

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: Myra Water System
P.O. Box 126
Myra, Texas 76253

Date Notice Mailed: October 11, 2005

The Town of Lindsay has filed an application to amend CCN Nos. 13025 and 20927 with the Texas Commission on Environmental Quality to provide water & 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 CR 434; on the east by Gainesville Airport; on the south by FM 1630; and on the west by CR 415. See enclosed map of the proposed service area.

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 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.

Si desea informacion en Espanol, puede llamar al 1-800-687-4040.

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:

Myelwater System
P.O. Box 126
Myra, Texas
76253

2. Article Number
(Transfer from service label)

7003 3110 0002 4681 2828

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

- A. Signature** *Bill Black* ☐ Agent ☐ Addressee
- B. Received by (Printed Name)** *Bill Black* **C. Date of Delivery** *10-12-05*
- 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.

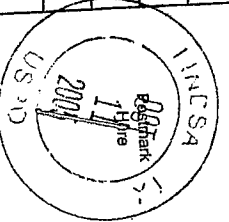
4. Restricted Delivery? (Extra Fee) ☐ Yes ☒ No

U.S. Postal ServiceTM RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

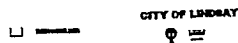
Postage	\$ <i>3.34</i>
Certified Fee	<i>2.30</i>
Return Receipt Fee (Endorsement Required)	<i>1.175</i>
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ <i>4.42</i>



Sent To *Bill Black Myra TX*

Street, Apt. No., or PO Box No.

City, State, ZIP+4



**LINDSAY PROPOSED CCN AREA
REQUESTS FOR SERVICE LOCATIONS**

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: City of Gainesville
200 South Rusk Street
Gainesville, Texas 76240

Date Notice Mailed: October 11, 2005

The Town of Lindsay has filed an application to amend CCN Nos. 13025 and 20927 with the Texas Commission on Environmental Quality to provide water & 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 CR 434; on the east by Gainesville Airport; on the south by FM 1630; and on the west by CR 415. See enclosed map of the proposed service area.

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.

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

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Si desea informacion en Espanol, puede llamar al 1-800-687-4040.

**U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT**
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com®

OFFICIAL USE

Postage	\$ 1.37
Certified Fee	2.30
Return Receipt Fee (Endorsement Required)	1.75
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 4.42

Postmark
Hefle
2005
U.S. 11

Sent To City of Gainesville

Street, Apt. No.,
or PO Box No.

City, State, ZIP+4

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:

City of Gainesville
200 South Rusk Street
Gainesville, TX 76240

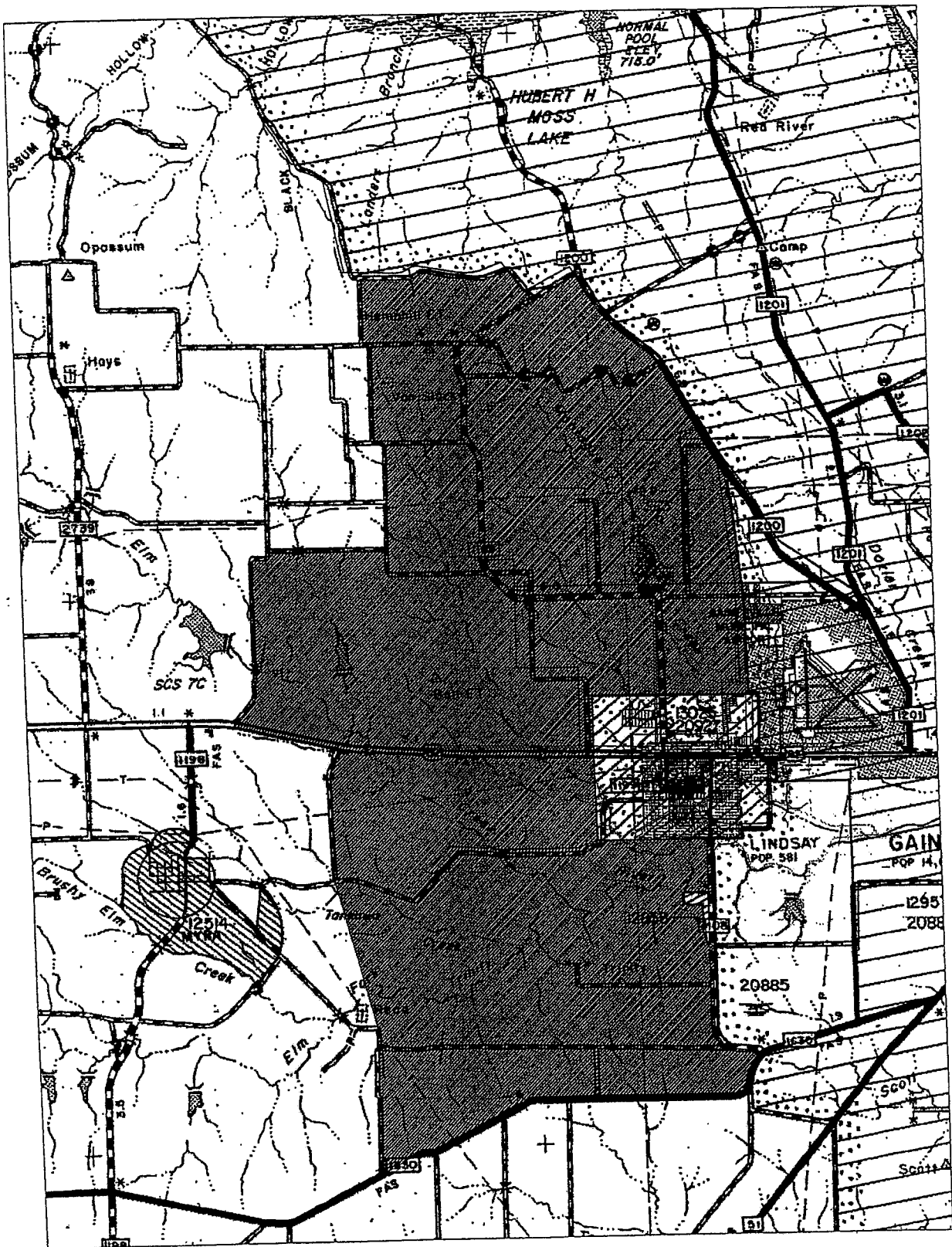
COMPLETE THIS SECTION ON DELIVERY

A. Signature <input checked="" type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee	C. Date of Delivery <u>10/11/05</u>
B. Received by (Printed Name) <u>D. Reed</u>	
D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	

3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Registered <input type="checkbox"/> Insured Mail	<input type="checkbox"/> Express Mail <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> C.O.D.
4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	

2. Article Number
(Transfer from service label)

7003 3110 0002 4681 2842



CITY OF LINDSAY
 ● REQUESTS FOR SERVICE LOCATIONS

LINDSAY PROPOSED WATER AND SEWER CCN

- LINDSAY PROPOSED CCN AREA
- REQUESTS FOR SERVICE LOCATIONS

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: Lindsay Pure Water Company
P.O. Box 5
Lindsay, Texas 76250

Date Notice Mailed: October 11, 2005

The Town of Lindsay has filed an application to amend CCN Nos. 13025 and 20927 with the Texas Commission on Environmental Quality to provide water & 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 CR 434; on the east by Gainesville Airport; on the south by FM 1630; and on the west by CR 415. See enclosed map of the proposed service area.

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

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Si desea informacion en Espanol, puede llamar al 1-800-687-4040.

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:

*Widley Fine Water Company
P.O. Box 5
Widley, Texas 76250*

2. Article Number

(Transfer from service label)

7003 3110 0002 4681 2835

PS Form 3811, February 2004

Domestic Return Receipt

102596-02-M-154

COMPLETE THIS SECTION ON DELIVERY

A. Signature

Jane Myrick

☐ Agent
☐ Addressee

B. Received by (Printed Name)

JANE MYRICK

C. Date of Delivery

10/11/05

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

3. Service Type

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

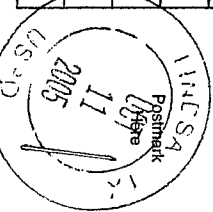
4. Restricted Delivery? (Extra Fee) ☐ Yes

U.S. Postal ServiceTM CERTIFIED MAILTM RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$ <i>.39</i>
Certified Fee	<i>2.30</i>
Return Receipt Fee (Endorsement Required)	<i>1.95</i>
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ <i>4.42</i>

