

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

To: \_\_\_\_\_ Date Notice Mailed: 6/15, 2005  
( HILLIARD DENNIS R  
- 6026 100<sup>TH</sup> ST  
( LUBBOCK, TX 79424  
\_\_\_\_\_  
(City State Zip)

6/22/05

South Central Water Company has filed an application to amend CCN No. 20964 with the Texas Commission on Environmental Quality to provide sewer utility service in Parker County.

The proposed utility service area is located approximately 7 miles SW of downtown Weatherford Texas, and is generally bounded on the north by the Brazos River; on the east by FM 1189; on the south by Lacy Dr.; and on the west by York Ln. See enclosed map of the proposed service area.

The total area being requested includes approximately 430+/- acres and 0 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.

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

To:

LAUGHLIN DONALD R & JULIE  
215 SUGARTREE CIR  
LIPAN, TX 76462

Date Notice Mailed: 6/15, 2005

6/22/05

(City State

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

To: GRACY ROBERT W & GRACY \_\_\_\_\_  
PEGGY VROMAN \_\_\_\_\_  
3417 BELLAIRE PARK CT \_\_\_\_\_  
FT WORTH, TX 76109 \_\_\_\_\_

Date Notice Mailed: 6/15, 2005

6/22/05

(City State Zip)

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(CCN) TO PROVIDE SEWER UTILITY SERVICE IN PARKER COUNTY

To: \_\_\_\_\_ Date Notice Mailed: 6/15, 2005  
          (1) HISEL CHRISTOPHER B & \_\_\_\_\_  
          JACKIE T \_\_\_\_\_  
          (1) 548 SOUTH SUGAR TREE DR \_\_\_\_\_  
          LIPAN, TX 76462 \_\_\_\_\_  
          (City State Zip)

6/22/05

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

To: ROBERTS VERNON T &  
KATHLEEN M  
831 KINGSTON DR  
MANSFIELD TX 76063

Date Notice Mailed: 6/15, 2005

6/22/05

\_\_\_\_\_  
(City State Zip)

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(CCN) TO PROVIDE SEWER UTILITY SERVICE IN PARKER COUNTY

To: LAUGHLIN HOME BUILDERS \_\_\_\_\_ Date Notice Mailed: 6/15, 2005  
INC \_\_\_\_\_ 6/22/05  
215 SUGAR TREE CIR \_\_\_\_\_  
LIPAN, TX. 76462 \_\_\_\_\_  
(City State Zip)

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(CCN) TO PROVIDE SEWER UTILITY SERVICE IN PARKER COUNTY

To: \_\_\_\_\_ Date Notice Mailed: 6/15, 2005  
( BRADBURY PHILLIP M & KRIS  
( 191 SUGAR TREE CIR  
( LIPAN, TX. 76462-4310  
(City State Zip) \_\_\_\_\_

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To: PHILLIPS JASON S & LEWANA —  
221 SUGAR TREE CIR —  
LIPAN, TX 76462-4314 —

Date Notice Mailed: 6/15, 2005

6/22/05

(City State Zip)

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

To:

SIMS GILBERT L & ANN  
113 SUGAR TREE CIR  
LIPAN, TX 76462

Date Notice Mailed: 6/15, 2005

6/22/05

(City State Zip)

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(CCN) TO PROVIDE SEWER UTILITY SERVICE IN PARKER COUNTY

To:

(L) ROBERTS TRUMAN & PAMELA  
P O BOX 8  
(A) DENNIS, TX 76439-0008

Date Notice Mailed: 6/15, 2005

46/22/05

(City State Zip)

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To: HENSARLING LESLIE & KRISTY  
5756 ROCKPORT  
FT WORTH, TX 76137  
(City State Zip)

Date Notice Mailed: 6/15, 2005  
6/22/05

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To:

BARKER RODGER R & LINDA H  
187 SUGAR TREE CIR  
LIPAN, TX 76462

Date Notice Mailed: 6/15, 2005

6/22/05

(City

State

Zip)

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To:

Date Notice Mailed: 6/15, 2005  
6/22/05

ANDERSON SCOTT D & TANYA  
2013 WOOD TRAIL  
AZLE, TX. 76020

(City State Zip)

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To:

MUNDEN BRENDA & DAN  
800 COUGAR RD  
LIPAN, TX 76462

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

To: \_\_\_\_\_ Date Notice Mailed: 6/15, 2005  
( WILLIAMS DANNY C & DONNA  
- 4210 51<sup>ST</sup> ST  
( LUBBOCK, TX. 79413-3816  
\_\_\_\_\_  
(City State Zip)

South Central Water Company has filed an application to amend CCN No. 20964 with the Texas Commission on Environmental Quality to provide sewer utility service in Parker County.

The proposed utility service area is located approximately 7.5 miles SW of downtown Weatherford Texas, and is generally bounded on the north by the Brazos River; on the east by FM 1189; on the south by Lacy Dr.; and on the west by York Ln. See enclosed map of the proposed service area.

The total area being requested includes approximately 430 +/- acres and 0 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

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

To: \_\_\_\_\_

SEGARS FRANK B & JACKIE T  
1654 HOLLAND LAKE DR  
APT # 5101  
WEATHERFORD, TX 76086-6449  
( \_\_\_\_\_ State \_\_\_\_\_ Zip) \_\_\_\_\_

Date Notice Mailed: 6/15, 2005

6/22/05

South Central Water Company has filed an application to amend CCN No. 20964 with the Texas Commission on Environmental Quality to provide sewer utility service in Parker County.

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Water Supply Division  
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NOTICE OF APPLICATION FOR CERTIFICATE OF CONVENIENCE AND NECESSITY  
(CCN) TO PROVIDE SEWER UTILITY SERVICE IN PARKER COUNTY

To: \_\_\_\_\_ Date Notice Mailed: 6/15, 2005  
(L<sub>e</sub>) PETROVIC FRANK & GAIL  
7532 VANESSA  
(A) FT WORTH TX 76112  
\_\_\_\_\_  
(City State Zip)

6/22/05

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

To: \_\_\_\_\_ Date Notice Mailed: 6/15, 2005  
          (1) COMBS BRIAN D & BARBARA  
          — 105 FREDERICKSBURG CT  
          (1) WEATHERFORD, TX 76087  
          \_\_\_\_\_  
          (City                      State                      Zip)

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Water Supply Division  
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Austin, TX 78711-3087

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

To: \_\_\_\_\_ Date Notice Mailed: 6/15, 2005  
          (1) HILL PERCY & ZOE  
          — P O BOX 193  
          (1) LIPAN, TX 76439-0193  
          \_\_\_\_\_  
          (City                      State                      ZIP)

