

1 projection is entirely reasonable. However, it must be pointed out that a  
2 significant field research program is planned for the WECO East 29 project, the  
3 purpose of which is to verify the actual sustainable yield of the wells. Therefore,  
4 although I believe that the projected yield is reasonable, it still remains to be  
5 verified.

6 Q: How are the WECO wells physically laid out?

7 A: The WECO wells are spread out, and cover a large area that is otherwise not being  
8 utilized for the production of groundwater.

9 Q: Is it contemplated that all of the WECO wells will come on-line at once?

10 A. No. As I recall from my previous work on the East 29 proposal, although all of  
11 the water from all of the wells will be available for BexarMet's acceptance, the  
12 planning discussions reflect that BexarMet will initially acquire a portion of the  
13 project, and acquire additional portions in stages. The proposed service area is  
14 largely undeveloped, and there is simply not a need or justification to overnight  
15 generate 17,000 acre feet water. We fully contemplate a staged process, which is  
16 largely a function of the demand for water by new customers in the proposed area.

17 Q. And the water to be produced can grow correspondingly as the service area  
18 becomes populated?

19 A. Yes, and it's important to understand that WECO is just one of BexarMet's  
20 multiple water supply options. BexarMet will also have the ability to expand its  
21 existing wells, to drill new wells in the area, and to potentially drill new wells in  
22 other areas. Of course, it can also transmit water from existing facilities, perhaps  
23 even Edwards water, into a delivery system which serves the proposed area.

1 Q. Are the hydrogeological conditions that we discussed regarding the proposed  
2 service area, also true with respect to BexarMet's existing service area in the  
3 Timberwood Park public water supply system?

4 A. The CCN application area is north of the Edwards Recharge Zone. And the  
5 Middle Trinity is a little higher, but it is still heavily influenced by the same  
6 factors we've been discussing -- by the same faulting. The existing area is also  
7 certainly influenced by the Cibolo Creek. Thus, I suspect that the proposed area  
8 could be as productive as the existing area, including that where the Wild Turkey  
9 wells are situated.

10 Q. Are you aware of any scientific or geological reasons or prohibitions on BexarMet  
11 expanding its operations at the Wild Turkey facility to install another Trinity  
12 Aquifer well?

13 A. No. The Wild Turkey wells are located within an Artesian zone of the Middle  
14 Trinity Aquifer, where BexarMet is tapping into the aquifer at approximate sea  
15 level. Remarkably, that water is rising to about 900 feet above sea level. When  
16 you're in areas like this, where there exists significant hydrologic pressure or  
17 Artesian pressure on your water, you have the ability to certainly generate more  
18 water per acre than in an area such as in Kendall County where you're in an  
19 unconfined zone. Based upon this locale, it is entirely likely, because of the well  
20 yields exhibited by the Wild Turkey wells, and the fact of the Artesian nature of  
21 that water, that BexarMet could construct additional wells and space them  
22 relatively closer together without seeing substantial deterioration in the capacity  
23 of the well yields.

1 Q: Do you contemplate potential limitations on Middle Trinity production in the  
2 proposed area which result from extraordinary drawdown?

3 A: No. In fact there is relatively little drawdown in the region we're discussing. For  
4 the sake of the East 29 Proposal, we basically inserted a half-mile radius of  
5 influence around each well and then around each radius' influence throughout this  
6 area and calculated those as the total area of impact. That would be a fair  
7 assumption of the drawdown which is generally applicable to this entire region,  
8 including BexarMet's existing large capacity wells at the Wild Turkey station.  
9 Preliminary pump testing at the WECO wells show production yields to the tune  
10 of, you know 500 -- 800 gallons a minute with virtually no drawdown or very  
11 little drawdown over a short period of time. These results provide a fair indication  
12 of substantial water availability there. I must point out though, as more and more  
13 data becomes available, groundwater availability modeling incorporating the  
14 complexity of the structural features and multiple recharge components discussed  
15 earlier, will provide much better long term planning and management  
16 information. As I recall, this type of research was proposed as part of the WECO  
17 East 29 project.

18 Q: Do you expect the substantial Middle Trinity production to continue over a long  
19 term planning horizon?

20 A: Yes. When you look at the total volume of water in storage and when you look at  
21 the head pressure that is on the WECO wells and/or the water on the Middle  
22 Trinity in this area, we see individual well capacities exceeding 500 gallons per  
23 minute. Many of these wells had not even been acidized or treated, and so our

1           experience has been that with these wells, you can often at least double their  
2           capacity with the addition of acidization techniques. Despite these relatively large  
3           capacity withdrawals for the Trinity Aquifer wells, I believe that the recharge  
4           characteristics of the Aquifer combined with the tremendous volume of water in  
5           storage, it can be a very reliable long-term supply source.

6    Q.    Are you familiar with the proposed development and requests for service Bexar  
7           Met has received with respect to the CCN application area?

8    A.    Yes. This information has been generally described to me, and I have reviewed  
9           the developer requests contained in *Exhibit 5*.

10   Q.    Have you reviewed the pre-filed direct testimony of Michael J. Albach concerning  
11           BexarMet's intention to serve the proposed area, and meet those requests for  
12           service, with water procured from the Middle Trinity Aquifer in northern Bexar  
13           County?

14   A.    Yes, I have reviewed and am familiar with Mr. Albach's testimony.

15   Q.    Have you also reviewed Mr. Albach's testimony concerning provision of water to  
16           the proposed area through existing Bexar Met facilities located within BexarMet's  
17           Timberwood Park public water supply system?

18   A.    Yes, and I believe that those facilities, as they exist and as they may be expanded,  
19           are sources for an ample supply of Middle Trinity Aquifer groundwater.

20   Q.    Are you aware generally of the population expansion into north Bexar County and  
21           the development of those communities in the proposed service area?

1 A. I am. I've been on the Regional Water Planning Group board for six years now,  
2 and I am familiar with the explosive growth and the population demands and the  
3 projections for Bexar County, and particularly in this area.

4 Q. Do you believe with a reasonable degree of scientific certainty based upon your  
5 education, experience and research that there exists sufficient Middle Trinity  
6 Aquifer groundwater within and around the proposed service area for BexarMet  
7 to provide continuous and adequate service to all customers to ultimately reside  
8 within the area?

9 A. I believe there exists adequate Trinity Aquifer water for the expansions described  
10 in and around that area. I want to emphasize the importance of "in and around,"  
11 because no entity should ever be solely reliant upon a sole source. Middle Trinity  
12 water in this area is just one part of the solution. My experience with drilling  
13 these Trinity Aquifer wells and looking and working with the WECost 29  
14 Proposal demonstrates that there exist ample resources of Trinity Aquifer water to  
15 service the short-term, mid-term and long-term needs of the growth in that area  
16 identified in *Exhibit 2*. I think it's critical that an entity like BexarMet step  
17 forward and utilize this resource and research and truly understand and take  
18 advantage of this remarkable natural resource that otherwise is just sitting there  
19 unutilized. And I also think it's important that a water utility have as many  
20 options as they can to supply their customers in the event of droughts, technical  
21 issues related to certain wells, etc. The fact that Bexar Met has multiple  
22 opportunities for servicing this proposed area in north Bexar County via existing  
23 Edwards water, via existing Trinity water, via opportunities like the WECost East

1           29, via drilling new wells comparable to but unrelated to WECOs speaks volumes  
2           as to their capabilities. Awarding BexarMet the CCN for this area of Bexar  
3           County should be kind of a no-brainer.

4    Q.    Do you believe that it will require an entity with the resources of BexarMet to  
5           conduct this study and responsibly develop the potential of the Middle Trinity  
6           Aquifer in the Edwards Recharge/Balcones Fault Zone?

7    A.    Absolutely, and that's a critical point -- there is a responsibility on behalf of  
8           municipal entities such as BexarMet. Is the "absence of data or outdated  
9           research" a good enough answer to skip over potentially one of the most  
10          important water resources in this region? Absolutely not. We can spend  
11          hundreds of millions of dollars -- tens of millions of dollars studying how to pull  
12          water from the Guadalupe River 150 miles away or from the Simsboro Aquifer  
13          100 miles away, and yet we're drilling wells with the capacity of 1,000 gallons a  
14          minute right here in our own backyard. Right here in the highest demand water  
15          areas of Bexar County. In an area that is totally reliant upon the Edwards Aquifer  
16          historically, now with the mandate to develop and diversify their water resources,  
17          to bypass a situation where we've got something that no one thought could exist: a  
18          1,000 gallon per minute well in the Trinity Aquifer, in the heart of our high  
19          growth areas. And what does it take to find those kind of wells? You've got to  
20          drill through the Edwards Aquifer, you've got to cement those wells off from the  
21          Edwards Aquifer. Once that is done, and you have spent all that money, then you  
22          have to take the chance and you drill on down 800 feet deeper and tap into the  
23          Cow Creek Limestone (Middle Trinity). And you're not sure what you're going

1           to find because so few have ever done it before. Unless an entity with substantial  
2           resources combined with a necessity undertakes such a project, it cannot happen.  
3           The city of Garden Ridge is darn sure happy that they've done that, and  
4           companies like Martin Marietta, Vulcan Materials, Cemex and Alamo Cement are  
5           darn sure happy with the results of their investment into this portion of the Middle  
6           Trinity. Bexar Met is sure happy with the results of the Wild Turkey wells that  
7           they're getting, and which we all expect to continue far, far into the future.

8    Q:     Does this conclude your testimony?

9    A:     Yes, it does.

**SOAH DOCKET NO. 582-03-3275  
TCEQ DOCKET NO. 2003-0664-UCR**

<b>IN RE: THE APPLICATION OF</b>	<b>§</b>	<b>BEFORE THE STATE OFFICE</b>
<b>BEXAR METROPOLITAN</b>	<b>§</b>	
<b>WATER DISTRICT TO AMEND</b>	<b>§</b>	<b>OF</b>
<b>WATER CCN NO. 10675</b>	<b>§</b>	
<b>IN BEXAR COUNTY</b>	<b>§</b>	<b>ADMINISTRATIVE HEARINGS</b>

**BEXAR METROPOLITAN WATER DISTRICT's**

**PREFILED DIRECT TESTIMONY OF**

**JESSE MORIN**



1

2

Q. Please state your name and business address for the record.

3

A. **My name is Jesse Morin. I office at 2047 W. Malone San Antonio, Texas  
78225.**

4

5

Q. By whom are you employed and in what capacity?

6

A. **I am employed by Bexar Metropolitan Water District ("BexarMet") as its  
Director of Finance. I started with BexarMet in November 1997.**

7

8

Q. To whom do you report in the BexarMet chain of command?

9

A. **My direct supervisor is BexarMet's General Manager, F. Gilbert  
Olivares. Mr. Olivares reports to BexarMet's elected Board of Directors.**

10

11

Q. Describe the BexarMet Finance Department, and its staffing.

12

A. **The accounting section of BexarMet's Finance Department consists of  
me, 3 senior staff accountants, and 2 bookkeepers. In addition, there  
exists a separate billing department, which is charged with issuing bills for  
retail water service provided by BexarMet to its customers, a payroll  
department, a collections department, a purchasing department and a  
remittance department, all of which are under my supervision as the  
Director of Finance. A copy of BexarMet's Organizational Chart  
pertaining to the Finance Department is attached to the record as *Exhibit  
14.***

13

14

15

16

17

18

19

20

21

1 Q. What qualifications do you have to present expert and fact testimony in this  
2 case?

3 A. I hold a BBA in Accounting from Southwest Texas State University. I also  
4 have 9 credit hours which are applied to my requirements for obtaining  
5 an MBA. A copy of my Curriculum Vitae is attached to my testimony as  
6 *Exhibit 15*. I have personal knowledge of BexarMet's finances based upon  
7 my position, and my eight years with BexarMet. I also played a central  
8 role in preparation of the BexarMet Financial Statements for years 2004  
9 and 2005, as well as its Budget for years 2004-2005 and 2005-2006.

10 Q. What is the purpose of your testimony in this cause?

11 A. I will testify concerning BexarMet's present financial condition, its overall  
12 strategy related to financing improvements and new construction, and  
13 BexarMet's financial ability to serve the proposed area.

14 Q. What financial resources does BexarMet have to devote to serving the public  
15 in its proposed service area if its application is granted?

16 A. As reflected in our most recent completed audit (FY 2003-2004),  
17 BexarMet presently reports \$270,281,887.00 in total assets. Given  
18 BexarMet's total liabilities of \$222,122,045.00, the District has a net  
19 equity of \$48,159,842.00. "Net equity" generally represents the figure by  
20 which assets exceed liabilities. The sum of \$1,565,051.00 constitutes  
21 BexarMet's "unrestricted" assets, or those funds available to meet the

1           Distict's ongoing obligations to creditors. A copy of BexarMet's  
2           "Financial Statements with Auditors' Report Year Ended April 30, 2004"  
3           is attached to the record as *Exhibit 16*. The unaudited Financial  
4           Statements for the period ending April 30, 2005 is attached to the record  
5           as *Exhibit 17*. The 2005 statements are presently undergoing the audit  
6           process.

7           Although revenues from water sales fund ongoing operations and debt  
8           service, the District presently maintains a \$50 million line of credit with  
9           HVB, of which \$30 million remains available. This line of credit will be  
10          transferred to Bank of America in August 2005, and will remain for a 3  
11          year term. In addition, BexarMet maintains \$1.5 million cash on hand in  
12          a contingency account maintained with a Local Government Investment  
13          Pool. This cash is used for general purposes. If necessary, the District will  
14          issue additional municipal bonds to finance expenditures associated with  
15          serving the proposed area.

16          Q.    Is BexarMet in sound financial condition adequate to take on the burdens of  
17                this additional service area?

18          A.    Yes. The District currently has 4 rate groups, the revenues from which  
19                are adequate to meet operating expenses and our debt service obligations,  
20                contained in our bond covenants. The rate groups and their respective  
21                "Schedules of Services and Rates" are identified and described in detail

1 at pages 53-57 of *Exhibit 16*. As reflected in the "Revenue & Water  
2 Consumption – Monthly" report attached as *Exhibit 18* to the record,  
3 BexarMet's Total Water Sales Revenues for Fiscal Year 2004-2005 (May  
4 2004 through April 2005) was \$40,821,542.60. During that same Fiscal  
5 Year, our net assets increased to \$270,281,887.00. *See Exhibit 16* at page  
6 11. BexarMet's "Amended Budget For the Year Ending April 30, 2005"  
7 reflects net revenue of \$2,258,864.00, while the recently-approved budget  
8 for Year Ending 04/30/06 (FY 2005-2006) projects net revenues of  
9 \$223,358.00. "Net revenue," of course represents the difference between  
10 total revenues and total expenses – in this case, positive cash flow. While  
11 the net revenue figure for FY 2005-2006 is substantially lower than that  
12 of FY 2004-2005, the current budget contemplates no increase in water  
13 rates for FY 2005-2006. Moreover, the present Board of Directors has  
14 balanced the budget without imposing increased costs of service upon our  
15 customers. The Budgets for this and last Fiscal Year are collectively  
16 attached to my testimony as *Exhibit 19*. As I stated above, I participated  
17 extensively in the formulation of these budgets.

18 Q. What would be the financial effect of granting the CCN on BexarMet?

19 A. Insofar as the proposed area is so similar to BexarMet's existing  
20 Timberwood service area, and in such close proximity thereto, the

1 financial effect would be relatively nominal. This is especially true because  
2 the proposed service area will “finance itself” as the result of proposed  
3 new developments/subdivisions and inherent water supply sources.  
4 Generally, however, as the District expands its rate base by adding new  
5 customers/connections, we spread our costs over a greater number of  
6 customers, thereby achieving economies of scale. Also, growth in the  
7 customer base invariably leads to increased water sales, which amount to  
8 increased revenues. Thus, the long-term effect of granting the CCN will  
9 be an increase in BexarMet’s financial stability, and its overall ability to  
10 serve customers District-wide. This long-term stability complements the  
11 Financial Management Policy adopted by the BexarMet Board of  
12 Directors in Chapter IV of its Board Administrative Policies.

13 Q. How does BexarMet finance system improvements for new developments?

14 A. Through several means. First, developers of new, undeveloped service  
15 areas (such as the one made the basis of this CCN Application) pay  
16 BexarMet’s approved tap, main extension, and impact fees, which are  
17 used to finance new service. The procedures for calculation and  
18 submission of these fees are described at pages 3 - 14 of *Exhibit 20 –*  
19 *BexarMet’s Utility Service Regulations (“USRs”)*, and the specific rates  
20 for Main Extension and Impact Fees are described at pages 58 - 60 of

1           **Exhibit 16.** Other times, developers are required to construct the  
2           infrastructure for the new developments as a condition of, and in  
3           exchange for, service from BexarMet. The facilities, which must be  
4           constructed to meet BexarMet standards, are then dedicated to BexarMet  
5           by the developers. This arrangement is described at length in USR  
6           Chapter 4, which is contained at pages 10-13 of *Exhibit 20*. Where  
7           necessary, BexarMet will use its line of credit to pay for new construction  
8           of facilities, and for infrastructure repair/maintenance. Our capital  
9           budget allocates funds for such expenditures. It should be noted that, in  
10          accordance with Chapter V of BexarMet's Board Administrative Policies,  
11          our rates, charges and fees are approved by the Board of Directors as  
12          required on the basis of customer usage, and for recovery of necessary  
13          operating and maintenance expenses, debt service coverage requirements,  
14          and capital expenditures. Pursuant to applicable law, BexarMet sets its  
15          rates subject to the appellate authority of the TCEQ.

16          Q: Does BexarMet policy provide that a budget, once approved or adopted, may  
17          be amended, or otherwise modified to allocate funding for unforeseen  
18          expenditures?

19          A: Of course. The District can, through Board action, amend the budget,  
20          and allocate funds for expenditure on items or projects not originally  
21          contemplated in the adopted budget. Where necessary, the management

1 of the district recommends budget amendments to reflect the dynamic  
2 needs of the district, and unforeseen windfalls and shortfalls concerning  
3 specific operations or circumstances. As Director of Finance, I support  
4 the Board in its efforts to maintain a budget which serves not only as a  
5 planning tool, but which appreciates the day-to-day activities of a major  
6 water supplier with a 4 county service area.

7 Q. Does this conclude your testimony.

8 A. Yes, it does. As a parting statement, I want to express BexarMet's  
9 commitment to financially sound business practices, and its desire to  
10 achieve economies of scale. Because of its close proximity to existing  
11 BexarMet customers, its self-funding nature, and its overlap in water  
12 resources already being utilized, the proposed service area coalesces very  
13 nicely into BexarMet's comprehensive financial strategy.  
14

**SOAH DOCKET NO. 582-03-3275  
TCEQ DOCKET NO. 2003-0664-UCR**

**IN RE: THE APPLICATION OF  
BEXAR METROPOLITAN  
WATER DISTRICT TO AMEND  
WATER CCN NO. 10675  
IN BEXAR COUNTY**

**§ BEFORE THE STATE OFFICE  
§  
§ OF  
§  
§ ADMINISTRATIVE HEARINGS**

**BEXAR METROPOLITAN WATER DISTRICT's**

**PREFILED DIRECT TESTIMONY OF**

**SAMUEL W. JONES, P.E.**



1 Q. Please state your name for the record.

2 A. Samuel W. Jones.

3  
4 Q. What is your business address?

5 A. 101-B East Street, Hutto, Texas, 78634.

6  
7 Q. How are you employed?

8 A. I have my own consulting firm, Sam Jones Consulting, Inc.

9  
10 Q. What is the general business activity of Sam Jones Consulting, Incorporated?

11 A. Primarily, we do consulting for water districts and utilities. Currently, I serve in the  
12 capacity as engineer for five water districts in the Central Texas area. I also consult  
13 with developers on water district matters and assist them in creating new water  
14 districts -- municipal utility districts. I also assist districts in processing applications  
15 through the Texas Commission on Environmental Quality, including bond  
16 applications, CCN applications and other miscellaneous types of applications .  
17

18 Q. Do you provide consulting services relating to applications for issuance of  
19 certificates of convenience and necessity ("CCNs")?

20 A. Yes, I do.

21  
22 Q. Prior to engaging in a private consultation business, how were you employed?

1           A.     I was the manager of the Utilities and Districts Section for the Texas Commission  
2                   on Environmental Quality from October of 1999, through the time I retired, which  
3                   was July of 2000. Prior to that, I was the manager of the water districts program. I  
4                   was manager of that program from 1986 until 1999.

5  
6           Q.     What year did you commence employment at the commission?

7           A.     1972.

8  
9           Q.     As the manager of the Utilities and Districts Section, what were your general job  
10                  duties?

11          A.     I oversaw the program which regulated water utilities and water districts; the water  
12                  district side being the supervision of approximately 1300 water districts in the State  
13                  of Texas, including oversight over their applications for bonds, creations, and other  
14                  miscellaneous-type applications. With the utilities program, I oversaw the water  
15                  rates program plus the certificates of convenience and necessity applications that  
16                  were submitted by various entities across the State.

17  
18          Q.     In that capacity, did you review applications for certificates of convenience and  
19                  necessity to ensure their compliance with the requisites of Texas Water Code Section  
20                  13.246?

21          A.     Yes, sir, that was under my management.

22  
23          Q.     Do you hold an engineering license issued by the State of Texas?

1 A. Yes, sir, I hold license number 40916, issued in 1977.

2  
3 Q. Describe your educational background since high school.

4 A. I received a bachelor's degree in agricultural engineering from Oklahoma State  
5 University, located in Stillwater, Oklahoma, in January of 1972.  
6

7 Q. Have you attached your current résumé to your pre-filed testimony as *Exhibit 21*?

8 A. Yes, sir.

9 Q. Have you been retained by Bexar Met to render expert testimony in this cause  
10 concerning its meeting the State-established criteria for issuance of a CCN?

11 A. Yes.  
12

13 Q. Are you generally familiar with the proposed service area, as designated in *Exhibit*  
14 *2* to the record in this cause?

15 A. Yes, I've reviewed Exhibit Number 2 and the service area requested on that map. I  
16 understand the proposed service area comprises approximately 5,543 acres situated  
17 entirely within Bexar County, Texas.  
18

19 Q. Are you generally familiar with the managerial capabilities of Bexar Met?

20 A. Yes, sir. I became familiar with BexarMet's managerial capacity by reviewing the  
21 pre-filed testimony of the BexarMet employee witnesses in this cause, together with  
22 accompanying Exhibits. In addition, I maintain a general knowledge of Bexar Met

1 Water District from the time while I was at TCEQ. I also reviewed the organizational  
2 chart attached as *Exhibit 3* to the record in this cause.

3  
4 Q. Have you also had an opportunity to engage in discussions with the General Manager  
5 of Bexar Metropolitan Water District?

6 A. Yes.

7  
8 Q. Do you believe that Bexar Met maintains the managerial capability required by the  
9 Texas Water Code for issuance of a CCN concerning the proposed area?

10 A. Yes, sir.

11 Q. Have you had an opportunity to review the pre-filed testimony of BexarMet's Director  
12 of Finance, Jesse Morin?

13 A. Yes, sir. I have also had an opportunity to review the financial documents attached to  
14 Mr. Morin's testimony, including BexarMet's audited and unaudited financial  
15 statements for the last two fiscal years, as well as the cash flow statement and budget.

16  
17 Q. Do you believe that Bexar Met maintains the financial capability required to provide  
18 continuous and adequate service to the proposed service area shown in *Exhibit 2*?

19 A. Yes, I do.

20  
21 Q. Have you had an opportunity to review the testimony of Johnny Terrazas, Bexar Met's  
22 chief district engineer?

23 A. Yes, sir.

1  
2 Q. And you've also had the opportunity to review documents and other materials  
3 demonstrating Bexar Met's existing facilities and existing service areas, correct?

4 A. Yes, sir, I reviewed Exhibit 7, the map of the district's existing certificated areas, as  
5 well as other documents relating to existing facilities.  
6

7 Q. Do you believe that Bexar Met maintains the technical capability to provide  
8 continuous and adequate service to the proposed service area?

9 A. based upon my education, training and experience, and from the information I  
10 reviewed, and which is contained in the record of this cause through the testimony of  
11 other witnesses and documentary evidence marked as Exhibits, it's clear to me that  
12 Bexar Met has the -- not only the equipment and assets available to provide additional  
13 service for the service area requested, they also have the expertise on staff to see that  
14 that -- those services are provided. The district is currently providing service to  
15 approximately 80,000 customers -- or connections, and extending those services into  
16 this new area should not be an issue or a problem for them.  
17

18 Q. In your capacity as manager of the Utilities and Districts Section of the TCEQ, did  
19 you have an opportunity to review the various protests filed to applications for CCNs?

20 A. On occasion, yes. In those instances, we in the Utilities and Districts Section,  
21 generally made determinations as to the merits of those various protests.  
22

1 Q. Have you had an opportunity to review what's been marked as *Exhibit 22* to the  
2 record in this cause, which is the protest filed by BSR Water Company to BexarMet's  
3 application to amend CCN Number 10675?

4 A. Yes, sir.

5  
6 Q. Do you believe that the protest and the grounds stated for the protest by BSR  
7 constitute a valid basis for denial by TCEQ of BexarMet's CCN Application?

8 A. No, sir. Based on TCEQ rules, specifically Section 291.102, I don't believe the protest  
9 provides the commission with any justification or cause to deny the CCN application.  
10

11 Q. Mr. Jones, as a licensed professional engineer, and a former manager of the Utilities  
12 and Districts Section of the TCEQ, would you recommend to the TCEQ that they  
13 grant BexarMet's application to amend CCN 10675 in Bexar County, Texas, as is  
14 requested in Exhibit 1?

15 A. Yes, I would. I believe that BexarMet has demonstrated through its prefiled  
16 testimony and supporting Exhibits that it meets the criteria for issuance of a CCN as  
17 prescribed by Chapter 13 of the Texas Water Code, and by the provisions of Chapter  
18 290 of the Texas Administrative Code.  
19

20 Q. Does this conclude your testimony in this cause?

21 A. Yes, sir.  
22

SOAH DOCKET NO. 582-03-3275  
TCEQ DOCKET NO. 2003-0664-UCR

IN RE: THE APPLICATION OF  
BEXAR METROPOLITAN  
WATER DISTRICT TO AMEND  
WATER CCN NO. 10675  
IN BEXAR COUNTY

§  
§  
§  
§  
§

BEFORE THE STATE OFFICE  
  
OF  
  
ADMINISTRATIVE HEARINGS

BEXAR METROPOLITAN WATER DISTRICT's

PREFILED DIRECT TESTIMONY OF

**MELISSA L. WILSON**

AS CUSTODIAN OF RECORDS FOR

BEXAR METROPOLITAN WATER DISTRICT

1 Q. Please state your name for the record.

2 A. My name is Melissa L. Wilson.

3 Q. How are you employed?

4 A. I am employed as an executive assistant/paralegal for Bexar Metropolitan Water  
5 District. My business address is 2407 West Malone, San Antonio, Texas 78255.

6 Q. To whom do you report?

7 A. I report directly to Bexar Metropolitan Water District's General Manager, F.  
8 Gilbert Olivares.

9 Q. Are you the designated custodian of records for Bexar Met?

10 A. Yes, I am.

11 Q. Have you had an opportunity to review the Exhibits attached and  
12 tendered as part of Bexar Met's direct prefiled case in this contested  
13 proceeding?

14 A. Yes, I have.

15 Q. Have you appended BexarMet's master List of Exhibits as "Appendix 1" to your  
16 testimony?

17 A. Yes, I have.

18 Q. Do each of the documents comprising the exhibits serve as records,  
19 reports or data compilations of Bexar Met, a governmental agency?

20 A. Yes, the exhibits were created by Bexar Met in its ordinary course of business or in  
21 preparation for the administrative processing of the CCN application made the  
basis of this cause. The documents constitute public records of Bexar Met as



*Direct Pre-filed Testimony of Melissa Wilson*

2 described in Texas Rules of Civil Evidence, 803(8), and records of BexarMet's  
3 regularly-conducted activity, as described in Rule 803(6).

4 Q. Were the records created or maintained by you in your capacity as Bexar Met's  
5 custodian of records?

6 A. Yes, although stored in various locations and with various members of Bexar  
7 Met's management staff, each of the exhibits were ultimately maintained by me in  
8 my capacity as the District's official custodian of records. The records were kept in  
9 the ordinary course of BexarMet's business, and it is BexarMet's practice to make  
10 such records.

11 Does this conclude your testimony in this cause?

Yes, it does.

## Applicant's Master List of Exhibits

<u>Exhibit No.</u>	<u>Document</u>	<u>Sponsor</u>
1.	BexarMets's Application to Amend CCN No. 10675 in Bexar County, Texas	Michael J. Albach
2.	Map of proposed Service Area.	Michael J. Albach
3.	BexarMet Organizational Chart.	Michael J. Albach
4.	Biographical sketch of Michael J. Albach.	Michael J. Albach
5.	Requests for service to Proposed Area and BexarMet Responses.	Michael J. Albach
6.	Map of existing facilities in Timberwood PWS.	Michael J. Albach
7.	Map of Bexar Metropolitan Water District Existing Certificated Areas.	Michael J. Albach
8.	WECost East 29 Presentation (Version 2), with accompanying map.	Michael J. Albach Darrell Brownlow
9.	BexarMet/WECost Letter of Intent	Michael J. Albach
10.	Order Dismissing Application of BSR to amend CCN 12842 in Bexar County, Texas	Michael J. Albach

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<u>Exhibit No.</u>	<u>Document</u>	<u>Sponsor</u>
11.	Resume of Johnnie Terrazes, P.E.	Johnnie A. Terrazes
12.	Resume of Darrell T. Brownlow, Ph.D.	Darrell T. Brownlow
13.	Outline for presentation of Darrell T. Brownlow to TGR	Darrell T. Brownlow
14.	Bexar Metropolitan Water District Organizational Chart-Finance Department	Jesse Morin
15.	Jesse Morin CV	Jesse Morin
16.	Bexar Metropolitan Water District Financial Statements with Auditor's Report year ended April 30, 2004	Jesse Morin
17.	Unaudited Financial Statement for period ending April 30, 2005	Jesse Morin
18.	"Revenue and Water Consumption-monthly"	Jesse Morin
19.	Budgets for Fiscal Year 2004-2005 and Fiscal Year 2005-2006.	Jesse Morin
20.	BexarMet Utility Service Regulations	Jesse Morin Johnnie Terrazes

## Applicant's Master List of Exhibits

<u>Exhibit No.</u>	<u>Document</u>	<u>Sponsor</u>
21.	Resume of Sam Jones, P.E.	Sam Jones
22.	Protest Letter filed by BSR	Sam Jones

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**PURPOSE OF THIS APPLICATION**

OBTAIN ☐ New Water CCN      New Sewer CCN

AMEND      ☒ Water CCN # 10675      Sewer CCN

**1. APPLICANT INFORMATION**

1. Applicant: Bexar Metropolitan Water District  
(Individual, Corporation, or Other Legal Entity)
2. Utility Name: Same as above  
(If different than above)
3. Address: 2047 W. Malone City San Antonio State TX Zip 78225 County: Bexar  
Telephone (210) 357-5710 Fax: (210) 922-5152
4. 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: Charles E. Ahrens Title: Water Resources Manager  
Address: Same as above Telephone (210) 357-5710  
City \_\_\_\_\_ St \_\_\_\_\_ Zip \_\_\_\_\_ Fax (210) 922-5152
5. If the applicant is other than an *Individual* provide the following information regarding any owner(s), board members, directors, lessee/lessor, or partners of the legal entity applying for the CCN  
Name: See attached Title: \_\_\_\_\_  
Address: \_\_\_\_\_ Telephone (\_\_\_\_) \_\_\_\_\_  
City \_\_\_\_\_ St \_\_\_\_\_ Zip \_\_\_\_\_ Fax(\_\_\_\_) \_\_\_\_\_  
  
Name: \_\_\_\_\_ Title: \_\_\_\_\_  
Address: \_\_\_\_\_ Telephone (\_\_\_\_) \_\_\_\_\_  
City \_\_\_\_\_ St \_\_\_\_\_ Zip \_\_\_\_\_ Fax(\_\_\_\_) \_\_\_\_\_  
  
Name: \_\_\_\_\_ Title: \_\_\_\_\_  
Address: \_\_\_\_\_ Telephone (\_\_\_\_) \_\_\_\_\_  
City \_\_\_\_\_ St \_\_\_\_\_ Zip \_\_\_\_\_ Fax(\_\_\_\_) \_\_\_\_\_  
  
Name: \_\_\_\_\_ Title: \_\_\_\_\_  
Address: \_\_\_\_\_ Telephone (\_\_\_\_) \_\_\_\_\_  
City \_\_\_\_\_ St \_\_\_\_\_ Zip \_\_\_\_\_ Fax(\_\_\_\_) \_\_\_\_\_

- Attach additional sheet(s) if necessary -

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

Name	Classes	License Number
See attached list		

- Attach additional sheet(s) if necessary -



Bexar Metropolitan Water District is a governmental agency of the State of Texas, a water conservation district and body politic and corporate, created and operating pursuant to Article XVI, Section 59 of the Constitution of Texas, and Texas Revised Civil Statutes Article 8280-126, as amended, and the applicable general laws of the State of Texas.

Bexar Metropolitan Water District was created by the Legislature of the State of Texas on May 9, 1945, to control, conserve, protect, preserve, distribute and utilize storm and flood waters of streams, rivers, and underground water within the district. The district currently serves approximately 70,000 accounts representing a population of approximately 250,000 residents of Bexar and Atascosa counties.

Bexar Metropolitan Water District is governed by a board of seven members elected by the citizens of its service area.

### **Board of Directors**

<b>Ronald Williamson - President</b>	<b>Dean Perry – Vice President</b>
<b>Robert Garza - Secretary</b>	<b>Jim Lopez – Treasurer</b>
<b>Arthur Siller - Director</b>	<b>Ysidro Solis - Director</b>
<b>Gabe Gonzalez - Director</b>	

Mailing address for the Board of Directors is:

Bexar Metropolitan Water District  
P.O. Box 245944  
San Antonio, TX 78224-5994

Phone 210-354-6500

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BEXAR METROPOLITAN WATER  
DISTRICT

*Certified Waterworks Operators*

<u>NAME</u>	<u>GRADE</u>	<u>TYPE</u>
Aguilar, Manuel	B	Groundwater
Bittle, Larry L. Jr.	C	Groundwater
Cantu, Francisco	C	Groundwater
Cavazos, Rogelio	C	Groundwater
Daylong, Carl L.	B	Groundwater
Deloach, Jimmy L.	B	Groundwater
Espinoza, Reynaldo	C	Groundwater
Galvez, Michael A.	C	Groundwater
Guajardo, Juan M.	C	Groundwater
Hernandez, Sabino G.	C	Groundwater
Leos, Elisar	C	Groundwater
Lopez, Antonio V. Jr.	C	Groundwater
Lopez, Jorge L.	C	Groundwater
Martin, Lenord D.	B	Groundwater
Martinez, Manuel	C	Groundwater
Nieto, Antonio R.	C	Groundwater
Okland, Scott T.	B	Groundwater
Ortiz, Richard R.	C	Groundwater
Pelham, Charles M.	B	Groundwater
Pettit, Steven W.	B	Groundwater
Placencia, Rogelio	A	Groundwater
Ratcliff, David	C	Groundwater
Raygosa, Desiderio D.	B	Groundwater
Rodriguez, Carlos S.	B	Groundwater
Rodriguez, Francisco	C	Groundwater
Rodriguez, Nicolas Jr.	B	Groundwater
Rush, David M.	C	Groundwater
Stubing, Sidney W.	B	Groundwater
Wanat, Thomas D.	B	Groundwater

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

	Investor owned utility	
	Individual	
	Home or Property Owners Association	
	For-profit corporation	
	Non-profit, member-owned, member-controlled cooperative corporation (Water Code Chapter 67, Water Supply or Sewer Service Corporation)	
	Municipality	
X	District	
	Other	Please explain:

8. If the applicant is a For-Profit Corporation:

1. Please provide a copy of the corporation's "Certification of Account Status" from the Texas State Comptroller of Public Accounts. (See Note below)
2. Please provide the corporation's charter number as recorded with the Office of the Texas Secretary of State \_\_\_\_\_.

Note: This certification can be obtained from:

<http://open.cpa.state.tx.us> or

Comptroller of Public Accounts, Office Management  
P.O. Box 13528  
Austin, Texas 78711-3528  
1-800-252-5555

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

1. Please provide a copy of the Articles of Incorporation and By-Laws.
2. Please provide the corporation's charter number as recorded with the Office of the Texas Secretary of State \_\_\_\_\_.

2. LOCATION INFORMATION

1. 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

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

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

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.

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3. 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:
4. 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 recertification of the area is in the public interest.
5. 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).
1. A large scale map showing the exact proposed service area and any existing service area and if available the existing and proposed facilities. A metes and bounds description is not required, however, the facilities and service area boundaries should be shown with such exactness that they can be located on the ground. Applicant should use U.S.G.S. 7½-minute series, subdivision plat, engineer planning map, or other large scale map
  2. A copy of the TNRCC official CCN map showing the exact proposed service area. A copy of the TNRCC official map may be obtained by contacting the Utility Rates & Services Section, Water Utilities Division at 512/239-6960.

3. NEW SYSTEM INFORMATION

1. Please provide the following information:
  1. A list of all public drinking water supply systems or sewer systems within a 2 mile radius of the proposed system.
  2. Copies of written requests seeking to obtain service from each of the public drinking water supply systems or sewer systems listed in #3.a.i above or documentation that it is not economically feasible to obtain service from them.
  3. Copies of written responses from each system or evidence that they did not reply.
  4. Go to #3.b.
2. Were your requests for service denied? N/A
  1. If yes, continue.
  2. 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.
3. Please summarize how the proposed utility system will be constructed and describe each projected construction phase, if any:
4. Date of plat approval, if required: N/A

Approved by:

- #### 4. EXISTING SYSTEM INFORMATION

1. Water system's TNRCC Public Water System identification number: See Attached


- [illegible]

5. 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.

- Attach an explanation listing of actions to be taken to make system improvements including proposed completion dates.

- | Water System       |          |          | Sewer System |          |          |
|--------------------|----------|----------|--------------|----------|----------|
| Connection         | Existing | Proposed | Connection   | Existing | Proposed |
| 5/8" or 3/4" meter |          | 800      | Residential  |          |          |
| 1" meter or larger |          |          | Commercial   |          |          |
| Non-Metered        |          |          | Industrial   |          |          |
| Other:             |          |          | Other:       |          |          |
| Total Water        | 0        | 800      | Total Sewer  |          |          |

	SYSTEM NAME	I.D.#
1	AIR FORCE VILLAGE	0150463
2	BULVERDE HILLS	0460013
3	CAGNON	0150512
4	CANYON PARK	0150532
5	CASTLE HILLS	0150045
6	CHAPARRAL	0150053
7	COUNTRY OAKS	0150430
8	ELM VALLEY	0150265
9	GERONIMO FOREST	0150052
10	HEB-BULVERDE	0460228
11	HIDDEN SPRINGS	0150507
12	HILL COUNTRY	0150054
13	LEON SPRINGS VILLA	0150120
14	MOBILE CITY ESTATES	0150125
15	NORTHEAST	0150084
16	NORTHWEST	0150171
17	NSAH	0150205
18	OAKLAND ESTATES	0460166
19	PRIMROSE	0070020
20	SOUTHEAST	0150183
28	SOUTHSIDE	0150249
21	SURFACE WATER PLANT	0150530
22	TIMBERWOOD	0150270
23	TRP	0150497
24	VILLAGE GREEN	0150526
25	WATERWOOD	0150480
26	WESTVIEW	1630039
27	WOODS OF FAIR OAKS	0150534
28	WOODS OF SPRING BRANCH	0460196

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

1. No \_\_\_\_\_ (skip the rest of this question and go to #4.e)

2. Water

Yes   X  

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

Source		% of total supply
San Antonio Water System		
Canyon Lake Water Supply Corp.	Guadalupe Blanco River Authority	

3. Sewer treatment capacity N/A

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

Source		% of total treatment

4. Provide a **certified** copy of the most current water or sewer treatment capacity purchase agreement or contract. See attached.

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

Sewer is currently provided by individual septic systems.

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

## 5. FINANCIAL INFORMATION

1. For new systems and for applicants with existing CCNs who are constructing a new stand alone system,

1. 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 #3.a. above, 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.

2. 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 #5.a above.

3. Attach a proposed rate schedule or tariff. Describe the procedure for determining the rates and fees and indicate date of last change, if applicable. Attach copies of any cost



of service studies or rate analysis worksheets.

2. For existing systems, See attached
  1. 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).

2. Attach a proposed rate schedule or tariff . See attached

★ NOTE: An existing system may be required to provide the information in 5.a.i. above during the technical review phase if necessary for staff to completely evaluate the application.

3. Identify any funds you are required to accumulate and restrict by lenders or capital providers.
4. In lieu of the information in #5.a. thru #5.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.

6. NOTICE REQUIREMENTS

1. 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.
2. 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.
3. It is the applicant's responsibility to ensure that proper notice is given to all entities that are required to receive notice.
4. Recommended notices forms for publication, neighboring systems and cities and customers are included with this application to use in preparing your proposed notices. (These notice forms are also available in Spanish upon request.)
5. 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.
6. 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.
7. Notice To Neighboring Utilities:
  1. 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
  2. any city whose extra-territorial jurisdiction (ETJ) overlaps the proposed service area. See proposed service area map for listing of cities and utilities to be noticed.
  3. 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.
  4. 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.

8. Notice to Customers

Utilities that are required to possess a certificate but 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.

9. 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, Thomas C. Moreno, being duly sworn, file this application as General Manager/CEO (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.**

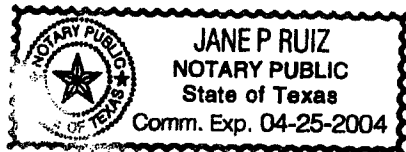
  
AFFIANT


(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 25th day of March, 2002.

SEAL



  
NOTARY PUBLIC

Notice for Publication

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

Bexar Metropolitan Water District has filed an application to amend water CCN No.10675 with the Texas Natural Resource Conservation Commission to provide water utility service in Bexar County.

The proposed utility service area is located 20 miles north of downtown San Antonio Texas, and is generally bounded on the north by the Cibolo Creek; on the east by the State Hwy. 281; on the south by Borgfeld Rd.; and on the west by Camp Bullis.

The total area being requested includes approximately 5,543 acres and 0 current customers.

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

Persons who wish to intervene or comment should write the:

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

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

*Notice to Neighboring Systems and Cities*

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

To: San Antonio Water System  
P.O. Box 2449  
San Antonio, TX 78298-2449

Notice Mailed: Date pending TNRCC approval of notification

Bexar Metropolitan Water District has filed an application to amend water CCN No. 10675 with the Texas Natural Resource Conservation Commission to provide water utility service in Bexar County.

The proposed utility service area is located approximately 20 miles north of downtown San Antonio Texas, and is generally bounded on the north by the Cibolo Creek; on the east by State Hwy 281; on the south by Borgfeld Rd; and on the west by Camp Bullis.

The total area being requested includes approximately 5,543 acres and 0 current customers.

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

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Austin, TX 78711-3087

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

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

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IF YOU WANT TO REQUEST A HEARING, you must submit the following within **thirty (30) days** from the date of this publication or notice:

- the utility's (applicant) name & CCN number
- your name or the name of the group or association you represent
- your address & daytime telephone number, and fax number (if any)
- the statement, "I/we request a contested case hearing"
- a brief description of the reason why you are requesting the hearing
- any proposed adjustments to the application which would satisfy your concerns.

Requests for a contested case hearing must be signed & submitted in writing to:

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

**No public hearing** will be held **unless** a request for a hearing is received. Only those individuals who submit a written request to be notified of a hearing schedule will receive notice if a hearing is scheduled.

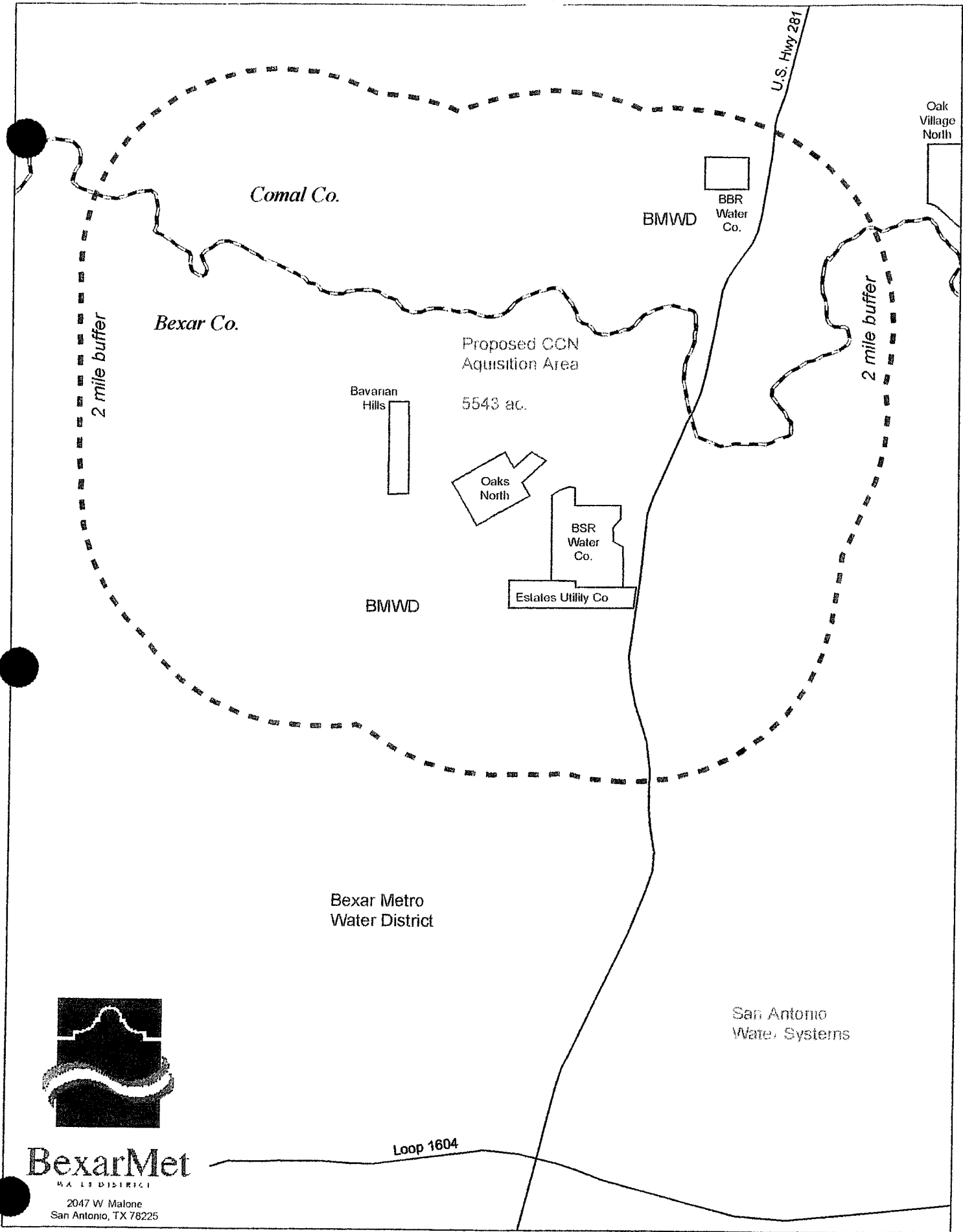
If one or more requests for a hearing are filed, the Executive Director will not issue the CCN and will forward the application to the State Office Administrative Hearings (SOAH) where a hearing may be held. In the event an evidentiary hearing is held, the SOAH will submit a recommendation to the Commission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

**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



## ***LISTING OF PUBLIC UTILITY NOTICES***

1. San Antonio Water System  
P.O. Box 2449  
San Antonio, TX 79298-2449
2. Bavarian Hills  
P.O. Box 421  
Bulverde, TX 78163
3. Estates Utility Co.  
1421 Wells Brach Pkwy., Suite 105  
Pflugerville, TX 78660
4. Oaks North  
P.O. Box 421  
Bulverde, TX 78163
5. BBR Water Co.  
8962 Lorene, Suite 115  
San Antonio, TX 78216
6. BSR Water Co.  
12255 West Ave., Suite 5  
San Antonio, TX 78216



**BexarMet**  
WATER DISTRICT  
2047 W. Malone  
San Antonio, TX 78225