

1 Q. DOES THE GROWTH IN LINDSAY'S POPULATION, AS REFERENCED BY MR.
2 MARONEY IN HIS PREFILED TESTIMONY, AFFECT YOUR OPINION ABOUT
3 THE LACK OF NEED FOR SERVICE?

4 A. No.

5 Q. WHY NOT?

6 A. As I stated before, there are no actively developing subdivisions, other than the South
7 Ridge of Lindsay, within the City of Lindsay's requested service area surrounding our
8 company's CCN. By actively developing, I mean that there are no pending plat
9 applications before the City of Lindsay or Cooke County, which are the entities that have
10 jurisdiction over the subdivision process in the area. The only growth is occurring within
11 the City limits of Lindsay, which is already subject to the City's CCN, or within the South
12 Ridge of Lindsay subdivision, which is served by Lindsay Pure Water Company.

13 **CONCLUSION**

14 Q. WHAT WOULD BE THE IMPACT ON LINDSAY PURE WATER COMPANY IF
15 THE CITY OF LINDSAY WAS ISSUED ITS PROPOSED CCN?

16 A. Lindsay Pure Water Company would be forced to terminate its service to its current
17 customers within the South Ridge of Lindsay Subdivision, Phases 2 and 3. Lindsay would
18 be unable to provide service to any new homes constructed within Phases 2 and 3 or
19 within future Phase 4. The Company would also be prevented from utilizing the capacity
20 available within its existing system for future customers. This would result in the
21 Company not earning a return on its decade old investment in water service for the area
22 and probably result in extreme financial trouble for the Company because we would lose a
23 substantial portion of the revenues we currently generate.

1 Q. WHAT WOULD BE THE IMPACT ON THE LAND WITHIN THE SOUTH RIDGE
2 OF LINDSAY SUBDIVISION IF THE CITY OF LINDSAY WAS ISSUED ITS
3 PROPOSED CCN?

4 A. The land within the South Ridge of Lindsay, Phases 2, 3 and future Phase 4 would be
5 forced to obtain water service from the City of Lindsay's facilities, which are
6 approximately one mile away. The cost of obtaining this service would greatly exceed the
7 cost to obtain service from Lindsay Pure Water Company because, in addition to the cost
8 of the internal distribution system and the taps, the landowners would incur costs to
9 construct a mile long transmission line from the City's system and additional pumps and
10 storage necessary to serve the subdivision. The only costs to connect to the Lindsay Pure
11 Water Company system would be for the distribution mains and the taps because there is
12 sufficient capacity in all the other facilities to serve the remainder of the subdivision build
13 out. In addition, there would be significant time delay associated with the construction of
14 the extension of the City of Lindsay's system that would not occur using the Company's
15 system. Finally, the land would no longer have the benefit of elevated storage within
16 close proximity, and the customers on the land would pay more for their retail utility
17 service.

18 Q. WHAT WOULD BE THE IMPACT ON THE LAND WITHIN THE AREA
19 SURROUNDING THE SOUTH RIDGE OF LINDSAY SUBDIVISION IF THE CITY
20 OF LINDSAY WAS ISSUED ITS PROPOSED CCN?

21 A. Similarly, the land within the area surrounding the South Ridge of Lindsay would be
22 forced to obtain water service from the City of Lindsay's facilities, which are
23 approximately one mile away. This area would also incur costs to obtain water service
24 that would greatly exceed the cost to obtain service from Lindsay Pure Water Company.

1 The costs would be higher for the same reasons, construction of a transmission main and
2 additional pumps and storage necessary to serve the land. Whereas, the only costs to
3 connect to the Lindsay Pure Water Company system would be for the internal distribution
4 mains and the taps because there is sufficient capacity in all the other Company facilities
5 to serve the area surrounding the South Ridge of Lindsay, and to the extent additional
6 capacity is needed, it can be readily obtained by improvements to the Company's system.
7 Just like the areas within the South Ridge of Lindsay subdivision, customers within this
8 area would also pay more for retail service from the City of Lindsay. These issues are
9 particularly true for the areas located south of the Company's service area, because the
10 transmission line would have to pass by the Company's system in order to reach the areas
11 that are further to the South. While it is less clear where the costs and timing for service
12 begin to be the same for the area between the City and the Company's service area, there
13 is still no need for service in this area at this time.

14 **Q. WHAT WOULD YOU LIKE FOR THE COMMISSION TO DO IN THIS MATTER?**

15 **A.** I want the Commission to deny the City of Lindsay's application for a CCN for all areas
16 South of U.S. 82 because there is not a need for service in any of this area at this time. At
17 some point in the future, when there is actually a need for service, Lindsay Pure Water
18 Company and the City of Lindsay can work together to determine how that future need
19 can best be met from an economic, engineering and timing perspective. However, it is not
20 time for that now.

21 **Q. DOES THIS CONCLUDE YOUR TESTIMONY?**

22 **A.** Yes.

1 Q. WHY DO YOU HAVE THAT OPINION?

2 A. I have been developing property in Cooke County for 34 years. Based on my experience,
3 there is not an immediate need for service because there are no developments proposed
4 within the area surrounding our Company's CCN. The only active subdivisions, beside
5 the South Ridge of Lindsay, are within the City of Lindsay's city limits and its current
6 water CCN.

7 Q. HOW WOULD LINDSAY PURE WATER COMPANY PROVIDE WATER SERVICE
8 TO THE SURROUNDING AREA?

9 A. Landowners could connect to the Company's existing water system for service to their
10 property. If additional capacity were needed, the improvements described above could be
11 easily made in order to supply water sufficient to serve the development when it is
12 needed.

13 **SERVICE REQUESTS AND NEED**

14 Q. HAVE YOU REVIEWED THE REQUESTS FOR SERVICE RECEIVED BY THE
15 CITY OF LINDSAY?

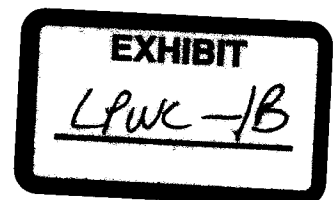
16 A. I have.

17 Q. WHAT IS YOUR OPINION REGARDING THOSE REQUESTS?

18 A. [I do not believe that any of the requestors have plans for developing their property at this
19 time. It is my opinion that the requests are merely for the purpose of securing a
20 certificated service area so that neither my company nor the City of Gainesville can obtain
21 a CCN over the area. By securing a CCN, the City of Lindsay hopes to add an additional
22 layer of regulatory control over development within the area and to prevent the City of
23 Gainesville from controlling the area.]

RECORD BOOK

8



1 Q. WHY DO YOU NOT BELIEVE THE REQUESTORS TRULY NEED SERVICE?

2 A. I base my opinion on the fact there are no actively developing subdivisions, other than the
3 South Ridge of Lindsay, within the City of Lindsay's requested service area surrounding
4 our company's CCN. By actively developing, I mean that there are no pending plat
5 applications before the City of Lindsay or Cooke County, which are the entities that have
6 jurisdiction over the subdivision process in the area. None of the requestors have actually
7 filed any applications related to development of their property with Cooke County or the
8 City of Lindsay.

9 Q. WHAT IS THE BASIS FOR YOUR OPINION?

10 A. [I base my opinion on my experience as a former Lindsay City Council member and my
11 involvement in utility and growth issues affecting the area over the past 34 years. In
12 particular, I base my opinion on my discussions with current and prior City Council
13 members and City staff regarding the desire to prevent the City of Gainesville from
14 expanding its service area any further to the West. We have previously received similar
15 requests for service, which I know were not based upon an actual need for service and
16 were based upon a desire to keep the City of Gainesville from serving the area.]

17 Q. WHY HAVE YOU NOT APPLIED FOR A CCN AMENDMENT WHEN YOU
18 RECEIVED THOSE TYPE OF REQUESTS?

19 A. We actually retained an individual to assist us in preparation of a CCN amendment
20 application, but the application was never completed because there was not an immediate
21 need for service to those tracts of land and therefore no urgency to follow through with an
22 application.

Lindsay Pure Water Service Area

3630

Image © 2008 DigitalGlobe
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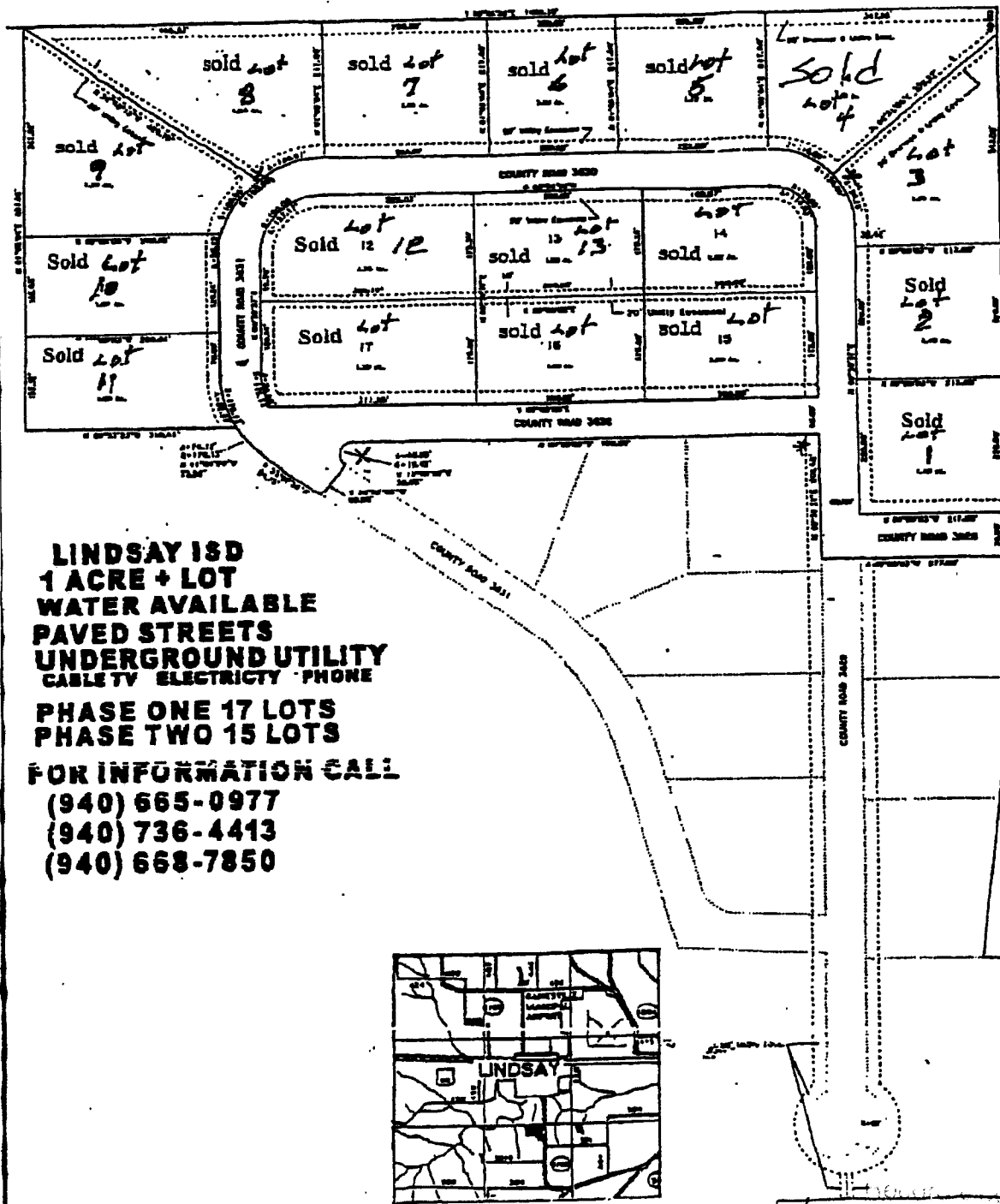
Google™