6/22/05

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

To:

WINSTEAD ROY D & GRACE  
310 COLUMBIA E  
WEATHERFORD TX 76086

Date Notice Mailed: 6/15, 2005

6/22/05

(City

State

Zip)

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Water Supply Division  
Utilities and Districts Section, MC-153  
P. O. Box 13087  
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NOTICE OF APPLICATION FOR CERTIFICATE OF CONVENIENCE AND NECESSITY  
(CCN) TO PROVIDE SEWER UTILITY SERVICE IN PARKER COUNTY

To:

( FINLEY DAVID N & MARILYN  
506 S SUGAR TREE DR  
( LIPAN, TX 76462-4312

Date Notice Mailed: 6/15, 2005

6/22/05

(City State Zip)

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P. O. Box 13087  
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NOTICE OF APPLICATION FOR CERTIFICATE OF CONVENIENCE AND NECESSITY  
(CCN) TO PROVIDE SEWER UTILITY SERVICE IN PARKER COUNTY

To:

BELL JEFF & JENNIFER  
174 SUGAR TREE CIR  
LIPAN, TX 76462-4311

(City

State

Zip)

Date Notice Mailed: 6/15, 2005

6/22/05

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Water Supply Division  
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P. O. Box 13087  
Austin, TX 78711-3087

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

To: \_\_\_\_\_ Date Notice Mailed: 6/15, 2005  
(L) STINSON MICHEAL L & RITA  
1404 REDBUD LANE  
(A) ALEDO, TX 76008  
\_\_\_\_\_  
(City State Zip)

6/22/05

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Utilities and Districts Section, MC-153  
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Austin, TX 78711-3087

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

To:

(Lai) HODGES CORY & LESLEY  
160 SUGAR TREE CIR  
(Ad) LIPAN, TX 76462-4311

Date Notice Mailed: 6/15, 2005

6/22/05

(City State Zip)

South Central Water Company has filed an application to amend CCN No. 20964 with the Commission on Environmental Quality to provide sewer utility service in Parker County.

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Water Supply Division  
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P. O. Box 13087  
Austin, TX 78711-3087

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

To: MIHALICZ GLENN D & NADINE \_\_\_\_\_ Date Notice Mailed: 6/15, 2005  
M  
166 SUGARTREE CIR \_\_\_\_\_  
LIPAN, TX. 76462-4311  
(City State Zip)

6/22/05

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

To:

( RICE BILLY E & KAREN  
1864 CR 4764  
BOYD, TX 76023

Date Notice Mailed: 6/15, 2005

6/22/05

(City

State

—

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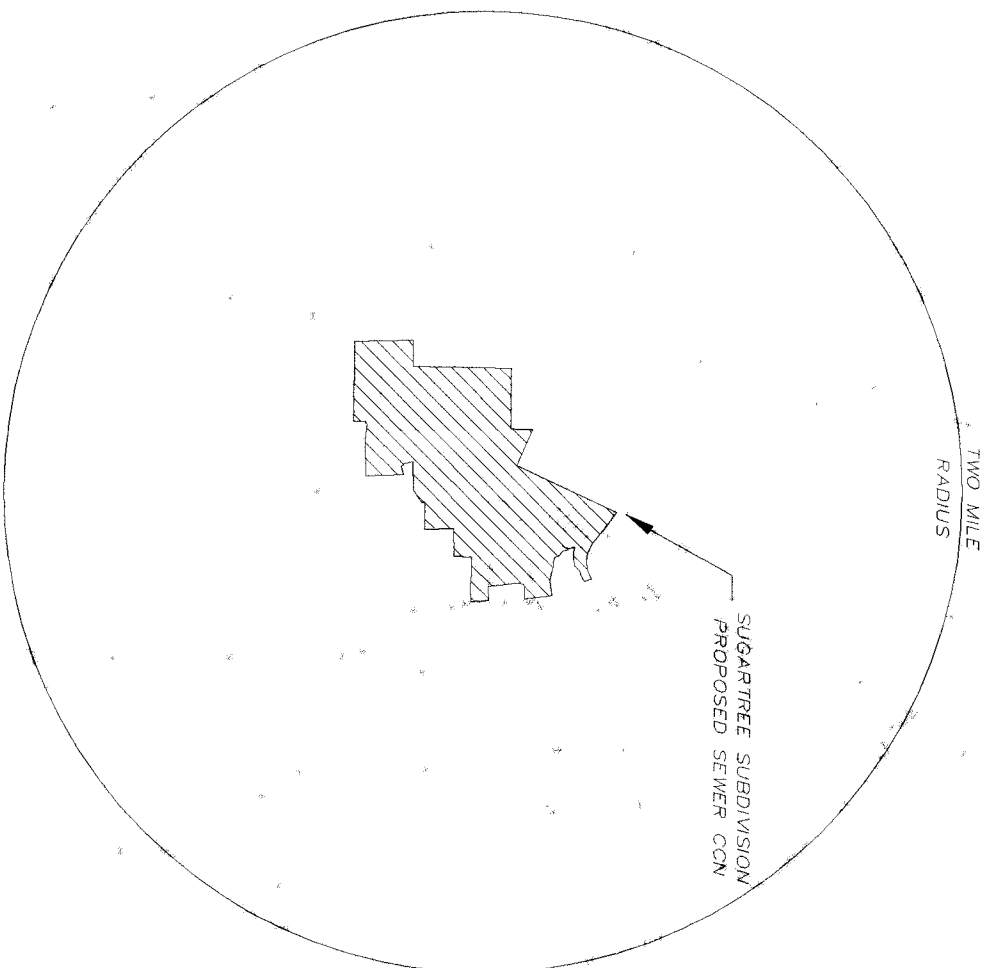
Persons who wish to intervene or comment should write the:

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

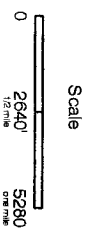
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Sent to everyone on 6/22/05



APRIL 2005



**SOUTH CENTRAL WATER COMPANY**  
**PROPOSED SEWER CCN**  
PO BOX 970177  
HOUSTON, TEXAS 77257-0177  
713-783-8611  
FAX: 713-783-8321

## FMT Checklist

Applicant: South Central Water Company, Certificates of Convenience and Necessity (CCNs) Nos. 13061 and 20964, to Amend Water and Sewer CCNs in Harris and Liberty Counties

Application No.: 34929-C, 34930-C and 34961-C

South Central Water Company, Mr. Malcolm Bailey, principal, applies for amendment to water and sewer CCNs to provide water and sewer utility service to a new stand-alone area known as Pine Trace, and water service only to another area know as Sugartree. The Pine Trace is about 170 acres with no current customers, approximately 2 miles east of Tomball, and the Sugartree is about 230 acres with no current customers, about 12 miles southwest of Weatherland. They project connecting about 593 customers in the Pine Trace and 500 customers in the Sugartree over a five year period.

