

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.

Start Reading This Policy

If you plan to build a new PWS, start your reading with “New Public Water Systems” on the next page. If you also need a new CCN and the information in “New Public Water Systems” indicates that your water system qualifies for an exception to this regionalization policy, then you must continue your reading with “New Water and Wastewater CCNs” on page 15.

If you are applying for a new CCN to build a stand-alone sewer system only, start your reading with “New Water and Wastewater CCNs” on page 15.

New Public Water Systems

If you plan to build a new PWS, you must evaluate the feasibility of regionalization before you submit your plans, specifications, and, if required, business plan to us. Our policy is that regionalization is feasible unless one of these three exceptions applies:

Do You Need a CCN, Too?

If your proposed PWS will be owned privately or by a water supply corporation *and* you plan to charge your customers a fee for service, then you must also obtain a CCN.

If you need to obtain a CCN, see "New Water and Wastewater CCNs" on page 15 *after* you have read this chapter.

- (1) There are no PWSs within one-half mile.
- (2) You have requested service, 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.

To develop a new stand-alone system, you must consider these three exceptions in this order and then demonstrate that one of these exceptions applies to your system. To receive an exception from this policy, you must provide us the information identified in this chapter.

See Flowchart 1 on page 12 for an overview of this process.

Exception 1: No public water systems within 0.5 mile

If there are existing PWSs within one-half mile of your service area, go to Exception 2 below.

If no PWSs exist within one-half mile of your service area, and you do not need a new CCN (see the box above and to the left), you may proceed to submit your plans, specifications, and, if required, business plan for a stand-alone system.

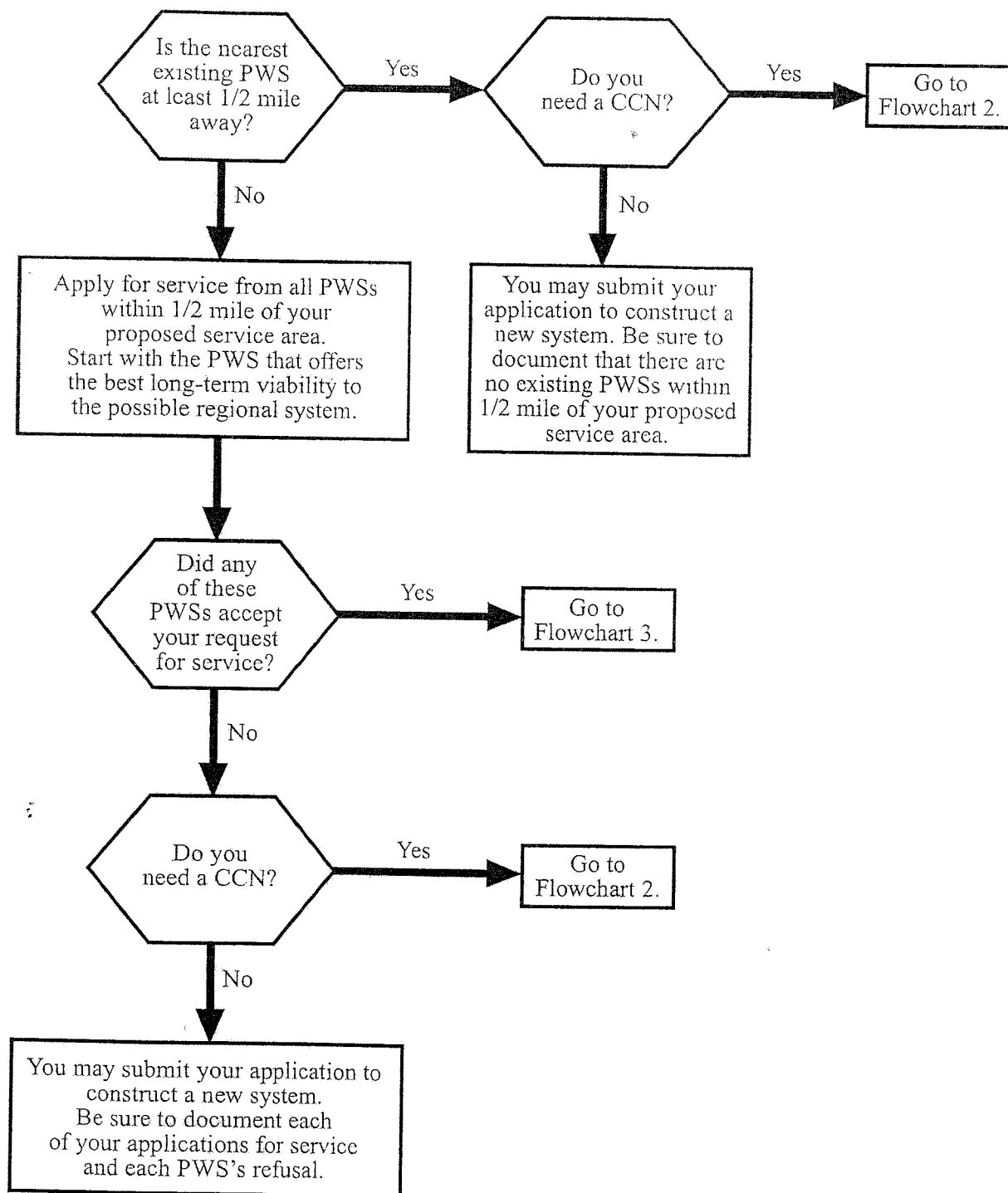
Note: If more than one existing system is within 0.5 mile of your proposed service area, we recommend that you consider establishing regional service with the existing system that will provide the best long-term viability.

Exception 2: Your request for service has been denied

Have you formally applied for service from these systems?

You must apply for service from the existing systems by submitting a formal "request for service" application and by paying any associated fees.

Flowchart 1.
Is forming a regional PWS feasible?



If there is more than one existing system, we recommend that you consider establishing regional service with the existing system that will provide the best long-term viability.

You must document that you have made every reasonable attempt to request service from all the nearby systems and the appropriate department of each system. If you do not receive a response within a reasonable amount of time, you are responsible for following up.

Was your request for service approved?

If your request was approved, you must work with that system to form a regional system unless you can demonstrate that regionalization is not feasible through Exception 3 below.

If your request was not approved and you do not need a new CCN (see box, page 11, upper left), you may submit your plans, specifications, and, if required, business plan for a stand-alone system. However, you must provide us a copy of the application requesting service and all correspondence from all the existing systems when you submit these materials.

Exception 3: Costs, affordability, and capabilities

Can you successfully demonstrate that an exception should be granted based on costs, affordability, and the capabilities of the existing system?

To analyze the feasibility of regionalization, you must consider the interplay of these interrelated factors:

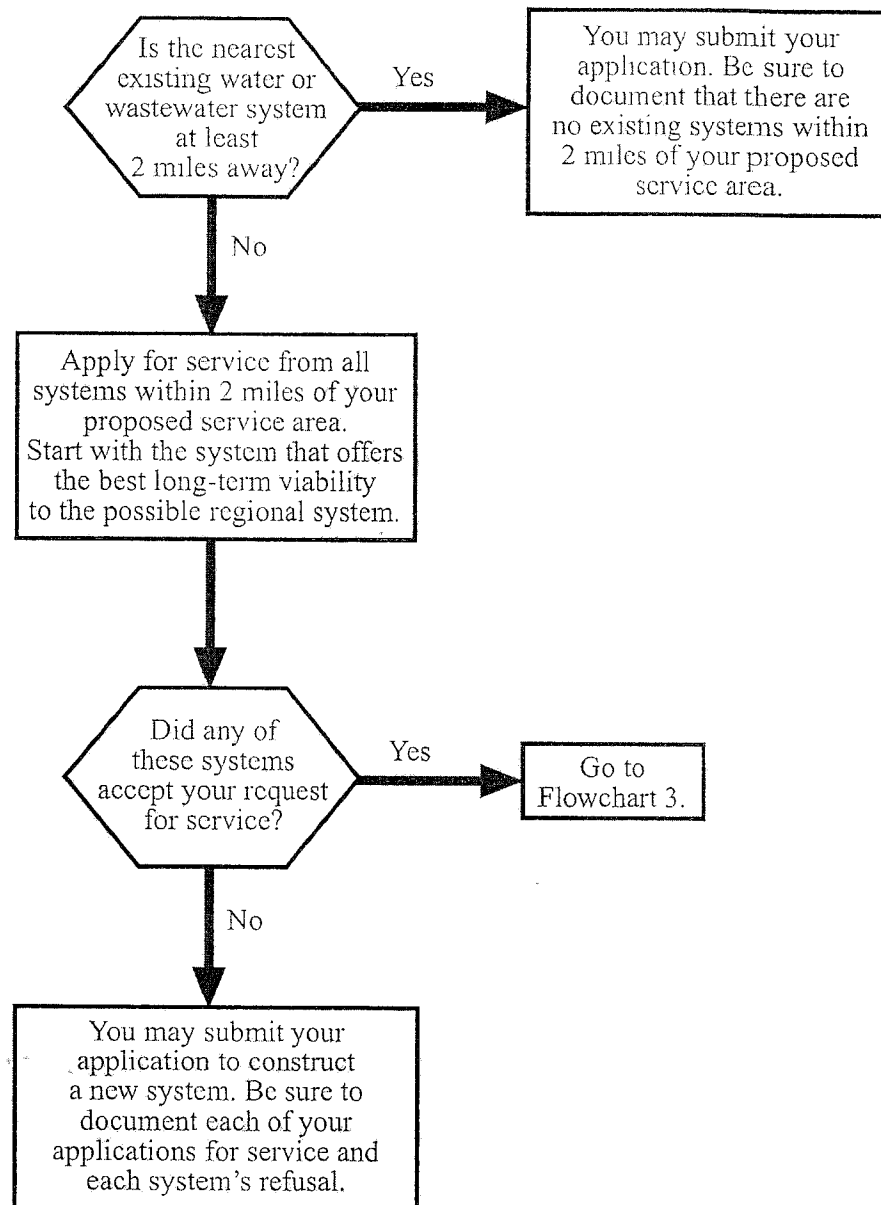
- ratio of the costs of regionalization compared to the projected value of the development at buildout;
- affordability of the rates; and
- financial, managerial, and technical capabilities of the existing system.

