



Control Number: 43551



Item Number: 11

Addendum StartPage: 0

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



Founded by Congress
Republic of Texas, 1839

City of Austin

Norwood Tower • 114 West 7th Street
P.O. Box 1546
Austin • Texas 78767-1546

Phone • 512/499-2268

Writer's Direct Line
512 / 499-2568

Law Department

Andrew Martin
City Attorney

RECEIVED
PUBLIC UTILITY COMMISSION
FILING CLERK

2014 OCT 27 AM 10:45

RECEIVED
JAN 13 2000
TNRCC
UTILITY RATES AND SERVICES

Writer's Fax Line
512 / 499-2912

TEXAS NATURAL
RESOURCE CONSERVATION
COMMISSION

CHIEF CLERKS OFFICE
2000 JAN 13 PM 4:32

Hand-Delivered

January 13, 2000

Ms. LaDonna Castanuela, Chief Clerk
Office of the Chief Clerk
Texas Natural Resource Conservation Commission
P.O. Box 13087
Austin, Texas 78711-3087

SUBJECT: Hornsby Bend Utility Company, Inc.; Application to Amend CCN No. 20650

Dear Ms. Castanuela:

The City of Austin ("City") requests a contested case hearing on the application of Hornsby Bend Utility Company, Inc. ("Hornsby Bend") to amend CCN No. 20650. The City may be contacted by mailing correspondence to my address shown on this letterhead and by telephone to my direct number (512) 499-2568.

The City is a municipal corporation that owns, operates, and maintains facilities for providing urban level wastewater collection, treatment, and disposal services. The City has a personal justiciable interest that would be adversely affected by this amendment to CCN No. 20650. The proposed CCN amendment would adversely affect the legal authority of the City under state law over issues contemplated by this application and the economic interest of the City regarding the provision of wastewater collection, treatment, and disposal services to customers in the proposed sewer utility service area. The City bases its request for a contested case hearing on the following legal and economic concerns:

1. The proposed sewer utility service area is within the City's extraterritorial jurisdiction, Wastewater Utility Service Area, and Impact Fee Service Area. The City has authority under Chapter 395 of the Local Government Code and the Austin Code of Ordinances to impose wastewater impact fees for capital improvements related to wastewater service in its wastewater impact fee service area. The service area of the

wastewater utility is coterminous with the wastewater impact fee service area and is established by the City Council. The proposed amendment of CCN No. 20650 would adversely affect the legal authority of the City under state law to provide urban level wastewater services to customers residing within the proposed sewer utility service area. Additionally, the proposed amendment of CCN No. 20650 would adversely affect the legal authority of the City under state law to assess and collect wastewater impact fees.

To promote and protect the general health, safety, and welfare of persons residing in its jurisdiction, the City requests that the proposed sewer utility service area of Hornsby Bend Utility Company, Inc. be denied.

2. The City has the demonstrated ability to provide continuous and adequate wastewater service to the proposed sewer utility service area. The City possesses the requisite financial, managerial, and technical resources to provide cost-effective wastewater services to customers residing in the 840 acres in the proposed sewer utility service area in Travis County. By and through its wholesale and retail customer relationships, the City provides urban level wastewater services to over 154,000 customers within Travis and Williamson Counties. In addition to its three regional wastewater treatment plants, the City owns and operates its own analytical laboratory and performs ongoing wastewater sampling and scientific analyses and monitoring of its effluent and wastewater discharges to its system. The City has an extensive Industrial Pretreatment and Monitoring Program and also provides industrial waste sampling, laboratory and analytical services, as well as industrial waste program implementation and enforcement support for various local governments in Travis and Williamson Counties with whom the City has interlocal agreements to provide such services. The City has also commenced a large-scale program for wastewater reuse and operates an award-winning program for biosolids composting and reuse. The City also conducts extensive water pollution prevention and control programs within its corporate limits and extraterritorial jurisdiction that are intended to protect the Colorado River and its tributaries (from which the City derives its drinking water) as well as area groundwater resources. Presently, the City is conducting engineering planning that will result in wastewater collection, treatment, and disposal services for a subregional area that includes the proposed sewer utility service area. The City does not believe that Hornsby Bend possesses the requisite financial, managerial, and technical resources to provide cost-effective wastewater services to customers residing in the 840 acres in the proposed sewer utility service area. The City also does not believe that Hornsby Bend has the technical capability to provide continuous or adequate wastewater services for urban level subdivisions in the proposed sewer utility service area. Additionally, the City does not believe that Hornsby Bend is capable of meeting the Commission's design criteria for sewer treatment plants and the requirements of

Chapter 13 of the Water Code for the required additional capacity to their existing facility. The City has the resources and has provided wholesale and retail wastewater services to its customers for decades, and is capable of meeting the requirements of the Commission and the Water Code.

To promote and protect the general health, safety, and welfare of persons residing in its jurisdiction, the City requests that continuous and adequate service to the proposed sewer utility service area be provided by the City.

