

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

To: Cap View Utility Company Date Notice Mailed: August 15, 2002  
(Neighboring System or City)  
7200 North MoPac Expwy. , Ste. 450  
(Address)  
Austin, Texas 78731  
(City State Zip)

HORNSBY BEND UTILITY COMPANY has filed an application to amend CCN No. 11978 and  
Name of Applicant  
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 15 miles east of downtown Austin, Texas, and is generally bounded on the north by Old Hwy. 20; on the east by a line approximately 7,000 feet east of Burleson Manor Road; on the south and west by the Colorado River.

The total area being requested includes approximately 350 acres and 0 current customers.

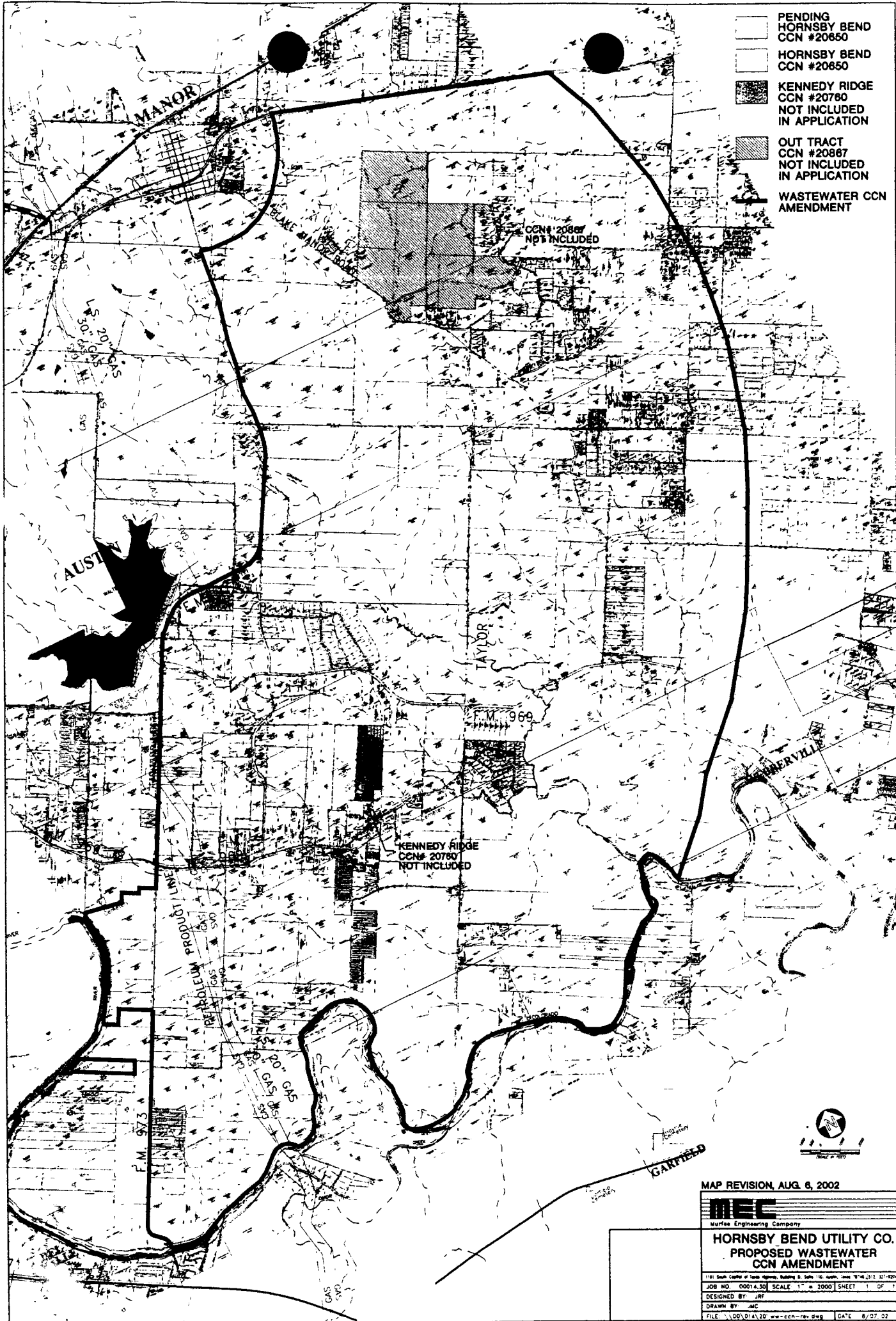
A request for a public hearing must be in writing. You must state (1) your name, mailing address, and daytime telephone number; (2) the applicant's name, application number or another recognizable reference to this application; (3) the statement, "I/we request a public hearing"; (4) a brief description 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

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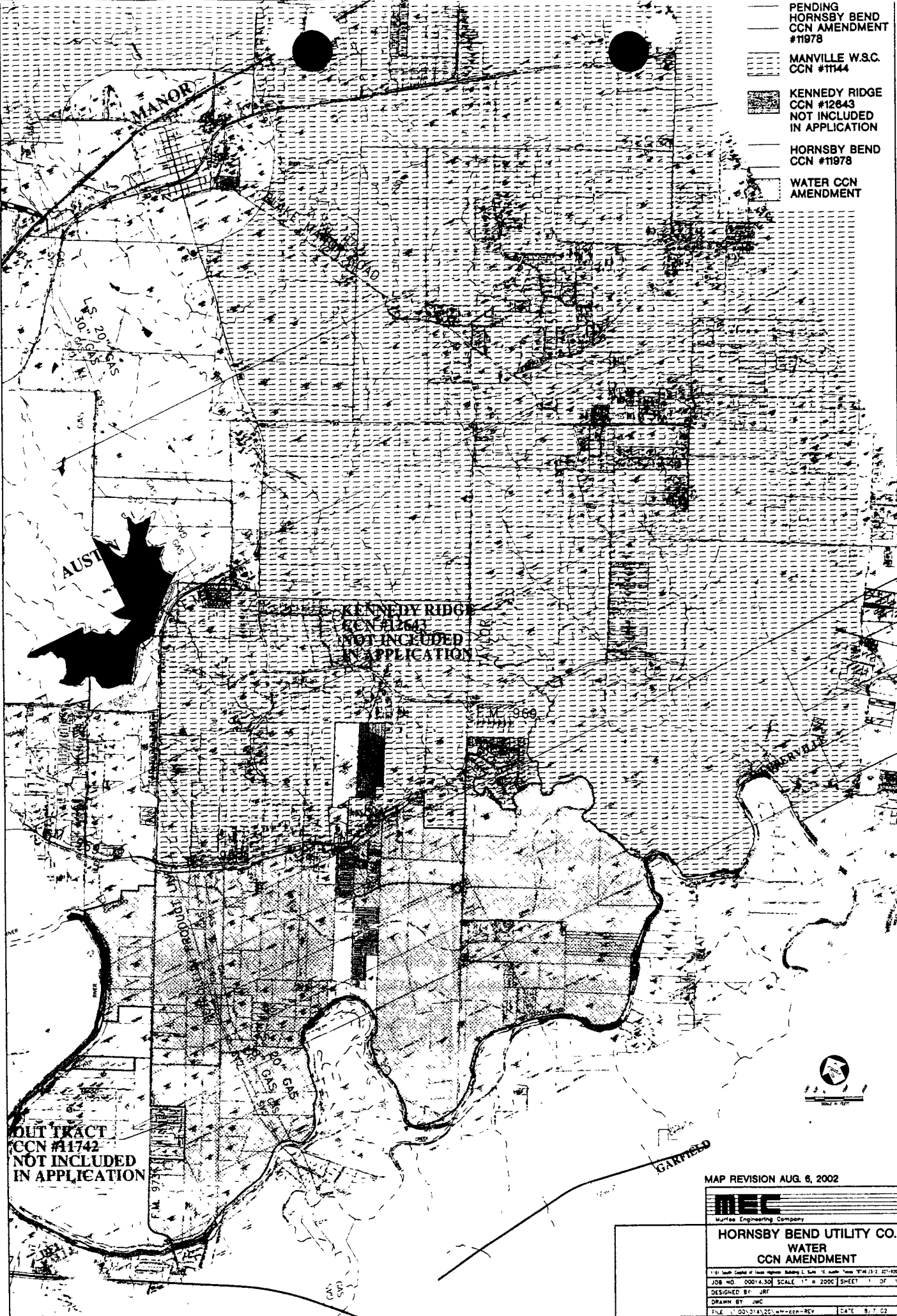
-  PENDING HORNSBY BEND CCN #20650
-  HORNSBY BEND CCN #20650
-  KENNEDY RIDGE CCN #20780 NOT INCLUDED IN APPLICATION
-  OUT TRACT CCN #20867 NOT INCLUDED IN APPLICATION
-  WASTEWATER CCN AMENDMENT

MAP REVISION, AUG. 8, 2002



**HORNSBY BEND UTILITY CO.  
PROPOSED WASTEWATER  
CCN AMENDMENT**

1181 South Centre of Lake Avenue, Building 8, Suite 118, Austin, Texas 78748-3112-8204  
 JOB NO. 00014.50 SCALE 1" = 2000' SHEET 1 OF 1  
 DESIGNED BY JRF  
 DRAWN BY MC  
 FILE: \\00\014120-w-ccn-rev.dwg DATE 8/27/02



- PENDING HORNSBY BEND CCN AMENDMENT #11978
- ▨ MANVILLE W.S.C. CCN #11144
- ▨ KENNEDY RIDGE CCN #12643 NOT INCLUDED IN APPLICATION
- HORNSBY BEND CCN #11978
- ▨ WATER CCN AMENDMENT

KENNEDY RIDGE  
CCN #12643  
NOT INCLUDED  
IN APPLICATION

OUT TRACT  
CCN #11742  
NOT INCLUDED  
IN APPLICATION

MAP REVISION AUG. 6, 2002

<b>MEC</b> Murrell Engineering Company	
<b>HORNSBY BEND UTILITY CO. WATER CCN AMENDMENT</b>	
<small>1" = 100' North Control of Texas Highway Building L. Suite 100 Austin Texas 78744-1312 201-430-1004</small>	
<small>JOB NO. 00014301 SCALE 1" = 2000' SHEET 1 OF 1</small>	
<small>DESIGNED BY JRF</small>	
<small>DRAWN BY JMC</small>	
<small>FILE \00\314\301\wccn-amv\SAE 8.7.C2</small>	

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

To: Cottonwood Creek MUD No. 1 Date Notice Mailed: August 15, 2002  
(Neighboring System or City)  
c/o Armbrust & Brown, L.L.P  
(Address)  
100 Congress Avenue, Suite 1300  
Austin, Texas 78701  
(City State Zip)

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

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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.

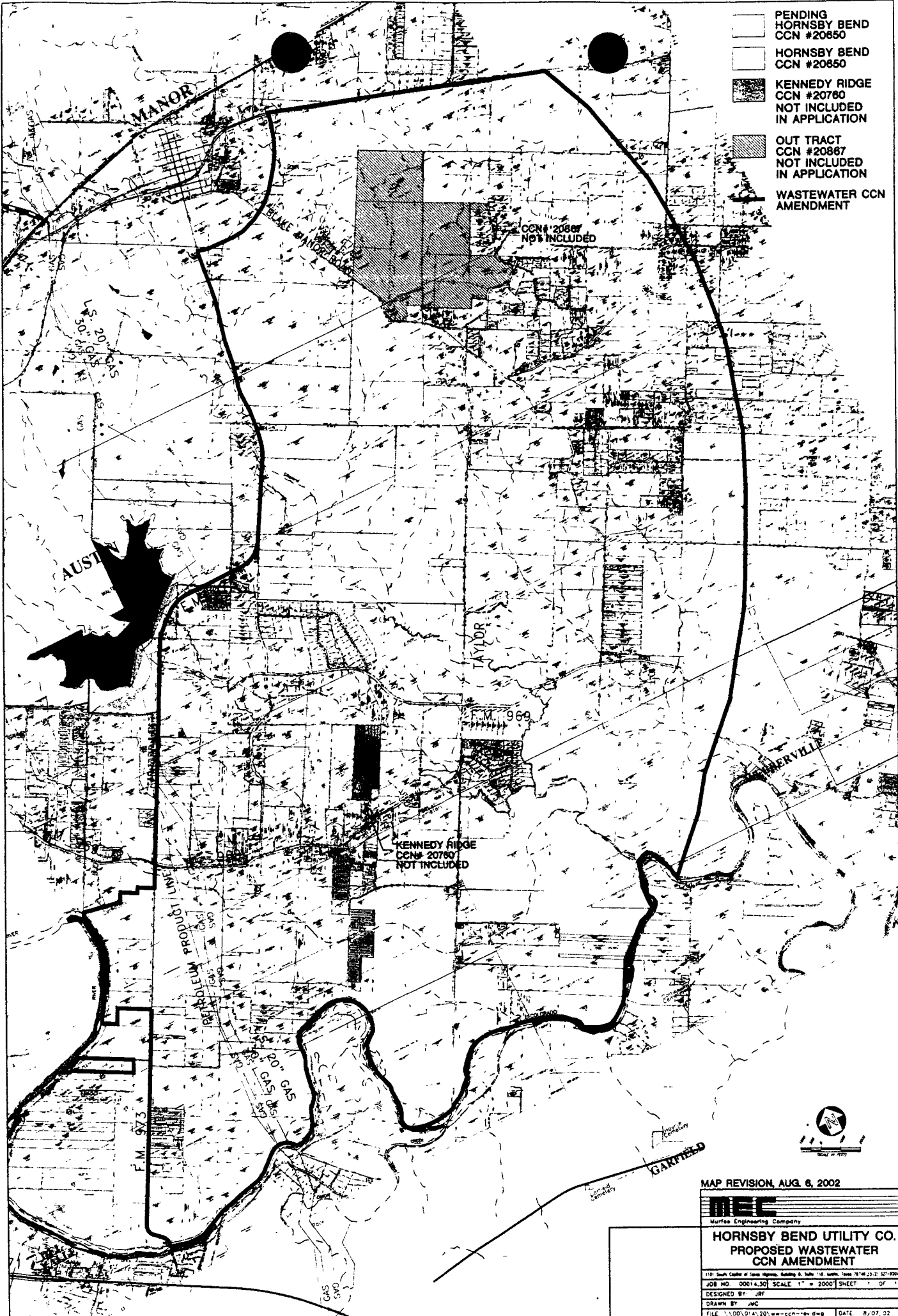
Persons who wish to intervene or comment should write the:

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

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-  PENDING HORNSBY BEND CCN #20850
-  HORNSBY BEND CCN #20850
-  KENNEDY RIDGE CCN #20780 NOT INCLUDED IN APPLICATION
-  OUT TRACT CCN #20867 NOT INCLUDED IN APPLICATION
-  WASTEWATER CCN AMENDMENT

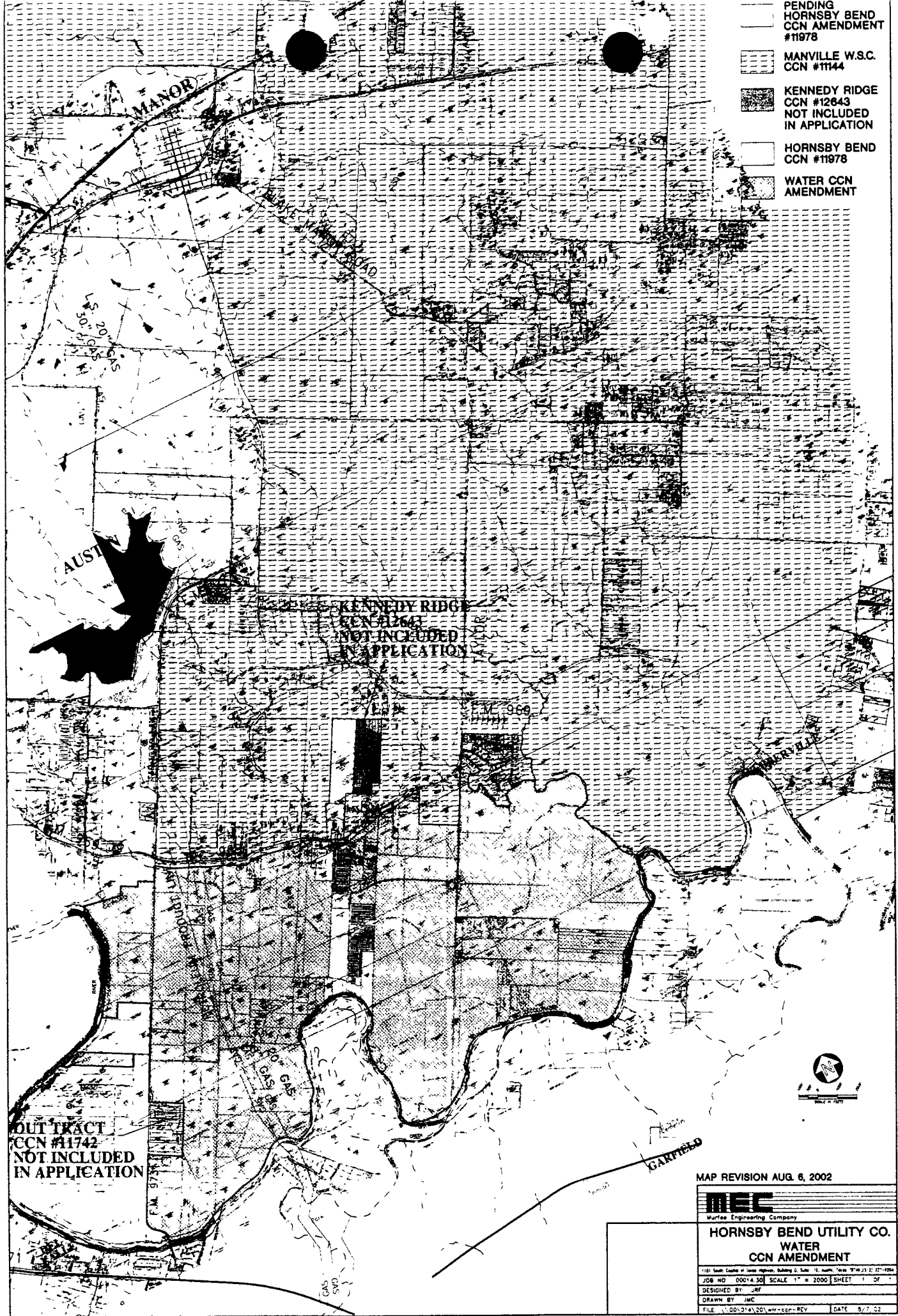







MAP REVISION, AUG. 6, 2002



**HORNSBY BEND UTILITY CO.  
PROPOSED WASTEWATER  
CCN AMENDMENT**

1101 South Center at South Highway, Building 6, Suite 118, Austin, Texas 78748, 214-237-1212  
 JOB NO. 00014.30 SCALE: 1" = 2000' SHEET 1 OF 1  
 DESIGNED BY: JBF  
 DRAWN BY: JMC  
 FILE: \\001\014\201\www-ccn-rv.dwg DATE: 8/07/02



-  PENDING HORNSBY BEND CCN AMENDMENT #11978
-  MANVILLE W.S.C. CCN #11144
-  KENNEDY RIDGE CCN #12843 NOT INCLUDED IN APPLICATION
-  HORNSBY BEND CCN #11978
-  WATER CCN AMENDMENT

KENNEDY RIDGE  
CCN #12843  
NOT INCLUDED  
IN APPLICATION

MULTI TRACT  
CCN #11742  
NOT INCLUDED  
IN APPLICATION

MAP REVISION AUG. 6, 2002



**HORNSBY BEND UTILITY CO.**  
WATER  
CCN AMENDMENT

1101 South Center St. Suite 100, Houston, Texas 77043-2121  
 JOB NO. 00014.30 SCALE 1" = 2000' SHEET 1 OF 1  
 DESIGNED BY JRF  
 DRAWN BY JMC  
 FILE: \001014\20\wtr-ccn-REV DATE 5/7/02

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

To: Cottonwood Creek WCID No. 2 Date Notice Mailed: August 15, 2002  
(Neighboring System or City)  
c/o James Dougherty  
Cole & Dougherty  
5120 Bayard Lane  
(Address)  
Houston, Texas 77006  
(City State Zip)

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




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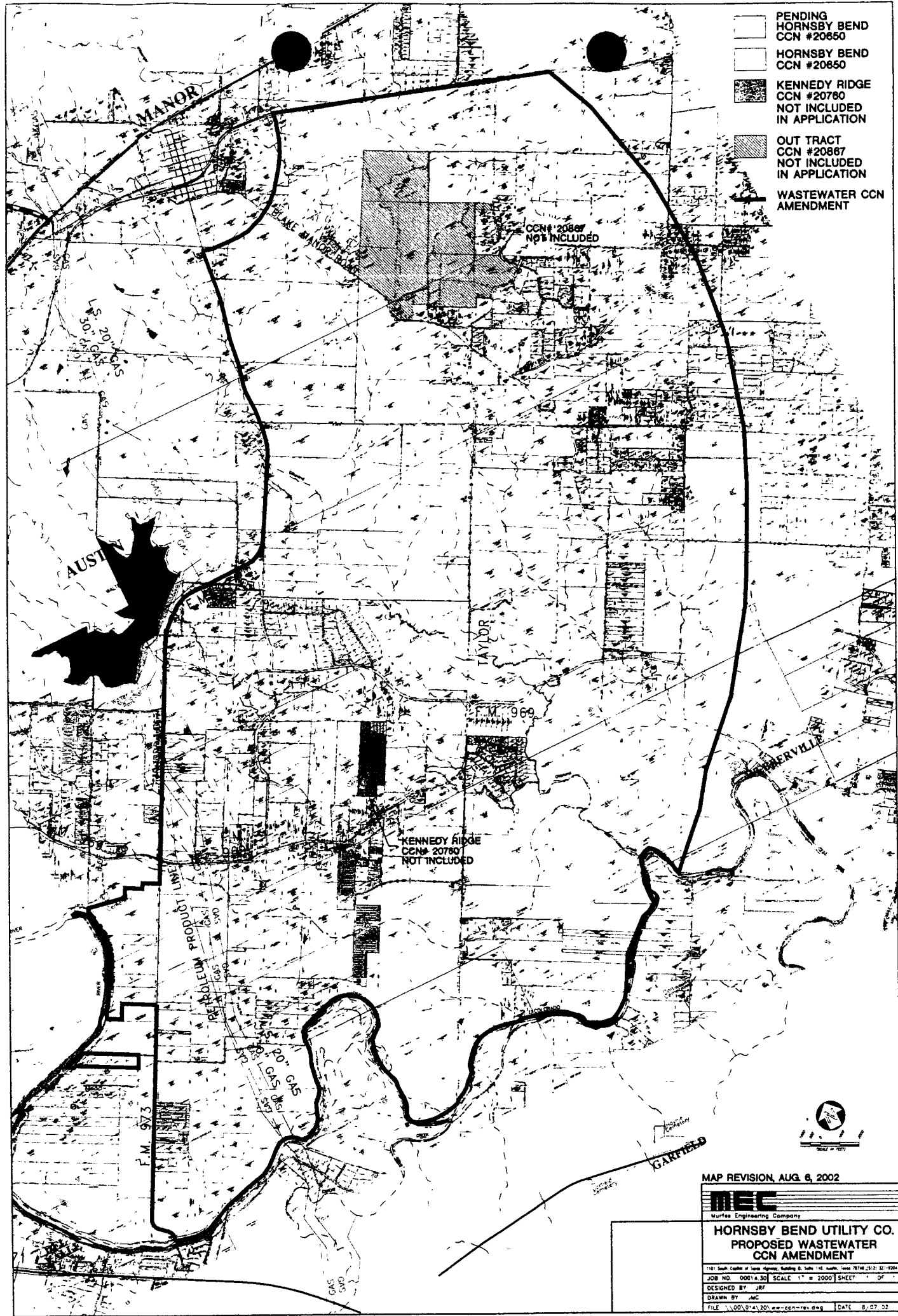
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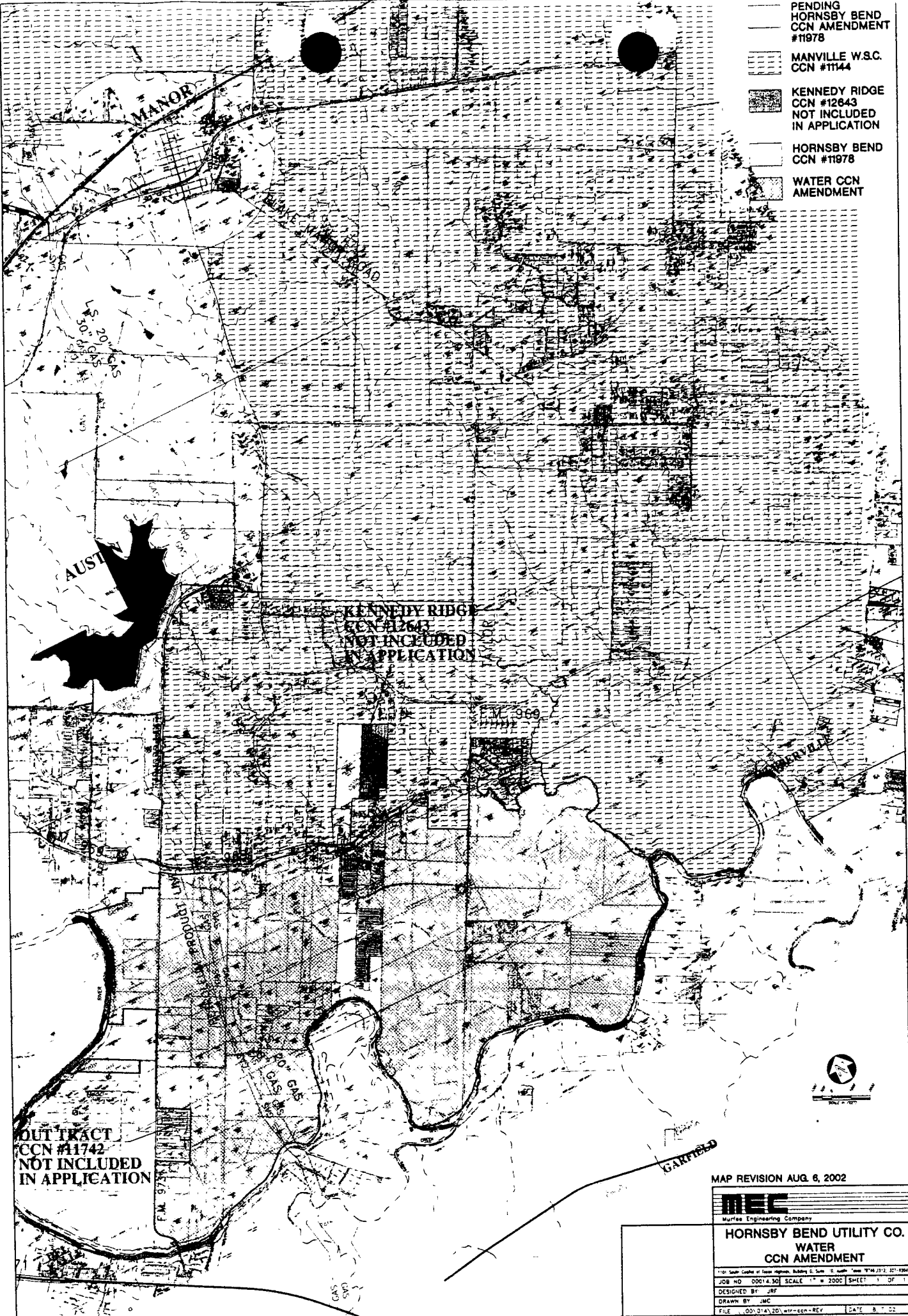
-  PENDING HORNSBY BEND CCN #20650
-  HORNSBY BEND CCN #20650
-  KENNEDY RIDGE CCN #20760 NOT INCLUDED IN APPLICATION
-  OUT TRACT CCN #20887 NOT INCLUDED IN APPLICATION
-  WASTEWATER CCN AMENDMENT








MAP REVISION, AUG. 6, 2002

<b>MEC</b> Murfee Engineering Company	
<b>HORNSBY BEND UTILITY CO.</b> PROPOSED WASTEWATER CCN AMENDMENT	
1101 South Center of Linn County, Georgia, Building 6, Suite 116, Albany, Georgia 31704-2372 321-9224	
JOB NO. 0001430	SCALE 1" = 2000' SHEET 1 OF 1
DESIGNED BY JRT	
DRAWN BY JMC	
FILE \\001\041201\ccn-rev.dwg	DATE 8/07/02





-  PENDING HORNSBY BEND CCN AMENDMENT #11978
-  MANVILLE W.S.C. CCN #11144
-  KENNEDY RIDGE CCN #12643 NOT INCLUDED IN APPLICATION
-  HORNSBY BEND CCN #11978
-  WATER CCN AMENDMENT

KENNEDY RIDGE  
CCN #12643  
NOT INCLUDED  
IN APPLICATION

OUT TRACT  
CCN #11742  
NOT INCLUDED  
IN APPLICATION

MAP REVISION AUG. 6, 2002

<b>MEC</b> Murfee Engineering Company	
<b>HORNSBY BEND UTILITY CO.</b> WATER CCN AMENDMENT	
<small>1101 South Cooper at Texas Highway, Building C, Suite 100 Austin, Texas 78748, 512-221-1994</small>	
<small>JOB NO 00014.30 SCALE 1" = 2000' SHEET 1 OF 1</small>	
<small>DESIGNED BY JRF</small>	
<small>DRAWN BY JMC</small>	
<small>FILE 00-01A(20)wtr-ccn-REV</small>	<small>DATE 8-1-02</small>

NOTICE OF APPLICATION FOR CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN)  
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To: Cottonwood Creek WCID No. 3 Date Notice Mailed: August 15, 2002  
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c/o Armbrust & Brown, L.L.P.  
100 Congress Avenue, Suite 1300  
(Address)  
Austin, Texas 78701  
(City State Zip)

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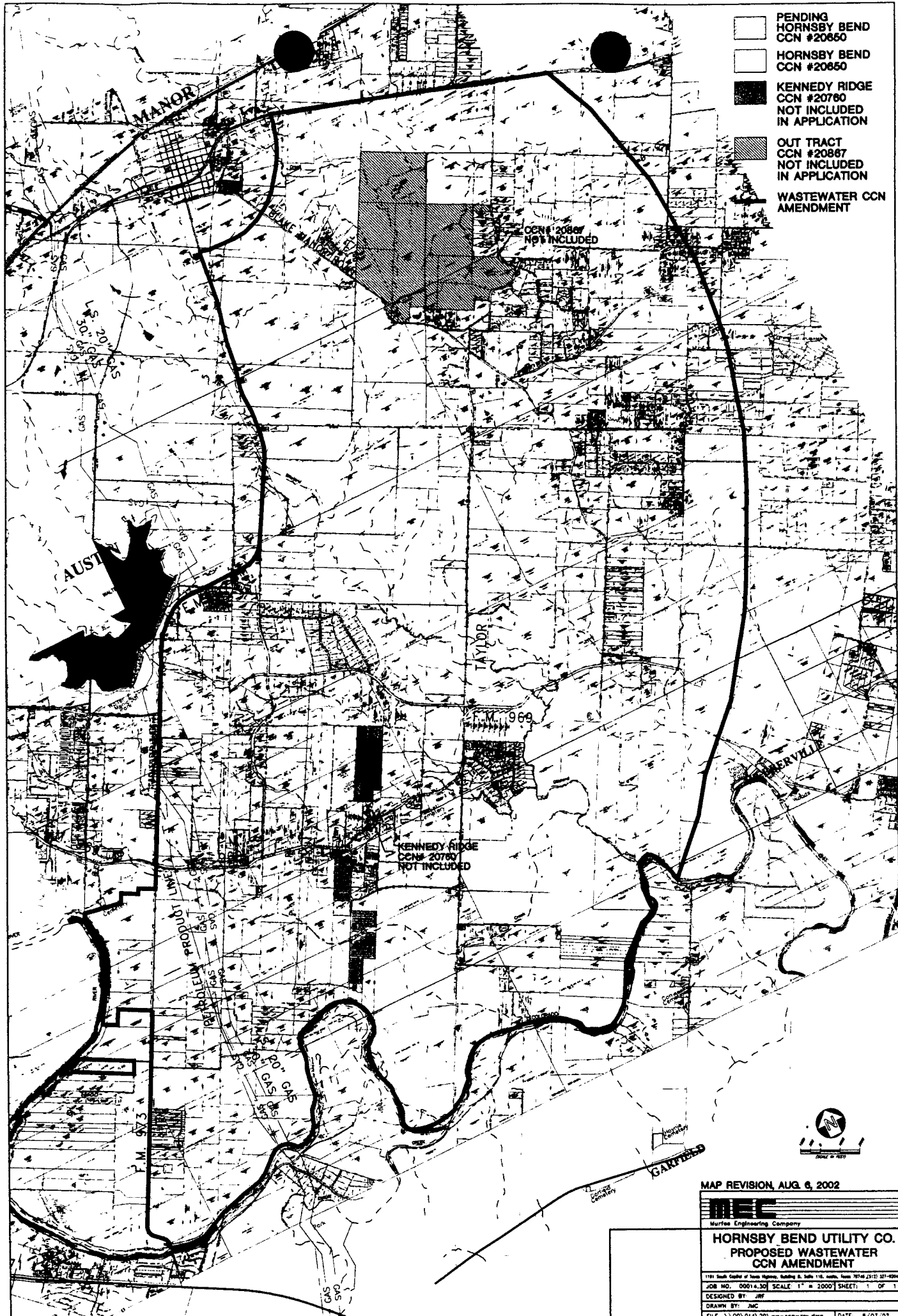
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Utilities and Districts Section, MC-153  
P. O. Box 13087  
Austin, TX 78711-3087

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-  PENDING HORNSBY BEND CCN #20650
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-  KENNEDY RIDGE CCN #20760 NOT INCLUDED IN APPLICATION
-  OUT TRACT CCN #20867 NOT INCLUDED IN APPLICATION
-  WASTEWATER CCN AMENDMENT








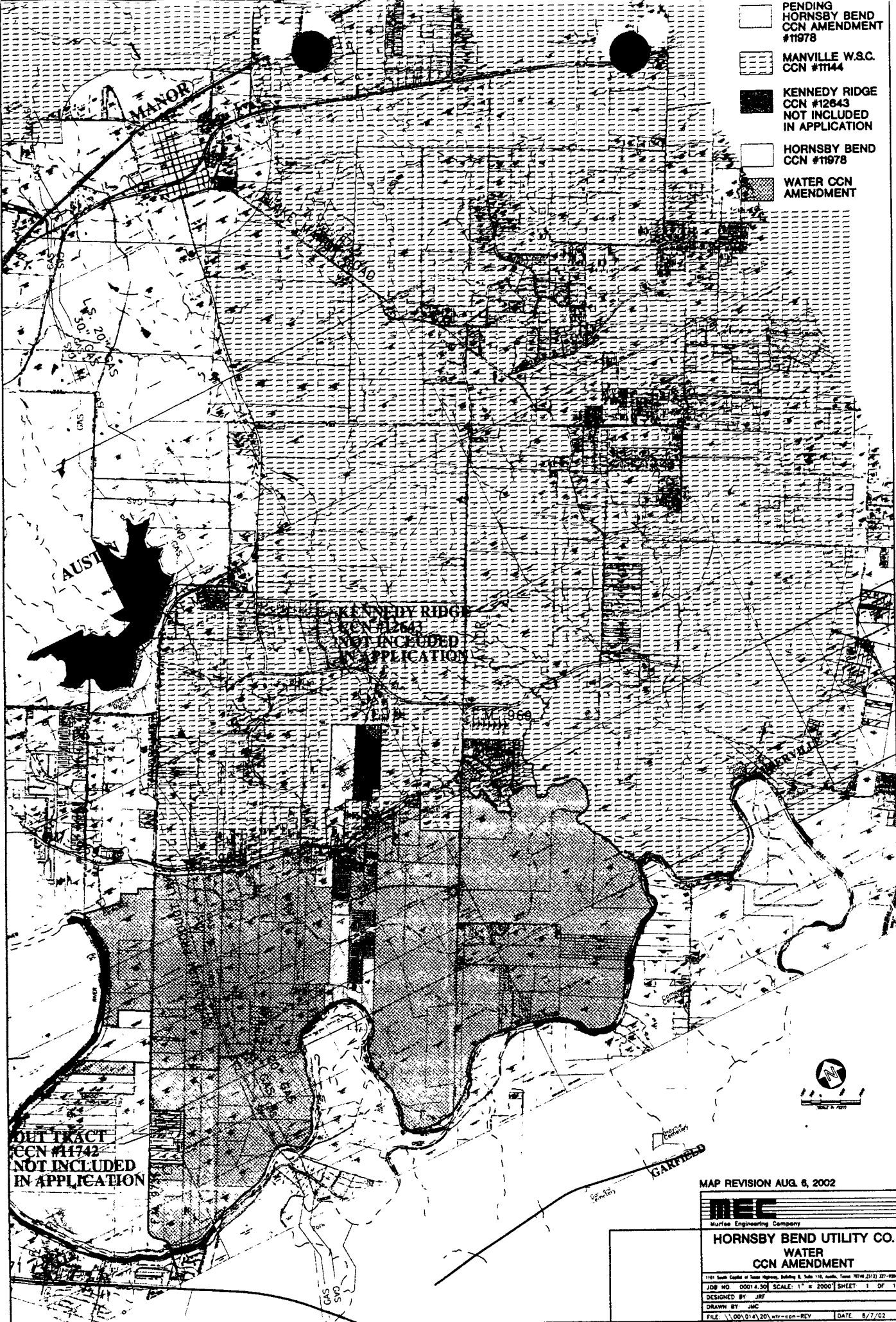
MAP REVISION, AUG. 6, 2002

**MEC**  
Marflex Engineering Company

**HORNSBY BEND UTILITY CO.  
PROPOSED WASTEWATER  
CCN AMENDMENT**

1101 South Center of Texas Highway, Building 6, Suite 116, Dallas, Texas 75242 (214) 321-4200  
 JOB NO: 00014.30 SCALE: 1" = 2000' SHEET: 1 OF 1  
 DESIGNED BY: JMC  
 DRAWN BY: JMC  
 FILE: \\00\014\20\1\w-cen-rw.dwg DATE: 8/07/02

-  PENDING HORNSBY BEND CCN AMENDMENT #11978
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-  KENNEDY RIDGE CCN #12643 NOT INCLUDED IN APPLICATION
-  HORNSBY BEND CCN #11978
-  WATER CCN AMENDMENT



KENNEDY RIDGE  
CCN #12643  
NOT INCLUDED  
IN APPLICATION

NOT TRACT  
CCN #11742  
NOT INCLUDED  
IN APPLICATION

MAP REVISION AUG. 6, 2002

<b>Murfee Engineering Company</b>	
<b>HORNSBY BEND UTILITY CO.</b>	
<b>WATER CCN AMENDMENT</b>	
<small>1101 South Capital of Texas Highway, Building 6, Suite 110, South, Texas 78748 (512) 271-9100</small>	
<small>JOB NO 00014.30 SCALE: 1" = 2000' SHEET: 1 OF 1</small>	
<small>DESIGNED BY: JRF</small>	
<small>DRAWN BY: JMC</small>	
<small>FILE: \\00101420\wtr-ccn-REV</small>	<small>DATE: 8/7/02</small>

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

To: Travis County MUD No. 2  
(Neighboring System or City)  
c/o Armbrust & Brown, L.L.P.  
100 Congress Avenue, Suite 1300  
(Address)  
Austin, Texas 78701  
(City State Zip)

Date Notice Mailed: August 15, 2002

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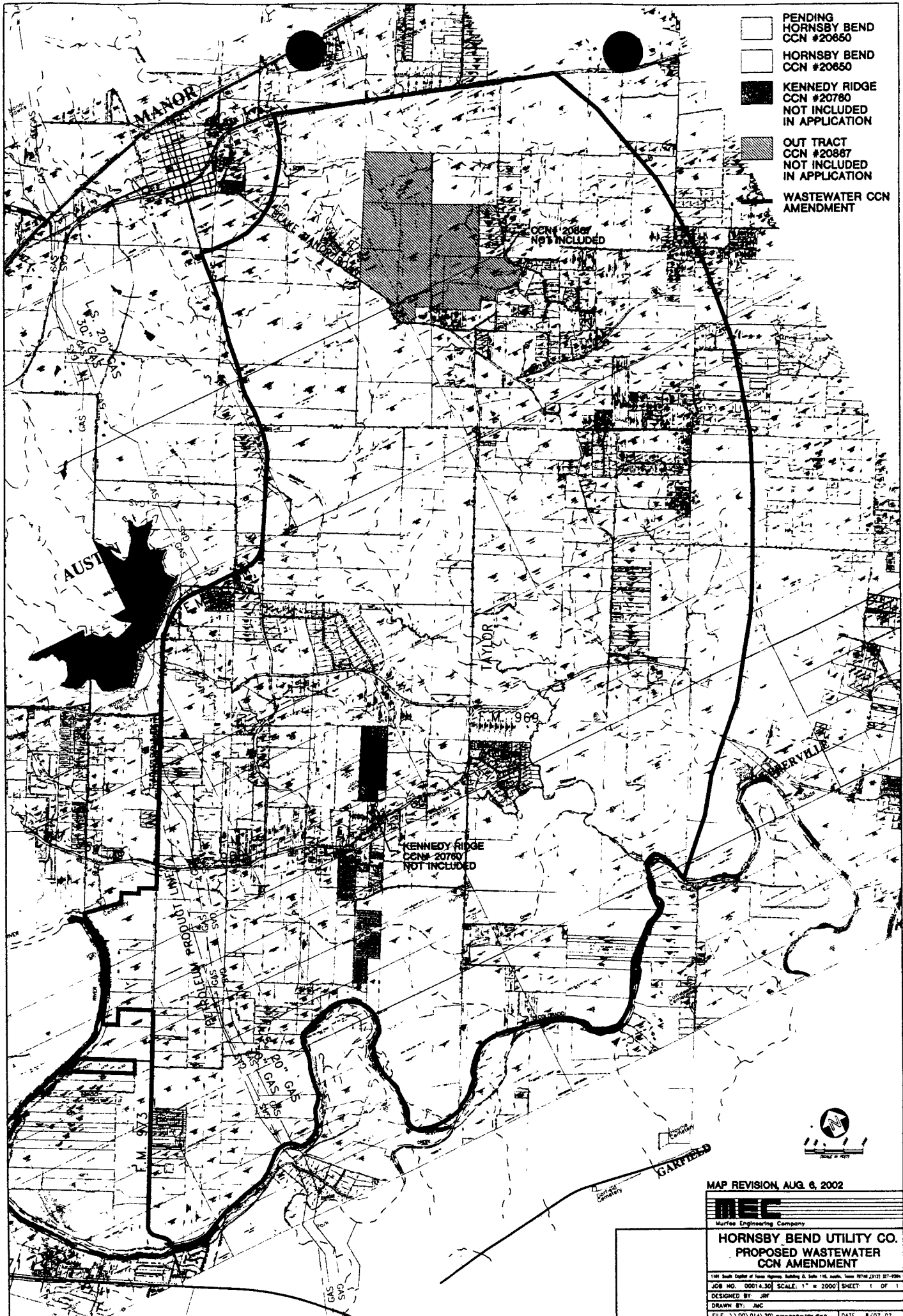
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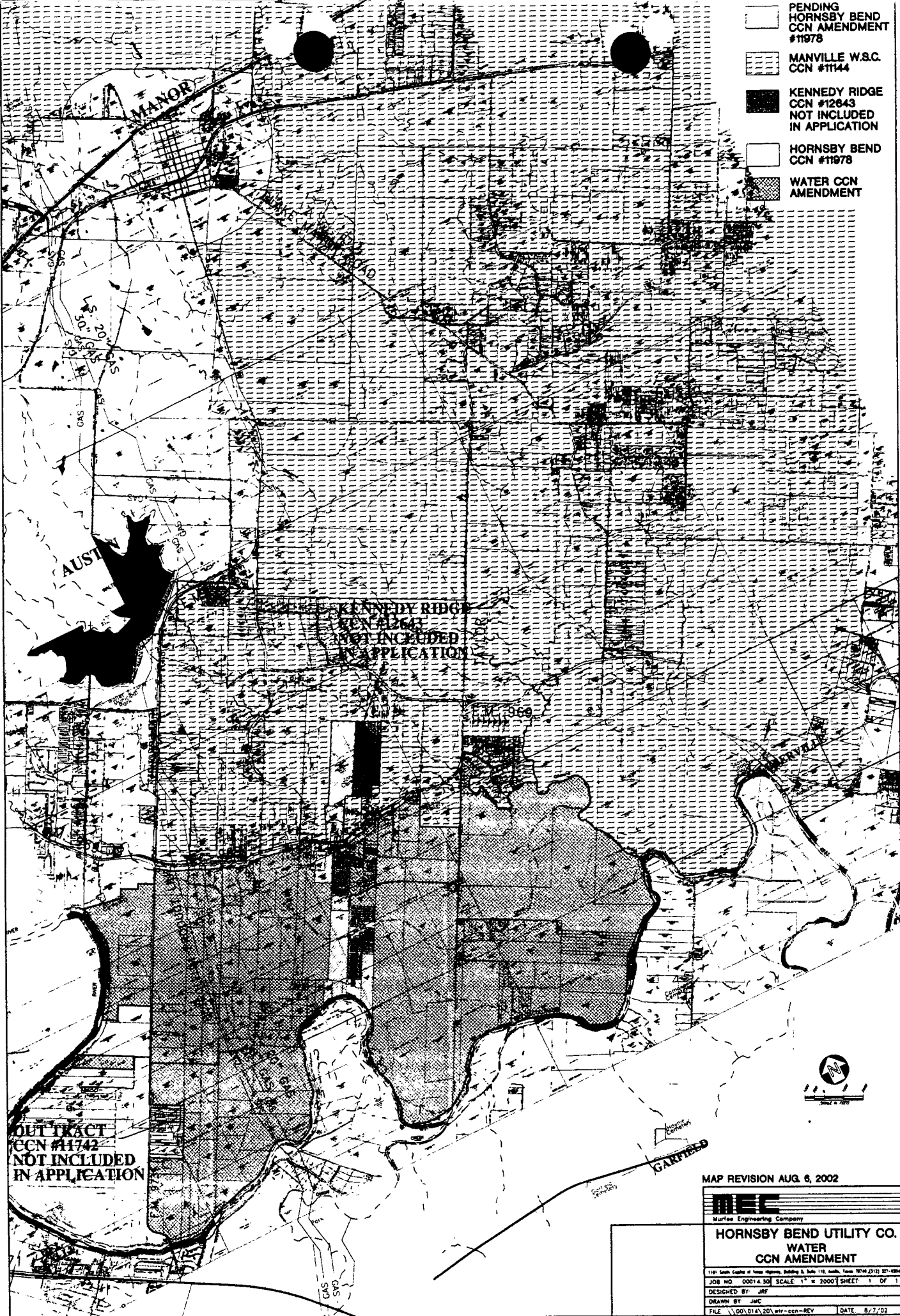
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




MAP REVISION, AUG. 6, 2002

**MEC**  
 Maritz Engineering Company

**HORNSBY BEND UTILITY CO.  
 PROPOSED WASTEWATER  
 CCN AMENDMENT**

1141 South Center of South Rogers Building 2, Suite 110, Austin, Texas 78748, (512) 871-2244  
 JOB NO. 02014.50 | SCALE: 1" = 2000' | SHEET: 1 OF 1  
 DESIGNED BY: JWF  
 DRAWN BY: JWC  
 FILE: \\001\014\20\w-wccn-rw.dwg | DATE: 8/07/02




-  PENDING HORNSBY BEND CCN #11978
-  MANVILLE W.S.C. CCN #1144
-  KENNEDY RIDGE CCN #12643 NOT INCLUDED IN APPLICATION
-  HORNSBY BEND CCN #11978
-  WATER CCN AMENDMENT

OUTTRACT  
CCN #11742  
NOT INCLUDED  
IN APPLICATION

KENNEDY RIDGE  
CCN #12643  
NOT INCLUDED  
IN APPLICATION



MAP REVISION AUG. 6, 2002

 Murfee Engineering Company	
<b>HORNSBY BEND UTILITY CO.</b> <b>WATER</b> <b>CCN AMENDMENT</b>	
<small>1101 South Capital of Texas Highway, Building 3, Suite 110, South, Texas 75749 (214) 237-1234</small>	
<small>JOB NO. 00014.30 SCALE 1" = 2000' SHEET 1 OF 1</small>	
<small>DESIGNED BY JRF</small>	
<small>DRAWN BY JMC</small>	
<small>FILE \\001014\20\wtr-con-REV</small>	<small>DATE 8/7/02</small>

*Notice to Neighboring Systems and Cities*

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

To: River Timber Water Supply  
(Neighboring System or City)  
2404 Rutland Drive, Suite 104  
(Address)  
Austin, Texas 78758  
(City State Zip)

Date Notice Mailed: August 15, 2002

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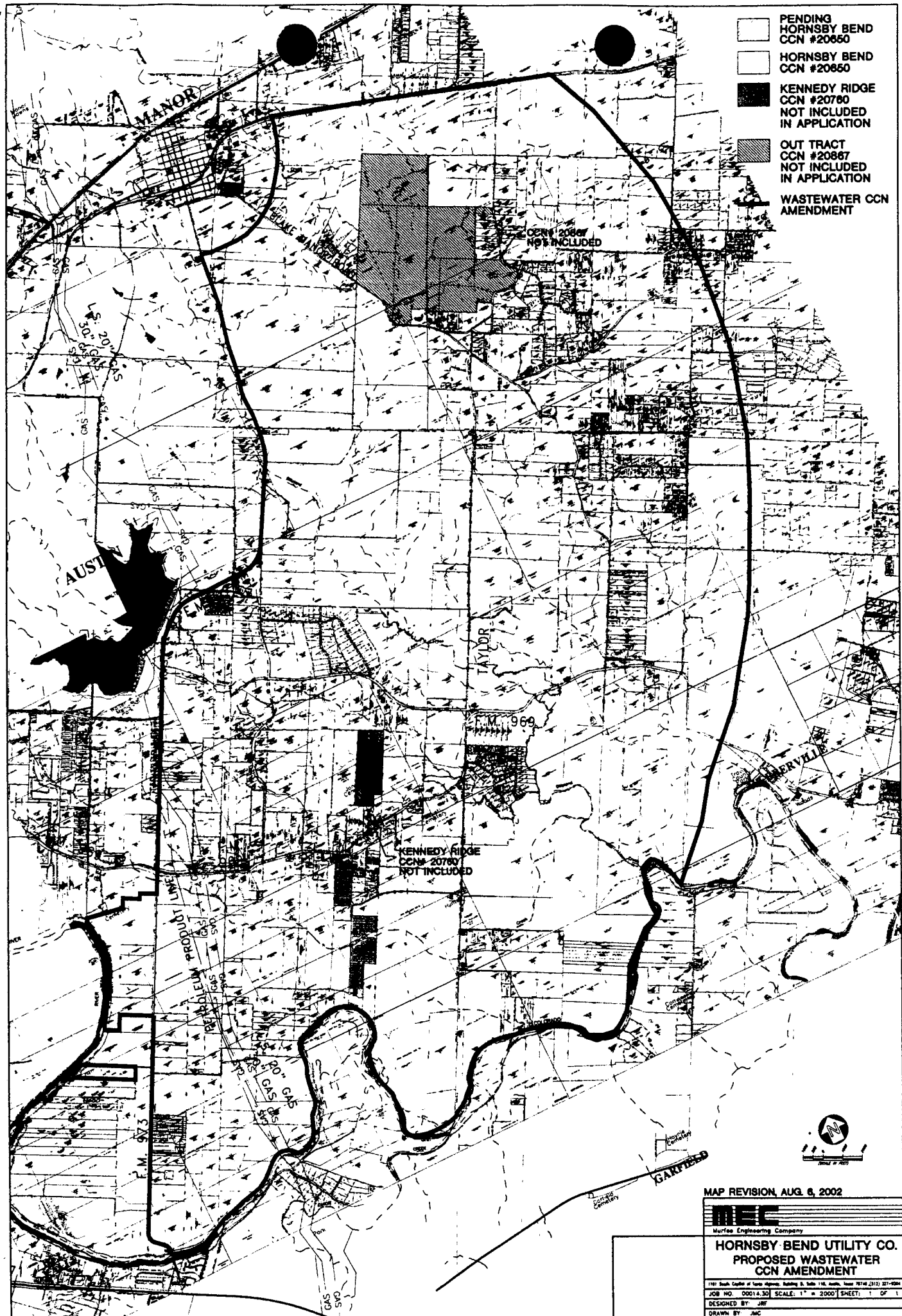
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Water Permits and Resource Management Division  
Utilities and Districts Section, MC-153  
P. O. Box 13087  
Austin, TX 78711-3087

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.








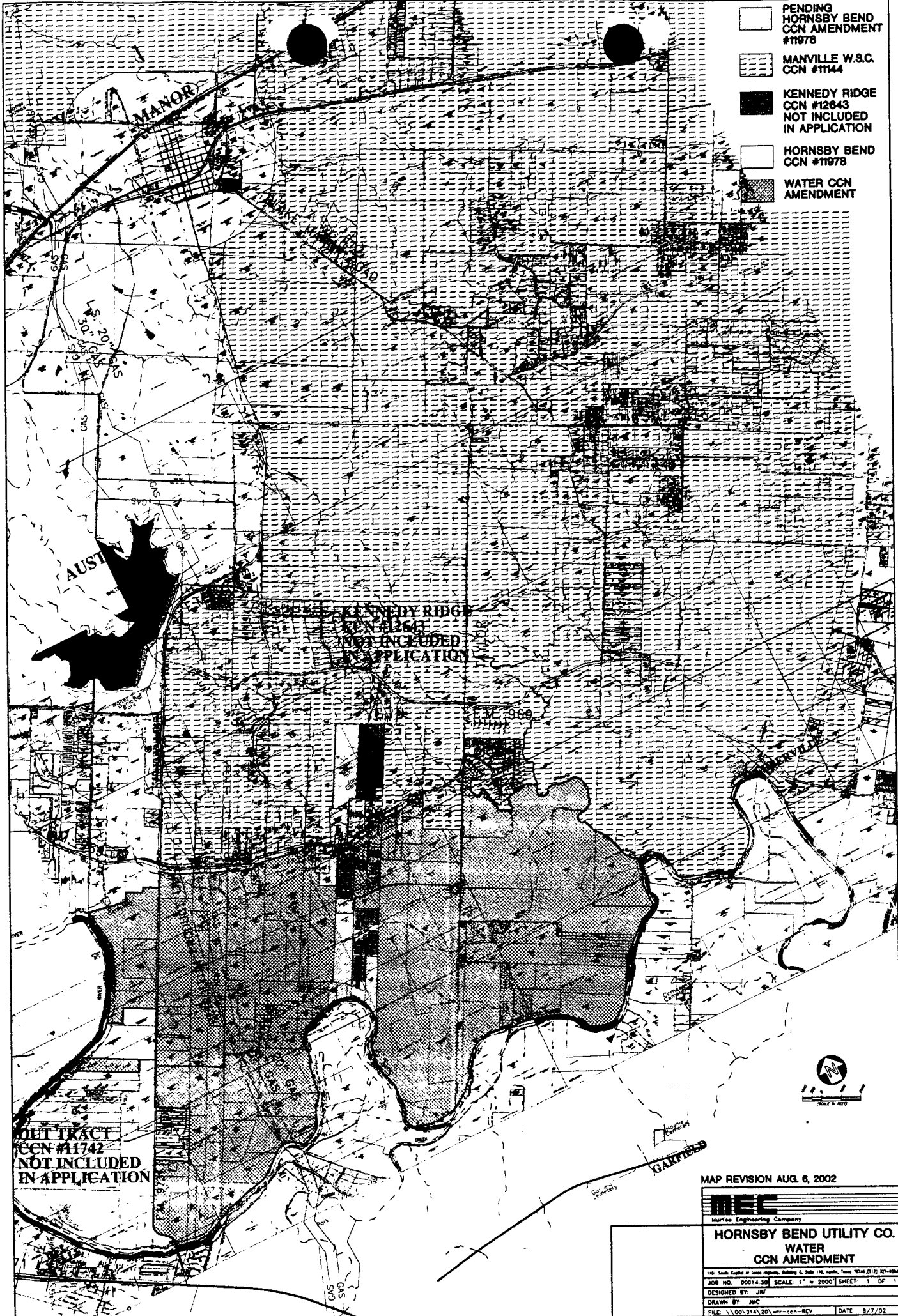
-  PENDING HORNSBY BEND CCN #20650
-  HORNSBY BEND CCN #20650
-  KENNEDY RIDGE CCN #20760 NOT INCLUDED IN APPLICATION
-  OUT TRACT CCN #20867 NOT INCLUDED IN APPLICATION
-  WASTEWATER CCN AMENDMENT



MAP REVISION, AUG. 6, 2002

<b>MEC</b> Murfee Engineering Company	
<b>HORNSBY BEND UTILITY CO.</b> PROPOSED WASTEWATER CCN AMENDMENT	
<small>1701 South Capital of Texas Highway, Building 8, Suite 110, Austin, Texas 78748 (214) 271-0204</small>	
<small>JOB NO. 0001A.30</small>	<small>SCALE: 1" = 2000'</small>
<small>DESIGNED BY: JMF</small>	<small>SHEET: 1 OF 1</small>
<small>DRAWN BY: JMC</small>	
<small>FILE: \\005.01A\300\00000000.dwg</small>	<small>10/11 8/03/02</small>

-  PENDING HORNSBY BEND CCN AMENDMENT #11978
-  MANVILLE W.S.C. CCN #11144
-  KENNEDY RIDGE CCN #12643 NOT INCLUDED IN APPLICATION
-  HORNSBY BEND CCN #11978
-  WATER CCN AMENDMENT

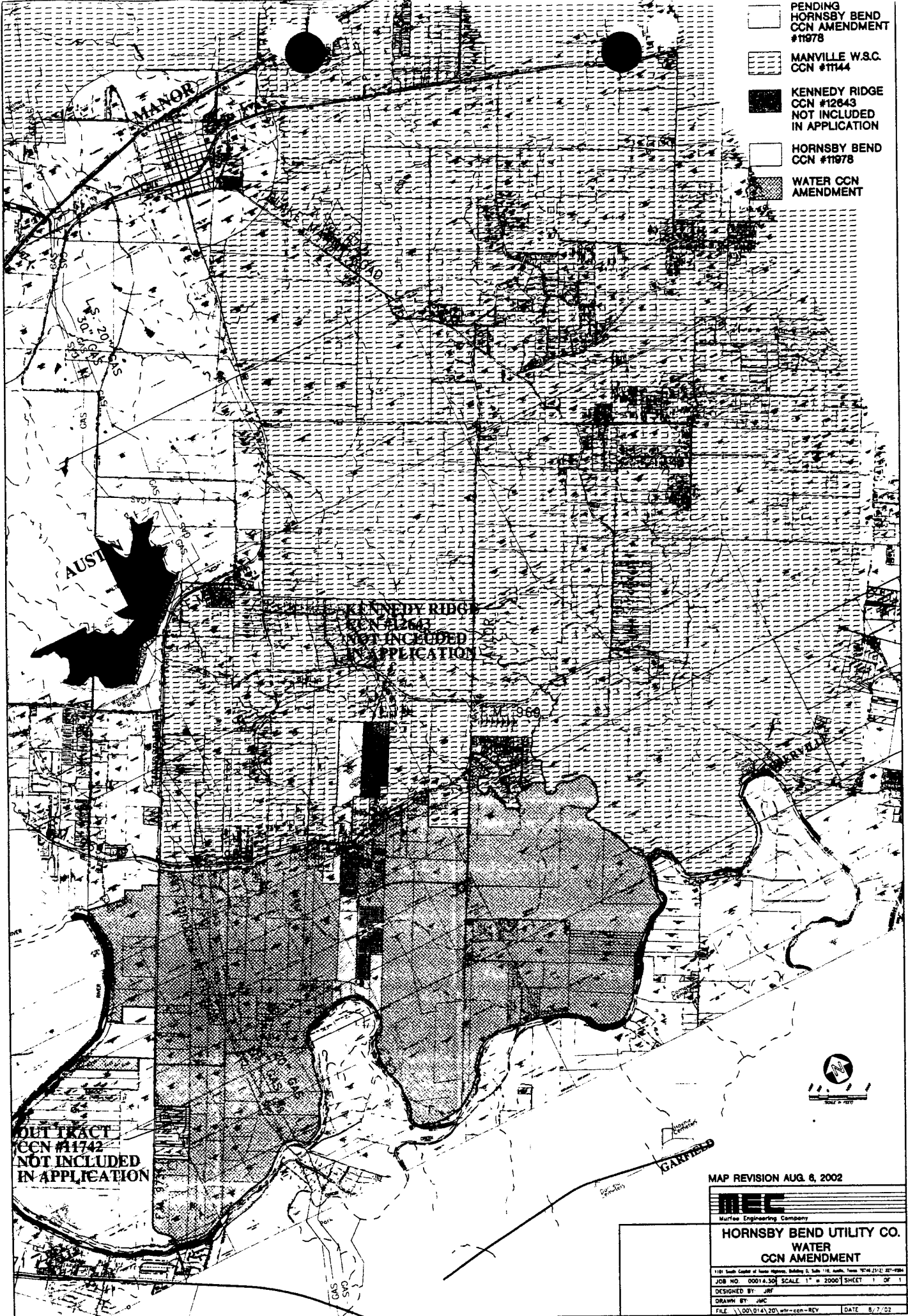







OUT TRACT  
CCN #11742  
NOT INCLUDED  
IN APPLICATION

KENNEDY RIDGE  
CCN #12643  
NOT INCLUDED  
IN APPLICATION

MAP REVISION AUG. 6, 2002

<b>Murree Engineering Company</b>	
<b>HORNSBY BEND UTILITY CO.</b>	
<b>WATER CCN AMENDMENT</b>	
<small>1101 South Capitol of Texas Highway, Building 6, Suite 110, Austin, Texas 78746 (512) 221-9284</small>	
<small>JOB NO. 00014.30</small>	<small>SCALE: 1" = 2000'</small>
<small>DESIGNED BY: JRF</small>	<small>SHEET 1 OF 1</small>
<small>DRAWN BY: JMC</small>	
<small>FILE: \\001914\20\wtr-ccn-REV</small>	<small>DATE: 8/7/02</small>




-  PENDING HORNSBY BEND CCN #11978
-  MANVILLE W.S.C. CCN #11144
-  KENNEDY RIDGE CCN #12643 NOT INCLUDED IN APPLICATION
-  HORNSBY BEND CCN #11978
-  WATER CCN AMENDMENT

KENNEDY RIDGE  
CCN #12643  
NOT INCLUDED  
IN APPLICATION

OUT TRACT  
CCN #11742  
NOT INCLUDED  
IN APPLICATION



MAP REVISION AUG. 6, 2002

 Murfee Engineering Company	
<b>HORNSBY BEND UTILITY CO.</b> <b>WATER</b> <b>CCN AMENDMENT</b>	
<small>1101 South Capital of Texas Highway, Building C, Suite 118, Austin, Texas 78746 (512) 871-9264</small>	
<small>JOB NO. 00014.30 SCALE 1" = 2000' SHEET 1 OF 1</small>	
<small>DESIGNED BY JRF</small>	
<small>DRAWN BY JMC</small>	
<small>FILE \\001\014\20\wtr-ccn-REV DATE 8/7/02</small>	

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

To: Aqua Water Supply Corporation  
(Neighboring System or City)  
P.O. Drawer P  
(Address)  
Bastrop, Texas 78602  
(City State Zip)

Date Notice Mailed: August 15, 2002

HORNSBY BEND UTILITY COMPANY has filed an application to amend CCN No. 11978 and  
Name of Applicant  
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 15 miles east of downtown Austin, Texas, and is generally bounded on the north by Old Hwy. 20; on the east by a line approximately 7,000 feet east of Burleson Manor Road; on the south and west by the Colorado River.

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.

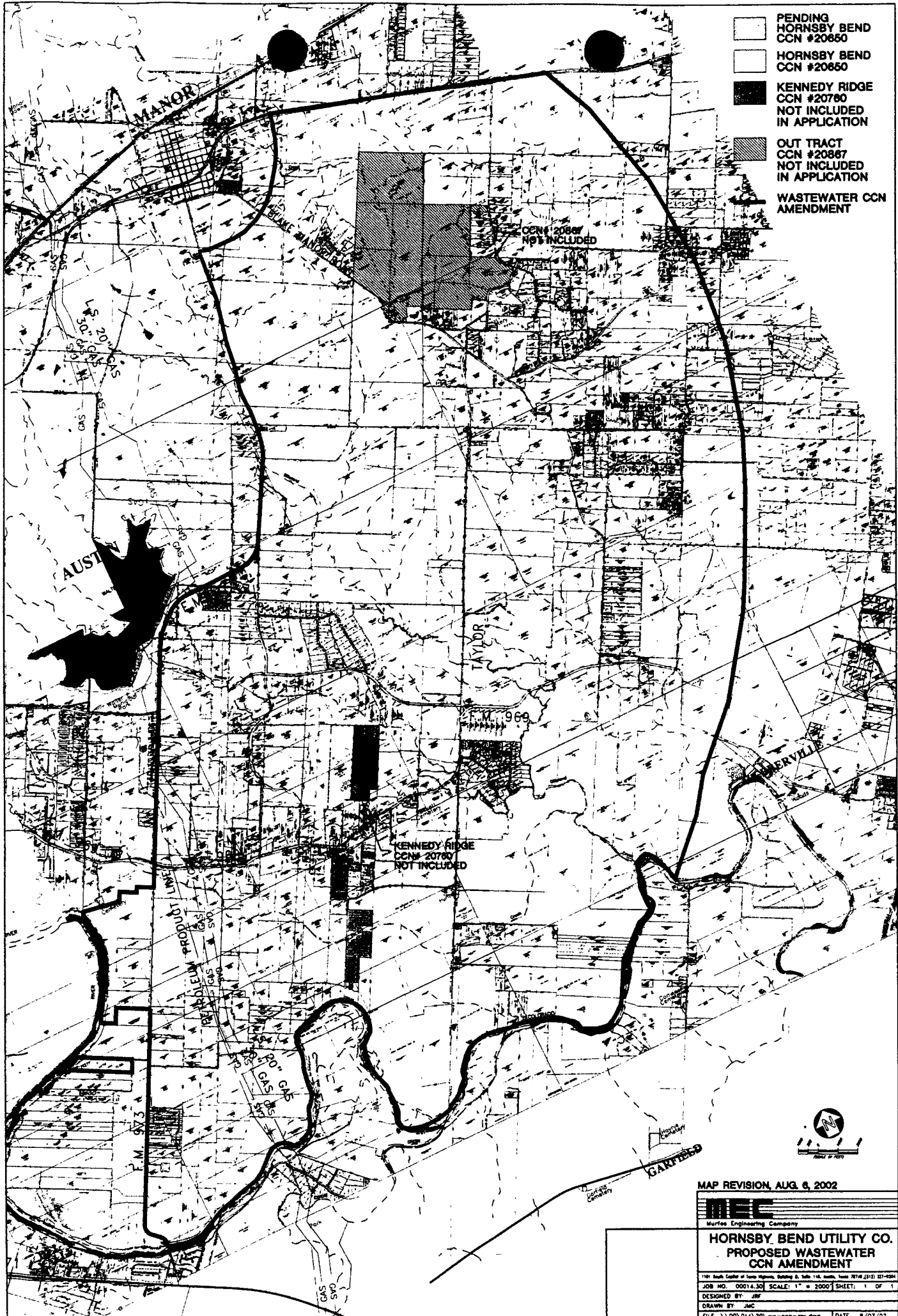
Persons who wish to intervene or comment should write the:

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.

-  PENDING HORNSBY BEND CCN #20660
-  HORNSBY BEND CCN #20660
-  KENNEDY RIDGE CCN #20780 NOT INCLUDED IN APPLICATION
-  OUT TRACT CCN #20867 NOT INCLUDED IN APPLICATION
-  WASTEWATER CCN AMENDMENT








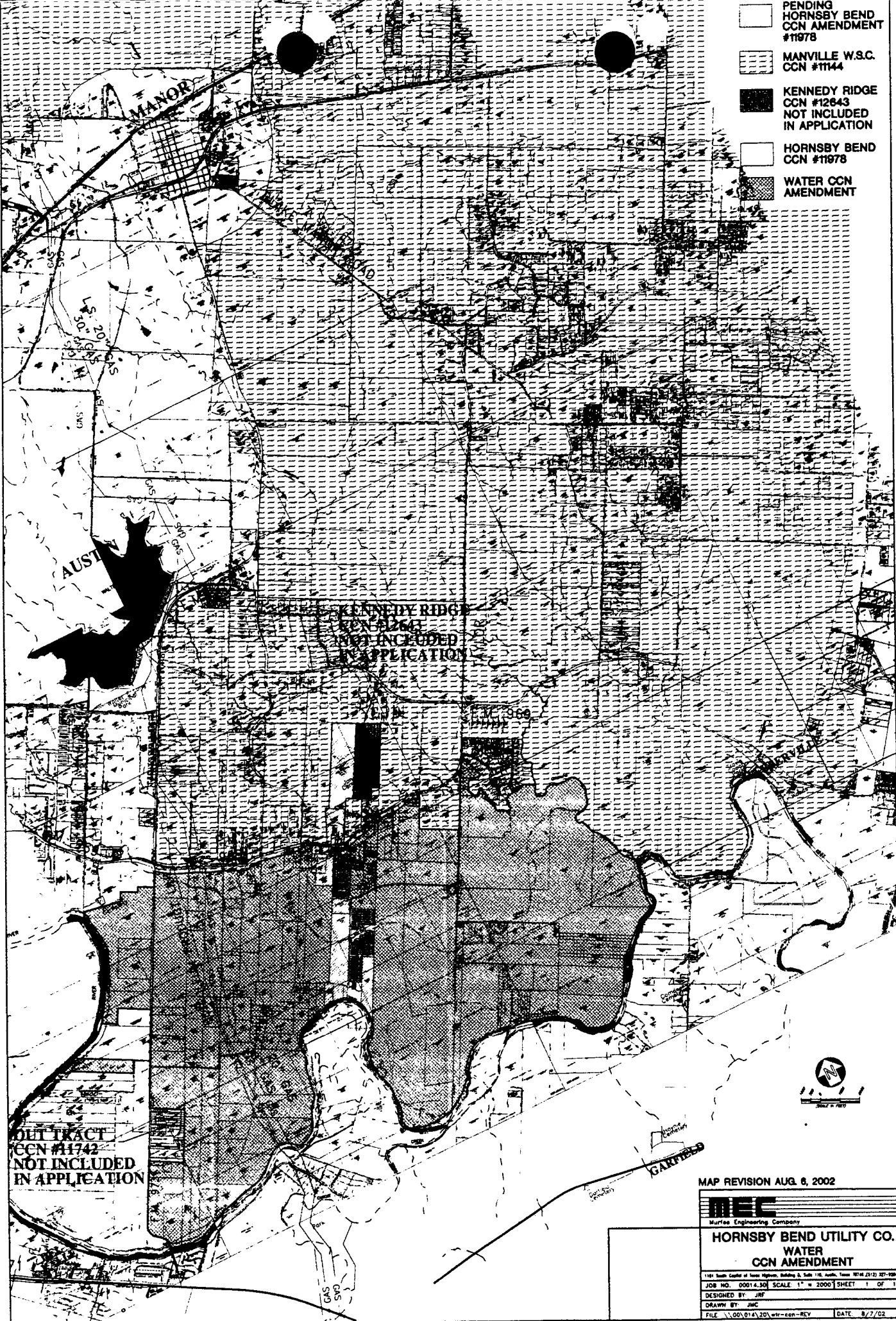
MAP REVISION, AUG. 6, 2002

**MEC**  
Marino Engineering Company

**HORNSBY BEND UTILITY CO.  
PROPOSED WASTEWATER  
CCN AMENDMENT**

1101 South Capital of Texas Highway, Building 2, Suite 112, Austin, Texas 78748 (512) 321-0204  
 JOB NO: 00014.30 SCALE: 1" = 2000' SHEET: 1 OF 1  
 DESIGNED BY: JMF  
 DRAWN BY: JAC  
 FILE: \\D:\014\20\---ccn-rw.dwg DATE: 8/07/02

-  PENDING HORNSBY BEND CCN AMENDMENT #11978
-  MANVILLE W.S.C. CCN #11144
-  KENNEDY RIDGE CCN #12843 NOT INCLUDED IN APPLICATION
-  HORNSBY BEND CCN #11978
-  WATER CCN AMENDMENT



MAP REVISION AUG. 6, 2002



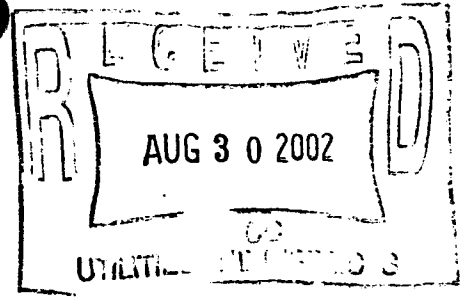
**HORNSBY BEND UTILITY CO.  
WATER  
CCN AMENDMENT**

1191 South Capital of Texas Highway, Building 5, Suite 110, South, Texas 78748 (512) 327-8284  
 JOB NO. 00014.30 SCALE 1" = 2000' SHEET 1 OF 1  
 DESIGNED BY JRF  
 DRAWN BY JMC  
 FILE \\001014\20\wtr-ccn-REV DATE 8/7/02



City of Austin  
**Law Department**

Norwood Tower, 114 West 7<sup>th</sup> Street, P.O. Box 1088  
Austin, Texas 78767-8845  
(512)974-2268



Writer's Direct Line

512 / 974-2568

Writer's Fax Line

512 / 974-2912

August 30, 2002

**Hand-Delivered**

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

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

**SUBJECT:** Hornsby Bend Utility Company, Application to Amend CCN Nos. 11978  
and 20650; Application Nos. 33988-C and 33989-C

Dear Ms. Castanuela:

The City of Austin ("City") requests a public hearing on the application of Hornsby Bend Utility Company ("Hornsby Bend") to Amend CCN Nos. 11978 and 20650. The City may be contacted by mailing correspondence to my address shown on this letterhead and by telephone to my direct number (512) 974-2568.

The City is a municipal corporation that owns, operates, and maintains facilities for providing water and wastewater utility services. The City has a personal justiciable interest that would be adversely affected by the application to amend CCN Nos. 11978 and 20650. The proposed amendment to CCN Nos. 11978 and 20650 overlaps the proposed water and sewer service areas of the City, and would adversely affect the legal authority of the City under state law over issues contemplated by this application. The proposed CCN amendments would also adversely affect the economic interest of the City regarding the

provision of water and sewer utility services to customers within the proposed water and sewer utility service area. The City bases its request for a public hearing on the following legal and economic concerns:

1. The proposed CCN amendments overlap the proposed water and sewer service areas of the City. According to information provided to the City by the TNRCC, the requested water and sewer utility service areas in Hornsby Bend's application overlaps the proposed water and sewer service areas requested by the City in Application No. 33562-C and Application No. 33563-C. The proposed amendments adversely affect the City's economic interest in providing urban-level water and sewer services to customers residing within the areas overlapped by Hornsby's application. The proposed water and sewer utility service area is within the City's extraterritorial jurisdiction and current Impact Fee Area. The City has authority under Chapter 395 of the Local Government Code and the Austin Code of Ordinances to impose water and sewer impact fees for capital improvements related to water and sewer service in its Impact Fee Area. The City's Impact Fee Area is established by the Austin City Council. The proposed amendment of CCN Nos. 11978 and 20650 would adversely affect the authority of the City under state law to assess and collect water and sewer impact fees.
2. The City has the demonstrated ability to provide continuous and adequate urban-level water and sewer service to the proposed water and sewer utility service area. The City possesses the requisite financial, managerial, and technical resources to provide cost-effective water and sewer services to customers residing in the proposed water and sewer utility service area within its jurisdiction. The City has multiple regional water facilities serving approximately 176,000 water connections in portions of Travis, Williamson, and Hays counties. Currently, the City provides water service to virtually all land within its corporate limits. More specifically, the City provides wholesale service, through a wholesale water supply agreement, to Manville Water Supply Corporation, a retail water supplier whose certificated water service area is adjacent to the proposed water utility service area. By and through its wholesale and retail customer relationships, the City provides urban-level wastewater service to over 154,000 customers within Travis and Williamson Counties. The City owns three regional wastewater treatment plants, and owns wastewater treatment facilities near the area that could be used to provide sewer service to customers that reside in the proposed sewer service area. The City does not believe that Hornsby Bend possesses the requisite financial, managerial, and technical resources to provide cost-effective urban-level water and wastewater services to customers residing in the proposed water and sewer utility service areas. The City also does not believe that Hornsby Bend has the technical capability to provide continuous or adequate water and sewer services for urban-level development in the proposed water and sewer



utility service area. Additionally, the City does not believe that Hornsby Bend has access to an adequate water supply or wastewater treatment capacity to provide continuous and adequate service to the proposed water and sewer utility service areas. In contrast, the City has the necessary water supply, wastewater treatment capacity, and resources and has provided wholesale and retail water and sewer utility services to its customers for decades; and is capable of meeting the requirements of the Commission and Chapter 13 of the Water Code.

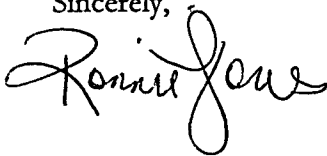
3. According to information provided to the City, proposed developments in the proposed water and sewer utility service area may include subdivisions that require urban-level water and sewer utility service, which the City currently provides to its customers. The provision of urban-level water and sewer utility service in the proposed water and sewer utility service area is consistent with the requirements in the Austin City Code and Design Criteria Manual and would provide fire flows for connections in the proposed water utility service area and the construction of compatible sewer facilities in the proposed sewer utility service area.
4. The granting of Hornsby Bend's proposed amendment to CCN Nos. 11978 and 20650 would adversely affect the City's Water and Wastewater Utility because it would permit Hornsby Bend to extend retail water and sewer utility service to customers within the City's extraterritorial jurisdiction and current Impact Fee Area. The granting of the proposed amendment to CCN's 11978 and 20650 would adversely affect the City's economic interest in providing urban-level water and sewer services to customers residing within the proposed water and sewer utility service areas that are primarily within its extraterritorial jurisdiction and adversely affect the City's economic interest in collecting revenue for water and sewer services provided within its extraterritorial jurisdiction.
5. It is feasible for the proposed water and sewer utility service area to be served by the City. The City possesses the requisite financial, managerial, and technical resources to provide cost-effective urban-level water and sewer services to customers residing in the proposed water and sewer utility service areas. 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. Additionally, the City is negotiating long-term water supply agreements with other water suppliers that may be used to provide cost-effective urban-level water service to customers residing in the proposed water utility service area. The City does not believe that Hornsby Bend can provide urban-level cost-effective water and sewer service to customers in the proposed water and sewer utility service areas or meet the Commission's applicable public water supply requirements or design criteria for sewer systems.
6. The City could provide improved water and sewer service at lower long-term costs to consumers in the proposed water and sewer utility service areas. Because of the City's financial, managerial, and technical capability, it is able to provide improved water and sewer service at lower costs for comparable service to customers in the proposed water and sewer utility service areas. The quality of the service the City can provide exceeds that of Hornsby Bend.

LaDonna Castanuela  
--August 30, 2002  
Page 4

To promote and protect the general health, safety and welfare of persons residing within its jurisdiction, the City requests that the proposed amendment of CCN Nos. 11978 and 20650 be denied.

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) 974-2568.

Sincerely,



Ronnie Jones  
Assistant City Attorney

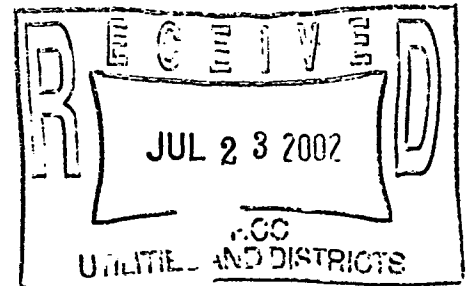
xc: Doug Holcomb, TNRCC  
Sedora Jefferson, City Attorney  
Martha Terry, Division Chief  
Ken Ramirez, Bracewell and Patterson  
Joe Canales, Deputy City Manager  
Chris Lippe, Director, Water and Wastewater Utility  
Andy Covar, Assistant Director, Water and Wastewater Utility  
Bart Jennings, Water and Wastewater Utility

# LAW OFFICES OF MARK H. ZEPPA, P.C.

4833 Spicewood Springs Road, Suite 202  
Hornsby, Texas 78759-8436  
(512) 346-4011 Fax (512) 346-6847  
mhzeppa@attglobal.net

July 22, 2002

Mr. Doug Holcomb, PE  
Utilities & Districts Section  
Texas Natural Resource Conservation Commission  
P O Box 13087, MC 153  
Hornsby, Texas 78711-3087



Re: Water and Sewer CCN Application of the Hornsby Bend Utility Company, Inc.; CCN Nos. 11978 and 20650; Administrative Review No. A-124-2

Dear Mr. Holcomb:

AquaSource Utility, Inc. and its affiliate, AquaSource Development Company, Inc., (together hereinafter "AquaSource") protest and request a public hearing on the water and sewer CCN application recently filed by the Hornsby Bend Utility Company, Inc. (Hornsby). Hornsby has filed companion large-area CCN amendment applications covering territory generally north of the Colorado River, east of the City of Austin, south of the City of Manor and west of Bastrop County.

As a neighboring sewer utility, AquaSource is uniquely affected by the sewer portion of this application. AquaSource, through AquaSource Development Company, has a certificated area surrounded by the area sought by Hornsby. Granting the application could prevent expansion of AquaSource's existing regional utility. Granting Hornsby's application could take away AquaSource's statutory 1/4-mile service area buffer zone. AquaSource has the ability to expand its sewer service facilities and meets the known immediate service needs of the immediate area. AquaSource has received requests from neighboring landowner(s) to do so. AquaSource has service requests from affected landowners that would be directly impacted by a Hornsby CCN. Additional service from Hornsby is not needed at this time. Hornsby's application is premature on this scale.

AquaSource, through both AquaSource Utility, Inc. and AquaSource Development Company, have a multi-year history of providing continuous and adequate water and wastewater utility service throughout Texas and particularly in Travis County. AquaSource stands ready, willing and able to do so where requested under the terms of its tariff and the TNRCC's rules where such service is not already being provided. AquaSource will provide such service as the

Mr. Doug Holcomb, PE  
July 22, 2002  
Page 2

need for service arises, which is what AquaSource understands the current policy of the TNRCC to be as advocated by the Executive Director in repeated certification dockets affecting AquaSource and other similarly situated investor-owned utilities. AquaSource is a regional water and sewer utility alternative under Texas Water Code §13.241(d) and the TNRCC Regionalization Guidance Document of August 3, 1999. Granting an exclusive water or sewer service license inside the requested service areas would prevent a more qualified, more cost effective and timelier water and/or sewer utility, such as AquaSource, from providing that alternate service.

For these reasons, AquaSource submits that Hornsby's application must go through public review and strict regulatory scrutiny through the contested case process. After the conclusion of the hearings, Hornsby should be granted a CCN to only those areas to which Hornsby can most timely and most cost effectively provide continuous and adequate potable domestic water and/or sewer collection and treatment service and which have a realistic need for Hornsby's service.

AquaSource respectfully submits that this application be sent to SOAH on an expedited basis and consolidated with Hornsby's two other outstanding CCN applications and the water and sewer CCN applications of the City of Austin – SOAH Docket No. 582-02-3056 and TNRCC Docket No. 2002-0189-UCR. The three Hornsby applications have many duplicate issues of fact and law. Two have already been consolidated with the Austin applications. The other dockets will not be unreasonably delayed if the Executive Director will expedite his SOAH referral without waiting for all notice periods to run.

I will be the designated representative of AquaSource in this cause and can be served with notices, orders, etc. at my office address printed above.

Sincerely yours,



Mark H. Zeppa

cc: John Carlton  
Mike Howell  
Ken Ramirez  
Ronnie Jones  
Ron Freeman

John Deering  
Madison Jechow  
Gary Bradley  
David Beyer, PE  
Valerie Lord

**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

August 15, 2002

***VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED***

Ms. Lisa Mejia  
Mail Code 153, Utility and District Section  
Texas Natural Resource Conservation Commission  
and P.O. Box 13087  
Austin, Texas 78711-3087

**RECEIVED**  
AUG 19 2002  
UTILITY OVERSIGHT GROUP

RE: Application from Hornsby Bend Utility Company, Inc. to Amend Certificates of Convenience and Necessity (CCN) Nos. 11978 and 20650 in Travis County; Application Nos. 33988-C and 33989-C

Dear Ms. Mejia:

In your letter dated August 1, 2002, you indicate that the location maps enclosed with Hornsby Bend's CCN applications appear to overlap the certified areas of Kennedy Ridge Water Supply Corporation ("Kennedy"), Nighthawk Water Supply Corporation, Inc. ("Nighthawk"), and Manville Water Supply Corporation ("Manville"). You asked that we provide you with written documentation on how the overlaps will be handled.

The application was not intended to overlap Kennedy, Nighthawk or Manville. Enclosed with this letter you will find revised location maps, and a CD-rom containing the maps, delineating the proposed service areas. Hornsby Bend understands that the proposed service area does overlap the area in which the City of Austin ("Austin") has included in its Application to Amend CCN (Application Nos. 33562-C and 33563-C). The proposed service area is not within the Austin city limits.

The City of Austin has protested Hornsby Bend's previous applications to amend CCN Nos. 11978 and 20650. Hornsby Bend has been advised by Austin that it will protest this application as well. Consequently, Hornsby Bend requests that this Application to Amend CCN Nos. 11978 and 20650, Application Nos. 33988-C and 33989-C be forwarded directly to the State Office of Administrative Hearings for processing as soon as possible to allow consolidation of the application with the ongoing contested case.

ARMBRUST & BROWN, L.L.P.

Page 2 ..

If you have any questions, please do not hesitate to call me.

Sincerely,

ARMBRUST & BROWN, L.L.P.



JOHN J. CARLTON



Enclosures

cc: Dave Goodrum  
Latius Prikryl

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*

August 1, 2002

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

Re: Application from Hornsby Bend Utility Company, Inc., Certificates of Convenience and Necessity (CCN) Nos. 11978 and 20650, to Decertify a Portion of CCN No. 20706 from Kennedy Ridge Water Supply Corporation, to Decertify a Portion of CCN No. 11742 from Nighthawk Water Supply Company, Inc., to Decertify a Portion of CCN No. 11144 from Manville Water Supply Corporation, and to Amend CCN Nos. 11978 and 20650 in Travis County; Application Nos. 33988-C and 33989-C

Dear Mr. Carlton:

Your application has been accepted for filing, and Ms. Lisa Mejia has been assigned to perform the technical review. The applications have been assigned Application Nos. 33988-C and 33989-C. Please refer to these numbers in future correspondence.

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

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

River Timber Water Supply (CCN No. 12293)  
Aqua Water Supply Corporation (CCN No. 10294)

Information related to utilities and districts including addresses can be obtained from the TNRCC web site located at [www2.tnrcc.state.tx.us/iwud](http://www2.tnrcc.state.tx.us/iwud).

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

- a) an original and three copies of a publisher's affidavit of the newspaper publication with tear sheets of the published notice attached;
- b) four copies of each individual notice and map sent to neighboring utilities and other affected parties;
- c) four copies of the notice sent to customers; and

Mr. John J. Carlton, Attorney

Page 2

August 1, 2002

- d) an original and three copies of the signed affidavits that individual notice to neighboring utilities, customers, and affected individuals has been given. (Copies of the Affidavit forms are enclosed with this letter.)

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

There also appears to be an overlap of your proposed service area with the certified service area of Kennedy Ridge Water Supply Corporation, Nighthawk Water Supply Company, Inc. and Manville Water Supply Corporation. Enclosed is a map showing the overlap of your proposed water and sewer CCN area with the CCN areas of Kennedy Ridge Water Supply Corporation, Nighthawk Water Supply Company, Inc. and Manville Water Supply Corporation.

Please provide written documentation on how the overlaps will be handled. There are several options to resolving this overlap. One is to amend your application by submitting revised maps and change the requested CCN area so as to not include the areas of overlap. The second option is for you to meet with Kennedy Ridge Water Supply Corporation, Nighthawk Water Supply Company, Inc. and Manville Water Supply Corporation and work out an agreement whereby Kennedy Ridge Water Supply Corporation, Nighthawk Water Supply Company, Inc. and Manville Water Supply Corporation agrees to decertification of the areas of overlap. Written documentation from Kennedy Ridge Water Supply Corporation, Nighthawk Water Supply Company, Inc. and Manville Water Supply Corporation agreeing to decertification is required. If an agreement is not reached, you would have to provide compelling evidence that Kennedy Ridge Water Supply Corporation, Nighthawk Water Supply Company, Inc. and Manville Water Supply Corporation could not provide acceptable service. The notices have been revised to propose decertification of the portions of Kennedy Ridge Water Supply Corporation, Nighthawk Water Supply Company, Inc. and Manville Water Supply Corporation in the event this is considered. If Nighthawk Water Supply Company, Inc. is providing service to any customers in the overlapping area, notice of the proposed decertification must be provided to each of these customers.

In addition, your proposed area overlaps the corporate limits and proposed area of the City of Austin. Please provide a copy of a consent, franchise, permit or license granted by the City.

These items must be completed and returned by September 6, 2002. Processing of this application cannot proceed until the close of the 30 day public comment period which begins after all the required notices have been given. If we do not receive the requested information by this date, your application may be returned for failure-to prosecute.

If you have any questions, please contact Ms. Lisa Mejia at 512/239-6117, or if by correspondence, include Mail Code 153 in the letterhead address.

Sincerely,



Victoria R. Harkins, Ph.D., P.E.  
Utilities & Districts Section  
Water Supply Division

VRH/LM/ac

Enclosures

cc: TNRCC, Region 11 Office



*Notice for Publication*

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

Hornsby Bend Utility Company, Inc. has filed an application to amend CCN No. 11978, to amend CCN No. 20650 and to decertify portions of Kennedy Ridge Water Supply Corporation, Nighthawk Water Supply Company, Inc. and Manville Water Supply Corporation with the Texas Natural Resource Conservation Commission to provide water and sewer utility service Travis County.

The proposed utility service area is located approximately 15 miles east of downtown Austin, Texas, and is generally bounded on the north by Old Hwy. 20; on the east by a line approximately 7,000 feet east of Burseson Manor Road; on the south and west by the Colorado River.  
The total area being requested includes approximately 350 acres and 0 current customers.

A copy of the proposed service area map is available at ECO Resources, Inc., 9511 RR 620 North, Austin, Texas 78726 (512) 335-7580

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 Supply Division  
Utilities and Districts Section, MC-153  
P. O. Box 13087  
Austin, TX 78711-3087

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

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

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

To: \_\_\_\_\_ Date Notice Mailed: \_\_\_\_\_, 2002  
(Neighboring System or City)  
\_\_\_\_\_  
(Address)  
\_\_\_\_\_  
(City State Zip)

Hornsby Bend Utility Company, Inc. has filed an application to amend CCN No. 11978, to amend CCN No. 20650 and to decertify portions of Kennedy Ridge Water Supply Corporation, Nighthawk Water Supply Company, Inc. and Manville Water Supply Corporation with the Texas Natural Resource Conservation Commission to provide water and sewer utility service Travis County.

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The total area being requested includes approximately 350 acres and 0 current customers.

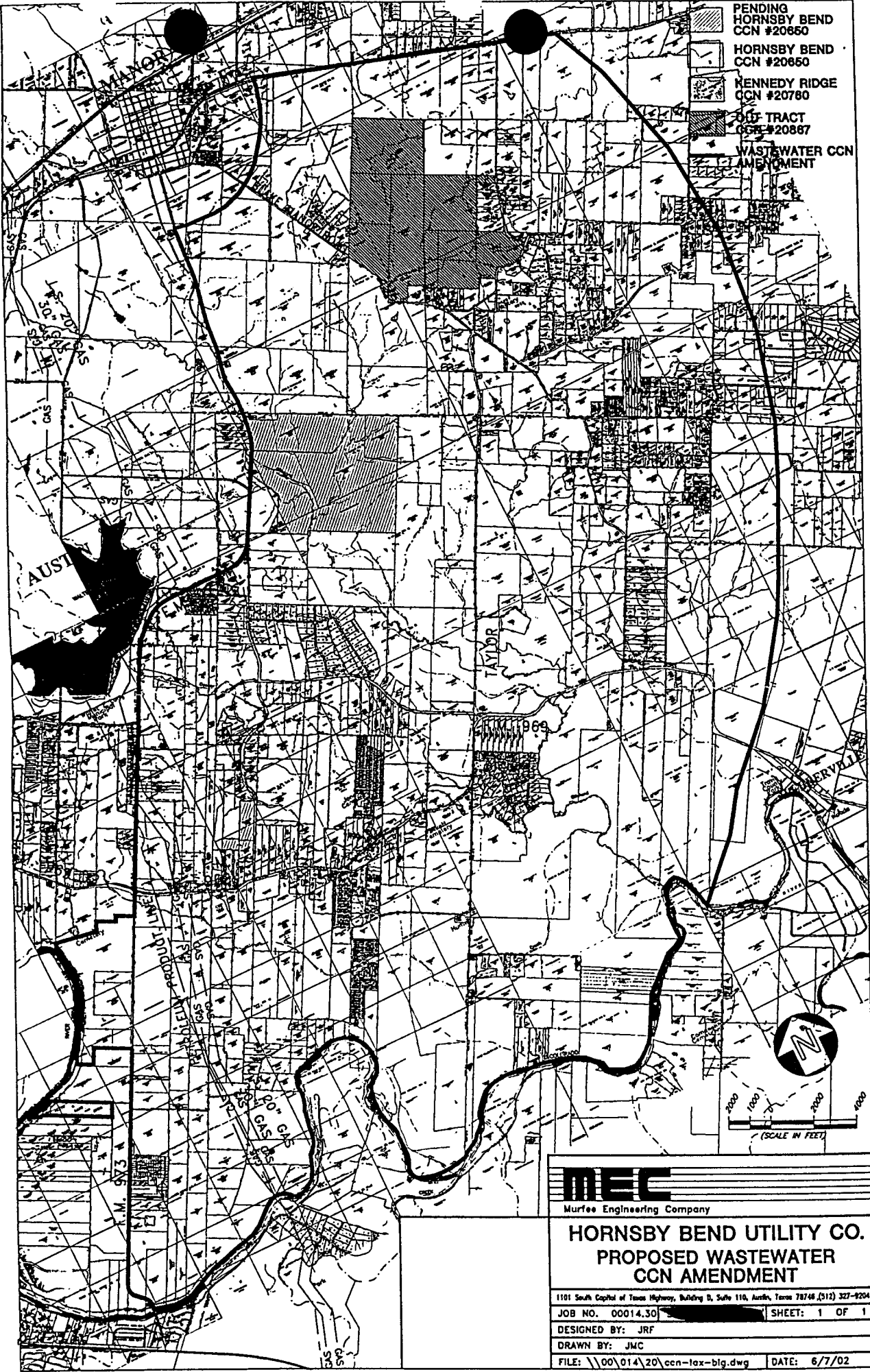
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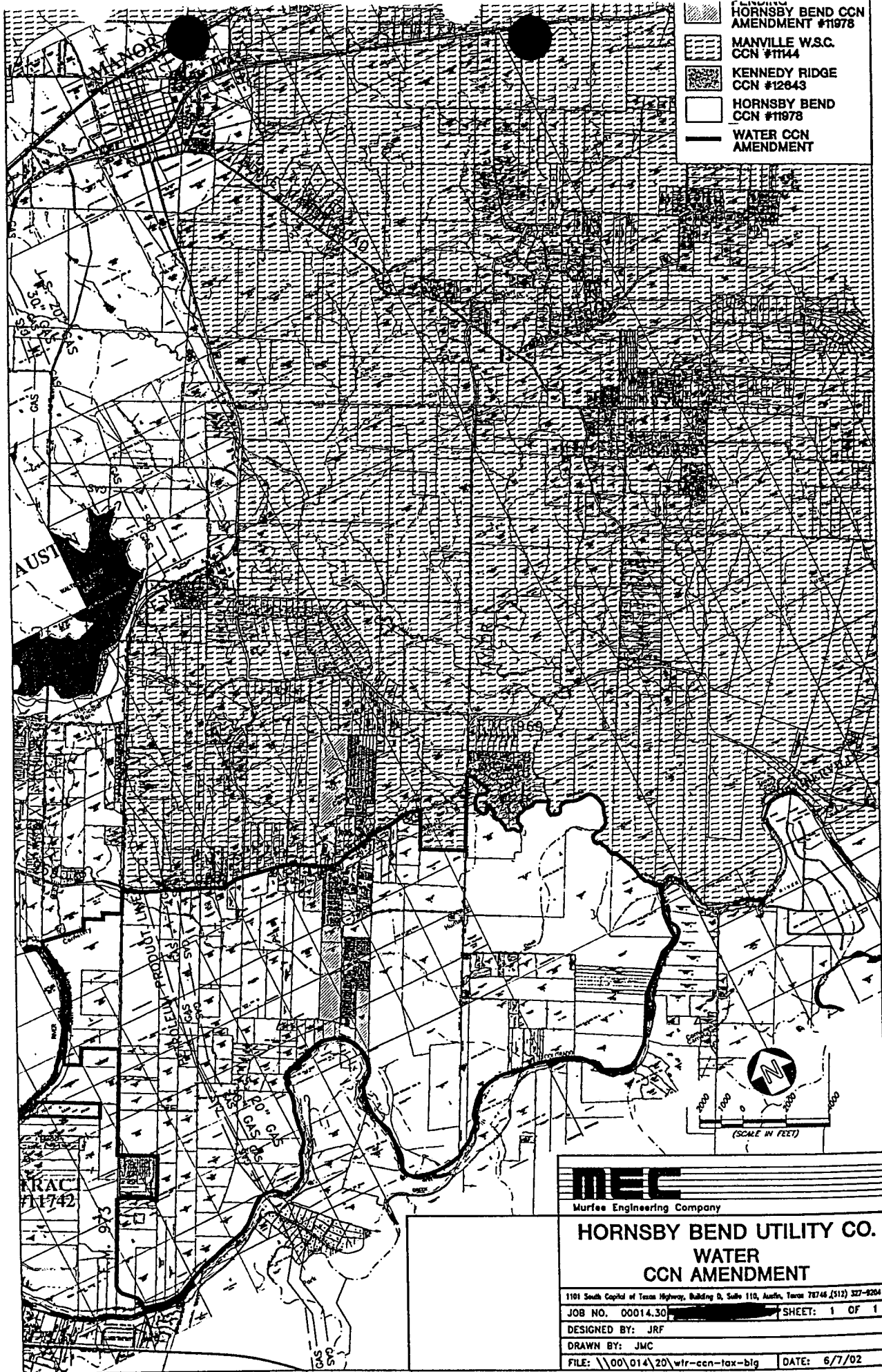
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Murfee Engineering Company

**HORNSBY BEND UTILITY CO.  
PROPOSED WASTEWATER  
CCN AMENDMENT**

1101 South Capital of Texas Highway, Building B, Suite 110, Austin, Texas 78748, (512) 327-9204  
 JOB NO. 00014.30 SHEET: 1 OF 1  
 DESIGNED BY: JRF  
 DRAWN BY: JMC  
 FILE: \\00\014\20\ccn-tax-blg.dwg DATE: 6/7/02



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

Dear Customer:

Date Notice Mailed \_\_\_\_\_, 2002

Hornsby Bend Utility Company, Inc. has filed an application to amend CCN No. 11978, to amend CCN No. 20650 and to decertify portions of Kennedy Ridge Water Supply Corporation, Nighthawk Water Supply Company, Inc. and Manville Water Supply Corporation with the Texas Natural Resource Conservation Commission to provide water and sewer utility service Travis County.

The proposed utility service area is located approximately 15 miles east of downtown Austin, Texas

A copy of the proposed service area map is available at ECO Resources, Inc., 9511 RR 620 North, Austin, Texas 78726 (512) 335-7580

The current utility rates which were first effective on \_\_\_\_\_, 200\_\_ are:

• Monthly Base Rate including 2,000 gallons per connection for:

SEWER	\$ <u>34.00</u>
WATER 5/8" meter	\$ <u>20.00</u>
1" meter	\$ _____
1½" meter	\$ _____
2" meter	\$ _____
Other _____	\$ _____

Gallage charge of \$ \_\_\_\_\_ per 1,000 gallons above minimum (same for all meter sizes)

Miscellaneous Fees

-Regulatory Assessment	1%
-Tap Fee (Average Actual Cost)	\$ <u>400.00</u>
-Reconnection fee:	
-Non Payment (\$25.00 max)	\$ _____
-Transfer	\$ _____
-Customer's request	\$ _____
-Late fee	\$5.00 or 10%
-Returned Check charge	\$ _____
-Customer Deposit (\$50.00 max)	\$ _____
-Meter test fee (Actual Cost not exceed \$25.00)	\$ _____
-Other Fees	\$ _____

**Your utility service rates and fees cannot be changed by this application. If you are currently paying rates, those rates must remain in effect unchanged. Rates may only be increased if the utility files and gives notice of a separate rate change application.**

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:

Water Supply Divisio.  
ities and Districts Section, MC-1  
P. O. Box 13087  
Austin, TX 78711-3087

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**IF A HEARING IS HELD**, it is important that you or your representative attend to present your concerns. Your request serves only to cause a hearing to be held and is not used during the hearing.



Texas Natural Resource

Conservation Commission

APPLICATION NO. \_\_\_\_\_

PUBLISHER'S AFFIDAVIT

STATE OF TEXAS

COUNTY OF \_\_\_\_\_

Before me, the undersigned authority, on this day personally appeared \_\_\_\_\_,

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

\_\_\_\_\_ ; that said  
NAME OF NEWSPAPER

newspaper is regularly published in \_\_\_\_\_

County(ies) and generally circulated in \_\_\_\_\_

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

\_\_\_\_\_  
Newspaper Representative's Signature

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2002, to certify which witness my hand and seal of office.

\_\_\_\_\_  
Notary Public in and for the State of Texas

\_\_\_\_\_  
Print or Type Name of Notary Public

Commission Expires \_\_\_\_\_



Texas Natural Resource Conservation Commission

APPLICATION NO. \_\_\_\_\_

AFFIDAVIT OF NOTICE TO NEIGHBORING UTILITIES AND AFFECTED PARTIES

STATE OF TEXAS

COUNTY OF \_\_\_\_\_

\_\_\_\_\_ has provided individual notice to the following entities:

	DATE
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

OATH

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

\_\_\_\_\_  
Applicant's Authorized Representative

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


Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2002, to certify which witness my hand and seal of office.


\_\_\_\_\_  
Notary Public in and for the  
State of Texas

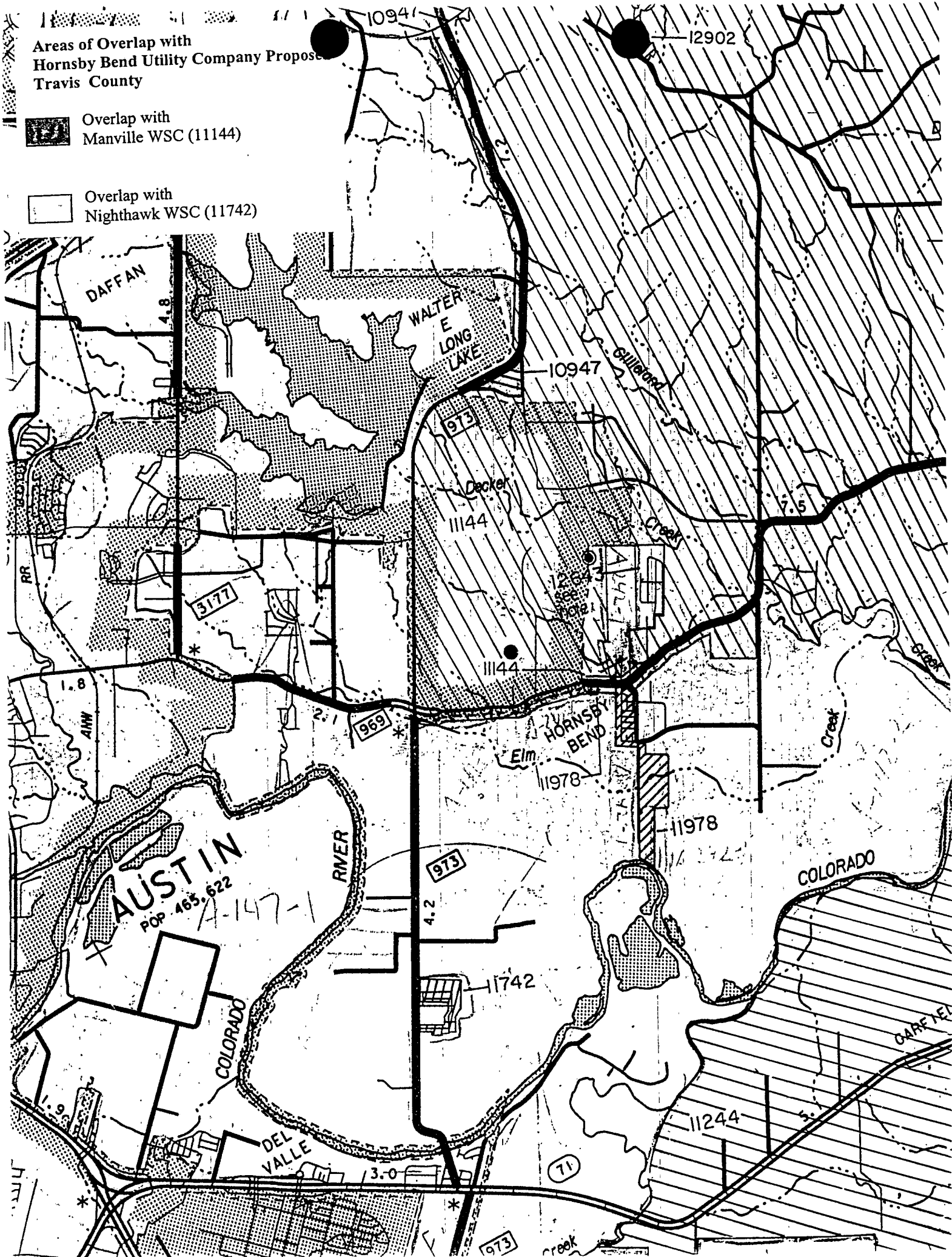
\_\_\_\_\_  
Print or Type Name of Notary Public  
Commission Expires \_\_\_\_\_



Areas of Overlap with  
Hornsby Bend Utility Company Proposed  
Travis County

 Overlap with  
Manville WSC (11144)

 Overlap with  
Nighthawk WSC (11742)



To: -- Administrative Reviewer

Date: July 23, 2002

From: Cartographer-Utilities & Districts Section

Subject: Overlap & Notice Check for Administrative Review No. A-124-2  
Hornsby Bend Utility Company to amend CCN 11978 & 20650 in Travis County.

1. No new overlap of service areas exists.
- X 2. An overlap Kennedy Ridge WSC (20760), Nighthawk WSC (11742), Manville WSC (11144) and City of Austin proposed (A-146-1 & A-147-1)
3. Dual certification
- X 4. An overlap exists with the city limits of: Austin
5. If this is a Sale, Transfer, or Merger, is additional area being requested?
6. Due to  an inadequate map  no map filed by the applicant, a determination cannot be made as to the actual location of requested service boundary.
7. Map submitted is in a digital version. Attach insert to request electronic copy with response letter.
8. Need a more detailed map, such as a subdivision plat or USGS topo map with the boundary clearly identified.
9. Utility notice was sufficient.
- X 10. Utility notice was insufficient. In addition to those systems listed in the application, they will also need to notify:

TWO MILES:

Kennedy Ridge WSC (20760 & 12643)

Nighthawk WSC (11742)

Manville WSC (11144)

City of Austin proposed (A-146-1 & A-147-1)

Garfield WSC (11244)

River Timber Water Supply (12293)

Aqua WSC (10294)

City of Manor (20378, ETJ, and proposed A-001-2)

City of Austin (20636 & City Limits)

- X 11. Notice: 15 mile East of Downtown Austin  
North by Old Hwy 20  
On the East by a line Approximately 7000ft. East of Burleson Manor Rd.  
On the South and West by the Colorado River


12. Other comments:




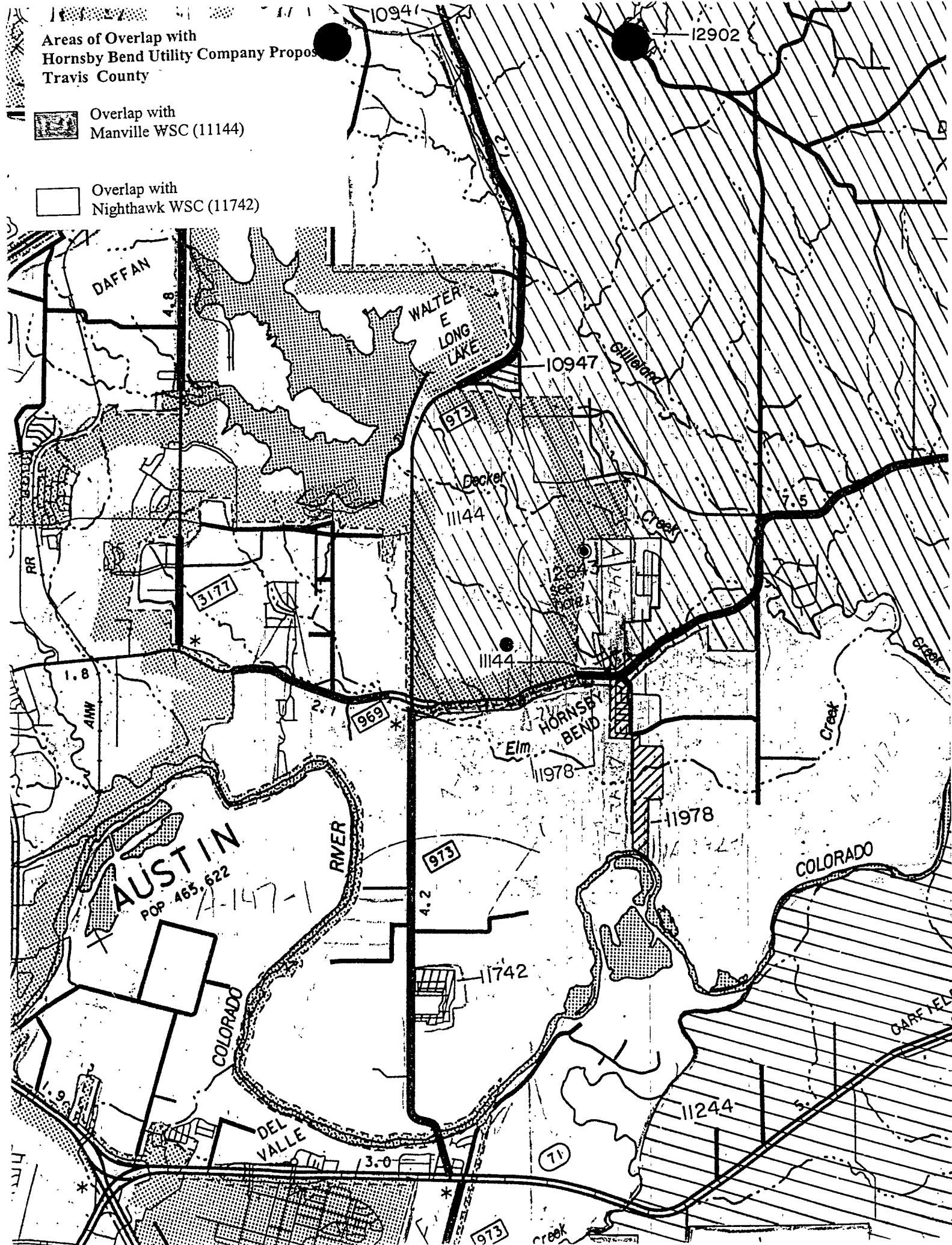
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Kent Steelman

Areas of Overlap with  
Hornsby Bend Utility Company Propos  
Travis County

 Overlap with  
Manville WSC (11144)

 Overlap with  
Nighthawk WSC (11742)



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*

July 18, 2002

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

RE: Declaration of Administrative Completeness  
Name: Hornsby Bend Utility Company, Inc.  
CCN Numbers: 11978 (water) and 20650 (sewer)  
Administrative Review Number: A-124-2  
Type of Application: Amend CCNs

Dear Mr. Carlton:

The above referenced application was received by the Water Quality Applications Team on June 25, 2002. An administrative review of the application was conducted and a Notice of Deficiency letter was sent to you on June 26, 2002. Your response was received on July 17, 2002. The application was declared administratively complete on July 18, 2002.

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

You may contact Ms. Harkins at (512) 239-0353 if you have questions regarding the technical evaluation of your application. If you have questions regarding the administrative review, please contact Peggy Hiscoe at (512) 239-6168.

Sincerely,

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

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

**ARMBRUST & BROWN, L.L.P.**

ATTORNEYS AND COUNSELORS

100 CONGRESS AVENUE, SUITE 1300  
AUSTIN, TEXAS 78701-4042  
(512) 435-2300  
TELECOPIER (512) 435-2380

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

July 12, 2002

**RECEIVED**

**JUL 17 2002**

Water Quality Applications Team

Ms. Peggy Hiscoe, MC-156  
Texas Natural Resource Conservation Commission  
Water Quality Application Team  
Permits Administrative Review Section  
Registration, Review and Reporting Division  
P.O. Box 13087  
Austin, Texas 78711-3087

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

Dear Ms. Hiscoe:

We are in receipt of your letter dated June 26, 2002. Below is the information you have requested regarding the above referenced matter.

1. The address and phone number for Hornsby Bend Utility Company is as follows:

c/o Dave Goodrum  
ECO Resources Inc.  
9511 RR 620 North  
Austin, TX 78726  
(512) 335-7580

2. Attached to this letter is the proposed rate schedule or tariff to address Item 6.B.ii. on page 11 of the application.

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

Sincerely,

**ARMBRUST & BROWN, L.L.P.**

  
John J. Carlton

enclosures

133306.1/071202