I have reviewed a personal balance sheet for Malcolm D. Bailey dated January 31, 2005, which continues to show substantial liquidity with total assets of \$20.3 mil., total liabilities of \$3.8 mil. and equity of \$16.4 mil., for a debt to equity ratio of .23:1. The projected profit and loss statement for Pine Trace shows positive cash flow over \$8,000 in the third year, and surprisingly, exactly the same amount for the Sugartree . Mr. Bailey's balance sheet shows marketable securities of \$8.6 mil. and cash of \$69,000 so he should be able to fund the cash flow loss in the first years.

In my opinion, this applicant has demonstrated adequate financial and managerial capability to provide service to the requested areas. These conclusions are based on information provided by the applicant prior to this date and may not reflect any changes in the applicant's status subsequent to this date.

Signed: Dan Smith Date: June 24, 05

|   |                   |
|---|-------------------|
| <b>A. PROJECTED # OF CONNECTIONS</b>  |                   |
| 1. The customer classes and meter sizes are appropriate for the type of development and the predicted consumption patterns. | Date:<br>06/24/05 |
| Comments: Yes   |                   |

# FMT Checklist

Applicant: South Central Water Company, Certificates of Convenience and Necessity (CCNs) Nos. 13061 and 20964, to Amend Water and Sewer CCNs in Harris and Liberty Counties

Application No.: 34929-C, 34930-C and 34961-C

|   |                   |
|---|-------------------|
| 2. The growth projections are verifiable and make sense.<br>Note: A growth rate greater than 10% per year will require significant documentation. | Date:<br>06/24/05 |
| Comments: Yes   |                   |

|  |                   |
|--|-------------------|
| <b>B. FEASIBILITY OF OBTAINING SERVICE FROM ALTERNATE SOURCES OF SUPPLY WITHIN A 2-MILE RADIUS</b>           |                   |
| 1. There are no alternate sources within a 2-mile radius. Go to section C.                                   | Date:<br>06/24/05 |
| Comments: The application processor is addressing this issue with cartography.                               |                   |
| 2. Application for service was denied. Go to section C.  | Date:             |
| Comments:  |                   |
| 3. Applicant is asserting that interconnection is infeasible.  | Date:             |
| Comments:  |                   |
| 4. Documentation of the cost of interconnection is verifiable.   | Date:             |
| Comments:  |                   |
| 5. Cost information includes the cost of initiating service.   | Date:             |
| Comments:  |                   |
| 6. Cost information includes the cost of any facilities that may be need to be constructed to obtain service | Date:             |
| Comments:  |                   |
| 7. Cost information includes costs of receiving and maintaining service for 5 years                          | Date:             |
| Comments:  |                   |

## FMT Checklist

Applicant: South Central Water Company, Certificates of Convenience and Necessity (CCNs) Nos. 13061 and 20964, to Amend Water and Sewer CCNs in Harris and Liberty Counties

Application No.: 34929-C, 34930-C and 34961-C

|   |       |
|---|-------|
| 8. Assumptions about the cost of receiving and maintaining service are based on valid information | Date: |
| Comments:   |       |

|  |                   |
|--|-------------------|
| <b>C. FEE FOR SERVICE</b>  |                   |
| 1. Projected # of connections agrees with assumptions listed.  | Date:<br>06/24/05 |
| Comments: Yes  |                   |
| 2. Consumption assumptions are reasonable in light of the types of consumers expected to be on the system, e.g. Large homes on large lots vs mobile home parks, or residential vs. commercial. | Date:<br>06/24/05 |
| Comments: Yes  |                   |
| 3. Proposed rates reflect cost of service and are affordable. [Could consider the percentage of Median Household Income]   | Date:<br>06/24/05 |
| Comments: Yes  |                   |

|   |                   |
|---|-------------------|
| <b>D. DOCUMENTATION RELATED TO PROVIDING SERVICE USING APPLICANT'S FACILITIES</b>                                     |                   |
| <i>Note: This section applies to NEW CCNs and substantial amendments.</i>   |                   |
| 1. Cost of construction is based on engineering estimates.  | Date:<br>06/24/05 |
| Comments: Yes   |                   |
| 2. Cost of maintaining and operating the system includes <b>reasonable</b> amounts for a contract operations company. | Date:<br>06/24/05 |
| Comments: Yes   |                   |

FMT Checklist

Applicant: South Central Water Company, Certificates of Convenience and Necessity (CCNs) Nos. 13061 and 20964, to Amend Water and Sewer CCNs in Harris and Liberty Counties

Application No.: 34929-C, 34930-C and 34961-C

|   |     |   |                                  |                   |   |
|---|-----|---|----------------------------------|-------------------|---|
| 3. Cost of maintaining and operating the system includes <b>reasonable</b> amounts for the following: (☆ - Insert Comment # in this column) |     |   |                                  |                   |   |
| Expense Item  | Yes | ☆ | Expense Item                     | Yes               | ☆ |
| Wholesale water or sewer  |     |   | Insurance - office equipment     | X                 |   |
| Salaries - O & M Staff  | X   |   | Legal fees                       | X                 |   |
| Salaries - Admin staff  | X   |   | Engineering fees                 | X                 |   |
| Salaries - Owner  |     |   | Employee training                | X                 |   |
| Power for operating all facilities  | X   |   | Office supplies/postage          | X                 |   |
| Treatment Chemicals   | X   |   | Telephone/other office utilities | X                 |   |
| Monitoring/Testing  | X   |   | Office rent                      |                   |   |
| M & R materials & labor   | X   |   | Accounting                       | X                 |   |
| Vehicle maintenance expenses  | X   |   | Income taxes                     | X                 |   |
| Contract Labor  | X   |   | Property taxes                   | X                 |   |
| Equipment rental  |     |   | Employment taxes                 | X                 |   |
| Insurance - vehicle   | X   |   | Debt service                     |                   |   |
| Insurance - liability   | X   |   | Bad debt expense                 |                   |   |
| Insurance - Workmen's comp  | X   |   | Lease payments                   |                   |   |
| Includes cost of operating system for 5 years: Yes  |     |   |                                  | Date:<br>06/24/05 |   |
| Comments (Number comments to correspond with numbers above:   |     |   |                                  |                   |   |

## FMT Checklist

Applicant: South Central Water Company, Certificates of Convenience and Necessity (CCNs) Nos. 13061 and 20964, to Amend Water and Sewer CCNs in Harris and Liberty Counties

Application No.: 34929-C, 34930-C and 34961-C

| <b>E. FINANCING</b>   |                   |
|---|-------------------|
| 1. Applicant has identified sources for funding construction and capital improvements.  | Date:<br>06/24/05 |
| Comments: Yes, the principal owner of the utility corporation provides a substantial personal balance sheet and commitment as necessary for the funding and operation of the utility. |                   |
| 2. Sources of revenue for construction and capital improvements are verifiable and documented.  | Date:<br>06/24/05 |
| Comments: Yes   |                   |
| 3. Sources of revenue for construction and capital improvements are guaranteed or reasonably assured.   | Date:<br>06/24/05 |
| Comments: Reasonably assured  |                   |
| 4. Sources of revenue for shortfalls, other than from rates, are guaranteed, or reasonably assured.   | Date:<br>06/24/05 |
| Comments: Reasonably assured  |                   |
| 5. Applicant has contingency financing plan to fund any unforeseen repairs or equipment replacements, e.g. Reserves equal to depreciation or 1/8 O & M.                               | Date:<br>06/24/05 |
| Comments: Yes   |                   |

| <b>F. OWNERSHIP</b>  |                   |
|--|-------------------|
| 1. Applicant has identified current and any future potential owners. | Date:<br>06/24/05 |
| Comments: Yes  |                   |



# FMT Checklist

Applicant: South Central Water Company, Certificates of Convenience and Necessity (CCNs) Nos. 13061 and 20964, to Amend Water and Sewer CCNs in Harris and Liberty Counties

Application No.: 34929-C, 34930-C and 34961-C

|  |                   |
|--|-------------------|
| 2. Applicant has identified all other affiliated businesses.   | Date:<br>06/24/05 |
| Comments: Yes  |                   |
| 3. Applicant has documented qualifications of all organizations and persons who will be involved in the operation of the system. | Date:<br>06/24/05 |
| Comments: Yes  |                   |

|   |                   |
|---|-------------------|
| <b>G. CONCLUSIONS</b>   |                   |
| 1. The source to be used is identified and documentation supports the application.  | Date:<br>06/24/05 |
| Comments: Yes   |                   |
| 2. Applicant is capable/of financing and operating the system for at least the 1 <sup>st</sup> 5 years of operation if the applicant provides financial assurance in the amount of \$_____0_____. | Date:<br>06/24/05 |
| Comments: Yes   |                   |
| 3. Applicant is capable of managing the system for the long term.   | Date:<br>06/24/05 |
| Comments: Yes   |                   |
| 4. Applicant has the technical capacity to operate the system for the long term.  | Date:<br>06/24/05 |
| Comments: Yes   |                   |

# FINANCIAL INFORMATION

Colm D. Bailey  
Name

318 Beverly Hill, Houston, Texas 77057  
Business Address

## STATEMENT OF ASSETS AND LIABILITIES AS OF JANUARY 31, 2005

| Assets                            |                      | Liabilities                                  |                      |
|-----------------------------------|----------------------|--|----------------------|
| Cash Accounts                     | \$ 69,096            | 10. Accounts Payable                         | \$ -                 |
| Marketable Securities             | \$ 8,646,851         | 11. Notes Payable to Banks                   | \$ 1,316,444         |
| Accounts Receivable               | \$ 1,129,117         | 12. Notes Payable to Others                  | \$ 2,528,007         |
| Notes, Loans & Account Receivable | \$ 424,561           | 13. Real Estate Mortgages                    | \$ -                 |
| Retirement Funds                  | \$ -                 | 14. Interest and Taxes Due<br>(IRS Estimate) | \$ -                 |
| Real Estate Owned                 | \$ 6,967,039         | TOTAL LIABILITIES                            | \$ 3,844,451         |
| Corp./Partnerships/Investments    | \$ 2,403,136         | 15. Net Worth                                | \$ 16,402,052        |
| Vehicles, Personal & Household    | \$ 602,670           |  |                      |
| Other Assets                      | \$ 4,033.27          |  |                      |
| <b>TOTAL ASSETS</b>               | <b>\$ 20,246,503</b> | <b>TOTAL LIABILITIES &amp; NET WORTH</b>     | <b>\$ 20,246,503</b> |

*M. B. B.*

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SUGARTREE ON THE BRAZOS DEVELOPMENT

## SEWERAGE COLLECTION & TREATMENT SYSTEM AGREEMENT

This SEWERAGE COLLECTION & TREATMENT SYSTEM AGREEMENT (hereinafter the "Agreement"), relating to the construction of a system for the collection and treatment of sewage and the construction of a wastewater treatment facility, is made by and between BLUEGREEN SOUTHWEST ONE, L. P., by and through its General Partner BLUEGREEN SOUTHWEST LAND, INC., (hereinafter referred to as the "DEVELOPER"), and SOUTH CENTRAL WATER COMPANY, a Texas corporation (hereinafter referred to as "SCWCO"). The DEVELOPER and SCWCO shall sometimes be collectively referred to as the "Parties."

WHEREAS, the DEVELOPER is the current owner of certain tracts of land in Parker County, Texas, as described on Exhibit "A" attached hereto, and is primarily engaged in the subdivision of those tracts of land principally into residential lots which have been heretofore designated as SugarTree on the Brazos according to map or plat thereof to be recorded in the Map and Plat Records of Parker County, Texas (hereinafter "Development"). DEVELOPER has provided SCWCO a copy of the preliminary plat of the Development.

WHEREAS, the DEVELOPER desires to have a sewerage and wastewater collection system and treatment facility constructed within and exclusively for the Development to be available to serve the residents thereof.

WHEREAS, SCWCO represents that it has considerable experience in successfully constructing, maintaining and operating such wastewater systems, having continuously been and being now engaged primarily in the construction and operation of water distribution and/or wastewater treatment facilities and/or systems for both commercial properties and residential subdivisions; that its systems have been and will be constructed, maintained and operated using safe and acceptable methods common to like kind operators and suppliers and approved by all governmental authorities; that it agrees to install and operate a wastewater treatment facility and system within the Development consisting of an expandable treatment plant with adequate storage components, treatment facilities, valves, and meters of a design adequate to service all residential and commercial customers within the Development all in accordance with applicable rules and regulations of the Texas Commission on Environmental Quality (hereinafter the "TCEQ") or any other state or federal governmental authority.