3. There is no need for Hornsby Bend to provide additional wastewater collection, treatment and disposal services to the proposed sewer utility service area. The City has initiated plans to construct a subregional wastewater treatment plant to serve the Gilleland and Harris Branch drainage basins. The City is conducting engineering planning that will ultimately result in wastewater treatment and disposal services for a subregional area that includes the proposed sewer utility service area. The City's planning for a subregional wastewater treatment plant for the proposed sewer utility service area is consistent with the regionalization requirement in Chapter 13 of the Water Code and would prevent the expansion of a small package wastewater treatment plant in the affected drainage basins.

To promote and protect the general health, safety and welfare of persons residing within its jurisdiction, the City requests that continuous and adequate service to the proposed sewer utility service area be provided by the City.

4. The granting of Hornsby Bend's proposed amendment to the proposed sewer utility service area would adversely affect the City's Wastewater Utility because it would permit Hornsby Bend to extend retail sewer utility service to customers within the City's Wastewater Utility Service Area and Impact Fee Service Area. The City is conducting engineering planning that will result in wastewater collection, treatment, and disposal services for a subregional area that includes the proposed sewer utility service area. The granting of the proposed amendment would adversely affect the City's economic interest in providing urban level wastewater services to customers residing within the proposed sewer utility service area and adversely affect the City's economic interest in assessing and collecting wastewater impact fees.

To promote and protect the general health, safety and welfare of persons residing within its jurisdiction, the City requests that continuous and adequate service to the proposed sewer utility service area be provided by the City.

5. It is more feasible for the proposed sewer utility service area to be served by the City. The City possesses the requisite financial, managerial, and technical resources to

provide cost-effective wastewater services to customers residing in the proposed sewer utility service area. The City is conducting engineering planning that will result in wastewater collection, treatment, and disposal services for a subregional area that includes the proposed sewer utility service area. The engineering planning that is being conducted by the City will result in cost-effective urban level wastewater services for a subregional area that includes the proposed sewer utility service area. According to information received by the City, Hornsby Bend's existing plant will require the construction of additional capacity to their existing facility. The estimated construction costs for the wastewater facility upgrade is Two Million Dollars. The City does not believe that Hornsby Bend can provide urban level cost effective service to customers in the proposed sewer utility service area.

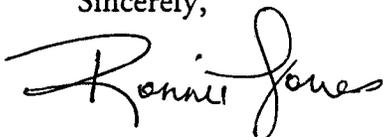
To promote and protect the general health, safety and welfare of persons residing within its jurisdiction, the City requests that continuous and adequate service to the proposed sewer utility service area be provided by the City.

6. The City could provide improved sewer service at lower long-term costs to consumers in the proposed utility sewer service area. Based on the City's subregional planning, financial, managerial, and technical capability it is able to provide improved wastewater service at lower costs for comparable service to customers in the proposed sewer utility service area. The quality of the service the City can provide exceeds that of Hornsby Bend. Hornsby Bend cannot provide improved cost effective service to customers in the proposed sewer utility service area.

To promote and protect the general health, safety and welfare of persons residing within its jurisdiction, the City requests that continuous and adequate service to the proposed sewer utility service area be provided by the City.

Please schedule this hearing request for an evidentiary hearing at the State Office of Administrative Hearings and advise me of the time and date of the hearing. If you have any questions, please call me at (512) 499-2568.

Sincerely,



Ronnie Jones
Assistant City Attorney

LETTER TO MS. CASTANUELA
JANUARY 13, 2000
Page 5

cc: Victoria Harkins, TNRCC
Andrew Martin, City Attorney
Randy Goss, Director, Water and Wastewater Utility
Mike Erdmann, Manager, Wholesale Services

**APPLICATION
TO AMEND A SEWER CERTIFICATE
OF CONVENIENCE AND NECESSITY**

SUBMITTED TO:

**Utility Certification and Rate Design Section, MC-153
Water Utilities Division
Texas Natural Resource Conservation Commission
P.O. Box 13088
Austin, TX 78711-3088**

IN BEHALF OF APPLICANT:

**Hornsby Bend Utility Company, Inc.
3223 Park Hills Drive
Austin, TX 78711-3088**

BY ENGINEER FOR HORNSBY BEND UTILITY COMPANY, INC.:

**Chase Baromeo, P.E.
Travis Associates Consulting Engineer, Inc.
1390 Hillside Terrace
Buda, Texas 78610**

**APPLICATION TO AMEND A SEWER CERTIFICATE
OF CONVENIENCE AND NECESSITY**

SUBJECT	EXHIBIT #
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EXHIBIT '1'

APPLICATION

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

Water Utilities Division
Utility Rates and
Services Section



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

1. Applicant: Hornsby Bend Utility, Inc.
(Individual, Corporation, or Other Legal Entity)

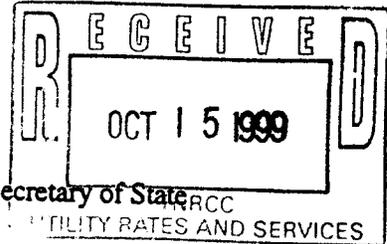
Utility Name: _____
(If different than above)