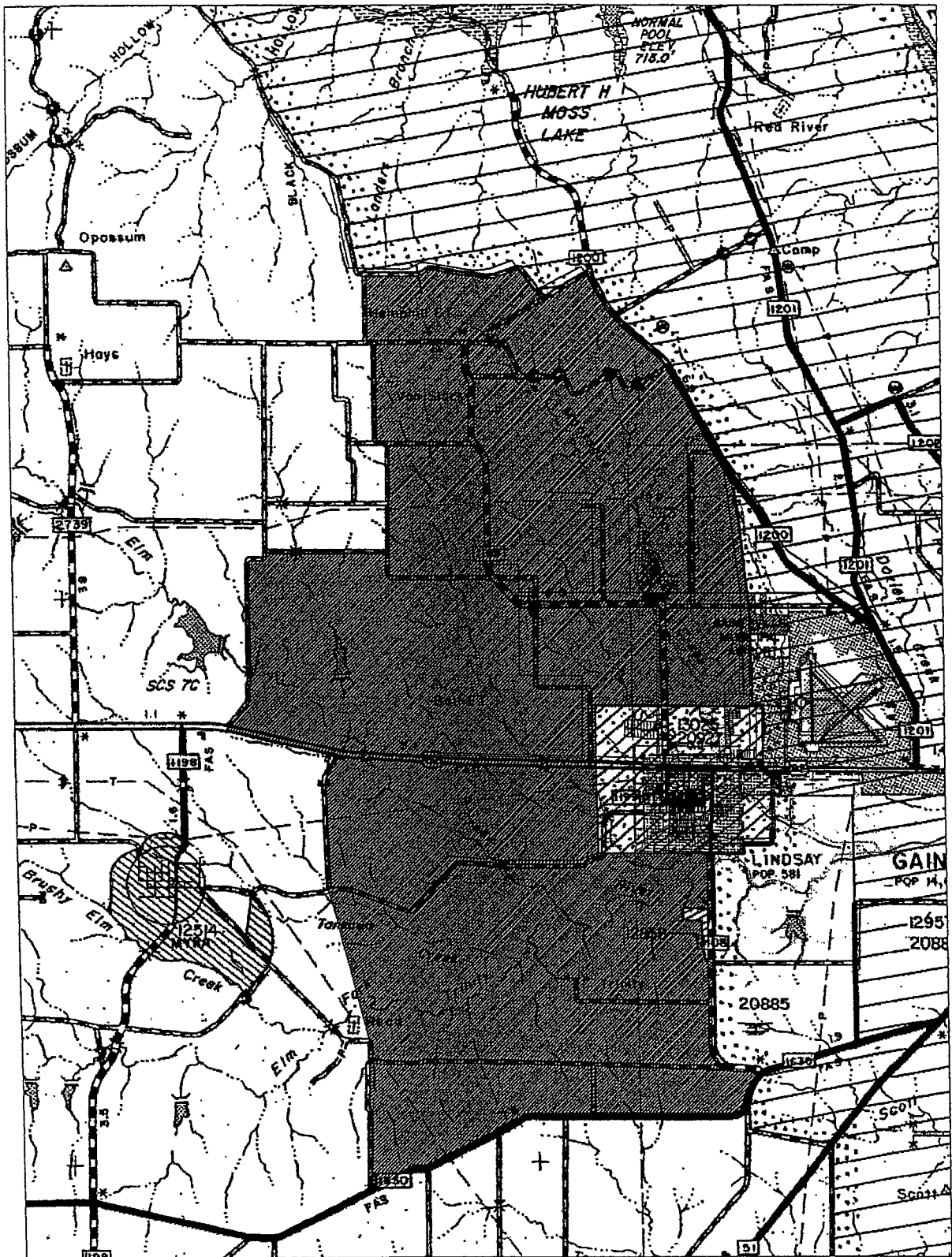


Sent To *Widley Fine Water Co*
Street Apt. No. or PO Box No.
City, State, ZIP+4

PS Form 3800, June 2002

See Reverse for Instructions

7003 3110 0002 4681 2835



CITY OF LINDSAY
 ● REQUESTS FOR SERVICE LOCATIONS

LINDSAY PROPOSED WATER AND SEWER CCN

- LINDSAY PROPOSED CCN AREA
- REQUESTS FOR SERVICE LOCATIONS



THE STATE OF TEXAS
COUNTY OF TRAVIS

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

LaDonna Castaneda JUN 29 2006
LaDonna Castaneda, Chief Clerk
Texas Commission on Environmental Quality

Texas Commission on Environmental Quality
APPLICATION NO. 35096-C - 35097-C

PUBLISHER'S AFFIDAVIT

STATE OF TEXAS

COUNTY OF Cooke

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

J Osborne

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

Editor
TITLE

Gainesville Daily Register
NAME OF NEWSPAPER

; that said

newspaper is regularly published in

Cooke

County(ies) and generally circulated in

Cooke

County (Counties), Texas; and that the attached notice was published in said newspaper on the

following date(s), to wit:

October 7 and October 14 2005

Erin M. Mathews
Newspaper Representative's Signature

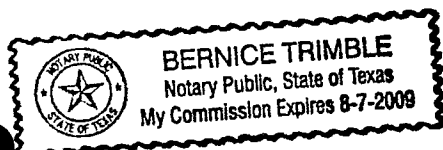
Subscribed and sworn to before me this 17th day of October, 2005, to certify which

witness my hand and seal of office.

Bernice Trimble
Notary Public in and for the State of Texas

Bernice Trimble
Print or Type Name of Notary Public

Commission Expires 8-7-09



EXHIBIT

ED-C

12—Gainesville, Texas DAILY REGISTER Friday, October 7, 2005

4500 For Sale

Charming 3 bedroom, 2 bath, completely remodeled. Great location in quiet neighborhood. Ready to move in. Contact Chris Saunders (214)727-0466 or Scott Simpson (940)736-4624

5000 For Rent

100 acre farm for rent. (940)665-5465

5010 Storage

3 sizes available. Renters Storage. Call (940)665-9709

4 Sizes Available

MCM Mini Storage (940)668-8865. If no answer, (940)668-7129.

5 Locations

There's Real Estate (940)665-6730

8x8x40, \$60/month

Call Sam Enderly, days (940)665-8341, nights (940)736-7269

Big Blue Storage

Gainesville, TX & Tractorville, OK (940)665-5852, (580)276-3755

Great American Storage

10x12 and 10x22 (940)668-6575

Lakeview Storage

New boat stalls & mini storage. Lights, overhead doors, slab. (940)665-2811. Call Your Best Gas, Etc. All At One Stop.

Lee's Fiberglass Repair

Boat & RV Storage. Protect Your Investment. (940)665-0974, 736-5726

Rick's Security Storage

3 sizes available. 24 hr security with gated entrance. Owner lives on site. (940)665-8821. If no answer, 668-1320

5030 Apartments

1 & 2 Bedroom apartments & town homes (940)668-6455

1 & 2 bedroom apartments

In Valley View. Rental assistance available, for qualified applicants. (940)725-9798, (940)665-0501

1 & 2 Bedroom

Shawwood Apartments. (940)665-2886

171 apartment for rent

Harvey Street. Call for application. (580)277-5121

Brookview Manor

Appts. 8 bedroom, \$595/month, \$250.00 deposit. No pets. (940)736-0252

5040 Houses For Rent

2 bedroom, 2 bath, FM 371 off 82 (Fox Creek). Lovely country setting for active adults. Private walking trail, lawn maintenance provided. \$750.00/month plus deposit. (940)668-1945

2 or 3/4 fenced backyard

Ch/LA, \$500/month & \$500 security deposit. (940)665-9141

3 bedroom, 1 bath, 600

Hennep appliances for deposit. \$250 rent, \$200 deposit. No pets. (940)429-6088

3 BR, 1 BA, L.R./D.R. \$300

deposit. \$895 to \$740/month. Available now. (940)665-0344, 11-F-150, 815 or 12 & 15 P. 150

37 duplex, 22A's, P&L

Lane Moss Lake, 4.45 month, \$350 deposit. (940)902-9789, (940)391-4382

3/1, 1714, Harris, \$750

month, \$600 deposit. (940)727-0072

404 N Denton, 2 bedroom

1 bath, \$425.00 with a \$300 deposit. GHX accepted. (940)736-5155

411 A Second, 3 bedroom

2 bath, \$525 with a \$300 deposit. GHX accepted. (940)736-5155

A, 2 bedroom, 1 bath in

Lindsay, 204, 4th St., \$550/month, \$400 deposit. Terra Real Estate. (940)665-6730

A, 2 bedroom, 1 bath, 211

Church, \$475/month, \$350 deposit. Terra Real Estate. (940)665-6730

1803 Mill

2 Bedroom, 1 Bath

1007 S. Clement

2 Bedroom, 1 Bath

Karl Klemm

Properties, Inc. Contact telephone (940)627-6362

All our rental properties

www.terracompany.com

6000 Bids Wanted

NOTICE TO THE PUBLIC
COMPETITIVE SEALED PROPOSALS FOR THREE (3) COCKE COUNTY ENERGY MEDICAL SERVICE SUB-STATIONS

Sealed proposals for the Construction of three (3) sub-stations for the Cocke County Energy Medical Service Sub-stations (Proposed) are invited to be received at the County Judge's Office, Attention: The Honorable Bill Freeman, County Judge, Cocke County Courthouse, 100 South Dixon Street, Room 110, Gainesville, Texas until 5:00 p.m. on Thursday, October 20, 2005, and publicly opened and read aloud in Commissioners Court on Monday, October 24, 2005 at 10:00 a.m.

100 South Dixon Street, Room 309, Gainesville, Texas. All proposals must be sealed and written in bold type, "Cocke County Emergency Medical Service Sub-Stations Proposal" visible on the outside of the envelope. The sealed envelope must also reflect the submitter, deadline, and the name and return address of the proposer. All proposals shall also include a five percent (5%) proposal guaranty bond of the maximum amount proposed and written confirmation of receipt of any addenda's used. NO PROPOSAL TRANSMITTED BY FAX WILL BE ACCEPTED.

Proposals received after Thursday, October 20, 2005 will be returned unopened. Complete sets of documents must be used in preparing proposals. Cocke County assumes no responsibility for errors or misinterpretations resulting from the use of incomplete sets of proposal documents. Plans, specifications and documents for the said proposal may be obtained at the Cocke County Commissioners' Office, Cocke County Courthouse, 100 South Dixon Street, Room 110, Gainesville, Texas beginning Friday, September 30, 2005 between the hours of 8:00 a.m. to 5:00 p.m. and 1:00 p.m. to 3:00 p.m. Monday, Friday a non-refundable fifty (50) dollar fee will be charged for the use of the Cocke County Courthouse. Documents required on each set of proposal documents include: a) a copy of the proposed service area map is available at the City of Valley View, P.O. Box 268, Valley View, Texas 76772. 940/726-3740.

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 of how you or the person you represent would be adversely affected by the granting of the application for a CCN, and (4) your proposed action. If you request a public hearing, you must satisfy the CCN which would satisfy your concerns and cause you to withdraw your request for a hearing.

Persons who wish to intervene for comment should write the County Judge, Cocke County Courthouse, 100 South Dixon Street, Room 110, Gainesville, Texas. Commission on Environmental Quality, Water Supply Division, Utilities and Districts, Section MC-153, P.O. Box 15087, Austin, TX 78711-5087.

with thirty (30) days from the date of publication of notice. A public hearing will be held only if a request for a public hearing is received for the Commission on Environmental Quality. Only

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7000 Legal Notices

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

The City of Valley View has filed an application for a CCN with the Texas Commission on Environmental Quality to provide sewer utility service in Cocke County.