Record 1 of 1

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LPWC 2

SOUTH RIDGE of LINDSAY



LINDSAY ISD
1 ACRE + LOT
WATER AVAILABLE
PAVED STREETS
UNDERGROUND UTILITY
CABLE TV ELECTRICITY PHONE

PHASE ONE 17 LOTS
PHASE TWO 15 LOTS

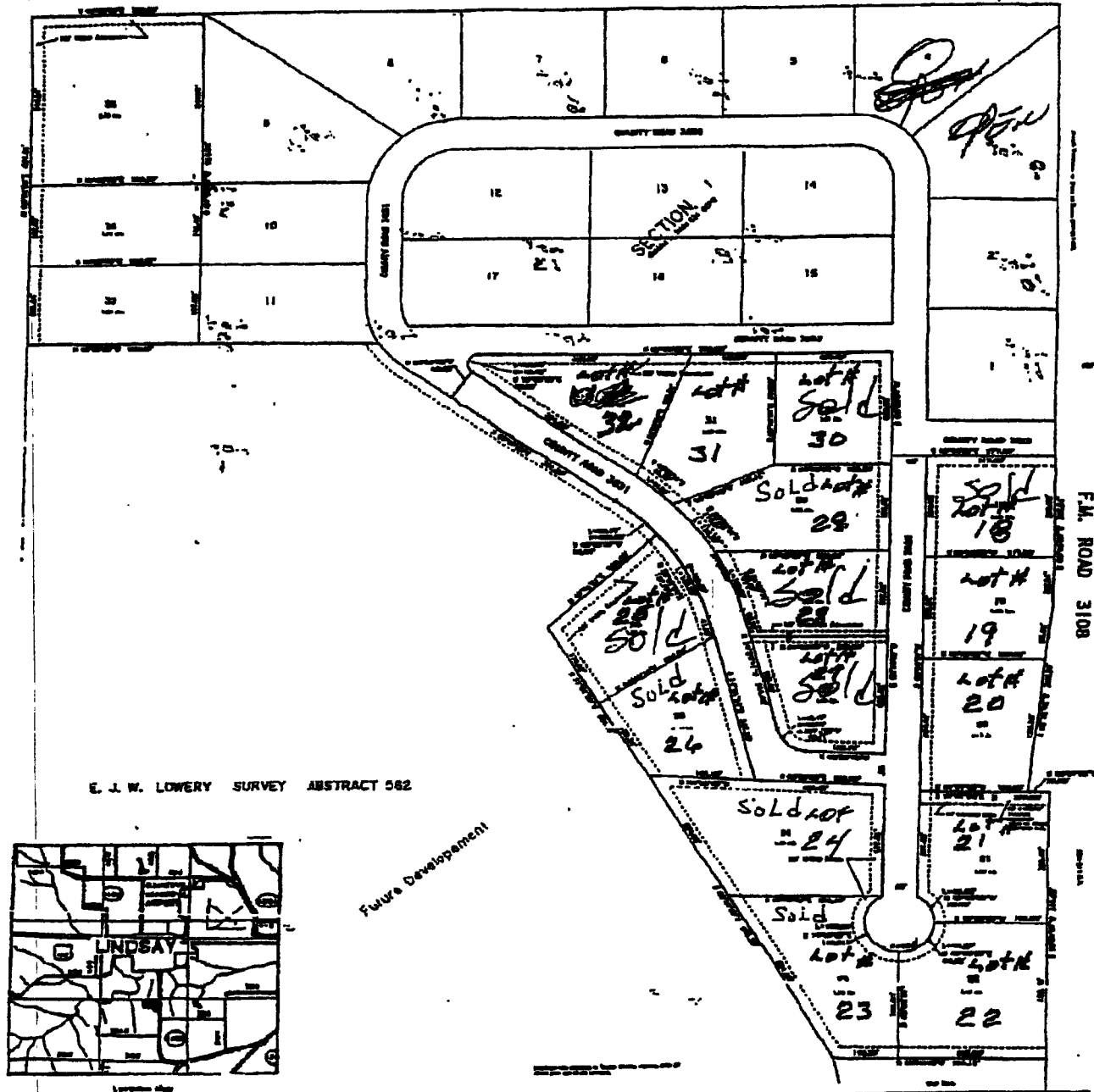
FOR INFORMATION CALL

(940) 665-0977
(940) 736-4413
(940) 668-7850

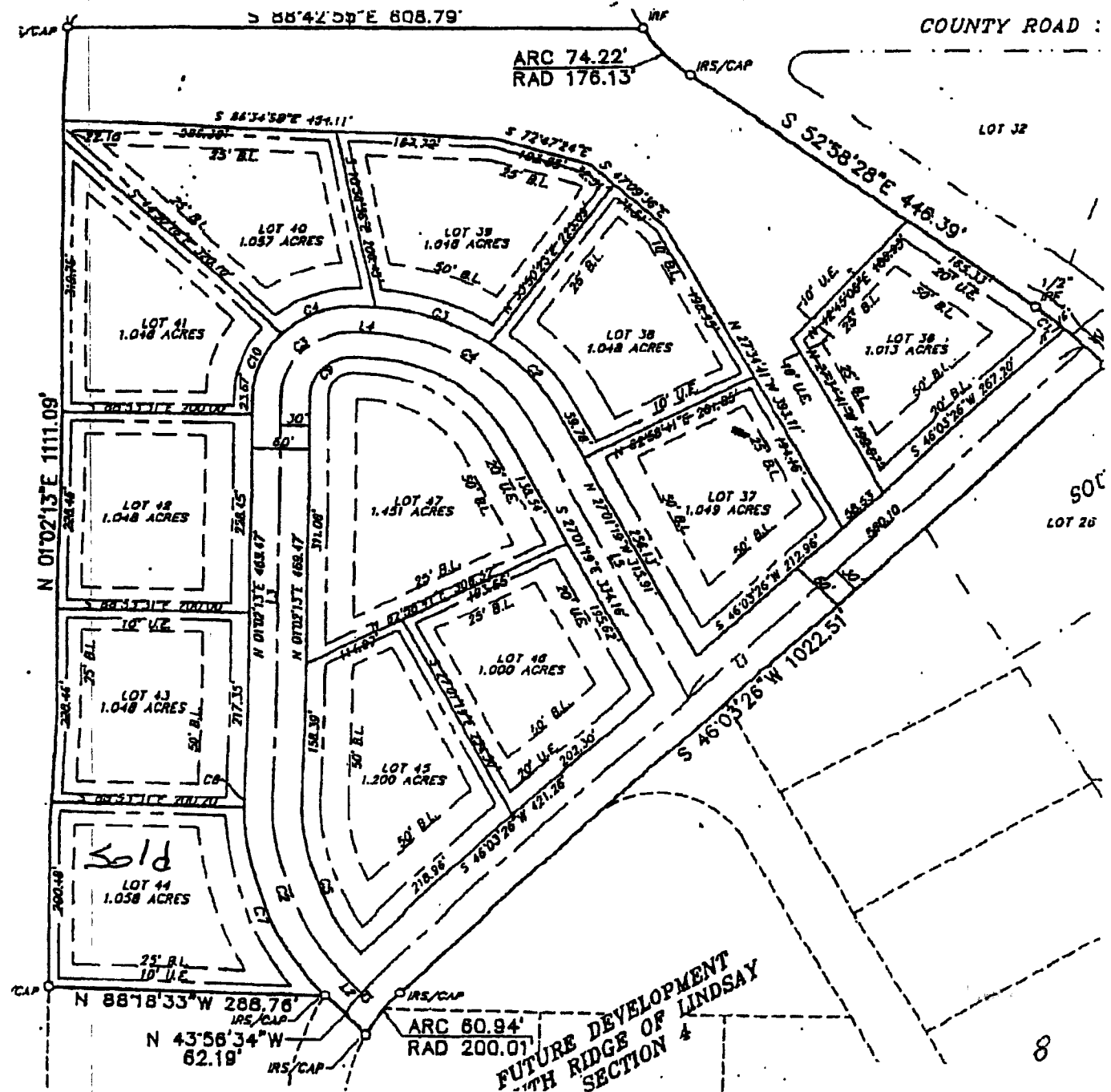
1.5 MILES TO HWY. 82

FM 3108

SOUTHERN BRIDGE of LINDSAY PHASE 2



SOUTH RIDGE of Lindsay Phase 3



TEXAS NATURAL RESOURCE CONSERVATION COMMISSION



STATE OF TEXAS §
COUNTY OF TRAVIS §

07

I hereby certify that this is a true and correct copy of a Texas Commission on Environmental Quality (TCEQ) document, which is filed in the Records of the Commission Given under my hand and the seal of office.

Rodney D. Peschel

Rodney D. Peschel, Alternate Custodian of Records
Texas Commission on Environmental Quality

CERTIFICATE OF CONVENIENCE AND NECESSITY

To Provide Water Service Under V.T.C.A., Water Code
and Texas Natural Resource Conservation Commission Substantive Rules

Certificate No. 12858

I. Certificate Holder:

Name: Lindsay Pure Water Company, a Texas Corporation

Address: P. O. Box 5
Lindsay, Texas 76250

II. General Description and Location of Service Area:

The area covered by this certificate, known as the South Ridge of Lindsay Subdivision, is located approximately 5 miles west of downtown Gainesville, Texas on Farm to Market Road 3108. The service area is generally bounded on the east by Farm to Market Road 3108 and on the north by Elm Creek in Cooke County, Texas.