These factors are used as a screening process. You qualify for this exception even if you meet only one of these factors.

If you qualify for this exception, you may submit your plans, specifications, and, if required, business plan for a stand-alone system. However, you must also give us the supporting documentation. Before you submit these materials, see the box at the upper left of page 11 to find out whether you also need a CCN.

For a more detailed explanation of how to analyze these factors, see “Appendix A: Analyzing Costs, Affordability, and Capabilities of the Existing System” on page 17.

Flowchart 2.
Is forming a regional system feasible when you need a CCN?



New Water and Wastewater CCNs

If you are applying for a new CCN, you must evaluate the feasibility of regionalization before you submit your CCN application and accompanying documents to us.

Our regionalization policy for these new CCNs is just like our policy for new PWSs except for these two points:

- You must expand your search for nearby water or wastewater systems to 2 miles from the boundary of your proposed service area.
- You do not have to consider the exceptions in order. In other words, you do not have to apply for service from a nearby system if you can demonstrate that costs, affordability, and the capabilities of that system would make regionalization infeasible anyway.

Flowchart 2 on the facing page gives an overview of this process.

Exception 1: No systems within 2 miles

Is an existing PWS or wastewater treatment system within 2 miles of your proposed CCN boundary?

If the nearest system is within 2 miles of your proposed boundary, see whether *either* Exception 2 below or Exception 3 on page 16 applies to you.

If the nearest system is more than 2 miles away, you may submit your CCN application and related materials to us.

You are not *required* to consider regionalization. However, we *recommend* that you consider the feasibility of establishing regional service with another system, even if you must look more than 2 miles away.

Note: If more than one existing system is within 2 miles of your proposed boundary, we recommend that you consider establishing regional service with the existing system that will provide the best long-term viability.

Exception 2: Your request for service has been denied

Have you requested service from all of these systems?

If you have requested service, see “Was your request approved?” below.

If you have not requested service from a nearby system, then you must either request service from that system or demonstrate that regionalization is not feasible through Exception 3 on page 16.

Was your request approved?

If the nearby system approved your request for service, see Exception 3 below

If the nearby system rejected your request for service, you may proceed to submit your plans, specifications, business plan, and CCN application. However, you must provide us a copy of the application requesting service and all correspondence from the existing system when you submit these materials

Exception 3: Costs, affordability, and capabilities

Can you successfully demonstrate that an exception should be granted based on costs, affordability, and the capabilities of the existing system?

As with a new PWS, to analyze the feasibility of regionalization, you must consider the interplay of these interrelated factors:

- ratio of the costs of regionalization compared to the projected value of the development at buildout;
- affordability of the rates; and
- financial, managerial, and technical capabilities of the existing system.

These factors are used as a screening process. You qualify for this exception even if you meet only one of these factors.

If you qualify for this exception, you may submit your plans, specifications, and, if required, business plan for a stand-alone system. However, you must also give us the supporting documentation.

For a more detailed explanation of how to analyze these factors, see "Appendix A: Analyzing Costs, Affordability, and Capabilities of the Existing System" on page 17.

If You Qualify for None of These Exceptions

If you do not qualify for any one of these exceptions, you should seriously consider regionalization.

However, if you decide to pursue your CCN application, you will have an opportunity to try to demonstrate to the staff that your CCN application should be approved. If your application is protested and an evidentiary hearing is held, you will have an opportunity to demonstrate to the administrative law judge (and ultimately the TCEQ commissioners) that your CCN application should be approved.

Appendix A

Analyzing Costs, Affordability, and Capabilities of the Existing System

Use this information along with Flowchart 3 on page 18 to determine whether an exception should be granted based on costs, affordability of rates, or the capabilities of the existing system.

This appendix discusses whether an exception based on the following interrelated factors should be granted:

Factor 1: Ratio of the costs of regionalization compared to the projected value of the development at buildout

Factor 2: Affordability of rates

Factor 3: Financial, managerial, and technical capabilities of the existing system

These factors are used as a screening process. You qualify for this exception even if you meet only one of these factors.

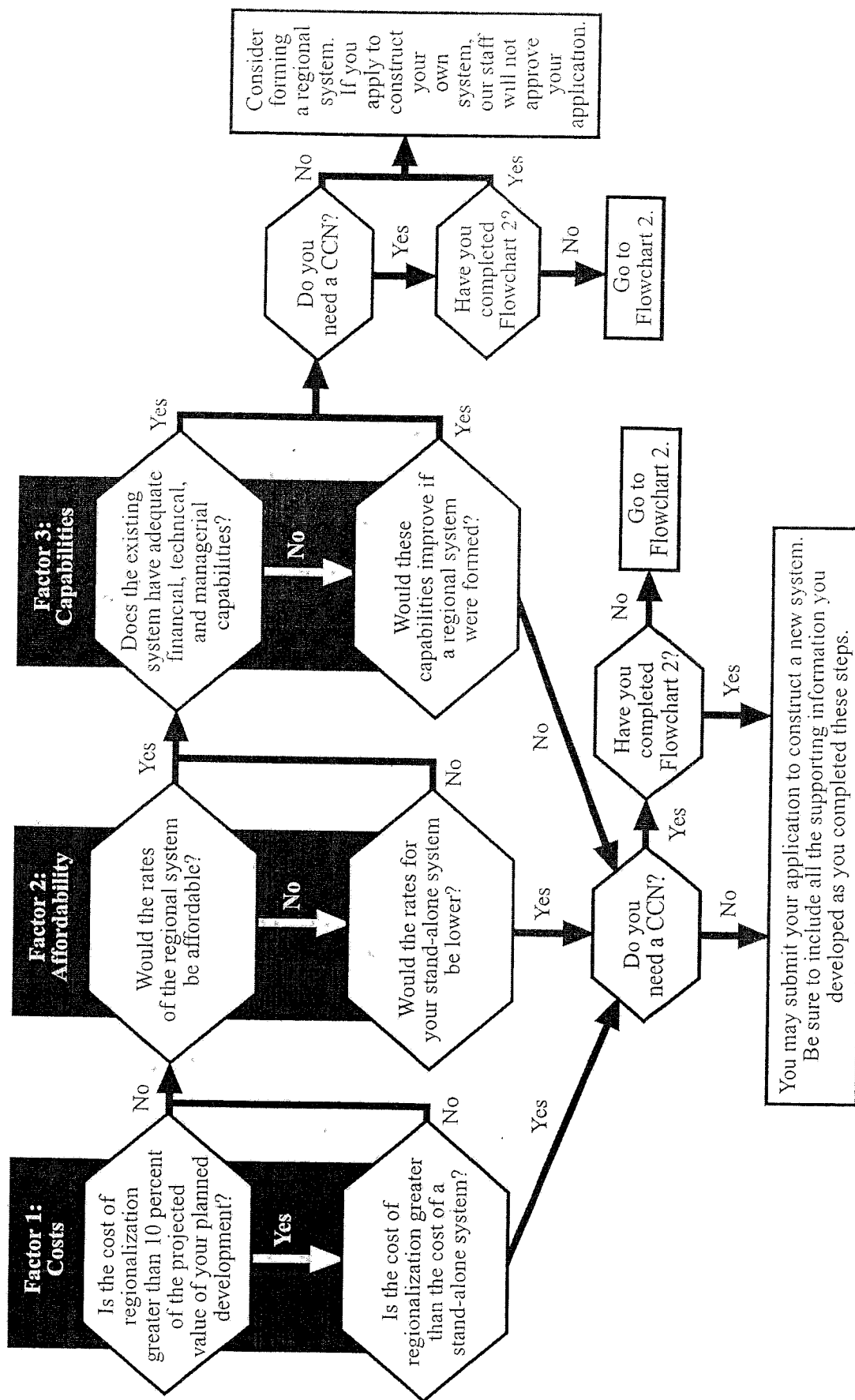
In the following discussion, we do not intend to limit the factors that you may want to raise to support an exception. If you bring to our attention factors not mentioned in this appendix, we will also consider those factors, as appropriate.

Factor 1: Compare Costs to Your Development's Projected Value

The ratio of the costs of regionalization compared to the projected value of the development refers to the comparison of the costs of regionalization to obtain service from an existing system versus the estimated value of the project at full buildout.

The cost of regionalization includes the up-front costs associated with obtaining service from an existing system and the incremental construction costs associated with any delays in construction.

Flowchart 3.



The projected value of the development includes the estimated value of all lots, homes, commercial and industrial improvements, developed reserves, and undeveloped land at buildout, assuming the installation of a stand-alone system.

To propose an exception based on the high costs of regionalization, you must meet both of these criteria:

Criterion 1: The costs of regionalization are greater than 10 percent of the projected value of the development.

Criterion 2: The costs of regionalization are greater than the cost of a stand-alone system.