The proposed utility service area is located approximately 2.6 miles north, 4.2 miles south, 1.8 miles east and 2.3 miles west of downtown Valley View, Texas, and is generally bounded on the north by CR 202, on the east by FM 3071, on the south by the Cocke/Denton, County line, and on the west by CR 309.

The total area being requested includes approximately 20,000 acres, and 250 current customers.

A copy of the proposed service area map is available at the City of Valley View, P.O. Box 268, Valley View, Texas 76772. 940/726-3740.

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 of how you or the person you represent would be adversely affected by the granting of the application for a CCN, and (4) your proposed action. If you request a public hearing, you must satisfy the CCN which would satisfy your concerns and cause you to withdraw your request for a hearing.

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7000 Legal Notices

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

The Town of Lindsay has filed applications to amend CCN Nos. 15026 and 20927 with the Texas Commission on Environmental Quality to provide water, sewer, utility service in Cocke 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 CR 434, on the east by Gainesville Airport, on the south by FM 1630, and on the west by CR 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 808 Ash Street, Lindsay, Texas 77625. Phone Number: 940/665-4455.

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5040 Houses for Rent

4 bedroom, 2 bath, central h/a. 408 Gorham \$575.00 month, \$300 deposit (940)736-3155

404 N Denton, 2 bedroom, 1 bath, \$425.00, with a \$300 deposit. GHA accepted 940-736-3155

411 A Second, 3 bedroom, 2 bath, \$525 with a \$300 deposit. GHA accepted 940-736-3155

FOR RENT**HOUSES**

1417 E. Garnett

2 Bedroom, 1 Bath

1805 Mill

2 Bedroom, 1 Bath

1007 S. Clement

2 Bedroom, 1 Bath

1704 Throckmorton

2 Bedroom, 1 Bath

Karl Klement

Properties, Inc.

Contact: Stephanie

940-627-6362

Duplex, 2 bedroom, 601 N Denton, Rent \$325, deposit \$300. Water paid. No pets (903)429-6088

For Lease: Lake Kiowa 3/2 brick. Membership dues paid. Available October 1st. No inside pets. Bkt. 940-612-2222, 214-732-8580, 214-673-0808

House for lease: 4 bedroom, 2 bath, 2 acres, pipe fence, on FM 371, Callisburg School District. No inside pets. \$1000/month. \$1000 deposit. (940)736-3520. Avail. Aug. 1st.

Lake Kiowa waterfront 2/2 brick \$1000/month. Fees paid. Owner Agent (800)375-4700.

Large 2/2 mobile home. V.V. 1SD. \$450 mo. \$350 dep. (940)665-6705

New 1300 sq. ft., 3 bedroom, 2 bath duplex, quiet and safe neighborhood. \$750/month. (903)436-1551.

Small, 1 bedroom, 1028 Lawrence, \$400/month. (940)768-8292

Two bedroom, 2 bath, mobile home, partly furnished, water & trash paid. No pets. 2.12 miles south of Denton. \$500.00 (940)665-6665, 665-1630

5050 Mobile Homes

2 bedroom mobile home, very modern & clean. Hwy 77 N. Thackerville. \$500/month (580)276-4555

3/1, at Moss Lake, \$450 month, \$200 deposit (940)665-6523, (940)665-6453

Moss Lake area, 2 bedroom, 1 bath, covered porch, carport, storage shed, nice deck. No pets. \$400/month, \$400 deposit. You pay utilities. Available Oct. 12th. (940)665-8470.

Pecan Grove Mobile Home Park, \$350.00 & up, housing accepted. 1-800-481-3313

Sanger, 2, 3, 4 bedroom mobile homes available. Contact: Stephanie

6000 Bids Wanted**REQUEST FOR BID**

Sealed bids, addressed to Kent Lashley, County Auditor, will be received until 5:00 P.M. on Friday, October 21, 2005 by the Commissioners Court for furnishing and installing Corrugated Galvanized Metal Pipe to be used by Cooke County for a period of twelve (12) months beginning November 1, 2005. Price FOB Cooke County Precinct. Bids must be in the office of the County Auditor on or before 5:00 P.M. on Friday, October 21, 2005, and the envelope should be plainly marked "Bid on Corrugated Galvanized Metal Pipe". Bids will be opened in Commissioners Court on Monday, October 24, 2005 at 10:00 A.M. Pursuant to Section 262.032, Texas Local Government Code, no performance bond is required. Cooke County reserves the right to refuse any and all bids.

Kent Lashley
County Auditor
Cooke County, Texas

REQUEST FOR BIDS

Sealed bids, addressed to Kent Lashley, County Auditor, will be received until 5:00 p.m. on Friday, October 21, 2005 by the Commissioners Court for one (1) 2005 or newer pick-up truck for Cooke County Environmental Health. Specifications are available in the County Commissioners' Office. Bids must be in the office of the County Auditor on or before 5:00 p.m. on Friday, October 21, 2005, and the envelopes should be plainly marked "Bid on Pick-Up for Environmental Health". Bids will be opened in Commissioners Court on Monday, October 24, 2005 at 10:00 a.m. Cooke County reserves the right to refuse any and all bids.

7000 Legal Notices**NOTICE OF APPLICATION FOR CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) TO PROVIDE SEWER UTILITY SERVICE IN COOKE COUNTY**

The City of Valley View has filed an application for a CCN with the Texas Commission on Environmental Quality to provide sewer utility service in Cooke County.

The proposed utility service area is located approximately 1.8 miles south, 1.8 miles east and 2.3 miles west of downtown Valley View, Texas, and is generally bounded on the north by CR 202, on the east by FM 2071, on the south by the Cooke/Denton County Line, and on the west by CR 3092.

The total area being requested includes approximately 20,000 acres and 290 current customers.

A copy of the proposed service area map is available at the City of Valley View, P.O. Box 268, Valley View, Texas 76722, 940/726-3740.

7000 Legal Notices**NOTICE OF APPLICATION FOR CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) TO PROVIDE WATER AND SEWER UTILITY SERVICE IN COOKE COUNTY**

The Town of Lindsay has filed applications to amend CCN Nos. 13025 and 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 CR 434, on the east by Gainesville Airport, on the south by FM 1630, and on the west by CR 415.

The total area being requested for water service includes approximately 16,230 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. Phone Number 940/665-4455.

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 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 the 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 court.

World

Nations. Snow has begun to fall in some parts of Kashmir.

The U.S. military was preparing to send a 86-bed Mobile Army Surgical Hospital — or MASH — from Germany. A water purification detachment would also be sent; the U.S. military said.

Social Security recipients in line for biggest cost of living boost in years

WASHINGTON — The country's 48 million Social Security recipients are in line to get the biggest boost to their monthly benefit checks in more than a decade, though for many higher costs for energy and Medicare will eat up much of the gain.

Many private economists predict the increase will be at least 3.6 percent, which would be the biggest jump since 3.7 percent in 1992.

If the analysts are correct, it will mean around \$34 will be added to the average monthly benefit, which currently is \$963. Last year's increase was 2.7 percent.

The Social Security Administration was to announce the 2006 cost-of-living adjustment, or COLA, on Friday. Social Security recipients will see the increase reflected in their January checks.

For seniors who pay their own energy bills, the increase won't come close to offsetting expected dramatic hikes in home heating oil and natural gas costs this winter.

And, on shock, the has announced Medicare doctor's visit will rise by more than one-fifth.

It is going to be a real pain for many of them, will they pay premiums and bills as we chief. Economy consulting.

Water enters eight

FARIFIL water from Passaic River Nick Sitaro a moving.

I'm not Sitaro's said to live. Much Northeast straight day.

uge that has delayed air streams, sun.

At least in the region because of four others Hampshire.



Doc's Bar & Grill

Entertainment

• 10/15 - 10/16

• 10/22 - 10/23

10/29 - ALLEY KATZ - Great Rock

Playing for a Halloween Party

\$5 per person - Reservations recommended

Prizes will be given for best costume

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



THE STATE OF TEXAS
COUNTY OF TRAVIS

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

LaDonna Castañuela JUN 29 2006

LaDonna Castañuela, Chief Clerk
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 the Town of Lindsay, SOAH Docket No. 582-06-2023, TCEQ Docket No. 2006-0272-UCR, was mailed on June 12, 2006.

Given under my hand and the seal of the Texas Commission on Environmental Quality, this the 12th day of June, 2006.

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

(SEAL)



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**NOTICE OF HEARING
TOWN OF LINDSAY
SOAH Docket No. 582-06-2023
TCEQ Docket No. 2006-0272-UCR**

APPLICATION. The Town of Lindsay, P.O. Box 3, Lindsay, Texas 76250, has applied with the Texas Commission on Environmental Quality (TCEQ) to amend water and sewer Certificates of Convenience and Necessity Nos. 13025 and 20927 in Cooke County, Texas (Application Nos. 35096-C and 35097-C).

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

**1:00 p.m. – July 11, 2006
William P. Clements Building
300 West 15th Street, 4th Floor
Austin, Texas 78701**

The hearing will be a legal proceeding 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 hearing as a party, you must attend the 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. 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.

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: June 12, 2006

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

LaDonna Castañuela, Chief Clerk
Texas Commission on Environmental Quality

**MAILING LIST
TOWN OF LINDSAY
SOAH Docket No. 582-06-2023
TCEQ Docket No. 2006-0272-UCR**

FOR THE APPLICANT:

Arturo D. Rodriguez, Jr., Attorney
Russell, Moorman & Rodriguez, L.L.P.
102 West Morrow Street, Suite 103
Georgetown, Texas 78626

FOR THE EXECUTIVE DIRECTOR:

Brian MacLeod, Staff Attorney
Texas Commission on Environmental Quality
Environmental Law Division MC-173
P.O. Box 13087
Austin, Texas 78711-3087

Tuyet Truong, Technical Staff
Tammy Benter, Technical Staff
Texas Commission on Environmental Quality
Water Supply Division MC-153
P.O. Box 13087
Austin, Texas 78711-3087

FOR PUBLIC INTEREST COUNSEL:

Blas J. Coy, Jr., Attorney
Texas Commission on Environmental Quality
Public Interest Counsel MC-103
P.O. Box 13087
Austin, Texas 78711-3087

FOR STATE OFFICE OF
ADMINISTRATIVE HEARINGS:

Natural Resources Docket Clerk
State Office of Administrative Hearings
P.O. Box 13025
Austin, Texas 78711-3025

FOR THE CHIEF CLERK:

LaDonna Castañuela
Texas Commission on Environmental Quality
Office of Chief Clerk MC-105
P.O. Box 13087
Austin, Texas 78711-3087

INTERESTED PERSONS:

See attached list.