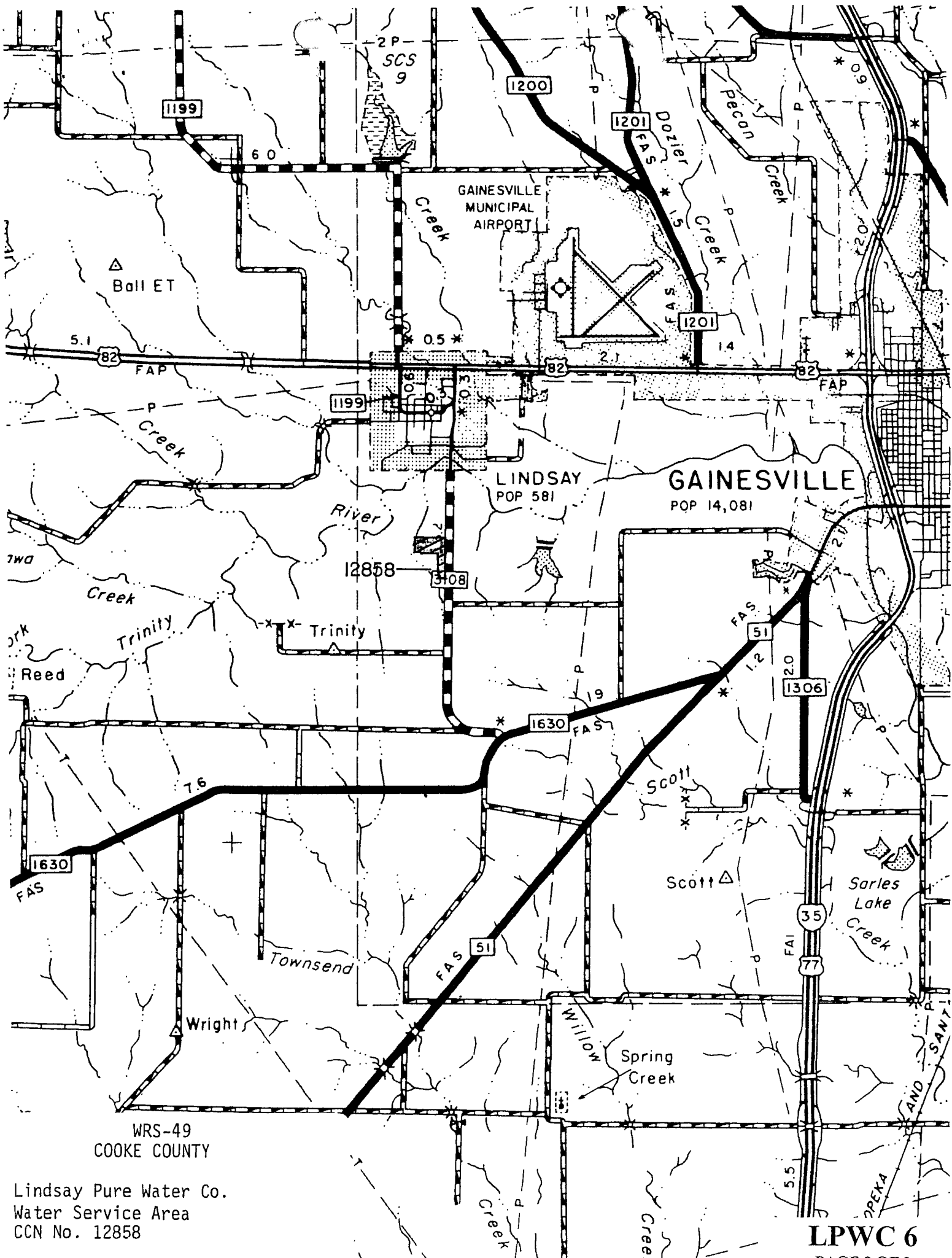
III. Certificate Maps:

The certificate holder is authorized to provide water service in the area identified on the Commission's official water service area map, WRS-49, maintained in the offices of the Texas Natural Resource Conservation Commission, 12015 Park 35 Circle, Austin, Texas with all attendant privileges and obligations.

This certificate is issued under Application No. 31888-C and subject to the rules and orders of the Commission, the laws of the State of Texas, conditions contained herein and may be revoked for violations thereof. The certificate is valid until amended or revoked by the Commission.

Issued Date: **APR 17 1998**

Jan Sam
For the Commission 8



WRS-49
COOKE COUNTY

Lindsay Pure Water Co.
Water Service Area
CCN No. 12858

Lindsay Pure Water Company

Water Tariff Page No. 2

Revision Date 1/1

SECTION 1.0 - RATE SCHEDULE

Section 1.01 - Rates

<u>Meter Size</u>	<u>Monthly Base Rate</u>	<u>Gallonge Charge</u>
5/8" or 3/4"	\$ <u>18.50</u> (INCLUDING <u>2,000</u> GALLONS)	\$ <u>2.00</u>
1"	\$ <u>18.50</u>	per 1000 gallons
1½"	\$ <u>40.00</u>	same for all meter sizes
2"	\$ <u>62.50</u>	Above 30,000 gallons: \$2.50
3"	\$ <u>114.00</u>	Above 70,000 gallons: \$3.50

REGULATORY ASSESSMENT 1.0%
 A REGULATORY ASSESSMENT, EQUAL TO ONE PERCENT OF THE CHARGE FOR RETAIL
 WATER SERVICE ONLY, SHALL BE COLLECTED FROM EACH RETAIL CUSTOMER.

Section 1.02 - Miscellaneous Fees

TAP FEE \$ 600.00
 THE TAP FEE IS BASED ON THE AVERAGE OF THE UTILITY'S ACTUAL COST FOR MATERIALS
 AND LABOR FOR STANDARD RESIDENTIAL CONNECTION OF 5/8" or 3/4" METER. IF A ROAD BORE
 IS REQUIRED, THE ACTUAL COST OF THE ROAD BORE WILL BE ADDED TO THE TAP FEE.

RECONNECTION FEE

THE RECONNECT FEE WILL BE CHARGED BEFORE SERVICE CAN BE RESTORED
 TO A CUSTOMER WHO HAS BEEN DISCONNECTED FOR THE FOLLOWING REASONS:

- a) Non payment of bill (Maximum \$25.00) \$ 25.00
 b) Customer's request \$ 25.00
 OR OTHER REASONS LISTED UNDER SECTION 2.0 OF THIS TARIFF

TRANSFER FEE \$ 25.00
 THE TRANSFER FEE WILL BE CHARGED FOR CHANGING AN ACCOUNT NAME AT
 THE SAME SERVICE LOCATION WHERE THE SERVICE IS NOT DISCONNECTED.

LATE CHARGE \$ 2.00 OR 5%
 A ONE TIME PENALTY MAY BE MADE ON DELINQUENT BILLS BUT MAY NOT BE APPLIED
 TO ANY BALANCE TO WHICH THE PENALTY WAS APPLIED IN A PREVIOUS BILLING.

RETURNED CHECK CHARGE \$ 15.00

CUSTOMER DEPOSIT (Maximum \$50) \$ 50.00

METER TEST FEE (actual cost of testing the meter up to) \$ 25.00
 THIS FEE MAY BE CHARGED IF A CUSTOMER REQUESTS A SECOND METER TEST WITHIN A
 TWO YEAR PERIOD AND THE TEST INDICATES THAT THE METER IS RECORDING ACCURATELY.

RATES LISTED ARE EFFECTIVE ONLY IF
 THIS PAGE HAS TNRCC APPROVAL STAMP

WATERTAR.FRM (Rev. 1/96)

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION
 APPROVED
 Date 2-24-98 Docket 31888-C
 File 12858 By AB
 TARIFF CLERK

In the State of Texas

§
§
§

County of Cooke

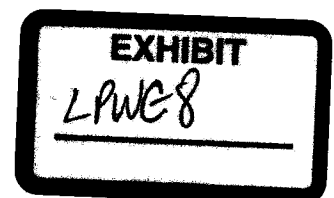
I, Betsy Fleitman, City Secretary for the City of Lindsay, Texas, hereby certify that the attached document is a true and correct copy of a document taken from the official City files of the City of Lindsay, Texas, and is maintained in the regular course of business of the City of Lindsay, Texas. Given under my hand and the seal of office on June 3, 2008.

Betsy Fleitman
City Secretary
City of Lindsay, Texas

Record copy

278

AS



CITY OF LINDSAY, TEXAS**ORDINANCE NO. 0805-3**

AN ORDINANCE OF THE CITY OF LINDSAY, TEXAS, ESTABLISHING REGULATIONS FOR PROVIDING UTILITY SERVICE OUTSIDE THE CORPORATE LIMITS; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND DOLLARS FOR EACH INSTANCE OF VIOLATION OF THE ORDINANCE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Lindsay is providing for the supply and distribution of water and the treatment of wastewater, to promote the health, safety, and convenience of its citizens and for the safeguarding of water resources common to all residents of the community and adjacent areas; and,

WHEREAS, for the protection of its citizens, there is a need for establishing regulations for providing utility service outside the corporate limits of the City of Lindsay; now therefore

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LINDSAY THAT:

SECTION 1: UTILITY SERVICE OUTSIDE CITY

(A) Any person desiring utility services furnished by the city to property which is outside the limits of the city shall, prior to the furnishing of utility service by the city, including water and sewer, file a petition for annexation which shall be in the form prescribed by Texas Local Government Code, Section 43.028 and execute a written agreement providing minimum requirements as follows:

- (1) The furnishing of utility services shall not be construed to compel the city to furnish consumers beyond the corporate limits or to continue such supply once begun.
- (2) The city reserves the right to furnish such customers it deems advisable, and to, at any time, wholly or partially discontinue the utility service.
- (3) Any utility main constructed outside of the corporate limits shall be entirely at the owner's expense and it, as and when incorporated within the city, shall become the property of the city without reimbursement to the owner; and, the city assumes no responsibility or liability for satisfactory service maintenance, pressure or wastage until it acquires sole ownership as a part of its utility system.
- (4) In the event of a relocation or the construction of a permanent line or main, the property owner shall pay the pro rata cost on his or her property at the then applicable rates, and connect his or her service to said permanent line or main.
- (5) Exception: In no event shall sewer service be furnished beyond the corporate limits unless the persons desiring sewer utility service are currently receiving

water from the water utility of the City of Lindsay, Cooke County, Texas, or an agreement consistent with the provisions of this Ordinance to provide city water utility service to the petitioners property has been reached.

(B) The City Council may, if in their judgment it is deemed advisable, render water or sewer services to premises situated outside of the corporate limits of the city upon complying with this section, and in addition, subject to the following conditions and rules.

- (1) WATER--application; construction and materials requirements: Any person desiring to use the water shall, when an extension of a main is necessary to render such service, make application to the Public Works Department requesting service, and shall state in such application the exact location of the premises to be served and the purpose for which the water is to be used. Such application shall also contain an agreement signed by the owner of the property to be served which will render the owner liable for all water rates or charges accruing under such service. In the event such application is granted, such person so applying shall, at his or her own cost and expense, lay the kind and character of water pipe prescribed by the city, the minimum size of which shall be six inches (6"), before connection with the city water main; furthermore, any such person shall, at his or her own cost and expense, purchase a meter together with a meter box and necessary fittings, all of which shall be of the kind and character prescribed by the Public Works Department, for the purpose of measuring water so petitioned for by the person, and such water pipe and meter shall be kept at all times in a good condition of repair at the cost of such person using the water and such water connections so made, and all pipes laid by such person shall be in accordance with the regulations governing connections and the laying of water pipes within the city.
- (2) SEWER--application; construction and materials requirements: Subject to Section 1, (A), (5) above, any person desiring sewer service shall, when an extension of a main is necessary to render such service, make application to the Public Works Department, requesting service, and shall state in such application the exact location of the premises to be served and the purpose for which wastewater treatment is required. Such application shall also contain an agreement signed by the owner of the property to be served which will render the owner liable for all sewer rates or charges accruing under such service. In the event such application is granted, such person so applying shall, at his or her own cost and expense, engineer the proposed sewers and provide detailed plans and specifications for review by the city's engineer. Furthermore, any such person shall, at his or her own cost and expense, construct the sewer pipe, manholes, or lift station, and related appurtenances, all of which shall be of the kind and character prescribed by the Public Works Department, for the purpose of wastewater treatment so petitioned for by the person, and such sewer collection system shall be kept at all times in a good condition of repair at the cost of such person using the collection system so made, and all materials laid by such person shall be in accordance with the regulations governing the construction of sewer mains within the city.

State Law reference-Authority to operate utilities and prescribe rates, V.T.C.A., Local Government Code, § 402.017; City has exclusive jurisdiction over all water and sewer utility rates, operations, and services provided by a water and sewer utility, V.T.C.A., Water Code, § 13.042; Authority to control and regulate waste discharges and require pretreatment, V.T.C.A., Water Code, § 26.176 and § 26.177.

- (2) **Written Permission to Connect:** When such extension of water or sewer mains or service pipes have been installed outside of the corporate limits and application for additional service is made to connect with such extension or service pipe, such applicant shall present with his or her application written permission to connect with such extension of the main or service, signed by the original applicant who paid the original cost thereof or by his or her assigns.
- (3) **City Not Liable For Maintenance of Pipe; Discontinuance:** The city shall not be liable for the maintenance of any water or sewer main or service pipe lying outside of the corporate limits of the city and the right is reserved to discontinue water or sewer service through any such main or service line which causes a waste or leakage of water or sewer.
- (4) **City Not Liable For Defective Condition of Pipe or Ditches:** The city shall in no case be liable on account of any defective condition in any water or sewer pipe, or in any trench or ditch dug for the purpose of laying water or sewer pipe by any person desiring to make connection with any of the city's mains, and it shall always be expressly understood that the person using said water or sewer shall, at all times, keep the pipes, related appurtenances, and other connections in good condition of repair, and shall be liable for all damages occasioned to any person or property by reason of any defective condition arising through the want of repair, or otherwise, to the water or sewer pipe or the ditches in which the same are laid.
- (5) **City May Revoke Permission:** It is further understood that in no event will the city, under the terms of this section, be obligated to continue to furnish water or sewer service to any person outside of the corporate limits, but may revoke the permission at any time without notice.
- (6) **Regulations:** All such service outside the corporate limits shall, in all respects not otherwise provided herein, be subject to the same regulations for service and the manner of paying the compensation, as provided for service inside of the corporate limits.
- (7) **Placing of Meters:** All meters serving premises outside of the corporate limits shall be set inside (or as near as practicable) the corporate limits, and the city shall not be responsible for the condition of any mains, pipes or services outside of the corporate limits or beyond the meter serving such premises.
- (8) **If approval is granted to locate the meter beyond the corporate limits, an in-line valve shall be installed at the corporate limits in its place.**

SECTION 2: PENALTY PROVISION

Any person, firm or corporation violating any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon final conviction thereof fined in an amount not exceeding two thousand dollars (\$2,000.00) for violations of all provisions that govern fire safety, public health, and sanitation, and not exceeding five hundred dollars (\$500.00) for all other violations, provided, however, that no penalty shall be greater or less than the penalty provided for the same or similar offense under the laws of the State of Texas. Each and every day any such violation continues shall constitute a separate offense punishable hereunder.

SECTION 3: REPEAL CLAUSE

All parts of any ordinance in conflict with the provisions of this ordinance are to the extent of such conflict hereby repealed.

SECTION 4: SAVINGS CLAUSE

If any provision of this ordinance shall be held to be invalid or unconstitutional, the remainder of such ordinance shall continue in full force and effect the same as if such invalid or unconstitutional provision had never been a part hereof.

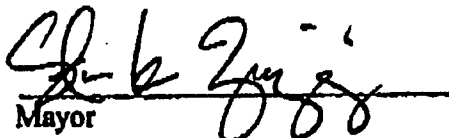
SECTION 5: EFFECTIVE DATE

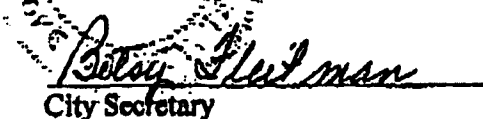
This ordinance is declared to be an emergency measure necessary for the immediate preservation of the peace, health, safety and general welfare of the people of this municipality and shall be effective upon the posting and/or publication of its caption as required by law and the City Secretary is hereby directed to implement such posting and/or publication.

PASSED AND APPROVED by the City Council of the City of Lindsay, Texas, on this the 8 day of August 2005.

Ayes 4
Nays 0
Abstentions 0

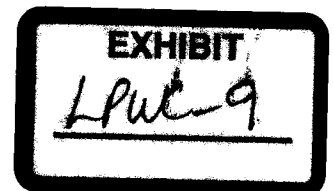
APPROVED:


Mayor


ATTEST:

City Secretary

**2002 BUILDING PERMITS
1/1/2002 UNTIL 8/28/2002**

DATE	NAME	TYPE	LOCATION	COST
1/21/2002	Charles Cler	New Home	115 Circle Drive West	\$105,000.00
1/28/2002	Miklos Nagy	New Home	Nagy Addition Lot #2	\$90,000.00
2/25/2002	Bruce Bezner	Pool	900 Ash	\$37,000.00
2/25/2002	Manly Taylor	Pool	114 Circle Drive West	\$23,000.00
2/25/2002	Bruce Bezner	Shop	900 Ash	\$15,000.00
4/10/2002	Salty Rose	Pool	200 Hillside	\$16,000.00
5/6/2002	Muenster Bldg. Ctr.	New Home	Lot #6 - Second Street	\$125,000.00
5/11/2002	Andy Popp	Patio	619 Elizabeth Street	\$800.00
5/29/2002	Leonard Bengfort	New Home	100 Circle Drive West	\$130,000.00
6/4/2002	Milton Ward	Pool	204 Hillside Lane	\$39,000.00
6/6/2002	Muenster Bldg. Ctr.	New Home	118 Second Street (Lot #5)	\$128,000.00
6/11/2002	Charlie Meurer	Pool	115 Second Stree	\$23,000.00
6/12/2002	Sheila Jones	Pool	1210 Nortman Drive	\$35,000.00
6/20/2002	Boyce Rose	Shop	121 West Seventh Street	\$20,000.00
7/3/2002	Pat Benton	Shop	502 Henry Street	\$4,600.00
7/10/2002	F & Z Construction	Addition	218 East JM Lindsay Blvd.	\$15,000.00
8/1/2002	Irby McCready	Addition	225 W. Sixth Street	????
9/16/2002	Greg Hanson	New Home	105 Circle Drive West	\$165,000.00
9/18/2002	David Parsons	New Home	102 East Seventh Street	\$125,000.00
9/23/2002	Keith Early	Addition	610 Elm Street	\$70,000.00
9/23/2002	Bob Webster	Addition	324 Parkview Street	\$24,000.00
11/14/2002	Travis Hunchton	New Home	103 Bezner	\$150,000.00
11/25/2002	Mark Krebs	New Home	1204 Nortman Drive	\$200,000.00
			TOTAL	\$1,540,400.00



2003 BUILDING PERMITS
1/1/2003 UNTIL 12/31/2003

DATE	NAME	TYPE	LOCATION	COST
1/14/2003	Bengfort Construction	New Home	109 Circle Drive West	\$150,000.00
1/20/2003	Shannon Moran	Shop	118 Second Street	\$1,500.00
1/22/2003	Jeff Hellman	Addition	114 Second Street	\$1,500.00
2/3/2003	Phil Murry	Addition	206 Fourth Street	\$7,500.00
2/5/2003	Jerry Metzler	New Home	121 Second Street	\$170,000.00
2/12/2003	Myrick Custom Homes	New Home	208 Seventh Street	\$165,000.00
2/12/2003	Tracy Huchton	Addition	812 Ash Street	\$10,000.00
2/27/2003	Muenster Bldg. Ctr.	New Home	124 Second Street	\$140,000.00
2/18/2003	Pete Horn	Addition	100 Circle Drive West	\$9,000.00
2/18/2003	Paul Walker	New Home	102 Maple Street	\$130,000.00
2/18/2003	Paul Walker	Shop	102 Maple Street	\$8,000.00
3/31/2003	Philip Reiter	New Business	230 West JM Lindsay Blvd.	\$180,000.00
4/3/2003	Kevin Sebade	New Home	202 Hillside Lane	\$200,000.00
4/16/2003	Walter Lutkenhaus	Private Garage	304 N. Pecan	\$10,000.00
4/22/2003	Boyce Rose	New Home	121 West Seventh	\$125,000.00
4/22/2003	Gloria Saraceno	Swimming Pool	109 Circle Drive West	\$30,000.00
5/1/2003	Don Metzler*	Renovations	231 East Sixth Street	unknown
5/12/2003	Steve Zimmerer	Garage	221 First Street	\$20,000.00
5/19/2003	Ronald Krebs	10x10 Storage	501 Hickory	\$800.00
6/2/2003	Jim Beck	New Home	808 Ash Street(Rent Property)	\$70,000.00
6/9/2003	Jill & Pat Fuhrmann	New Home	203 E. Sixth Street	\$66,000.00
6/9/2003	Jill & Pat Fuhrmann	Detached Garage	204 E. Sixth Street	\$15,500.00
7/3/2003	Diamond Fuhrmann	Shed	831 Ash Street	\$9,000.00
7/14/2003	Walter Lutkenhaus	New Home	304 N. Pecan	\$70,000.00
7/15/2003	Nancy Barnes	Swimming Pool	312 Ninth Street	\$20,000.00
7/17/2003	Kevin Sebade	Swimming Pool	202 Hillside Lane	\$30,000.00
8/5/2003	Pat Fuhrmann	Car Wash	314 East JM Lindsay Blvd.	\$200,000.00
8/6/2003	Michael's Custom Homes	New Home + Shop	1215 Nortman Drive	\$250,000.00
8/25/2003	Matthew Fuhrmann	New Home	103 Circle Drive West	\$150,000.00
8/28/2003	Third Spur Dance Hall	Addition & Renovations	219 East JM Lindsay Blvd.	\$32,000.00
9/9/2003	Bengfort Construction	New Home	311 Hickory Street	\$12,000.00
9/16/2003	Michael's Custom Homes	New Home + Shop	1219 Nortman Drive	\$245,000.00
10/13/2003	Randy Atkins	Shop - Addition	116 Second Street	\$20,000.00
10/27/2003	Michael's Custom Homes	New Home	1103 Nortman Drive	\$160,000.00
10/27/2003	Michael Hermes	New Home + Shop	1208 Nortman Drive	\$235,000.00
10/28/2003	Dan Young	Addition + Detached Garage	331 Sixth Street	\$30,000.00

2003 BUILDING PERMITS
1/1/2003 UNTIL 12/31/2003

10/28/2003	Glenn Fuhrmann	Shop	117 W. Second Street	\$9,900.00
11/6/2003	Raj Patel	New Home	207 Hillside Lane	\$250,000.00
12/15/2003	William McFarlin	Storage Bldg	309 North Hickory	\$9,000.00
TOTAL				\$3,241,700.00