Determining Costs of Regionalization

Up-Front Costs Associated with Obtaining Service

When an existing water or sewer utility extends new service, this utility service provider can charge connection fees to the person requesting the service, regardless of whether the person is a residential customer or a developer who needs multiple services for a proposed new subdivision.

Examples of these connection fees include:

tap fees—the costs of tapping the main line and installing the tap, service line, meter, and meter box to provide utility service to the customer's property line.

deposit—a bond-type arrangement that can be applied to unpaid charges. This sometimes takes the form of a membership fee that a new customer may be required to pay the utility service provider.

system development charges (also commonly referred to as *impact fees*, *system capacity charges*, *system buy-in charges*, and *system investment fee front-end charges*)—any fee that is charged by the utility service provider to provide funds to finance capital improvements necessary to serve a new customer. System development charges are designed to generate contributions from customers for financing major system construction. The theory is that these charges allow growth to pay for itself. The magnitude of the charges may range from several hundred to many thousands of dollars. There are two primary methods used to determine the amount of these charges: the system buy-in method and the incremental-cost pricing method.

system buy-in method—the fee is related to the equity embedded in existing or new systems required to serve new customers and is based on the premise that new customers are entitled to water at the same prices charged to existing customers.

incremental-cost pricing method—the fee is related to the change in total cost resulting from a change in capacity of existing or future systems required to serve the new customer (including related operating costs) and is based on calculating the addition to total cost resulting from the incremental cost of capacity (= increase in capacity divided by increase in output, for a specific time period).

extension fees—the costs of the line extensions or capacity in existing lines that will be used to transport utility service to the new customer. The costs of extension fees may include any related engineering fees and the cost of financing the extension as applicable.

Table 2 provides information concerning the different types of utility service providers in the state and the jurisdiction we have over their connection fees in case a dispute or question arises with another utility service provider.

Table 2. Does the TCEQ Have Jurisdiction over Your Connection Fees?

Type of Utility	Tap Fee?	Deposit?	System Development Charge?	Extension Fee?
Investor-owned utility	yes	yes	yes	yes
Water supply corporation	no	no	in some cases ¹	in some cases ¹
Water district	no	no	no ²	no
City or county	no	no	no	no

¹ Developers or new customers can appeal the costs for a new connection from a nonprofit water supply corporation.

² The TCEQ sets impact fees for water districts only if the impact fee is more than three times the district's tap fee.

We set cost-based connection fees for utilities over which we have the related jurisdiction. System development charges and extension fees have the most impact on new development. In the past, many service providers have taken on debt to fund infrastructure for growth; however, in the last twenty years or so there has been a large increase in the number of water and sewer service providers that charge system development charges and extension fees to cover new infrastructure needs. Water and sewer service providers now tend to require developers to pay for the infrastructure instead of taking on additional debt that would increase customer rates or taxes.

These connection fees are start-up costs that should be covered in the lot sales. You may find that these fees are greater than the short-term cost to install a small system that would serve only the new proposed subdivision. However, you should also consider the long-term costs and obligations associated with operating the system when you make your decision.

Depending on the service provider's extension policy, you may be able to recover some, if not all, of these costs through the following methods. You must factor any money you can recover through these methods into your cost calculations.

- **Line extension refund contract**—allows reimbursement to the developer of the full cost of the main extension from user charge revenues generated from customers which are served from the main extension (time limited).
- **Contribution of the cost** of the size of the main required to serve the developer's subdivision, with the service provider paying the costs for any up-sizing of the main extension which may be required to serve anticipated future customer growth in the area beyond that in the developer's current needs.
- **Up-sizing costs refunded to the developer** by establishing a "benefit area." As additional customers or subdivisions in this benefit area connect to the main extension, the original developer can be reimbursed for the prorated share of the up-sizing costs attributable to the additional connections.

Time Frame for Receiving Service

A neighboring service provider may be willing to provide service to your development, but may not be able to do so immediately. You may consider the economic impact of such a delay in providing service.

For example, the existing service provider may have to increase system capacity to be able to meet the demands of your new system, may need to obtain necessary financing, or may already have a prioritized schedule for construction or providing service to other applicants.

Delays in obtaining service may result in delays in certain phases of your construction, depending on the projected construction schedule. To the extent that there are delays in construction, there is likely to be an increase in the overall cost of your project. If such a delay affects your development, you must demonstrate how the delays in construction will result in

additional project costs. These costs would then be compared to the estimated projected value of the project at full buildout.

Impact on Sales

As the cost of regionalization increases, it is necessary to look at the impact on the development in an area. These costs may be passed on to existing customers and property owners through increases in lot prices, water and wastewater rates, ad valorem taxes, or all three.

Determining Projected Value of Development

The projected value of the development includes the estimated value at buildout of all lots, homes, commercial and industrial improvements, developed reserves, and undeveloped land, assuming the installation of a stand-alone system.

Use present-day unit values to determine the current value of all existing property and the value that will be added by future improvements to the property. The development should include all property to be served by the proposed new system.

Factor 2: Consider Affordability of Rates

The issue of rate affordability considers the consumers' ability to pay. Even if your rates are reasonable according to your costs, your customers won't be able to support the cost of the water if those cost-based rates are unaffordable. To propose an exception to regionalization due to unaffordable rates from the existing provider, you must meet *both* Criterion 1 and Criterion 2 discussed below. However, our staff may review additional factors in determining rate affordability.

Criterion 1: Rates resulting from regionalization are not affordable

To determine whether rates are unaffordable, we must calculate a "household cost factor" as set forth in a TWDB rule [31 TAC §371.24(b)]. If regionalization results in rates with a household cost factor greater than 1 percent for water service or a combined household cost factor greater than 2 percent for water and sewer service, then the rates resulting from regionalization may not be affordable.

The consumption level used in the rate calculation is based on per capita indoor water use.

The household cost factor (for areas charged for water service only) and the combined household cost factor (for areas charged for both water and sewer services) are calculated as follows:

Household cost factor (if charging for water services only)

If you are charging for water services only, follow these five steps to calculate the household cost factor:

1. Calculate the average monthly household usage:

$$\text{average number of persons per household} \times 2,325 \text{ gallons} = \text{average monthly household usage}$$

2. Calculate a monthly bill based on this usage and your rate structure.

3. Multiply this monthly bill by 12 to get the average yearly water bill.

4. Multiply the adjusted median household income (AMHI) for your area for 2000 by the Texas consumer price index (CPI) for last year. Divide this value by the Texas CPI for 2000 to get a current value for the AMHI:

$$\frac{(\text{AMHI for 2000}) \times (\text{last year's Texas CPI})}{\text{Texas CPI for 2000}} = \text{current AMHI}$$

5. Add the average yearly water bill to the average cost of any taxes, surcharges, or other fees you plan to use to subsidize your system. Divide this value by the current AMHI to get the household cost factor:

$$\frac{\text{average yearly water bill} + \text{average other fees}}{\text{current AMHI}} = \text{household cost factor}$$

Combined household cost factor (if charging for both water and sewer service)

If you are charging for both water and sewer service, follow these steps to calculate the household cost factor:

1. Calculate the average yearly water bill and the AMHI as shown under "Household cost factor" above.

2. Calculate the average monthly household usage:

$$\text{average number of persons per household} \times 1,279 \text{ gallons} = \text{average monthly household usage}$$

3. Calculate a monthly bill based on this usage and your rate structure.

4. Multiply this monthly bill by 12 to get the average yearly sewer bill.

5. Add the average yearly water bill to the average yearly sewer bill and any taxes, surcharges, and other fees you plan to use to subsidize your system. Divide this total by the AMHI of the area to be served:

$$\frac{\text{avg. yearly water bill} + \text{avg. yearly sewer bill} + \text{other fees}}{\text{current AMHI}} = \text{household cost factor}$$

Criterion 2: Rates of a stand-alone system would be lower than the (unaffordable) rates of a regionalized system

Under this criterion, you must calculate the rates that will be necessary to fully recover the costs of the proposed new water or sewer system. If the rates of the proposed system are higher than the current rates of the existing provider, we will presume that the rates of the existing provider are affordable. Under these circumstances, we will not consider your case to be an exception to this policy (even if the household cost factor shows the rates of the existing provider are unaffordable).

To demonstrate that this exception exists, you must show that the rates of the proposed new system are affordable *and* that the rates of the regionalized system are not affordable (see Criterion 1 on page 22).

Factor 3: Consider Capabilities of Existing System

An analysis of financial, managerial, and technical capabilities refers to whether the existing system has the financial resources to fund improvements that provide the service over the long term, the managerial resources to support operations and plan for emergencies, and the technical expertise to provide consistent service in compliance with our rules.

Here we list factors to consider in determining financial, managerial, and technical capabilities of the existing system. We will also consider other factors as appropriate.

Features That Can Indicate Financial Capability

- Rates are reviewed on a regular basis.
- Rate structure is appropriate to customer base.
- Debt coverage ratio is adequate.
- System is current on debt payments.
- All fees to regulatory agencies and laboratories paid on a timely basis.
- System has appropriate insurance coverage.
- Annual audit is conducted (if system is a public entity or water supply corporation).
- System has operating reserve accounts or access to funds as needed.

- System has adequate working capital ratio.
- System has a high rate of collection of customer accounts.
- System has written policies for collection and termination of service.
- Collection policies are enforced.
- System has low number of disconnects due to failure to pay bill.

Features That Can Indicate Managerial Capability

- System is aware of type of organization it is and has legal authority to operate.
- System has an operating budget.
- System has written operating policies.
- Customers have access to water system personnel at all times in case of emergency.
- Records are maintained and updated on a regular basis.
- Budget is used to determine rates.
- System has adequate water supply.
- System has written emergency plans.
- System has conveyable title to water-producing assets.
- Governing board is able to conduct meetings and make decisions (that is, a quorum is usually present, and there is a majority vote for most major operating decisions).
- Every connection is metered.
- Customers are billed on consistent billing cycles based on meter readings.
- System owners or board has current CCN (if required).
- System has an approved drought contingency plan.
- System has an employee handbook or policies.

Features That Can Indicate Technical Capability

- Licensed operator is on site or available to operate the system.
- All operators are licensed.
- Operators have the appropriate certifications for the size of the system.
- System staff can identify oldest piece of equipment and the most vulnerable part of the system.
- Process control and preventive maintenance are performed and documented.
- System calculates unaccounted-for water and does not have excessive amounts.
- System does not have a history of noncompliance with regulatory requirements.

Appendix B

Statutory and Regulatory Authority

This policy implements portions of Senate Bill 1 (1997) and is intended to assist our Utilities and Districts program staff and the regulated community with the implementation of the regionalization requirements in Title 30 Texas Administrative Code (30 TAC) Chapters 290 and 291. Regionalization was one of the key goals of Senate Bill 1 (1997) in order to optimize the use of existing financial, managerial, and technical resources. In addition, this policy is based on the following statutory provisions.

General Statutory Authority

The Texas Health and Safety Code, Chapter 341, Subchapter C, requires that public drinking water be free from deleterious matter and comply with the standards established by the TCEQ or the United States Environmental Protection Agency. The TCEQ may adopt and enforce rules to implement the federal Safe Drinking Water Act (42 U.S.C. Section 300f et seq.).

The Texas Water Code Chapter 13 establishes a comprehensive regulatory system that is adequate to the task of regulating retail public utilities to ensure that rates, operations, and services are just and reasonable to the consumers and to the retail public utilities.

Specific Authority

Public Water Systems

Section 341.0315(a)–(d) of the Texas Health and Safety Code, relating to public drinking water supply system requirements, requires that:

- (a) To preserve the public health, safety, and welfare, the commission shall ensure that public drinking water supply systems:
 - (1) supply safe drinking water in adequate quantities;
 - (2) are financially stable; and
 - (3) are technically sound.
- (b) The commission shall encourage and promote the development and use of regional and areawide drinking water supply systems.
- (c) Each public drinking water supply system shall provide an adequate and safe drinking water supply. The supply must meet the requirements of Section 341.031 and commission rules.

- (d) The commission shall consider compliance history in determining issuance of new permits, renewal permits, and permit amendments for a public drinking water system.

Texas Health and Safety Code § 341.035 requires that before constructing a new system a person submit plans and specifications and, with certain exceptions, a business plan that demonstrates that the owner or operator of the proposed system has available the financial, managerial, and technical capability to ensure future operation of the system in accordance with applicable laws and rules. The TCEQ may order the prospective owner or operator of the system to provide adequate financial assurance of ability to operate the system in accordance with applicable laws and rules, in the form of a bond or as specified by the commission, unless the executive director finds that the business plan demonstrates adequate financial capability.

Title 30 TAC § 290.39 ensures that regionalization and area-wide options are fully considered; ensures the inclusion of all data essential for comprehensive consideration of the contemplated project, or improvements, additions, alterations or changes; establishes minimum standardized public health design criteria in compliance with existing state statutes and in accordance with good public health engineering practices; and requires that minimum acceptable financial, managerial, technical and operating practices are specified to ensure that systems are properly operated to produce and distribute safe, potable water.

Water and Sewer CCNs

Texas Water Code § 13.241 requires that an applicant for a CCN demonstrate that it possesses the financial, managerial, and technical capability to provide continuous and adequate service and also requires that an applicant for a new CCN for a physically separate water or sewer system demonstrate that regionalization or consolidation with another retail public utility is not economically feasible.

Texas Water Code § 13.246 specifies the factors to be considered by the commission concerning CCN notice and hearing and CCN issuance or refusal.

Texas Water Code § 13.253 requires that a CCN holder located in an affected county that has not been able to provide continuous and adequate service obtain service from another consenting utility service provider. Title 30 TAC §291.102(a) provides that the TCEQ must ensure that an applicant possesses financial, managerial, and technical capability to provide continuous and adequate service.

Title 30 TAC § 291.102(b) requires that where a new CCN is being issued for an area which would require construction of a physically separate water or sewer system, the applicant must demonstrate that regionalization or consolidation with another retail public utility is not economically feasible.

Title 30 TAC § 291.102(c) requires that the TCEQ consider the following in considering whether to grant a CCN:

- (1) the adequacy of service currently provided to the requested area;
- (2) the need for additional service in the requested area;
- (3) the effect of the granting of a certificate on the recipient of the certificate and on any retail public utility of the same kind already serving the proximate area;
- (4) the ability of the applicant to provide adequate service;
- (5) the feasibility of obtaining service from an adjacent retail public utility;
- (6) the financial stability of the applicant, including, if applicable, the adequacy of the applicant's debt-equity ratio;
- (7) environmental integrity; and
- (8) the probable improvement in service or lowering of cost to consumers in that area.

CCN/13025/SO
Town of Lindsay
582-06-2023; 2006-0272-UCR

RECORDS TRANSFER
BOX CONTENTS

OFFICIAL RECORD SERIES TITLE: _____

RECORD SERIES ITEM NUMBER: _____ RETENTION PERIOD: _____

RMD 106 APPROVAL NUMBER: _____

DIVISION: Commissioners

SECTION: Office of the Chief Clerk

CUSTOMER'S NAME: Deanna Avalos PHONE NO. 239-3327

NUMBER OF BOXES: 2 DATE OF RECORDS: 2006-2009

TYPE OF BOX: Records Storage Box

RECORDS TRANSFER DATE: _____

RECEIVED
MAY 29 2009
TCEG
CENTRAL FILE ROOM

BOX #	CONTENTS OF BOX (FILE NAME)	DATE OF FILE
1	SOAH Docket Files (1-5)	3/2006 - 4/2009
1	Transcripts – Hearing on the Merits – October 7-9, 2008 (Vols. 1-3)	10/7-9/2008
1	Applicant's Pre-filed Testimony & Exhibits	6/9/2008
1	SOAH Pleading File	2006-2009
1	Applicant's Exhibits 1-8	10/2008
2	ED's Exhibits A-D; 1-4	2008
2	Lindsay Pure Water Company (LPWC) Exhibits 1-11	10/2008
2	1 Red Rope w/Certified Documents	2006
2	Condensed Transcripts – Hearing on the Merits – October 7-9, 2008	10/7-9/2008
2	LPWC Exhibits 1 and Final Copy of 1A; 1B; 2-11	2008
2	ED Exhibits 2-4	2008
2	Judicial Notice Documents	2008
2	Applicant's Exhibits 1-5 (Reporter's Copy)	2008



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

Texas Commission on Environmental Quality

APPLICATION NOS. 35096-C and 35097-C

AFFIDAVIT OF NOTICE TO LANDOWNERS

STATE OF TEXAS

COUNTY OF Cooke

_____ has provided individual notice to the following entities:

see Attached list

DATE October 11, 2005

RECEIVED
MAY 29 2009

TCEQ
CENTRAL FILE ROOM

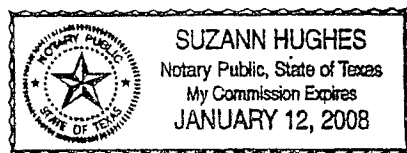
OATH

I, Betsy Fleitman, being duly sworn, file this form as City Secretary (indicate relationship to applicant, that is, owner, member of partnership, title of officer of corporation, or other authorized representative of applicant); that in such capacity, I am qualified and authorized to file and verify such form, am personally familiar with the notices given with this application, and have complied with all notice requirements in the application and application acceptance letter; and that all such statements made and matters set forth therein are true and correct.

Betsy Fleitman
Applicant's Authorized Representative

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

Subscribed and sworn to before me this 11th day of October, 2005, to certify which witness my hand and seal of office.



Suzann Hughes
Notary Public in and for the State of Texas

Suzann Hughes
Print or Type Name of Notary Public
Commission Expires 1/12/08

EXHIBIT

ED-A

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

Date Notice Mailed: October 11, 2005

To:

3108 LP
P.O. Box 863
Gainesville, TX 76240

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.

NAME	Name 2	MAILING ADDRESS	CITY	STATE	ZIP
3108 LP		P.O. Box 863	Gainesville	TX	76240
Alan Louise Kubis Wolf		697 FM 373	Muenster	TX	76252
Alan Trammell		1341 CR 438	Lindsay	TX	76250
Albert & Kay Anger		5028 CR 306	Gainesville	TX	76240
Alcuin & Alvin Zimmerer		1661 CR 404	Gainesville	TX	76240
Alcuin Paul Kubis		1506 Roan Wood	Houston	TX	77090
Alfred Hess		1612 FM 3108	Gainesville	TX	76240
Aloys Fuhrmann		2150 CR 407	Gainesville	TX	76240
Alvin Fleitman		4372 CR 306	Gainesville	TX	76240
Alvin J. Loerwald		231 N. Willow	Lindsay	TX	76250
Andy Arendt	c/o Mary Ann Arendt Life Estate	3055 CR 306	Gainesville	TX	76240
Aric A. Griffin		P.O. Box 319	Lindsay	TX	76250
Arnold & Cecilia Fuhrmann		202 CR 453	Gainesville	TX	76240
August Felderhoff		1262 FM 373	Muenster	TX	76252
Barbara J. Morey		4217 Rustic Dr.	Grapevine	TX	76051
Ben Murray Fulton		P.O. Box 254	Lindsay	TX	76250
Bengfort Construction, Inc.		3894 FM 1200	Gainesville	TX	76240
Bernard Fleitman		12744 FM 1630	Gainesville	TX	76240
Bob Sewell		465 CR 306	Gainesville	TX	76240
Bradley Franklin & Ronda Lynn Metzler		6030 Hwy 82	Gainesville	TX	76240
Brammer Plumbing		724 N. Clements	Gainesville	TX	76240
Brandon & Stephanie Hunter		P.O. Box 411	Lindsay	TX	76250
Carl B. Sadau		1092 McReynolds Road	Sanger	TX	76266
Cason Holdings LP		901 Cason Drive	Gainesville	TX	76240
Cecil Bullard		1900 Tulane	Gainesville	TX	76240
Charles E. Arend		20 CR 306	Gainesville	TX	76240
Charles E. Fleitman ETUX		1252 CR 333	Gainesville	TX	76240
Charles Neu		2104 CR 446	Gainesville	TX	76240
Charles Stoffels		3719 FM 1199	Gainesville	TX	76240
Charlotte & William J. Winter		P.O. Box 194	Lindsay	TX	76250
Charlotte Voyles		1197 CR 404	Gainesville	TX	76240
Chris & Gina Arendt Craigie		2653 CR 306	Gainesville	TX	76240
Chris Hundt		1633 CR 407	Gainesville	TX	76240
Chris Neu		926 CR 404	Gainesville	TX	76240
Christopher E. Sikes		1258 CR 352	Gainesville	TX	76240
Chuck Schumacher		2123 CR 446	Gainesville	TX	76240

Clare Hellinger	562 CR 306	Gainesville	TX	76240
Clarence Neusch	665 CR 405	Gainesville	TX	76240
Clem Hermes	2892 FM 1199	Gainesville	TX	76240
Clement Bernard Sandmann	P.O. Box 103	Lindsay	TX	76250
Cody James & Adrienne Lee Martin	P.O. Box 350	Lindsay	TX	76250
Connie Sue Garner	3000 CR 409	Gainesville	TX	76240
Cory & Amber Schad	P.O. Box 251	Lindsay	TX	76250
Craig & Sandy Carpenter	34 CR 439	Gainesville	TX	76240
Damian & Lucy Krah	5434 FM 1199	Gainesville	TX	76240
Damond Fuhrmann	P.O. Box 97	Lindsay	TX	76250
Damond Sandmann ETUX	2366 CR 418	Gainesville	TX	76240
Danny & Robin Hess	331 CR 352	Gainesville	TX	76240
Darleen (Biffle) Huebner	2137 CR 327	Gainesville	TX	76240
Darlene Schmidtkofer Williams	4339 CR 422	Lindsay	TX	76250
David & Shelli Fleitman	2256 CR 438	Gainesville	TX	76240
David Huchton	1754 CR 306	Gainesville	TX	76240
David Krah	1980 CR 418	Lindsay	TX	76250
David Lee Hermes	1987 CR 438	Gainesville	TX	76240
David Stoffels	4172 FM 1199	Gainesville	TX	76240
David W. & Donna K. Patterson	1115 Hillside	Gainesville	TX	76240
Della Rose Voth ETAL	1885 CR 409	Gainesville	TX	76240
Diane Hermes Neu ETAL	919 East JM Lindsay Blvd.	Gainesville	TX	76240
Diane Voth Gray	2923 CR 409	Gainesville	TX	76240
Don Hobbs Trustee	100 E Broadway	Gainesville	TX	76240
Donald Neu	4956 CR 446	Gainesville	TX	76240
Donald Vaughn	45 Middle Lane	Gainesville	TX	76240
Donna Arendt Reed	3055 CR 306	Gainesville	TX	76240
Dorothy M. Beyer	568 CR 418	Gainesville	TX	76240
Doug Voth	1183 CR 418	Gainesville	TX	76240
Douglas & Maquita Gosselt	2752 FM 1200	Gainesville	TX	76240
Douglas D. Morrison	2867 FM 1630	Gainesville	TX	76240
Dwayne Hellman ETUX	722 CR 409	Gainesville	TX	76240
Ed Schad	1093 FM 1199	Gainesville	TX	76240
Edward & Fernando Serna	P.O. Box 292	Lindsay	TX	76250
Edward Anthony & Angela Hacker	4676 FM 1199	Gainesville	TX	76240
Edward Fuhrmann, et al.	4233 FM 1199	Gainesville	TX	76240
Edward Harvey Lampkin	P.O. Box 41	Era	TX	76238

Edward Sandmann	P.O. Box 104	Lindsay	TX	76250
Elizabeth R. Hellman	1058 CR 409	Gainesville	TX	76240
Ella Mae Rohmer	302 N. Sycamore Dr.	Muenster	TX	76252
Ella Mae Rohmer Trustee	302 N. Sycamore Dr.	Muenster	TX	76252
Elroy Neu	452 CR 306	Gainesville	TX	76240
Elsie Hess	1168 CR 407	Gainesville	TX	76240
Emma N. Moster	P.O. Box 18	Lindsay	TX	76250
Eric Hess	2130 FM 1199	Gainesville	TX	76240
Erwin Fuhrmann	1375 CR 446	Gainesville	TX	76240
Fabia Fernando Gonzalez	1309 W. California	Gainesville	TX	76240
Felderhoff Brothers Farm	1262 FM 373	Muenster	TX	76252
Floyd W. Smith, Jr.	P.O. Box 332	Lindsay	TX	76250
Frances Zimmerer	1376 CR 404	Gainesville	TX	76240
Frank Haverkamp	P.O. Box 156	Lindsay	TX	76250
Frank Popp	2905 FM 1199	Gainesville	TX	76240
Frank Sandmann	P.O. Box 62	Lindsay	TX	76250
Freddie Neu	1839 FM 3108	Gainesville	TX	76240
Freedom Field, Inc.	P.O. Box 160	Lindsay	TX	76250
Gary August Hess	P.O. Box 266	Lindsay	TX	76250
Gene D. Rohmer	1180 CR 418	Gainesville	TX	76240
George E. Gwyn	20 Shadowwood	Gainesville	TX	76240
Gilbert Hermes	1276 FM 1199	Gainesville	TX	76240
Gilbert Kubis	1533 CR 405	Gainesville	TX	76240
Glenn Metzler	1084 CR 405	Gainesville	TX	76240
Gloria Becker	1946 N. FM 373	Muenster	TX	76252
Greg Haverkamp	2774 CR 306	Gainesville	TX	76240
Gregory Hundt	976 CR 407	Gainesville	TX	76240
Harold Nortman	1125 East JM Lindsay Blvd.	Gainesville	TX	76240
Harold Owen	982 CR 404	Gainesville	TX	76240
Harold R. & Delores Owen	P.O. Box 76	Lindsay	TX	76250
Harold Schmitz	1510 CR 405	Gainesville	TX	76240
Henry Kuhn, Jr.	1537 Burns City Road	Gainesville	TX	76240
Henry Popp	329 CR 407	Gainesville	TX	76240
Henry Volth	1887 CR 409	Gainesville	TX	76240
Henry Zimmerer	1376 CR 404	Gainesville	TX	76240
Herbert Schmidtkofer	3416 CR 409	Gainesville	TX	76240
Howard Family Trust	1780 W. Farwest Dr.	Ogden	UT	84404

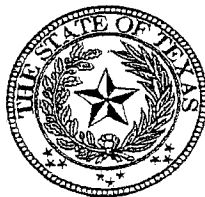
Hugo Bengfort		2487 CR 409	Gainesville	TX	76240
Jack DeGarmo		3168 FM 1630	Gainesville	TX	76240
Jackie Edington Hess		P.O. Box 241	Lindsay	TX	76250
Jackie Tutt Arend		P.O. Box 245	Lindsay	TX	76250
James & Barbara Tamplin		4011 FM 1199	Gainesville	TX	76240
James Flusche		541 CR 409	Gainesville	TX	76240
James H. Fuhrmann		4536 FM 1199	Lindsay	TX	76250
James Neusch		P.O. Box 329	Gainesville	TX	76240
James Ott		1094 FM 1199	Lindsay	TX	76250
James Ray & Barbara Reinart Horner		P.O. Box 200	Gainesville	TX	76240
James W. & Barbara Tamplin		4011 FM 1199	Lindsay	TX	76250
Janet Arendt Cunningham		101 W. Elmview	Lindsay	TX	76240
Jarrell Sanders	c/o J. Lee Stansbury	111 W. Hird	Gainesville	TX	76240
Jay Anderle		1928 FM 1199	Gainesville	TX	76240
Jeanette M. Jones		P.O. Box 336	Lindsay	TX	76250
Jeff & Diane Neu		919 East JM Lindsay Blvd.	Gainesville	TX	76240
Jeff Hellman		1054 CR 409	Gainesville	TX	76240
Jeffery L. Blalock		332 CR 352	Gainesville	TX	76240
Jerrad Voht		1913 Cypress Court	Gainesville	TX	76240
Jim A. Robertson		3236 FM 1630	Gainesville	TX	76240
Jimmy & Barbara Mosman		1290 CR 418	Gainesville	TX	76240
Jimmy Fisher		779 CR 438	Lindsay	TX	76250
Joe B. Hundt		2087 FM 1199	Gainesville	TX	76240
Joe D. & Gwen A. Mullins		1018 W. Kiowa Drive	Gainesville	TX	76240
Joe Hundt		2087 FM 1199	Gainesville	TX	76240
Joe P. Fuhrmann		4233 FM 1199	Gainesville	TX	76240
Joe P. Hundt		3609 Falcon Court	Corinth	TX	76210
Joe Paul Fuhrmann		4233 FM 1199	Gainesville	TX	76240
John & Teresa Sprouse		P.O. Box 53	Lindsay	TX	76250
John C. Bengfort		300 W Fourth Street	Lindsay	TX	76250
John Hermes		P.O. Box 137	Lindsay	TX	76250
John Kasperek		2485 CR 409	Gainesville	TX	76240
John V. Arend		148 CR 306	Gainesville	TX	76240
John W. Quinlian		1631 South Cheyenne	Tulsa	OK	74119
Johnnie Arendt		3057 CR 306	Gainesville	TX	76240
Johnny Tucker		319 CR 466	Gainesville	TX	76240
Joseph F. Hermes		2776 FM 1199	Gainesville	TX	76240