NOW, therefore, DEVELOPER and SCWCO, for and in consideration of the mutual promises, covenants, agreements and provisions hereinafter contained hereby agree as follows

1. **Development Concept:** DEVELOPER shall provide SCWCO with a development plan for the entire Development and a projected schedule (which timeline is subject to change) for each phase or section of the Development. The System (as defined below) shall be constructed in phases as the Development is constructed. DEVELOPER shall provide reasonable and prompt assistance and information to SCWCO to ensure that the Development and the expansion of the Wastewater Treatment Facility are coordinated so as to provide adequate capacity for the treatment of effluent placed into the sewerage collection system by the

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customers of the DEVELOPER in a manner consistent with the guidelines and standards of the TCEQ.

2. **Construction and Design of System:** DEVELOPER at its sole expense, agrees to design, construct, install, and duly mark or identify the location of all wastewater collection lines, including low pressure force mains to the Wastewater Treatment Facility, effluent lines from the Wastewater Treatment Facility to the point of discharge to the standards and requirements of the TCEQ or any other federal authority (the "System"). DEVELOPER shall provide SCWCO a set of "as-built" drawings of the completed System for the Development within the non-exclusive easements designated by DEVELOPER for that purpose on the said recorded plat of the Development. The System is to be designed by Baird, Hampton & Brown, Inc., of Fort Worth, Texas, licensed civil engineers, and SCWCO shall have the opportunity to review and comment on the design of the System, as well as inspect the construction of the System. SCWCO may suggest modifications and changes to the designed System in the event that it should observe any potential problems with the collection system based on its past experience in operating such Systems. Such suggested changes may be higher than the minimum design standards and requirements of the TCEQ, and such suggested changes that are higher than the minimum required design standards of the TCEQ shall be at the sole expense of SCWCO unless agreed otherwise in writing by the DEVELOPER.

3. **Construction to TCEQ Standards.** DEVELOPER covenants, represents, and warrants that the System will be constructed in a good, safe, workmanlike manner in accordance with accepted engineering practices, and that when completed, the System will be of sufficient capacity to meet the minimum requirements for sewerage collection systems to handle effluent from the expected Five Hundred (500) single family residential and commercial users as promulgated by the minimum standards of the TCEQ as of the date of this Agreement or as amended in the future. The System, when completed, shall furnish sufficient and adequate sewer service for all of the improvements located or to be located, constructed or to be constructed, within the Development. SCWCO shall have an opportunity to inspect the construction of the System to ensure that it is being constructed in accordance with the plans and specifications.

4. **Non-Exclusive Easements.** DEVELOPER agrees that installation of the System will be coordinated with the construction and installation of the roads and other utilities, and DEVELOPER'S other activities in the Development. The designated and platted easements within the Development where the System will be located will be non-exclusive in as much as other utilities may be placed in close proximity of the sewerage collection and/or trunk lines. SCWCO acknowledges that it may, at its own expense and at its sole option, have inspectors on-site at all times while the sewerage collection system is being constructed.

5. **Construction and Design of Wastewater Treatment Facility.** SCWCO agrees, at its own expense, to design, construct, install, operate and maintain a Wastewater Treatment Facility on a parcel of land hereinafter identified and conveyed to SCWCO via Special Warranty Deed with Vendor's Lien. The Wastewater Treatment Facility shall be constructed in phases and shall include TCEQ required treatment facilities, holding tanks, pumps and other accessory equipment required by state and federal regulatory bodies to adequately treat the effluent of the residential and commercial users in the Development. The DEVELOPER shall have the

opportunity to review and comment on the design of the Wastewater Treatment Facility. The DEVELOPER and its agents may suggest modifications and changes to the designed Wastewater Treatment Facility in the event that it should observe any potential problems with the design based on its past experience and professional opinion. Such suggested changes may be higher than the minimum design standards and requirements of the TCEQ, and such suggested changes that are higher than the minimum required design standards of the TCEQ shall be at the sole expense of DEVELOPER unless agreed otherwise in writing by the SCWCO. The Wastewater Treatment Facility, when completed, shall furnish sufficient and adequate sewer service for at least Five Hundred (500) residential and commercial users of the improvements located or to be located constructed or to be constructed, within the Development. Construction of the Wastewater Treatment Facility shall begin upon receipt of the necessary governmental approvals. The Wastewater Treatment Facility shall be for the Development's use only, and can be expanded by SCWCO for use outside the Development only with the written consent of the DEVELOPER.

6. **Wastewater Treatment Facility Expansion by SCWCO.** SCWCO shall from time to time need to expand the capacity of the Wastewater Treatment Facility in advance of the then existing Wastewater Treatment Facility reaching a capacity level that would require expansion pursuant to the TCEQ rules and regulations governing sewage treatment facilities. It is understood by both Parties to this Agreement that the Development will be constructed and sold in Phases or Sections, and the wastewater/sewer services will be required to match the Development. SCWCO shall expand the Wastewater Treatment Facility pursuant to or earlier than the TCEQ time requirements but in no event shall allow the Wastewater Treatment Facility to inadequately serve all of the Development's required needs for sewage facilities. If SCWCO does not expand the Wastewater Treatment Facility pursuant to or earlier than the timelines created by TCEQ, then SCWCO shall be in default of this Agreement.

7. **Operational Facility.** SCWCO agrees that it will have a full operational Wastewater Treatment Facility with a 38,000 gallons per day capacity ready to receive effluent no later than ninety (90) days after the current discharge permit is amended and approved by the TCEQ for the first Phase or Section of the SugarTree Development.

8. **Regulatory Requirements:**

8.1. DEVELOPER agrees to assist SCWCO in obtaining the sewer Certificate of Convenience and Necessity (hereinafter the "CCN") for the SugarTree Development.

8.2. **Permits and Regulations.** The Parties understand that their rights and obligations under this Agreement are, or may be, subject to, without limitation: (i) the laws of the State of Texas; (ii) the laws of the United States; (iii) the regulations promulgated by the Texas Commission on Environmental Quality; (iv) the regulations promulgated by the United States Environmental Protection Agency; (v) the regulations promulgated by the United States Fish & Wildlife Service; (vi) the United States Army Corps of Engineers, and (vii) the regulations promulgated by any other regulatory agency(ies) which may now or in the future have jurisdiction over SCWCO. This Agreement is contingent upon the obtaining of all necessary permits, CCNs and tariffs

8.3. SCWCO shall, upon execution of this agreement, promptly initiate and perform without unreasonable delay the following

8.3.1. SCWCO, at its sole expense, shall make application with the TCEQ, and any other applicable regulatory agency (state or federal) to increase the existing discharge permit as well as the conversion of the existing discharge permit from discharge into the Brazos River to the use of effluent from the Wastewater Treatment Facility for golf course irrigation. SCWCO will also obtain all other necessary permits and approvals for the Development as required to operate and construct a Wastewater Treatment Facility and System. Regulatory Agency shall mean any regulatory authority, federal, state, local or other having jurisdiction concerning the treatment of waste water, sewage and effluent discharge, water standards, or other environmental matters, zoning and subdivision permitting or otherwise having jurisdiction over the Development.

8.3.2. Create a tariff schedule acceptable to the TCEQ and DEVELOPER. The initial tariff shall be set forth on **Exhibit "B"**, attached hereto and made a part hereof.

9. **Ownership of System:** Contemporaneous with the completion of construction of each phase of the System and delivery of "as-built" drawings sufficient to provide an accurate description and location of the System as completed by the DEVELOPER. DEVELOPER shall convey to SCWCO that finished and particular phase of the System via Bill of Sale and subject to the terms in this Agreement. If multiple phases are completed at one time, DEVELOPER shall convey all completed and accepted phases with one (1) instrument.

10. **Ownership of the Wastewater Treatment Plant Site.** DEVELOPER agrees to grant to SCWCO an option to purchase a mutually acceptable, cleared and accessible wastewater treatment plant site (hereinafter the "Plant Site") with adequate electrical service and adjacent to an all weather road for the consideration of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration in hand paid in consideration for SCWCO proceeding with the construction of the Wastewater Treatment Facilities. The form of the transfer documents shall be attached as **Exhibit "C"**. The conveyance of the Plant Site shall be by Special Warranty Deed with Vendor's Lien and a Deed of Trust executed by SCWCO for the benefit of the DEVELOPER. The Deed of Trust shall be security that SCWCO completes its obligation under this Agreement to construct, in a timely manner, necessary expansions of the Wastewater Treatment Facility, and that it will maintained and operated pursuant to the current TCEQ standards as such may be amended or modified, as well as through using safe and acceptable methods for wastewater treatment that are required by a Regulatory Agency or are common to like kind operators and suppliers and approved by all governmental authorities. Once the entire System and the initial Wastewater Treatment Facility has been completed and put into service DEVELOPER will release the Deed of Trust thereby conveying all of its right, title and interest in the System to SCWCO free and clear of all liens or encumbrances.

11. **Subordination.** DEVELOPER agrees that its security interest may from time to time be subordinated to any financing that SCWCO may require to finance the construction of the Wastewater Treatment Facility for this Development. In no event shall the amount of financing to, which the DEVELOPER is willing to subordinate its security interest to be for an amount of value in excess of the existing Wastewater Treatment Facility and the reasonable costs of expansion expenditures.

12. **Ownership of Easements:** The DEVELOPER will retain ownership and control of the utility easement areas wherein the System is to be located. The DEVELOPER expressly, hereinafter reserves the sole power to grant to other utilities not already existing within the Development, the right to use the same easements granted to SCWCO save and except the other utilities must abide by the terms and conditions of the rules and regulations relating to the installation of utility lines in common easement areas. The DEVELOPER reserves the right to transfer and convey such easements, subject to the utilities therein, to the ST on the Brazos Property Owners Association, Inc. DEVELOPER expressly makes no representations concerning the ownership, use, purpose or rights held by others.

13. **SCWCO's Obligations and Representations.** SCWCO obligates itself to and represents to DEVELOPER the following:

13.1. SCWCO shall make all necessary applications and file all necessary documents, at SCWCO's expense, in the TCEQ for the sewer CCN that covers the Development as well as apply for and obtain all necessary modifications to the current discharge permit and expand such discharge permit in the appropriate governmental and Regulatory Agencies;

13.2. Engineer or caused to be engineered, a Wastewater Treatment Facility selected by SCWCO, in strict compliance with all applicable federal, state and local laws, rules, regulations and safety standards, and in no event shall the design be less than the minimum standards as promulgated by TCEQ.

13.3. Construct, at its expense and in accordance with the engineered plans and specifications, a Wastewater Treatment Facility within and upon the parcel of land to which the DEVELOPER has granted an option and designated on the subdivision plat of the Development for such purposes. The Wastewater Treatment Facility shall be for the Development's use only, and can be expanded by SCWCO for use outside the Development only with the written consent of the DEVELOPER.

13.4. Periodically inspect and immediately replace or repair any pipes and/or valves, and location markers thereof, which may be, or become, inoperable or in an unsafe consideration and maintain records thereof.

13.5. Comply with the rules and regulations of the TCEQ or any other state or federal governmental agency having authority over the System and Wastewater Treatment Facility, as the rules and regulations now exist or may hereafter be amended from time to

time, and to obtain and maintain all licenses and permits necessary for the installation and operation of a public sanitary sewer and wastewater system.

13.6. Provide a tap in a timely manner to all property owners in the Development who desire to be connected to the System. SCWCO's proposed initial tariff schedule shall be attached hereto as **Exhibit "B"** and incorporated herein by reference so as to indicate the current fees and charges of SCWCO as of the date of this Agreement. SCWCO reserves the ability to modify the fees and charges on its initial tariff pursuant to the requirements of the TCEQ or any other Regulatory Agency that may have jurisdiction over such charges.

13.7. SCWCO has adequate financing and means to complete the Wastewater Treatment Facility, and the construction of same will move forward in a reasonable manner with the Development.

13.8. SCWCO shall operate and maintain the System and the Wastewater Treatment Facility in accordance within all required state, local or federal governmental standards for a wastewater plant and system.

14. **DEVELOPER's Obligations and Representations.** DEVELOPER obligates itself and represents the following:

14.1. DEVELOPER will provide non-exclusive easements for installation of the System, all as more fully shown on the preliminary plat of the Development not yet recorded in the Map and Plat Records of Parker County, Texas.;

14.2. DEVELOPER shall be responsible to SCWCO for a minimum operating revenue of TWO THOUSAND, FIVE HUNDRED AND NO/100 DOLLARS (\$2,500.00) per month until SCWCO obtains such minimum operating revenue from the System operations;

14.3. DEVELOPER shall provide notice to all Lot Purchasers of the necessity of an individual grinder pump, of a type approved by SCWCO to be purchased, installed and connected to the System at the Lot Purchasers expense. Such notification shall be included in the DEVELOPER's Land Purchase Contracts. All contracts executed prior to this Agreement are exempt from this requirement.

14.4. DEVELOPER shall provide SCWCO an option to purchase a Plant Site as described above for TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration;

14.5. After the completion of each phase of construction on the System and as certified by DEVELOPER's Engineer, convey to SCWCO, that particular phase of the System via Bill of Sale along with an "as built" drawing to identify locations of the System in the properly dedicated non-exclusive easements.



