



Control Number: 43945



Item Number: 5

Addendum StartPage: 0

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

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



43945
RECEIVED

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

September 21, 2005

Mr. Arturo D. Rodriguez, JR., Attorney
Russell, Moorman & Rodriguez, LLP
102 West Morrow, Suite 103
Georgetown, Texas 78626

Re: Application from the Town of Lindsay to Amend Certificate of Convenience and Necessity (CCN)
No. 13025 in Cooke County; Application No. 35096-C

Application from the Town of Lindsay to Amend CCN No. 20927 in Cooke County; Application
No. 35097-C

CN: 601118607; RN: 104296488 (water) and 104315569 (sewer)

Dear Mr. Rodriguez:

Your CCN applications for the Town of Lindsay, received on August 31, 2005, have been assigned Application Nos. 35096-C and 35097-C, but have not been accepted for filing. Please refer to these numbers in future correspondence.

The next step towards having your applications accepted is to provide the revised public notices without delay. The notice to the public must be published once each week for two (2) consecutive weeks in a newspaper of general circulation in Cooke County. It is the responsibility of the applicant to provide correct notice of the applications to any utilities within two (2) miles of your proposed service area, any city with an extraterritorial jurisdiction which overlaps the proposed service area or other affected parties in your requested area. You will also be required to provide mailed notice to all landowners included in your proposed CCN area pursuant to commission order dated October 21, 2004. The landowner information may be obtained from the county appraisal district tax rolls for the county or counties in which the proposed CCN lies. Check the notices carefully before mailing or publishing.

As proof that notice was provided, you are required to send us the following:

- a) an original and three copies of a publisher's affidavit of the newspaper publication with tear sheets of the published notice attached;
- b) four copies of each individual notice and map sent to neighboring utilities and affected parties;
- c) one copy of each individual landowner notice and map sent to landowners; and
- d) an original and three copies of the signed affidavits that individual notice to neighboring utilities, affected individuals and each landowner has been given. (Copies of the Affidavit forms are enclosed with this letter.)

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

RECORDS

SEP 22 2005

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APP-5

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September 21, 2005

Include the enclosed location map delineating the proposed service area with your individual notices to neighboring utilities, other affected parties and each landowner.

In addition to the notice requirements the following information is also necessary to proceed with your applications:

- a) Provide the name(s) and physical address(es) of any customers currently receiving water and/or sewer service from the City of Lindsay in the requested area. Distinguish between water and sewer service in your response.
- b) Provide copies of service application(s) and/or written request(s) from all landowner(s), developer(s) and/or potential customer(s) seeking to obtain water and/or sewer service in the requested area. Distinguish between water and sewer service in your response.
- c) Provide a map indicating the location of any and all requests for service received. Distinguish between water and sewer service in your response.
- d) Provide a construction cost breakdown and an estimated time line to indicate the cost and time-frame to provide water and/or sewer service to any request(s) for service received by the City of Lindsay. Distinguish between water and sewer service in your response.
- e) You will also be required to provide landowners consent for all proposed area located outside the City of College Station's current extraterritorial jurisdiction.

These items must be completed and returned by **October 21, 2005**. Processing of these applications cannot proceed until the close of the 30 day public comment period which begins after all the required notices have been given. If we do not receive the requested information by this date, your applications will be returned for failure to prosecute.

If you have any questions, please contact Ms. Karen Blaschke at 512/239-6932, or if by correspondence, include Mail Code 153 in the letterhead address.

Sincerely,



Michelle Abrams, Team Leader
Utilities & Districts Section
Water Supply Division

MA/KLB/ac

Enclosures

cc: TCEQ, Region 4 Office

Notice for Publication

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

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

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

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

(Address)

(City State Zip)

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

To: _____ Date Notice Mailed: _____, 2005
(Landowner)

(Address)

(City State Zip)

The Town of Lindsay has filed applications 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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Si desea informacion en Espanol, puede llamar al 1-800-687-4040.



Texas Commission on Environmental Quality

APPLICATION NO. _____

PUBLISHER'S AFFIDAVIT

STATE OF TEXAS

COUNTY OF _____

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

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

NAME OF NEWSPAPER

newspaper is regularly published in _____

County(ies) and generally circulated in _____

County (Counties), Texas; and that the attached notice was published in said newspaper on the following date(s), to wit: _____

Newspaper Representative's Signature

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

Notary Public in and for the State of Texas

Print or Type Name of Notary Public

Commission Expires _____



Texas Commission on Environmental Quality

APPLICATION NO. _____

AFFIDAVIT OF NOTICE TO LANDOWNERS

STATE OF TEXAS

COUNTY OF _____

_____ has provided individual notice to the following entities:

DATE

OATH

I, _____, being duly sworn, file this form as _____ (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.

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 _____ day of _____, 20____, to certify which witness my hand and seal of office.

Notary Public in and for the
State of Texas

Print or Type Name of Notary Public
Commission Expires _____



Texas Commission on Environmental Quality

APPLICATION NO. _____

AFFIDAVIT OF NOTICE TO NEIGHBORING UTILITIES AND AFFECTED PARTIES

STATE OF TEXAS

COUNTY OF _____

_____ has provided individual notice to the following entities:

DATE

OATH

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

Applicant's Authorized Representative

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

Subscribed and sworn to before me this _____ day of _____, 20____, to certify which witness my hand and seal of office.