Joseph P. Fuhrmann	4233 FM 1199	Gainesville	TX	76240
Julia & James Whitcraft	755 CR 418	Gainesville	TX	76240
Julius Hermes, Jr.	P.O. Box 32	Lindsay	TX	76250
Julius Hermes, Sr.	1077 CR 438	Lindsay	TX	76250
Julius Hess	1168 CR 407	Gainesville	TX	76240
Julius Metzler	1781 FM 1200	Gainesville	TX	76240
Justin & America M. Campbell	4501 CR 1630	Gainesville	TX	76240
Kathleen M. Hacker	1230 CR 434	Gainesville	TX	76240
Kenneth Koelzer	269 CR 405	Gainesville	TX	76240
Kenneth Odell	2837 FM 1630	Gainesville	TX	76240
Kenneth Thurman	1733 CR 404	Gainesville	TX	76240
Kenneth W. Bennett	1801 Southridge Lane	Sherman	TX	75092
Kenny & Jessica Reiter	5862 FM 1199	Gainesville	TX	76240
Kenny Ewell & Donna M. Marchant	2125 N. Josey Lane	Carrollton	TX	75006
Kenny Krebs	299 CR 352	Gainesville	TX	76240
Kevin & Amber Fuhrmann	4462 FM 1199	Gainesville	TX	76240
Kieth D. & Kristie L. Early	P.O. Box 256	Lindsay	TX	76250
Kristopher & Marsha Dill	3888 CR 306	Gainesville	TX	76240
KWFT Partnership	1533 CR 405	Gainesville	TX	76240
Lambert J. Hess	P.O. Box 157	Lindsay	TX	76250
Larry & Joanie Wyrick	5061 CR 306	Gainesville	TX	76240
Larry Zimmerer	1164 CR 404	Gainesville	TX	76240
Lawrence Neusch	758 CR 405	Gainesville	TX	76240
Leonard Bengfort Construction, Inc.	3894 FM 1200	Gainesville	TX	76240
Leonard Hermes	P.O. Box 44	Lindsay	TX	76250
Leroy Sandmann	2712 CR 409	Gainesville	TX	76240
Leroy Schmidkofer	220 Hird	Gainesville	TX	76240
Lillian Reinart	P.O. Box 334	Muenster	TX	76252
Linda G. Tamplin	3879 CR 409	Gainesville	TX	76240
Linus Fuhrmann	FM 1199	Gainesville	TX	76240
Lloyd Reiter	199 CR 466	Gainesville	TX	76240
Loreen Neu	3591 FM 1630	Gainesville	TX	76240
Louis H. Gieb	P.O. Box 78	Lindsay	TX	76250
Louise C. Morisak	4032 Oak Park Dr.	Flower Mound	TX	75028
Lynn & Jo Ann Huchton	3289 CR 306	Gainesville	TX	76240
Madison Wayne & Merrick William Parkhill	P.O. Box 232	Lindsay	TX	76250
Marcus Fuhrmann	4228 CR 422	Gainesville	TX	76240

Margaret Fuhrmann	c/o Aloys Fuhrmann	2150 CR 407	Gainesville	TX	76240
Margaret Gruber		P.O. Box 188	Lindsay	TX	76250
Margaret Huchton		1754 CR 306	Gainesville	TX	76240
Margarete M. Alexander		2802 Compton	Wichita Falls	TX	76309
Margery Bass		7749 Fairway Road	Woodway	TX	76712
Marie Koelzer		1730 FM 1200	Gainesville	TX	76240
Marie Zimmerer		720 FM 1199	Gainesville	TX	76240
Mark & Margis Laster		790 CR 352	Gainesville	TX	76240
Mary Ann Friddell, Sharon Luke, Doris Voith		P.O. Box 883	Gainesville	TX	76240
Mary Arendt		2651 CR 306	Gainesville	TX	76240
Mary C. Brown Estate	America Natl Bank Trust D	P.O. Box 40	Terrell	TX	75160
Mary E. Felderhoff		1437 CR 304	Gainesville	TX	76240
Mary Gwyn Estate		20 Shadowwood	Gainesville	TX	76240
Mary Jane Fleitman		P.O. Box 219	Lindsay	TX	76250
Mary K. Pearson		103 First Street	Lindsay	TX	76250
Math Lee Henscheid		P.O. Box 422	Muenster	TX	76252
Melinda Kay & Randall C. Bryant		1064 CR 352	Gainesville	TX	76240
Melvin Bayer		883 FM 1199	Gainesville	TX	76240
Melvin Voith		1183 CR 420	Gainesville	TX	76240
Merrick Stephen Cartwright		P.O. Box 724	Gainesville	TX	76240
Michael & Donna Zimmerer		1092 FM 1199	Gainesville	TX	76250
Michael & Sharon Hermes		P.O. Box 257	Lindsay	TX	76250
Michael G. Fuhrmann		6060 Hwy 82	Gainesville	TX	76240
Michael George Fuhrmann		6060 Hwy 82	Gainesville	TX	76240
Michael J. Fuhrmann		4344 Old Thomas Road	Aubrey	TX	76227
Michael R. Hermes		P.O. Box 257	Lindsay	TX	76250
Mike Kendall		365 CR 352	Gainesville	TX	76240
Mike Kendall		P.O. Box 580	Gainesville	TX	76240
Monica & Billy Laux		3792 FM 1199	Gainesville	TX	76240
Myrick Development Co.		P.O. Box 5	Lindsay	TX	76250
Oscar R. Sikes		1258 CR 352	Gainesville	TX	76240
Othel Ray Winborn		3020 FM 1630	Gainesville	TX	76240
Otto Family Trust	c/o Mike & Jane Otto	P.O. Box 2	Lindsay	TX	76250
Paul Danglmayr		14537 FM 1630	Muenster	TX	76252
Paul Fuhrmann		4233 FM 1199	Gainesville	TX	76240
Paul J. Hess		P.O. Box 85	Lindsay	TX	76250
Paul Joseph Enderby		333 Hickory Ridge	Highland Village	TX	75077

Paul Russell Porter	3404 Cloverdale Lane	Farmers Branch	TX	75234
Paul Sandmann	P.O. Box 71	Lindsay	TX	76250
Paula Lewis	2898 CR 321	Valley View	TX	76272
Pete Hellinger, Jr.	P.O. Box 28	Lindsay	TX	76250
R.K. & Marjorie Pitthner	2295 FM 1630	Gainesville	TX	76240
Rachel Schmidkofer	404 CR 260	Gainesville	TX	76240
Randy & Teresa Hess	P.O. Box 267	Lindsay	TX	76250
Randy Sikes	1119 CR 352	Gainesville	TX	76240
Ray Haverkamp	570 CR 409	Gainesville	TX	76240
Raymond J. Fuhrmann	2335 FM 1200	Gainesville	TX	76240
Raymond J. Hoenig	498 CR 352	Gainesville	TX	76240
Raymond J. Tempel	565 CR 409	Gainesville	TX	76240
Raymond Sandmann	P.O. Box 102	Lindsay	TX	76250
Reginald & Regina Klement	855 CR 438	Lindsay	TX	76250
Richard Connett	P.O. Box 162	Lindsay	TX	76250
Richard K. Pitthner	2295 FM 1630	Gainesville	TX	76240
Richard Timmis Porter	P.O. Box 60	Lindsay	TX	76250
Rita Catherine Lusk	P.O. Box 204	Lindsay	TX	76250
Robert & Linda Tamplin	3879 CR 409	Gainesville	TX	76240
Robert Arend	150 CR 306	Gainesville	TX	76240
Robert J. Knauf	631 Weinzapfel	Muenster	TX	76252
Robert M. & Jolene M. Fuhrmann	405 West JM Lindsay Blvd.	Gainesville	TX	76240
Roger Luftner	3652 CR 438	Lindsay	TX	76250
Ronald J. Fuhrmann	4580 CR 308	Gainesville	TX	76240
Ronnie Neu	980 CR 404	Gainesville	TX	76240
Rose Ann Kupper	8435 Creekside Road	Frisco	TX	75034
Rose Mary Fangman	1438 FM 1199	Gainesville	TX	76240
Roy Lee Fuhrmann	1278 FM 1201	Gainesville	TX	76240
Rudy Zimmerer	3188 CR 438	Lindsay	TX	76250
Sandmann Brothers	P.O. Box 62	Lindsay	TX	76250
Sandra Ann Massengale	75 CR 439	Lindsay	TX	76250
Scott & Melinda Fuhrmann	204 FM 1199	Gainesville	TX	76240
Scott Michael Klement	5992 South FM 373	Muenster	TX	76252
Shannon & Jennifer Moran	P.O. Box 412	Lindsay	TX	76250
Shelby Bezner	1031 Tyler	Gainesville	TX	76240
Stacie D. Johnson	1006 Oxford	Gainesville	TX	76240
Stanley & Tonya Hess	P.O. Box 49	Lindsay	TX	76250