Address: 3223 Park Hills Drive, Austin, TX 78748 Telephone: 512-327-0869

Tax Identification Number (Social Security Number for Individuals): 74-2385749

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

- Individual
- Home or Property Owners Association
- Partnership; attach copy of partnership agreement
- Corporation; provide charter number as recorded with the Office of the Secretary of State for Texas: 773737



Non-profit, member-owned, member-controlled Cooperative Corporation (Article 1434(a) Water Supply or Sewer Service Corporation); provide charter number: _____

Other (please explain): _____

3. The purpose of this application is to:

- Obtain Water CCN
- Sewer CCN

-OR-

Amend

Water CCN No.: _____
 Sewer CCN No.: 20650

to provide utility service to: _____ in: Travis
(Subdivision or area) (County)

4. Is any portion of the proposed service area inside an incorporated city?

- No. (skip the rest of this question and go to the next one)
- Yes. Within the City limits of: _____

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

5. If the applicant is an *Individual* provide the following information. If not, skip to the next question.

Name: _____ Telephone: _____

Address: _____

6. If the applicant is other than an *Individual* provide the following information regarding the officers or partners of the legal entity applying for the CCN. You must complete either question 5. or question 6., whichever applies to the applicant.

•Name: Thom Farrell Telephone: 512-327-0869

Address: 3223 Park Hills Dr., Austin, Texas 78746

Position: President & Secretary Ownership % (if applicable): _____

•Name: _____ Telephone: _____

Address: _____

Position: _____ Ownership % (if applicable): _____

•Name: _____ Telephone: _____

Address: _____

Position: _____ Ownership % (if applicable): _____

•Name: _____ Telephone: _____

Address: _____

Position: _____ Ownership % (if applicable): _____

- Attach additional sheet(s) if necessary -

Important: • If the applicant is a for-profit corporation, please provide a copy of the corporation's "Certification of Account Status" from the State Comptroller Office. This "Certification of Account Status" can be obtained from:

Comptroller of Public Accounts, Office Management
P. O. Box 13528, Capitol Station
Austin, Texas 78711
1-800-252-5555

• If the applicant is an Article 1434a water supply or sewer service corporation or other non-profit corporation, please provide a copy of the Articles of Incorporation and By-Laws.

- ALL APPLICANTS SHOULD COMPLETE THE REMAINDER OF THE APPLICATION -

7. Contact person. Please provide information about the person to be contacted regarding this application. Indicate if this person is the owner, operator, engineer, attorney or accountant.

Name: Chase Baromeo Jr., P.E. Title: President

Address: 1390 Hillside Terr., Buda, TX 78610 Telephone: 512-295-3465

8. If this is a proposed utility system or a proposed amendment, please provide:

A. An explanation of all attempts or the feasibility of obtaining service from adjacent retail public utilities:

None Available

B. Date Construction is scheduled to commence: Ongoing

C. Date service is scheduled to commence: _____

D. Method and source of financing (the applicant must be able to demonstrate the ability to fund system facilities and improvements):

Funding shall be provided by existing cash, loans, and equity.

E. The number of requests for service that the applicant has received in the requested service area and indicate if verbal or written, and a clear explanation of the need for service in the requested area.

9. If this is an existing utility system, please provide:

A. When was construction on the system completed? Ongoing

B. What was the original cost of the system? 2,087,000

C. When did service begin? 1986

D. Is the applicant the original owner of the system?

Yes. (skip the rest of this item and go to question 9E.)

No. Please answer the following questions to the best of your ability:

1. When was the system acquired? _____

2. What was the purchase price? _____

3. Who was the immediate preceding owner?

Name: _____ Telephone: _____

Address: _____

4. If the applicant is not the current owner of the system, please indicate who owns the utility assets:

Name: _____ Telephone: _____

Address: _____

Enclose three copies of the lease agreement or contract the applicant has with the owner allowing the applicant to operate the system.

E. List the dates that the applicant's rates have changes since September 1, 1976. (not applicable to cities or political subdivisions of the state):

10. List the number of existing and/or proposed metered and non-metered connections (by size).

This information is valid as of:

(date of last customer count)

Water System			Sewer System		
Connection	Existing	Proposed	Connection	Existing	Proposed
Non-Metered			Residential	352	
5/8" or 3/4" meter			Commercial	1	
1" meter			Industrial		
1½" meter			Other:		
2" meter					
4" meter					
Other:					
Total Water			Total Sewer	353	

11. Do you currently purchase water or sewer treatment capacity from another source?

No. (skip the rest of this question and go to the next one)

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

• Source: _____ % of total supply: _____

• Source: _____ % of total supply: _____

Yes - Sewer treatment capacity Purchased on a () regular - () seasonal - () emergency basis

• Source: _____ % of total treatment _____

Provide a copy of the water or sewer treatment capacity purchase agreement or contract.