Notary Public in and for the
State of Texas

Print or Type Name of Notary Public
Commission Expires _____

**SOAH DOCKET NO. 582-06-2023
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	§ § § § § § §	BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS
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**LINDSAY PURE WATER COMPANY'S RESPONSE TO THE CITY OF LINDSAY'S
INTERROGATORIES AND 2ND SET OF REQUESTS FOR PRODUCTION**

TO: The City of Lindsay, by and through its attorney of record, Arturo D. Rodriguez, Jr. of Russell & Rodriguez, L.L.P, 102 West Morrow Street, Suite 103, Georgetown, Texas 78626.

COMES NOW, Lindsay Pure Water Company, Protestant herein, and files its Response to the City of Lindsay's Interrogatories and 2nd Set of Requests for Production.

INTERROGATORIES

INTERROGATORY NO. 1: Please describe in detail the Company's existing water transmission lines, if any, capable of providing water service to any area in which the City has requested in its Application.

RESPONSE: The Company's existing water system consists of approximately three miles of six-inch diameter C900 pipe, which serves the existing 26 homes within the Company's CCN.

INTERROGATORY NO. 2: Please describe in detail the Company's existing booster stations, if any, capable of providing water service to any area in which the City has requested in its Application.

RESPONSE: The Company currently has one high-pressure pump, one high-volume pump, a 1,000 gallon pressure tank and a liquid chlorination system serving its existing CCN.

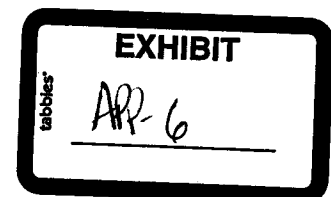
INTERROGATORY NO. 3: Please describe in detail the Company's existing water distribution lines, if any, capable of providing water service to any area in which the City has requested in its Application.

RESPONSE: See the response to Interrogatory No. 1.

INTERROGATORY NO. 4: Please describe in detail the Company's existing water storage tanks, if any, capable of providing water service to any area in which the City has requested in its Application.

RESPONSE: The Company currently has one 100,000 gallon vertical water storage tank, which is approximately 99 feet tall.

Record Copy



INTERROGATORY NO. 5: Please identify the Company's sources of water, including ground water and surface water, and explain whether surface water sources are secured by contract or permit.

RESPONSE: The Company's existing well is approximately 890 feet deep and produces water at approximately 100 gallons per minute from the Upper and Lower Trinity Aquifer.

Respectfully submitted,

John J. Carlton
JOHN J. CARLTON *upelmiras*

State Bar No. 03817600

ARMBRUST & BROWN, L.L.P.

100 Congress Avenue, Suite 1300

Austin, Texas 78701-2744

(512) 435-2300 – Telephone

(512) 436-2360 – Telecopy

**ATTORNEYS FOR LINDSAY PURE
WATER COMPANY**

CERTIFICATE OF SERVICE

By my signature above, I hereby certify that a true and correct copy of the foregoing Lindsay Pure Water Company's Response to City of Lindsay's Request for Disclosure and First Set of Requests for Production has been sent by Facsimile and/or First Class Mail on this 14 day of March, 2008, to the following:

Arturo D. Rodriguez, Jr.
Russell & Rodriguez, L.L.P.
102 West Morrow Street, Suite 103
Georgetown, Texas 78626
Phone: (512) 930-1317
Facsimile: (512) 930-7742

Blas J. Coy, Jr.
Office of Public Interest Counsel
TCEQ – MC 103
P.O. Box 13087
Austin, Texas 78711-3087
Phone: (512) 239-6363
Facsimile: (512) 239-6377

Brian MacLeod, Attorney
TCEQ – MC-175
P.O. Box 13087
Austin, Texas 78711-3087
Phone: (512) 239-0750
Facsimile: (512) 239-0606

Christiaan Siano, Attorney
TCEQ – MC-173
P.O. Box 13087
Austin, Texas 78711-3087
Phone: (512) 239-0600
Facsimile: (512) 239-0606

Docket Clerk
Office of the Chief Clerk – MC 105
Texas Commission on Environmental
Quality
P.O. Box 13087
Austin, Texas 78711-3087
Phone: (512) 239-3300
Facsimile: (512) 239-3311

Lindsay Pure Water Analysis

1997 Capital Cost	\$101,854
1997 Organization Cost	<u>2,479</u>
Original Capital	\$104,333
LESS:	
Equity	\$25,000
Paid-in Capital	16,000
Loan from MDC	\$63,333

Capital Additions through 2006	\$60,629
Depreciation through 2006	<u>73,973</u>
Excess Cash	\$13,344

Estimated Average Annual Loss \$8,200 for 10 years	<u>\$82,000</u>
Total	<u>\$131,989</u>
MDC Note	\$131,669

EXHIBIT

tabbles

APP-8

Lindsay Pure Water Analysis

1997 Capital Cost	\$101,854
1997 Organization Cost	<u>2,479</u>
Original Capital	\$104,333
LESS:	
Equity	\$25,000
Paid-in Capital	16,000
Loan from MDC	\$63,333

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Depreciation through 2006	<u>73,973</u>
Excess Cash	\$13,344

Estimated Average Annual	
Loss \$8,200 for 10 years	\$82,000
<i>Total</i>	<i>131,929</i>
MDC Note	\$131,669

