

Except for the right of way agreement referenced in Section 4.5 and the Interlocal Agreement of even date herewith, this Operating Agreement constitutes the entire agreement between GBRA and Wimberley and supersedes any prior understanding or oral or written agreements between GBRA and Wimberley respecting the subject matter of this Operating Agreement.

Section 7.6 Severability.

The provisions of this Operating Agreement are severable and if, for any reasons, any one or more of the provisions contained in the Operating Agreement shall be held to be invalid, illegal or unenforceable in any respect, the invalidity, illegality or unenforceability shall not affect any other provision of this Operating Agreement and this Operating Agreement shall remain in effect and be construed as if the invalid, illegal or unenforceable provision had never been contained in the Operating Agreement.

Section 7.7 Captions.

The sections and captions contained herein are for convenience and reference only and are not intended to define, extend or limit any provision of this Operating Agreement.

Section 7.8 No Third Party Beneficiaries.

This Operating Agreement does not create any third party benefits to any person or entity other than the signatories hereto, and is solely for the consideration herein expressed.

Section 7.9 Notices.

All notices, payments and communications ("notices") required or allowed by this Operating Agreement shall be in writing and be given by depositing the notice in the United States mail postpaid and registered or certified, with return receipt requested, and addressed to the party to be notified. Notice deposited in the mail in the previously described manner shall be conclusively deemed to be effective from and after the expiration of three (3) days after the notice is deposited in the mail. For purposes of notice, the addresses of and the designated representative for receipt of notice for each of the parties shall be as follows:

For GBRA:

Guadalupe-Blanco River Authority
Attention: General Manager
933 E. Court Street
Seguin, Texas 78155

And for Wimberley:

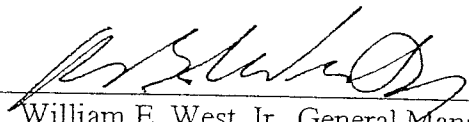
Village of Wimberley
Attention: Mayor
14500 Ranch Road 12, Suite 22
P.O. Box 2027
Wimberley, Texas 78676

Either party may change its address by giving written notice of the change to the other party at least fourteen (14) days before the change becomes effective.

In witness whereof, the parties hereto, acting under the authority of the respective governing bodies, have caused this Operating Agreement to be duly executed in multiple counterparts, each of which shall constitute an original.

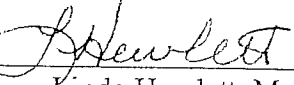
GUADALUPE-BLANCO RIVER AUTHORITY

By: _____


William E. West, Jr., General Manager

VILLAGE OF WIMBERLEY, TEXAS

By: _____


Linda Hewlett, Mayor

GENERAL OFFICE
933 East Court Street
Seguin, Texas 78155
Phone 830-379-5822
800-413-5822
Fax 830-379-9718

BUDA WASTEWATER
RECLAMATION
PLANT
575 County Road 236
Buda, Texas 78610
Phone 512-312-0526
Fax 512-312-0526

COLETO CREEK PARK
AND RESERVOIR
P O Box 68
Fannin, Texas 77960
Phone 361-575-6366
Fax 361-575-2267

LAKE WOOD
RECREATION AREA
167 FM 2091 South
Gonzales, Texas 78629
Phone 830-672-2779
Fax 830-672-2779

LOCKHART WATER
TREATMENT PLANT
547 Old McMahan Road
Lockhart, Texas 78644
Phone 512-398-3528

LOCKHART
WASTEWATER
RECLAMATION
SYSTEM
4435 FM 20 East
Lockhart, Texas 78644
Phone 512-398-6391
Fax 512-398-2036

LULING WATER
TREATMENT PLANT
350 Memorial Drive
Luling, Texas 78648
Phone 830-875-2132
Fax 830-875-2132

PORT LAVACA
OPERATIONS
P O Box 146
Port Lavaca, Texas 77979
Phone 361-552-9751
Fax 361-552-6529

SAN MARCOS WATER
TREATMENT PLANT
91 Old Bastrop Road
San Marcos, Texas 78666
Phone 512-353-3888
Fax 512-353-3127

VICTORIAL REGIONAL
WASTEWATER
RECLAMATION
SYSTEM
P O Box 2085
Victoria, Texas 77902-2085
Phone 361-578-2878
Fax 361-578-9039

GBRA WEBSITE
www.gbra.org



GUADALUPE-BLANCO RIVER AUTHORITY

July 15, 2005
File: 20 036 03 0703

Mr. Steve Harrison, City Administrator
Village of Wimberley
PO Box 2027
13210 RR 12
Wimberley, TX 78676

Dear Mr. Harrison:

Enclosed for your review is the Wimberley Wastewater Treatment Plant Work Plan and Budget for fiscal year 2006. This work plan is prepared in accordance with Section 5.2 (d) of the Operating Agreement which provides that GBRA furnish the Village of Wimberley an estimated budget no later than August 1st of each year.

If you have any questions concerning the information contained, please feel free to contact John Smith, Darel Ball or Fred Blumberg.

Sincerely,

Alvin Schuerg
Executive Manager of Finance and Administration

Enclosure

Copy to: Rickey Wright, Village of Wimberley
Fred Blumberg, GBRA
John Smith, GBRA
Darel Ball, GBRA



APPLICATION TO OBTAIN OR AMEND A WATER OR SEWER
CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN)



GENERAL INFORMATION

★★★ THIS APPLICATION IS NOT A RATE CHANGE APPLICATION. THE APPROPRIATE FORMS NEEDED TO FILE A RATE CHANGE APPLICATION MAY BE OBTAINED BY CONTACTING THE UTILITIES AND DISTRICTS SECTION, TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ). ★★★

Pursuant to V.T.C.A., Water Code, Chapter 13, Subchapter G:

- ☐ CCNs *may be obtained* by any retail public water and sewer utility.
- ☐ CCNs *are required* for
 - a) Investor Owned Utilities (IOU);
 - b) Non-profit, member-owned, member-controlled water supply or sewer service corporations (WSC) incorporated under Water Code Chapter 67; and
 - c) affected counties.
- ☐ CCNs *may be required* for political subdivisions, except affected counties, before utility service can be provided to an area already lawfully being served.

A CCN gives the holder:

- ☐ the legal right to provide water and/or sewer utility service;
- ☐ for compensation, either directly through a monthly rate or indirectly through maintenance fees, property owners fees, etc.;
- ☐ a delineated service area; **AND**
- ☐ obligates the certificate holder to provide service to every customer and qualified applicant who requests service within that area.

A CCN is *not required* when service is either submetered pursuant to Water Code, Chapter 13, Subchapter M or included in the rental of the property.

IOUs and WSCs with 15 or less potential connections may register as "exempt" and then are not required to possess a CCN for their service area if they meet the exemption criteria.

If this application was downloaded from the TCEQ web site or sent via E-mail, it shall not be changed, altered or amended from its original form only available from the Commission.

PROCESSING YOUR CCN APPLICATION

FLOW CHART

Enclosed in this packet is a flow chart of the review process. Your application will go through an Administrative Review and, when accepted for filing, through a Technical Review. For uncontested applications, processing time depends on the response time of the applicant. Contested applications generally take longer because of the need for scheduling a public hearing, and processing time depends on whether a settlement agreement between the applicant and the protestor(s) is reached. The dates provided in the flow chart are generally the time it takes to process an uncontested application.

ADMINISTRATIVE REVIEW OF YOUR CCN APPLICATION

- ☐ Your application will be reviewed for completeness by the Commission staff within ten (10) working days after it is received in our offices.
- ☐ If necessary, you may be requested to provide additional information within **thirty (30)** days to complete the application.
- ☐ Proposed notice forms are included with the application.

- ☐ If the application is administratively incomplete, you will be sent a letter that outlines the application's deficiencies and describing what you need to do to correct the deficiencies
 - a) After receiving that letter, you will have **thirty (30)** days to make the necessary corrections
 - b) **If you fail to make the corrections in full**
 - (a) the application will be returned,
 - (b) the application fee will be forfeited, **and**
 - (c) if you are already operating a system, you will be referred for enforcement action which may include administrative penalties of up to \$500 per day.