12. For the water and/or sewer system's compliance with minimum standards, please provide the following information:

A. Water system's TNRCC Public Water System identification number: (for each system)

; ;

B. Sewer system's TNRCC Discharge Permit number: (for each system)

W Q 1 3 1 3 8 - 0 0 1 ; W Q -

C. For each system, attach a copy of the plans specifications or plat approval letter of required from a city, county and state agency.

D. For each system, attach a copy of the most recent inspection report letter. If necessary, also include a copy of the utility's response to that letter.

E. For any system deficiencies, attach a brief explanation listing the actions taken or being taken by the utility to correct the listed deficiencies, including the proposed completion dates.

F. If the system is operating and over 85% of minimum standard capacity for any facility component for the current number of customers, attach an explanation listing of actions to be taken to make system improvements including proposed completion dates.

13. Provide the following information concerning the financial status of the utility:

A. What is the amount of equity or total capital in the utility system? \$ 804,342 (Equity)

B. Provide the following information for all utility debt: N/A

Date of issue	Date of maturity	Current outstanding principal	Interest rate	Total annual payment	Payable to whom
Total					

- Attach additional sheet(s) if necessary -

14. Provide the following information about the utility's certified operators:

Name	Class	License Number
William Aleshire	B,A	465-81-0545
Steve Bessner	C,C	467-13-3623
Joe Carter	C	464-43-3171

- Attach additional sheet(s) if necessary -

15. A. If this application is for a water CCN, please explain how sewer service is provided:

B: If this application is for a sewer CCN, please explain how water service is provided:

Existing sewer service area is supplied water by same Hornsby Bend Utility Company, proposed sewer service area will be supplied water by Manville W.S.C.

16. A. List all neighboring utility service providers and cities within two miles of the applicant's proposed certificate area:

City of Manor _____

City of Austin Wastewater Utilities _____

Travis Co. MUD No. 2 _____

Kennedy Ridge WSC _____

☑ Notice must be provided to these entities after the application is accepted for filing.

B. If the applicant is providing service to the requested area without a CCN, the applicant must also notify each of the customers in the requested service area. A notice form for providing customer notice is included in this application.

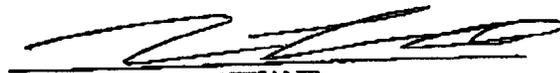
OATH

State of TEXAS

County of TRAVIS

I, Thomas W. Farrell Utility Co., Inc. being duly sworn, file this application as President of Hornsby Bend (indicate relationship to Applicant, that is, owner, member of partnership, title as officer of corporation, or other authorized representative of Applicant); that, in such capacity, I am qualified and authorized to file and verify such application, am personally familiar with the maps 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 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 Natural Resource Conservation Commission.

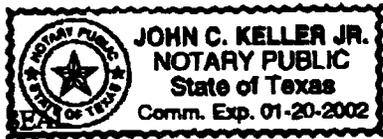
I further represent that the Applicant will provide continuous and adequate service to all customers and qualified applicants for service within its certificated service area.



AFFIANT
(Applicant's Authorized Representative)

If the Affiant to this form is any person other than the sole owner, partner, officer of the Applicant, or its attorney, a properly verified Power of Attorney must be enclosed.

SUBSCRIBED AND SWORN TO BEFORE ME, a Notary Public in and for the State and County above-named, this 12th day of October, 19 99.