14.6. DEVELOPER has adequate financing to complete and market the Development.

15. **Default and Termination.** In the event that SCWCO or DEVELOPER shall fail to comply with the terms, conditions and/or obligations as herein set forth for any reason or cause, save and except "Force Majeure," or so called "Acts of God" (which is defined as naturally occurring events beyond the control and without the interference of any human agency or power of man) the non-defaulting party, or its assigns, shall have the sole right and option to terminate this Agreement upon five (5) days written notice subject to the right to cure any alleged default. The party not in default must give written notice to the defaulting party, expressly notifying it of the default. If the defaulting party fails to fully cure the default specified in the written notice within thirty (30) days after receipt of such notice, or if default cannot be reasonably cured within thirty (30) days, and the defaulting party has failed to use reasonable efforts to attempt to cure such default, the party not in default shall have the right to pursue all remedies allowed by law, including specific performance of this Agreement or may terminate this Agreement.

16. **Water Code Remedy.** SCWCO represents that when it ultimately becomes the holder of the sewer CCN and associated water quality permit (hereinafter the "Permit") for the Development, which allows it to provide sewer service to residents of the Development for compensation, SCWCO shall provide continuous and adequate service in compliance with its service obligations and covenants, DEVELOPER shall have the right and standing to seek corrective orders from the TCEQ. Any request by DEVELOPER to replace SCWCO as the certified utility service provider within the service area, after SCWCO's failure to remedy and cure any noticed service deficiency under TCEQ rule and order shall recognize the compensation obligations of the Texas Water Code § 13.254.

17. **Insurance Requirements.** SCWCO shall carry General liability insurance, comprehensive coverage, automobile coverage and workers compensation insurance satisfactory to the DEVELOPER and until the Wastewater Treatment Facility and the System is completed by SCWCO and/or DEVELOPER, and evidence of the coverage, represented by certificates issued by the insurance carrier, must be furnished to the DEVELOPER prior to the commencement of work naming DEVELOPER as an "additional insured." All certificates of insurance shall state that DEVELOPER will be notified in writing at least 30 days prior to cancellation or renewal of insurance.

18. **Assignment.** No assignment of this agreement by SCWCO shall be valid unless consented to in writing by the DEVELOPER, which consent shall not be unreasonably withheld. Any assignment by SCWCO shall conform to the standards of all governmental authorities. Any assignment by SCWCO shall require the assignee to expressly agree to perform all of the SCWCO's obligations as herein set forth and conform to the standards of all governmental authorities. Nothing herein shall prevent DEVELOPER, or its assigns, from requiring such additional obligations of the assignee as may be necessary to fulfill the intent of this Agreement.

19. **Binding Effect.** This agreement shall extend to and bind the successors and assigns of the respective Parties.

20. **SCWCO as Independent Contractor.** SCWCO is an independent contractor. Neither the DEVELOPER, nor its successors or assigns, shall direct, provide tools or materials to SCWCO nor have control over the management or operation of SCWCO business. Neither this Agreement nor the sale of the Plant Site to SCWCO and vendor's lien reserved by DEVELOPER shall constitute a partnership or joint venture or any other kind of business relationship, whether as an employer-employee or otherwise, as between the DEVELOPER, its successors or assigns, and SCWCO, its successors or assigns.

21. **DEVELOPER Indemnification.** DEVELOPER shall indemnify, defend and hold harmless SCWCO, its officers, directors, employees and agents from and against any and all claims, demands, debts, suits, causes of action, losses, damages, judgments, fines, penalties, liabilities, and costs, including reasonable attorney fees and defense costs incurred by SCWCO arising out of or relating to the Construction and installation of the System.

22. **SCWCO Indemnification.** SCWCO shall indemnify, defend and hold harmless DEVELOPER, its officers, directors, employees and agents from and against any and all claims, demands, debts, suits, causes of action, losses, damages, judgments, fines, penalties, liabilities, and costs, including reasonable attorney fees and defense costs incurred by DEVELOPER arising out of or relating to the Construction and installation of the Wastewater Treatment Facility and any expansions of the Wastewater Treatment Facility.

23. **Entire Agreement.** This Agreement contains all of the agreements of the Parties, and no warranty, covenants, representation, or condition so expressly set forth herein shall be binding upon the Parties. This Agreement may not be altered except in writing, signed by both Parties hereto.

24. **Notices.**

24.1. All notices hereunder to SCWCO will be sufficient if sent by overnight, certified mail or facsimile transmission with confirmation of delivery, addressed to SCWCO to the attention of Malcolm Bailey, P. O. Box 570177, Houston, Texas 77257 or 5818 Beverly Hill, Suite 200, Houston, Texas 77057, or fax (713) 783-6321 with copies to Mark H. Zeppa, 4833 Spicewood Springs Road, Suite 202, Austin, Texas 78759, or fax (512) 346-6847.

24.2. All notices to DEVELOPER will be sufficiently given if sent by certified mail or facsimile transmission with confirmation of delivery to the attention of Terrell Jones, 4960 Conference Way North, Boca Raton, Florida 33431 or fax (561) 912-8121 and Oscar Rohne, 2000 E. Lamar Boulevard, Suite 290, Arlington, Texas 76006 or fax (817) 303-2174; with copies to Matthew D. Bradley, PIPKIN, OLIVER & BRADLEY, L.L.P., 1020 Northeast Loop 410, Suite 810, San Antonio, Texas 78209, or fax (210) 820-0077.

24.3. All notices will be deemed to have been given on the date of mailing or sending of such notice. Any Party may change its address upon five days written notice to the other Party.

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25. **Miscellaneous.**

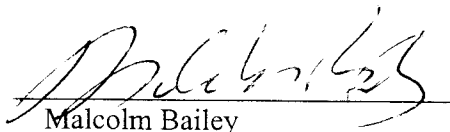
25.1. This Agreement shall be construed and enforced in accordance with Texas law. Venue for the litigation of any dispute arising hereunder shall be in Parker County, venue for any dispute within the jurisdiction of the TCEQ shall be before the TCEQ and for any appeal from a final decision of the TCEQ shall be in Travis County

25.2. In the event one or more provisions contained in this Agreement shall for any reason be held invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision hereof and this Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.

IN WITNESS WHEREOF, the Parties have executed this agreement on the day and year stated below in multiple counterparts, each of which shall constitute an original.

**SCWCO:**

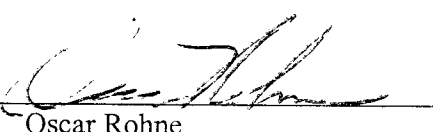
SOUTH CENTRAL WATER COMPANY, INC.

By:   
Malcolm Bailey  
President

Date: 3-25-05

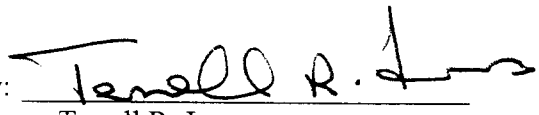
**DEVELOPER:**

BLUEGREEN SOUTHWEST ONE, L P  
by its General Partner  
BLUEGREEN SOUTHWEST LAND, INC

By:   
Oscar Rohne  
Vice President

Date: 3/17/05

BLUEGREEN SOUTHWEST ONE, L P  
by its General Partner  
BLUEGREEN SOUTHWEST LAND, INC

By:   
Terrell R. Jones,  
Vice President

Date: 3/17/05

**From:** Peggy Fox  
**To:** Reyes, Debbie  
**Date:** 5/31/2005 9:48:32 AM  
**Subject:** Re: Review # A-072-5, App # 34961-C, South Central Water Company

Thanks, Debbie. I talked to Jeff this morning at 8:15. He was driving out of town, but should be back Wednesday and will fax stuff to me Thursday. Have a great day - Peggy

>>> Debbie Reyes 5/31/2005 9:47:11 AM >>>

Kate, for (Sugertree) A-072-5 it is for sewer 20964.

Peggy, I called Jeff and he said that he owes you a fax which he will send to you by Thursday June 2.

Thank You

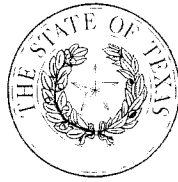
Debbie Reyes  
Water Supply Division  
Utilities Technical Review  
512-239-4683

>>> Kate Wilkins 5/26/2005 5:01:48 PM >>>

Debbie,  
In WUD the referenced application appears under the Utility's Water CCN (13061). Should it be moved to the Sewer CCN (20964)? Please advise. Thanks.

Kate  
x6112

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



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

May 25, 2005

Mr. Jeff Goebel  
South Central Water Company  
5818 Beverly Hill Street  
Houston, Texas 77057-6710

Re: Application from South Central Water Company (SugarTree), a Texas Corporation to amend Certificate of Convenience and Necessity (CCN) No. 20964 in Parker County; Application No. 34961-C

CN: 602602179 RN: 104220645

Dear Mr. Goebel:

Your application has been received by the Utilities & Districts Section to begin the technical review. The technical review and the administrative review will be conducted concurrently in an effort to be more efficient in our review of your application. If the administrative review and technical review requires additional documentation, you must submit these items to continue processing this application. Ms. Debbie Reyes has been assigned to perform the technical review. The application has been assigned Application No. 34961-C. Please refer to this number in future correspondence.

Your next step 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 Parker County. It is the responsibility of the applicant to provide correct notice of the application to any utilities within two (2) miles of your proposed service area, customers, 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 the landowner notice and map sent to landowners;
- d) four copies of notice sent to customers; and
- e) an original and three copies of the signed affidavits that individual notice to neighboring utilities, affected individuals, customers 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](http://www.tceq.state.tx.us)

printed on recycled paper using soy based ink

Include a 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 application: — — —

- a) Submit the plans and specifications for the new sewer system or a copy of the TCEQ's plans and specifications approval letter.
- b) Your application has received a preliminary review of your business plan to provide service to the requested area. Please submit current financial information for MDB Interests. You may be asked for additional information after a comprehensive review.
- c) Please submit a plat map showing the metes and bounds for the proposed area or a copy of the metes and bounds and a digital file saved as an AutoCAD 2000 format.

These items must be completed and returned by **June 24, 2005**. Processing of this application cannot proceed until the close of the 30 day public comment period which begins after all the required notices have been given. If the administrative review requirements and the requested information listed above are not received by this date, your application will be returned for failure to prosecute.

If you have any questions, please contact Ms. Debbie Reyes at 512/239-4683, or if by correspondence, include Mail Code 153 in the letterhead address.

Sincerely,



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

MA/DR/sr

Enclosures

cc: TCEQ, Region 4 Office

*Notice for Publication*

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

South Central Water Company has filed an application to amend CCN No 20964 with the Texas Commission on Environmental Quality to provide sewer utility service in Parker County.

The proposed utility service area is located approximately 2 miles east of downtown Tomball, Texas, and is generally bounded on the north by the Brazos River; on the east by FM 1189; on the south by Lacy Dr.; and on the west by York Ln.

The total area being requested includes approximately 230+/- acres and 0 current customers.

A copy of the proposed service area map is available at 5818 Beverly Hill, Suite 200, Houston, Texas 77057, Phone 713/783-6611

A request for a public hearing must be in writing. You must state (1) your name, mailing address, and daytime telephone number; (2) the applicant's name, application number or another recognizable reference to this application; (3) the statement, "I/we request a public hearing"; (4) a brief description of how you or the persons you represent, would be adversely affected by the granting of the application for a CCN; and (5) your proposed adjustment to the application or CCN which would satisfy your concerns and cause you to withdraw your request for a hearing.

Persons who wish to intervene or comment should write the:

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

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

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

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

To: \_\_\_\_\_ Date Notice Mailed: \_\_\_\_\_, 2005  
(Neighboring System or City)  
\_\_\_\_\_  
(Address)  
\_\_\_\_\_  
(City                      State                      Zip)

South Central Water Company has filed an application to amend CCN No. 20964 with the Texas Commission on Environmental Quality to provide sewer utility service in Parker County.

The proposed utility service area is located approximately 2 miles east of downtown Tomball, Texas, and is generally bounded on the north by the Brazos River; on the east by FM 1189; on the south by Lacy Dr.; and on the west by York Ln. See enclosed map of the proposed service area.

The total area being requested includes approximately 230+/- acres and 0 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.

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NOTICE OF APPLICATION FOR CERTIFICATE OF CONVENIENCE  
(CCN) TO PROVIDE SEWER UTILITY SERVICE IN PARK

To: \_\_\_\_\_ Date Notice Mailed \_\_\_\_\_  
(Landowner)  
\_\_\_\_\_  
(Address)  
\_\_\_\_\_  
(City State Zip)

South Central Water Company has filed an application to amend CCN 100-100-100  
Commission on Environmental Quality to provide sewer utility service in

The proposed utility service area is located approximately 2 miles east of dc  
and is generally bounded on the north by the Brazos River; on the east b  
by Lacy Dr.; and on the west by York Ln. See enclosed map of the prop

The total area being requested includes approximately 230+/- acres and 1

A request for a public hearing must be in writing. You must state (1) yo  
and daytime telephone number; (2) the applicant's name, application numb  
reference to this application; (3) the statement, "I/we request a public heari  
of how you or the persons you represent, would be adversely affecte  
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Texas Commission on Environmental Quality  
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Commission for final decision. If an evidentiary hearing is held, it will be  
to a civil trial in state district court.

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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 \_\_\_\_\_