John J. Carlton, Attorney
Armbrust & Brown, LLP
100 Congress Avenue, Suite 1300
Leonard, Texas 75452

Bill and Monica Laux
3792 FM 199
Gainesville, Texas 76240

Christopher W. Sikes
12588 County Road 352
Gainesville, Texas 76240

Kenneth J. Thurman
1733 County Road 404
Gainesville, Texas 76240

Bradley Franklin &
Ronda Lynn Metzler
6030 West Highway 82
Gainesville, Texas 76240

Jimmy and Barbara Mosman
1290 County Road 418
Gainesville, Texas 76240

Darlene B. Huebner
2127 County Road 327
Gainesville, Texas 76240

Kathleen M. Hacker
1230 County Road 434
Gainesville, Texas 76240

Herbert Schmidlkofer
3416 County Road 409
Gainesville, Texas 76240

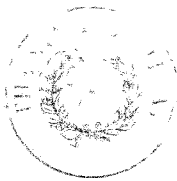
Ella Mae Rohmer
302 North Sycamor
Muenster, Texas 76252

Mary Ann Arendt
3055 County Road 306
Gainesville, Texas 76240

Damian and Lucy Krah
5434 FM 1199
Gainesville, Texas 76240

Alvin Fleitman
4372 County Road 306
Gainesville, Texas 76240

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

August 7, 2008

State Office of Administrative Hearings

The Honorable James W. Norman
Administrative Law Judge
State Office of Administrative Hearings
300 West 15th Street
Austin, Texas 78701

CHIEF CLERKS OFFICE

2008 AUG - 7 AM 10:44

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

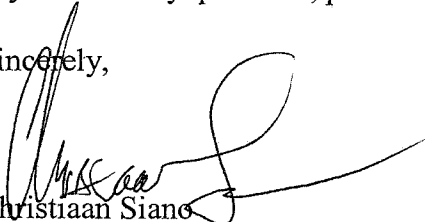
Re: Application from the Town of Lindsay to amend Certificates of Convenience and Necessity (CCN) Nos. 13025 and 20927 in Cooke County, Texas; Application Nos. 35096-C & 35097-C. SOAH Docket No. 582-06-2023.

Dear Judge Norman:

The representative for the Executive Director of the Texas Commission on Environmental Quality has enclosed the Executive Director's pre-filed testimony for Ms. Tammy Lee Holguin-Benter, Utilities and Financial Review Team with the TCEQ. Ms. Holguin-Benter will be testifying on behalf of the Executive Director.

If you have any questions, please call me at (512) 239-6743.

Sincerely,


Christiaan Siano
Staff Attorney
Environmental Law Division

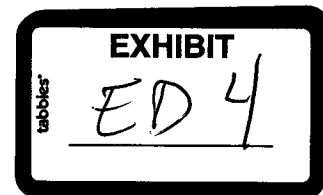
Enclosure

cc: Mailing List

Record Copy

2008

KZ



Mailing List
THE TOWN OF LINDSAY
SOAH Docket Nos. 582-06-1641
TCEQ Docket Nos. 2006-0044-UCR

FOR THE APPLICANT:

The Town of Lindsay
Mr. Arturo Rodriguez, Jr., Esq.,
Russell & Rodriguez, L.L.P.
102 West Morrow Street, Suite 103
Georgetown, Texas 78626-4304
Phone: (512) 930-1317

FOR THE PROTESTANT:

Lindsay Pure Water Company
Mr. John J. Carleton, Attorney at Law
Armbrust & Brown, L.L.P.
100 Congress Avenue, Suite 1300
Austin, Texas 78701-2744
Phone: (512) 435-2308

FOR THE EXECUTIVE DIRECTOR:

Mr. Brian MacLeod, Staff Attorney
Texas Commission on Environmental Quality
Environmental Law Division, MC 173
P.O. Box 13087
Austin, Texas 78711-3087
Phone: (512) 239-0750
Fax: (512) 239-0606

**FOR THE STATE OFFICE OF
ADMINISTRATIVE HEARINGS:**

The Honorable James W. Norman
Administrative Law Judge
State Office of Administrative Hearings
300 West 15th Street
Austin, Texas 78701

FOR THE CHIEF CLERK:

Ms. LaDonna Castañuela, Chief Clerk
Texas Commission on Environmental Quality
Office of Chief Clerk, MC 105
P.O. Box 13087
Austin, Texas 78711-3087
Phone: (512) 239-3300
Fax: (512) 239-3311

FOR PUBLIC INTEREST COUNCIL:

Mr. Blas Coy, Senior Attorney
Texas Commission on Environmental Quality
Public Interest Council, MC 103
P.O. Box 13087
Austin, Texas 78711-3087
Phone: (512) 239-0579
Fax: (512) 239-6377

SOAH DOCKET NO. 582-06-2023
TCEQ DOCKET NO. 2006-0272-UCR

APPLICATION FROM THE TOWN OF
LINDSAY TO AMEND CERTIFICATES
OF CONVENIENCE AND NECESSITY
(CCN) NOS. 13025 AND 20927 IN
COOKE COUNTY TEXAS,
APPLICATION NOS. 35096-C & 35097-C

§
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BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS



CHIEF CLERK'S OFFICE

2008 AUG - 7 AM 10:44

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

DIRECT TESTIMONY OF
TAMMY LEE HOLGUIN-BENTER
UTILITIES AND FINANCIAL REVIEW TEAM
UTILITIES AND DISTRICTS SECTION
WATER SUPPLY DIVISION
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
AUGUST 2008

1 **Q. Please state your name and business address.**

2 A. Tammy Holguin-Benter, 12015 Park 35 Circle, Building F, Austin, Texas.

3 **Q. By whom are you currently employed and how long have you been employed there?**

4 A. I have been employed by the Texas Commission on Environmental Quality ("TCEQ" or
5 "Commission") and its predecessor agency, the Texas Natural Resource Conservation
6 Commission ("TNRCC"), since October 1999 in the Utilities and Financial Review Team
7 until April 30, 2006. Thereafter, I became the Team Leader of the Utilities and Financial
8 Review Team.

9 **Q. Please describe your educational background and past work experience.**

10 A. I graduated from Angelo State University with a Bachelor of Science in Economics and
11 Biology with a supporting concentration in Mathematics. I also hold a Master of
12 Business Administration from the University of the Incarnate Word. I was previously
13 employed as the Executive Director of Keep San Antonio Beautiful (KSAB), a non-profit
14 organization in San Antonio, Texas. While employed by KSAB, my responsibilities
15 included business/financial development, program development, budget/ financial
16 analysis, staff training/development, and board training and development. Prior to
17 working for KSAB, I was employed as a Socioeconomic Analyst by Pacific Western
18 Technologies, Ltd., where my responsibilities included conducting socioeconomic
19 research/analysis and document writing/editing of Environmental Baseline Studies (EBS)
20 and other environmental reports submitted under federal contract for publication. I've
21 attached a copy of my current resume to my testimony (Exhibit TB-ED1).

22 **Q. Please describe current your work responsibilities.**

1 A. My current responsibilities include supervising a team of staff whose primary
2 responsibility is to process applications related to obtaining or amending Certificates of
3 Convenience and Necessity ("CCNs") and rate related applications or appeals.
4 Furthermore, I am responsible for reviewing and processing CCN related applications;
5 assisting with the negotiation of settlements; preparing and mentoring staff to provide
6 expert testimony for contested hearings regarding investor-owned, nonprofit, and
7 governmental water and sewer utilities; and for reviewing business plans or financial and
8 managerial information. In addition to these responsibilities, I work closely with the
9 Capacity Development Program; the Financial, Managerial and Technical (FMT)
10 Contract Team of the TCEQ; and with the Water Utilities Database (WUD) Team.

11 **Q. How many separate CCN cases have been previously assigned to you?**

12 A. I have been assigned over 260 separate CCN related applications during my employment
13 with the TCEQ.

14 **Q. Have you testified as an expert witness in contested matters before the State Office**
15 **of Administrative Hearings ("SOAH")?**

16 A. Yes, in addition to filing prefiled testimony in numerous contested CCN and rate related
17 matters, I have also provided live testimony before SOAH on these type of applications.

18 **Q. For which applications have you provided live testimony?**

19 A. I have testified in two hearings regarding contested CCN applications and in one hearing
20 regarding a contested rate application. The applications were for the CCN application of
21 City of Crandall, Texas, (SOAH Docket No. 582-00-1479); Petition Appealing Water
22 Rates Established by Chisholm Trail Special Utility District (SOAH Docket No. 582-05-

0003) and the CCN application of the Town of Prosper (SOAH Docket No. 582-03-1994).

Q. Are you familiar with the matter known as (SOAH) Docket No. 582-06-2023, TCEQ Docket No. 2006-0272-UCR?

A. Yes, this is the matter regarding the contested applications (the “Applications”) filed by the Town of Lindsay (“Lindsay” or the “Applicant”) to amend its water and sewer CCNs in Cooke County.

Q. Have you reviewed the Applications filed by Lindsay to amend water and sewer CCN Nos. 13025 and 20927 in Cooke County, all prefiled testimonies and the other information filed with the Commission in regard to this matter?

A. Yes, I have.

Q. What is the purpose of your testimony?

A. I will present the Executive Director’s (“ED’s”) position as to Lindsay’s proposed amendments to water and sewer CCN Nos. 13025 and 20927.

Q. Please explain the scope of your participation in the present proceeding.

A. My participation regarding SOAH Docket No. 582-06-2023 can be summarized as follows:

A. I reviewed the Applications with respect to the criteria necessary to amend a water and/or sewer CCN found in the *Texas Water Code*, Section 13.241, and Title 30, *Texas Administrative Code*, Section 291.102, as they were applicable on August 31, 2005, the date the application was filed with the Commission.