J. C. Keller Jr.
NOTARY PUBLIC

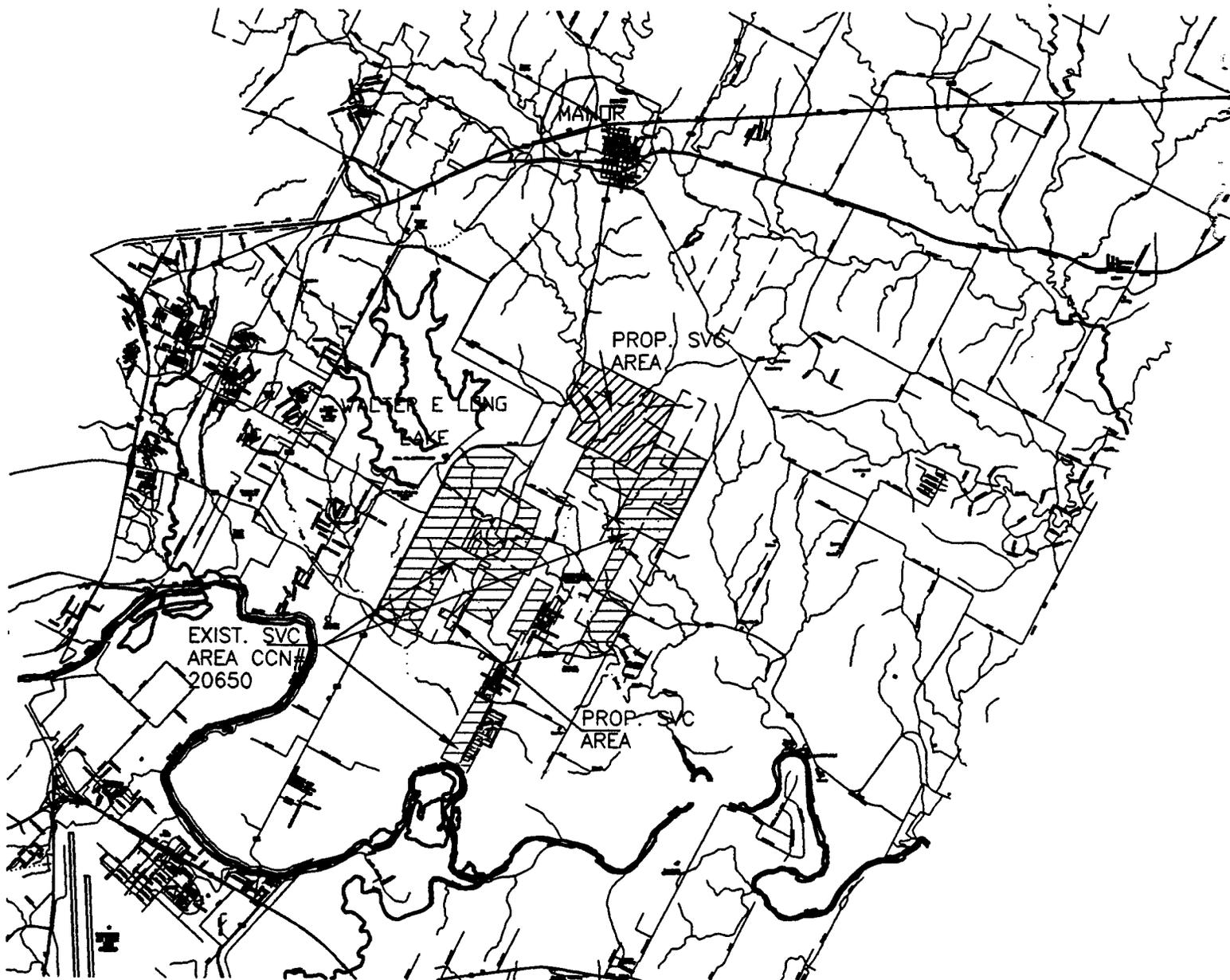
EXHIBIT '2'

TRAVIS COUNTY MAP

EXISTING SERVICE AREA

PROPOSED SERVICE AREA

*NOTE: ROADWAY AND STREAM ALLIGNMENT SHOWN HEREON TAKEN FROM TRAVIS COUNTY ROAD MAP PREPARED BY TEXAS DEPARTMENT OF TRANSPORTATION. PROPERTY BOUNDARIES TAKEN FROM TRAVIS CENTRAL APPRAISAL DISTRICT MAPS.



