



Control Number: 43572



Item Number: 68

Addendum StartPage: 0

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

43572

R L WILSON, P.C.

PROFESSIONAL LEGAL SERVICES

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28 June 2006

Prabin Basnet
Engineering Specialist MC - 153
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Tx. 78711-3087

*Via E-mail and
Through Todd Galiga*

RE: SOAH Docket No. 582-03-3725; 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

Dear Mr. Basnet:

This correspondence is sent for the purpose of updating and amending the Application to Amend Water CCN 10675 filed by Bexar Metropolitan Water District ("BexarMet"), on or about March 1, 2002. The filing was assigned Application No. 33862-C, and has subsequently been assigned TCEQ Docket No. 2003-0664-UCR and SOAH Docket No. 582-03-3725. As you know, the application has been referred to SOAH, and is presently pending before the Honorable Cassandra J. Church, Administrative Law Judge.

The particular items to be updated and amended are set-forth below:

A. APPLICANT INFORMATION:

1. Contact Person: The person to be contacted regarding this application is

Adolfo Ruiz
General Counsel
BEXAR METROPOLITAN WATER DISTRICT
2047 W. Malone
San Antonio, Texas 78225
Telephone: 210-354-6502
Facsimile: 210-922-5152

68

2. Board Members: The following individuals comprise BexarMet's elected Board of Directors:

Victor Villarreal	President – District 4
Lesley Wenger	Vice-President – District 6
Jim Clement	Secretary – District 5
James Fenimore	Treasurer – District 7
Jose Gallegos, Jr.	Director – District 1
Robert Morin	Director – District 3
David Sosa	Director – District 2

Each of the Board members may be contacted by and through Mr. Ruiz, at the address and telephone number referenced above.

3. Certified Operators: The following individuals are certified waterworks operators employed by the District: *See attached.*

B. LOCATION INFORMATION

- Some people living within the proposed area are currently receiving water utility service from BexarMet. More particularly, BexarMet is currently providing service to 14 connections located within the Canyon Ranch Estates subdivision. Service is provided to those through an existing 12" main which delivers water from a well site and 458,000 gallon ground storage tank located within BexarMet's existing Timberwood PWS.
- BexarMet has received numerous requests for service in the area. These requests have come both in writing and verbally. The requests have been submitted among others: Pape-Dawson Engineers, Brown Engineering Co., Norfolk Properties, Ltd., Denton Communities, Gordon Hartman Homes / W.F. Castella and Associates, and Bitter Blue, Inc. BexarMet also received written notice that two other landowners – David Mann and Randy Dym desire BexarMet' water service in the area. Utility Service Agreements have been entered with developers of the Venado Creek Subdivision (71 lots) and with Centex for 600 EDUs (Friesenhahn I). The district is presently negotiating with the developers of the two Monte Cristo Subdivisions for water service to 260 lots.

C. EXISTING SYSTEM INFORMATION

1. BexarMet presently owns and operates the following public water systems:

	PWS NO.	SYSTEM NAME	AQUIFER	COUNTY	MONTH	YEAR
1	0150249	SOUTHSIDE	E	BEXAR	Jan	1945
2	0150045	CASTLE HILLS	E	BEXAR	Jan	1956
3	0150171	NORTHWEST	E	BEXAR	Feb	1994
4	0150084	NORTHEAST	E	BEXAR	Feb	1994
5	0150497	TRP	E	BEXAR	Feb	1994

6	0150053	CHAPARRAL	E	BEXAR	Feb	1994
7	0150054	HILL COUNTRY	E	BEXAR	Nov	1995
8	0150205	NORTH SAN ANTONIO HILLS	E	BEXAR	Jul	1997
9	0150265	ELM VALLEY	E	BEXAR	Aug	1997
10	0150430	COUNTRY OAKS	E	BEXAR	Aug	1998
11	0150532	CANYON PARK ESTATES	E	BEXAR	May	1999
12	1630039	WEST VIEW	E	MEDINA	Apr	1999
13	0150052	GERONIMO FOREST	E	BEXAR	Jul	1997
14	0150270	TIMBERWOOD PARK	T	BEXAR	Jul	1997
15	0150507	HIDDEN SPRINGS	T	BEXAR	Feb	1998
16	0150125	MOBILE CITY ESTATES	T	BEXAR	Apr	1999
17	0150120	LEON SPRINGS MOBILE VILLAS	T	BEXAR	Apr	1999
18	0460013	BULVERDE HILLS	T	COMAL	Apr	1999
19	0460166	OAKLAND ESTATES	T	COMAL	Apr	1999
20	0460196	WOODS OF SPRING BRANCH	T	COMAL	Apr	1999
21	0150526	THE VILLAGE GREEN	T	BEXAR	Apr	2000
22	0460228	HEB / BULVERDE	T	COMAL	Sep	2000
23	0150072	MEADOW WOOD ACRES	E	BEXAR	Sep	2002
24	0150545	MOUNTIAN LAUREL RANCH	E	BEXAR	Sep	2004
25	0150549	ANAQUA SPRINGS RANCH	T	BEXAR	Jan	2005

2. Other sources from which BexarMet purchases or plans to purchase water treatment capacity (though neither such source is anticipated to provide water to be used in the proposed area):

Canyon Regional Water Authority
Canyon Lake WSC

Thank you for the opportunity to update and amend the application. By copy of this letter, together with enclosures (including the attached Oath of F. Gilbert Olivares) all persons on the service list are being served with this filing.

Sincerely,

RL WILSON, P.C.

Robert L. Wilson III

CC: Service List

Operator Certifications

DEPT.	EMP I.D.	LAST NAME	FIRST NAME	CERTIFICATE LEVEL 1	CERTIFICATE 1	EXPERATION DATE 1
CONST	184	ESPINOZA	REYNALDO	C	GROUNDWATER	6/4/2008
	172	FALCON	DANIEL			
	210	MARTINEZ	LEON			
	284	GEORGE	GLEN			
	320	CANTU	BALDEMAR			
	385	SALINAS	BERNARDO			
	388	NARANGO	FRANCISCO			
	427	MERCADO	ROGELIO			
	449	DIAZ	ALEX	C	GROUNDWATER	8/1/2006
	509	DEAN	JOE			
	524	NOMBRANO	JOE			
	640	DURON	JUAN			
	721	SANCHEZ	ROBERT			
	743	MARTINEZ	ALEX			
	750	SENDEJO	BRANDON			
	798	RODRIGUEZ	ROBERT			
	832	CASTILLO	DANIEL			
	863	ALDERETE	ALFRED			
	868	CORONADO	DOUGLAS			
	882	HERNANDEZ	THOMAS			
CONST2	890	IBARRA	GILBERT	C	DISTRIBUTION	
	937	MENDOZA	MANUEL			
	968	GONZALEZ, JR.	OSCAR			
	973	PRIETO	LUIS			
	1019	LOPEZ	MANUEL			
	1031	GITTENS	WALCOM			
	1034	DELEON	SAMMY			
	1037	DEGOLLADO	JOSEPH			
	1061	POOLE	PAUL			
	1063	VILLANUEVA	EDWARD			
	1066	VILLALOBOS	MARK			
	1067	MENDEZ	DAVID			
CUSSRV	1069	RUIZ	JOHN			
	1081	LUITIN	MARTA			
	248	REYES, JR.	MARTIN			
	300	VILLARREAL	EDWARD			
ELECT	372	CORONA	FERNANDO			
	62	RODRIGUEZ, JR.	NICHOLAS			
	95	LEOS, SR.	ELISAR	C	GROUNDWATER	12/7/2008
	107	ORTIZ	RICHARD	C	GROUNDWATER	2/23/2007
	132	RIVERA	STEVE	C	DISTRIBUTION	4/12/2008
	133	CANTU	MARIO	C	DISTRIBUTION	7/11/2008
	142	ALDANA	JOHN	C	DISTRIBUTION	10/21/2006
	188	MACAL	HISQUIO	C	DISTRIBUTION	4/2/2008
	213	RODRIGUEZ, JR.	CARLOS	B	GROUNDWATER	8/8/2007
	258	ESTRADA	DEXTER			
	262	ESPINOZA	ELI			
	345	SORIANO	CONRAD			
	417	TREVINO	ALEX			
	422	VASQUEZ	RAYMOND			
	673	SAGISTANO	DAVID			
	772	MYERS	STEVE			
	920	DIGGES	MATTHEW	C	DISTRIBUTION	1/10/2006
	998	DURAN	BEJAMIN	C	DISTRIBUTION	7/30/2007
ENGIN	156	PETTIT	STEVEN	B	GROUNDWATER	1/5/2008
	180	HERRERA	PATRICK			
	257	CISNEROS	ROLAND	C	GROUNDWATER	10/14/2008
	347	PEREZ	SAUL			
	861	YBANEZ	ROGELIO			
MAIN	91	RODRIGUEZ	FRANCISCO	C	GROUNDWATER	4/7/2007
	146	LOPEZ	JORGE	C	GROUNDWATER	10/2/2008
	215	STEUBING	SIDNEY	B	GROUNDWATER	1/7/2007
	250	DONOVAN III	MANUEL	C	DISTRIBUTION	10/1/2008
	275	MARTIN III	LEONARD	B	GROUNDWATER	9/14/2007
	279	STANLEY	JEFFREY	C	GROUNDWATER	1/18/2007
	283	BERNAL	FELIX	C	GROUNDWATER	5/25/2007
	333	CARREON	DANIEL	C	DISTRIBUTION	
	717	ESQUIEL	JESUS	C	DISTRIBUTION	9/16/2008
	889	ECHEVERRIA	MOISES	D	WATER	
	924	MARTIN	NOEL			
	1021	PARDUE	THOMAS			
MAIN	208	HERNANDEZ	SABINO	C	GROUNDWATER	2/4/2006

Operator Certifications

	258	LUCAS	GARY			
	315	MENDOZA	RUBEN			
	324	HANSON	FRANKLIN			
	368	PENA	RICHARD			
	379	RIOS	JESSE	C	DISTRIBUTION	9/3/2006
	384	PALACIOS	JUAN			
	393	GUANA	JOHN			
	415	VALDEZ	GINO	C	DISTRIBUTION	9/15/2007
	416	GARIBAY	ARMANDO			
	474	CARRANCO	RAUL			
	480	DE HOYOS	GILBERTO			
	510	ZERTUCHE	JOSE			
	582	AMADOR	GILBERT	C	WASTEWATER	12/2/2005
	605	ORTIZ	HUGO			
	673	SAGISTANO	DAVID			
	727	VELIZ	HARVEY			
	728	FONSECA	MICHAEL			
	781	SALAZAR	PEDRO			
	785	MARTINEZ	MICHAEL	B	DISTRIBUTION	11/24/2007
	791	LONGORIA	JESSE			
	795	SANCHEZ	INES			
	796	DELGADO	JOE	C	DISTRIBUTION	12/17/2007
	807	IBARRA	THOMAS	C	DISTRIBUTION	7/30/2007
	825	PATTERSON	JACOB			
	817	GARZA, JR.	HECTOR			
	833	MARTINEZ	GABRIEL			
	842	TAPIA, JR.	RAUL			
	843	BUSTAMANTE	RAY	D	WATER	8/24/2007
	855	PLATA	STEVEN			
	856	REYES	ANTONIO			
	860	ORTIZ	ALBINO	D	WATER	
	872	HERNANDEZ, JR.	ROBERT			
	908	GONZALES	ADAM	A	WATER	8/20/2007
	919	CASANOVA	JOSEPH			
	997	SANTOS, JR.	GILBERTO			
	1023	VEJROSTECK	CHARLES			
	1025	CARDENAS	DENNIS			
	1027	KINAST	STEVEN			
	1028	PALACIO	JOE	C	GROUNDWATER	8/1/2006
	1053	DILLENGER	JEFFREY			
	1060	ORTEGA	RICHARD			
	1068	LANDEZ	GUY			
	1071	GONZALEZ, JR.	ORLANDO			
	1073	GARCIA	RICHARD			
	1076	JOHNSON	RONALD			
	1089	MARTINEZ	AARON			
	1090	BLANKENSHIP	JAMES			
	1039	MACIAS	RICARDO			
PROD	74	DAYLONG	CARL			
	77	PENA	JOSE			
	116	PEREZ	RALPH	C	GROUNDWATER	8/22/2008
	117	OKLAND	SCOTT	B	GROUNDWATER	4/16/2008
	157	BITTLE, JR.	LARRY	C	GROUNDWATER	5/23/2007
	194	NIETO	ANTONIO	C	GROUNDWATER	5/5/2007
	205	GALVEZ	MICHAEL	C	GROUNDWATER	2/15/2006
	242	PLACENCIA	ROGELIO	A	WATER	3/20/2009
	287	GUERRA	IRAEL	C	GROUNDWATER	7/3/2006
	378	RAYAS	LUIS	C	DISTRIBUTION	2/23/2006
	382	TENIENTE	DEMETRIO	C	GROUNDWATER	3/17/2006
	433	SOTO	GILBERTO			
	512	EILAND	EDWARD	C	GROUNDWATER	12/17/2007
	568	ORTIZ	FRANK			
	574	PEREZ	DANIEL	C	GROUNDWATER	6/2/2006
	634	GONZALEZ	RAUL			
	676	LIRA	DAVID	C	DISTRIBUTION	1/10/2006
	679	APAEZ	MATTHEW	C	GROUNDWATER	12/23/2007
	700	MUNGIA	ERIC			
	718	FLORES	EMILIO	C	GROUNDWATER	5/27/2007
	720	SOLIS	RANDY	C	GROUNDWATER	12/17/2007
	745	RIOS	JUAN C.			
	763	NGUYEN	MICHAEL			
	804	REYES	ALBERT	C	GROUNDWATER	8/5/2006
	835	CARRAMAN, JR	GONZALO	D	WATER	

Operator Certifications

866	DELEON	HUGO	D	WATER	
916	JONES	ANDRIAN	C	GROUNDWATER	
946	SANTANA	LAWRENCE	C	WASTEWATER	3/19/2007
950	LOERA, JR.	RICHARD			
952	NIETO	DANIEL			
1026	DELGADO	MARTIN			

OATH

STATE OF TEXAS

I, F. Gilbert Olivares, being duly sworn, file the corrections/amendment to this application as General Manager/CEO of Bexar Metropolitan Water District; that, in such capacity, I am qualified and authorized to file and verify such application, am personally familiar with the maps filed with this application, and have complied with all the requirements contained in this application; and, that all such statements made and matters set forth therein are true and correct. I further state that the application is made in good faith and that this application does not duplicate any filing presently before the Texas Commission on Environmental Quality.

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



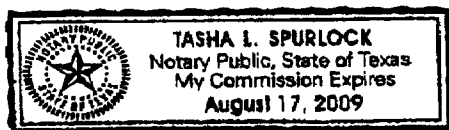
AFFIANT

(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 28th day of June, 2006.

SEAL


NOTARY PUBLIC

**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

**SECOND SUPPLEMENT TO
PRE-FILED DIRECT TESTIMONY OF**

MICHAEL J. ALBACH

Second Supplement to Direct Pre-Filed Testimony of Michael J. Albach

Page 1 of 4

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

2 A. Michael J. Albach, I office at 2047 W. Malone, San Antonio, Texas 78225

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

4 A. I am employed by Bexar Metropolitan Water District ("BexarMet") as its Director
5 of Operations. I was formerly employed as BexarMet's Deputy General Manager for
6 Water Resources. I have been employed by BexarMet since 1996.

7 Q. Have you previously rendered testimony in this proceeding?

8 A. Yes. I have also recently filed a supplement to my testimony. This second supplement
9 is filed by agreement of the parties, and is submitted for the purpose of clarifying,
10 updating and making more accurate my previous testimony concerning:

11 a. BexarMet's present service to parts of the proposed area;

12 b. Additional requests for BexarMet's Service in the proposed area; and

13 c. BexarMet's resources available for public service;

14 Q. Have you reviewed the Application for CCN amendment made the basis of this
15 proceeding since you rendered your initial testimony in this cause?

16 A. Yes, I have. In my most recent review of the application, I noticed some information
17 which, although true in 2002, is no longer accurate. On June 28, 2006, an
18 amendment/update of the CCN Application was submitted to the TCEQ. I have
19 attached that amendment/update as *Exhibit 30*.

20 **BexarMet's Service to the Proposed Area**

21 Q. Is BexarMet presently providing any service to the proposed CCN area?

22 A. In addition to our existing service to adjacent and contiguous areas directly to the

Second Supplement to Direct Pre-Filed Testimony of Michael J. Albach

Page 2 of 4

1 south and west of the proposed area (in our existing Timberwood PWS), BexarMet
2 is presently providing service to 14 meters located at residences constructed in the
3 Canyon Ranch Estates subdivision. Some of these meters provide service to model
4 homes, as this subdivision is being newly constructed.

5 Q: How is BexarMet providing this water service?

6 A: We are using an existing 12" main to deliver water from an existing well and 458,000
7 gallon ground storage tank located just south of Borgfeld Road (north of Slumber
8 Pass and west of Harmony Hills) to the Canyon Ranch Estates subdivision.

9 Q: Will the existing 12" main be used to provide service to other developments in the
10 proposed service area?

11 A: It is my understanding that the portion of the existing main which runs (east-west)
12 parallel to Borgfeld Road will be extended westward to Sherwood Forest Road,
13 thereby allowing service to the Monte Cristo and Venado Creek developments, which
14 are located just north of Borgfeld Road.

Additional Requests for BexarMet's Service

15
16 Q. Has BexarMet has received additional requests for service in the proposed area since
17 the time you rendered your initial pre-filed testimony?

18 A. Yes. On February 2, 2006, BexarMet entered into a Utility Services Agreement
19 ("USA") to provide water to 600 EDU's in a subdivision to be constructed by
20 Centex Homes, Inc. on the Friesenhahn I tract. This USA has previously been
21 tendered to the pre-filed record as *Exhibit 26*. In addition, BexarMet has entered into
22 a USA with the developer of the proposed Venado Creek subdivision. This

Second Supplement to Direct Pre-Filed Testimony of Michael J. Albach

Page 3 of 4

1 subdivision is projected to have 71 lots, and is located directly north of and
2 contiguous to our existing Timberwood PWS (on the north side of Borgfeld Road).
3 BexarMet representatives have also recently met with representatives of the
4 proposed Monte Cristo subdivisions for the purpose of providing water to two
5 developments with 88 lots and 182 lots, respectively. The proposed Monte Cristo
6 developments are both situated on the north side of Borgfeld Road, and are directly
7 north of and contiguous to our existing Timberwood PWS.

BexarMet's resources available for public service

9 Q. Please identify any new, contemplated or potential water sources, which BexarMet
10 may be utilize to serve the proposed area.

11 A. As I have previously testified, BexarMet has entered into a contract with Water
12 Exploration Company ("WECO") to produce water from sixteen Trinity Aquifer
13 wells. On June 21, 2006, the BexarMet Board of Directors approved the purchase
14 from Canyon Valley, Ltd. of an existing well and 34 surface acres. The well has been
15 drilled to Public Water Supply standards, and is fully operational. BexarMet will
16 utilize this well, and additional wells to be drilled on the 34 acre tract to supply the
17 proposed service area. In addition, construction of Water Well No. 5 at the Wild
18 Turkey Station has been completed. The District is in the process of setting the pump
19 in this well. Once online, Well #5 will supplement the existing wells at the Wild
20 Turkey station, and will be utilized to serve both the existing Timberwood PWS and
21 the proposed area. Finally, BexarMet is constructing new Edwards Aquifer wells at
22 Fleetwood (in Hollywood Park) and at Bitters (in Hill Country Village). These

Second Supplement to Direct Pre-Filed Testimony of Michael J. Albach

Page 4 of 4

1 Edwards wells will be used to supplement the water supply to BexarMet's existing
2 service areas in Stone Oak and the Hill Country PWS, thereby freeing-up Trinity
3 Aquifer water from the Wild Turkey station for use exclusively in the Timberwood
4 PWS and in the proposed service area.

5 Q. Does this conclude your second supplemental testimony?

6 A. Yes.

SERVICE LIST

STATE OFFICE OF ADMINISTRATIVE
HEARINGS

Honorable Cassandra J. Church **Fax**
Administrative Law Judge
State Office of Administrative Hearings
300 W. 15th Street
Austin, Texas 78701
Fax: (512) 475-4994

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

Todd Galiga
Attorney
Texas Commission on Environmental
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BEXAR METROPOLITAN WATER
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xc:

Docket Clerk, State Office of Administrative ~~Fax~~
Hearings

Docket Clerk, Office of the Chief Clerk,
TCEQ (512) 239-3311

R L WILSON, P.C.

PROFESSIONAL LEGAL SERVICES

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E MAIL: RLW3D@ALUMNI.UTEXAS.NET

FAX COVER SHEET

28 JUNE 2006

To: HONORABLE CASSANDRA J. CHURCH FAX NO.: 512/475-4994
BLASS COY, JR. 512/239-6377
DOCKET CLERK, STATE OFFICE OF 512/239-3311
ADMINISTRATIVE HEARINGS

Cc: SERVICE LIST (VIA E-MAIL)

From: ROBERT L. WILSON, III TOTAL PAGES: 15

Re: SOAH DOCKET NO. 582-03-3725: 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

Attached is BexarMet's Amendment to CCN Application No. 33862-C and Second Supplement to Pre-Filed Direct Testimony of Michael J. Albach.