B. I reviewed the most recent comprehensive compliance investigations and all

1 responses to any violations or deficiencies noted during the investigations for
2 Lindsay's existing water and sewer systems.

3 C. I reviewed the information filed by all parties as part of formal discovery and all
4 prefiled testimonies filed for this proceeding.

5 D. I have presented herein a position on the Applications to amend water and sewer
6 CCN Nos. 13025 and 20927 filed by Lindsay.

7 **CCN APPLICATION**

8 **Q. During your review of the information presented in Lindsay's Applications, what**
9 **standards did you consider?**

10 A. I reviewed the information based on the eight (8) criteria in the *Texas Water Code*,
11 Chapter 13, and the Commission's Rules, Chapter 291, for amending a water or sewer
12 CCN, as they were applicable on August 31, 2005. This is the date Lindsay filed the
13 Applications which are the subject of this proceeding.

14 **Q. What are the eight (8) criteria?**

15 A. They are as follows:

- 16 (1) the adequacy of service currently provided to the requested area;
17 (2) the need for additional service in the requested area;
18 (3) the effect of the granting of a certificate on the recipient of the certificate
19 and on any retail public utility of the same kind already serving the
20 proximate area;
21 (4) the ability of the applicant to provide adequate service;
22 (5) the feasibility of obtaining service from an adjacent retail public utility;

- 1 (6) the financial stability of the applicant, including, if applicable, the
2 adequacy of the applicant's debt-equity ratio;
3 (7) environmental integrity; and
4 (8) the probable improvement in service or lowering of cost to
5 consumers in that area.

6 **Q. What is Lindsay proposing to accomplish by filing the Applications?**

7 A. Lindsay proposes to amend water and sewer CCN Nos. 13025 and 20927 in Cooke
8 County. Lindsay is asking for the same water and sewer service areas in both
9 Applications.

10 **Q. Did anyone protest the Applications?**

11 A. Yes, the ED received written protests from Lindsay Pure Water Company ("Lindsay
12 Pure" or "Protestant") and various landowners owning property in the requested area.
13 During the preliminary hearing on this matter, the Applicant, the ED of the TCEQ, the
14 Office of the Public Interest Counsel (OPIC) and Lindsay Pure were admitted as parties.

15 **Q. Has Lindsay indicated why it is applying to amend its water and sewer CCNs?**

16 A. As noted on page 11 of the testimony of the Honorable Donald L. Metzler, Mayor Pro
17 Tempore of Lindsay, the Applicant has received requests for water and sewer service
18 from approximately 55 property owners in the requested area. Copies of these written
19 requests for service were attached to Mr. Metzler's testimony as exhibits. Additionally,
20 on page 13 of his testimony, Mr. Metzler indicates that Lindsay is seeking the CCNs to
21 provide water and sewer service to the residents within its city limits, its extraterritorial
22 jurisdiction ("ETJ"), and some additional area outside of its ETJ.

1 **Q. Is Lindsay required to have a CCN?**

2 A. No; as a municipally owned utility Lindsay is not required to possess a CCN to extend
3 service to an area that is not already being lawfully served by another retail public utility.

4 **Q. What is the adequacy of the water and/or sewer service currently provided to the**
5 **requested area?**

6 A. A small portion is currently certificated to the City of Gainesville ("Gainesville") for
7 water and sewer service. I am unaware if Gainesville is actually providing service to or
8 has water or sewer infrastructure in this portion. Other than that, there are no other retail
9 water or sewer providers obligated to serve the requested area.

10 Property owners outside the area certificated to Gainesville for water and sewer
11 service must utilize septic or on-site sewage facilities ("OSSF") as a means for sewer
12 service since there are currently no other retail sewer providers in the area. Therefore,
13 sewer service does not appear to be adequate.

14 As for retail water service, according to page 4 of the testimony of Mr. Jim
15 Myrick, President of Lindsay Pure Water Company, Lindsay Pure is currently providing
16 retail water service to existing homes in areas outside of its CCN. Although Lindsay
17 Pure is meeting minimum requirements for water service, Mr. Myrick adds that these
18 homes are within ¼ mile of the company's current water CCN boundary. Pursuant to
19 Chapter 291 of the Commission's rules, a CCN holder may serve up to ¼ mile outside of
20 its existing CCN boundary without first amending its CCN, unless there is another retail
21 service provider already lawfully serving the area. With regard to sewer service, Lindsay
22 Pure does not provide retail sewer service at this time nor does it have a sewer CCN.

1 **Q. Is there a need for additional water and/or sewer service in the requested area?**

2 A. Yes; as previously stated in my testimony, Lindsay has received 55 written requests for
3 water and sewer service in the requested area. In addition to these requests, Mr. Kerry
4 Maroney, P.E., an engineering consultant for Lindsay, explains on page 9 of his
5 testimony that Lindsay's population increased between the years 2000 and 2006. This is
6 further indicative of the need for service in the requested area.

7 Currently, except for the area already certificated to Gainesville, there is no retail
8 sewer service provider in the proximate area. Therefore, residents in the remainder of the
9 requested area must utilize septic or OSSF for sewer service.

10 The fact that there are customers currently receiving service in the area
11 demonstrates a need for service. Lindsay Pure is currently providing retail water service
12 to existing homes within ¼ mile of its current water CCN boundary. It should be noted,
13 however, that Lindsay Pure has not filed an application to amend its water CCN to
14 provide service to this area.

15 **Q. What is the effect of granting or amending the water and/or sewer certificates on the**
16 **recipient of the certificates and on any retail public utility of the same kind**
17 **already serving the proximate area?**

18 A. If Lindsay's water and/or sewer amendments are granted as requested, then its water
19 and/or sewer CCN service areas would increase. Lindsay's customer base would
20 increase as development in the area occurs. Lindsay in turn would be obligated to
21 provide retail water and/or sewer service to the area. Other retail public water or sewer

1 utilities already serving the proximate area would not be able to lawfully expand into any
2 of the areas within the proposed CCN territories.

3 Because Lindsay Pure has protested the referenced Applications, I will
4 specifically discuss the impact to Lindsay Pure if Lindsay were awarded the water and/or
5 sewer service amendments in its Applications. For the water service area, Lindsay Pure
6 would not be able to lawfully expand its water service into any of the area granted to
7 Lindsay as a result of this proceeding without filing an application to decertify.
8 Furthermore, because Lindsay Pure is currently providing water service to customers
9 outside its CCN area, is in danger of losing these customers to Lindsay as a result of this
10 proceeding. These customers would be affected as they would be required to switch
11 water providers. As for the sewer service area, awarding the requested area would not
12 effect Lindsay Pure since it does not provide retail sewer service. After reviewing Mr.
13 Myrick's testimony, I did not find evidence that Lindsay Pure has any plans to provide
14 retail sewer service in the near future.

15 A portion of Lindsay's requested area overlaps with Gainesville's existing water
16 and sewer CCN service areas. Gainesville appears capable of adequately serving the
17 area. Additionally, awarding this area to Lindsay may conflict with the Commission's
18 policy on regionalization. I have attached a copy of the Commission's guidance
19 document which discusses its regionalization policy as Exhibit TB-ED2.

20 **Q. Does Lindsay have the ability to adequately provide water service to the**
21 **proposed area?**

1 A. Yes, as testified by Mr. Metzler on page 8 of his testimony, Lindsay currently has four
2 contract certified groundwater operators. Furthermore, Mr. Maroney states on page 14 of
3 his testimony that Lindsay is currently serving approximately 396 water connections.
4 Mr. Maroney adds that Lindsay has three existing water wells from which it can provide
5 water service to its existing customers and approximately 304 additional customers. In
6 addition to this information, Mr. Maroney testifies that Lindsay has two 30,000 gallon
7 ground storage tanks; two 40,000 gallon ground storage tanks; and one 150,000 gallon
8 elevated storage tank.

9 **Q. Does Lindsay have the ability to adequately provide sewer service to the proposed**
10 **area?**

11 A. Yes, as testified by Mr. Metzler on page 8 of his prefiled testimony, Lindsay currently
12 employs four certified sewer operators under contract. Furthermore, as testified by Mr.
13 Maroney on page 14 of his prefiled testimony, Lindsay is currently providing sewer
14 service to approximately 396 sewer customers. Mr. Maroney adds that Lindsay is
15 permitted to discharge 0.066 MGD of treated wastewater and it has available capacity to
16 provide sewer service to approximately 470 additional homes without any expansions to
17 its current wastewater treatment plant.

18 **Q. Is it feasible to obtain water and/or sewer service from an adjacent retail public**
19 **utility?**

20 A. Yes, but only for portions of the area. Lindsay Pure, CCN No. 12858, and Myra Water
21 System, CCN No. 12514, are existing retail water utilities located within a 2 mile radius
22 of the proposed water amendment. Moreover, Gainesville, CCN Nos. 12957 and 20885,

1 is certificated to provide retail water and sewer service to a portion of the area requested
2 by Lindsay in the pending applications. At this time, Myra Water System has not
3 expressed an interest in serving the requested area.

4 Under 30 TAC, § 291.103(a)(1), Lindsay Pure can extend water service into
5 territory if the point of ultimate use is contiguous to and within ¼ mile of its CCN
6 boundary. To provide service beyond the ¼ mile, Lindsay Pure would have to amend its
7 CCN. Although Lindsay Pure has expressed an interest in providing retail water service
8 to the requested area, it has not filed an application to amend its CCN. Therefore, it does
9 not appear feasible for current landowners or developers to obtain water service from
10 Lindsay Pure for any of the area outside of the area it is currently serving.

11 As for Gainesville, it is already certificated to provide retail water and sewer
12 service to a portion of the area requested by Lindsay in the pending Applications. Mr.
13 Metzler's testimony included a copy of the Applications filed by Lindsay as an exhibit to
14 his testimony. On the page labeled "App1002" of Lindsay's Applications, the Applicant
15 responds to Question 2.D. by indicating that it has received a verbal agreement from
16 Gainesville to allow Lindsay to be certificated to the area of overlap. Lindsay also
17 indicates that it will supplement its Applications once the agreement with Gainesville for
18 the areas of overlap is executed. As of the date of my prefiled testimony, I have not seen
19 a written agreement between Gainesville and Lindsay for this area. Therefore, because it
20 does not appear that an agreement between Gainesville and Lindsay has been executed, it
21 is reasonably certain that it is feasible for current landowners and potential developers to
22 obtain water and sewer service from Gainesville in the areas of overlap where Gainesville

1 is already certificated. Since Gainesville has not expressed an interest in serving the
2 remainder of the area requested by Lindsay in its Applications, it does not appear feasible
3 for Gainesville to serve the additional area requested by Lindsay.

4 **Q. Is Lindsay financially stable?**

5 A. Yes; it appears to be. As a municipality, Lindsay has the financial authority to issue
6 bonds, apply for loans, levy taxes and utilize fees or other general city funds to support its
7 infrastructure and service obligations. Mr. Jack Stowe, business and financial consultant
8 for the Applicant, testified on page 6 of his prefiled testimony that "Lindsay has not
9 issued any debt within its Governmental Funds; therefore, the debt-to-equity ratio is 0
10 and the capital structure for the Governmental Funds is 100% equity."

11 **Q. Will the environmental integrity be affected by the granting of the water and/or**
12 **sewer CCN amendments as requested by Lindsay in its Applications?**

13 A. Yes; the environmental integrity will be temporarily disturbed by the construction of
14 water and sewer distribution lines and by the construction of additional pumping and
15 storage facilities by whoever provides service to the area. There would also be a positive
16 effect on the environment by having a centralized retail water and/or sewer service
17 provider for the area. This is primarily because it would eliminate the need for
18 landowners and developers to disturb the ground by drilling private water wells, as well
19 as eliminate the need for landowners and developers to install OSSFs to serve
20 development or property in the area.

21 **Q. Will granting Lindsay's water and sewer CCN amendments improve service or**
22 **lower costs to consumers in the area?**

1 A. For the area not currently certificated to Gainesville for water and sewer service, and for
2 the customers not already receiving water service from Lindsay Pure, the availability of
3 retail water and sewer service in the additional area would be an improvement.
4 Furthermore, since Lindsay is an adjacent retail water and sewer service provider already
5 serving the adjacent area, Lindsay is promoting the Commission's policy on
6 regionalization. Because the ED does not have original jurisdiction over the rates and
7 service policies of municipalities, the ED is unable to determine whether the water or
8 sewer rates will be lower to consumers in the area. However, economies of scale may
9 ultimately lower the cost to consumers.

10 **LINDSAY PURE'S CURRENT SERVICE AREA**

11 **Q. Can you describe the water CCN currently held by Lindsay Pure Water Company?**

12 A. Yes, Lindsay Pure currently holds water CCN No. 12858 in Cooke County. The CCN
13 was issued in 1998 and a copy of the certificate is attached to Mr. Myrick's testimony as
14 Exhibit LPWC 6. As described by Mr. Myrick on page 4 of his prefiled testimony, the
15 current CCN covers only what is known as Phase 1 of the South Ridge of Lindsay
16 Subdivision and a portion of Phase 2.

17 **Q. Do you agree with Mr. Myrick's testimony that Lindsay Pure was awarded only a**
18 **portion of the area it originally requested in error?**

19 A. No, I do not agree with Mr. Myrick's testimony. Mr. Myrick testifies on page 7 of his
20 testimony that he does not believe there is a current need for service in the surrounding
21 area. I believe the Commission granted Lindsay Pure the water CCN to the area where it
22 was able to demonstrate a need for service only. Furthermore, as testified by Mr. Myrick

1 on page 1 of his testimony, he has been part owner and President of Lindsay Pure since it
2 was created in 1997. Therefore, he had an opportunity to review the certificate, order,
3 and map awarded in 1998 to Lindsay Pure, and to file either a Motion to Overturn (MTO)
4 after the CCN was granted, or to file a CCN amendment application for the remaining
5 area during the course of this proceeding. Moreover, although the Commission's rules
6 allow Lindsay Pure to serve up to ¼ mile outside of its CCN service area, it is not
7 protected from encroachment from other service providers.

8 **CONCLUSIONS AND RECOMMENDATIONS**

9 **Q. Have you drawn any conclusions based on your review of Lindsay's Applications,**
10 **information presented to you during discovery by all parties, and the testimonies**
11 **presented by all parties with respect to the Applications, which are the subject of**
12 **this proceeding?**

13 A. Yes, I have drawn several conclusions. First, I have concluded that although there was a
14 prior agreement reached between Lindsay Pure and Lindsay with respect to future service
15 to the requested area, the agreement is outside the jurisdiction of the TCEQ. Therefore,
16 the agreement will not be used in making my recommendations.

17 Second, as previously stated, although the Commission's rules allow Lindsay
18 Pure to provide service up to ¼ mile outside of its CCN service area, it is not protected
19 from encroachment from other providers. By filing a CCN amendment application
20 during the course of this proceeding, Lindsay Pure may have protected its existing
21 customers from encroachment by another retail provider. However, Lindsay Pure did not
22 file such an application.

1 Third, although I believe Lindsay Pure may be able to demonstrate the financial,
2 managerial, and technical capability to provide water service to a portion of the requested
3 area, that application has not been filed with the Commission so it cannot be taken into
4 consideration at this time.

5 **Q. Do you have a recommendation on Lindsay's CCN Applications to amend water**
6 **and sewer CCN Nos. 13025 and 20927 in Cooke County?**

7 A. Yes, I do. I recommend that Lindsay's water CCN amendment Application be granted to
8 all of the requested area except for the area of overlap with Gainesville's existing water
9 CCN service. As for Lindsay's sewer CCN amendment Application, I recommend that it
10 be granted for all of the requested area except for of the area of overlap with
11 Gainesville's existing sewer CCN.

12 **Q. Are granting of the water and/or sewer certificates necessary for the service,**
13 **convenience, accommodation, and safety of the public?**

14 A. Yes, it is my professional opinion that granting the certificates to serve the recommended
15 water and sewer service areas are necessary for the service, convenience,
16 accommodation, and safety of the public.

17 **Q. Does the ED need additional information in order to grant the recommended water**
18 **and sewer CCN service areas?**

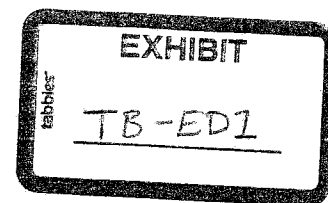
19 A. Yes, the ED would need, on separate water and sewer maps, four hard copies of maps
20 showing the area and projectable digital data depicting the recommended area for both
21 the water and sewer service areas separately. This information would be needed in order

1 to correctly illustrate the areas on the final maps. In turn, these maps would be submitted
2 along with the final order for this proceeding.

3 **Q. Does this conclude your direct, prefiled testimony?**

4 A. Yes, it does; but I reserve the right to supplement this testimony during the course of the
5 proceeding as new facts or other evidence is presented.

Tammy Lee Holguin-Benter
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78753
(512) 239-6136 phone



P R O F E S S I O N A L E X P E R I E N C E

Texas Commission on Environmental Quality (TCEQ)

October 1998 to Present

State of Texas (Agency Headquarters – Austin, Texas)

NATURAL RESOURCE SPECIALIST – TEAM LEADER. Team Lead for all Rate/Tariff change applications, Certificate of Convenience and Necessity (CCN) applications, and Sale, Transfer or Merger (STM) applications. Responsible for the mentoring, training and development of staff. Tracking of applications including coordination with staff and the Environmental Law Division to ensure cases and orders are completed in a timely manner. Participation in contested case hearings and providing of expert staff testimony in administrative hearings. Review, analysis and preparation of Bill Impact Statements from the Texas Legislature. Review and analysis of business plans, along with financial, managerial and technical information including annual reports, budgets, and pro forma projections for public drinking water systems and water/sewer utilities. Review and analysis of information for permit applications. Preparation of staff recommendations for approval of applications. Providing of assistance to public water systems and utilities in the development of business plans, understanding and compliance of financial/managerial/technical requirements, and responding to inquiries concerning utility service areas, rate regulation, and compliance with state standards and guidelines pursuant to State of Texas rules and statutes. Preparation of consolidation assistance assignments for EPA funded contract administered by TCEQ. Participate and assist with the capacity development program including writing and preparing Financial/Managerial/and Technical reports and working with the State Revolving Fund (SRF) program in partnership with the Texas Water Development Board. Also, previously assisted contract manger with the tracking of the on-site assistance contract, desk reviews of monthly deliverables, and preparation of contract reports for management.

Keep San Antonio Beautiful, Inc. (KSAB)

May 1997 to July 1998

San Antonio, Texas

EXECUTIVE DIRECTOR (NON-PROFIT AGENCY). Responsible for daily business operations and program supervision of a 501(c) (3), non-profit environmental enhancement organization. Managed staff, public relations, fund raising/business development, program services, and contract negotiations. Business development functions included financial/budget preparation & analysis, grant research & writing, annual campaigns, direct mail, special events, and membership drives. Program and service duties included educational & informational outreach in solid waste management, beautification, litter, and graffiti related issues. Public and media relations functions included public speaking, writing press releases, creating newsletters & brochures, website development & maintenance, and completing award applications for the organization. Created and implemented marketing plans & campaigns, annual outreach contests & activities, and established partnerships and contacts with the media. Reported and presented materials and information to the KSAB Board of Directors, corporate executives, city council, county commissioners, and other local entities.

San Antonio Iguanas Hockey Club

October 1996 to May 1997

San Antonio, Texas

ACCOUNT EXECUTIVE/PUBLIC RELATIONS REPRESENTATIVE OF GAME OPERATIONS. Established and recruited corporate sponsorships and trade agreements. Responsible for marketing of group and corporate ticket sales, creating flyers, mass mailings, promotions and generating of ticket sales. Utilized the Ticket Master ticketing system to generate single and group tickets and assisted with merchandise sales. Customer relations/service responsibilities to include daily cash balance/reconciliation and on-line purchases. Submitted press releases to media, partners, media relations, and public relations during game operations.

San Antonio Spurs/SAOne
San Antonio, Texas

December 1995 to June 1996

ADVERTISING/MARKETING PROMOTIONS (INTERNSHIP). Performed daily event coordination and sports administrative duties for professional NBA franchise. Assisted with media coordination, marketing, advertising, event coordination, public relations, customer service, and on/off court promotions for Spurs and SAOne events. Direct event responsibilities included: San Antonio Spurs (advertising and event coordination, general marketing, marketing research, in-arena media tracking and promotions, media relations, game operations, customer service and 1996 NBA All-Star Weekend staff assistant); 1996 NBA Jam Session (media relations, marketing, local NBA contact, crowd control, sponsor and partner relations, press conference/remote activities, and managed NBA Jam Session booth at Spurs games prior to event); SAOne (1995 Builders Square Alamo Bowl - assisted with merchandise licensee contracts and agreements, volunteer coordination for novelty sales, marketing, creating and editing ad drop-in summaries, media relations, merchandise inventory, sponsor/partner relations, and event wrap-up). Fulfilled mailing and phone merchandise requests, inspected orders, shipments, invoicing, collecting payment for orders, and reporting/closing of sales.

Pacific Western Technology, Ltd.
San Antonio, Texas

May 1994 to December 1995

SOCIOECONOMIST/MARKETING & ADMINISTRATIVE ASSISTANT. Social and economic research, analysis, and document writing/editing for environmental reports including Environmental Baseline Studies and other reports submitted under federal government for publication. Customer service, public relations, and outreach coordination. Extensive computer use to include word processing, spreadsheets, database, presentation preparation, graphics, and on-line applications. Office management and training course administrator (training site coordination, conferences, registration, travel accommodations, materials management). Provided marketing support, and special project support/coordination for projects under federal government contract.

E D U C A T I O N

Masters of Business Administration
UNIVERSITY OF THE INCARNATE WORD
SAN ANTONIO, TEXAS

Bachelor of Science in Economics/Biology & Math
ANGELO STATE UNIVERSITY
SAN ANGELO, TEXAS

R E F E R E N C E S

References available upon request.



January 2003
RG-357

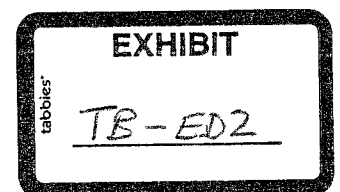
The Feasibility of Regionalizing Water and Wastewater Utilities:

A TCEQ Policy Statement

printed on
recycled paper

Water Supply Division

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



The Feasibility of Regionalizing Water and Wastewater Utilities:

A TCEQ Policy Statement

Prepared by
Water Supply Division

RG-357
January 2003



Robert J. Huston, *Chairman*
R. B. "Ralph" Marquez, *Commissioner*
Kathleen Hartnett White, *Commissioner*

Margaret Hoffman, *Executive Director*

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Published and distributed
by the
Texas Commission on Environmental Quality
PO Box 13087
Austin TX 78711-3087

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Contents

Introduction	1
A Few Important Terms	2
What Is the Regionalization Policy?	3
Why This Policy?	3
To Whom Does This Policy Apply?	4
Must Existing Systems Regionalize?	5
What Will "Regionalization" Look Like?	5
How Does This Policy Outline Responsibilities?	5
What the TCEQ Must Do	5
What You Must Do	6
What Existing Providers Must Do	6
Where Do I Begin?	6
Locate Nearby Systems	6
Start Reading This Policy	10
 New Public Water Systems	11
Exception 1: No public water systems within 0.5 mile	11
Exception 2: Your request for service has been denied	11
Exception 3: Costs, affordability, and capabilities	13
 New Water and Wastewater CCNs	15
Exception 1: No systems within 2 miles	15
Exception 2: Your request for service has been denied	15
Exception 3: Costs, affordability, and capabilities	16
If You Qualify for None of These Exceptions	16
 <i>Appendix A: Analyzing Costs, Affordability, and Capabilities of the Existing System</i> ..	17
Factor 1: Compare Costs to Your Development's Projected Value	17
Determining Costs of Regionalization	19
Determining Projected Value of Development	22
Factor 2: Consider Affordability of Rates	22
<i>Criterion 1:</i> Rates resulting from regionalization are not affordable	22
<i>Criterion 2:</i> Rates of a stand-alone system would be lower than the (unaffordable) rates of a regionalized system	24
Factor 3: Consider Capabilities of Existing System	24
Features That Can Indicate Financial Capability	24
Features That Can Indicate Managerial Capability	25
Features That Can Indicate Technical Capability	25
 <i>Appendix B: Statutory and Regulatory Authority</i>	26
General Statutory Authority	26
Specific Authority	26
Public Water Systems	26
Water and Sewer CCNs	27

Flowcharts

Flowchart 1. Is forming a regional PWS feasible?	12
Flowchart 2. Is forming a regional system feasible when you need a CCN?	14
Flowchart 3. Should we grant an exception?	18

Tables

Table 1. How to Get Information about Existing Systems from the TCEQ	9
Table 2. Does the TCEQ Have Jurisdiction over Your Connection Fees?	20

Introduction

Building and operating a successful water or wastewater system is not easy. To comply with the state and federal requirements that ensure that drinking water is safe and wastewater is treated adequately, you must have—or have access to—these and other resources:

- for drinking water systems, an adequate and reliable source of water that either is or can be made safe for human consumption;
- the financial resources and technical ability to design and build a system that can provide service effectively and reliably;
- the financial resources and technical ability to operate and maintain the system so it operates safely for your workers, your customers, and, in the case of wastewater systems, the environment;
- the ability to read and understand the many, highly technical state and federal regulations associated with water and wastewater systems;
- the management skill to successfully operate a business that is critical to public welfare.

Recognizing the critical role these resources play in the success of a water system, Congress amended the Safe Drinking Water Act in 1996. Under these amendments, states must determine whether new community water systems are likely to be able to comply with regulatory requirements.

In 1997, the 75th Texas Legislature made similar amendments to Chapter 341 of the Texas Health and Safety Code and Chapter 13 of the Texas Water Code.

Along with other recent legislative changes—and wastewater regulations that were already on the books—these amendments establish a clear message: All new public water systems and any wastewater systems owned and operated by entities required to obtain a CCN must be capable of operating efficiently and effectively for the long term. In Texas, the Texas Commission on Environmental Quality (TCEQ, “we”) is responsible for reviewing and approving the design and operating plans of proposed water systems, and the Texas Water Development Board (TWDB) can assist growing areas with water resource planning.

This document states the TCEQ’s policy for evaluating applications for new systems to determine whether regionalization—the consolidation of the operations, physical systems, or both of two or more existing or proposed water or domestic wastewater systems—is a viable option for the

proposed new system. The goal of this policy is to achieve the best service to the consumer at rates that will ensure that the system is maintained for the long term.

In this policy, we also address the issue of when existing systems that are struggling to remain in compliance with state and federal regulations should consider the option of regionalization.

See Appendix B for details on the statutory authority for this policy.

A Few Important Terms

Before discussing this policy further, we need to define some important terms. These simplified definitions are intended to help you understand these terms as we use them in this policy statement. However, the official definitions are as stated in the relevant statute or rule.

Types of Systems

system—a physical plant plus the lines that connect it to the customer.

public water system (PWS)—any drinking water system that has the potential to serve at least 15 connections or that does serve at least 25 people for at least 60 days out of one year. For example, mobile home parks, truck stops, and restaurants that have their own water supply usually meet the minimum standard of being a PWS. For a PWS, the system comprises the source of the water, the water treatment plant, and the water lines that distribute water to the consumer.

wastewater system—For a wastewater system, the system comprises the sewer lines that collect the wastewater from the customer and carry it to the wastewater treatment facility as well as the treatment facility itself.

Types of Service Providers

retail public utility—any city, county, district, utility (as defined below), or water supply corporation that charges a fee to directly provide water or sewer service to consumers. (*Note:* “Utility” might seem to be the broader term, but, as defined in the law, “retail public utility” actually includes “utility”: All “utilities” are “retail public utilities,” and not all “retail public utilities” meet the law’s narrower definition of “utility.”)

utility—a person, partnership, corporation, or “affected county” that charges a fee to directly provide water or sewer service to consumers. Also called “investor-owned utility,” “water” or “sewer utility,” or “public utility.” (See “Other Terms” below for a definition of “affected county.”)

water supply corporation—a nonprofit corporation organized under state law (Texas Water Code Chapter 67) to provide water or sewer service.

Other Terms

affected county—a county within 50 miles of the international border.

certificate of convenience and necessity (CCN)—a TCEQ document that defines your water or sewer service area. Your system might not extend to the limits of this service area, but other utility service providers generally may not encroach upon your service area. If anyone in this area applies for service, you generally must serve them. You may use one or more systems to serve this area. An affected county, investor-owned utility, or water supply corporation must obtain a CCN, but a city, district, or other county does not need one. If your water system or systems cannot serve more than 15 connections, you may ask to be exempted from this requirement. See Title 30 Texas Administrative Code (30 TAC) Chapter 291 for more details about CCNs.

What Is the Regionalization Policy?

Our policy is that regionalization is feasible unless one of these three exceptions applies:

- (1) No other systems are reasonably close to your planned system.
- (2) You have requested service from neighboring systems, and your request has been denied.
- (3) You can successfully demonstrate that an exception based on costs, affordable rates, and financial, managerial, and technical capabilities of the existing system should be granted.

If you apply for a new certificate of convenience and necessity (CCN), then you must demonstrate that one of these three exceptions applies to your system. You must give our staff related information in sufficient detail for them to determine whether an exception applies. If you wish to construct or operate a new PWS, even if you are not required to obtain a CCN to operate, then you must still demonstrate that one of these three exceptions applies to your system and give our staff related information in sufficient detail for them to determine whether an exception applies.

Why This Policy?

By encouraging the regionalization of water and wastewater systems, we hope to protect the health, safety, and welfare of Texans by ensuring a

long-term supply of safe water at affordable rates and by maintaining the quality of water in the state.

The ultimate goal of regionalization is to provide timely and cost-effective solutions for achieving quality service. Drinking water and wastewater systems are facing an ever-increasing demand on their resources to stay in compliance with provisions of the federal Safe Drinking Water Act and federal Clean Water Act. The costs associated with compliance are higher per person as the system size decreases.

In applying this policy, we are ensuring a steady decrease in the number of Texans who are being served by systems that are unable to sustain the financial, managerial, and technical capabilities necessary to provide continuous and adequate service. And we are ensuring that fewer new systems will encounter the same financial, managerial, and technical problems being faced by existing weak systems.

Whenever the formation of a regional system is the least expensive long-term solution for providing quality service, we will require proponents of new systems to form a regional system instead. Only a system with adequate financial, managerial, and technical capacity can reliably provide good quality drinking water in sufficient quantities and basic sanitation service that meets regulatory standards.

To Whom Does This Policy Apply?

This policy applies to the following entities regulated by the TCEQ:

- owners and operators of new PWSs;
- applicants requesting approval for a new water or sewer CCN for a proposed facility, or for an existing facility if a CCN was required to be obtained before the system was constructed.

This guidance document will not change our administrative rule requirements and procedures relating to rate making, CCNs, and PWSs. Rather, this guidance document is advising all CCN applicants and owners or operators of proposed PWSs to take proactive measures to either form sound regional systems or demonstrate the ability to operate a viable, stand-alone utility system.

As a CCN applicant or an owner or operator of a proposed PWS, you must evaluate the availability of a regional system before you submit the actual CCN application, plans and specifications, and, if required, business plan. As part of determining whether regionalization is feasible, our staff will evaluate these materials.

This guidance document will not apply to wastewater systems that are not required to hold a CCN and do not apply for a CCN.

Must Existing Systems Regionalize?

Although the purpose of this regulatory guidance document is to provide guidance to new systems, a similar regionalization review will apply to the owners and operators of any existing PWS that:

- was constructed without the necessary approval,
- has a history of noncompliance, or
- is subject to a TCEQ enforcement action.

What Will “Regionalization” Look Like?

The structure and operation of any particular regional system will depend on the individual circumstances. Under this policy, regionalization can take any one of these forms:

- one owner and one large system serving several different communities or subdivisions;
- one owner and several isolated systems, each providing service to one or more communities or subdivisions;
- several owners, each with individual systems operated through a centrally coordinated operating system;
- several owners, each with an isolated system, all served by a central wholesale provider; or
- the existence of permanent emergency interconnections.

We do not presume that any particular ownership structure of a PWS is more appropriate to serve as a regional provider. Any retail public utility could serve as the regional provider if it can meet the necessary requirements under 30 TAC Chapters 290 and 291.

How Does This Policy Outline Responsibilities?

Based on state law and our rules, this policy calls for us, any person proposing a new system, and existing providers to fulfill specific responsibilities.

What the TCEQ Must Do

Through our programs in the Water Supply Division, we must ensure that PWSs supply safe drinking water in adequate amounts and are financially stable and technically sound. We must also promote the use of regional and areawide drinking water systems.

In meeting these responsibilities, we must review the engineering plans and specifications of all proposed PWSs. For any proposed PWS that is to

be privately owned, we must also review the system's business plan. For any water or wastewater system that must have a new CCN, we must review the application, review the system CCN maps, and consider the financial, managerial, and technical capabilities of the applicant.

What You Must Do

If you wish to build a new PWS or apply for a new CCN, then you must comply with our rules for these systems (30 TAC Chapters 290 and 291) and follow the guidance set out in this document.

Among other requirements, our rules state that you must obtain our approval of your engineering plans and specifications before you begin building your proposed PWS. For a privately owned PWS, you must also have our approval of your business plan before construction may begin.

What Existing Providers Must Do

Existing providers that hold CCNs must provide prompt responses to requests for service, treat all applicants equitably, charge application fees that are reasonable, and charge cost-based fees for providing service to the specific development receiving that service.

Where Do I Begin?

The first step in determining whether regionalization is feasible is to identify all the water or wastewater systems within the specified distance that state law considers to be “reasonably close”—that is, half a mile for a new PWS and 2 miles for new CCNs. The second step is to read our policy and see how it applies to you.

Locate Nearby Systems

First, you must identify and locate all neighboring systems. From our records, we can provide you with some information about nearby systems, ***but it is your responsibility to make sure that this information is complete, accurate, and current.*** You might have to do local research—perhaps even some fieldwork—to complete this task. Here are a few tips that can make your research more productive:

- First, contact us as described under “Finding Nearby Water Systems” below and “Finding Nearby Wastewater Systems” on page 7 to get the most recent information we have.
- Drive the area. Systems must have identification at all plant sites.
- Look in the Yellow Pages under “Water Companies-Utility.”

- Talk to the operators of any systems you discover to find out where they serve or who operates the nearest systems.
- Review our maps for CCN service areas and contact each system's owner or operator to find out the limit of its service area. Don't assume that the limit of the physical system is the same as the limit of the service area.
- Contact county offices to find out about subdivision plats on file. Each city should also have this information for areas inside that city's extraterritorial jurisdiction, or "ETJ."

Finding Nearby Water Systems

You can obtain our most recent information on public water systems or utilities in one or more counties from the online Water Utilities Database (WUD). WUD contains data on public water systems, water and sewer utilities, and water districts.

You can use this database to search for an individual public water system, utility, or district. You can also do an "advanced search" to filter a list of entities from the database. To find WUD, go to the TCEQ Web site (www.tceq.state.tx.us) and enter "WUD" in the "Search" box at the upper right of the home page. Online training is available for WUD. There are also some electronic maps showing CCN areas available on WUD and on the TCEQ's GIS Web page (from the home page, enter "GIS" in the "Search" box at upper right).

As an alternative to using WUD, you can contact our Information Resources Division as shown in Table 1 on page 9. The Information Resources Division can provide information such as public water system or utility name, contact person, and address. There may be a charge for obtaining a list of systems from the Information Resources Division.

After you have focused your search on the systems in one particular area, and if a map is not available on our Web site, contact our Utilities and Districts program (512/239-4691). Using our most recent maps, staff in this program can help you identify service areas and the service providers who operate in those areas.

For further information about water service providers, you should also review the regional water plan for your regional water planning area. Contact the Texas Water Development Board at 512/463-7847 or through its Web site (www.twdb.state.tx.us) for a map of regional water planning areas and contact names for each of the regional water planning groups.

Finding Nearby Wastewater Systems

Finding nearby wastewater systems is similar to finding nearby water systems, with one exception: You can narrow your search by contacting our Water Quality Assessment program first, as shown in Table 1 on page 9. (If you would like to get a list of *all* systems in one or more counties, go straight to Information Resources instead.)

With the name of the county in which you are proposing to build your system and a map of the area you plan to serve, our Water Quality Assessment program can locate the wastewater outfalls of nearby systems. (An outfall is the point where the system's treated wastewater is discharged into state waters.)

The advantage of locating outfalls is that you may be able to find a wastewater treatment plant that is accessible to your proposed development even if the system served by that plant is not nearby. If the plant has excess capacity, the service provider might allow you to connect your system to that plant or to an interceptor line feeding the plant.

However, once you have this information, keep these points in mind:

- The rules require you to contact systems whose *service areas* are within 2 miles of your proposed service area.
- Our Water Quality Assessment staff can tell you the position of the *outfall*, but they do not know the boundaries of the service area.
- Outfalls generally are located downstream of the systems themselves.

Our Water Quality Assessment staff can also tell you the water quality permit numbers for each plant. Once you know these permit numbers, our Information Resources Division can give you the mailing address of each permit holder. If you need more help, contact our Utilities and Districts program.

Information Sources

As stated previously, you can obtain our most recent information on public water systems or utilities in one or more counties from the online Water Utilities Database (WUD). WUD contains data on public water systems, water and sewer utilities, and water districts, and can be accessed from the TCEQ Web site (www.tceq.state.tx.us). If you prefer to make a written request for this information, see Table 1 on the facing page for contact information and the information you must include with your request.

For further information about water supply sources, you should also review the regional water plan for your regional water planning area. Contact the Texas Water Development Board at 512/463-7847 or through

Table 1. How to Get Information about Existing Systems from the TCEQ

For public water systems ...

To get this information:	Include this information in your request:	And send your request to:
A list of all water service providers in one or more counties (do this <i>first</i>)	The name of each county for which you want this information (<i>be sure to indicate that you want a list of public water systems</i>)	TCEQ Information Resources, MC 197 PO Box 13087 Austin TX 78711-3087 fax: 512/239-0888 phone: 512/239-DATA (3282)
Water service area boundaries of systems that have CCNs (<i>after</i> you have focused on a specific area or provider)	An accurate area map showing the location and approximate boundaries of your proposed development	TCEQ Utilities and Districts, MC 153 PO Box 13087 Austin TX 78711-3087 fax: 512/239-6972 phone: 512/239-4691

For wastewater systems ...

To get this information:	Include this information in your request:	And send your request to:
Locations of wastewater outfalls (and the permit number for each outfall) in a specific area	An accurate area map showing the location and approximate boundaries of your proposed development	TCEQ Water Quality Assessment, MC 150 PO Box 13087 Austin TX 78711-3087 fax: 512/239-4420 phone: 512/239-4671
The mailing address of a permit holder	The permit number for the corresponding outfall	TCEQ Information Resources, MC 197 PO Box 13087 Austin TX 78711-3087 fax: 512/239-0888 phone: 512/239-DATA (3282)
A list of all wastewater service providers in one or more counties	The name of each county for which you want this information (<i>be sure to indicate that you want a list of wastewater systems</i>)	TCEQ Information Resources, MC 197 PO Box 13087 Austin TX 78711-3087 fax: 512/239-0888 phone: 512/239-DATA (3282)
Sewer service area boundaries of systems that have CCNs (<i>after</i> you have focused on a specific area or provider)	An accurate area map showing the location and approximate boundaries of your proposed development	TCEQ Utilities and Districts, MC 153 PO Box 13087 Austin TX 78711-3087 fax: 512/239-6972 phone: 512/239-4691