*No Permit Required

2004 BUILDING PERMITS
1/1/2004 UNTIL 12/31/2004

DATE	NAME	TYPE	LOCATION	COST
1/5/2004	Jerry Metzler	Swimming Pool	121 Second Street	\$25,000.00
3/1/2004	Muenster Builder's Ltd.	New Home	505 Katie Street	\$140,000.00
3/1/2004	Michael's Custom Homes	New Home	511 Katie Street	\$135,000.00
3/1/2004	Michael's Custom Homes	New Home	1218 Nortman Drive	\$275,000.00
3/1/2004	Michael's Custom Homes	New Home	1217 Walter Street	\$275,000.00
3/18/2004	Jeff Williford	Addition to Home	606 Oak Street	\$29,000.00
3/18/2004	Jeff Williford	Shop	600 Oak Street	\$18,000.00
3/29/2004	JP Custom Homes	New Home	104 N. Maple	\$250,000.00
3/31/2004	Ralston Outdoor Advertising	Billboard	410 West JM Lindsay Blvd.	\$10,000.00
4/7/2004	James Dennison	Addition to Shop	229 Hickory	\$6,000.00
4/20/2004	Alrich Zwinggi	concrete slab	506 Henry Street	\$600.00
4/21/2004	Burl Capels	storage shed	1101 Nortman Drive	\$2,000.00
5/11/2004	Anthony Cler	New Home	1206 Nortman Drive	\$140,000.00
5/11/2004	Anthony Cler	One Car Garage	1207 Nortman Drive	\$10,000.00
5/11/2004	Tim Fogle	Addition w/plumbing	819 Willow Street	\$40,000.00
6/28/2004	Larry Skeans	Swimming Pool	1218 Nortman Drive	\$30,000.00
7/22/2004	Community Lumber	Commercial Building	1002 Pecan	\$175,000.00
7/26/2004	Greg Dulock	Shop	109 E. Sixth Street	\$29,000.00
8/10/2004	Theresa Hermes	RV port	313 West JM Lindsay Blvd.	\$3,000.00
8/10/2004	John Sandmann	Shop & Carport	119 E. First Street	\$18,000.00
8/10/2004	Bob Middlebrooks	Shop	206 E. Seventh Street	\$30,000.00
8/24/2004	Chad Fleitman	Addition to Home, Carport, Deck	419 Maple Street	\$23,000.00
9/8/2004	Lindsay ISD	Gymnasium	601 Knight Drive	\$1,950,000.00
9/23/2004	JP Custom Homes	Shop	104 North Maple	\$8,000.00
10/19/2004	Michael's Custom Homes	New Home	515 Katie Street	\$125,000.00
10/27/2004	Michael's Custom Homes	New Home	110 Second Street	\$120,000.00
11/24/2004	Muenster Builder's Ltd.	New Home	507 Katie Street	\$150,000.00

2004 BUILDING PERMITS
1/1/2004 UNTIL 12/31/2004

\$4,016,600.00

TOTAL

*No Permit Required

2005 BUILDING PERMITS
1/1/2005 UNTIL 12/31/2005

DATE	NAME	TYPE	LOCATION	COST
2/10/2005	JP Custom Homes	New Home	402 Second Street	\$270,000.00
2/14/2005	Sudha Patel	Business - Motel	312 West JM Lindsay Blvd.	\$736,000.00
2/15/2005	Steven Zwinggi	New Home	1217 Nortman Drive	\$250,000.00
2/21/2005	Charles Cler	New Home	1015 Nortman Drive	\$150,000.00
3/1/2005	Jim Myrick Custom Homes	New Home	210 Seventh Street	\$150,000.00
3/1/2005	Steven Zwinggi	Garage	1015 Nortman Drive	\$9,000.00
3/17/2005	Jeff Darwin	New Home	517 Katie Street	\$145,000.00
3/23/2005	Tim & Michelle Brewer	Storage Bldg.	505 Katie Street	\$9,000.00
3/24/2005	Glenn Guttridge (Peter Watson)	Addition & Move Carport	707 East JM Lindsay Blvd.	\$30,000.00
4/4/2005	Bengfort Construction	New Home	512 Katie Street	\$150,000.00
4/27/2005	Daniel Dudenhoeffer	Swimming Pool	104 Elmview	\$30,000.00
5/11/2005	Daniel Orr	Storage Bldg.	318 Parkview Drive	\$6,000.00
5/12/2005	Michael's Custom Homes	New Home	510 Katie Street	\$140,000.00
5/15/2005	Phil Metzler	Shop	1103 Nortman Drive	\$8,000.00
6/20/2005	JP Custom Homes	New Home	309 Second Street	\$195,000.00
6/30/2005	Salty Rose	Swimming Pool	104 North Maple	\$20,000.00
7/12/2005	Pat Fuhrmann	New Home	103 West Sixth Street	\$150,000.00
7/12/2005	Pat Fuhrmann	New Home	105 West Sixth Street	\$145,000.00
7/12/2005	Pat Fuhrmann	New Home	615 Pecan Street	\$140,000.00
9/8/2005	Michael's Custom Homes	New Home	500 Katie Street	\$140,000.00
9/13/2005	Muenster Builders Ltd.	New Home	501 Katie Street	\$138,000.00
9/14/2005	Michael's Custom Homes	New Home	1216 Nortman Drive	\$240,000.00
10/4/2005	Mark Meece	New Home	514 Katie Street	\$150,000.00
11/22/2005	Rosalie Reiter	Garage/Shop	415 Pecan Street	\$12,500.00
11/22/2005	Tom Case	Garage	501 Katie Street	\$11,000.00
11/30/2005	Michael's Custom Homes	New Home	1301 Walter Street	\$180,000.00
11/30/2005	Michael's Custom Homes	New Home	509 Katie Street	\$140,000.00
12/28/2005	Gregg Krebs	Shop & Privacy Fence	515 Katie Street	\$7,000.00
12/28/2005	Jeff Darwin	Shop & Privacy Fence	517 Katie Street	\$7,000.00
TOTAL				\$3,758,500.00

*No Permit Required

2006 BUILDING PERMITS
1/1/2006 UNTIL 12/31/2006

DATE	NAME	TYPE	LOCATION	COST
1/5/2006	Alta Louise Davenport	Privacy Fence	309 Second Street	\$1,000.00
1/24/2006	Neil & Dawn Snider	Shop	105 West Sixth Street	\$2,500.00
2/2/2006	Boyce & Wanda Rose	Fence	121 West Seventh Street	\$2,000.00
2/27/2006	Harry Kessner	Shop & Addition to Porch	507 Katie Street	\$6,000.00
2/27/2006	Michael's Custom Homes	New Home	508 Katie Street	\$130,000.00
3/8/2006	Shawn Neu	Addition to Home	201 East Sixth Street	\$6,000.00
3/13/2006	Michael Hermes	Swimming Pool	1216 Nortman Drive	\$30,000.00
3/30/2006	Shawn Neu	Carport	201 East Sixth Street	\$800.00
4/12/2006	Maurice Hurd	Room Addition	1109 Nortman Drive	\$17,500.00
4/26/2006	James & Arline Allen	Portable Shop	100 Seventh Street	\$1,000.00
5/24/2006	Michael's Custom Homes	New Home & Shop	1218 Walter Street	\$299,900.00
6/1/2006	Muenster Builder's Ltd.	New Home	122 Second Street	\$191,000.00
6/7/2006	Pat Bezner	Shop Addition	304 West First Street	\$4,400.00
6/15/2006	Jimmy Dennison	Carport	110 Elmview	\$800.00
6/15/2006	Phil's Collision Repair	Office Addition	230 East JM Lindsay Blvd.	\$8,750.00
6/27/2006	Keith Early	Shop	610 Elm Street	\$7,000.00
6/27/2006	Landmark Bank	Temporary Fixed Building	1001 Pecan Street	\$250,000.00
7/11/2006	Pat Hunt	Swimming Pool	115 Circle Drive West	\$30,000.00
7/13/2006	Larry Schumacher	Privacy Fence	312 Circle Drive	\$1,200.00
8/14/2006	Landmark Bank	Monument Style Sign	1001 Pecan Street	\$8,000.00
8/16/2006	Harry Kessner	Chain Link Fence/east side of property	507 Katie Street	\$1,000.00
9/20/2006	Jeremy Wallace	Privacy Fence	106 Bezner Street	\$2,500.00
9/25/2006	Marla & Rhett Davy	New Home	1202 Nortman Drive	\$150,000.00
9/25/2006	Tim Fogle	Swimming Pool	1218 Walter Street	\$40,000.00
10/3/2006	Bryan & Laura Beaudin	New Home	201 Hillside Lane	\$150,000.00
12/6/2006	Mark Branson	Install Propane Tank	122 Second Street	\$2,000.00
			TOTAL	\$1,343,450.00

*No Permit Required

2007 BUILDING PERMITS
1/1/2007 UNTIL 12/31/2007

DATE	NAME	TYPE	LOCATION	COST
1/11/2007	Keith Early	Boat Shed	610 Elm Street	\$7,000.00
1/24/2007	Steve & Kay Neu	New Home	1212 Walter Street	\$230,000.00
2/13/2007	Shawn Neu	Remodel	201 East Sixth Street	\$8,000.00
3/12/2007	Lewis & Tina Ozuna	Remodel	120 East Main Street	\$10,000.00
3/15/2007	Phil Reiter	Remodel	112 East Main Street	\$8,500.00
3/19/2007	Cavin King	New Home	1300 Nortman Drive	\$220,000.00
3/26/2007	Tim Brewer	New Home	1300 Walter Street	\$250,000.00
3/26/2007	Jeff & Laura McNeill	Swimming Pool	210 East Seventh Street	\$43,000.00
4/16/2007	Michael Hermes	New Home	125 Second Street	\$195,000.00
4/25/2007	Kenny Fleitman	Portable Building	401 Elm Street	\$2,000.00
7/5/2007	Charles Cler	Remodel, Expansion, and Plumbing/Gas	114 Circle Drive West	\$31,500.00
8/13/2007	Jake Kessler	New Home	206 Hillside Lane	\$400,000.00
8/29/2007	Robin Rose	Shop Wall & Arbor	200 Hillside Lane	\$1,000.00
9/4/2007	Tim Brewer	Swimming Pool	1300 Walter Street	\$25,000.00
9/12/2007	Marie Zimmerer	Portable Shop	325 Main Street	\$1,800.00
9/14/2007	Jeff & Laura McNeill	Portable Shop	210 East Seventh Street	\$2,709.00
9/27/2007	Jim Myrick (Angie Matthews)	Remodel & Flood Cleanup	1200 Parkview	\$105,122.00
10/1/2007	Lindsay ISD	Softball/Baseball/Football Fields	510 West Fourth Street	\$922,875.00
10/3/2007	Dieter Bros Restaurant	Addition	401 E. JM Lindsay Blvd	\$30,000.00
10/3/2007	Robert Walterscheid	Enclosed Porch	706 Oak Street	\$8,692.91
10/10/2007	Lindsay Gun Club (Paul Hess)	Electrical Work	107 Main Street	\$1,312.00
10/31/2007	Muenster Builders LTD	New Home	502 Katie Street	\$165,000.00
10/16/2007	David Parsons	Shop	102 East Seventh Street	\$5,000.00
10/17/2007	Nelda Faye Skeans	Portable Shop	109 Circle Drive West	\$6,000.00
10/25/2007	Jeff & Laura McNeill	Storm Shelter	210 East Seventh Street	\$5,000.00
11/13/2007	Jeanie Porter	Remodel of an existing structure	115 First Street	\$6,000.00
11/19/2007	Michael Hermes(Brandon Bayer)	New Home	1208 Walter Street	\$320,000.00
		TOTAL		\$3,011,510.91

*No Permit Required

2008 BUILDING PERMITS
1/1/2008 UNTIL 12/31/2008

DATE	NAME	TYPE	LOCATION	COST
1/23/2008	Michael's Custom Homes	New Home	1215 Walter Street	\$210,000.00
2/8/2008	Fred & Courtney Hughes	New Home	400 2nd Street	\$249,000.00
2/19/2008	Pat Fuhrmann	New Home	902 Ash Street	\$290,000.00
2/25/2008	Monte Wimmer	Swimming Pool	505 Katie Street	\$50,000.00
3/13/2008	Emily Gum	Fence	301 Walter Street	\$5,000.00
3/27/2008	Christi Secrest	Back Patio	508 Henry Street	\$2,000.00
3/27/2008	Roger Wann	Privacy Fence	104 N. Maple Street	\$5,000.00
4/1/2008	Tom Case	Swimming Pool	501 Katie Street	\$35,000.00
4/10/2008	Vicky Thurman	New Home	223 Hickory Street	\$200,000.00
4/30/2008	Monte Wimmer	Back Flow Prevention Device	505 Katie Street	\$0.00

\$1,046,000.00

TOTAL

*No Permit Required

30 TAC § 291.102

UTILITY REGULATIONS

291.102. Criteria for Considering and Granting Certificates or Amendments

In determining whether to grant a new certificate of public convenience and necessity, the commission shall ensure that the applicant possesses the financial, managerial, and technical capability to provide continuous and adequate service.

