

Control Number: 43551



Item Number: 1

Addendum StartPage: 0

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

RECEIVED

2014 OCT 15 PM 12:03

PUBLIC UTILITY COMMISSION  
FILING CLERK

43551

CCN/11978/582-03-0680/CO

**TEXAS COMMISSION  
ON ENVIRONMENTAL QUALITY**  
**TRANSMITTAL OF ADMINISTRATIVE RECORD**

RECEIVED

NOV 01 2005

TCEQ  
CENTRAL FILE ROOM

**DATE:** October 18, 2002

**TO:** SOAH Natural Resources Docket Clerk

**THRU:** *DA* Deanna Avalos, TCEQ Final Documents Team Leader

**FROM:** *MM* Melanie Mohair, TCEQ SOAH Docket Coordinator

**RE:** Hornsby Bend Utility Company, Inc.; Application Nos. 33988-C and 33989-C  
SOAH Docket No. 582-03-0680; TCEQ Docket No. 2002-1197-UCR

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

- 1. the application;
- 2. public hearing notice and Chief Clerk's affidavit

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

1

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION



STATE OF TEXAS §

COUNTY OF TRAVIS §

I, LaDonna Castañuela, Chief Clerk of the Texas Commission on Environmental Quality, do hereby certify that the attached lists persons to whom the attached notice of the public hearing for Hornsby Bend Utility Company, Inc., SOAH Docket No. 582-03-0680, TCEQ Docket No. 2002-1197-UCR, was mailed on October 17, 2002.

Given under my hand and the seal of the Texas Commission on Environmental Quality, this the 17<sup>th</sup> day of October, 2002.

A handwritten signature in cursive script, reading "LaDonna Castañuela".

LaDonna Castañuela, Chief Clerk  
Texas Commission on Environmental Quality

(SEAL)

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION



**NOTICE OF HEARING**  
**HORNSBY BEND UTILITY COMPANY, INC.**  
**SOAH Docket No. 582-03-0680**  
**TCEQ Docket No. 2002-1197-UCR**

**APPLICATION.** Hornsby Bend Utility Company, Inc., 9511 Ranch Road 620 North, Austin, Texas 78726, Application Nos. 33988-C & 33989-C have applied with the Texas Commission on Environmental Quality (TCEQ) to amend Water Certificate of Convenience and Necessity No. 11978 and Sewer Certificate of Convenience and Necessity No. 20650 in Travis County, Texas.

**CONTESTED CASE HEARING.** The State Office of Administrative Hearings (SOAH) will conduct a formal contested case hearing on this application at:

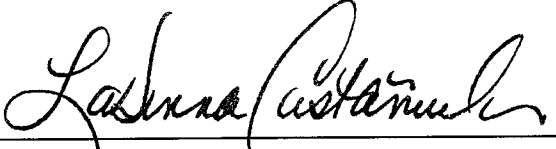
**10:00 a.m. - December 12, 2002**  
**William P. Clements Building**  
**300 West 15<sup>th</sup> Street, 4<sup>th</sup> Floor**  
**Austin, Texas 78701**

The hearing will be a legal proceeding similar to a civil trial in state district court. The hearing will be conducted in accordance with Chapter 2001, Texas Government Code; Chapter 13, Texas Water Code; TCEQ rules including 30 Texas Administrative Code (TAC) Chapter 291; and the procedural rules of the TCEQ and SOAH, including 30 TAC Chapter 80 and 1 TAC Chapter 155. To participate in the hearing as a party, you must attend the hearing and show you would be affected by the petition in a way not common to members of the general public.

**INFORMATION.** For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, TCEQ, P.O. Box 13087, Austin, TX 78711-3087. For additional information, contact the Water Utilities Division, MC 153, P.O. Box 13087, Austin, TX 78711-3087, telephone 512-239-6960. General information regarding the TCEQ can be found at our web site at [www.TCEQ.state.tx.us](http://www.TCEQ.state.tx.us).

Persons with disabilities who plan to attend this hearing and who need special accommodations at the hearing should call the Office of Public Assistance at 1-800-687-4040 or 1-800-RELAY-TX (TDD), at least one week prior to the hearing.

Issued: October 17, 2002

  
\_\_\_\_\_  
LaDonna Castañuela, Chief Clerk  
Texas Commission on Environmental Quality

**MAILING LIST**  
**HORNSBY BEND UTILITY COMPANY, INC.**  
**SOAH Docket No. 582-03-0680**  
**TCEQ Docket No. 2002-1197-UCR**

John J. Carlton, Attorney  
Armbrust & Brown, L.L.P.  
100 Congress Avenue, Suite 1300  
Austin, Texas 78701-2744  
*Representing: Hornsby Bend Utility Company, Inc.*

Kenneth Ramirez  
Monica Jacobs  
Bracewell & Patterson, L.L.P.  
111 Congress Avenue, Suite 2300  
Austin, Texas 78701-4043  
*Representing: City of Austin*

Madison Jechow  
Lower Colorado River Authority  
P.O. Box 220  
Austin, Texas 78767-0220  
*Representing: Lower Colorado River Authority*

Ronald J. Freeman  
Freeman & Corbett, LLP  
2304 Hancock, Suite 6  
Austin, Texas 78756  
*Representing: Lower Colorado River Authority*

Ronnie Jones, Assistant City Attorney  
City of Austin, Law Department  
114 West 7<sup>th</sup> Street, Northwood Tower  
P.O. Box 1088  
Austin, Texas 78767-8845  
*Representing: City of Austin*

Mark H. Zeppa  
Law Offices of Mark H. Zeppa, P.C.  
4833 Spicewood Springs Road, Suite 202  
Austin, Texas 78759  
*Representing: Aquasource Utility Company, Inc.*

Natural Resources Docket Clerk  
State Office of Administrative Hearings  
P. O. Box 13025  
Austin, Texas 78711-3025

Texas Commission on Environmental Quality  
P. O. Box 13087  
Austin, Texas 78711-3087

John Deering, Staff Attorney, Office of Legal Services (Mail Code 173)  
Geoffrey P. Kirshbaum, Staff Attorney, Environmental Law Division (Mail Code 173)  
Kamal Adhikari, Staff Engineer, Utility Rates & Services (Mail Code 153)  
Blas Coy, Office of Public Interest Counsel (Mail Code 103)  
Andy Saenz, Agency Communications - Media Relations (Mail Code 118)  
Dell Sites, Support Services - Telecommunications (Mail Code 217)

**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**  
**INTEROFFICE MEMORANDUM**

**TO:** LaDonna Castanuela, Chief Clerk

**DATE:** October 10, 2002

**THRU:** *MA* Doug Holcomb, P. E., Manager  
Utilities and Districts Section  
Water Supply Division

**FROM:** *MA* <sup>*MA*</sup> Michelle Abrams, Team Leader  
Utilities and Districts Section  
Water Supply Division

CHIEF CLERK'S OFFICE

OCT 11 10 22

**SUBJECT:** Docket No. 2002-1197-UCR; Application from Hornsby Bend Utility Company, Inc. to Amend Water Certificate of Convenience and Necessity (CCN) Number 11978 and Sewer CCN Number 20650 in Travis County; Application Nos. 33988-C & 33989-C

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

This utility's application is being protested by the following:

City of Austin  
AquaSource Utility, Inc.,  
AquaSource Development Company, Inc.

Staff estimates 10 people to attend this hearing. Attached is a mailing list.

The staff assigned to this case are:

Technical - Kamal Adhikari

Legal -

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

*Michelle Abrams*  
Michelle Abrams, Team Leader

MA/KA/sr

cc: TNRCC Public Interest Counsel; ATTN: Vic McWherter  
TNRCC Agency Communications; ATTN: Andy Saenz, Director  
TNRCC Chief Clerk's Office; ATTN: Melanie Mohair  
TNRCC Legal Division; ATTN: Geoffrey Kirschbaum

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



## TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

*Protecting Texas by Reducing and Preventing Pollution*

October 10, 2002

CHIEF CLERK'S OFFICE

10/11/02 11:22

Mr. John J. Carlton, Attorney  
Armbrust & Brown, L.L.P.  
100 Congress Avenue, Suite 1300  
Austin, Texas 78701-2744

Re: Docket No. 2002-1197-UCR; Protest of Application from Hornsby Bend Utility Company, Inc. to Amend Water Certificate of Convenience and Necessity (CCN) Number 11978 and Sewer CCN Number 20650 in Travis County; Application Nos. 33988-C & 33989-C

Dear Mr. Carlton:

The Texas Commission on Environmental Quality (TCEQ) received protests to Hornsby Bend Utility Company, Inc.'s application to amend water and sewer CCN Nos. 11978 and 20650 in Travis County. The Commission's Chief Clerk has assigned Docket No. 2002-1197-UCR to this matter. Any further communications should refer to this docket number. V.T.C.A. Water Code, Section 13.246 provides that affected parties may protest the application and request a hearing on whether a CCN should be amended. The referenced application has been protested by the following:

City of Austin  
AquaSource Utility, Inc.,  
AquaSource Development Company, Inc.

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

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

If you have questions about this process or what material you should bring with you to the hearing, please contact Mr. Kamal Adhikari at 512/239-0680.

Sincerely,

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

Michelle Abrams, Team Leader  
Utilities & Districts Section  
Water Supply Division, MC 153

MA/KA/sr

cc: TCEQ Region No. 4 Office  
Attached Mailing List



PROPOSED MAILING LIST FOR DOCKET NO. 2002-1197-UCR  
(Application Nos. 33988-C & 33989-C)

Mr. John J. Carlton, Attorney  
Armbrust & Brown, L.L.P.  
100 Congress Avenue, Suite 1300  
Austin, Texas 78701-2744

Representing: Hornsby Bend Utility Company, Inc.

Mr. Ronnie Jones, Assistant City Attorney  
City of Austin  
Law Department  
Northwood Tower, 114 West 7<sup>th</sup> Street  
P.O. Box 1088  
Austin, Texas 78767-8845

Representing: City of Austin

Mr. Mark H. Zeppa  
Law Office of Mark H. Zeppa, P.C.  
4833 Spicewood Springs Road, Suite 202  
Hornsby, Texas 78759-8436

Representing: AquaSoure Utility, Inc.

HORNSBY BEND UTILITY COMPANY, INC.

Sewer Tariff Page No. 1  
Revision No.: Original

RECEIVED

SEWER UTILITY TARIFF  
JUL 23 3 36 PM 1:55

FOR WATER UTILITIES DIV.

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

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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

TEXAS WATER COMMISSION  
 APPROVED  
 DATE 12/11/06  
 FILE W-202  
 85-6 BY G.F.  
 TARIFF CLERK

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- E - Error Correction

HORNSBY BEND UTILITY COMPANY, INC.

Sewer Tariff Page No. 2  
Revision No.: Original

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

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

APPROVED  
DATE 12/11/86  
BY GF  
TARIFF CLERK \$400.00

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HORNSBY BEND UTILITY COMPANY, INC.

Sewer Tariff Page No. 3  
Revision No.: Original

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.

TEXAS WATER COMMISSION  
 APPROVED  
 DATE 8/11/86  
 BY [Signature] GE  
 TARIFF CLERK

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HORNSBY BEND UTILITY COMPANY, INC.

Sewer Tariff Page No. 5  
Revision No.: Original

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.

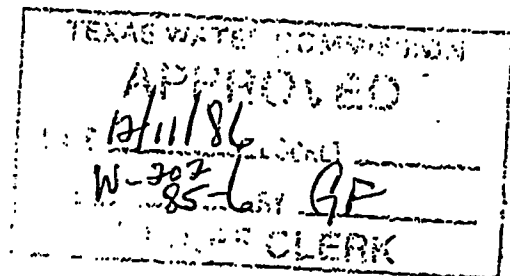
The utility will bear the cost of the first 200 feet of sewer main necessary to extend service to an individual residential applicant. The utility shall bear the full cost of any oversizing of sewer mains to serve other residential customers in the area.

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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HORNSBY BEND UTILITY COMPANY, INC.

Sewer Tariff Page No. 6  
Revision No.: Original

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.:

APPROVED  
DATE 7/11/02  
FILED BY GF  
TARIFF CLERK

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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HORNSBY BEND UTILITY COMPANY, INC.

Sewer Tariff Page No. 7  
Revision No.: Original

Appendix B

Condensed Substantive Rules

12/11/86  
FILE W-856 BY GE  
TARIFF CLERK



HORNSBY BEND UTILITY COMPANY, INC.

Water Tariff Page No. 1  
Revision No.: Original

RECEIVED

WATER UTILITY TARIFF  
MAY 20 11 18 05

FOR WATER UTILITIES DIV.

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)

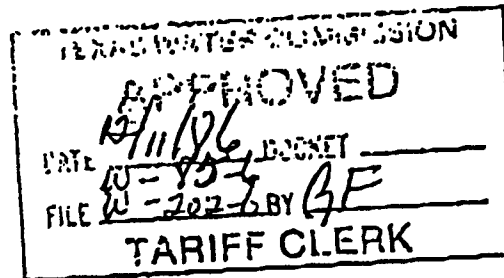
None

and the following subdivisions or systems:

Austin's Colony

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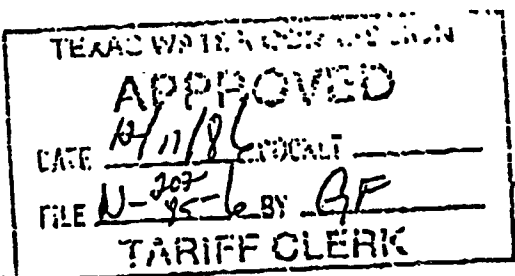
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SECTION 1.0 - RATE SCHEDULE

Section 1.1 Rates

Minimum Monthly Bill (including 2000 gallons)

5/8" Meter		\$ 20.00
3/4" Meter		20.00
1" Meter		33.46
1-1/2" Meter		71.78
2" Meter		125.46
2-1/2" Meter		194.50
3" Meter		278.90
4" Meter		493.61
6" Meter or Larger		1,107.38



Volume Rate Per Thousand Gallons  
above volume included in Minimum Bill \$1.37

Section 1.2 Miscellaneous Fees

TAP FEE

Standard Residential Connection \$400.00

Tap fee is limited to the average of the utility's actual costs for materials and labor for a standard residential connection (5/8 or 3/4 inch meter).

Oversize Meter 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

APPLICANT DEPOSIT Per TWC Substantive

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LATE PAYMENT PENALTY

Per TWC Substantive  
Rules

TEXAS WATER COMMISSION  
APPROVED  
7/11/02  
FILED W-095-6 AF  
TARIFF CLERK

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HORNSBY BEND UTILITY COMPANY, INC.

Water Tariff Page No. 4  
Revision No.: Original

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 water service is provided by the utility. A separate application or contract will be made for each service at each separate location.

Section 2.2 Water 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.

<p>12/11/02</p> <p>W-5646-6.57 GF</p> <p>TARIFF CLERK</p>
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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 water main necessary to extend service to an individual residential applicant. The utility shall bear the full cost of any oversizing of water 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 production, transmission, storage, pumping and treatment 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 Department of Health minimum design criteria for water production, treatment, pumping, storage and transmission.

APPROVED  
12/11/86  
W-85-6 BY G.F.  
CHIEF CLERK

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SECTION 4.0 - EMERGENCY RATIONING PROGRAM

Section 4.1 - General Provisions

A. Declaration of Emergency

When system demand exceeds production or storage capability measured over a 24-hour period, and refilling the storage facilities is rendered impossible, the utility may declare an emergency to exist, and thereafter ration water in the following manner:

B. Notice Requirements

Written notice of the proposed rationing shall be mailed or delivered to each customer 72 hours before the utility actually starts the program, and shall also be placed in a local newspaper. The utility shall send a copy of the customer notice to the Texas Water Commission at the same time notice is sent to the customers. The customer notice shall contain the following information:

1. The date rationing shall begin;
2. The date rationing shall end;
3. the stage (level) and explanation of rationing to be employed;
4. explanation of penalties for violations

C. Violation of Emergency Rationing Rules:

- (1) Upon first violation the utility may install a flow restrictor in the line to limit the amount of water which will pass through the meter in a 24-hour period. The cost to be charged to the customer's account shall be the actual installed cost to the utility, not to exceed \$50.00.
- (2) Upon subsequent violations the utility may terminate service at the meter for a period of seven (7) days, or until the end of the calendar month, whichever is LESS. The normal reconnect fee of the utility shall apply for restoration of service.

APPROVED  
 12/11/86  
 W-372-6 BY GF  
 TARIFF CLERK

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HORNSBY BEND UTILITY COMPANY, INC.

Water Tariff Page No. 7  
Revision No.: Original

D. Exemptions or Variances from Rationing Rules:

The utility may grant any customer an exemption or variance from the uniform rationing program for good cause. In such event, the utility shall notify the Texas Water Commission within 24 hours of such exemption or variance, stating the name, address and cause for the affected customer.

A customer who is refused an exemption or variance may appeal such action of the utility by written appeal to the Texas Water Commission. The utility shall treat all customers equally concerning exemptions and variances, and shall not employ discrimination in such grants.

E. Rates

All existing rates shall remain in effect during the rationing period. No charges may be levied against a customer which are not contained in the approved tariff of the utility as filed with the Commission.

The purpose of the Emergency Water Rationing Program is to conserve the total amount of water demanded from the utility until supply can be restored to normal levels. This rationing program shall not exceed sixty (60) days without written approval of the Texas Water Commission.

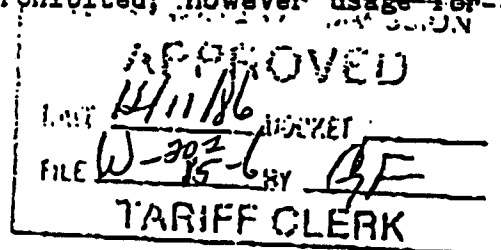
Section 4.1 - Stage Levels of Rationing

A. Stage I (Mild Rationing Conditions):

Usage of water for outdoor purposes such as lawns, gardens, car washing, etc. will be restricted to specified days, as determined by the customer's street address, and to specified hours on said days. The specific days and hours during which outdoor water use is permitted for each street address shall be provided to each customer and to the commission along with notice of the imposition of Stage I rationing.

Stage II (Moderate Rationing Conditions):

All outdoor water usage is prohibited; however usage for livestock is exempt.



TO BECOME EFFECTIVE, THIS PAGE MUST CONTAIN A TEXAS WATER COMMISSION FILING STAMP.

Changes indicated in the right-most column are as follows:

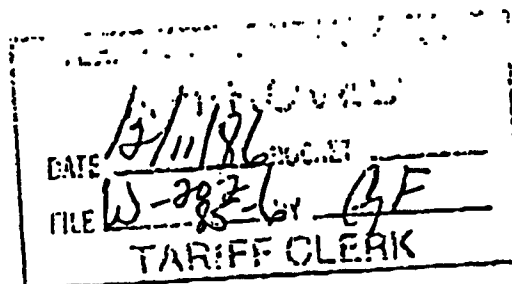
- C - Regulation Change; D - Discontinued; I - Increase ; N - New
- R - Rate Reduction; T - Change in Text but no change in regulation;
- E - Error Correction

**Stage III (Severe Rationing Conditions):**

All outdoor water usage is prohibited. Livestock may be exempted by the Utility. All consumption shall be limited to each customer in one of the following ways:

- (1) A fixed percentage of each customer's average use in the prior month, the percentage to be uniformly applied on a systemwide basis, each customer being notified of this percentage amount, OR;
- (2) A maximum number of gallons per meter (customer) per week, with notice to each customer of this number.

All meters shall be read as often as necessary to ensure compliance with this program, for the benefit of all customers.



**TO BECOME EFFECTIVE, THIS PAGE MUST CONTAIN A TEXAS WATER COMMISSION FILING STAMP.**

Changes indicated in the right-most column are as follows:

- C - Regulation Change; D - Discontinued; I - Increase ; N - New
- R - Rate Reduction; T - Change in Text but no change in regulation;
- E - Error Correction



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: \_\_\_\_\_

Check Applicable

\_\_\_ Residential \_\_\_ Commercial \_\_\_ Owner \_\_\_  
\_\_\_ Water Service \_\_\_ Sewer Service

Desired Water Meter Size: \_\_\_ Standard \_\_\_ Other (State size: \_\_\_\_\_)

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

APPROVED  
DATE 7/11/02  
FILED 7/11/02 BY GF  
TARIFF CLERK

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 Subordinate 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 \_\_\_\_\_

TO BECOME EFFECTIVE, THIS PAGE MUST CONTAIN A TEXAS WATER COMMISSION FILING STAMP.

Changes indicated in the right-most column are as follows:

- C - Regulation Change; D - Discontinued; I - Increase ; N - New
- R - Rate Reduction; T - Change in Text but no change in regulation;
- E - Error Correction

Appendix B  
Condensed Substantive Rules

APPROVED  
12/11/06  
W-85-2001 GF  
TARIFF CLERK

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



## TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

*Protecting Texas by Reducing and Preventing Pollution*

June 26, 2002

### CERTIFIED MAIL

Mr. John J. Carlton  
Armbrüst & B Brown, L.L.P.  
100 Congress Avenue - Suite 1300  
Austin, Texas 78701-2744

Re: Application of Hornsby Bend Utility Company, Inc.  
CCN Numbers: 11978 (water) and 20650 (sewer)  
Administrative Review Number: A-124-2

Dear Mr. Carlton:

We have received the application on June 25, 2002 for the above referenced entity and it is currently under review. Your attention to the following items is requested before we can declare the application administratively complete. Please submit your response within 30 days from the date of this letter.

1. After the revised CCN application was posted on the web, it was discovered that the space for the utility's address and phone number was inadvertently omitted. A corrected CCN application has since been posted on the web. Please provide us with the utility address and phone number.
2. Item 6.B.ii. on page 11 of the application: We were unable to locate the proposed rate schedule or tariff. Please provide the proposed rate schedule or tariff.

Please submit the complete response, addressed to my attention by July 26, 2002. If the requested information is not received by the given deadline, pursuant to 30 TAC Chapter 281, the application will be returned from our list of pending applications. If you should have any questions, please do not hesitate to call me at (512) 239-6168.

Sincerely,

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

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

ARMBRUST & BROWN, L.L.P.  
ATTORNEYS AND COUNSELORS

100 CONGRESS AVENUE, SUITE 1300  
AUSTIN, TEXAS 78701-2744  
(512) 435-2300

TELECOPIER (512) 435-2360

JOHN J. CARLTON  
(512) 435-2308  
jcarlton@abaustin.com

June 21, 2002

**Via Certified Mail, Return Receipt Requested**  
Texas Natural Resource Conservation Commission  
Registration, Review and Reporting Division  
Permits Administrative Review Section  
Water Quality Applications Team  
MC-156  
P.O. Box 13087  
Austin, Texas 78711-3087

RE: *Hornsby Bend Utility Company's Application to Amend Water and Sewer Certificates of Convenience and Necessity No. 11978 and 20650*

Dear Sir or Madam:

Enclosed please find an original and three copies of the above referenced document, together with a filing fee in the amount of \$100.00. Please file this document and return a copy to me for my files.

Hornsby Bend is filing this application to protect its future regional service area from encroachment by the City of Austin. Hornsby Bend has received numerous requests for both water and wastewater service within the proposed area. Although the requests do not encompass the entire area of this application and Hornsby Bend has understood the TNRCC's position to be that CCN's are not approved for areas where service is not currently being requested, Hornsby Bend is filing this application as a result of the City of Austin's application for water and wastewater CCN's (Application Nos. 33562-C and 33563-C). The City of Austin's application is not supported by any requests for service in the area covered by this application, and Hornsby Bend believes that Austin is not as well situated as Hornsby Bend to provide service to this area in the future.

If you have any questions regarding the application, please contact me at your convenience.

Sincerely,

ARMBRUST & BROWN, L.L.P.

  
JOHN J. CARLTON

enclosure

\$ 100.00

RECEIVED

JUN 25 2002

Water Quality Applications Team

A-124-2



RECEIVED  
JUN 25 2002  
Water Quality Applications Team

**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 NATURAL RESOURCE CONSERVATION COMMISSION (TNRCC). ★★★


 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
  - Investor Owned Utilities (IOU);
  - Non-profit, member-owned, member-controlled water supply or sewer service corporations (WSC) incorporated under Water Code Chapter 67; and
  - 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.

## 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.
- 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;
  - to provide a copy of the individual notice 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

- to provide individual mailed notice to all affected current customers if you are required to have a CCN but are currently providing service without a CCN;
- 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
  - 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.**

## 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. 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. 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 to anyone at the time you submit this application to the Commission.** Your proposed notices 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

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 the application is *technically complete*, you have provided *appropriate notice*, and 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 ***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,**
  - **the application will be returned**
  - **the application fee will be forfeited and**
  - **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.**

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.

### **ORDERING ADDITIONAL FORMS OR INFORMATION**

An information order form is attached which includes all current application and petition forms, pamphlets and other information available from the Utilities and Districts Section at no charge.

**The completed application and copies should be sent to:**

Texas Natural Resource Conservation Commission  
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 NATURAL RESOURCE  
CONSERVATION COMMISSION. ☆☆☆**





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

\*RN #

\*CN #

\*If known (See instructions)

**PURPOSE OF THIS APPLICATION**

OBTAIN     New Water CCN                       New Sewer CCN

AMEND     Water CCN # 11978     Sewer CCN # 20650

**RECEIVED**

JUN 25 2002

Water Quality Applications Team

**1. APPLICANT INFORMATION**

Utility Name: Hornsby Bend Utility Company, Inc.

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: John J. Carlton                      Title: Attorney  
 Address: 100 Congress Avenue, Suite 1300    Telephone (512) 435-2300  
 City Austin    St TX    Zip 78701    Fax (512) 435-2360  
 County(ies) in which service is proposed Travis

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

Name	Classes	License Number
Jeff Deleon	B-WW C-GW	463-51-0780
Eric Morgen	B-WW C-GW	460-65-5943

*- 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 checked="" 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 type="checkbox"/>	Municipality
<input type="checkbox"/>	District
<input type="checkbox"/>	Other
	Please explain:

**C. If the applicant is a For-Profit Corporation:**

- i. Please provide a copy of the corporation's "Certification of Account Status" from the Texas State Comptroller of Public Accounts. **See Exhibit "A" attached hereto.**

ii. Please provide the corporation's charter number as recorded with the Office of the Texas Secretary of State. 773737

D. If the applicant is a Water Code Chapter 67 water supply or sewer service corporation or other non-profit corporation:

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 X NO \_\_\_\_\_

If YES, are any currently receiving utility service?

YES \_\_\_\_\_ NO X, if YES, from Whom \_\_\_\_\_.

B. Have you received any requests for service in the requested service area?

YES X 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.

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. **See Exhibit "B" attached hereto.**

If no, please justify the need for service in the proposed area.

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

YES \_\_\_\_\_ NO X

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 X

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 8½ x 11 inches).*

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. This map will assist TNRCC staff in locating the proposed service area in relation to neighboring utility service areas. The proposed service area boundary may be delineated on a copy of the TNRCC official CCN map. *A copy of the TNRCC official CCN map may be obtained by contacting the Utilities & Districts Section at 512/239-6960 or by mailing a written request to the following address:*

Texas Natural Resource Conservation Commission  
Water Permits & Resource Management 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.*

### 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.

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.i and E.ii).
- iii. Please identify data file format, projection information, map units and base map used.  
**Acceptable Data File Formats:**

1. ArcView shape file (preferred)
2. AutoCAD dwg file
3. Arc/Info E00 file
4. DXF file
5. 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.

- b. **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.)

c. **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: TNRCC 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.tnr.is.state.tx.us/DigitalData/TxDOT/txdot.htm>.

d. **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 Permits & Resource Management Division at (512) 239-6960. Your cooperation and help is appreciated. Thank you.

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

A. Please provide the following information:

- i. A list of all public drinking water supply systems or sewer systems within a 2 mile radius of the proposed system.
- ii. Copies of written requests seeking to obtain service from each of the public drinking water supply systems or sewer systems listed in #4.a.i above or documentation that it is not economically feasible to obtain service from them.
- iii. Copies of written responses from each system or evidence that they did not reply.

B. Were your requests for service denied?

- i. If yes, continue.
- ii. 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 TNRCC Public Water System identification number:

2	2	7	0	2	5	5
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ii. Sewer system's TNRCC Discharge Permit number: (for each system)

W	Q	1	3	1	3	8	-	0	0	1
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W	Q									
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- iii. Date of last inspection October 23, 2001 Water, August 14, 2001 Wastewater
- iv. Attach a copy of the most recent inspection report letter. See **Exhibit "C"** and **Exhibit "D"** attached hereto.
- 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.

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?  
 Yes \_\_\_\_\_ No X  
 Attach an explanation listing the actions to be taken to make system improvements including proposed completion dates (See 291.93(3)(A) of TNRCC Rules).

C. List in the table below, the number of existing and/or proposed metered and non-metered connections (by size):

Water System			Sewer System		
Connection	Existing	Proposed	Connection	Existing	Proposed
5/8" or 3/4" meter	689		Residential	679	
1" meter or larger	4		Commercial	9	
Non-Metered			Industrial	0	
Other:			Other:	3	
<b>Total Water</b>	<b>693</b>		<b>Total Sewer</b>	<b>691</b>	

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

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

For areas where Hornsby water CCN does not overlap sewer CCN, Manville WSC provides water under its CCN.

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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: \_\_\_\_\_

Amending certificate will allow Hornsby Bend to extend service to areas that will be developed soon.

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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.

## 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 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:

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:

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 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 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.

**Manville WSC (CCN No. 11144)**

**Kennedy Ridge WSC (Water CCN No. 12643; Wastewater CCN No. 20760)**

**City of Austin**

**Garfield WSC (CCN No. 11244)**

**City of Manor (CCN No. 20378)**

**Nighthawk WSC (CCN No. 11742)**

**Aqua Source Development Corporation (CCN No. 20867)**

**Cap View Utility Company (CCN No. 20636)**

**Cottonwood Creek MUD No. 1 (District No. 2404435)**

**Cottonwood Creek WCID No. 2 (District No. 2404450)**

**Cottonwood Creek WCID No. 3 (District No. 2404460)**

**Travis County MUD No. 2 (District No. 7822000; CCN No. P0471)**

- v. Include a copy of the above mentioned location map (Section 2.E.ii) with notice.

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, and your application has been accepted for filing.**



OATH

State of Texas

I, Latus R. Prikryl, being duly sworn, file this application as Assistant Secretary (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 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 Natural Resource Conservation Commission.

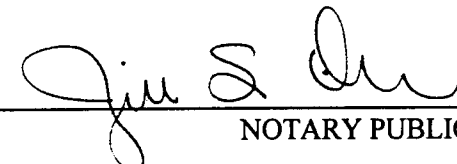
I further represent that the Applicant will provide continuous and adequate service to all customers and qualified applicants for service within its certificated service area.

  
\_\_\_\_\_  
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 of Texas, this 21<sup>st</sup> day of June, 2002.

SEAL

  
\_\_\_\_\_  
NOTARY PUBLIC



*Notice for Publication*

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

HORNSBY BEND UTILITY COMPANY has filed an application to

Name of Applicant

amend CCN No. 11978 and CCN No. 20650 with the Texas Natural Resource Conservation Commission to provide water utility and sewer service in Travis County.

The proposed utility service area is located approximately 6.8 miles South [direction] of downtown Manor, [City or Town] Texas, and is generally bounded on the north by Decker Creek; on the east by Dunlap Road; on the south by Colorado River; and on the west by Gilbert Lane.

The total area being requested includes approximately 350 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.

Persons who wish to intervene or comment should write the:

Texas Natural Resource Conservation Commission  
Water Permits and Resource Management Division  
Utilities and Districts Section, MC-153  
P. O. Box 13087  
Austin, TX 78711-3087

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

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

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

To: Manville WSC Date Notice Mailed: \_\_\_\_\_, 2002  
(Neighboring System or City)  
P.O. Box 248  
(Address)  
Coupland, Texas 78615  
(City State Zip)

HONRSBY BEND UTILITY COMPANY has filed an application for to

Name of Applicant

amend CCN No. 11978 and CCN No. 20650 with the Texas Natural Resource Conservation Commission to provide water utility and sewer service in Travis County.

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

To: Kennedy Ridge WSC Date Notice Mailed: \_\_\_\_\_, 2002  
(Neighboring System or City)  
15212 Chamberlain Court  
(Address)  
Austin, Texas 78724  
(City State Zip)

HONRSBY BEND UTILITY COMPANY has filed an application for to

Name of Applicant

amend CCN No. 11978 and CCN No. 20650 with the Texas Natural Resource Conservation Commission to provide water utility and sewer service in Travis County.

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

To: City of Austin Date Notice Mailed: \_\_\_\_\_, 2002  
(Neighboring System or City)  
2001 E. 5<sup>th</sup> Street  
(Address)  
Austin, Texas 78701  
(City State Zip)

HONRSBY BEND UTILITY COMPANY has filed an application for to

Name of Applicant

amend CCN No. 11978 and CCN No. 20650 with the Texas Natural Resource Conservation Commission to provide water utility and sewer service in Travis County.

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Water Permits and Resource Management Division  
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NOTICE OF APPLICATION FOR CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN)  
TO PROVIDE WATER/SEWER UTILITY SERVICE IN TRAVIS COUNTY(IES)

To: Garfield WSC Date Notice Mailed: \_\_\_\_\_, 2002  
(Neighboring System or City)  
P.O. Box 387  
(Address)  
Del Valle, Texas 78617  
(City State Zip)

HONRSBY BEND UTILITY COMPANY has filed an application for to

Name of Applicant

amend CCN No. 11978 and CCN No. 20650 with the Texas Natural Resource Conservation Commission to provide water utility and sewer service in Travis County.

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Water Permits and Resource Management Division  
Utilities and Districts Section, MC-153  
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Austin, TX 78711-3087

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

To: City of Manor Date Notice Mailed: \_\_\_\_\_, 2002  
(Neighboring System or City)  
P.O. Box 387  
(Address)  
Manor, Texas 78653  
(City State Zip)

HONRSBY BEND UTILITY COMPANY has filed an application for to

Name of Applicant

amend CCN No. 11978 and CCN No. 20650 with the Texas Natural Resource Conservation Commission to provide water utility and sewer service in Travis County.

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

To: Nighthawk WSC Date Notice Mailed: \_\_\_\_\_, 2002  
(Neighboring System or City)  
P.O. Box 1126  
(Address)  
Del Valle, Texas 78616  
(City State Zip)

HONRSBY BEND UTILITY COMPANY has filed an application for to

Name of Applicant

amend CCN No. 11978 and CCN No. 20650 with the Texas Natural Resource Conservation Commission to provide water utility and sewer service in Travis County.

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Water Permits and Resource Management Division  
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NOTICE OF APPLICATION FOR CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN)  
TO PROVIDE WATER/SEWER UTILITY SERVICE IN TRAVIS COUNTY(IES)

To: Aquasource Development Corporation Date Notice Mailed: \_\_\_\_\_, 2002  
(Neighboring System or City)  
11100 Brittmoore Park Drive  
(Address)  
Houston, Texas 77041-0000  
(City State Zip)

HONRSBY BEND UTILITY COMPANY has filed an application for to

Name of Applicant

amend CCN No. 11978 and CCN No. 20650 with the Texas Natural Resource Conservation Commission to provide water utility and sewer service in Travis County.

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

To: Cap View Utility Company Date Notice Mailed: \_\_\_\_\_, 2002  
(Neighboring System or City)  
7200 North MoPac Expwy. , Ste. 450  
(Address)  
Austin, Texas 78731  
(City State Zip)

HONRSBY BEND UTILITY COMPANY has filed an application for to

Name of Applicant

amend CCN No. 11978 and CCN No. 20650 with the Texas Natural Resource Conservation Commission to provide water utility and sewer service in Travis County.

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