Starkey A. Wilson		7255 Lane Park Dr.	Dallas	TX	75225
Ted Fuhrmann		1375 CR 446	Gainesville	TX	76240
Theresa Hermes Trustee		313 West JM Lindsay Blvd.	Gainesville	TX	76240
Thomas J. Schad		2961 FM 1630	Gainesville	TX	76240
Tom Hoberer		1354 CR 405	Gainesville	TX	76240
Tom Neu		2074 CR 446	Gainesville	TX	76240
Tom Zimmerer		P.O. Box 217	Lindsay	TX	76250
Tony Voth		1213 Elmwood	Gainesville	TX	76240
Veterans Land Board	c/o Ray Haverkamp	570 CR 409	Gainesville	TX	76240
Vincent Reinart		P.O. Box 334	Muenster	TX	76252
Vincent Zimmerer		3522 CR 438	Lindsay	TX	76250
Walter J. Luttmr		4362 FM 1199	Gainesville	TX	76240
Walter Schmidkofer		3175 CR 409	Gainesville	TX	76240
Wayne & Cathy Luttmr		P.O. Box 110	Lindsay	TX	76250
Weldon Bezner		P.O. Box 43	Lindsay	TX	76250
Werner & Linda Becker		1739 CR 318	Gainesville	TX	76240
Wilfred Hess		917 CR 404	Gainesville	TX	76240
William C. Enderby		4036 FM 1630	Gainesville	TX	76240
William Gwyn Jr.		20 Shadowwood	Gainesville	TX	76240
William H. Husman		P.O. Box 59	Lindsay	TX	76250
William J. Flusche		593 CR 409	Gainesville	TX	76240
William J. Zimmerer		778 FM 1199	Gainesville	TX	76240
William Keltner		1700 Floral Drive	Gainesville	TX	76240
Zachary W. Fuhrmann		704 FM 1199	Gainesville	TX	76240
Mark Tackett		P.O. Box 404	Lindsay	TX	76250



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 Castanuela JUN 29 2006

LaDonna Castanuela, Chief Clerk
Texas Commission on Environmental Quality

Texas Commission on Environmental Quality

APPLICATION NOS. 35096-C And 35097-C

AFFIDAVIT OF NOTICE TO NEIGHBORING UTILITIES AND AFFECTED PARTIES

STATE OF TEXAS

COUNTY OF COOKE

has provided individual notice to

the following entities:

Mura Water System
Lindsay Pure Water Company
City of Gainesville

DATE
October 11, 2005

October 11, 2005

October 11, 2005

OATH

I, Betsy Fleitman, being duly sworn, file this form as
City Secretary (indicate relationship to applicant, that is, owner,
member of partnership, title of officer of corporation, or other authorized representative of applicant); that
in such capacity, I am qualified and authorized to file and verify such form, am personally familiar with the
notices given with this application, and have complied with all notice requirements in the application and
application acceptance letter; and that all such statements made and matters set for therein are true and
correct.

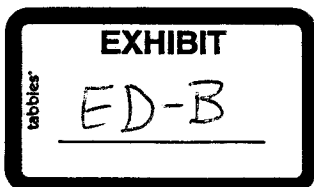
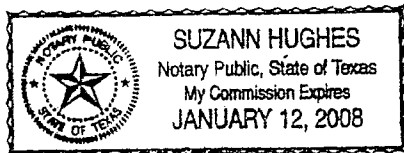
Betsy Fleitman
Applicant's Authorized Representative

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

Subscribed and sworn to before me this 11th day of October, 2005, to certify
which witness my hand and seal of office.

Suzann Hughes
Notary Public in and for the
State of Texas

Suzann Hughes
Print or Type Name of Notary Public
Commission Expires 1/12/08



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:

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

2. Article Number
(Transfer from service label)

PS Form 3811, February 2004

COMPLETE THIS SECTION ON DELIVERY

A. Signature *Kyle 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

Domestic Return Receipt

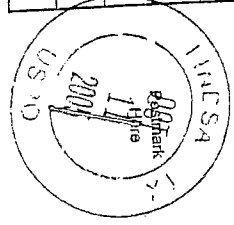
102595-02-M-1540

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Postage	\$ <i>37</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 *Myra Water System*

Street, Apt. No., or PO Box No. *76253*

City, State, ZIP+4 *Myra TX 76253*

PS Form 3800, June 2002

See Reverse for Instructions



**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.

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.

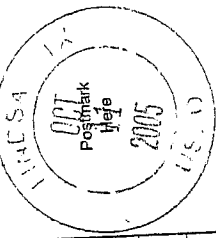
If a public hearing is requested, the Executive Director will not issue the CCN and will forward the application to the State Office of Administrative Hearings (SOAH) for a hearing. If no settlement is reached and an evidentiary hearing is held, the SOAH will submit a recommendation to the Commission 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.

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

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.

Article Addressed to:
City of Gainesville
200 South Rock Street
Gainesville, TX 76240

COMPLETE THIS SECTION ON DELIVERY

A. Signature ☒ Agent ☐ Addressee
David P. [Signature]

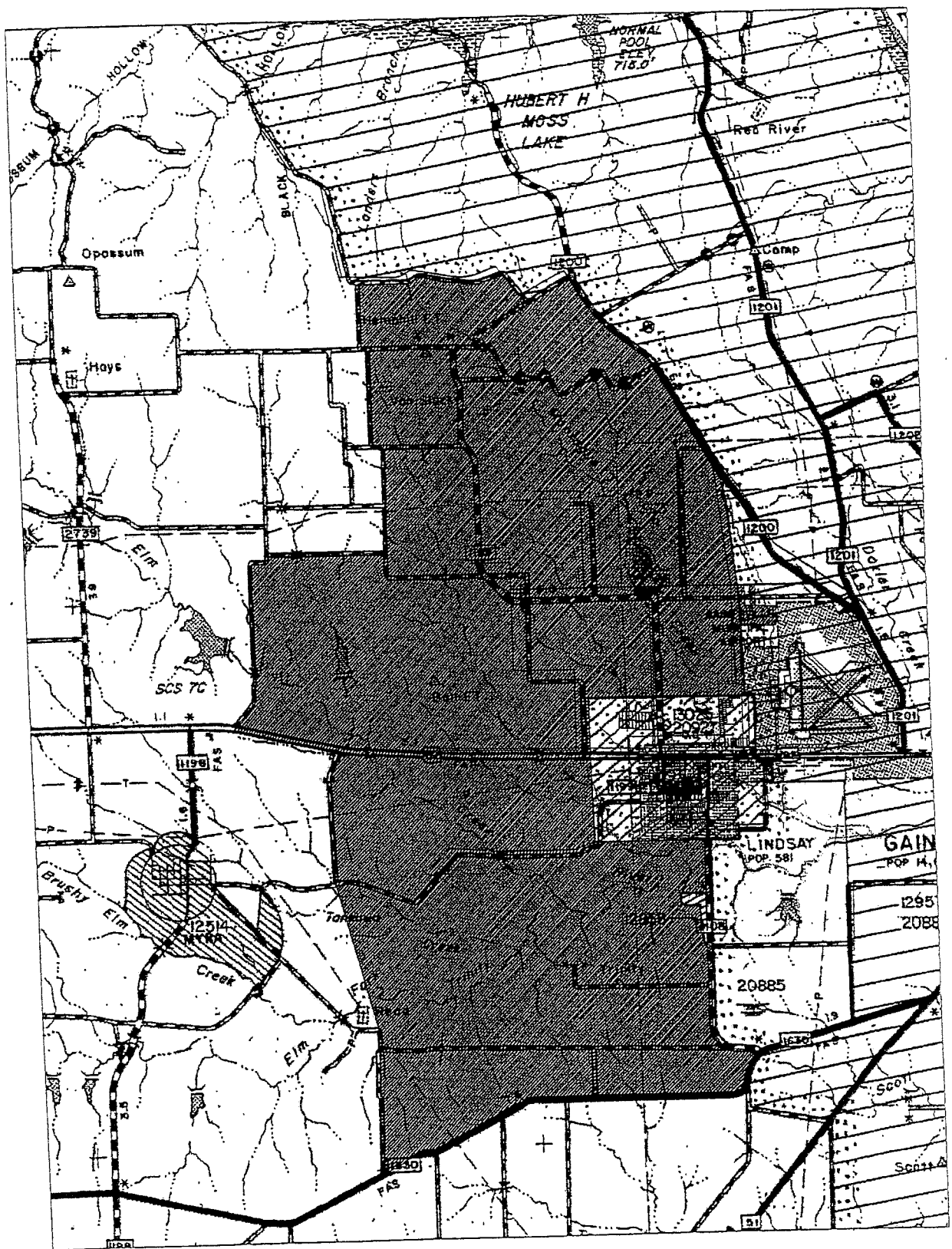
B. Received by (Printed Name) D. Reed C. Date of Delivery 10/11/05

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

Article Number 7003 3110 0002 4681 2842



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.

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:

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

2. Article Number
(Transfer from service label)

PS Form 3811, February 2004

COMPLETE THIS SECTION ON DELIVERY

A. Signature *Gene 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 ☐ 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

7003 3110 0002 4681 2835

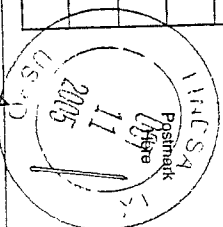
102965-02-M-15

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

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

OFFICIAL USE

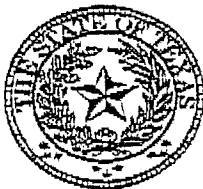
Postage	\$ 1.39
Certified Fee	2.30
Return Receipt Fee (Endorsement Required)	1.95
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 4.42



Sent To *Lidsey 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



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 Castenella

JUN 29 2006

LaDonna Castenella, 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

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 Lee Mathews Trimble

Newspaper Representative's Signature

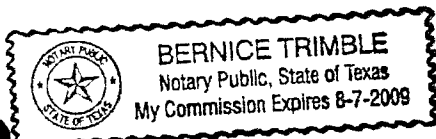
Subscribed and sworn to before me this 17th day of October, 2005, to certify which

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

4500 For Sale

Charming 2 bedroom, 2 bath, completely remodeled. Great location in quiet neighborhood. Ready to move in. Contact Chris Saunders (214) 727-0466 or Scott Simpson (940) 726-4624

5000 For Rent

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

5010 Buildings

3 sizes available. Flexit's Storage. Call (940) 665-9709

4 Sizes Available

MCM Mini Storage (940) 665-4625, 1100 sq ft, 1100 sq ft, 1100 sq ft, 1100 sq ft. Call (940) 665-7123

5 Locations

Tier 1 Real Estate (940) 665-6720

8x8x40, \$60/month

Call Sam Enderby, days (940) 665-8341, nights (940) 726-7289

Big Blue Storage

Gainesville, TX & Thacker, OK (940) 665-5852, (580) 726-3735

Great American Storage

10x12 and 10x22 (940) 665-8875

Lakeview Storage

New boat slips & mini storage, overhead doors, call (940) 665-3811, Get Your Boat, Gas, Etc. All At One Stop

Lee's Fiberglass Repair

Boat & RV Storage. Projects, boat insurance. (940) 665-0974, 726-5725

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

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) 665-1945

5000 For Lease

2 or 3/1 fenced backyard, C/H/A, \$500 month & \$500 security deposit. (940) 665-9141

3 BR, 1 BA, LTR DR, \$300

deposit, \$695 to \$740 month. Available now. 8.15 to 12 & 1:15 to 4:30. (940) 665-0344, M-F

3/1 duplex, 22 A Park

Lane, Moss Lake, \$495 month, \$350 deposit (940) 902-9789, (940) 391-4352

3/1, 1714 Harris, \$750

month, \$600 deposit (940) 727-8072

404 N Denton, 2 bedroom

1 bath, \$125.00 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

A 2 bedroom, 1 bath

in Lindsey, 204 1/2 St. \$550 month, \$400 deposit. Terra Real Estate, (940) 665-6730

A 2 bedroom, 1 bath

in Lindsey, 204 1/2 St. \$550 month, \$400 deposit. Terra Real Estate, (940) 665-6730

A 3 bedroom, 1 bath

in Lindsey, 204 1/2 St. \$575 month, \$400 deposit. Terra Real Estate, (940) 665-6730

FOR RENT

1417 E. Garnett, 2 bedroom, 1 bath, 1805 Mill, 1007 S. Clement, 2 bedroom, 1 bath, Karl Klemm Properties, Inc., (940) 627-6362

6000 Bids Wanted

NOTICE TO THE PUBLIC: COME SEATED PROPOSALS FOR THREE (3) COOKE COUNTY MEDICAL STATIONS

7000 Legal Notices

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

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

5040 Houses for Rent

4 bedroom, 2 bath, central h/a 408' Gorman, \$675.00 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 Bkr: 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. 31st.

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

Large 2/2 mobile home, VAV, ISO, \$450 month, \$350 dep. (940)665-6706

New 1300 sq. ft. 3 bedroom, 2 bath duplex, quiet and safe neighborhood, \$750 month, (903)496-1551

Small 3 bedroom, 1028 Lawrence, \$400 month, (940)768-8292

Two bedroom, 2 bath mobile home, partly furnished, water & trash paid No pets, 1/2 miles south of Lindsay, \$500.00 (940)665-6668, 665-1650

5050 Mobile Homes

2 bedroom mobile home very modern & clean HW 77, NW Throckmorton, \$600 month (940)276-4553

3/4 at Moss Lake, \$450 month, \$200 deposit (940)665-6523, (940)665-6453

Moss Lake area, 2 bedroom, 2 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

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. Project FCB Cooke County Precinct Bards. 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 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.

Kent Lashley, County Auditor, Cooke County, Texas

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 2.6 miles east and 2.6 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 3093.

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 288, 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. 43025 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 2.6 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 1680, 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 18,236 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 of the request for a public hearing; (4) a brief description of how you or the person you represent would be adversely affected by the granting of the application for a CCN; and (5) your proposed adjustment to the application or CCN which would satisfy your concerns and cause you to withdraw your request for a hearing.

Persons who wish to intervene or comment should write the:

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

within thirty (30) days from the date of this publication of 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

World

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

The U.S. military was preparing to send a 36-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, or shock, the has announced Medicare doctor's will rise by from the CC than one-f

ter for ma will they premiums prices and bills as we chief. Economy consulting

Water enters eig

FARIF water from Passaic Riv Nick Sitare a moving

I'm not Sitarella's alive. Much Northeast straight day

uge that h delayed air streams sur

At least in the regio because of

four others Hampshire

Doc's
Bar & Grill

10/29 - ALLEY KATZ - Great Rock

Playing for a Halloween Party

\$5 per person - Reservations recommended

Prizes will be given for best cost

940-759-2033

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PAY

The convenient way to delivery of The Gain

You'll trade those doorstep collection Circulation department. That's especially question, or if you're going on vacation. And here's the best part: the add

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

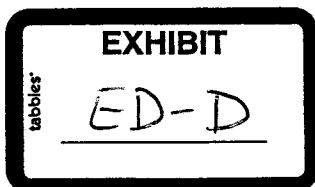
§

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)



**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.

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Bill and Monica Laux
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October 19, 2006

VIA FACSIMILE (512) 475-4994 &
FIRST CLASS MAILJames W. Norman
Administrative Law Judge
State Office of Administrative Hearings
300 West 15th Street
Austin, Texas 78701

2023
Re: SOAH Docket No. 582-06-0203; TCEQ Docket No. 2006-0272-UCR; *Application of the Town of Lindsay to Amend Water and Sewer Certificates of Convenience and Necessity (CCN) Nos. 13025 and 20927 in Cooke County, Texas; Application Nos. 35096-C & 35097-C*

Dear Judge Norman:

The Town of Lindsay, Lindsay Pure Water Company and the Executive Director have entered into a Rule 11 Agreement regarding discovery. A copy of the Rule 11 Agreement is attached for filing.

Thank you for your attention to this matter. If you have any questions, please do not hesitate to contact me.

Sincerely,

ARMBRUST & BROWN, L.L.P.


Amy L. Barrera

Legal Secretary to John J. Carlton

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Enclosure

cc: Arturo D. Rodriguez
Blas J. Coy)
Brian MacLeod
Christiaan Siano)
TCEQ Docket Clerk

ARMBRUST & BROWN, L.L.P.

ATTORNEYS AND COUNSELORS

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October 18, 2006

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Arturo D. Rodriguez, Jr.
Russell & Rodriguez, L.L.P.
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Georgetown, Texas 78626

VIA FACSIMILE: (512) 239-0606

Brian MacLeod
TCEQ – MC 173
P.O. Box 13087
Austin, Texas 78711-3087

Re: SOAH Docket No. 582-06-0203; TCEQ Docket No. 2006-0272-UCR; *Application of the Town of Lindsay to Amend Water and Sewer Certificates of Convenience and Necessity (CCN) Nos. 13025 and 20927 in Cooke County, Texas*; Application Nos. 35096-C & 35097-C

Dear Art and Brian:

This is an agreement pursuant to Texas Rules of Civil Procedure 11 and 191.1, TCEQ Rule 80.125, and Order No. 1, in this proceeding. This letter serves to extend the production of documents by Lindsay Pure Water Company and the Town of Lindsay to Monday, October 23, 2006. This letter also serves to extend the deadline to propound discovery from October 18, 2006 to Friday, October 27, 2006.

Upon your review and agreement to the proposal set forth in this letter, please memorialize this agreement by your signature below.

Sincerely,

ARMBRUST & BROWN, L.L.P.

John J. Carlton / with permission AB.
John J. Carlton
Attorney for Lindsay Pure Water Company

AGREED:

Arturo D. Rodriguez, Jr., for the Town of Lindsay

Brian MacLeod, for the Executive Director

Oct-18-06 08:54am From-ARMBRUST & BROWN, L.L.P.

5124352360

T-488 P.02/02 F-582

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October 18, 2006

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Re: SOAH Docket No. 582-06-0203; TCEQ Docket No. 2006-0272-UCR; *Application of the Town of Lindsay to Amend Water and Sewer Certificates of Convenience and Necessity (CCN) Nos. 13025 and 20927 in Cooke County, Texas*; Application Nos. 35096-C & 35097-C

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Sincerely,

ARMBRUST & BROWN, L.L.P.

John J. Carlton / with permission
John J. Carlton
Attorney for Lindsay Pure Water Company
RB

AGREED:

[Signature]
Arturo D. Rodriguez, Jr., for the Town of Lindsay

[Signature]
Brian MacLeod, for the Executive Director