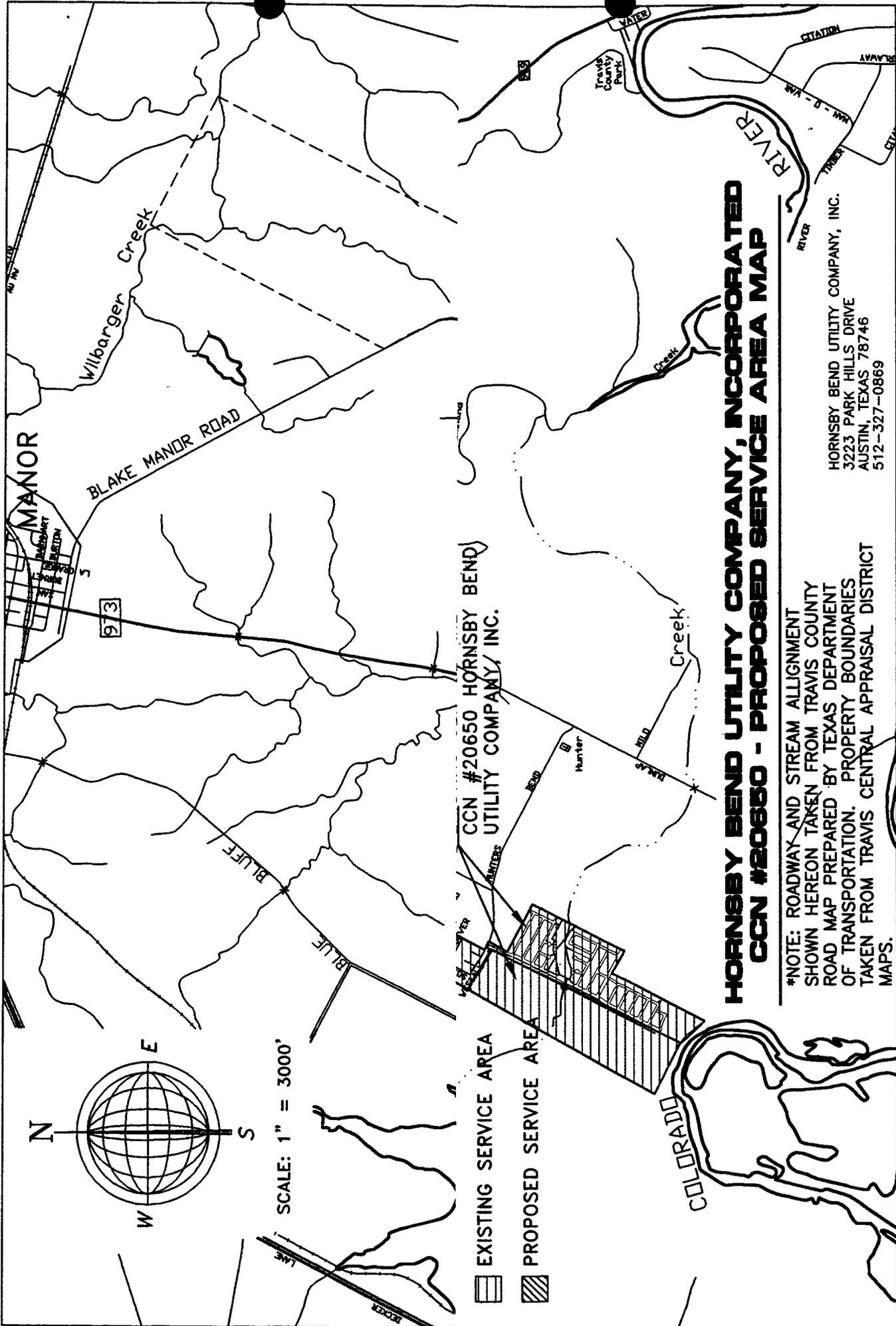
HORNSBY BEND UTILITY COMPANY, INCORPORATED
CCN #20650 - TRAVIS COUNTY MAP

SCALE: 1" = 2 MILES

HORNSBY BEND UTILITY COMPANY, INC.
3223 PARK HILLS DRIVE
AUSTIN, TEXAS 78746
512-327-0869

EXHIBIT '3'

PROPOSED SERVICE AREA MAP



**HORNSBY BEND UTILITY COMPANY, INCORPORATED
CCN #20650 - PROPOSED SERVICE AREA MAP**

CCN #20650 HORNSBY BEND
UTILITY COMPANY, INC.

*NOTE: ROADWAY AND STREAM ALIGNMENT SHOWN HEREON TAKEN FROM TRAVIS COUNTY ROAD MAP PREPARED BY TEXAS DEPARTMENT OF TRANSPORTATION. PROPERTY BOUNDARIES TAKEN FROM TRAVIS CENTRAL APPRAISAL DISTRICT MAPS.

HORNSBY BEND UTILITY COMPANY, INC.
3223 PARK HILLS DRIVE
AUSTIN, TEXAS 78746
512-327-0869

EXHIBIT '4'

PROPOSED NOTICES

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

To: Kennedy Ridge WSC
P.O. Box 1740A
Austin, Texas 78767

Date Notice Mailed:

HORNSBY BEND UTILITY COMPANY, INC. has filed an application to amend CCN No. 20650 with the Texas Natural Resource Conservation Commission to provide sewer utility service in Travis County. The proposed utility service area is located approximately 4 miles south of downtown Manor, Texas and is generally bounded on the south by F.M. 969; on the west by F.M. 973; on the north by Blake Manor Road; and on the east by Taylor Lane. The total area being requested includes approximately 840 acres and 0 current customers.

The Executive Director will issue this CCN unless one or more persons file written protests and/or a request for a hearing within 30 days after this notice is provided. To request a hearing you must state (1) your name, mailing address, and daytime telephone number; (2) the applicants 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 request a hearing or comment should write the:

Texas Natural Resource Conservation Commission
Water Utilities Division
Utility Rates and Services Section, MC- 153
P. O. Box 13087
Austin, TX 78711-3087

within (30) days from the date of this publication or notice. No public hearing will be held unless a request for a hearing is received. Only those individuals who submit a written request to be notified of a hearing will receive notice if a hearing is scheduled.

If one or more requests for a bearing are filed, the Executive Director will not issue the CCN and will forward the application to the State Office Administrative Hearings (SOAH) where a hearing may be held. In the event an evidentiary hearing is held, the SOAH will submit a recommendation to the Commission for final decision. If a hearing is held it will be a legal proceeding similar to civil trials in State District Court.

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

To: Travis County Municipal Utility District No. 2
c/o Manor City Administrator
P.O. Box 387
Manor, Texas 78653

Date Notice Mailed:

HORNSBY BEND UTILITY COMPANY, INC. has filed an application to amend CCN No. 20650 with the Texas Natural Resource Conservation Commission to provide sewer utility service in Travis County. The proposed utility service area is located approximately 4 miles south of downtown Manor, Texas and is generally bounded on the south by F.M. 969; on the west by F.M. 973; on the north by Blake Manor Road; and on the east by Taylor Lane. The total area being requested includes approximately 840 acres and 0 current customers.

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Texas Natural Resource Conservation Commission
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**NOTICE OF APPLICATION FOR CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN)
TO PROVIDE SEWER UTILITY SERVICE IN TRAVIS COUNTY**

To: City of Austin Wastewater Utility
625 East 10th Street, Suite 500
Austin, TX 78701

Date Notice Mailed:

HORNSBY BEND UTILITY COMPANY, INC. has filed an application to amend CCN No. 20650 with the Texas Natural Resource Conservation Commission to provide sewer utility service in Travis County. The proposed utility service area is located approximately 4 miles south of downtown Manor, Texas and is generally bounded on the south by F.M. 969; on the west by F.M. 973; on the north by Blake Manor Road; and on the east by Taylor Lane. The total area being requested includes approximately 840 acres and 0 current customers.

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

To: Manor, City of
P O Box 387
Manor, Texas 78653

Date Notice Mailed:

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If one or more requests for a bearing are filed, the Executive Director will not issue the CCN and will forward the application to the State Office Administrative Hearings (SOAH) where a hearing may be held. In the event an evidentiary hearing is held, the SOAH will submit a recommendation to the Commission for final decision. If a hearing is held it will be a legal proceeding similar to civil trials in State District Court.

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

HORNSBY BEND UTILITY COMPANY, INC. has filed an application to amend CCN No. 20650 with the Texas Natural Resource Conservation Commission to provide sewer utility service in Travis County. The proposed utility service area is located approximately 4 miles south of downtown Manor, Texas and is generally bounded on the south by F.M. 969; on the west by F.M. 973; on the north by Blake Manor Road; and on the east by Taylor Lane. The total area being requested includes approximately 840 acres and 0 current customers.

A request for a public hearing must be in writing. You must state (1) your name, mailing address, and daytime telephone number; (2) the applicant's name, application number or another recognizable reference to this application; (3) the statement, "I/we request a public hearing"; (4) a brief description of how you or the persons you represent, would be adversely affected by the granting of the application for a CCN; and (5) your proposed adjustment to the application or CCN which would satisfy your concerns and cause you to withdraw your request for a hearing. The Executive Director will issue this CCN unless one or more persons file written protests and/or a request for a hearing within 30 days after this notice is provided.

Persons who wish to intervene or comment should write the:

Texas Natural Resource Conservation Commission
Water Utilities Division
Utility Rates and Services Section, MC- 153
P. O. Box 13087
Austin, TX 78711-3097

within 30 days from the date of this publication or notice. No public hearing will be held unless a request for a hearing is received. Only those individuals who submit a written request to be notified of a hearing schedule will receive notice if a hearing is scheduled.

EXHIBIT '5'

TARIFF

RECEIVED
FOR WATER UTILITIES DIV.

SEWER UTILITY TARIFF

FOR

HORNSBY BEND UTILITY COMPANY, INC.
1301 S. IH 35
AUSTIN, TEXAS 78741
[512]447-4414

This tariff is effective in the following county:

Travis

and the following cities, unincorporated towns (if any)

None

and the following subdivisions or systems:

Austin's Colony

TABLE OF CONTENTS

Section	Page
1.0 Rate Schedule	2
2.0 Service Rules	4
3.0 Extension Policy	5
Appendix A Service Agreement Form	6
Appendix B Condensed Substantive Rules	7

DATE 12/11/86
FILED 85-6
GF
TARRANT COUNTY

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- E - Error Correction

SECTION 1.0 - RATE SCHEDULE

Section 1.1 Rates

Minimum Monthly Bill
(including 2000 gallons metered water usage) \$ 34.00

Volume Rate Per Thousand Gallons
above volume included in Minimum Bill \$2.20

Monthly billing volume will be based on the monthly average of the customer's previous November, January and February metered water usage.

New Customer Flat Rate

Until new customers establish actual winter months billing volumes, monthly bills will be estimated on the basis of 6,000 gallons metered water usage.

Section 1.2 Miscellaneous Fees

TAP FEE

Standard Residential Connection

12/1/86
N-302
856 GF
\$400.00

Tap fee is limited to the average of the utility's actual costs for materials and labor for a standard residential connection.

Oversize Service Actual Cost

RECONNECTION FEE \$30.00

The reconnect fee will be charged before service can be restored to a customer whose service has been disconnected at the customer's request or for reasons listed under Section 2 of this tariff or the Commission's Substantive Rules.

RETURNED CHECK CHARGE \$15.00

This fee will be charged for returned checks.

CHANGE OF ACCOUNT \$10.00

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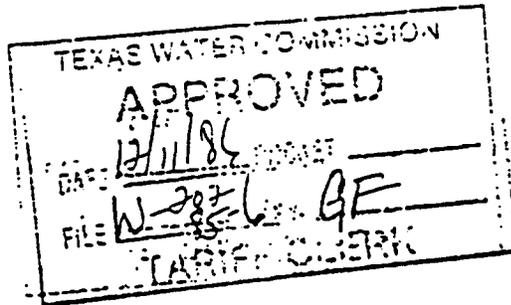
- C - Regulation Change; D - Discontinued; I - Increase ; N - New
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APPLICANT DEPOSIT

Per TWC Substantive
Rules

LATE PAYMENT PENALTY

Per TWC Substantive
Rules



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SECTION 2.0 - SERVICE RULES AND REGULATIONS

A copy of the Commission's latest condensed substantive rules is included in Appendix B.

Section 2.1 Application for Service

All applications for service will be made on the utility's standard application or contract form and will be signed by the applicant before sewer service is provided by the utility. A separate application or contract will be made for each service at each separate location.

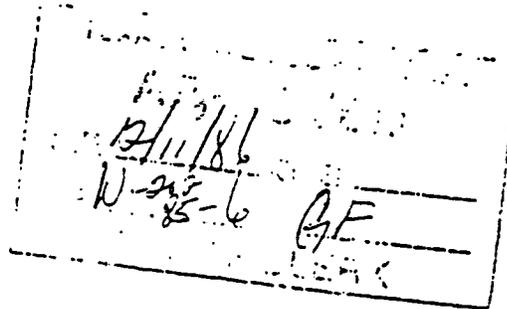
Section 2.2 Sewer Installation

After the applicant has met all requirements, conditions and regulations herein set forth, the utility will then install a tap, meter and cut-off valves and take all necessary actions to initiate service.

Section 2.3 Billing

Water and sewer utility bills shall be rendered monthly unless otherwise authorized by the Commission, or unless service is terminated before the end of a billing cycle. Service initiated less than one week before the next billing cycle may be billed with the following month's bill. Bills should be rendered as promptly as possible following the reading of meters.

Bills are considered late if not received at the utility's office or postal address within 16 days of the billing date. Service can be disconnected for nonpayment of a bill only after 10 days written notice.



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SECTION 3.0 - EXTENSION POLICY

Section 3.1 Standard Extension Requirements Under Texas Water Commission Substantive Rules

Contributions in aid of construction shall not be required of individual residential applicants for production, storage, treatment or transmission facilities.

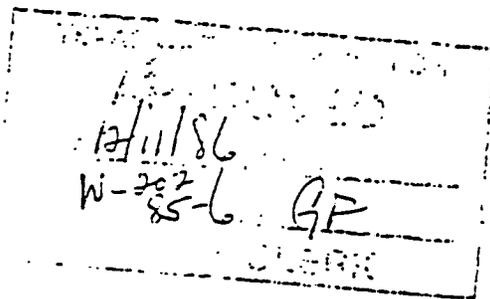
The utility will bear the cost of the first 200 feet of sewer main necessary to extend service to an individual residential applicant. The utility shall bear the full cost of any oversizing of sewer mains to serve other residential customers in the area.

Section 3.2 - Specific Utility Extension Policy

When an individual residential applicant requires an extension of a main line beyond 200 feet, the charge to that applicant shall be the actual cost of such extension in excess of 200 feet, plus the applicable tap fee.

When a developer wishes to extend the system to prepare to service multiple new connections, the charge shall be the cost of such extension, plus a pro-rata charge based upon the capacities of collection, transmission, pumping, treatment and disposal facilities which must be committed to such extension.

Any applicant who places unique or non-standard service demands on the system may be required to provide contributions in aid of construction for the actual costs of any additional facilities required to maintain compliance with the Texas Water Commission minimum design criteria for sewer transmission, pumping, treatment, and disposal.



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Appendix A HORNSBY BEND UTILITY COMPANY, INC.
1301 S. IH 35
AUSTIN, TEXAS 78741
APPLICATION FOR WATER AND/OR SEWER SERVICE

Date: ___/___/___ Name of Applicant: _____
Service Address: _____
Billing Address: Street/Box: _____
City, State, Zip: _____

Check Applicable Items:

___ Residential ___ Commercial ___ Owner ___ Tenant ___ Age Over 65
___ Water Service ___ Sewer Service

Desired Water Meter Size: ___ Standard ___ Other (State size: _____)

If Commercial Applicant, describe operations, special requirements, sewer discharges, etc.:

Handwritten: 12/11/86
1277
GF
TARIFF DEPT

I hereby apply for the above described service from HORNSBY BEND UTILITY COMPANY, INC. I agree to abide by all service rules and regulations of the utility as contained in the utility's applicable tariff and the Substantive Rules of the Texas Water Commission, copies of which are available for inspection at the utility's business office.

Signed _____

----- Do Not Write Below This Line -----

Application approved by _____ Date: ___/___/___
Deposit Amount _____ Date Rec'd ___/___/___ Service Initiated ___/___/___
Tap Fee Amount _____ Date Rec'd ___/___/___ Meter # _____
Meter Size _____

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Appendix B
Condensed Substantive Rules

12/11/86
W-203
856 GE
TARIFF CLERK

EXHIBIT '6'

INSPECTION REPORT