For water utility service, the commission shall ensure that the applicant is capable of providing drinking water that meets the requirements of Health and Safety Code, Chapter 341 and commission rules and has access to an adequate supply of water.

For sewer utility service, the commission shall ensure that the applicant is capable of meeting the commission's design criteria for sewer treatment plants, commission rules, and the Texas Water Code.

Where a new certificate of convenience and necessity is being issued for an area which would require construction of a physically separate water or sewer system, the applicant must demonstrate that regionalization or consolidation with another retail public utility is not economically feasible. To demonstrate this, the applicant must at a minimum provide:

(1) a list of all public drinking water supply systems or sewer systems within a two-mile radius of the proposed system;

(2) copies of written requests seeking to obtain service from each of the public drinking water supply systems or sewer systems or demonstrate that it is not economically feasible to obtain service from a neighboring public drinking water supply system or sewer system;

(3) copies of written responses from each of the systems from which written requests for service were made or evidence that they failed to respond;

(4) a description of the type of service that a neighboring public drinking water supply system or sewer system is willing to provide and comparison with service the applicant is proposing;

(5) an analysis of all necessary costs for constructing, operating, and maintaining the new system for at least the first five years, including such items as taxes and insurance;

(6) an analysis of all necessary costs for acquiring and continuing to receive service from the neighboring public drinking water supply system or sewer system for at least the first five years.

(c) The commission may approve applications and grant or amend a certificate only after finding that the certificate is necessary for the service,

accommodation, convenience, or safety of the public. The commission may issue or amend the certificate as applied for, or refuse to issue it, or issue it for the construction of a portion only of the contemplated system or facility or extension thereof, or for the partial exercise only of the right or privilege and may impose special conditions necessary to ensure that continuous and adequate service is provided.

(d) In considering whether to grant or amend a certificate, the commission shall also consider:

(1) the adequacy of service currently provided to the requested area;

(2) the need for additional service in the requested area;

(3) the effect of the granting of a certificate on the recipient of the certificate and on any retail public utility of the same kind already serving the proximate area;

(4) the ability of the applicant to provide adequate service;

(5) the feasibility of obtaining service from an adjacent retail public utility;

(6) the financial stability of the applicant, including, if applicable, the adequacy of the applicant's debt-equity ratio;

(7) environmental integrity; and

(8) the probable improvement in service or lowering of cost to consumers in that area.

(e) The commission may require an applicant utility to provide financial assurance to ensure that continuous and adequate utility service is provided. The commission shall set the amount of financial assurance. The form of the financial assurance will be as specified in Chapter 37, Subchapter O of this title (relating to Financial Assurance for Public Drinking Water Systems and Utilities).

(f) Where applicable, in addition to the other factors in this section the commission shall consider the efforts of the applicant to extend service to any economically distressed areas located within the service areas certificated to the applicant. For purposes of this subsection, "economically distressed area" has the meaning assigned in Texas Water Code, §15.001.

(g) For two or more retail public utilities that apply for a certificate of convenience and necessity to provide water or sewer utility service to an uncertificated area located in an economically distressed area as defined in Texas Water Code, §15.001, the executive director shall conduct an assessment of the applicants to determine which applicant

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30 TAC § 291.102

is more capable financially, managerially and technically of providing continuous and adequate service. The assessment shall be conducted after the preliminary hearing and only if the parties are unable to resolve the service area dispute. The assessment shall be conducted using a standard form designed by the executive director and will include:

- (1) all criteria from subsections (a)–(f) of this section;
- (2) source water adequacy;
- (3) infrastructure adequacy;
- (4) technical knowledge of the applicant;
- (5) ownership accountability;
- (6) staffing and organization;
- (7) revenue sufficiency;
- (8) credit worthiness;
- (9) fiscal management and controls;
- (10) compliance history; and
- (11) planning reports or studies by the applicant to serve the proposed area;

Source: The provisions of this §291.102 adopted to be effective January 10, 1996, 21 TexReg 114; amended to be effective February 4, 1999, 24 TexReg 738; amended to be effective October 19, 2000, 25 TexReg 10367.

§ 291.103. Certificates Not Required

(a) Extension of Service.

(1) Except for a utility or water supply or sewer service corporation which possesses a facilities only certificate of public convenience and necessity, a retail public utility is not required to secure a certificate of public convenience and necessity for:

(A) an extension into territory contiguous to that already served by it, if the point of ultimate use is within one quarter mile of the boundary of its certificated area, and not receiving similar service from another retail public utility and not within the area of public convenience and necessity of another retail public utility; or

(B) an extension within or to territory already served by it or to be served by it under a certificate of public convenience and necessity.

(2) Whenever an extension is made pursuant to paragraph (1)(A) of this subsection, the utility or water supply or sewer service corporation making the extension must inform the commission of the extension by submitting within 30 days of the date service is commenced, a copy of a map of the certificated area clearly showing the extension, accompanied by a written explanation of the extension.

(b) Construction of Facilities. A certificate is not required for the construction or upgrading of distri-

COMMISSION ON ENVIRONMENTAL QUALITY

bution facilities within the retail public utility's service area. The term construction and/or extension, as used in this subsection, shall not include the purchase or condemnation of real property for use as facility sites or right-of-way. However, prior acquisition of such sites or right-of-way shall not be deemed to entitle a retail public utility to the grant of a certificate of convenience and necessity without showing that the proposed extension is necessary for the service, accommodation, convenience, or safety of the public.

(c) Municipality Pursuant to the Texas Water Code, §13.255. A municipality which has given notice under the Texas Water Code, §13.255 that it intends to provide retail water service to an area or customers not currently being served is not required to obtain a certificate prior to beginning to provide service if the municipality provides:

(1) a copy of the notice required pursuant to the Texas Water Code, §13.255; and

(2) a map showing the area affected under the Texas Water Code, §13.255 and the location of new connections in the area affected which the municipality proposes to serve.

(d) Utility or Water Supply Corporation With Less Than 15 Potential Connections.

(1) A utility or water supply corporation is exempt from the requirement to possess a certificate of convenience and necessity in order to provide retail water service if it:

(A) has less than 15 potential service connections;

(B) is not owned by or affiliated with a retail public utility or any other provider of potable water service;

(C) is not within the certificated area of another retail public utility; and

(D) is not within the corporate boundaries of a district or municipality unless it receives written authorization from the district or municipality.

(2) Utilities or water supply corporations with less than 15 potential connections currently operating under a certificate of convenience and necessity may request revocation of the certificate at any time.

(3) The executive director may revoke the current certificate of convenience and necessity upon written request by the exempt utility or water supply corporation.

(4) An exempted utility shall comply with the service rule requirements in the Exempt Utility Tariff Form prescribed by the executive director

30 TAC § 291.104

nated representative of the water supply or sewer service corporation, affected county, district or municipality to submit an application for a certificate of convenience and necessity.

Source: The provisions of this §291.104 adopted to be effective October 9, 1990, 15 TexReg 4019; amended to be effective January 10, 1996, 21 TexReg 114.

§ 291.105. Contents of Certificate of Convenience and Necessity Applications

Applications for certificates of convenience and necessity or for an amendment to a certificate shall contain an original and three copies of the following materials unless otherwise specified in the application:

- (1) the appropriate application form prescribed by the commission, completed as instructed and properly executed;
- (2) a State Highway County Map, or equivalent, which clearly defines the proposed service area of the applicant. Service boundaries shall conform to verifiable landmarks such as roads, creeks, and railroads. Separate maps shall be filed for each county in which the retail public utility operates;
- (3) other more detailed maps as may be specified in the application form;
- (4) an original and three copies of any evidence as required by the commission to show that the applicant has received the necessary consent, franchise, permit or license from the proper municipality or other public authority;
- (5) an explanation of the applicant's reasons for contending that issuance of a certificate as requested is necessary for the service, accommodation, convenience, or safety of the public;
- (6) a schedule for the ultimate construction of all proposed facilities, keyed to maps showing where such facilities will be located to provide service;
- (7) source of funding for facilities;
- (8) for utilities or water supply or sewer service corporation previously exempted for operations or extensions in progress as of September 1, 1975, a list of all current customer locations which were being served on September 1, 1975, and an accurate location of them on the maps submitted. Current customer locations which were not being served on that date should also be located on the same map in a way which clearly distinguishes the two groups;
- (9) disclosure of all affiliated interests as defined by §291.3 of this title (relating to Definition of Terms); or

COMMISSION ON ENVIRONMENTAL QUALITY

(10) any other information that the executive director may reasonably require.

Source: The provisions of this §291.105 adopted to be effective January 10, 1996, 21 TexReg 114.

§ 291.106. Notice for Applications for Certificates of Convenience and Necessity

(a) If an application for issuance or amendment of a certificate of public convenience and necessity is filed, the applicant will prepare a notice or notices, as prescribed in the commission's application form, which will include the following:

(1) All information outlined in the Administrative Procedure Act, Government Code, Chapter 2001.

(2) all information stipulated in the commission's Instructions for Completing an Application for Certificate of Convenience and Necessity; and

(3) a statement that persons who wish to intervene or comment upon the action sought should contact the Utility Rates and Services Section, Water Utilities Division, Texas Natural Resource Conservation Commission, P. O. Box 13087, Austin, Texas 78711-3087, within 30 days of mailing or publication of notice, whichever occurs later.

(b) After reviewing and, if necessary, modifying the proposed notice, the commission will send the notice to the applicant for publication and/or mailing.

(1) For applications for issuance of a new certificate of public convenience and necessity, the applicant shall mail the notice to cities and neighboring retail public utilities providing the same utility service whose corporate limits or certificate of public convenience and necessity boundaries are within five miles of the requested service area boundaries, and any other area having an extra-territorial jurisdiction which overlaps the proposed service area boundaries.

(2) For applications for an amendment to a certificate of public convenience and necessity, the applicant shall mail the notice to cities and neighboring retail public utilities providing the same utility service whose corporate limits or certificate of public convenience and necessity boundaries are within two miles of the requested service area boundaries, and any other area having an extra-territorial jurisdiction which overlaps the proposed service area boundaries.

(3) Applicants previously exempted for operations or extensions in progress as of September 1, 1975, must provide individual mailing addresses for current customers. The notice must include the information required in the application form.

(4) Utilities that are required to provide a certificate but that are currently providing service



*RN# 101388338

*CN #

*If known(See instructions)

PURPOSE OF THIS APPLICATION

OBTAIN

☐ New Water CCN☐ New Sewer CCN

AMEND

✓ Water CCN # 13025✓ Sewer CCN # 20927**Received**

AUG 31 2005

Water Quality Application Team

*H. Rodriguez, Jr.***1. APPLICANT INFORMATION**Utility Name: City of LindsayUtility Address (city/state/zip) P.O. Box 3Lindsay, Texas 76250Utility Phone and Fax Number (940) 665-4455 Phone (940) 665-4910 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: Arturo D. Rodriguez, Jr. Title: AttorneyAddress: 102 West Morrow, Suite 103 Telephone (512) 930-1317City Georgetown St Texas Zip 78626 Fax (512) 930-7742County(ies) in which service is proposed Cooke County**A. Provide the following information about the utility's certified operators**

Name	Classes	License Number
Charles R. Young	B Wastewater Trtmt. Operator	WW0000042
	Customer Svc. Inspection Certifications	020268348
	Water Operations Company	WC0000055
	Wastewater Operations Company Registration	20083

- Attach additional sheet(s) if necessary -

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

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

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- C. If the applicant is a For-Profit Corporation: N/A
- i. Please provide a copy of the corporation's "Certification of Account Status" from the Texas State Comptroller of Public Accounts. (See Note below).
 - ii. Please provide the corporation's charter number as recorded with the Office of the Texas Secretary of State. _____.
- D. If the applicant is a Water Code Chapter 67 water supply or sewer service corporation or other non-profit corporation: N/A
- i. Please provide a copy of the Articles of Incorporation and By-Laws.
 - ii. Please provide the corporation's charter number as recorded with the Office of the Texas Secretary of State

2. **LOCATION INFORMATION**

- A. Are there people already living in the proposed area?
YES ☒ NO
If YES, are any currently receiving utility service?
YES ___ NO ☒, if YES, from Whom
- B. Have you received any requests for service in the requested service area?
YES ☒ NO
If yes, please indicate the number of verbal and number of written requests and provide a clear explanation of the need for service in the requested area.
WRITTEN ___ VERBAL ☒
On a separate page, list the name, address, and phone number of persons requesting service. Include any letters of intent, service inquiries, and/or any other documentation demonstrating a need for service in the proposed area. Requests for service must be identified on the large scale map. See 2.E.i.a below.
If no, please justify the need for service in the proposed area.
- C. Is any portion of the proposed service area inside an incorporated city?
YES ☒ NO
If YES, within the city limits of: City of Lindsay
Provide a copy of any franchise, permit, or consent granted by the city. If not available, please explain: N/A
- D. Is any portion of the proposed service area inside another utility's CCN area?
YES ☒ NO ___
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. The City has received a verbal agreement from the City of Gainesville to have the overlap area certificated to the City of Lindsay. The City will supplement the application once the agreement with Gainesville is executed.
- E. Attach the following maps with each copy of the application: *(All maps should include applicant's name, address, telephone number, and date of drawing or revision. All maps should be folded to 8½ x 11 inches). See Attachment A*
- i. Subdivision plat or engineering plans or other large scale map showing the following:
 - A. The exact proposed service area boundary showing locations of requests for service and locations of existing connections (if applicable).NOTE: Applicant may send their facility line map showing current connections (if

available), OR estimate the number of connections along each side of the street on the large scale map.

- B. The existing service area (if applicable).
- C. Metes and bounds (if available).
- D. Proposed and existing service area boundaries should be plotted on the map in relation to verifiable natural and man-made landmarks such as roads, creeks, rivers, railroads, etc.
- E. Service area boundaries should be shown with such exactness that they can be located on the ground.

NOTE: Applicant may use a USGS 7.5"-minute series map if no other large scale map is available.

- ii. Small scale location map delineating the proposed service area. The proposed service area boundary should be delineated on a copy of the TCEQ official CCN map. This map will assist TCEQ staff in locating the proposed service area in relation to neighboring utility service areas. *A copy of the TCEQ official CCN map may be obtained by contacting the Utilities & Districts Section at 512/239-4691 or by mailing a written request to the following address:*

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
Water Supply Division
Utilities & Districts Section
MC-153
P.O. Box 13087
Austin, TX 78711-3087

NOTE: If the proposed service areas shown on the large scale map and small scale map do not delineate the same area, the more detailed large scale map will be used to delineate the official CCN service area.

- iii. **Hard copy maps should include the following items:**
 - A. Map scale should be prominently displayed.
 - B. Color coding should be used to differentiate the applicants existing service areas from the proposed service area.
 - C. Attach a written description of the proposed service area.
 - D. Proposed service area should be the same on all maps.
 - E. Include map information in digital format (if available), *see Section 3, GIS Information.*
- iv. Each utility shall make available to the public at each of its business offices and designated sales offices within Texas the map of the proposed service area currently on file with the Commission. The applicant employees shall lend assistance to persons requesting to see a map of the proposed area upon request.

3. GIS INFORMATION

We are currently developing a state wide Geographic Information Systems (GIS) coverage of all CCN service areas. The mylar maps are being retired. In order to assist us in this move, we are requesting that a digital file of the proposed CCN service area boundary be submitted with the 3 hard copy maps. **This is not a requirement.** It is understood that not all utilities employ the services of an engineering company or use mapping software to produce a map of the proposed CCN service area boundary. However, by submitting the information digitally, the evaluation of your CCN will be faster and more accurate. Also, by receiving the information in digital form it is easier for us to update and maintain the CCN GIS coverage.

- A. **Digital Map Requirements** In order that your digital data can be properly used, the following

information is necessary:

- i. Submit digital data of the proposed CCN service area on a 3.25" diskette or CD. Only one diskette or CD is necessary. Most files of CCNs (minus the base map) should be small enough to zip up and put on a diskette or CD.
- ii. The digital data should include all items represented in the hard copy maps (see Section 2, items E.i and E.ii).
- iii. Please identify data file format, projection information, map units and base map used.

Acceptable Data File Formats:

ArcView shape file (preferred)

1. AutoCAD dwg file
2. Arc/Info E00 file
3. DXF file
4. Microstation dgn files

v NOTE: If you use a format that is not listed, contact the Cartographer at the number listed below to see if we can use the data.

- a. **Projection, Datum, and Units Information** The data should be submitted in the Texas State Mapping System (TSMS) Projection. However, if it cannot be submitted in TSMS, list the Projection (e.g. State Plane Central Zone, NAD27) or coordinate system being used and Units (e.g. meters, feet, etc.)

- b. **Base Map Information**

List the base map used (e.g. TxDOT county digital road maps, USGS maps, etc.) Base map information should be included only if it has been produced in-house and is not easily available at most data repositories.

v NOTE: TCEQ uses TxDOT county (urban) digital road maps as the official CCN base map. Copies of these files can be obtained from Texas Natural Resources Information Systems (TNRIS) at (512) 463-8337 or downloaded from the TNRIS website at

<http://www.tnris.state.tx.us/DigitalData/TxDOT/txdot.htm>

- c. **Read-me text file**

Data file format, base map used, projection and units information, and other necessary information can be specified in a read-me text file.

B. Important Information

For those applicants that submit digital data:

- i. Please make sure the proposed service area boundary shown on the hard copy map is identical to the digital data. If the proposed service area shown on the digital data does not delineate the same area shown on the hard copy map, the hard copy map will be used to delineate the official CCN service area.
- ii. Modifications may be made to submitted digital data in order to match the proposed service area boundary to features represented on the TxDOT base map, as opposed to the same features used in the applicant's base map.
- iii. If an applicant proposes to amend a portion of their existing CCN service area, the existing service area shown on the digital data must match the official CCN service area that was previously certificated to the utility. If it does not, then only the proposed portion of the digital data will be used.

If you have any questions about sending the data or our GIS CCN coverage, please contact the Cartographer of the Utilities & Districts Section, Water Supply Division at (512) 239-4691.

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

- iii. not economically feasible to obtain service from them. N/A
Copies of written responses from each system or evidence that they did not reply. N/A.
- B. Were your requests for service denied? N/A.
- i. If yes, continue.
- ii. If no, please provide a detailed analysis which justifies your reasons for not accepting service. A separate analysis must be prepared and submitted for each system that granted your request for service.
- C. Please summarize how the proposed utility system will be constructed and describe each projected construction phase, if any: N/A
- D. Date of plat approval, if required: N/A
Approved by:
- 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:
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- ii. Sewer system's TCEQ Discharge Permit number: (for each system)
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|---|---|---|---|---|---|---|---|---|---|---|
| W | Q | 1 | 0 | 9 | 2 | 3 | - | 0 | 0 | 1 |
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- iii. Date of last inspection January 13, 2004 (sewer) and February 10, 2005 (water).
- iv. Attach a copy of the most recent inspection report letter. **See Attachment B.**
- 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. **No violations for either system were found.**
- B. Using the current number of customers, is any facility component in systems named in #5A above operating at 85% or greater of minimum standard capacity?
Yes _____ No ✓
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).

- C. 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	328	12	Residential	330	12
1" meter or larger	43	6	Commercial	32	6
Non-Metered			Industrial		
Other:			Other:		
Total Water	371	18	Total Sewer	362	18

- D. If this application is for a water CCN only, please explain how sewer service is provided: N/A.
- E. If this application is for a sewer CCN only, please explain how water service is provided: N/A.
- F. What is the effect of the granting or amending a certificate on a recipient of the certificate and on any retail public utility of the same kind already serving the proximate area: There are no other utilities providing service within the requested area except for the small overlap with Gainesville which is discussed in Question 2.D. There should be no impact on neighboring utilities.
- G. Do you currently purchase or plan to purchase water or sewer treatment capacity from another source?
- i. No (skip the rest of this question and go to #6) Yes
- ii. Water

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

Source	% of total supply

- iii. Sewer treatment capacity

No ☒ Yes

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

Source	% of total treatment

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

6. **FINANCIAL INFORMATION**

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

- i. the applicant must provide an analysis of all necessary costs for constructing, operating, and maintaining the system for which the CCN is requested for at least the first five years. In addition, if service has been offered by an existing water service provider as stated in #4.A., but the applicant has determined that the cost of service as finally offered renders the project not economically feasible, the applicant must provide a comparison analysis of all necessary costs for acquiring and continuing to receive service from the existing system for the same period. N/A
- ii. Attach projected profit and loss statements, cash flow worksheets, and balance sheets (projected five year financial plan worksheet is attached) for each of the first five years of operation. Income from rates should correlate to the growth projections in #6.A above. N/A
- 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. N/A

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). **See Attachment C**
- ii. Attach a proposed rate schedule or tariff. **See Attachment D**

v 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. **See Attachment C**

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. **See Attachment C**

7. **NOTICE REQUIREMENTS**

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

counties where a certificate of convenience and necessity is being requested, once each week for two consecutive weeks beginning with the week after the notice is received from the Commission. Proof of publication in the form of a publisher's affidavit shall be submitted to the Commission within 30 days of the last publication date. The affidavit shall state with specificity each county in which the newspaper is of general circulation.

G. Notice To Neighboring Utilities:

- i. List all neighboring retail public utilities and cities providing the same utility service within the following vicinities of the applicant's proposed certificate area; and
- ii any city whose extra-territorial jurisdiction (ETJ) overlaps the proposed service area.
- iii. For applications for the issuance of a **NEW** certificate of public convenience and necessity, the applicant must mail the notice with a copy of the location map (CCN map) to all cities and neighboring retail public utilities providing the same utility service within **five (5) miles** of the requested service area, and any city with an ETJ which overlaps the proposed service area.
- iv. For applications for the **AMENDMENT** of certificate of public convenience and necessity, the applicant must mail the notice with a copy of the location map (CCN map) to all cities and neighboring retail public utilities providing the same utility service within **two (2) miles** of the requested service area, and any city with an extra-territorial jurisdiction which overlaps the proposed service area. See Attachment E

H. Notice to Customers

Investor Owned Utilities (IOUs) that are currently providing service without a certificate must provide individual mailed notice to all current customers. The notice must contain the current rates, the date those rates were instituted, and any other information required in the application.

Do not publish or send copies of the proposed notices to anyone at the time you submit the application to the Commission. Wait until you receive written authorization to do so. This will occur after the Commission has reviewed the notices for completeness, and your application has been accepted for filing.

- I. The Commission may require the applicant to deliver notice to other affected persons or agencies.

OATH

State of Texas

I, Steven Zwinggi, being duly sworn, file this application as Mayor; 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 application form has not been changed, altered or amended from its original form available only from the Commission.

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


AFFIANT
(Applicant's Authorized

Representative)

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

SUBSCRIBED AND SWORN TO BEFORE ME, a Notary Public in and for the State of Texas, this 09 day of Aug., 2005




NOTARY PUBLIC

Notice for Publication

NOTICE OF APPLICATION TO AMEND A CERTIFICATE OF CONVENIENCE
AND NECESSITY (CCN) TO PROVIDE WATER AND SEWER
UTILITY SERVICE IN COOKE COUNTY

The City of Lindsay has filed an application to amend its water CCN, number 13025, and its sewer CCN, number 20927, with the Texas Commission on Environmental Quality to provide water and sewer utility service in Cooke County.

The proposed utility service area is located approximately 4.6 miles north, 3.5 miles south, .6 miles east, and 4.1 miles west of downtown Lindsay, Texas, and is generally bounded on the north by Road number 411; on the east by Gainesville Airport; on the south by Road numbers 1630; and on the west by Road number 415.

The total area being requested for water service includes approximately 18,230 acres and 371 current customers. The total area being requested for sewer service includes approximately 18,230 acres and 362 current customers.

A copy of the proposed service area map is available at 608 Ash Street, Lindsay, Texas 76250.

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

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

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

Notice to Neighboring Systems and Cities
**NOTICE OF APPLICATION FOR CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN)
TO PROVIDE WATER/SEWER UTILITY SERVICE IN COOKE COUNTY**

To: _____ Date Notice Mailed: _____, 2005
(Neighboring System or City)

(Address)

(City State Zip)

The City of Lindsay has filed an application to amend its water CCN, number 13025, and its sewer CCN, number 20927, with the Texas Commission on Environmental Quality to provide water and sewer utility service in Cooke County.

The proposed utility service area is located approximately 4.6 miles north, 3.5 miles south, .6 miles east, and 4.1 miles west of downtown Lindsay, Texas, and is generally bounded on the north by Road number 411; on the east by Gainesville Airport; on the south by Road numbers 1630; and on the west by Road number 415.

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

Notice to Landowners
**NOTICE OF APPLICATION FOR CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN)
TO PROVIDE WATER/SEWER UTILITY SERVICE IN FANNIN COUNTY**

To: _____ Date Notice Mailed: _____, 2005
(Neighboring System or City)

(Address)

(City State Zip)

The City of Lindsay has filed an application to amend its water CCN, number 13025, and its sewer CCN, number 20927, with the Texas Commission on Environmental Quality to provide water and sewer utility service in Cooke County.

The proposed utility service area is located approximately 4.6 miles north, 3.5 miles south, .6 miles east, and 4.1 miles west of downtown Lindsay, Texas, and is generally bounded on the north by Road number 411; on the east by Gainesville Airport; on the south by Road numbers 1630; and on the west by Road number 415.

The total area being requested for water service includes approximately 18,230 acres and 371 current customers. The total area being requested for sewer service includes approximately 18,230 acres and 362 current customers.

A copy of the proposed service area map is available at 608 Ash Street, Lindsay, Texas 76250.

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

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.

CITY OF LINDSAY
WATER AND SEWER CNN APPLICATION

EXHIBIT A

CITY OF LINDSAY
WATER AND SEWER CNN APPLICATION

EXHIBIT B

Kathleen Hartnett White, *Chairman*
R. B. "Ralph" Marquez, *Commissioner*
Larry R. Soward, *Commissioner*
Glenn Shankle, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

March 11, 2005

Robert Walterscheid
City of Lindsay
P.O. Box 183
Lindsay, TX 76250

Re: Compliance Evaluation Investigation at:
City of Lindsay, Cooke County, Texas
TCEQ ID No.: 0490003

Dear Mr. Walterscheid:

On February 10, 2005, Erin Tanski of the Texas Commission on Environmental Quality (TCEQ) D/FW Region Office conducted an investigation of the above-referenced facility to evaluate compliance with applicable requirements for Public Water Supply systems. No violations were documented during the investigation.

The TCEQ appreciates your assistance in this matter and your compliance efforts to ensure protection of the State's environment. If you or members of your staff have any questions regarding these matters, please feel free to contact Ms. Erin Tanski in our D/FW Region Office at 817/588-5853.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles Marshall".

Charles Marshall
Work Leader, Public Water Supply Section
D/FW Regional Office

CM/emt
cc: TCEQ-Austin

REPLY TO: REGION 4-DALLAS/FORT WORTH • 2309 GRAVEL DR. • FORT WORTH, TEXAS 76118-6951 • 817/588-5800 • FAX 817/588-5700

P.O. Box 13087 • Austin, Texas 78711-3087 • 512/239-1000 • Internet address: www.tceq.state.tx.us

printed on recycled paper using soy based ink

APP1017

Kathleen Hartnett White, *Chairman*
R. B. "Ralph" Marquez, *Commissioner*
Larry R. Soward, *Commissioner*
Margaret Hoffman, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

February 9, 2004

The Honorable Norbert Majors, Mayor
Town of Lindsay
PO Box 153
Lindsay, Texas 76250

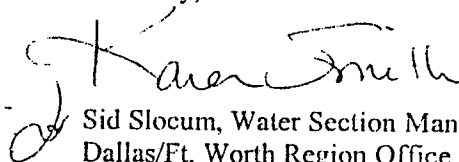
Re: Comprehensive Compliance Investigation at:
Town of Lindsay Wastewater Plant, (Cooke County), Texas
TPDES Permit No.: 10923-001, EPA ID No.: TX0025097

Dear Mayor Majors:

On January 13, 2004, Carrie Landrum of the Texas Commission on Environmental Quality (TCEQ) Dallas/Ft. Worth Region Office conducted an investigation of the above-referenced facility to evaluate compliance with applicable requirements for wastewater treatment. No violations were documented during the investigation; however, two areas of concern were identified for which you may want to take action. These areas of concern will be re-evaluated during the next compliance investigation.

The TCEQ appreciates your assistance in this matter and your compliance efforts to ensure protection of the State's environment. If you or members of your staff have any questions regarding these matters, please feel free to contact Carrie Landrum in the Dallas/Ft. Worth Region Office at 817-588-5847.

Sincerely,


Sid Slocum, Water Section Manager
Dallas/Ft. Worth Region Office

SS/cl

enclosure: Investigation Report No. 260497

Sample Results

APP1018

REPLY TO: REGION 4 • 2309 GRAVEL DR. • FORT WORTH, TEXAS 76118-6951 • 817/588-5800 • FAX 817/588-5700

P.O. Box 13087 • Austin, Texas 78711-3087 • 512/239-1000 • Internet address: www.tceq.state.tx.us

Printed on recycled paper using soy-based ink.

Texas Commission on Environmental Quality

Investigation Report

TOWN OF LINDSAY

TOWN OF LINDSAY WWTP

RN102069788

Investigation # 260497

Incident #

Investigator: CARRIE LANDRUM

Site Classification

Conducted: 01/13/2004 -- 01/13/2004

SIC Code: 4952

Program(s): WASTEWATER

Investigation Type : Compliance Investigation

Location : 600 feet East of FM Road 3108
 Bridge over Elm Fork Trinity River Southeast
 of the Town of Lindsay in Cooke County

Additional ID(s) : WQ0010923001
 TPDES0025097

Address: , ,

Activity Type : WW CCI Discretionary - Comprehensive
 compliance investigation

Principal(s) :

Role

Name

RESPONDENT

TOWN OF LINDSAY

Contact(s) :

Role

Title

Name

Phone

Notified

OPERATOR

MR CHARLES
YOUNG JR

Home (940) 665-6385

Participated in Investigation

OPERATOR

MR CHARLES
YOUNG JR

Home (940) 665-6385

Regulated Entity Contact

OPERATOR

MR CHARLES
YOUNG JR

Home (940) 665-6385

Regulated Entity Mail Contact

MAYOR

MR NORBERT
MAGES

Work (940) 665-4455

Other Staff Member(s) :

Role

Name

Supervisor

Karen Smith

Associated Check List

Checklist NameUnit Name

WQ INVESTIGATION TYPES FY04

lindsay

WQ GENERAL CCI CHECKLIST

lindsay

Investigation Comments :

GENERAL FACILITY AND PROCESS INFORMATION

The Town of Lindsay operates a 0.066 MGD domestic wastewater facility. The wastewater treatment system is comprised of a bar screen, oxidation ditch, two oxidation-stabilization ponds, and an effluent discharge chamber.

During the investigation, effluent samples were taken from Outfall 001, immediately following the effluent weir. Analyses results are attached to this report. Sample results were compliant with permit limits. Persistent foam was observed in the discharge channel and trace foam was observed

In the receiving stream. An additional effluent sample was collected during the investigation to be analyzed for NH₃N. Sample results indicated that the foaming may have been caused by elevated NH₃N levels. The city is not required by their permit to test for NH₃N and elevated NH₃N is somewhat common in pond wastewater systems.

The primary flow measuring device for outfall 001 is a 22.5 degree V-notch weir. A flow accuracy check was not performed because the distance between the flow meter read-out and effluent weir was too great to obtain an accurate reading.

Mr. Young conducts field measurements for pH and dissolved oxygen. Effluent samples are collected by Mr. Young and are preserved on ice for transport to Williams Testing Laboratory in Denton. The first oxidation pond was dredged in August 2003. Cole & Smithsen Construction hauled 1,968 cubic yards of sludge to Gainesville Municipal Airport BLU for final disposal.

The Town of Lindsay has no industrial facilities that discharge to the sanitary sewer system. The city's collection system has approximately 300 connections. The plant operator reports no significant problems with inflow/infiltration.

BACKGROUND

The file review conducted prior to the investigation indicated that the facility is in general compliance with their permit.

No Violations Associated to this Investigation

Areas of Concern

Description

Are calibration and maintenance records adequate for any analytical equipment used?

Does the receiving stream have such conditions as foaming, floating materials, sludge deposits, or color and turbidity?

Additional Comments

The operator should include additional information in his calibration log for the dissolved oxygen meter. Initial meter reading, calibration value, elevation, and salinity values should be recorded even if the values entered remain the same during each calibration event.

Foaming was observed in the discharge channel immediately following the effluent weir. Foaming persists throughout the discharge channel, but accumulates around rocks, brush, and other debris. Trace amounts of foam reach the creek. An additional sample was collected during the investigation to be analyzed for ammonia-nitrogen.