NOTICE

The Commission cannot grant a CCN until proper notice of the application has been given. It is the applicant's responsibility to ensure that proper notice is given. Notice forms for publication, neighboring cities and systems, and customers are included with this application to use in preparing your proposed notices. These notice forms are also available in Spanish upon request. If the applicant is an operating IOU currently providing service without a CCN, then proposed notices must be provided for publication, to neighboring cities and systems and current customers in the proposed service area. All three forms must be completed and submitted with the application. However, if the applicant has no customers in the proposed area at the time of filing and is only proposing to provide service at some future date, or if the applicant is a WSC or political subdivision, then only the notices for publication and neighboring cities and systems must be submitted. **Do not publish the notice or send copies of the proposed notices or maps to anyone at the time you submit this application to the Commission.** Your proposed notices and maps will be reviewed for completeness. When your application is accepted for filing, you will be directed to provide the appropriate notices for publication, to the neighboring cities and systems and, if necessary, to current customers.

TECHNICAL REVIEW OF YOUR CCN APPLICATION

When the application is complete, you will be notified by mail and be required

- ☐ to publish notice once each week for two (2) consecutive weeks in a newspaper of general circulation in your local area and county. If the proposed area is in more than one county, publication in each county is required;
- ☐ to provide a copy of the individual notice with copy of location map (CCN map) to neighboring cities and systems within
 - a) two (2) miles of your proposed service area, if you are an existing retail public utility amending the existing service area **or**
 - b) five (5) miles if you are obtaining a new CCN to serve a new service area; and
 - c) to provide individual mailed notice with copy of location map (CCN map) to all affected current customers if you are required to have a CCN but are currently providing service without a CCN;

If the application is technically incomplete, you will be sent a letter that outlines the application's deficiencies and describing what you need to do to correct the deficiencies

- ☐ After receiving that letter, you will have **thirty (30)** days to make the necessary corrections
- ☐ **If you fail to make the corrections in full,**
 - a) the application will be returned
 - b) the application fee will be forfeited **and**
 - c) if you are already operating a system, you will be referred for enforcement action which may include administrative penalties of up to \$500 per day.

V.T.C.A. Water Code Section 13.246(c) requires the Commission to consider the following factors before it can issue a CCN.

- ☐ the adequacy of service currently provided to the requested area,
- ☐ the need for additional service in the requested area,

- ☐ the effect of the granting of a certificate on a recipient of the certificate and on any retail public utility of the same kind already serving the proximate area.
- ☐ the ability of the applicant to provide adequate service,
- ☐ the feasibility of obtaining service from an adjacent retail public utility,
- ☐ the financial stability of the applicant, including, the adequacy of the applicant's debt-equity ratio.
- ☐ environmental integrity, AND
- ☐ the probable improvement of service or lowering of cost to consumers in that area resulting from the granting of the certificate.

In addition to these factors,

- ☐ the Commission must ensure that the applicant possesses the financial, managerial, and technical capability to provide continuous and adequate service AND
- ☐ the applicant must also demonstrate that regionalization or consolidation with another retail public utility is not economically feasible.

If there are no protests, you will be provided a copy of the technical staff recommendation and proposed CCN. If you have any questions or concerns, you should contact the technical staff person assigned to your application immediately. If you disagree with the staff recommendation and/or proposed CCN, the application will be considered contested, and a hearing may be requested.

If the application is contested and a hearing is requested, the application may be referred to the State Office of Administrative Hearings (SOAH). During the preliminary hearing, the presiding Administrative Law Judge (ALJ) may give the parties time to negotiate a settlement. Alternative Dispute Resolution (ADR) is available upon request of all of the parties. If a settlement is reached, the application will be remanded to staff for administrative processing. If a settlement is not reached, a discovery schedule and a date for an evidentiary hearing will be set. The ALJ will take testimony from each party and present a report to the Commission to consider in making a final decision on the application.

The completed application and copies should be sent to:

Texas Commission on Environmental Quality
 Registration, Review & Reporting Division
 Permits Administrative Review Section
 Water Quality Applications Team
 MC-156
 P. O. Box 13087
 Austin, TX 78711-3087

☆☆☆THIS APPLICATION IS NOT A RATE CHANGE APPLICATION.
 THE APPROPRIATE FORMS NEEDED TO FILE A RATE CHANGE
 APPLICATION MAY BE OBTAINED BY CONTACTING THE UTILITIES
 AND DISTRICTS SECTION, TEXAS COMMISSION ON
 ENVIRONMENTAL QUALITY.☆☆☆



APPLICATION TO OBTAIN OR AMEND A WATER/SEWER CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN)

*RN #103107546

*CN # 601642473

*If known (See instructions)

PURPOSE OF THIS APPLICATION

OBTAIN ☐ New Water CCN ☐ New Sewer CCN
AMEND ☐ Water CCN # _____ ☒ Sewer CCN # 20936

1. APPLICANT INFORMATION

Utility Name: Village of Wimberley

Utility Address (city/state/zip) P.O. Box 2027

Wimberley, TX 78676

Utility Phone and Fax Number (512) 847-0025 Phone (512) 847-0422 Fax

Contact Person: Please provide information about the person to be contacted regarding this application. Indicate if this person is the owner, operator, engineer, attorney, accountant, or other title related to the applicant.

Name: Emily Rogers Title: Attorney
Address: 816 Congress Ave., Suite 1700 Telephone (512) 472-8021
City Austin St TX Zip 78701 Fax (512) 320-5638
County(ies) in which service is proposed Hays

A. Provide the following information about the utility's certified operators

Name	Classes	License Number
<u>See Attachment No. 1</u>		

- Attach additional sheet(s) if necessary -

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

<input type="checkbox"/>	Investor owned utility
<input type="checkbox"/>	Individual
<input type="checkbox"/>	Home or Property Owners Association
<input type="checkbox"/>	For-profit corporation
<input type="checkbox"/>	Non-profit, member-owned, member-controlled cooperative corporation (Water Code Chapter 67, Water Supply or Sewer Service Corporation)
<input checked="" type="checkbox"/>	Municipality
<input type="checkbox"/>	District
<input type="checkbox"/>	Other
	Please explain:

- C. If the applicant is a For-Profit Corporation: *N/A*
- i. Please provide a copy of the corporation's "Certification of Account Status" from the Texas State Comptroller of Public Accounts (See Note below)
 - ii. Please provide the corporation's charter number as recorded with the Office of the Texas Secretary of State. _____
- D. If the applicant is a Water Code Chapter 67 water supply or sewer service corporation or other non-profit corporation: *N/A*
- i. Please provide a copy of the Articles of Incorporation and By-Laws.
 - ii. Please provide the corporation's charter number as recorded with the Office of the Texas Secretary of State

2. LOCATION INFORMATION

- A. Are there people already living in the proposed area?
YES _____ NO ✓
If YES, are any currently receiving utility service?
YES _____ NO _____, if YES, from Whom _____
- B. Have you received any requests for service in the requested service area?
YES _____ NO ✓
If yes, please indicate the number of verbal and number of written requests and provide a clear explanation of the need for service in the requested area.
WRITTEN _____ VERBAL _____
On a separate page, list the name, address, and phone number of persons requesting service. Include any letters of intent, service inquiries, and/or any other documentation demonstrating a need for service in the proposed area. Requests for service must be identified on the large scale map. See 2.E.1.a below.
If no, please justify the need for service in the proposed area.

There is a need for service for this area because the Ranch Road 12 bypass is being constructed through the area. Additionally, the Wimberley Independent School District intends to purchase part of the property to build another school. Finally, several of the properties in the requested area are partially located in Wimberley's existing CCN.

See also land use assumptions and populations projections in the Village of Wimberley Wastewater Masterplan - Final Report (June 2002), and Land Use Assumptions and Capital Improvements Plan for the Village of Wimberley Wastewater Treatment System - Technical Memorandum (January 2005) attached hereto as Attachment No. 10.

- C. Is any portion of the proposed service area inside an incorporated city?
YES _____ NO ✓
If YES, within the city limits of: _____
Provide a copy of any franchise, permit, or consent granted by the city. If not available, please explain: _____
- D. Is any portion of the proposed service area inside another utility's CCN area?
YES _____ NO ✓
If YES, has the current CCN holder agreed to decertify the proposed area.
YES _____ NO _____
If NO, are you seeking dual or single certification of the area? Explain why decertification of the area is in the public interest.
- E. Attach the following maps with each copy of the application: *(All maps should include applicant's name, address, telephone number, and date of drawing or revision. All maps should be folded to*

- i. Subdivision plat or engineering plans or other large scale map showing the following:
 - A. The exact proposed service area boundary showing locations of requests for service and locations of existing connections (if applicable).
 - ★ NOTE: Applicant may send their facility line map showing current connections (if available), OR estimate the number of connections along each side of the street on the large scale map.
 - B. The existing service area (if applicable).
 - C. Metes and bounds (if available)
 - D. Proposed and existing service area boundaries should be plotted on the map in relation to verifiable natural and man-made landmarks such as roads, creeks, rivers, railroads, etc.
 - E. *Service area boundaries should be shown with such exactness that they can be located on the ground.*
 - ★ NOTE: *Applicant may use a USGS 7.5"-minute series map if no other large scale map is available.*
- ii. Small scale location map delineating the proposed service area. The proposed service area boundary should be delineated on a copy of the TCEQ official CCN map. This map will assist TCEQ staff in locating the proposed service area in relation to neighboring utility service areas. *A copy of the TCEQ official CCN map may be obtained by contacting the Utilities & Districts Section at 512/239-4691 or by mailing a written request to the following address:*

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
Water Supply Division
Utilities & Districts Section
MC-153
P.O. Box 13087
Austin, TX 78711-3087

★ NOTE: If the proposed service areas shown on the large scale map and small scale map do not delineate the same area, the more detailed large scale map will be used to delineate the official CCN service area.

- iii. **Hard copy maps should include the following items:**
 - A. Map scale should be prominently displayed.
 - B. Color coding should be used to differentiate the applicants existing service areas from the proposed service area.
 - C. Attach a written description of the proposed service area.
 - D. Proposed service area should be the same on all maps.
 - E. Include map information in digital format (if available), *see Section 3, GIS Information.*

- iv. Each utility shall make available to the public at each of its business offices and designated sales offices within Texas the map of the proposed service area currently on file with the Commission. The applicant employees shall lend assistance to persons requesting to see a map of the proposed area upon request.

3. GIS INFORMATION

We are currently developing a state wide Geographic Information Systems (GIS) coverage of all CCN service areas. The mylar maps are being retired. In order to assist us in this move, we are requesting that a digital

file of the proposed CCN service area boundary be submitted with the 3 hard copy maps. **This is not a requirement.** It is understood that not all utilities employ the services of an engineering company or use mapping software to produce a map of the proposed CCN service area boundary. However, by submitting the information digitally, the evaluation of your CCN will be faster and more accurate. Also, by receiving the information in digital form it is easier for us to update and maintain the CCN GIS coverage.

See Attachment No. 3

A. **Digital Map Requirements** In order that your digital data can be properly used, the following information is necessary:

- i. Submit digital data of the proposed CCN service area on a 3.25" diskette or CD. Only one diskette or CD is necessary. Most files of CCNs (minus the base map) should be small enough to zip up and put on a diskette or CD.
- ii. The digital data should include all items represented in the hard copy maps (see Section 2, items E.1 and E.11).
- iii. Please identify data file format, projection information, map units and base map used.

Acceptable Data File Formats:

ArcView shape file (preferred)

1. AutoCAD dwg file
2. Arc/Info E00 file
3. DXF file
4. Microstation dgn files

★ NOTE: If you use a format that is not listed, contact the Cartographer at the number listed below to see if we can use the data.

- a. **Projection, Datum, and Units Information** The data should be submitted in the Texas State Mapping System (TSMS) Projection. However, if it cannot be submitted in TSMS, list the Projection (e.g. State Plane Central Zone, NAD27) or coordinate system being used and Units (e.g. meters, feet, etc.)

- b. **Base Map Information**

List the base map used (e.g. TxDOT county digital road maps, USGS maps, etc.) Base map information should be included only if it has been produced in-house and is not easily available at most data repositories.

★ NOTE: TCEQ uses TxDOT county (urban) digital road maps as the official CCN base map. Copies of these files can be obtained from Texas Natural Resources Information Systems (TNRIS) at (512) 463-8337 or downloaded from the TNRIS website at <http://www.tnris.state.tx.us/DigitalData/TxDOT/txdot.htm>

- c. **Read-me text file**

Data file format, base map used, projection and units information, and other necessary information can be specified in a read-me text file.

B. **Important Information** For those applicants that submit digital data:

- i. Please make sure the proposed service area boundary shown on the hard copy map is identical to the digital data. If the proposed service area shown on the digital data does not delineate the same area shown on the hard copy map, the hard copy map will be used to delineate the official CCN service area.
- ii. Modifications may be made to submitted digital data in order to match the proposed service area boundary to features represented on the TxDOT base map, as opposed to the same features used in the applicants base map.
- iii. If an applicant proposes to amend a portion of their existing CCN service area, the existing service area shown on the digital data must match the official CCN service area that was previously certificated to the utility. If it does not, then only the proposed portion of the digital data will be used.

If you have any questions about sending the data or our GIS CCN coverage, please contact the Cartographer

of the Utilities & Districts Section, Water Supply Division at (512) 239-4691.

4. NEW SYSTEM INFORMATION OR UTILITIES REQUESTING A CCN FOR THE FIRST TIME

- A. Please provide the following information. *N/A*
1. A list of all public drinking water supply systems or sewer systems within a 2 mile radius of the proposed system.
 11. Copies of written requests seeking to obtain service from each of the public drinking water supply systems or sewer systems listed in #4.a.1 above or documentation that it is not economically feasible to obtain service from them
 111. Copies of written responses from each system or evidence that they did not reply.
- B. Were your requests for service denied?
1. If yes, continue.
 11. If no, please provide a detailed analysis which justifies your reasons for not accepting service. A separate analysis must be prepared and submitted for each system that granted your request for service.
- C. Please summarize how the proposed utility system will be constructed and describe each projected construction phase, if any: _____
- D. Date of plat approval, if required: _____
Approved by: _____
- E. Date Plans & Specifications submitted for approval _____ Log No. _____
Attach copy of approval letter if available.
- F. Date construction is scheduled to commence _____
- G. Date service is scheduled to commence _____

5. EXISTING SYSTEM INFORMATION

- A. Please provide the following information for each water and/or sewer system:
- i. Water system's TCEQ Public Water System identification number:

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 - ii. Sewer system's TCEQ Discharge Permit number: (for each system)

W	Q	1	3	3	2	1	-	0	0	1
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W	Q							-			
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 - iii. Date of last inspection November 28, 2001
 - iv. Attach a copy of the most recent inspection report letter. *See Attachment No. 4*
 - v. For each system deficiency listed in the inspection report letter, attach a brief explanation listing the actions taken or being taken by the utility to correct the listed deficiencies, including the proposed completion dates.

Since the last inspection, the Village of Wimberley purchased the plant and the wastewater discharge permit was transferred to the Village and to the Guadalupe-Blanco River Authority. Both the Village and the GBRA are working to ensure the plant complies with its permit.

- B. Using the current number of customers, is any facility component in systems named in #5A above

operating at 85% or greater of minimum standard capacity? *N/A*

Yes _____ No _____

Attach an explanation listing the actions to be taken to make system improvements including proposed completion dates (See 291.93(3)(A) of TCEQ Rules)

- C. List in the table below, the number of existing and or proposed metered and non-metered connections (by size) The proposed number should reflect the information presented in the business plan and reflect the number of service requests identified in Question 2.b above.

Water System			Sewer System		
Connection	Existing	Proposed	Connection	Existing	Proposed
5/8" or 3/4" meter			Residential		
1" meter or larger			Commercial	<i>1</i>	
Non-Metered			Industrial		
Other:			Other:		<i>1</i>
Total Water			Total Sewer	<i>1</i>	<i>1</i>

See also Attachment No. 10.

- D. If this application is for a water CCN only, please explain how sewer service is provided:
N/A

- E. If this application is for a sewer CCN only, please explain how water service is provided:
Water service is provided by the Wimberley WSC or through private wells.

- F. What is the effect of the granting or amending a certificate on a recipient of the certificate and on any retail public utility of the same kind already serving the proximate area: *There should be no effect on other utilities serving the proximate area because the territory Wimberley seeks is uncertificated. With respect to the Guadalupe-Blanco River Authority (GBRA), GBRA has the exclusive right to serve as Wimberley's contract operator and to provide sewer service in the Village's CCN. GBRA operates Wimberley's Blue Hole Wastewater Treatment Plant.*

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

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

ii. Water

Yes _____

Purchased on a () regular - () seasonal - () emergency basis?

Source	% of total supply

- iii. Sewer treatment capacity
Yes _____

Purchased on a () regular - () seasonal - () emergency basis

Source	% of total treatment

- iv. Provide a **certified** copy of the most current water or sewer treatment capacity purchase agreement or contract.

The Village of Wimberley has entered into an Interlocal Agreement and an Operating Agreement with the Guadalupe-Blanco River Authority (GRBA). Pursuant to these contracts, GRBA has agreed develop, design, permit, finance, acquire, construct, operate, and maintain the wastewater system for the Village of Wimberley. Certified copies of the agreements are included herein as Attachment No. 5.

6. FINANCIAL INFORMATION

- A. For new systems and for applicants with existing CCNs who are constructing a new stand alone system:
- i. the applicant must provide an analysis of all necessary costs for constructing, operating, and maintaining the system for which the CCN is requested for at least the first five years. In addition, if service has been offered by an existing water service provider as stated in #4.A., but the applicant has determined that the cost of service as finally offered renders the project not economically feasible, the applicant must provide a comparison analysis of all necessary costs for acquiring and continuing to receive service from the existing system for the same period.
 - ii. Attach projected profit and loss statements, cash flow worksheets, and balance sheets (projected five year financial plan worksheet is attached) for each of the first five years of operation. Income from rates should correlate to the growth projections in #6.A. above.
 - iii. Attach a proposed rate schedule or tariff. Describe the procedure for determining the rates and fees and indicate date of last change, if applicable. Attach copies of any cost of service studies or rate analysis worksheets.
- B. For existing systems: *See Attachments 6, 7 and 8.*
- i. Attach a profit and loss statement and current balance sheet for existing businesses (end of last fiscal year is acceptable). Describe sources and terms for borrowed capital such as loans, bonds, or notes (profit and loss and balance sheet worksheets are attached, if needed).
 - ii. Attach a proposed rate schedule or tariff.
- ★ NOTE: An existing system may be required to provide the information in 6.A.i. above during the technical review phase if necessary for staff to completely evaluate the application.
- C. Identify any funds you are required to accumulate and restrict by lenders or capital providers.
- D. In lieu of the information in #6.A. thru #6.C., you may provide information concerning loan approvals within the last three (3) years from lending institutions or agencies including the most recent financial audit of the applicant.

7. NOTICE REQUIREMENTS

- A. All proposed notice forms must be completed and submitted with the application. However, do not mail or publish them until you receive written approval from the Commission to do so.
- B. The Commission cannot grant a CCN until proper notice of the application has been given. Commission rules do not allow a waiver of these notice requirements.
- C. It is the applicant's responsibility to ensure that proper notice is given to all entities that are required to receive notice.

- D. Recommended notice forms for publication, neighboring cities and systems, and customers are included with this application to use in preparing your proposed notices. (These notice forms are also available in Spanish upon request.)
- E. After reviewing and, if necessary, modifying the proposed notice, the Commission will send the notice to the applicant after the application is accepted for filing along with instructions for publication and/or mailing. Please review the notice carefully and note any additional neighboring utilities which may be included in the acceptance letter.
- F. Notice For Publication:
The applicant shall publish the notice in a newspaper having general circulation in the county or counties where a certificate of convenience and necessity is being requested, once each week for two consecutive weeks beginning with the week after the notice is received from the Commission. Proof of publication in the form of a publisher's affidavit shall be submitted to the Commission within 30 days of the last publication date. The affidavit shall state with specificity each county in which the newspaper is of general circulation.
- G. Notice To Neighboring Utilities: *See Attachment No. 9*
- i. List all neighboring retail public utilities and cities providing the same utility service within the following vicinities of the applicant's proposed certificate area; and
 - ii. any city whose extra-territorial jurisdiction (ETJ) overlaps the proposed service area.
 - iii. For applications for the issuance of a **NEW** certificate of public convenience and necessity, the applicant must mail the notice with a copy of the location map (CCN map) to all cities and neighboring retail public utilities providing the same utility service within **five (5) miles** of the requested service area, and any city with an ETJ which overlaps the proposed service area.
 - iv. For applications for the **AMENDMENT** of certificate of public convenience and necessity, the applicant must mail the notice with a copy of the location map (CCN map) to all cities and neighboring retail public utilities providing the same utility service within **two (2) miles** of the requested service area, and any city with an extra-territorial jurisdiction which overlaps the proposed service area.
- H. Notice to Customers
Investor Owned Utilities (IOUs) that are currently providing service without a certificate must provide individual mailed notice to all current customers. The notice must contain the current rates, the date those rates were instituted, and any other information required in the application.
- I. The Commission may require the applicant to deliver notice to other affected persons or agencies.

Do not publish or send copies of the proposed notices to anyone at the time you submit the application to the Commission. Wait until you receive written authorization to do so. This will occur after the Commission has reviewed the notices for completeness,

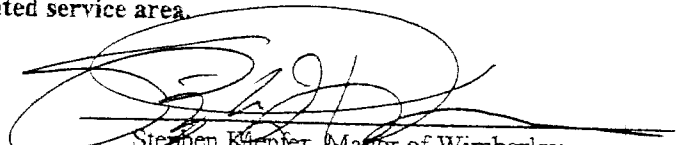
OATH

State of Texas

I, Stephen Klepfer, being duly sworn, file this application as the Mayor of the Village of Wimberley that, in such capacity, I am qualified and authorized to file and verify such application, am personally familiar with the maps filed with this application, and have complied with all the requirements contained in this application; and, that all such statements made and matters set forth therein are true and correct. I further state that the application is made in good faith and that this application does not duplicate any filing presently before the Texas Commission on Environmental Quality.

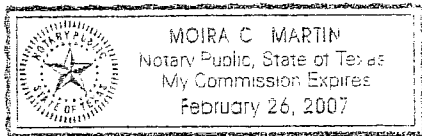
I further represent that the application form has not been changed, altered or amended from its original form available only from the Commission.

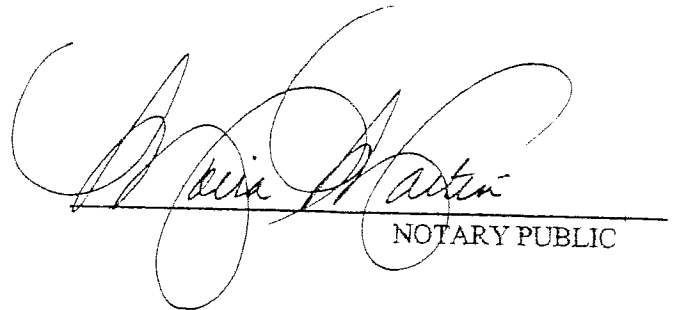
I further represent that the Applicant will provide continuous and adequate service to all customers and qualified applicants for service within its certificated service area.


Stephen Klepfer, Mayor of Wimberley

SUBSCRIBED AND SWORN TO BEFORE ME, a Notary Public in and for the State of Texas, this 29th day
of December, 2005.

SEAL




NOTARY PUBLIC

Notice for Publication

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

The Village of Wimberley has filed an application to amend CCN No. 20936 with the Texas Commission on Environmental Quality to provide sewer utility service in Hays County, Texas.

The proposed utility service area is located approximately one mile north of downtown Wimberley, Texas, and is generally bounded on the west by Ranch Road 12, on the south by Wimberley's existing certificated service area boundary, on the east by the eastern property boundaries of the Thomas Cramshaw Survey, the Clement Henson Survey, and the John Marks Survey tracts of land, and north by Skyline Drive. See the enclosed map of the proposed service area.

The total area being requested includes approximately 250 acres and no current customers.

A copy of the proposed service area map is available at the Village of Wimberley's City Hall, 13210 Ranch Road 12, Wimberley, Texas, 78676.

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.

Si desea informacion en Espanol, puede llamar al 512-239-0200.

Notice to Neighboring Systems and Cities

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

To: Aqua Development Inc.
1421 Wells Branch Pkwy. Ste. 105
Pflugerville, TX 78660-3230

Date Notice Mailed: _____, 20__

The Village of Wimberley has filed an application to amend CCN No. 20936 with the Texas Commission on Environmental Quality to provide sewer utility service in Hays County, Texas.

The proposed utility service area is located approximately one mile north of downtown Wimberley, Texas, and is generally bounded on the west by Ranch Road 12, on the south by Wimberley's existing certificated service area boundary, on the east by the eastern property boundaries of the Thomas Cramshaw Survey, the Clement Henson Survey, and the John Marks Survey tracts of land, and north by Skyline Drive. See the enclosed map of the proposed service area.

The total area being requested includes approximately 250 acres and no current customers.

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Si desea informacion en Espanol, puede llamar al 512-239-0200.

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

To: Aqua Source Utility, Inc.
1421 Wells Branch Pkwy, Ste. 105
Pflugerville, TX 78660-3230

Date Notice Mailed: _____, 20__

The Village of Wimberley has filed an application to amend CCN No. 20936 with the Texas Commission on Environmental Quality to provide sewer utility service in Hays County, Texas.

The proposed utility service area is located approximately one mile north of downtown Wimberley, Texas, and is generally bounded on the west by Ranch Road 12, on the south by Wimberley's existing certificated service area boundary, on the east by the eastern property boundaries of the Thomas Cramshaw Survey, the Clement Henson Survey, and the John Marks Survey tracts of land, and north by Skyline Drive. See the enclosed map of the proposed service area.

The total area being requested includes approximately 250 acres and no current customers.

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

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

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Si desea informacion en Espanol, puede llamar al 512-239-0200.

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

To: **Guadalupe-Blanco River Authority**
933 E. Court St.
Seguin, TX 78155-5819

Date Notice Mailed: _____, 20__

The Village of Wimberley has filed an application to amend CCN No. 20936 with the Texas Commission on Environmental Quality to provide sewer utility service in Hays County, Texas.

The proposed utility service area is located approximately one mile north of downtown Wimberley, Texas, and is generally bounded on the west by Ranch Road 12, on the south by Wimberley's existing certificated service area boundary, on the east by the eastern property boundaries of the Thomas Crainshaw Survey, the Clement Henson Survey, and the John Marks Survey tracts of land, and north by Skyline Drive. See the enclosed map of the proposed service area.

The total area being requested includes approximately 250 acres and no current customers.

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Si desea informacion en Espanol, puede llamar al 512-239-0200.

Notice to Neighboring Systems and Cities

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

To: City of Woodcreek
41 Champion Cir.
Woodcreek, TX 78676

Date Notice Mailed: _____ 20__

The Village of Wimberley has filed an application to amend CCN No. 20936 with the Texas Commission on Environmental Quality to provide sewer utility service in Hays County, Texas.

The proposed utility service area is located approximately one mile north of downtown Wimberley, Texas, and is generally bounded on the west by Ranch Road 12, on the south by Wimberley's existing certificated service area boundary, on the east by the eastern property boundaries of the Thomas Crainshaw Survey, the Clement Henson Survey, and the John Marks Survey tracts of land, and north by Skyline Drive. See the enclosed map of the proposed service area.

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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.

Si desea informacion en Espanol, puede llamar al 512-239-0200.

Notice to Landowners

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

To Landowner

Date Notice Mailed: _____, 20__

The Village of Wimberley has filed an application to amend CCN No. 20936 with the Texas Commission on Environmental Quality to provide sewer utility service in Hays County, Texas.

The proposed utility service area is located approximately one mile north of downtown Wimberley, Texas, and is generally bounded on the west by Ranch Road 12, on the south by Wimberley's existing certificated service area boundary, on the east by the eastern property boundaries of the Thomas Crainshaw Survey, the Clement Henson Survey, and the John Marks Survey tracts of land, and north by Skyline Drive. See the enclosed map of the proposed service area.

The total area being requested includes approximately 250 acres and no current customers.

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

Persons who wish to intervene or comment should write the:

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.

Si desea informacion en Espanol, puede llamar al 512-239-0200.

Historical Profit & Loss Statement					
	Current Year (a)	(a) - 1 year	(a) - 2 years	(a) - 3 years	(a) - 4 years
Number of connections					
Income					
Gross Revenue					
Fees					
Other					
Gross Income					
Expenses: General & Administrative					
Salary Expense					
Office Expense					
Computer Expense					
Auto Expense					
Insurance Expense					
Telephone Expense					
Utilities Expense					
Property Tax Expense					
Professional Fees					
Other					
Total General & Administrative					
Expenses: Operational					
Salary Expense					
Auto Expense					
Utilities Expense					
Supply Expense					
Maintenance & Repair Expense					
Other Expense					
Total Operational					
Total Expenses					
Net Income					

Historical Balance Sheets - ASSETS					
	Current Year (a)	(a - 1 year)	(a - 2 years)	(a - 3 years)	(a - 4 years)
CURRENT ASSETS					
Cash					
Cons. Accounts Receivable					
Inventories					
Income Tax Receivables					
Other					
TOTAL CURRENT ASSETS					
FIXED ASSETS					
Land					
Collection/Distribution System					
Buildings					
Equipment					
Other					
TOTAL FIXED ASSETS					
Less					
Accum Depreciation/Reserve					
NET FIXED ASSETS					
TOTAL ASSETS					

Historical Balance Sheets - LIABILITIES

	Current Year (a)	(a) - 1 year	(a) - 2 years	(a) - 3 years	(a) - 4 years
CURRENT LIABILITIES					
Accounts Payable					
Notes Payable, Due < 1 Year					
Accrued Expenses					
Customer Deposits					
Other					
TOTAL CURRENT LIABILITIES					
LONG TERM LIABILITIES					
Notes Payable, Due > 1 Year					
Other					
TOTAL LONG TERM LIABILITIES					
OWNER'S EQUITY					
Paid-in Capital					
Retained Equity					
Other					
Current Period Profit or Loss					
TOTAL OWNER'S EQUITY					
TOTAL LIABILITIES &					

Projected Profit & Loss Statement					
	Year 1	Year 2	Year 3	Year 4	Year 5
Number of connections					
Income					
Gross Revenue					
Fees					
Other					
Gross Income					
Expenses General & Administrative					
Salary Expense					
Office Expense					
Computer Expense					
Auto Expense					
Insurance Expense					
Telephone Expense					
Utilities Expense					
Property Tax Expense					
Professional Fees					
Other					
Total General & Administrative					
Expenses Operational					
Salary Expense					
Auto Expense					
Utilities Expense					
Supply Expense					
Maintenance & Repair Expense					
Other Expense					
Total Operational					
Total Expenses					
Net Income					

Projected Balance Sheets - ASSETS					
	Year 1	Year 2	Year 3	Year 4	Year 5
CURRENT ASSETS					
Cash					
Cost Accounts Receivable					
Inventories					
Income Tax Receivables					
Other					
TOTAL CURRENT ASSETS					
FIXED ASSETS					
Land					
Collection/Distribution System					
Buildings					
Equipment					
Other					
TOTAL FIXED ASSETS					
Less					
Accum Depreciation/Reserve					
NET FIXED ASSETS					
TOTAL ASSETS					

Projected Balance Sheets - LIABILITIES					
	Year 1	Year 2	Year 3	Year 4	Year 5
CURRENT LIABILITIES					
Accounts Payable					
Notes Payable Due < 1 Year					
Accrued Expenses					
Customer Deposits					
Other					
TOTAL CURRENT LIABILITIES					
LONG TERM LIABILITIES					
Notes Payable Due > 1 Year					
Other					
TOTAL LONG TERM LIABILITIES					
OWNER'S EQUITY					
Paid-in Capital					
Retained Equity					
Other					
Current Period Profit or Loss					
TOTAL OWNER'S EQUITY					
TOTAL LIABILITIES &					

Projected Statements of Sources & Uses of Cash					
	Year 1	Year 2	Year 3	Year 4	Year 5
SOURCES OF CASH					
Net Profit					
Depreciation (if funded)					
Loan Proceeds					
Other					
TOTAL SOURCES					
USES OF CASH					
Net Loss					
Principal portion of payments					
Fixed Asset Purchases					
Reserve					
Other					
TOTAL USES					
NET CASH FLOW					
AVAILABLE DEBT SERVICE COVERAGE (ADSC)					
Cash Available for Debt Service					
Net Profit/Loss					
Depreciation or Reserve					
Interest					
TOTAL ADSC					
REQUIRED DEBT SERVICE COVERAGE (RDSC)					
Principal + Interest					
DEBT SERVICE COVERAGE RATIO (ADSC/RDSC)					

21. Regulated Entity Name (If an individual, please print last name first)					
22. Street Address (No PO Boxes)					
		City	State	ZIP	ZIP + 4
23. Mailing Address					
		City	State	ZIP	ZIP + 4
24. E-Mail Address:					
25. Telephone Number		26. Extension or Code		27. Fax Number if applicable	
28. Primary SIC Code (4 digits)	29. Secondary SIC Code (4 digits)	30. Primary NAICS Code (5 or 6 digits)		31. Secondary NAICS Code (5 or 6 digits)	
32. What is the Primary Business of this entity? (Please do not repeat the SIC or NAICS description)					
Questions 33 - 37 address geographic location. Please refer to the instructions for applicability.					
33. County					
34. Description of Physical Location					
35. Nearest City			State	Nearest Zip	
36. Latitude (N)			37. Longitude (W)		
Degrees	Minutes	Seconds	Degrees	Minutes	Seconds
38. TCEQ Programs In Which This Regulated Entity Participates <i>Not all programs have been listed. Please add to this list as needed. If you don't know or are unsure, please mark "Unknown". If you know a permit or registration # for this entity please write it below the program.</i>					
Animal Feeding Operation		Petroleum Storage Tank		Water Rights	
Title V - Air		Wastewater Permit			
Industrial & Hazardous Waste		Water Districts			
Municipal Solid Waste		Water Utilities		Unknown	
New Source Review - Air		Licensing - Types			
SECTION IV: Preparer Information					
39. Name			40. Title		
Emily W. Rogers			Attorney		
41. Telephone Number		42. Extension or Code		43. Fax Number if applicable	
512-472-8021				512-320-5638	
44. E-mail Address:		erogers@bickerstaff.com			

**BICKERSTAFF, HEATH, SMILEY,
POLLAN, KEVER & McDANIEL, L.L.P.**

816 CONGRESS AVENUE, SUITE 170C
AUSTIN, TX 78701-2443

FROST NATIONAL BANK
MEMBER CULLEN/FROST BANKERS INC
www.frostbank.com
NOT VALID AFTER 120 DAYS

30-9/1140

12/30/2005

PAY
TO THE ORDER OF Texas Commission on Environmental Quality

\$ \$100.00

One Hundred Dollars and 00/100

DOLLARS

Texas Commission on Environmental Quality
P O Box 13088
Austin TX 78711-3088

TWO SIGNATURES REQUIRED IF OVER \$500.00

Thomas M. Felt

AUTHORIZED SIGNATURE

MEMO

⑈027619⑈ ⑆114000093⑆ 591071629⑈

BICKERSTAFF, HEATH, SMILEY, POLLAN, KEVER & McDANIEL, L.L.P.

27619

INVOICE	DATE	DESCRIPTION	NET
	12/30/2005	CCN application filing fee.	100.00

Check# / Date 27619 12/30/2005 Texas Commission on Environmental Quality

\$100.00

BICKERSTAFF, HEATH, SMILEY, POLLAN, KEVER & McDANIEL, L.L.P.

27619

INVOICE	DATE	DESCRIPTION	NET
	12/30/2005	CCN application filing fee.	100.00

Check# / Date 27619 12/30/2005 Texas Commission on Environmental Quality

\$100.00

List of Attachments

1. List of Certified Operators
2. Maps of Proposed Service Area
3. GIS Information
4. Inspection Information
5. Interlocal Agreement between the Village of Wimberley and GBRA,
and Operating Agreement between the Village of Wimberley and
GBRA
6. Budget and Audit for the Village of Wimberley
7. 2005 Annual Report for GBRA
8. Wimberley's Rate Ordinances
9. List of Neighboring Utilities
10. Village of Wimberley Wastewater Masterplan - Final Report (June
2002) and Land Use Assumption and Capital Improvement Plan for
the Village of Wimberley Wastewater Treatment System - Technical
Report (January 2005)

Bickerstaff, Heath, Pollan & Caroom, L.L.P.

816 Congress Avenue Suite 1700 Austin, Texas 78701 (512) 472-8021 Fax (512) 320-5638 www.bickerstaff.com

December 30, 2005

Via Messenger

Texas Commission on Environmental Quality
Registration, Review & Reporting Division
Permits Administrative Review Section
Water Quality Applications Team
12100 Park 35 Circle
Building F, 2nd Fl.
Austin, Texas 78711-3087

Re: *Application of Village of Wimberley to Amend Sewer CCN #20936*

Dear Sir or Madam:

Enclosed please find an original and four copies of the above-referenced application. Please file the original and three copies, and file-stamp the extra copy of the application and return it to our runner. Also enclosed is a check made payable to the TCEQ in the amount of \$100 to cover the filing costs.

Thank you for your assistance in this matter. If you have any questions, please give me a call at 472-8021.

Sincerely,


Emily W. Rogers

EWR/bc
Enclosures

Westlaw.

30 TexReg 8979
 30 Tex. Reg. 8979, 2005 WL 3543011 (Tex.Reg.)
 (Cite as: 30 Tex. Reg. 8979)

Page 1

TEXAS REGISTER
 Volume 30, Number 52
 DECEMBER 30, 2005
 ADOPTED RULES
 TITLE 30. ENVIRONMENTAL QUALITY
 PART 1. TEXAS COMMISSION ON
 ENVIRONMENTAL QUALITY
 CHAPTER 291. UTILITY REGULATIONS
 SUBCHAPTER A. GENERAL PROVISIONS

***8979** 30 TAC §§291.3, 291.5, 291.7

***8958** The Texas Commission on Environmental Quality (TCEQ or commission) adopts the amendments to §§291.3, 291.5, 291.7, 291.101, 291.102, 291.104 - 291.106, 291.109, 291.113, 291.115, 291.117, and 291.119. The commission also adopts new §291.120. Sections 291.102, 291.104, 291.105, 291.109, 291.113, 291.119, and 291.120 are adopted with changes to the proposed text as published in the September 30, 2005, issue of the Texas Register (30 TexReg 6211). Sections 291.3, 291.5, 291.7, 291.101, 291.106, 291.115, and 291.117 are adopted without changes to the proposed text and will not be republished.

BACKGROUND AND SUMMARY OF THE
 FACTUAL BASIS FOR THE ADOPTED RULES

The 79th Legislature, 2005, passed House Bill (HB) 2876, which amended Texas Water Code (TWC), §§13.002, 13.241, 13.242, 13.244, 13.246, 13.247, 13.254, 13.255, and 13.257. This bill also added to the TWC, §§13.245, 13.2451, and 13.2551 and repealed TWC, §13.254(h) and §13.2541. These changes relate to revising the criteria for obtaining, amending, transferring, and decertifying certificates of convenience and necessity (CCNs) for water and sewer service. These changes also amended the mapping requirements, which now require CCN holders to file a copy of their service area maps in the respective county deed records. The commission adopts the changes to the requirements in this chapter to correspond with the newly amended sections of the TWC.

***8959** The 79th Legislature also passed Senate Bill (SB) 425, relating to subdivision platting requirements

and assistance for certain counties near an international border, which amended the definition of affected county. The commission will revise the definition of affected county in this rulemaking to correspond with the TWC.

In addition to the changes based on HB 2876 and SB 425, the commission also modifies the definition of service; amends the contents of the CCN application; amends the notice requirements for CCN transfers by contract under TWC, §13.248; amends the requirements for utilities that want to change names; amends the requirements to include an agreement to consent from the affected utility for dual certification if consent exists; more specifically explains some of the criteria for granting or amending a CCN; more specifically explains CCN decertification and cancellation procedures; and amends the requirements for applicants who owe delinquent fees or penalties. These are requirements that have been identified by stakeholders and staff as causing confusion because of differing interpretations. The changes to these requirements will help to clarify these rules and eliminate the differences in interpretation. This will provide more certainty for the entities that are regulated by these rules.

HB 2876 requires the commission to promulgate rules to implement the changes to the TWC by January 1, 2006.

SECTION BY SECTION DISCUSSION

The commission will update the names of the agency, the division, and the section used in Subchapters A and G. The commission also adopts updates to references to the TWC. Finally, the commission adopts formatting changes throughout Subchapters A and G to be consistent with guidance provided in the Texas Legislative Council Drafting Manual, November 2004, and to conform with Texas Register and agency guidelines.

Subchapter A, General Provisions

The commission adopts the amendment to §291.3, Definitions of Terms, which revises the definition of "Affected county" from "a county any part of which is

necessity under the rights granted by its certificate and this chapter. The commission adopts this amendment to implement TWC, §13.2451, as amended by the 79th Legislature. Subsection (c) will specify that the commission may not extend a municipality's CCN beyond its ETJ without the written consent of the landowner who owns the property in which the certificate is to be extended. The commission has decided to remove that part of subsection (c), which provides that the portion of any CCN that extends beyond the ETJ of the municipality without the consent of the landowner is void on September 1, 2005. The commission decided to remove the provision that states that within 30 days of receipt of a written request by a landowner in an area of a voided certificate, the executive director shall affirm that the certificate is modified to reflect the voided portion of the CCN and direct the municipality to prepare and record revised maps of its service area within 30 days of receipt of the affirmation. The commission has decided to remove the provision that a municipality that holds a CCN, a portion of which is void under proposed subsection (c), may submit an application to the commission to reinstate all or a portion of such voided area if the municipality has obtained the written consents of all affected landowners. The commission removed the language in §291.105(c)(2) regarding the voiding of a city's CCN outside its ETJ for lack of landowner consent, subsequent executive director affirmation, and potential reinstatement of the void portion of the CCN because the second sentence in TWC, §13.2451(b), as enacted by the 79th Legislature, is self-implementing and does not require any further action by the commission.

As a result of input and comments from affected parties and the public, the commission recognizes the existence of interpretive differences in regard to CCNs outside cities' ETJs. Therefore, the commission will not take any affirmative action on cities' CCNs outside their ETJ until after January 1, 2008, in order to conduct a study and to provide opportunities to cities to obtain any necessary landowner consent in those areas. This will also allow the legislature to further consider this very important issue. During this period, the commission will consider those portions of cities' pending CCN applications that are outside their ETJ only if they provide landowner consent for those areas.

The commission also adds subsection (d)(3)(A) and (B)

to specify that a municipality shall notify the commission prior to filing an eminent domain lawsuit to acquire a substandard water or sewer system and that the municipality, in its sole discretion, shall request that the commission either cancel the CCN of the acquired system or transfer the certificate to the municipality and that the commission shall take such requested action. The commission adopts this amendment to clarify that the CCN is still in operation even though the system has been acquired by eminent domain and that the city must cancel or transfer the CCN so that the portion of the utility being acquired is no longer obligated to provide service.

The commission adds subsection (d) to §291.105. Subsection (d) will specify that if an area is within the boundaries of a municipality, a retail public utility that is certified or entitled to certification can continue and extend service in its area of public convenience and necessity unless a municipality with a population of more than 500,000 exercises its power of eminent domain under §291.105(d)(3). Subsection (d) would also specify that a municipally owned or operated utility may not provide retail water and sewer utility service within the area certificated to another retail public utility without first having obtained from the commission a CCN that includes the areas to be served. Additionally, subsection (d) specifies that this section may not be construed as limiting the power of municipalities to incorporate or extend their boundaries by annexation. Finally, subsection (d) would provide that a municipality with a population of more than 500,000 may exercise the power of eminent domain in the manner provided by Texas Property Code, Chapter 21, to acquire a substandard water or sewer system if all the facilities of the system are located entirely within the municipality's boundaries and that the municipality shall pay just and adequate compensation for the property. The commission adopts this amendment to implement TWC, §13.247, as amended by the 79th Legislature.

The commission adopts the amendment to §291.106, Notice for Applications for Certificates of Convenience and Necessity, which outlines the requirements for notice related to applications for CCNs, and is retitled "Notice for Applications for Certificates of Convenience and Necessity and Requirements for Recording Maps and Descriptions of Areas Covered by Certificates of Convenience and Necessity," because it



Attachment No. 9

List of Neighboring Utilities

Application by the Village of Wimberley to
Amend Sewer CCN No. 20936

Attachment No. 9

List of Neighboring Utilities

1. Aqua Development Inc.
1421 Wells Branch Pkwy, Ste. 105
Pflugerville, TX 78660-3230
2. Aqua Source Utility, Inc.
1421 Wells Branch Pkwy, Ste. 105
Pflugerville, TX 78660-3230
3. Guadalupe-Blanco River Authority
933 E. Court St.
Seguin, TX 78155-5819
4. City of Woodcreek
41 Champions Cir.
Woodcreek, TX 78676

CCN/20936/582-06-2906/50
LOOSE

Bickerstaff, Heath, Pollan & Caroom, L.L.P.

816 Congress Avenue

Suite 1700

Austin, Texas 78701

(512) 472-8021

Fax (512) 320-5638

www.bickerstaff.com

December 30, 2005

Via Messenger

Texas Commission on Environmental Quality
Registration, Review & Reporting Division
Permits Administrative Review Section
Water Quality Applications Team
12100 Park 35 Circle
Building F, 2nd Fl.
Austin, Texas 78711-3087

DEC 30 2005

Re: *Application of Village of Wimberley to Amend Sewer CCN #20936*

Dear Sir or Madam:

Enclosed please find an original and four copies of the above-referenced application. Please file the original and three copies, and file-stamp the extra copy of the application and return it to our runner. Also enclosed is a check made payable to the TCEQ in the amount of \$100 to cover the filing costs.

Thank you for your assistance in this matter. If you have any questions, please give me a call at 472-8021.

Sincerely,


Emily W. Rogers

EWR/bc
Enclosures




**APPLICATION TO OBTAIN OR AMEND A WATER OR SEWER
CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN)**




GENERAL INFORMATION


★★★ THIS APPLICATION IS NOT A RATE CHANGE APPLICATION. THE APPROPRIATE FORMS NEEDED TO FILE A RATE CHANGE APPLICATION MAY BE OBTAINED BY CONTACTING THE UTILITIES AND DISTRICTS SECTION, TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ). ★★★


 Pursuant to V.T.C.A., Water Code, Chapter 13, Subchapter G:


- ☐ CCNs **may be obtained** by any retail public water and sewer utility.
- ☐ CCNs **are required** for
 - a) Investor Owned Utilities (IOU);
 - b) Non-profit, member-owned, member-controlled water supply or sewer service corporations (WSC) incorporated under Water Code Chapter 67; and
 - c) affected counties.
- ☐ CCNs **may be required** for political subdivisions, except affected counties, before utility service can be provided to an area already lawfully being served.

 A CCN gives the holder:

- ☐ the legal right to provide water and/or sewer utility service;
- ☐ for compensation, either directly through a monthly rate or indirectly through maintenance fees, property owners fees, etc.;
- ☐ a delineated service area; **AND**
- ☐ obligates the certificate holder to provide service to every customer and qualified applicant who requests service within that area.

 A CCN is **not required** when service is either submetered pursuant to Water Code, Chapter 13, Subchapter M or included in the rental of the property.

 IOUs and WSCs with 15 or less potential connections may register as "exempt" and then are not required to possess a CCN for their service area if they meet the exemption criteria.

 If this application was downloaded from the TCEQ web site or sent via E-mail, it shall not be changed, altered or amended from its original form only available from the Commission.

PROCESSING YOUR CCN APPLICATION

FLOW CHART

Enclosed in this packet is a flow chart of the review process. Your application will go through an Administrative Review and, when accepted for filing, through a Technical Review. For uncontested applications, processing time depends on the response time of the applicant. Contested applications generally take longer because of the need for scheduling a public hearing, and processing time depends on whether a settlement agreement between the applicant and the protestor(s) is reached. The dates provided in the flow chart are generally the time it takes to process an uncontested application.

ADMINISTRATIVE REVIEW OF YOUR CCN APPLICATION

- ☐ Your application will be reviewed for completeness by the Commission staff within ten (10) working days after it is received in our offices.
- ☐ If necessary, you may be requested to provide additional information within **thirty (30)** days to complete the application.
- ☐ Proposed notice forms are included with the application.

- ☐ If the application is **administratively incomplete**, you will be sent a letter that outlines the application's deficiencies and describing what you need to do to correct the deficiencies
 - a) After receiving that letter, you will have ***thirty (30)*** days to make the necessary corrections
 - b) **If you fail to make the corrections in full**
 - (a) **the application will be returned,**
 - (b) **the application fee will be forfeited, and**
 - (c) **if you are already operating a system, you will be referred for enforcement action which may include administrative penalties of up to \$500 per day.**

NOTICE

The Commission cannot grant a CCN until proper notice of the application has been given. It is the applicant's responsibility to ensure that proper notice is given. Notice forms for publication, neighboring cities and systems, and customers are included with this application to use in preparing your proposed notices. These notice forms are also available in Spanish upon request. If the applicant is an operating IOU currently providing service without a CCN, then proposed notices must be provided for publication, to neighboring cities and systems and current customers in the proposed service area. All three forms must be completed and submitted with the application. However, if the applicant has no customers in the proposed area at the time of filing and is only proposing to provide service at some future date, or if the applicant is a WSC or political subdivision, then only the notices for publication and neighboring cities and systems must be submitted. **Do not publish the notice or send copies of the proposed notices or maps to anyone at the time you submit this application to the Commission.** Your proposed notices and maps will be reviewed for completeness. When your application is accepted for filing, you will be directed to provide the appropriate notices for publication, to the neighboring cities and systems and, if necessary, to current customers.

TECHNICAL REVIEW OF YOUR CCN APPLICATION

When the application is complete, you will be notified by mail and be required

- ☐ to publish notice once each week for two (2) consecutive weeks in a newspaper of general circulation in your local area and county. If the proposed area is in more than one county, publication in each county is required;
- ☐ to provide a copy of the individual notice with copy of location map (CCN map) to neighboring cities and systems within
 - a) two (2) miles of your proposed service area, if you are an existing retail public utility amending the existing service area or
 - b) five (5) miles if you are obtaining a new CCN to serve a new service area; and
 - c) to provide individual mailed notice with copy of location map (CCN map) to all affected current customers if you are required to have a CCN but are currently providing service without a CCN;

If the application is **technically incomplete**, you will be sent a letter that outlines the application's deficiencies and describing what you need to do to correct the deficiencies

- ☐ After receiving that letter, you will have ***thirty (30)*** days to make the necessary corrections
- ☐ **If you fail to make the corrections in full,**
 - a) **the application will be returned**
 - b) **the application fee will be forfeited and**
 - c) **if you are already operating a system, you will be referred for enforcement action which may include administrative penalties of up to \$500 per day.**

V.T.C.A. Water Code Section 13.246(c) requires the Commission to consider the following factors before it can issue a CCN:

- ☐ the adequacy of service currently provided to the requested area,
- ☐ the need for additional service in the requested area,

- ☐ the effect of the granting of a certificate on a recipient of the certificate and on any retail public utility of the same kind already serving the proximate area,
- ☐ the ability of the applicant to provide adequate service,
- ☐ the feasibility of obtaining service from an adjacent retail public utility,
- ☐ the financial stability of the applicant, including, the adequacy of the applicant's debt-equity ratio,
- ☐ environmental integrity, **AND**
- ☐ the probable improvement of service or lowering of cost to consumers in that area resulting from the granting of the certificate.

In addition to these factors,

- ☐ the Commission must ensure that the applicant possesses the financial, managerial, and technical capability to provide continuous and adequate service **AND**
- ☐ the applicant must also demonstrate that regionalization or consolidation with another retail public utility is not economically feasible.

If there are no protests, you will be provided a copy of the technical staff recommendation and proposed CCN. If you have any questions or concerns, you should contact the technical staff person assigned to your application immediately. If you disagree with the staff recommendation and/or proposed CCN, the application will be considered contested, and a hearing may be requested.

If the application is contested and a hearing is requested, the application may be referred to the State Office of Administrative Hearings (SOAH). During the preliminary hearing, the presiding Administrative Law Judge (ALJ) may give the parties time to negotiate a settlement. Alternative Dispute Resolution (ADR) is available upon request of all of the parties. If a settlement is reached, the application will be remanded to staff for administrative processing. If a settlement is not reached, a discovery schedule and a date for an evidentiary hearing will be set. The ALJ will take testimony from each party and present a report to the Commission to consider in making a final decision on the application.

The completed application and copies should be sent to:

Texas Commission on Environmental Quality
 Registration, Review & Reporting Division
 Permits Administrative Review Section
 Water Quality Applications Team
 MC-156
 P. O. Box 13087
 Austin, TX 78711-3087

☆☆☆THIS APPLICATION IS NOT A RATE CHANGE APPLICATION.
 THE APPROPRIATE FORMS NEEDED TO FILE A RATE CHANGE
 APPLICATION MAY BE OBTAINED BY CONTACTING THE UTILITIES
 AND DISTRICTS SECTION, TEXAS COMMISSION ON
 ENVIRONMENTAL QUALITY.☆☆☆



APPLICATION TO OBTAIN OR AMEND A WATER/SEWER CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN)

*RN #103107546

*CN # 601642473

*If known (See instructions)

PURPOSE OF THIS APPLICATION

OBTAIN

☐ New Water CCN

☐ New Sewer CCN

AMEND

☐ Water CCN # _____

☒ Sewer CCN # 20936

DEC 30 2005

1. APPLICANT INFORMATION

Utility Name: Village of Wimberley

Utility Address (city/state/zip) P.O. Box 2027

Wimberley, TX 78676

Utility Phone and Fax Number (512) 847-0025 Phone (512) 847-0422 Fax

Contact Person: Please provide information about the person to be contacted regarding this application. Indicate if this person is the owner, operator, engineer, attorney, accountant, or other title related to the applicant.

Name: Emily Rogers

Title: Attorney

Address: 816 Congress Ave., Suite 1700 Telephone (512) 472-8021

City Austin St TX Zip 78701 Fax (512) 320-5638

County(ies) in which service is proposed Hays

A. Provide the following information about the utility's certified operators

Name	Classes	License Number
<u>See Attachment No. 1</u>		

- Attach additional sheet(s) if necessary -

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

<input type="checkbox"/>	Investor owned utility
<input type="checkbox"/>	Individual
<input type="checkbox"/>	Home or Property Owners Association
<input type="checkbox"/>	For-profit corporation
<input type="checkbox"/>	Non-profit, member-owned, member-controlled cooperative corporation (Water Code Chapter 67, Water Supply or Sewer Service Corporation)
<input checked="" type="checkbox"/>	Municipality
<input type="checkbox"/>	District
<input type="checkbox"/>	Other
	Please explain: