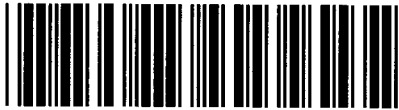


Control Number: 43690



Item Number: 14

Addendum StartPage: 0

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

# TCEQ-CLOSED FILES

13630

please complete the information listed below and attach to closed file.

SOAH DOCKET #582-09-5331

TCEQ DOCKET #2009-1007-UCR

# OF PLEADING FILES 1

# OF BRIEF FILES \_\_\_\_\_

# OF TESTIMONY FILES \_\_\_\_\_

# OF DISCOVERY FILES \_\_\_\_\_

Disk \_\_\_\_\_

Disk \_\_\_\_\_

Disk \_\_\_\_\_

CASSETTE TAPES

DATE

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

EXECUTIVE DIRECTOR(ED)

EXHIBITS- A-B e.g.: (#1-4 )

OTHER EXHIBITS

e.g.: (#1-4 )

# of Maps

Volumes of Transcript(s)(date) \_\_\_\_\_ Disk \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Admin. initials: LS

RECEIVED  
2014 NOV -7 PM 2:53  
PUBLIC UTILITY COMMISS  
FILING CLERK

RECEIVED  
JUL 19 2010  
TCEQ  
CENTRAL FILE ROOM

114

To...

Cc...

Subject: Docket Change

Case Name: \* CITY OF BANDERA

Docket Number: \* 582-09-5331

ALJ: \* RSS

Date: \* Mon 05/10/2010

**Type of Action:**

\* Dismissed/Withdrawn (With Setting)

Asterisk denotes a required field.

**Setting Date and Time**

On/To Date and Time: None None

From Date and Time: \* Wed 12/09/2009 10:00 AM

Duration: \* 1 day

**Disposition of Case/File**

Date Order Signed: Mon 05/10/2010 7:21 AM

Disposition of case file: \* Return to TCEQ/PUC

Assigned to ALJ:

**Special Instructions:****Measures Reporting**

Notice of Hearing: None

Hearing on Merits: None

Record Closed: None

PFD/FQ/DO Issued: None

Was this an  
Admin. Penalty Case?

Was a Fine Recommended?

Amount of fine (\$) : \$0.00

Amended PFD Issued: None

Remand Dismissed: None

Remand Hearing: None

Remand Record Closed: None

Remand PFD Issued: None

Amended Remand PFD Issued: None

PFD Changed by Referring Agency: None

PFD Overturned/  
Remanded by a Court: None

PFD Due Date: None

**Mediation (MSC) / ADR Information**

Date Mediation Requested: None

Who Initiated:

Date Mediation Granted\Ordered: None

Type of Mediator:

Date Mediation Denied: None

Date Mediation Referral Withdrawn: None

Date Mediation Successful: None

Date Mediation Unsuccessful: None

Date For Telephonic Mediation: None

**SOAH DOCKET NO. 582-09-5331  
TCEQ DOCKET NO. 2009-1007-UCR**

<b>APPLICATION OF CITY OF BANDERA TO DECERTIFY A PORTION OF CERTIFICATE OF CONVENIENCE AND NECESSARY NO. 12865 AND TO OBTAIN A WATER CCN IN BANDERA COUNTY</b>	§ § § § §	<b>BEFORE THE STATE OFFICE  OF  ADMINISTRATIVE HEARINGS</b>
--	-----------------------	---

**ORDER NO. 1  
DOCUMENTING PRELIMINARY HEARING AND ABATING CASE**

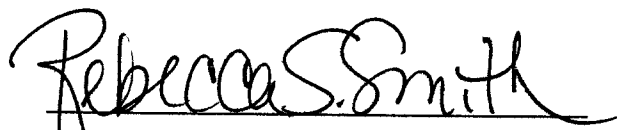
On September 2, 2009, a preliminary hearing was held in this case. Exhibits ED-A through D were admitted for jurisdictional purposes and jurisdiction was proven. The following are admitted as parties:

<b>PARTY</b>	<b>REPRESENTATIVE</b>
City of Bandera	Jason King, Attorney
Executive Director of the Texas Commission on Environmental Quality	Douglas Brown, Attorney
Office of Public Interest Counsel	

At the preliminary hearing, the parties moved to abate this matter for 60 days. This motion will be granted.

It is therefore ordered that this case is abated until November 2, 2009. On that date, the parties are to file a status report.

**Signed September 3, 2009.**



**REBECCA S. SMITH  
ADMINISTRATIVE LAW JUDGE  
STATE OFFICE OF ADMINISTRATIVE HEARINGS**

(Revised - 06/09/09)

**FOR SOAH USE ONLY**

(reg 177)

Date complete request received by SOAH:

Proceeding date set by SOAH:

SOAH Docket Number &amp; type of case:

9/2/09 10:00

582-09-5331

**REQUEST TO DOCKET CASE (Please type or print)****PLEASE CHECK ACTION REQUESTED:\*\***
☐ SETTING OF HEARING    ☐ ASSIGNMENT OF ALJ \*    ☐ ALTERNATIVE DISPUTE RESOLUTION (ADR/MEDIATION)\*

REFERRING AGENCY NAME: \_\_\_\_\_ AGENCY NO.: \_\_\_\_\_ AGENCY'S FILE/CASE NO.: 2009-1007-UCR

NAME/STYLE OF THE CASE: CITY OF BANDERA

DATE APPLICATION FILED AT AGENCY: \_\_\_\_\_ DOCKET NO. SUFFIX, if applicable: UCR

PROCEEDING DATE(S) REQUESTED (Include range of dates if possible): SEPTEMBER 2, 2009

EXPECTED NUMBER OF HOURS (If less than a day) OR DAYS NEEDED FOR PROCEEDING: \_\_\_\_\_ HOURS \_\_\_\_\_ DAYS

☐ ADMIN. FINE    ☐ GRIEVANCE    ☐ ENFORCEMENT    ☐ CONTRACT CLAIM (Gov't Code 2260)    ☐ OTHER \_\_\_\_\_

SPECIAL NEEDS OR ACCOMMODATIONS: HEARING IN AUSTIN, SEATING FOR 10 PEOPLE

IF ADR REQUESTED PLEASE DESCRIBE PROCESS NEEDED: \_\_\_\_\_

☐ PREHEARING CONFERENCE REQUESTED    ☐ INTERPRETER NEEDED (See 1 TAC 155.43(g))

☐ CASE FILE and/or ☐ HEARING IS CONFIDENTIAL (Specify applicable statute): \_\_\_\_\_

NAME OF INDIVIDUAL SENDING REQUEST FORM: EMILY REYNA    PHONE NO.: 239-3304    FAX NO.: \_\_\_\_\_

**PARTIES AND REPRESENTATIVES**
 PARTY REPRESENTED BY: ☐ SELF ☐ ATTORNEY  
☐ OTHER, If so, relationship: \_\_\_\_\_

REPRESENTATIVE'S NAME: DOUGLAS BROWN

PARTY'S NAME:

ADDRESS:

 PHONE No.: (512) 239-2253  
 (Direct Phone Number Please)

Email Address: DOBROWN@TCEQ.STATE.TX.US

FAX No.:

 PARTY REPRESENTED BY: ☐ SELF ☐ ATTORNEY  
☐ OTHER, If so, relationship: \_\_\_\_\_

REPRESENTATIVE'S NAME:

PARTY'S NAME:

ADDRESS:

 PHONE No.: \_\_\_\_\_  
 (Direct Phone Number Please)

Email Address:

FAX No.:

**PLEASE LIST ADDITIONAL PARTIES AND/OR REPRESENTATIVES ON EXTRA FORM PROVIDED.**
 SEND TO: STATE OFFICE OF ADMINISTRATIVE HEARINGS  
 ATTN.: Deputy Clerk  
 William P. Clements Building  
 300 West 15th Street, Suite 504  
 Austin, Texas 78701

OR

 Post Office Box 13025  
 Austin, Texas 78711-3025  
 Docketing Phone No. (512) 475-3445  
 Fax No. (512) 475-4994

**\*PLEASE FORWARD A COPY OF THE APPLICATION, APPEAL OR COMPLAINT WITH THIS REQUEST FORM, AS WELL AS ANY OTHER PLEADING FILED IN THE CASE TO DATE IF REQUESTING ASSIGNMENT OF ALJ or ALTERNATIVE DISPUTE RESOLUTION (ADR/MEDIATION). A COPY OF THE NOTICE OF PROCEEDING MUST BE FORWARDED TO SOAH AT THE SAME TIME IT IS MAILED TO THE PARTIES.**

OCC FAXED TO SOAH ON July 15, 2009



**STATE OFFICE OF ADMINISTRATIVE HEARINGS**  
**PUBLIC HEARING REGISTRATION**  
*ALL PERSONS IN ATTENDANCE ARE REQUESTED TO COMPLETE*  
**PLEASE PRINT CLEARLY**



Date: 7/2/09

Name: \_\_\_\_\_

Occupation: \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
Street or P.O. Box

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Daytime Phone: (     ) \_\_\_\_\_ Fax #: (     ) \_\_\_\_\_

E-Mail address (if available): \_\_\_\_\_

Representing: ☐ Self ☒ Other (specify): Executive Director

Title of matter being considered: City of Bandera

SOAH Docket No. (if known): ~~2009-582~~ 582-09-5331

Your position regarding the matter being considered: ☐ In Favor ☐ Opposed ☒ Undecided ☐ Observer



STATE OFFICE OF ADMINISTRATIVE HEARINGS  
PUBLIC HEARING REGISTRATION  
ALL PERSONS IN ATTENDANCE ARE REQUESTED TO COMPLETE  
PLEASE PRINT CLEARLY



Date: 9/2/09

Name: Grey Merrell

Occupation: TCEQ ATTORNEY

Mailing Address: \_\_\_\_\_  
Street or P.O. Box

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Daytime Phone: ( ) \_\_\_\_\_ Fax #: ( ) \_\_\_\_\_

E-Mail address (if available): \_\_\_\_\_

Representing: ☐ Self ☒ Other (specify): TCEQ ED

Title of matter being considered: City of Bandera

SOAH Docket No. (if known): 582-09-5331

Your position regarding the matter being considered: ☐ In Favor ☐ Opposed ☒ Undecided ☐ Observer



**STATE OFFICE OF ADMINISTRATIVE HEARINGS**  
**PUBLIC HEARING REGISTRATION**  
*ALL PERSONS IN ATTENDANCE ARE REQUESTED TO COMPLETE*  
**PLEASE PRINT CLEARLY**



Date: 2 SEP 09

Name: JOHN LOCK

Occupation: ENGR

Mailing Address: \_\_\_\_\_

Street or P.O. Box

City

State

Zip

Daytime Phone: (512) 237. 4710 Fax #: ( ) \_\_\_\_\_

E-Mail address (if available): \_\_\_\_\_

Representing: ☐ Self ☐ Other (specify): TCEQ

Title of matter being considered: CCN / CITY OF FANDERA

SOAH Docket No. (if known): \_\_\_\_\_

Your position regarding the matter being considered: ☐ In Favor ☐ Opposed ☐ Undecided ☐ Observer



**STATE OFFICE OF ADMINISTRATIVE HEARINGS**  
**PUBLIC HEARING REGISTRATION**  
*ALL PERSONS IN ATTENDANCE ARE REQUESTED TO COMPLETE*  
**PLEASE PRINT CLEARLY**



Date: 9/2/09

Name: Lisa Fuentes

Occupation: Utility Specialist

Mailing Address: P.O. Box 13087

Street or P.O. Box

Austin Tx 78711-3087  
City State Zip

Daytime Phone: ( 512 ) 239-6117 Fax #: ( 512 ) 239-6972

E-Mail address (if available): lfuentes@tceq.state.tx.us

Representing: ☐ Self ☒ Other (specify): E.D.

Title of matter being considered: City of Bandera

SOAH Docket No. (if known): \_\_\_\_\_

Your position regarding the matter being considered: ☐ In Favor ☐ Opposed ☒ Undecided ☐ Observer



STATE OFFICE OF ADMINISTRATIVE HEARINGS  
PUBLIC HEARING REGISTRATION  
ALL PERSONS IN ATTENDANCE ARE REQUESTED TO COMPLETE  
PLEASE PRINT CLEARLY



Date: 9/2/09

Name: Jason D King

Occupation: Attorney

Mailing Address: 6618 Sinto Del Rio Blvd Bldg E Suite 102  
Street or P.O. Box

Austin TX 78730  
City State Zip

Daytime Phone: (512) 852-2283 Fax #: ( )

E-Mail address (if available): jking@txcityattorney.com

Representing: ☐ Self ☒ Other (specify): Applicant

Title of matter being considered: TX. Com. Env. Qual. RE City of Bander

SOAH Docket No. (if known): 582-09-5331

Your position regarding the matter being considered: ☒ In Favor ☐ Opposed ☐ Undecided ☐ Observer  
• FCCN

2009 SEP -1 AM 9:47

CHIEF CLERKS OFFICE



Texas Commission on Environmental Quality

APPLICATION NO. 36334-C  
36335-C

AFFIDAVIT OF NOTICE TO NEIGHBORING UTILITIES AND AFFECTED PARTIES  
, STATE OF TEXAS

COUNTY OF Bandera

The City of Bandera  
has provided individual notice to  
the following entities:

Hill Country Utilities  
Flying L PAD  
Bandera Pass Ranch Subdivision  
Agua Utilities, Inc. d/b/a Agua Texas, Inc.  
Bandera River Ranch Water Co. Inc.  
Budlegate Water  
Diamond Water Supply, A Texas Corporation

OATH

DATE

5/13/2009

5/13/2009

5/13/2009

5/13/2009

5/13/2009

5/13/2009

5/13/2009

RECEIVED

JUN 04 2009

TEXAS COMMISSION

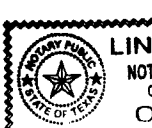
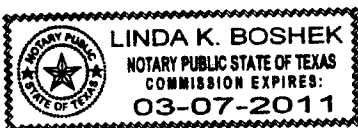
ON ENVIRONMENTAL QUALITY

I, Mike Cardenas, being duly sworn, file this form as  
Public Works Director City of Bandera (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 13<sup>th</sup> day of May, 2009, to certify  
which witness my hand and seal of office.



Linda K. Boshek

Notary Public in and for the  
State of Texas

LINDA K. BOSHEK

Print or Type Name of Notary Public  
Commission Expires 3/7/2011

Notice to Neighboring Systems, Landowners and Cities

2009 SEP -1 AM 9:47

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

CHIEF CLERKS OFFICE

To: Diamond Water Supply, A Texas Corporation Notice Mailed: 5/13, 2009  
(Neighboring System, Landowner or City)  
(Address) 624 S. Grand Avenue, Ste. 2900  
(City) Los Angeles State CA Zip 90017

The City of Bandera has filed applications for CCNs and to decertify a portion of SWWC Utilities, Inc. dba Diamond Water Company with the Texas Commission on Environmental Quality to provide water and sewer utility service in Bandera County.

The proposed utility service area is the incorporated City Limits of the City of Bandera, Texas, and is generally bounded on the north by approximately 200 feet north of Dallas St.; on the east by Enchanted River Dr.; on the south by approximately 100 feet south of RR 1077; and on the west by the Medina River. The total area being requested includes approximately 1,229 acres and 800 current customers. The proposed CCN applications affect customers and/or areas located in the following zip code(s): 78003. See enclosed map of the proposed service area.

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 Commission on Environmental Quality  
Water Supply Division  
Utilities and Districts Section, MC-153  
P. O. Box 13087  
Austin, TX 78711-3087

**RECEIVED**  
JUN 04 2009  
TEXAS COMMISSION  
ON  
ENVIRONMENTAL QUALITY

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.

If you are a landowner with a tract of land at least 25 acres or more, that is partially or wholly located within the proposed area, you may request to exclude the tract from the proposed area (or "opt out") by providing written notice to the Commission within (30) days from the date that notice was provided by the applicant. All request to opt out of the requested service area must include a scaled, general location map and a metes and bounds description of the tract of land.

Persons who meet the requirements to opt out, and wish to request this option should file the required documents with the:

Texas Commission on Environmental Quality  
Water Supply Division  
Utilities and Districts Section, MC-153  
P. O. Box 13087  
Austin, TX 78711-3087

A copy of the request to opt out of the proposed area must also be sent to the applicant. Staff may request additional information regarding your request.

Si desea informacion en Espanol, puede llamar al 1-512-239-0200.

7003 0500 0001 0436 9455

**U.S. Postal Service™  
CERTIFIED MAIL™ RECEIPT**

(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL U.S. MAIL**

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

MAY 13 2009

Postal Express  
132 Main  
P.O. Box 91  
Bandera, TX 780

Sent To  
Diamond Water Supply, A Jves Corporation  
Street, Apt. No.,  
or PO Box No. 624 S. Grand Avenue, Ste. 2900  
City, State, ZIP+4  
Los Angeles, CA 90017

PS Form 3800, June 2002

See Reverse for Instructions

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to

Diamond Water Supply,  
A Jves Corporation  
624 S. Grand Avenue, Ste. 2900  
Los Angeles, CA 90017

2. Article Number

(Transfer from service label)

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  ☐ Agent ☐ Addressee

B. Received by (Printed Name) C. Date of Delivery

6/19/09

D. Is delivery address different from item 1? ☐ Yes ☐ No  
If YES, enter delivery address below:

3. Service Type

- ☒ Certified Mail ☐ Express Mail
- ☐ Registered ☐ Return Receipt for Merchandise
- ☐ Insured Mail ☐ C.O.D.

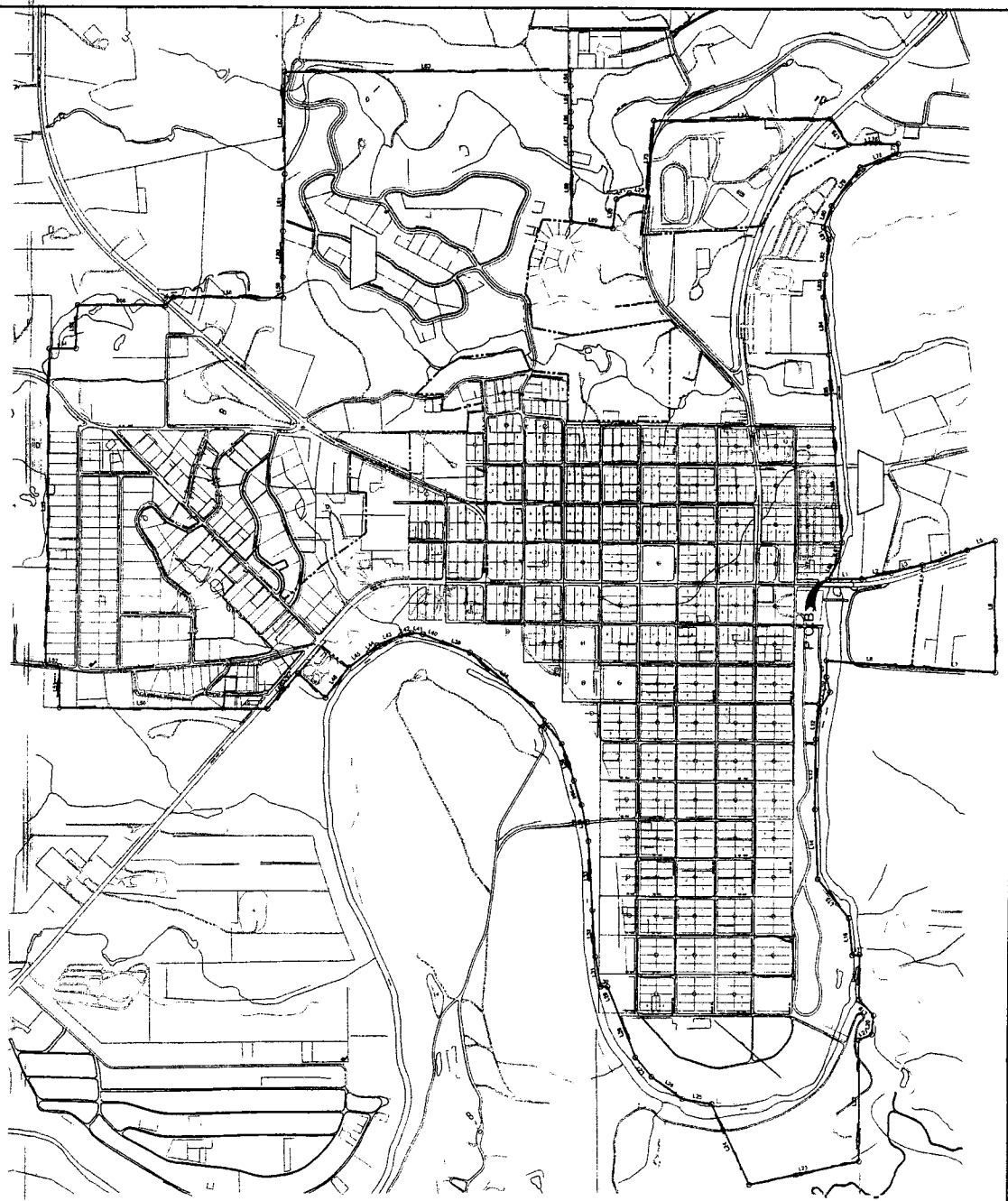
4. Restricted Delivery? (Extra Fee) ☐ Yes

7003 0500 0001 0436 9455

PS Form 3811, February 2004

Domestic Return Receipt

102595-02M-1540



CS CODE: TX83-SCF  
DESCRIPTION: NAD83 TEXAS STATE PLAN SOUTH CENTRAL ZONE, US FOOT  
DATA CENTRAL 1 84

THE CITY OF BANDERA, TEXAS

2009 SEP -1 AM 9:48

CHIEF CLERKS OFFICE



Texas Commission on Environmental Quality

APPLICATION NO. 36334-C  
36335-C

AFFIDAVIT OF NOTICE TO LANDOWNERS  
STATE OF TEXAS

COUNTY OF Bandera

The City of Bandera  
has provided individual notice to  
the following entities:

Michael A. Suigs  
40 Flying L land + livestock

DATE  
5/14/2009

RECEIVED

JUN 04 2009

TEXAS COMMISSION  
ON  
ENVIRONMENTAL QUALITY

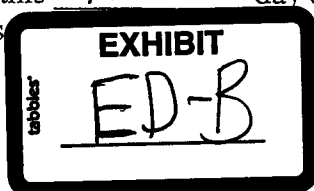
OATH

I, Mike Cardenas, being duly sworn, file this form as  
Public Works Director City of Bandera (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.

[Signature]  
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 14th day of May, 2009, to  
certify which witness my hand and seal



Linda K. Boshek  
Notary Public in and for the State of Texas  
LINDA K. BOSHEK  
Print or Type Name of Notary Public

*Notice to Neighboring Systems, Landowners and Cities*

2009 SEP -1 AM 9:48

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

CHIEF CLERKS OFFICE

To: Michael A. Sujs  
(Neighboring System, Landowner or City)  
c/o Flying L Land + Livestock  
(Address) 1826 Peaceful Valley  
(City) Bandera State TX Zip) 78003

Date Notice Mailed: 5/14, 2009

The City of Bandera has filed applications for CCNs and to decertify a portion of SWWC Utilities, Inc. dba Diamond Water Company with the Texas Commission on Environmental Quality to provide water and sewer utility service in Bandera County.

The proposed utility service area is the incorporated City Limits of the City of Bandera, Texas, and is generally bounded on the north by approximately 200 feet north of Dallas St.; on the east by Enchanted River Dr.; on the south by approximately 100 feet south of RR 1077; and on the west by the Medina River. The total area being requested includes approximately 1,229 acres and 800 current customers. The proposed CCN applications affect customers and/or areas located in the following zip code(s): 78003. See enclosed map of the proposed service area.

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:

**RECEIVED**

Texas Commission on Environmental Quality  
Water Supply Division  
Utilities and Districts Section, MC-153  
P. O. Box 13087  
Austin, TX 78711-3087

JUN 04 2009

TEXAS COMMISSION  
ON  
ENVIRONMENTAL QUALITY

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.

If you are a landowner with a tract of land at least 25 acres or more, that is partially or wholly located within the proposed area, you may request to exclude the tract from the proposed area (or "opt out") by providing written notice to the Commission within (30) days from the date that notice was provided by the applicant. All request to opt out of the requested service area must include a scaled, general location map and a metes and bounds description of the tract of land.

Persons who meet the requirements to opt out, and wish to request this option should file the required documents with the:

Texas Commission on Environmental Quality  
Water Supply Division  
Utilities and Districts Section, MC-153  
P. O. Box 13087  
Austin, TX 78711-3087

A copy of the request to opt out of the proposed area must also be sent to the applicant. Staff may request additional information regarding your request.

Si desea informacion en Espanol, puede llamar al 1-512-239-0200.

**CENTRAL APPRAISAL DISTRICT OF BANDERA COUNTY**

ED BARNES, RPA – CHIEF APPRAISER  
WENDY M. GRAMS, RPA – DEPUTY CHIEF APPRAISER  
1206 MAIN STREET  
P.O. BOX 1119  
BANDERA, TX 78003  
PHONE: (830) 796-3039 FAX: (830) 460-3672

May 13, 2009

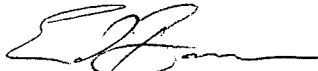
Mr. Gene R. Foerster, City Administrator  
City of Bandera  
P.O.Box 896  
Bandera, Texas 78003

Re: CCN Area

Dear Mr. Foerster:

We have reviewed our mapping and determined that one land owner has more than 25 acres within the CCN area. His name and address is shown below.

Michael A. Luigs  
% Flying L Land & Livestock  
1826 Peaceful Valley  
Bandera, Texas 78003



Ed Barnes, RPA  
Chief Appraiser

7003 0500 0001 0436 9493

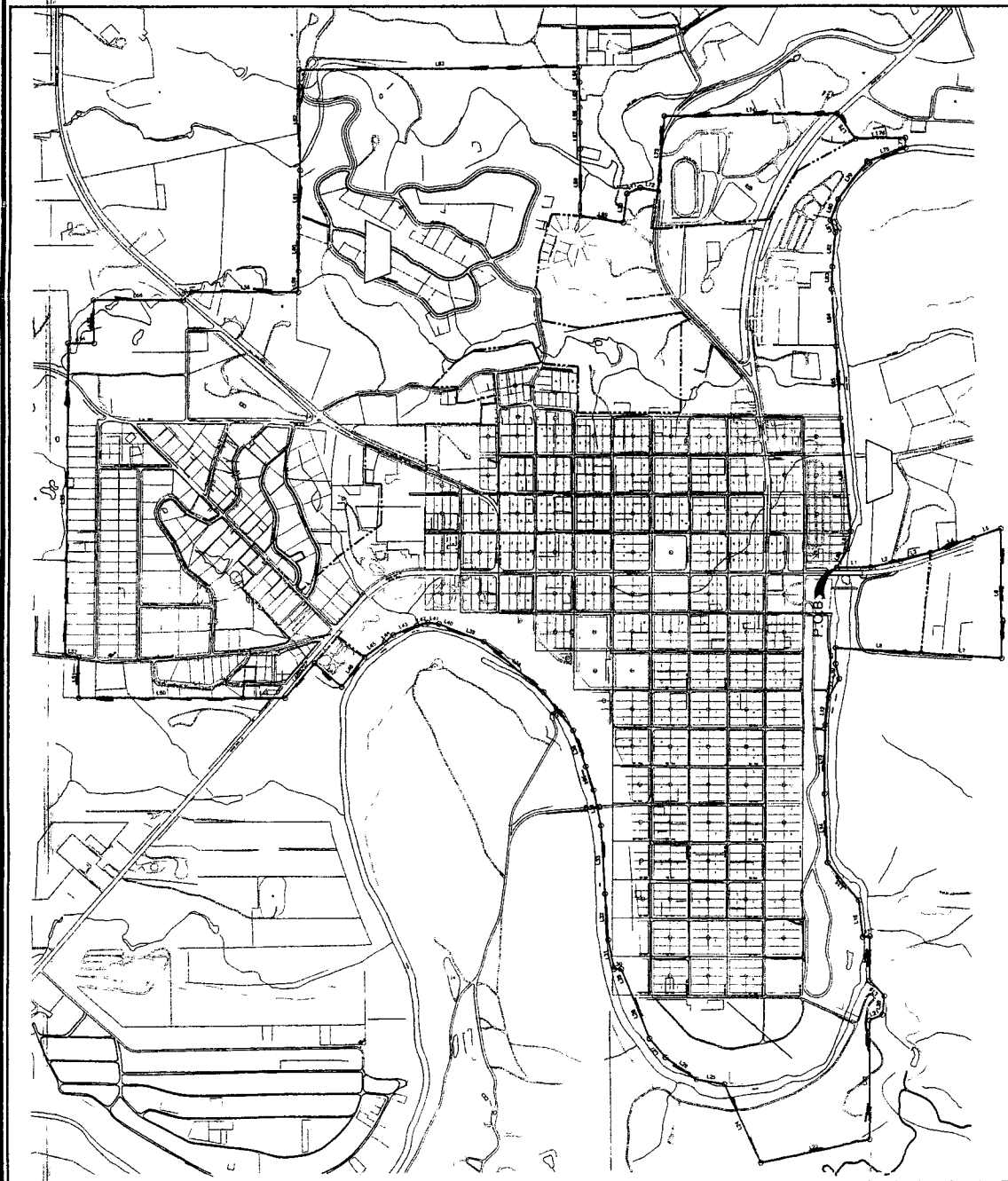
<b>U.S. Postal Service™</b>	
<b>CERTIFIED MAIL™ RECEIPT</b>	
<i>(Domestic Mail Only; No Insurance Coverage Provided)</i>	
For delivery information visit our website at <a href="http://www.usps.com">www.usps.com</a>	
<b>OFFICIAL MAIL</b>	
Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

**Postal Express**  
1132 Main St  
P.O. Box 78003  
Bandera, TX 78003  
MAY 14 2009

Sent To: *Michael A. Suiza 90 Flying L Land + Livestock*  
 Street, Apt. No., or PO Box No. *1826 Peaceful Valley*  
 City, State, ZIP+4 *Bandera, TX 78003*

PS Form 3800, June 2002 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>1. Completion of this section is required. Also complete item 4 if restricted delivery is desired.</p> <p>Print your name and address on the reverse so that we can return the card to you.</p> <p>Attach this card to the back of the mail piece so that the front of the card remains visible.</p> <p>Article addressed to:</p> <p><i>Michael A. Suiza</i>  <i>90 Flying L Land + Livestock</i>  <i>1826 Peaceful Valley</i>  <i>Bandera, TX 78003</i></p>		<p>Signature: <i>[Signature]</i></p> <p>Received by (Printed Name): _____ Date of Delivery: <i>5/15/09</i></p> <p>Is delivery address different from item 1? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO</p> <p>If YES enter delivery address below: _____</p> <p>3. Service type:</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
2. Article Number (Transfer from service label)		7003 0500 0001 0436 9493	
PS Form 3811, February 2004		Domestic Return Receipt 102595-02-M-1540	



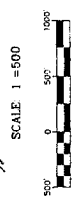
INDICATES CCN BOUNDARY (1,229 ACRES)  
 INDICATES CITY LIMIT (710 ACRES)

CS CODE: TWA-057  
 DESCRIPTION: MOOS' TEXAS STATE PLAN - SOUTH CENTRAL ZONE, US FOOT  
 NON-CERTAIN 1-11

APRIL 2009

MAP B(ii)  
 PROJECTABLE DIGITAL DATA  
 WITH METADATA  
 FOR THE  
 PROPOSED C.C.N. APPLICATION  
 FOR  
 THE CITY OF BANDERA, TEXAS

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PREPARED BY:  
**KLEIN ENGINEERING INC.**  
 CIVIL • MUNICIPAL • ENVIRONMENTAL ENGINEERS  
 8611 SOUTH LANE  
 (512) 500-7000 FAX: (512) 500-7070  
 www.kleinengineering.com



TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

2009 SEP - 1 AM 9:48

CHIEF CLERKS OFFICE

Texas Commission on Environmental Quality

APPLICATION NO. 36334-C  
36335-C

PUBLISHER'S AFFIDAVIT

STATE OF TEXAS

COUNTY OF Bandera

THIS IS A TRUE AND CORRECT COPY  
OF A TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
DOCUMENT. IT IS THE PROPERTY OF THE TEXAS COMMISSION  
ON ENVIRONMENTAL QUALITY AND IT IS TO BE RETURNED  
TO THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
UPON REQUEST.

SEP - 1 2009

LETTER OF SUBMITTAL AND THE  
SEAL OF THE TEXAS COMMISSION  
ON ENVIRONMENTAL QUALITY  
*[Signature]*  
L. K. BOSHEK, CHIEF CLERK  
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

Gail S Joiver

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

the Publisher of

TITLE

Bandera County Courier; that

said

NAME OF NEWSPAPER

**RECEIVED**

newspaper is regularly published in Bandera JUN 04 2009

County(ies) and generally circulated in

TEXAS COMMISSION  
ON  
ENVIRONMENTAL QUALITY

Bandera County (Counties), Texas; and that

the attached notice was published in said newspaper on the following date(s), to wit: May 14 + 21, 2009

Gail S Joiver

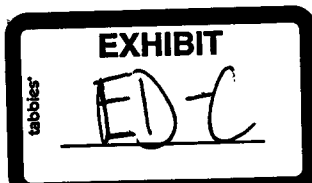
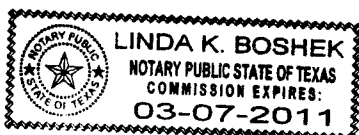
Newspaper Representative's Signature

Subscribed and sworn to before me this 28th day of May, 2009, to certify which

witness my hand and seal of office.

Linda K. Boshek

Notary Public in and for the State of Texas



LINDA K. BOSHEK

Print or Type Name of Notary Public

Commission Expires 3/7/2011

day! (830) 796-9796  
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## P U B L I C N O T I C E

**NOTICE OF APPLICATION FOR CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) TO PROVIDE WATER AND SEWER UTILITY SERVICE IN BANDERA COUNTY.** The City of Bandera has filed application for CCN's and decertify a portion of SWWC Utilities, Inc. dba Diamond Water Company with the Texas Commission on Environmental Quality to provide water and sewer utility service in Bandera County. The proposed utility service area is the incorporated City Limits of the City of Bandera, Texas and is generally bounded on the north by approximately 200 feet north of Dallas St. on the east by Enchanted River Dr. on the south by approximately 100 feet south of RH 1077 and on the west by the Medina River. The total area being requested includes approximately 1229 acres and 300 current customers. The proposed CCN application affects customers and/or areas located in the following zip code(s): 78003. A copy of the proposed service area map is available at Bandera City Hall, 511 Main Street, Bandera, Texas 78003 or by calling

## P U B L I C N O T I C E

830-796-4247. A request for a public hearing must be in writing and must state (1) your mailing address and daytime telephone number, (2) the applicant's name, application number, or another recognizable reference to the application, (3) the statement of why we request a public hearing, (4) a brief description of how you or the person 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 Commission on Environmental Quality, Water Supply Division, Utilities and Districts Section, MC-153, P.O. Box 13087, Austin, Texas 78711-13087 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 for a request to be notified

## P U B L I C N O T I C E

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. If you are a landowner with a tract of land at least 25 acres or more, that is partially or wholly located within the proposed area, you may request to exclude the tract from the proposed area (or part of it) by providing written notice to the Commission within (30) days

## P U B L I C N O T I C E

from the date that notice was provided by the applicant. All requests for notice of a hearing must include a sealed general location map and a sketch and outline description of the tract of land. Persons who meet the requirements to opt out and wish to request this option should file the required documents with the Texas Commission on Environmental Quality, Water Supply Division, Utilities and Districts Section, MC-153, P.O. Box 13087, Austin, Texas 78711-13087. A copy of the request to opt out of the proposed area must also be sent to the applicant's attorney, requests additional information regarding your request. Send a release of information request to: Espartero, Gerardo, 1512-229-0200, espartero@gerardomartinez.com

**PUBLIC NOTICE**  
Towers of Texas announced proposed plans for construction of a 300 foot guyed cellular phone tower located at 1557 Highway 16 N. (29° 48' 30" N, 99° 15' 50.6" W) in Medina. This notice serves to comply with the Nationwide Programmatic Agreement for Review of Effects on Historic Properties for Certain Undertakings approved by the Federal Communications Commission that became effective March 16, 2005. Please submit public comments to 210-646-8566 or gerardo@gerardomartinez.com.

# BANDERA COUNTY



Texas Commission on Environmental Quality

APPLICATION NO. 36334-C  
36335-C

PUBLISHER'S AFFIDAVIT

STATE OF TEXAS

COUNTY OF Bandera

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

Gail S. Joiner

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

the Publisher of

TITLE

Bandera County Courier; that

said

NAME OF NEWSPAPER

newspaper is regularly published in Bandera

County(ies) and generally circulated in

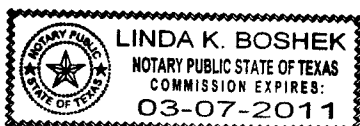
Bandera County (Counties), Texas; and that

the attached notice was published in said newspaper on the following date(s), to wit: May 14+21, 2009

Gail S. Joiner  
Newspaper Representative's Signature

Subscribed and sworn to before me this 28th day of May, 2009, to certify which

witness my hand and seal of office.



Linda K. Boshek  
Notary Public in and for the State of Texas

LINDA K. BOSHEK  
Print or Type Name of Notary Public

Commission Expires 3/7/2011

RECEIVED

JUN 04 2009

TEXAS COMMISSION  
ON  
ENVIRONMENTAL QUALITY

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## Check out this great home listing!

Bandera River Ranch 3/2 5/2 2143 sf (per owner) with split rail fencing. 0.89 corner lot covered with trees. 2 year old home with carpet, tile, designer sinks & vaulted ceilings. Open floorplan with split bedrooms & walk-in closets. Great neighborhood. VPN Ready.

\$298,500

Vicki Browning, Broker

Sheri Cherry 830-796-1659 • Rick Sowell 210-289-0647

3917 Hwy. 16 South

866-231-0103 • 830-460-7250

## PUBLIC NOTICE

**PUBLIC HEARING** The City Council and Planning & Zoning Commission will have a Joint Public Hearing on June 11, 2009 at 5:00 p.m. in the City Hall, located at 511 Main Street, Bandera, Texas 78003 in regard to a Special Use Permit Application for The Mansion in Bandera located at 1007 Hackberry Street, city block bordered by Hackberry, Tenth, Pecan and Eleventh Streets, Lots 26 through 33, Block 5, Range 10.

**NOTICE OF APPLICATION FOR CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) TO PROVIDE WATER AND SEWER UTILITY SERVICE IN BANDERA COUNTY.** The City of Bandera has filed application for CCN's and decertify a portion of SWWC Utilities, Inc. dba Diamond Water Company with the Texas Commission on Environmental Quality to provide water and sewer utility service in Bandera

## PUBLIC NOTICE

posed utility service area is the incorporated City Limits of the City of Bandera, Texas and is generally bounded on the north by approximately 200 feet north of Dallas St. on the east by Enchanted River Dr. on the south by approximately 100 feet south of RR 1077 and on the west by the Medina River. The total area being requested includes approximately 1,229 acres and 800 current customers. The proposed CCN application affects customers and/or areas located in the following zip code(s): 78003. A copy of the proposed service area map is available at Bandera City Hall, 511 Main Street, Bandera, Texas 78003 or by calling 830-796-4247. 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)

## PUBLIC NOTICE

his statement, we request a public hearing, (4) a brief description of how you or the person you represent would be adversely affected by the granting of the application for a CCN, and (5) your proposed adjustment to the application of CCN which would satisfy your concerns and cause you to withdraw your request for a hearing. Persons who wish to intervene for a comment should write the Texas Commission on Environmental Quality, Water Supply Division, Utilities and Districts Section, MC 158, PO Box 13087, Austin, Texas 78741-3087, 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 request to be notified if a hearing is set will receive notice if a hear-

## NOTICE

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. If you are a landowner with a tract of land at least 25 acres or more that is partially or wholly located within the proposed area, you may request to exclude the tract from the proposed area (or "opt out") by providing written notice to the Commission within (30) days from the date that notice was provided by the applicant. All request to opt out of the requested service area must include a scaled general location map and a notes and bounds description of the tract of land. Persons who meet the requirements to opt out and wish to request this action should file the required documents with the Texas Commission on Environmental Quality, Water Supply Division, Utilities and Districts Section, MC 158, PO Box 13087, Austin, Texas 78741-3087. A copy of the request to opt out of the proposed area must also be sent to the applicant. Staff may request additional information regarding your request. Si desea informacion en Espanol, puede llamar al 1-512-239-0200. 05/14/2009

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY



2009 SEP -1 AM 9:48

CHIEF CLERKS OFFICE

STATE OF TEXAS

§

COUNTY OF TRAVIS

§

THE STATE OF TEXAS  
COUNTY OF TRAVIS  
I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY  
OF A TEXAS ENVIRONMENTAL QUALITY ACT RECORD  
DOCUMENT. A CHIEF CLERK OF THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

SEP -1 2009

CLERK OF THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*LaDonna Castañuela*

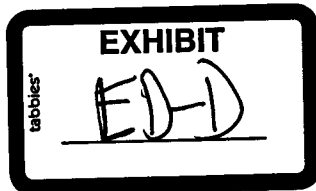
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

I, LaDonna Castañuela, Chief Clerk of the Texas Commission on Environmental Quality, do hereby certify that the attached mailing list provides the persons to whom the notice of the public hearing for City of Bandera, SOAH Docket No. 582-09-5331, TCEQ Docket No. 2009-1007-UCR, was mailed on July 31, 2009.

Given under my hand and the seal of the Texas Commission on Environmental Quality, this the 4th day of August, 2009.

*LaDonna Castañuela*  
LaDonna Castañuela, Chief Clerk  
Texas Commission on Environmental Quality

(SEAL)



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**NOTICE OF HEARING  
CITY OF BANDERA  
SOAH Docket No. 582-09-5331  
TCEQ Docket No. 2009-1007-UCR**

**APPLICATION.** City of Bandera, P.O. Box 896, Bandera, Texas 78003, has applied with the Texas Commission on Environmental Quality (TCEQ) to decertify a portion of Certificate of Convenience and Necessity (CCN) No. 12865 from SWWC Utilities, Inc. dba Diamond Water Co. and to obtain a water and sewer CCN in Bandera County, Texas (Application Nos. 36334-C and 36335-C).

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

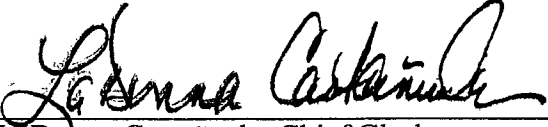
**10:00 a.m. – September 2, 2009  
William P. Clements Building  
300 West 15th Street, 4th Floor  
Austin, Texas 78701**

The purpose of a preliminary hearing is to establish jurisdiction, name the parties, establish a procedural schedule for the remainder of the proceeding, allow an opportunity for settlement discussions, and to address other matters as determined by the judge. The evidentiary hearing phase of the proceeding will be similar to a civil trial in state district court. The hearing will be conducted in accordance with Chapter 2001, Texas Government Code; Chapter 13, Texas Water Code; TCEQ rules, including 30 Texas Administrative Code (TAC) Chapter 291; and the procedural rules of the TCEQ and SOAH, including 30 TAC Chapter 80 and 1 TAC Chapter 155. To participate in the evidentiary hearing as a party, you must attend the preliminary hearing and show you would be affected by the petition in a way not common to members of the general public.

**INFORMATION.** For information concerning the hearing process, please contact the TCEQ Office of the Public Interest Counsel (MC 103), P.O. Box 13087, Austin, TX 78711-3087, telephone 512-239-6363. For additional information, contact the TCEQ Water Supply Division, Utilities & Districts Section (MC 153), P.O. Box 13087, Austin, TX 78711-3087, telephone 512-239-4691. General information regarding the TCEQ can be found at our web site at [www.TCEQ.state.tx.us](http://www.TCEQ.state.tx.us).

Persons with disabilities who plan to attend this hearing and who need special accommodations at the hearing should call the SOAH Docketing Department at 512-475-3445, at least one week prior to the hearing.

Issued: July 31, 2009

  
LaDonna Castañuela, Chief Clerk  
Texas Commission on Environmental Quality

MAILING LIST  
City of Bandera  
SOAH Docket No. 582-09-5331  
TCEQ Docket No. 2009-1007-UCR

Gene R. Foerster, City Administrator  
City of Bandera  
P.O. Box 896  
Bandera, Texas 78003  
*Applicant*

Thomas Laxson  
P.O. Box 120  
Bandera, Texas 78003  
*Protestant*

Nita Jenkins  
P.O. Box 388  
Bandera, Texas 78003  
*Protestant*

Lee Kneupper  
377 Johns  
Bandera, Texas 78003  
*Protestant*

Linda Stein  
P.O. Box 1762  
Bandera, Texas 78003  
*Protestant*

Max Walden  
P.O. Box 3363  
Bandera, Texas 78003  
*Protestant*

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

***Via electronic mail:***

Douglas Brown, Staff Attorney, Environmental Law Division (MC 173)  
Lisa Fuentes, Technical Staff, Water Supply Division, Utilities & Districts Section  
(MC 153)  
John Lock, Technical Staff, Water Supply Division, Utilities & Districts Section  
(MC 153)  
Blas Coy, Office of Public Interest Counsel (MC 103)

**TEXAS COMMISSION  
ON ENVIRONMENTAL QUALITY**

---

**TRANSMITTAL OF ADMINISTRATIVE RECORD**

**DATE:** August 5, 2009

**TO:** SOAH Natural Resources Docket Clerk

**FROM:**  Emily Reyna

**RE:** City of Bandera  
SOAH Docket No. 582-09-5331; TCEQ Docket No. 2009-1007-UCR

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

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

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

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



STATE OF TEXAS §

COUNTY OF TRAVIS §

I, LaDonna Castañuela, Chief Clerk of the Texas Commission on Environmental Quality, do hereby certify that the attached mailing list provides the persons to whom the notice of the public hearing for City of Bandera, SOAH Docket No. 582-09-5331, TCEQ Docket No. 2009-1007-UCR, was mailed on July 31, 2009.

Given under my hand and the seal of the Texas Commission on Environmental Quality, this the 4th day of August, 2009.

A handwritten signature in cursive script, reading "LaDonna Castañuela", written over a horizontal line.

LaDonna Castañuela, Chief Clerk  
Texas Commission on Environmental Quality

(SEAL)

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**NOTICE OF HEARING  
CITY OF BANDERA  
SOAH Docket No. 582-09-5331  
TCEQ Docket No. 2009-1007-UCR**

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William P. Clements Building  
300 West 15th Street, 4th Floor  
Austin, Texas 78701**

The purpose of a preliminary hearing is to establish jurisdiction, name the parties, establish a procedural schedule for the remainder of the proceeding, allow an opportunity for settlement discussions, and to address other matters as determined by the judge. The evidentiary hearing phase of the proceeding will be similar to a civil trial in state district court. The hearing will be conducted in accordance with Chapter 2001, Texas Government Code; Chapter 13, Texas Water Code; TCEQ rules, including 30 Texas Administrative Code (TAC) Chapter 291; and the procedural rules of the TCEQ and SOAH, including 30 TAC Chapter 80 and 1 TAC Chapter 155. To participate in the evidentiary hearing as a party, you must attend the preliminary hearing and show you would be affected by the petition in a way not common to members of the general public.

**INFORMATION.** For information concerning the hearing process, please contact the TCEQ Office of the Public Interest Counsel (MC 103), P.O. Box 13087, Austin, TX 78711-3087, telephone 512-239-6363. For additional information, contact the TCEQ Water Supply Division, Utilities & Districts Section (MC 153), P.O. Box 13087, Austin, TX 78711-3087, telephone 512-239-4691. General information regarding the TCEQ can be found at our web site at [www.TCEQ.state.tx.us](http://www.TCEQ.state.tx.us).

Persons with disabilities who plan to attend this hearing and who need special accommodations at the hearing should call the SOAH Docketing Department at 512-475-3445, at least one week prior to the hearing.

Issued: July 31, 2009

A handwritten signature in black ink, reading "LaDonna Castañuela".

LaDonna Castañuela, Chief Clerk  
Texas Commission on Environmental Quality

**MAILING LIST**  
**City of Bandera**  
**SOAH Docket No. 582-09-5331**  
**TCEQ Docket No. 2009-1007-UCR**

Gene R. Foerster, City Administrator  
City of Bandera  
P.O. Box 896  
Bandera, Texas 78003  
*Applicant*

Thomas Laxson  
P.O. Box 120  
Bandera, Texas 78003  
*Protestant*

Nita Jenkins  
P.O. Box 388  
Bandera, Texas 78003  
*Protestant*

Lee Kneupper  
377 Johns  
Bandera, Texas 78003  
*Protestant*

Linda Stein  
P.O. Box 1762  
Bandera, Texas 78003  
*Protestant*

Max Walden  
P.O. Box 3363  
Bandera, Texas 78003  
*Protestant*

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

***Via electronic mail:***

Douglas Brown, Staff Attorney, Environmental Law Division (MC 173)  
Lisa Fuentes, Technical Staff, Water Supply Division, Utilities & Districts Section  
(MC 153)  
John Lock, Technical Staff, Water Supply Division, Utilities & Districts Section  
(MC 153)  
Blas Coy, Office of Public Interest Counsel (MC 103)

**STATE OFFICE OF ADMINISTRATIVE HEARINGS  
300 WEST 15TH STREET, STE. 502  
AUSTIN, TEXAS 78701  
(512) 475-4993  
FAX (512) 475-4994  
DOCKET (512) 475-3445**

**CONFIRMATION OF REQUEST TO DOCKET CASE**

TO: EMILY REYNA  
TX COMM ON ENVIRONMENTAL QUALITY

VIA FACSIMILE 582-3311

FROM: NATALIE HOWARD  
DEPUTY CLERK

DATE: July 15, 2009

RE: SETTINGS OF HEARING(S)

CHIEF CLERKS OFFICE

2009 JUL 15 PM 2:12

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

At your request, the following hearing(s) have been set:

<u>Docket Number</u>	<u>Case</u>	<u>Date</u>	<u>Time</u>
582-09-5328 2009-0929-UCR	Deer Creek Ranch	08/13/09	10 am
582-09-5329 2009-0945-UCR	Childress Creek Water	08/17/09	10 am
582-09-5330 2009-0847-UCR	City of Mission	08/31/09	10 am
582-09-5331 2009-1007-UCR	City of Bandera	09/02/09	10 am
582-09-5332 2009-0881-UCR	City of Thorndale	09/08/09	10 am
582-09-5333 2009-0313-PWS-E	MRK Investment Corp	09/17/09	10 am

**Hearing Location**

S.O.A.H.  
W.P. Clements Bldg  
300 West 15<sup>th</sup> Street, 4<sup>th</sup> Floor  
Austin, TX 78701

All parties will be notified in the event of a change of location of the hearing.  
Please remember that you are responsible for providing the court reporter as required by your agency.

If you have any questions regarding any of the information herein, please call.

\*\* Transmit Conf. Report \*\*

P.1

Jul 15 2009 8:48

Line Number:1 TCEQ

Fax:5122391209

Fax/Phone Number	Mode	Start	Time	Page	Result	Note
94754994	NORMAL	15, 8:48	0'30"	2	# O K	

(Revised - 06/09/09)			<b>FOR SOAH USE ONLY</b>			(req. frm)
Date complete request received by SOAH:	Proceeding date set by SOAH:	SOAH Docket Number, type of case:				

**REQUEST TO DOCKET CASE (Please type or print)**

<b>PLEASE CHECK ACTION REQUESTED:**</b>	
<input type="checkbox"/> SETTING OF HEARING	<input type="checkbox"/> ASSIGNMENT OF ALJ * <input type="checkbox"/> ALTERNATIVE DISPUTE RESOLUTION (ADR/MEDIATION)*
REFERRING AGENCY NAME: _____	AGENCY NO.: _____ FILE/CASE NO.: <u>2009-1007-UCR</u>
NAME/STYLE OF THE CASE: <u>CITY OF BANDERA</u>	
DATE APPLICATION FILED AT AGENCY: _____	DOCKET NO. SUFFIX, if applicable: <u>UCR</u>
PROCEEDING DATE(S) REQUESTED (Include range of dates if possible): <u>SEPTEMBER 2, 2009</u>	
EXPECTED NUMBER OF HOURS (If less than a day) OR DAYS NEEDED FOR PROCEEDING: _____ HOURS _____ DAYS	
<input type="checkbox"/> ADMIN. FINE <input type="checkbox"/> GRIEVANCE <input type="checkbox"/> ENFORCEMENT <input type="checkbox"/> CONTRACT CLAIM (Gov't Code 2260) <input type="checkbox"/> OTHER _____	
SPECIAL NEEDS OR ACCOMMODATIONS: <u>HEARING IN AUSTIN, SEATING FOR 10 PEOPLE</u>	
IF ADR REQUESTED PLEASE DESCRIBE PROCESS NEEDED: _____	
<input type="checkbox"/> PREHEARING CONFERENCE REQUESTED <input type="checkbox"/> INTERPRETER NEEDED (See 1 TAC 155.43(g))	
<input type="checkbox"/> CASE FILE and/or <input type="checkbox"/> HEARING IS CONFIDENTIAL (Specify applicable statute): _____	
NAME OF INDIVIDUAL SENDING REQUEST FORM: <u>EMILY REYNA</u> PHONE NO.: <u>239-3304</u> FAX NO.: _____	

**PARTIES AND REPRESENTATIVES**

PARTY REPRESENTED BY: <input type="checkbox"/> SELF <input type="checkbox"/> ATTORNEY <input type="checkbox"/> OTHER, if so, relationship: _____ REPRESENTATIVE'S NAME: <u>DOUGLAS BROWN</u> PARTY'S NAME: _____ ADDRESS: _____  PHONE No.: (512) 239-2253 (Direct Phone Number Please) Email Address: <u>DOBROWN@TCEQ.STATE.TX.US</u> FAX No.: _____	PARTY REPRESENTED BY: <input type="checkbox"/> SELF <input type="checkbox"/> ATTORNEY <input type="checkbox"/> OTHER, if so, relationship: _____ REPRESENTATIVE'S NAME: _____ PARTY'S NAME: _____ ADDRESS: _____  PHONE No.: _____ (Direct Phone Number Please) Email Address: _____ FAX No.: _____
--	--

**PLEASE LIST ADDITIONAL PARTIES AND/OR REPRESENTATIVES ON EXTRA FORM PROVIDED.**

SEND TO: STATE OFFICE OF ADMINISTRATIVE HEARINGS  
 ATTN.: Deputy Clerk  
 William P. Clements Building  
 300 West 15th Street, Suite 504  
 Austin, Texas 78701

OR

Post Office Box 13025  
 Austin, Texas 78711-3025  
 Docketing Phone No. (512) 475-3445  
 Fax No. (512) 475-4994

**\*PLEASE FORWARD A COPY OF THE APPLICATION, APPEAL, OR COMPLAINT WITH THIS REQUEST FORM, AS WELL AS ANY OTHER PLEADING FILED IN THE CASE TO DATE IF REQUESTING ASSIGNMENT OF ALJ or ALTERNATIVE DISPUTE RESOLUTION (ADR/MEDIATION). A COPY OF THE NOTICE OF PROCEEDING MUST BE FORWARDED TO SOAH AT THE SAME TIME IT IS MAILED TO THE PARTIES.**

OCC FAXED TO SOAH ON July 15, 2009

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

## INTEROFFICE MEMORANDUM

TO: LaDonna Castanuela, Chief Clerk

THRU: *7/1/09* Doug Holcomb, P.E., Section Manager  
Utilities & Districts Section  
Water Supply Division

*7/1/09* Vera Poe, P. E., Team Leader  
Utilities & Districts Section  
Water Supply Division

*7/1/09* Tammy Benter, Team Leader  
Utilities & Districts Section  
Water Supply Division

DATE: July 2, 2009

CHIEF CLERKS OFFICE

2009 JUL -7 PM 2:30

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

FROM: John Lock, PE  
Utilities & Districts Section  
Water Supply Division *7/1/09*

Re: Application from the City of Bandera, P0060, to Decertify a portion of Certificate of Convenience and Necessity (CCN) No. 12865 from SWWC Utilities, Inc. dba Diamond Water Co. and to obtain a Water CCN in Bandera County; Application No. 36334-C **2009-1007-UCR**

Application from the City of Bandera, A1891, to obtain a Sewer CCN in Bandera County; Application No. 36335-C

CN: 600739536; RN: 101426633 (water) and 105698385 (sewer) (City of Bandera)  
CN: 603264763; RN: 105374771 (SWWC Utilities, Inc. dba Diamond Water Co.)

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

We received five protests, as shown on the attached mailing list, regarding an adequate water supply and the notice as worded in the local paper.

Staff estimates 10 people to attend this hearing.

The staff assigned to this case is:

Technical - Lisa Fuentes/John Lock

Legal -

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

*Tammy Benter*  
\_\_\_\_\_  
Tammy Benter, Team Leader

TB/JL/as

cc: TCEQ Public Interest Counsel; ATTN: Vic McWherter  
TCEQ Agency Communications; ATTN: Andy Saenz, Director  
TCEQ Chief Clerk's Office; ATTN: Deanna Avalos, SOAH Docket Clerk  
TCEQ Legal Office; ATTN: Todd Galiga, Senior Attorney

Buddy Garcia, *Chairman*  
Larry R. Soward, *Commissioner*  
Bryan W. Shaw, Ph.D., *Commissioner*  
Mark R. Vickery, P.G., *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

July 2, 2009

### CERTIFIED MAIL

Mr. Gene R. Foerster, City Administrator  
City of Bandera  
P.O. Box 896  
Bandera, Texas 78003

Re: Application from the City of Bandera, P0060, to Decertify a portion of Certificate of Convenience and Necessity (CCN) No. 12865 from SWWC Utilities, Inc. dba Diamond Water Co. and to obtain a Water CCN in Bandera County; Application No. 36334-C

Application from the City of Bandera, A1891, to obtain a Sewer CCN in Bandera County; Application No. 36335-C

CN: 600739536; RN: 101426633 (water) and 105698385 (sewer) (City of Bandera)  
CN: 603264763; RN: 105374771 (SWWC Utilities, Inc. dba Diamond Water Co.)

Dear Mr. Foerster:

The Texas Commission on Environmental Quality (TCEQ) has received five protests regarding the applications referenced above. The Commission's Chief Clerk has assigned Docket No. 2009-1007-UCR to this matter. Any further communications should refer to this docket number. V.T.C.A. Water Code, Section 13.246 provides that affected parties may protest the applications and request a hearing on whether a CCN should be granted. Please see the enclosed mailing list.

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

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

If you have questions about this process or what material you should bring with you to the hearing, please contact Mr. John Lock, PE at (512) 239-4710 or Ms. Lisa Fuentes, at (512)239-6117.

Sincerely,

*for* A handwritten signature in cursive script, appearing to read "Jammy Benter".

Doug Holcomb, P.E., Section Manager  
Utilities & Districts Section  
Water Supply Division

DH/JL/as

cc: Attached Mailing List

City of Bandera  
Application Nos. 36334-C and 36335-C  
Mailing List

Mr. Gene R. Foerster, City Administrator City of Bandera P.O. Box 896 Bandera, Texas 78003	Applicant
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Mr. Thomas Laxson PO Box 120 Bandera, Tx 78003	Protestant
--	------------

Ms. Nita Jenkins PO Box 388 Bandera, Tx 78003	Protestant
---	------------

Mr. Lee Kneupper 377 Johns Bandera, Tx 78003	Protestant
--	------------

Ms. Linda Stein PO Box 1762 Bandera, Tx 78003	Protestant
---	------------

Mr. Max Walden PO Box 3363 Bandera, Tx 78003	Protestant
--	------------

5L



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

\*\*\*\*\*

\*\*\*\*\*


RECEIVED  
TCEQ  
WATER SUPPLY DIV.  
2009 FEB 25 PM 3 38

RECEIVED  
*No Chuck Rec'd 2/25/09*  
FEB 25 2009


TEXAS COMMISSION  
ON  
ENVIRONMENTAL QUALITY

## GENERAL INFORMATION

★★★ THIS APPLICATION IS NOT A RATE CHANGE APPLICATION. THE APPROPRIATE FORMS NEEDED TO FILE A RATE CHANGE APPLICATION MAY BE OBTAINED BY CONTACTING THE UTILITIES AND DISTRICTS SECTION, Texas Commission on Environmental Quality (TCEQ). ★★★


 Pursuant to V.T.C.A., Water Code, Chapter 13, Subchapter G:

- ☐ CCNs *may be obtained* by any retail public water and sewer utility.
- ☐ CCNs *are required* for:
  - a) Investor Owned Utilities (IOU);
  - b) Non-profit, member-owned, member-controlled water supply or sewer service corporations (WSC) incorporated under Water Code Chapter 67; and
  - c) Affected counties.
- ☐ CCNs *may be required* for political subdivisions, except affected counties, before utility service can be provided to an area already lawfully being served.

 A CCN gives the holder:

- ☐ the legal right to provide water and/or sewer utility service;
- ☐ the legal right to be compensated, either directly through a monthly rate or indirectly through maintenance fees, property owners fees, etc.;
- ☐ a delineated service area; **AND**
- ☐ the obligation to provide service to every customer and qualified applicant who requests service within that area.

 A CCN is *not required* when service is either submetered pursuant to Water Code, Chapter 13, Subchapter M or included in the rental of the property.

 IOUs and WSCs with less than 15 potential retail water service connections may register as "exempt" and then are not required to possess a CCN for their service area if they meet the exemption criteria. This exemption does not apply to sewer providers with less than 15 potential retail sewer connections. Retail sewer utilities must obtain a CCN to provide retail sewer service to more than one connection.

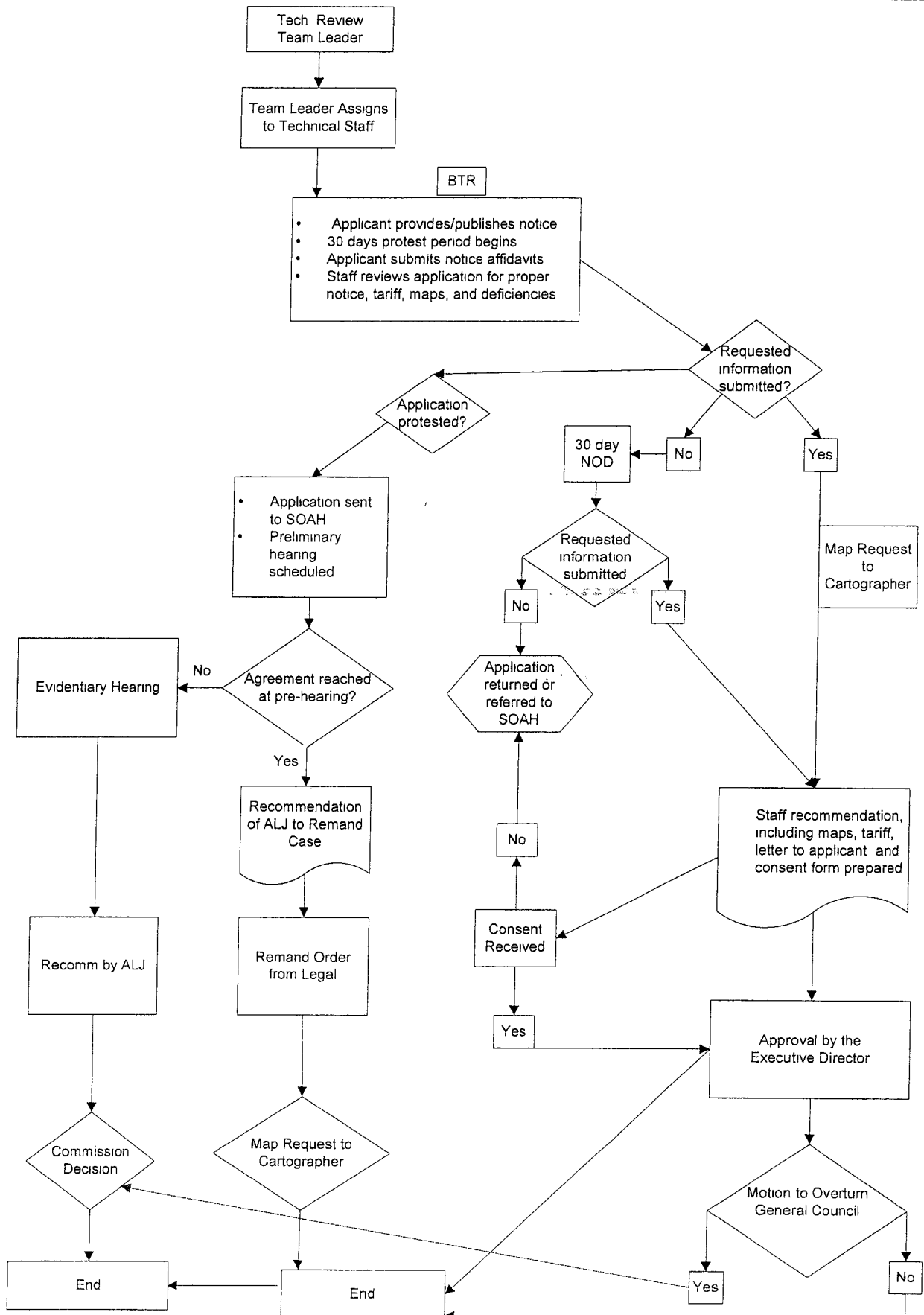
 If this application was downloaded from the TCEQ web site or sent via E-mail, it shall not be changed, altered or amended from its original form only available from the Commission.

## PROCESSING YOUR CCN APPLICATION

### FLOW CHART

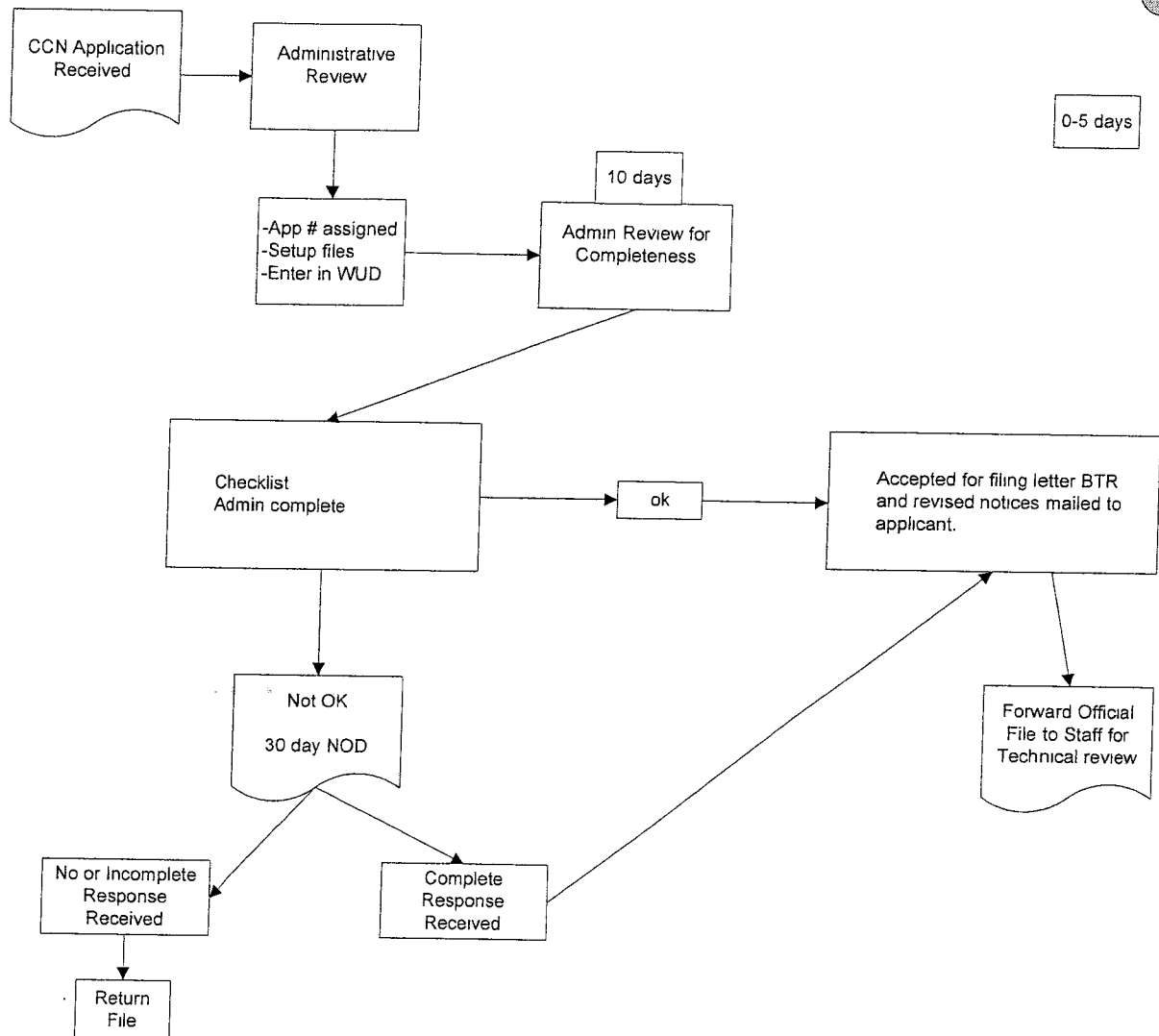
Attached are flowcharts of the review process. Your application will go through an Administrative Review and, when accepted for filing, a Technical Review. For uncontested applications, processing time depends on the response time of the applicant. Contested applications generally take longer because of the need for scheduling a public hearing, and processing time depends on whether a settlement agreement between the applicant and the protestor(s) is reached.

# CCN Tech Review Application Process - Flowchart



# CCN Admin Review Application Process - Flowchart

10/01/07



## ADMINISTRATIVE REVIEW OF YOUR CCN APPLICATION

- ☐ Your application will be reviewed for completeness by the Commission staff within ten (10) working days after it is received in our offices.
- ☐ Proposed notice forms are included with the application.
- ☐ If the application is administratively incomplete, you will be sent a letter that outlines the application's deficiencies and describes what is needed to correct the deficiencies. After receiving that letter, you will have thirty(30) days to make the necessary corrections

**If you fail to make the corrections in full,**

- (a) **the application will be returned,**
- (b) **the application fee will be forfeited, and**
- (c) **if you are already operating a system, you will be referred for enforcement action which may include administrative penalties of up to \$500 per day.**

## NOTICE

The Commission cannot grant a CCN until proper notice of the application has been given. It is the applicant's responsibility to ensure that proper notice is given. Notice forms for publication, neighboring cities and systems, customers, and landowners are included with this application to use in preparing your proposed notices. These notice forms are also available in Spanish upon request. If the applicant is an operating IOU currently providing service without a CCN, then proposed notices must be provided for publication, to neighboring cities and systems landowners with 25 acres or more and current customers in the proposed service area. All three forms must be completed and submitted with the application. However, if the applicant has no customers in the proposed area at the time of filing and is only proposing to provide service at some future date, or if the applicant is a WSC or political subdivision, then only the notices for landowners with 25 acres or more, publication and neighboring cities and systems must be submitted. Do not publish the notice or send copies of the proposed notices or maps to anyone at the time you submit this application to the Commission. Your proposed notices and maps will be reviewed for completeness. When your application is accepted for filing, you will be directed to provide the appropriate notices for publication, to the neighboring cities and systems and, if necessary, to current customers.

## TECHNICAL REVIEW OF YOUR CCN APPLICATION

When the application is complete, you will be notified by mail and be required

- ☐ to publish notice once each week for two (2) consecutive weeks in a newspaper of general circulation in your local area and county. If the proposed area is in more than one county, publication in each county is required;
- ☐ to provide individual notice with a copy of the proposed CCN map to neighboring cities and systems within
  - a) two (2) miles of your proposed service area, if you are an existing retail public utility amending the existing service area **or**
  - b) five (5) miles if you are obtaining a new CCN to serve a new service area **and**
- ☐ to provide individual mailed notice with a copy of the proposed CCN map to all affected current customers if you are required to have a CCN but are currently providing service without a CCN.

If the application is ***technically incomplete***, you will be sent a letter that outlines the application's deficiencies and describing what you need to do to correct the deficiencies. After receiving that letter, you will have ***thirty (30)*** days to make the necessary corrections. **If you fail to make the corrections in full:**

- a) **the application will be returned,**
- b) **the application fee will be forfeited, and**
- c) **if you are already operating a system, you will be referred for enforcement action which may include administrative penalties of up to \$500 per day.**

V.T.C.A. Water Code Section 13.246(c) requires the Commission to consider the following factors before it can issue a CCN:

- ☐ the adequacy of service currently provided to the requested area,
- ☐ the need for additional service in the requested area, including whether any landowners, prospective landowners, tenants, or residents have requested service,
- ☐ the effect of the granting of a certificate or amendment on the recipient of the certificate or amendment, on the landowners in the area, and on any retail public utility of the same kind already serving the proximate area,
- ☐ the ability of the applicant to provide adequate service, including meeting the standards of the commission, taking into consideration the current and projected density and land use of the area,
- ☐ the feasibility of obtaining service from an adjacent retail public utility,
- ☐ the financial stability of the applicant to pay for the facilities necessary to provide continuous and adequate service and the financial stability of the applicant including, if applicable, the adequacy of the applicant's debt-equity ratio,
- ☐ environmental integrity,
- ☐ the probable improvement of service or lowering of cost to consumers in that area resulting from the granting of the certificate or amendment, **AND**
- ☐ the effect on the land to be included in the certificated area.

In addition to these factors,

- ☐ the Commission must ensure that the applicant possesses the financial, managerial, and technical capability to provide continuous and adequate service **AND**
- ☐ the applicant must also demonstrate that regionalization or consolidation with another retail public utility is not economically feasible.

If there are no protests, you will be provided a copy of the technical staff recommendation and proposed CCN. If you have any questions or concerns, you should contact the technical staff person assigned to your application immediately. If you disagree with the staff recommendation and/or proposed CCN, the application will be considered contested, and a hearing may be requested.

If the application is contested and a hearing is requested the application may be referred to the State Office of Administrative Hearings (SOAH). During the preliminary hearing, the presiding Administrative Law Judge (ALJ) may give the parties time to negotiate a settlement. Alternative Dispute Resolution (ADR) is available upon request of all of the parties. If a settlement is reached, the application will be remanded to staff for administrative processing. If a settlement is not reached, a discovery schedule and a date for an evidentiary hearing will be set. The ALJ will take testimony from each party and present a report to the Commission to consider in making a final decision on the application.

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

Texas Commission on Environmental Quality  
Utilities and Districts Section, MC-153  
P. O. Box 13087  
Austin, TX 78711-3087

☆☆☆THIS APPLICATION IS NOT A RATE CHANGE APPLICATION. THE APPROPRIATE FORMS NEEDED TO FILE A RATE CHANGE APPLICATION MAY BE OBTAINED BY CONTACTING THE UTILITIES AND DISTRICTS SECTION, TEXAS COMMISSION ON ENVIRONMENTAL QUALITY. ☆☆☆

A-020-9

Appl 34334-C (water) P0060  
36328-C (sewer) A1891



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

\*RN #102654241

\*CN #600739536

\* If known (See instructions)

**PURPOSE OF THIS APPLICATION**

OBTAIN      ☒ New Water CCN      ☒ New Sewer CCN  
AMEND      ☐ Water CCN # \_\_\_\_\_ ☐ Sewer CCN # \_\_\_\_\_

**1. APPLICANT INFORMATION**

Utility Name: City of Bandera  
Utility Address(city/state/zip) P.O. Box 896  
Bandera, Texas 78003  
Utility Phone and Fax Number (830)796-3765 Phone (830)796-4247 Fax

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: Gene R. Foerster Title: City Administrator  
Address: P.O. Box 896 Telephone (830) 796-3765  
City Bandera St TX Zip 78003 Fax (830) 796-4247  
E-mail: cityofbandera@78003.com  
County(ies) in which service is proposed Bandera

**RECEIVED**  
**FEB 25 2009**  
TEXAS COMMISSION  
ON  
ENVIRONMENTAL QUALITY

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

<input type="checkbox"/>	Investor owned utility	
<input type="checkbox"/>	Individual	
<input type="checkbox"/>	Home or Property Owners Association	
<input type="checkbox"/>	For-profit corporation	
<input type="checkbox"/>	Non-profit, member-owned, member-controlled cooperative corporation (Water Code Chapter 67, Water Supply or Sewer Service Corporation)	
<input checked="" type="checkbox"/>	Municipality	
<input type="checkbox"/>	District	
<input type="checkbox"/>	Other	Please explain:
<input type="checkbox"/>		

- B. If the applicant is a For-Profit Corporation:
- Please provide a copy of the corporation's "Certification of Account Status" from the Texas State Comptroller of Public Accounts. (See Note below).
  - Please provide the corporation's charter number as recorded with the Office of the Texas Secretary of State. \_\_\_\_\_.
  - Please provide a listing of all affiliated interests and their respective percentages of ownership.
  - Provide a copy of the company's organizational chart, if available.
- C. If the applicant is a WaterCode Chapter 67 water supply or sewer service corporation or other non-profit corporation:
- Please provide a copy of the Articles of Incorporation and ByLaws.
  - Please provide the corporation's charter number as recorded with the Office of the Texas Secretary of State
  - Identify all owners including name, address, title, telephone number, fax number, and percentage of ownership.

## 2. LOCATION INFORMATION

- A. Are there people already living in the proposed area?  
YES X NO \_\_\_\_\_  
If YES, are any currently receiving utility service?  
YES X NO \_\_\_\_\_, if YES, from Whom? City of Bandera

Demonstrate the Need for Service by providing the following:

- B. Have you received any requests for service in the requested service area?  
YES \_\_\_\_\_ NO X. If YES, provide the following:
- Describe the service area and circumstances driving the need for service in the requested area. Indicate the name(s) and address(es) of landowner(s), prospective landowner(s), tenant(s), or resident(s) that have requested service; and/or
  - Describe the economic need(s) for service in the requested area (i.e. plat approvals, recent annexation(s) or annexation request(s), building permits, septic tank permits, hospitals, etc.); and/or
  - Discuss in detail the environmental need(s) for service in the requested area (i.e. failing septic tanks in the requested area, filing wells, etc.); and/or
  - Provide copies of any written applications or requests for service in the requested area; and/or
  - Provide copies of any reports and/or market studies demonstrating existing or anticipated growth in the requested area. If no, please justify the need for service in the proposed area.
- C. Is any portion of the proposed service area inside an incorporated city?  
YES X NO \_\_\_\_\_  
If YES, within the city limits of: The City of Bandera  
Provide a copy of any franchise, permit, or consent granted by the city. If not available please explain: That is not possible because the applicant is the City.
- D. Is any portion of the proposed service area inside another utility's CCN area?  
YES \_\_\_\_\_ NO X  
If YES, has the current CCN holder agreed to decertify the proposed area?  
YES \_\_\_\_\_ NO \_\_\_\_\_  
If NO, are you seeking dual or single certification of the area? Explain why decertification of the area is in the public interest.

## 3. MAP REQUIREMENTS:

**Attach the following hard copy maps with each copy of the application:**

- A. A general location map delineating the proposed service area with enough detail to accurately locate the proposed area within the county.
- B. A map showing only the proposed area by:
  - i. metes and bounds survey certified by a licensed state or register professional land surveyor; or
  - ii. projectable digital data with metadata (proposed areas should be in a single record and clearly labeled); or
  - iii. following verifiable natural and manmade landmarks; or
  - iv. a copy of recorded plat map with metes and bounds.
- C. A written description of the proposed service area.
- D. Provide separate and additional maps of the proposed area(s) to show the following:
  - i. all facilities, illustrating separately facilities for production, transmission, and distribution of the applicant's service(s); and
  - ii. any facilities, customers or area currently being served outside the applicant's certificated area(s).

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

- A. Please provide the following information:
  - i. a list of all public drinking water supply systems or sewer systems within a 2 mile radius of the proposed system;
  - ii. copies of written requests seeking to obtain service from each of the public drinking water supply systems or sewer systems listed in #4.A.i above or documentation that it is not economically feasible to obtain service from them
  - iii. copies of written responses from each system or evidence that they did not reply; and
  - iv. for sewer utilities, documentation showing that you have obtained or applied for a wastewater discharge permit.
- B. Were your requests for service denied?
  - i. If yes, go to 4.C.
  - ii. If no, please provide a detailed analysis which justifies your reasons for not accepting service. A separate analysis must be prepared and submitted for each system that granted your request for service.
- C. Please summarize how the proposed utility system will be constructed and describe each projected construction phase, if any: N/A  
\_\_\_\_\_  
\_\_\_\_\_
- D. Date of plat approval, if required: N/A  
Approved by: N/A
- E. Date Plans & Specifications submitted for approval N/A Log No. N/A  
Attach copy of approval letter if available.
- F. Date construction is scheduled to commence N/A
- G. Date service is scheduled to commence N/A

5. **EXISTING SYSTEM INFORMATION**

A. Please provide the following information for each water and/or sewer system:

i. Water system's TCEQ Public Water System identification number:

0	1	0	0	0	1	2	;								;								
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							;								;								
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ii. Sewer system's TCEQ Discharge Permit number: (for each system)

W	Q	1	0	1	2	1	-	0	0	1	;	W	Q							-				
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iii. Date of last inspection May 29, 2007

iv. Attach a copy of the most recent inspection report letter. **EXHIBIT A**

v. For each system deficiency listed in the inspection report letter, attach a brief explanation listing the actions taken or being taken by the utility to correct the listed deficiencies, including the proposed completion dates. **EXHIBIT A**

B. Provide the following information about the utility's certified operators

Name	Classes	License Number
Mike Cardenas	C	WD002268
Ray Rodriguez	C	WD0001526
Brian Cummings	C	WW0026254
Gene R. Foerster	D	WW0034960

- Attach additional sheet(s) if necessary-

C. Using the current number of customers, is any facility component in systems named in #5A above operating at 85% or greater of minimum standard capacity?

Yes \_\_\_\_\_ No X

Attach an explanation listing the actions to be taken to make system improvements including proposed completion dates (See 291.93(3)(A) of TCEQ Rules).

D. List in the table below, the number of existing and/or proposed metered and non-metered connections (by size). The proposed number should reflect the information presented in the business plan and reflect the number of service requests identified in Question 2.b above.

Water System			Sewer System		
Connection	Existing	Proposed	Connection	Existing	Proposed
5/8" or 3/4" meter	780	100	Residential	478	100
1" meter or larger	20	10	Commercial	175	10
Non-Metered	0	0	Industrial	0	0
Other:	0	0	Other:	0	0
Total Water	800	110	Total Sewer	653	110

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

N/A

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

N/A

- G. Effect of Granting a Certificate Amendment. **EXHIBIT B**

Explain in detail the effect of granting of a certificate or an amendment, including, but not limited to regionalization, compliance and economic effects on the following:

- i. the applicant,
- ii. any retail public utility of the same kind already serving the proximate area; and
- iii. any landowner(s) in the requested area.

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

- i. No X (skip the rest of this question and go to #6)

- ii. Water

Yes \_\_\_\_\_

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

Source	% of total supply

- iii. Sewer treatment capacity

- iv. Yes \_\_\_\_\_

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

Source	% of total treatment

- vi. Provide a certified copy of the most current water or sewer treatment capacity purchase agreement or contract.

- I. Ability to Provide Adequate Service **EXHIBIT C**

Describe the ability of the applicant to provide adequate service, including meeting the standards of the commission, taking both of the following items into consideration:

- i. the current and projected density, and
- ii. the land use of the requested area

- J. Effect on the Land. **EXHIBIT D**

Explain the effect on the land to be included in the certificated area.

**6. FINANCIAL INFORMATION**

- A. For new systems and for applicants with existing CCNs who are constructing a new stand alone system:
- i. the applicant must provide an analysis of all necessary costs for constructing, operating, and maintaining the system, and the source of that capital (such as a financial statement for the developing entity) for which the CCN is requested for at least the first five years. In addition, if service has been offered by an existing water service provider as stated in #4.A., but the applicant has determined that the cost of service as finally offered renders the project not economically feasible, the applicant must provide a comparison analysis of all necessary costs for acquiring and continuing to receive service from the existing system for the same period.
  - ii. Attach projected profit and loss statements, cash flow worksheets, and balance sheets (projected five year financial plan worksheet is attached) for each of the first five years of operation. Income from rates should correlate to the projected growth in connections, shown on the projected profit and loss statement.
  - iii. 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.
- B. For existing systems:
- i. Attach a profit and loss statement and current balance sheet for existing businesses (end of last fiscal year is acceptable). Describe sources and terms for borrowed capital such as loans, bonds, or notes (profit and loss and balance sheet worksheets are attached, if needed).
  - ii. Attach a proposed rate schedule or tariff.
- ★ NOTE: An existing system may be required to provide the information in 6.A.i. above during the technical review phase if necessary for staff to completely evaluate the application.
- C. Identify any funds you are required to accumulate and restrict by lenders or capital providers.
- D. In lieu of the information in #6.A. thru #6.C., you may provide information concerning loan approvals within the last three (3) years from lending institutions or agencies including the most recent financial audit of the applicant. **EXHIBIT E**

**7. NOTICE REQUIREMENTS**

- A. All proposed notice forms must be completed and submitted with the application. However, do not mail or publish them until you receive written approval from the Commission to do so.
- B. The Commission cannot grant a CCN until proper notice of the application has been given. Commission rules do not allow a waiver of these notice requirements.
- C. It is the applicant's responsibility to ensure that proper notice is given to all entities that are required to receive notice.
- D. Recommended notice forms for publication, neighboring cities and systems, landowners with 25 acres or more, and customers are included with this application to use in preparing your proposed notices. (These notice forms are also available in Spanish upon request.)
- E. After reviewing and, if necessary, modifying the proposed notice, the Commission will send the notice to the applicant after the application is accepted for filing along with instructions for publication and/or mailing. Please review the notice carefully and note any additional neighboring utilities which may be included in the acceptance letter.
- F. Notice For Publication: