



Control Number: 43990



Item Number: 24

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

43990

SOAH DOCKET NO. 582-06-0425
TCEQ DOCKET NO. 2005-1516-UGR

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2014 DEC 19 AM 8:16

APPLICATION OF TAPATIO
SPRINGS SERVICE COMPANY,
INC., TO AMEND CERTIFICATES
OF CONVENIENCE AND
NECESSITY NOS. 12122 AND
20698 IN KENDALL COUNTY,
TEXAS

§ BEFORE THE STATE OFFICE
§ FILING CLERK
§ OF
§ ADMINISTRATIVE HEARINGS

CHIEF CLERK'S OFFICE

12/19/14

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

APPLICANT'S RESPONSE TO INTERVENORS' EXCEPTIONS.

**I.
INTRODUCTION**

The intervenors opposed to the application¹ ("Intervenors") continue to disgorge volumes of minutiae to cloud the following undisputed facts, among others:

1. CDS wants its property within Applicant's CCN.
2. CDS is responsible for providing all new infrastructure, additional water supply, and permits required for Applicant to serve the property and has already financed the acquisition of at least 250 acre-feet of surface water supply towards this commitment.
3. If the application is granted, but CDS does not fulfill its contractual obligations to Applicant for whatever reason, Applicant is not committed to expend funds or use its existing water supply and sewage treatment resources to serve CDS' property.
4. Approval of the application benefits the ratepayers by providing access to \$1.5 million for construction of a water main and increasing the Applicant's customer base without increasing its costs; while denial of the application harms the ratepayers because Applicant must then solely finance the water main.
5. Granting the application is consistent with state policy of consolidating retail utilities, consistent with the regional water plan promoting conjunctive use of surface and groundwater, and avoids the proliferation of individual water wells.

¹ The ratepayers supported the application withdrew as parties prior to the hearing on the merits. However, the pleadings in support of the application filed by these ratepayers remain a part of the record and show that more existing ratepayers support the application than the few number of ratepayers who oppose the application

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NRD-TAPATIO.ORD

AN ORDER granting application by Tapatio Springs Service Company, Inc., for an amendment to its Certificates of Convenience and Necessity Nos. 12122 and 20698; TCEQ Docket No. 2005-1516-UCR; SOAH Docket No. 582-06-0425

On _____, 2006, the Texas Commission on Environmental Quality (Commission) considered the application of Tapatio Springs Service Company, Inc., (Applicant) for an amendment to its existing Certificates of Convenience and Necessity (CCN) Nos. 12122 and 20698, relating to the provision of water and sewer utility service within Kendall County, Texas.

An Administrative Law Judge (ALJ) with the State Office of Administrative Hearings (SOAH) conducted hearings upon the application on January 24 and July 6, 2006. The following were designated as parties to the proceeding: the Applicant; the Executive Director of the Commission; the Public Interest Counsel of the Commission; and ten ratepayers (represented by Elizabeth Martin, Attorney), including Andrew Calvert, Richard Haas, Carey McWilliams, Shel McWilliams, Carl D. Portz, Paulett Portz, David Rutherford, Thurman R. Williams, Myrna L. Williams, and Pat Wilson.

After considering the ALJ's Proposal for Decision and the evidence and arguments presented, the Texas Commission on Environmental Quality makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. The Applicant is an investor-owned utility operating a water and sewer utility system, serving approximately 207 connections for water service and 173 connections for sewer

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service within its certificated service area in Kendall County, Texas.

2. The Applicant holds CCN Nos. 12122 and 20698, issued by the Commission, for water and sewer utility service within Kendall County.
3. On April 20, 2005, the Applicant filed an application with the Commission for an amendment to its CCN, seeking to expand its authorized service area to encompass an additional area ("the Requested Area") of approximately 5,000 acres – located about 4 miles west of downtown Boerne, Texas, and generally bounded on the north by Ranger Creek Road, on the east by Johns Road, on the west by Bear Creek, and on the south by the Applicant's existing service area.
4. The Applicant mailed notice of its application to neighboring utilities and affected parties on April 20, 2005.
5. The Applicant published notice of its application for a CCN amendment on June 14 and 21, 2005, in the *Boerne Star*, a newspaper regularly published and generally circulated in Kendall County.
6. As a result of requests for hearing, the application was subsequently referred to SOAH and set for hearing.
7. A preliminary hearing on the application was held before SOAH in Austin, Texas, on January 24, 2006.
8. An evidentiary hearing in the proceeding was conducted at the same location on July 6, 2006.

Adequacy of Service

9. No water utility service currently is provided to the Requested Area

Need for Additional Service

10. Anticipated need for additional service exists, in that CDS International (CDS), the single owner of the approximately 5,000 acres of land within the Requested Area, is systematically seeking to initiate extensive residential development on that land and therefore has requested the Applicant to provide the necessary utility services.
11. Pursuant to the Applicant's Commission-approved tariff, the Applicant and CDS entered into a service agreement for the Applicant to provide utility services in the Requested Area, subject to satisfaction of certain conditions. The application in this case was a result of that agreement.

Effect of Granting Certificate on Applicant and Other Utilities

12. Granting the requested CCN amendment would increase the area in which the Applicant is obligated to provide continuous and adequate water and sewer service and to make timely responses to requests for service. No other retail public utility would be directly affected by the granting of the application.

Ability of Applicant to Provide Adequate Service

13. The Applicant has sufficient managerial and technical capability and sufficient access to uncommitted water supplies to enable it to provide adequate service to the Requested Area.
14. The Applicant has an acceptable record in providing water and sewer service within its certificated area over the past 15 years or more.
 - a. The Applicant's operation of existing groundwater wells has met the service demands experienced to date within its certificated area.
 - b. The Applicant has satisfactorily addressed all issues raised in the latest Commission inspection of its water facilities. As of August 10, 2004, the utility has documented that corrective actions were taken for any alleged water system violations and that no other action or submittal was necessary.
 - c. The Applicant operates a Commission-permitted wastewater treatment facility with a capacity of 0.15 million gallons per day, which has adequately met the sewer service demands of customers within its certificated area.
 - d. The Applicant has satisfactorily addressed all issues raised in the latest Commission inspection of its sewer facilities. As of January 12, 2004, the utility has documented that corrective actions were taken for any alleged sewer system violations and that no other action or submittal was necessary.
15. To ensure sufficient water resources for the future, the Applicant in 2002 secured a contractual commitment for a 500-acre-foot (ac-ft.) supply of treated surface water from the Guadalupe-Blanco River Authority (GBRA), which is intended to meet normal demand within the Applicant's existing certificated area, with the existing groundwater supplies

reserved to meet peak demands there.

16. In accordance with its service agreement with CDS (and with CDS financing), the Applicant amended its GBRA contract to increase its reserved surface water by an additional 250 ac-ft., the additional increment to be used in meeting normal or base demand within the Requested Area.
17. Under the service agreement, CDS will be required to construct and finance all the necessary infrastructure to provide water and sewer utility service in the Requested Area – including wells, storage facilities, pressure maintenance facilities, disinfection equipment, distribution system, collection system, and wastewater treatment facilities. The Applicant will not provide service in the Requested Area until CDS has completed the necessary infrastructure, with final inspection and testing by the Applicant and all regulatory approvals secured.
18. Under the service agreement, the Applicant has contracted to serve within the Requested Area the lesser of either 1,700 connections or the number of connections that can be served by the additional water supply that is ultimately provided by CDS to the Applicant.
19. Full build-out to a maximum of 1,700 connections in the development of the Requested Area (if it occurs) will entail at least 15 to 23 construction phases over eight to ten years.
20. If CDS cannot obtain additional sources of water (beyond the 250 ac-ft. under the supplemental GBRA contract), in order to supply the maximum number of connections projected within the Requested Area, then the Applicant's service obligation there will be capped at the number of connections that CDS actually can supply.
21. By conservative calculation, the 250 ac-ft. of water under the supplemental GBRA contract could serve about 250 new residences in the Requested Area (for both base demand and

peaking demand). Providing additional water storage capacity within the Applicant's system would increase the number of connections that could be served in the Requested Area with this 250 ac-ft.

Feasibility of Obtaining Service From An Adjacent Retail Public Utility

22. Service to the Requested Area from other public utilities would not be as feasible as extending service from the Applicant's adjacent facilities. No other utility has proposed providing service to this area. The City of Boerne is the only other unaffiliated utility in proximity to the Requested Area. Initially, the City protested the application in this case but later withdrew its protest and request for hearing. The City has not expressed any intention to serve the Requested Area.

Financial Stability

23. The Applicant has not demonstrated that it possesses sufficient financial stability, by itself, to extend its water and sewer utility service to the Requested Area.
24. The Applicant has sufficient stability to finance its share, under the service agreement with CDS, of the initial project necessary for extending service to the Requested Area – *i.e.*, \$654,983 toward the estimated \$2.2 million cost of constructing a transmission main to carry surface water from GBRA to the Applicant's water plant.
25. Applicant is not obligated to serve the Requested Area unless or beyond the extent that CDS provides Applicant the infrastructure, water supply, and permits required for such service.

26. CDS's financial soundness is indicated by its long-standing relationship with its banker, with all accounts satisfactorily maintained, which has made unrestricted funds available to discharge its share (under the service agreement with the Applicant) of the initial project necessary for extending service to the Requested Area – *i.e.*, constructing a transmission main to carry surface water from GBRA to the Applicant's water plant.
27. CDS is obligated to pay the raw water component of the monthly reservation charges accrued by Applicant for GBRA water until at least 500 active connections (homes occupied by the end-users) exist within the Requested Area.
28. CDS holds the unilateral right to terminate the service agreement for a period of 60 days after the completion of the plans and specifications for the extension of utility infrastructure into the Requested Area.
29. If CDS terminates the service agreement as noted in Finding of Fact No. 28, it will be precluded from demanding utility service from the Applicant in the Requested Area.
30. The Applicant is financially able to provide water and sewer utility service to the Requested Area, given the anticipated contributions in aid of construction from CDS, under the service agreement between the Applicant and CDS.

Environmental Integrity

31. Provision of service in the Requested Area by the Applicant would pose no discernible long-term risk to environmental integrity.

Probable Improvement in Service or Lowering of Costs

32. Granting the application probably would accelerate access to surface water for the Applicant's existing customers, giving them a more reliable overall water supply, since (under the service agreement between CDS and the Applicant, CDS will contribute up to \$1.5 million toward the estimated \$2.2 million cost of constructing a transmission main to carry surface water from GBRA to the Applicant's water plant.
33. Granting the application probably would improve the stabilization of ratepayer costs through the enlargement of the customer base.

Regionalization

34. If CDS sought to construct and operate its own physically separate utility system for the Requested Area, it first would be required to seek service from all adjacent utilities and to demonstrate why regionalization or consolidation with one of those adjacent utilities is not feasible. The Applicant and its affiliate, Kendall County Utility Company, are the only utilities immediately adjacent to the Requested Area.
35. The portions of the Applicant's water and sewer systems serving its existing certificated area and the Requested Area will be interconnected and will share the use of some facilities and equipment.

CONCLUSIONS OF LAW

1. The public hearings on the application were held under the authority of Chapter 13 of TEX. WATER CODE ANN. (the Water Code), the Commission's rules (30 TEX. ADMIN. CODE ch.

291), SOAH's procedural rules (1 TEX. ADMIN. CODE ch. 155), and TEX. GOV'T CODE ANN. § 2003.47.

2. Proper notice of these matters was given as required by the Water Code and by Commission rules.
3. The Commission has jurisdiction to consider the application, pursuant to Water Code § 13.246.
4. Based on Findings of Fact Nos. 9 through 33, a consideration of the criteria enumerated in Water Code § 13.246(c) results in a conclusion that the Requested Area should be included within the service area for the Applicant's CCNs Nos. 12122 and 20698.
5. Granting the Applicant's application would further the Commission's policy of encouraging consolidation or regionalization in the delivery of utility services, as expressed in Water Code § 13.241(d).
6. In accordance with Water Code § 13.246(b), it is necessary for the overall best service, accommodation, convenience, or safety of the public to grant the application of the Applicant to amend its CCNs Nos. 12122 and 20698 by extending its service area to encompass the Requested Area.

NOW, THEREFORE, BE IT ORDERED BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY THAT:

1. The pending application of Tapatio Springs Service Company, Inc., to amend its Certificates of Convenience and Necessity Nos. 12122 and 20698 is GRANTED.

2. The Executive Director of the Texas Commission on Environmental Quality shall amend the official maps for Kendall County to reflect this decision.
3. The chief clerk of the Texas Commission on Environmental Quality shall forward a copy of this Order to all parties.
4. If any provisions, sentence, clause or phrase of this Order is for any reason held to be invalid, the invalidity of any portion shall not affect the validity of the remaining portions of the Order.
5. All other motions, requests for entry of specific Findings of Fact or Conclusions of Law, and other requests for general or specific relief, if not expressly granted herein, are hereby denied for want of merit.

ISSUED:

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

Chairman

Kathleen Hartnett White,

JOHN W. DAVIDSON
ARTHUR TROILLO
TERRY TOPHAM
CHEREE TULL KINZIE
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September 19, 2006

Certified Article Number

7160 3901 9849 5028 1478

SENDERS RECORD

VIA CERTIFIED MAIL/RRR

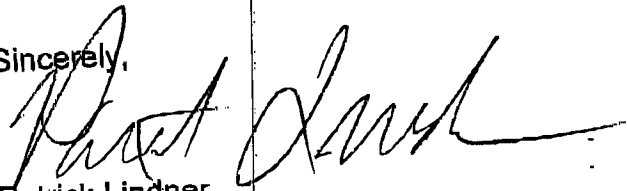
Honorable William G. Newchurch
Administrative Law Judge
State Office of Administrative Hearings
William P. Clements Building
300 West Fifteenth Street
Austin, TX 78701

Re: SOAH Docket No. 582-06-0425; TCEQ Docket No. 2005-1516-UCR
Application of Tapatio Springs Service Company, Inc. to Amend
Certificates of Convenience and Necessity Numbers 12122 and 20698 in
Kendall County, Texas.

Dear Judge Newchurch:

Enclosed is the original certified Water Utility Tariff you requested in the above-referenced matter. Also, attached is a copy of a prior Settlement Agreement revising the rate.

Sincerely,


Patrick Lindner
For the Firm

cc: See attached Mailing List

Honorable William G. Newchurch
September 19, 2006
Page 2 of 3

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FACSIMILE TRANSMITTAL COVER

TO:

Administrative Law Judge William G.
Newchurch – ATTENTION: Norma
Elizabeth R. Martin
Garrett Arthur
Kathy Brown
Ms. LaDonna Castañuela
Eric Sherer

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FROM: Patrick Lindner/Rita Escoto

DATE: September 21, 2006

CLIENT #: 4153/7

SUBJECT:

Application of Tapatio Springs Service Co., Inc. to
Amend Certificates of Convenience and Necessity
Numbers 12122 and 20698 in Kendall Co., Texas

SOAH Docket No. 582-06-0425

TCEQ Docket No. 2005-1516-UCR

MESSEAGE: Norma, please see attached letter enclosing original certified Water Utility
Tariff, per your request. Thank you.

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If you do not receive all 24 pages, or if any difficulty in transmission occurs, please ^{TCEQ} contact Rita
Escoto at (210) 349-6484, ext. 556.

CONFIDENTIAL INFORMATION

THIS FACSIMILE MESSAGE IS A PRIVILEGED AND CONFIDENTIAL ATTORNEY-CLIENT COMMUNICATION AND IS TRANSMITTED FOR THE EXCLUSIVE INFORMATION AND USE OF THE ADDRESSEE. PERSONS RESPONSIBLE FOR DELIVERING THIS COMMUNICATION TO THE INTENDED RECIPIENT ARE ADMONISHED THAT THIS COMMUNICATION MAY NOT BE COPIED OR DISSEMINATED EXCEPT AS DIRECTED BY THE ADDRESSEE. IF YOU RECEIVE THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND MAIL THE COMMUNICATION TO US AT OUR LETTERHEAD ADDRESS. THANK YOU.

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ALTERNATE SUCCESSION OF RECORDS
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RODNEY D. PEACHEL
MISSOURI, LOUISIANA AND THE STATE OF TEXAS
DOCUMENT, WHICH IS FILED IN THE RECORDS OF THE COM-
MISSION, UNDER THE FOLLOWING DATE AND TIME OF OFFICE

SEP 14 2006

STATE OF TEXAS
WATER UTILITY TARIFF
A TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ)
THESE COPIES ARE A TRUE AND CORRECT COPY OF
THE ORIGINAL FILED IN THE RECORDS OF THE COM-
MISSION, UNDER THE FOLLOWING DATE AND TIME OF OFFICE

TEXAS WATER COMMISSION	
APPROVED	
DATE	5/31/88 DOCKET 73742
FILE	BY KA
TARIFF CLERK ph	

FOR

TAPATIO SPRINGS SERVICE COMPANY, INC.

(Utility Name)

(Business Address)

Boerne

(City)

Texas

(State)

(Zip Code)

(Area Code/Telephone No.)

(Area Code/Telephone No.)

This tariff is effective for utility operations under the following Certificate(s) of Convenience and Necessity:

12122

This tariff is effective in the following counties:

Kendall

This tariff is effective in the following cities or unincorporated towns (if any):

This tariff is effective in the following subdivisions or systems:

Tapatio Springs Country Club Subdivision

TABLE OF CONTENTS

The above utility lists the following sections of its tariff (if additional pages are needed for a section, all pages should be numbered consecutively):

SECTION	PAGE
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2.0 SERVICE RULES.....	3
3.0 EXTENSION POLICY.....	9
4.0 WATER RATIONING PLAN.....	11
APPENDIX A SERVICE AGREEMENTS.....	

Tapatio Springs Service Company, Inc.
(Water Utility Name)

Water Tariff Page No. 2
Revision No.

SECTION 1.0--RATE SCHEDULE

Section 1.01--Rates

METER SIZE

5/8" or 3/4"
1"
1 1/2"
2"
3"
4"

Monthly Minimum Charge
including 6,000 gallons

\$ 10.00 per month
\$ per month
\$ per month
\$ per month
\$ per month
\$ per month

Gallonge Charge

\$ 1.00 per
1000 gallons

SAME FOR ALL SIZES

TEXAS WATER COMMISSION
APPROVED
DATE 2/31/85 DOCKET 7376

Section 1.2--Miscellaneous Fees

TAP FEE.....\$ 175.00
Tap fee is limited to the average of the Utility's actual costs for materials and labor for standard residential connections of 5/8" or 3/4" meter

RECONNECTION FEE.....\$ 10.00
The reconnect fee will be charged before service can be restored to a customer who has been disconnected at a) the customer's request, b) reasons listed under Section 2.0 of this tariff, or c) reasons listed in the Commission's Substantive Rules.

LATE CHARGE

A one-time penalty of \$1.00 or 5.0% whichever is larger may be made on delinquent bills. The penalty on delinquent bills may not be applied to any balance to which the penalty was applied in a previous billing.

RETURNED CHECK CHARGE.....\$ 10.00

CUSTOMER DEPOSIT (Maximum \$50).....\$ none

TO BECOME EFFECTIVE, THIS PAGE MUST BE STAMPED APPROVED BY THE TEXAS WATER COMMISSION

Key to Codes

C--Regulation Change D--Discontinued I--Increase N--New
R--Reduction E--Error Correction
T--Change in text, but no change in regulation

Tapatio Springs Service Company, Inc.

(Water Utility Name)



Page No. 3

SECTION 2.0--SERVICE RULES AND REGULATIONS**Section 2.01--Application for Service**

All applications for service will be made on the utility's standard application or contract form (attached in Appendix A to this tariff) and will be signed by the applicant before water service is provided by the utility. A separate application or contract will be made for each service at each separate location.

Section 2.02--Water Installation

After the applicant has met all the requirements, conditions and regulations for service, the utility will install a tap, meter and cut-off valve and/or take all necessary actions to initiate service. The utility shall serve each qualified applicant for service within its certified area as rapidly as is practical after accepting a completed application. The utility shall provide service in a timely manner on a non-discriminatory basis.

Service requests not involving line extensions, construction or new facilities shall be filled no later than fourteen (14) working days after a completed application has been accepted. If construction is required which cannot be completed within thirty (30) days, the utility shall provide a written explanation of the construction required and an expected date of service. Service shall be provided within thirty (30) days of the expected date, but no later than 180 days after a completed application was accepted. Failure to provide service within this time frame shall constitute refusal to serve.

Section 2.03--Refusal of Service

The utility may decline to serve an applicant until such applicant has complied with both state and municipal regulations, the approved rules and regulations of the utility on file with the Commission and for the following reasons:

1. the applicant's installation or equipment is known to be inadequate or of such character that satisfactory service cannot be given;
2. the applicant is indebted to any utility for the same kind of service as that applied for, provided, however, that in the event the indebtedness of the applicant is in dispute, the applicant shall be served upon complying with the deposit requirement of the utility; or,
3. refusal to make a deposit, if applicant is required to make a deposit by the utility.



Tapatio Springs Service Company, Inc.
 (Water Utility Name)

SECTION 2.03--SERVICE RULES AND REGULATIONS (CONT.)

Section 2.03--Refusal of Service (Cont.)

In the event that the utility shall refuse to serve an applicant, the utility must inform the applicant of the basis of its refusal. The utility is also required to inform the applicant that it may file a complaint with the Commission.

Section 2.04--Customer Deposits

If the residential applicant cannot establish credit to the satisfaction of the utility, the applicant may be required to pay a deposit that does not exceed \$50.00 for water utility service.

The utility must keep a record of each deposit, issue a receipt for it, and pay annual interest at a rate set each calendar year by the Commission. The utility shall maintain all funds received as customer deposits in a separate, federally insured, interest bearing account and shall use such funds only for the purpose of payment of unpaid bills guaranteed by such deposits, payment of interest to depositors and refund of deposits to depositors.

The utility must automatically refund the deposit plus accrued interest:

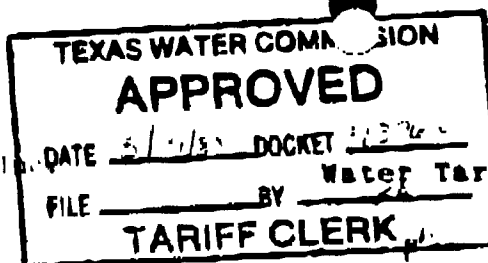
1. if service is not connected;
2. after disconnection of service if the deposit or portion of the deposit exceeds any unpaid bills; or,
3. to any residential customer who has paid service bills for 12 consecutive months without being disconnected for nonpayment and without more than two occasions in which a bill was delinquent. The refund need not be made if payment on the current bill is delinquent.

Non-residential applicants, if unable to establish satisfactory credit, may be required to make a deposit not to exceed one-sixth (1/6) of the estimated annual billings.

Section 2.05--Meter Requirements, Readings, and Testing

All water sold by the utility shall be billed based on meter measurements. The utility shall provide, install, own and maintain meters to measure amounts of water consumed by its customers. No meter shall be placed in service unless its accuracy has been established.

One meter is required for each residential, commercial or industrial facility. An apartment building or a trailer or mobile home park may be considered to be a single commercial facility.



Springville Springs Service Company, Inc.
(Water Utility Name)

DATE 5/1/06 DOCKET 11324
FILE BY Water Tariff Page No. _____

SECTION 2.0 SERVICE RULES AND REGULATIONS (CONT.)

Section 2.05--Meter Requirements, Readings, and Testing

Service meters shall be read at monthly intervals and as nearly as possible on the corresponding day of each monthly meter reading period. If the circumstances warrant, meters may be read at other than monthly intervals.

Upon request, a customer may have his meter tested, without charge, in his presence or in that of his authorized representative, at a convenient time to the customer, but during the utility's normal working hours. A charge not to exceed \$15.00 may be assessed for an additional requested test within two years of the first test if the additional test shows the meter to be accurate.

Section 2.06--Billing

Bills from the utility shall be rendered monthly unless otherwise authorized by the Commission. Payment is considered late if not received at the utility's office or postal address within sixteen (16) days of the billing date. The postmark on the envelope of the bill or the recorded date of mailing by the utility, if there is no postmark on the envelope, shall constitute proof of the date of issuance.

A one-time penalty of \$1.00 or 5.0%, whichever is larger, may be made on delinquent bills. However, no such penalty may be collected unless a record of the date of mailing is made at the time of the mailing and maintained at the principal office of the utility.

Each bill shall show the following information (if applicable):

1. the date and reading of the meter at the beginning and at the end of the period for which the bill is rendered;
2. the number and kind of units metered;
3. the applicable rate schedule, title, or code;
4. the total amount due for water service;
5. the due date of the bill;
6. the date by which customers must pay the bill in order to avoid addition of a penalty;
7. the total amount due as penalty for nonpayment within a designated period;
8. a distinct marking to identify an estimated bill; and
9. any conversions from meter reading units to billing units from recording or other devices, or any other factors used in determining the bill.

The information required in items 1-9 above shall be arranged to allow the customer to readily compute his bill with a copy of the utility's rate schedule which shall be provided by the utility at the request of the customer.

 (Water Utility Name)



Water Tariff Page No. ____

SECTION 2.0 SERVICE RULES AND REGULATIONS (CONT.)

Section 2.06--Billing (cont.)

In the event of a dispute between a customer and a utility regarding any bill for utility service, the utility shall conduct an investigation and report the results to the customer. If the dispute is not resolved, the utility shall inform the customer that a complaint may be filed with the Commission.

Section 2.07--Service Disconnection

The utility is encouraged to offer a deferred payment plan to a customer who cannot pay an outstanding bill in full and is willing to pay the balance in reasonable installments. However, a customer's utility service may be disconnected if a bill has not been paid or a deferred payment agreement entered into within 28 days from the date of issuance of a bill and if proper notice has been given.

Proper notice shall consist of a separate mailing or hand delivery at least ten (10) days prior to a stated date of disconnection, with the words "termination notice" or similar language prominently displayed on the notice. The notice must also list the past due balance.

Utility service may be disconnected after proper notice for any of the following reasons:

1. failure to pay a delinquent account or to comply with a deferred payment agreement;
2. willful violation of a utility usage rule when that violation interferes with another customer's service; or,
3. failure to comply with valid deposit or guarantee arrangements.

Service may only be disconnected without notice:

1. when a known dangerous condition exists, for as long as the condition exists;
2. when service is established through meter bypassing, an unauthorized connection or unauthorized reconnection; and,
3. in instances of tampering with the utility company's meter or equipment.

A utility may not disconnect any customer for failure to pay for merchandise or service unrelated to utility service, even if the utility provides that merchandise or those services. A utility may not disconnect any customer for a previous occupant's failure to pay.

Utility personnel must be available to make collections and to reconnect service on the day of and the day after any disconnection of service unless service was disconnected at the customer's request or because of a hazardous condition.

Treaty Springs Service Company

(Water Utility Name)

TEXAS WATER COMMISSION	
APPROVED	
DATE <u>5/21/33</u>	DOCKET <u>13760</u>
FILE _____	BY <u>DA</u>
TARIFF CLERK	

Water Tariff Page No. 7**SECTION 2.0 SERVICE RULES AND REGULATIONS (CONT.)****Section 2.08--Service Interruptions**

The utility shall make all reasonable efforts to prevent interruptions of service. When interruptions occur, the utility shall re-establish service within the shortest possible time. Except for momentary interruptions due to automatic equipment operations, each utility shall keep a complete record of all interruptions, both emergency and scheduled.

The Commission shall be notified in writing of any service interruptions affecting the entire system or any major division of the system lasting more than four hours. The notice shall also state the cause of such interruptions.

Section 2.09--Termination of Utility Service

No utility may abandon any customer or any portion of its service area without prior written notice to affected customers and neighboring utilities and prior Commission approval.

Section 2.10--Quality of Service

Each utility must plan, furnish, and maintain production, treatment, storage, transmission, and distribution facilities of sufficient size and capacity to provide a continuous and adequate supply of water for all reasonable consumer uses. Minimum residual pressure at the consumer's meter shall be at least 20 psi during periods of peak usage and 35 psi during normal operating conditions.

The water system quantity requirements of the Texas Department of Health shall be the minimum standards for determining the sufficiency of production, treatment, storage, transmission and distribution facilities of water utilities for household usage. Additional capacity shall be provided to meet the reasonable local demand characteristics of the service area.

Each utility shall furnish water which has been approved by the Texas Department of Health. The application of Commission rules shall not relieve the utility from complying with the requirements of the laws and regulations of the State, local Department of Health, local ordinances and all other regulatory agencies having jurisdiction over such matters.

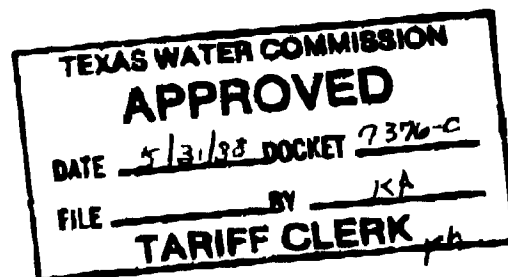
Tapatio Springs Service Company, Inc.
(Water Utility Name)

Water Tariff Page No. 9
Revision No.

SECTION 2.20 SPECIFIC UTILITY SERVICE RULES AND REGULATIONS

This section contains specific utility service rules in addition to the standard rules previously listed under Section 2.0. It must be reviewed and approved by the Texas Water Commission to be effective.

NONE



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Tombato Springs Service Company, Inc.

(Water Utility Name)

Water Tariff Page No. 9

SECTION 3.0--EXTENSION POLICY

Section 3.01--Standard Extension Requirements

Contributions in aid of construction shall not be required of individual residential customers for production, storage, treatment or transmission facilities.

The utility will bear the cost of the first 200 feet of water main necessary to extend service to an individual residential customer. The utility shall bear the full cost of any oversizing of water mains to serve other residential customers in the area. If the specific utility extension policy stated in Section 3.20 of this tariff requires, residential customers may be required to pay for additional main beyond the first 200 feet.

The extension policy may not be applied to requests for service where the utility already has a line in place, even though the line may be overloaded.

Individual residential customers who place a unique or non-standard service demand on the system may be charged the actual costs of any additional transmission or storage facilities required over and above the standard requirements.

If specifically stated in Section 3.20 of this tariff, developers may be required to provide contributions in aid of construction in amounts to furnish the system with facilities compliant with Texas Department of Health minimum design criteria for facilities used in the production, transmission, pumping, storage or treatment of water.

TEXAS WATER COMMISSION	
APPROVED	
DATE <u>5/3/88</u>	DOCKET <u>7376-C</u>
FILE _____	BY <u>KA</u>
TARIFF CLERK <u>ph</u>	

TWC-WUT 3/87

PAGE 9 OF 14

Tanatio Springs Service Company, Inc.
(Water Utility Name)

Water Tariff Page No. 10
Revision No.

SECTION 3.20--SPECIFIC UTILITY EXTENSION POLICY

This section contain a specific extension policy in addition to the standard policy already stated under Section 3.0. It must be reviewed by the Texas Water Commission to be effective.

NONE



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(Water Utility Name)

Water Tariff Page No. 14

SECTION 4.0--EMERGENCY WATER RATIONING PROGRAM

In cases of extreme drought, periods of abnormally high usage, or extended reduction in ability to supply water due to equipment failure, it may be necessary to institute water rationing. Water rationing can be implemented only for emergency use during periods of acute water shortage. The purpose of the Emergency Water Rationing Program is to conserve the total amount of water demanded from the utility until supply can be restored to normal levels. The rationing program shall not exceed sixty (60) days without written approval of the Texas Water Commission.

Water rationing is not a legitimate alternative when water systems are deficient in meeting the minimum "Water System Quantity Requirements" of the Texas Department of Health during normal use periods, or when the utility is not making all immediate and necessary efforts to replace or repair malfunctioning equipment.

Section 4.01--General Provisions

DECLARATION OF EMERGENCY: When system demand exceeds production or storage capability measured over a 24-hour period and refilling the storage facilities is rendered impossible, OR when the utility is notified by its wholesale supplier of a cutback in water to be delivered to such an extent that normal use patterns will no longer be possible, the utility may declare an emergency to exist and thereafter ration water in the following manner.

NOTICE REQUIREMENTS: Written notice to each customer of the proposed rationing shall be mailed 72 hours or hand delivered 24 hours before the utility actually starts the program. Notice shall also be placed in a local newspaper and the utility shall send a copy of the notice to the Texas Water Commission at the same time notice is sent to the customers. The customer notice shall contain the following information:

1. the date rationing shall begin.
2. the date rationing shall end;
3. the stage of rationing and explanation of rationing to be employed; and,
4. explanation of penalties for violations.

VIOLATION OF EMERGENCY RATIONING RULES:

1. First violation-the utility may install a flow restricter in the line to limit the amount of water which will pass through the meter in a 24 hour period. The cost to be charged to the customer's account shall be the actual installed cost to the utility, not to exceed \$50.00.
2. Subsequent violations-the utility may terminate service at the meter for a period of seven (7) days, or until the end of the calendar month, whichever is less. The normal reconnect fee of the utility shall apply for restoration of service.

Tapatio Springs Service Company, Inc.

Water Tariff Page No. 13

(Water Utility Name)

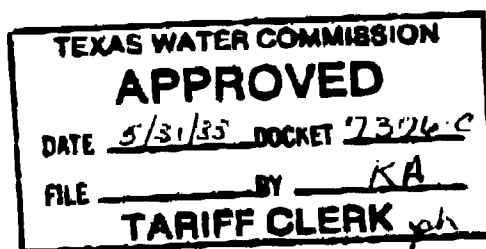
SECTION 4.0--WATER RATIONING PROGRAM (CONT.)**Section 4.02--Stages of Rationing (cont.)**

STAGE II (MODERATE RATIONING CONDITIONS): All outdoor water usage is prohibited; however, usage for livestock is exempt.

STAGE III (SEVERE RATIONING CONDITIONS): All outdoor water usage is prohibited; livestock may be exempted by the utility. All consumption shall be limited to each customer in one of the following ways:

1. A fixed percentage of each customer's average use in the prior month, the percentage to be uniformly applied on a systemwide basis, each customer being notified of this percentage amount;
OR
2. A maximum number of gallons per meter (customer) per week, with notice to each customer of this number.

All meters shall be read as often as necessary to insure compliance with this program for the benefit of all the customers.



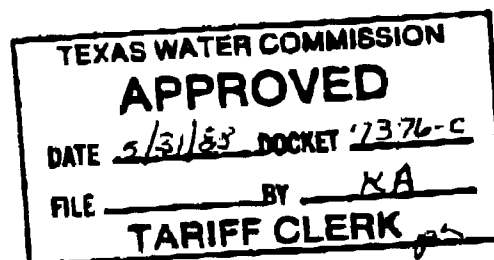
Tapatio Springs Service Company, Inc.
(Water Utility Name)

Water Tariff Page No. 14
Revision No.

SECTION 4.20--SPECIFIC UTILITY WATER RATIONING PROGRAM

This section contains a specific utility water rationing program in addition to the one stated under Section 4.0. It must be reviewed and approved by the Texas Water Commission to be effective.

None



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T--Change in text, but no change in regulation			

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9-6-01

CASE SETTLEMENT RECORD

UTILITY Tapatio Springs Services Company WATER RATE CCNO. 12122
 SOAR DOCKET NO. 582-01-3636 TNRC DOCKET NO. 2001-0700-UGR
 HEARINGS EXAMINER L. Craven APPLICATION NO. 33397-G
 PLACE, DATE & TIME OF HEARING SFA Building, Austin, TX September 6, 2001, 10:00a

AGREED SETTLEMENT

(Sept. 6, 2001)

EFFECTIVE DATE OF AGREED RATES:

WHICH APPLIES TO ALL SERVICE PROVIDED ON OR AFTER (DATE)

WATER RATES:

GALLONAGE RATE:

\$2.25 / 1,000 gallons

METER SIZE

MINIMUM BILL

5/8 or 3/4

\$24.50

1 (1.47)

\$44.80

1 1/2 (2.33)

\$57.00

2 (5.38)

\$92.80

3 (10)

\$152.00

4 (14.47)

\$245.00

40.92

81.59

130.59

245.00

408.42

\$2.00 25,001 to 50,000 gals
 \$2.75 50,000+ gallons

GALLONS INCLUDED IN MINIMUM BILL

-1.88

+23.99

+37.79

+107.00

+39.58

+107.00

+39.58

+107.00

+39.58

+107.00

+39.58

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+39.58

+107.00

+39.58

+107.00

MISCELLANEOUS FEES:

RESIDENTIAL TAP FEE

RECONNECTION FEE

DISCONNECTED FOR NON PAYMENT (TNRC RULES)

OTHER THAN NON PAYMENT

TRANSFER

RETURNED CHECK FEE

CUSTOMER DEPOSIT (TNRC RULES)

LATE PAYMENT PENALTY (TNRC RULES)

METER TEST FEE (TNRC RULES)

SEASONAL RECONNECTION:

Oct. '01 / Customer's Credit
 Nov. '01 / Customer's Credit

Credit TOTAL

\$400.00

\$25.00

\$25.00

\$15.00

\$25.00

\$50.00

\$85.00

\$95.00

set1200c.htm

3/25/94

Page 2

CASE SETTLEMENT RECORD (cont'd)
WATER RATE**PASS THROUGH RATE ADJUSTMENT CLAUSE:****REASON FOR CLAUSE:****COMPUTATION FOR ADJUSTMENT:****MINIMUM BILL =****GALLONAGE CHARGE =****SURCHARGE:****AMOUNT - \$****PER CONNECTION PER MONTH FOR****MONTHS****THREE:**

- SURCHARGE COMPLETED CUSTOMER CONTRIBUTIONS IN AID OF CONSTRUCTION.
- FUNDS DEDICATED TO SPECIFIC IMPROVEMENTS LISTED BELOW.
- FUNDS DEPOSITED IN SPECIAL SURCHARGE ACCOUNT.
- UTILITY MUST ISSUE A MONTHLY STATEMENT OF ACCOUNT.
- COMMISSION APPROVAL IN WRITING REQUIRED FOR DISBURSEMENT.

QUALITY OF SERVICE:**REQUIRED IMPROVEMENT****DATE DUE****VIOLATION TO BE CORRECTED:****(CCN PROBLEMS, THREE RULES OR ORDERS)****REFUNDS:****YES****NO****LUMP SUM - DUE:****AMOUNT:****BILLS CREDITED - \$****PER CONNECTION EACH MONTH FOR****MONTHS****(ATTACH COMPUTATIONS IF NECESSARY)**

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3/23/94

SEP-18-2006 TUE 12:32 PM DAVIDSON AND TROILO

FAX NO. 512 4732158

P. 04

Sent Sep. 18, 2006 at 4:54 PM to: Endall County Development

8sp-7-01 OBAN; No. 1779 Page 4

Page 3

PARTIES:

TNREC Exec. Director:

Public Interest Counsel:

Utility:

Protector:

David Davidson(Additional pages attached ☐)**ATTACHMENTS:**

- PREVIOUSLY APPROVED TARIFF.
- RELATED SCHEDULES OR COMPUTATIONS.
- BLANK TARIFF OR RATE SCHEDULE PAGE.
- QUALITY OF SERVICE COMPLIANCE SCHEDULE.

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3/25/94

CASE SETTLEMENT RECORD

UTILITY Texas Water Service Company CO. NO. 20698
 SOAK DOCKET NO. 5B2-01-36310 TNRCC DOCKET NO. APP1-01699-UR
 HEARING EXAMINER L. CRAVER APPLICATION NO. 38398-9
 PLACE, DATE & TIME OF HEARING SPA Building Austin, TX September 2001 - 10:00A.

AGREED SETTLEMENT

(Sep 6, 2001)

EFFECTIVE DATE OF AGREED RATES -

WHICH APPLIES TO ALL SERVICE PROVIDED ON OR AFTER DATE

SEWER RATES:

GALLONAGE RATE: \$3.50 / 1,000 gallons

METER SIZE

5/8 or 3/4

1

1 1/2

2

3

4

MINIMUM BILL

\$24.10\$24.10\$24.10\$24.10\$24.10\$24.10

GALLONS INCLUDED IN MINIMUM BILL

MISCELLANEOUS FEES:

RESIDENTIAL TAP FEE

\$400.00

RECONNECTION FEE

DISCONNECTED FOR NON PAYMENT (TNRCC RULES)

\$25.00

OTHER THAN NON PAYMENT

\$25.00

TRANSFER

\$15.00

RETURNED CHECK FEE

\$25.00

CUSTOMER DEPOSIT (TNRCC RULES)

\$50.00

LATE PAYMENT PENALTY (TNRCC RULES)

\$5.00

METER TEST FEE (TNRCC RULES)

\$25.00

SEASONAL RECONNECTION:

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3/25/94

Page 2

CASE SETTLEMENT RECORD (cont'd)
WATER RATE**PASS THROUGH RATE ADJUSTMENT CLAUSE:****REASON FOR CLAUSE:****COMPUTATION FOR ADJUSTMENT:****MINIMUM BILL -****GALLONAGE CHARGE -****SURCHARGE:****AMOUNT - \$** _____ **PER CONNECTION PER MONTH FOR** _____ **MONTHS.****TERMS:**

- SURCHARGE CONSIDERED CUSTOMER CONTRIBUTIONS IN AID OF CONSTRUCTION.
- FUNDS DEDICATED TO SPECIFIC IMPROVEMENTS LISTED BELOW.
- FUNDS PLACED IN SPECIAL SURCHARGE ACCOUNT.
- UTILITY MUST MAKE A MONTHLY STATEMENT OF ACCOUNT.
- COMMISSION APPROVAL (IN WRITING) REQUIRED FOR DISBURSEMENT.

QUALITY OF SERVICE:**REQUIRED IMPROVEMENT****DATE DUE****VIOLATION TO BE CORRECTED:****(CCN PROBLEMS, TNRCC RULES OR ORDERS)****REPAIRS:****YES****NO****LUMP SUM - DUE:****AMOUNT:****BILLS CREDITED - \$****PER CONNECTION EACH MONTH FOR** _____ **MONTHS****(ATTACH COMPUTATIONS IF NECESSARY)**

vstgrrc.frm

3/25/94

Page 3

PARTIES:

TNRCC Exec. Director:

Public Interest Council:

Utility:

Protestants:

Dean DeLong
James A. Smith
Mr. Sanchez
Mr. [illegible]

(Additional pages attached ☐)

ATTACHMENTS:

- PREVIOUSLY APPROVED TARIFF.
- RELATED SCHEDULES OR COMPUTATIONS.
- BLANK TARIFF OR RATE SCHEDULE PAGE.
- QUALITY OF SERVICE COMPLIANCE SCHEDULE.

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3/25/94

Tanatio Springs Services Company, Inc.

Water Tariff page No. 2

SECTION 1.0--RATE SCHEDULESection 1.01--Rates

METER SIZE	Monthly Minimum Charge including <u>6,000</u> gallons	Gallons Charge
5/8" or 3/4"	\$ <u>15.00</u> per month	\$ <u>2.00</u> per 1000 gallons
1"	\$ <u>17.00</u> per month	
1 1/2"	\$ <u>22.00</u> per month	
2"	\$ <u>28.00</u> per month	
3"	\$ <u>42.00</u> per month	
4"	\$ <u>60.00</u> per month	

SAME FOR ALL SIZES

Section 1.2--Miscellaneous Fees

TAP FEE.....\$ 175.00
Tap fee is limited to the average of the Utility's actual costs for materials and labor for standard residential connections of 5/8" or 3/4" meter.

RECONNECTION FEE.....\$ 10.00
The reconnect fee will be charged before service can be restored to a customer who has been disconnected at a) the customer's request, b) reasons listed under Section 2.0 of this tariff, or c) reasons listed in the Commission's Substantive Rules.

LATE CHARGE

A one-time penalty of \$1.00 or 5.0¢ whichever is larger may be made on delinquent bills. The penalty on delinquent bills may not be applied to any balance to which the penalty was applied in a previous billing.

RETURNED CHECK CHARGE.....\$ 10.00

CUSTOMER DEPOSIT (Maximum \$50).....\$ -0-

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TEXAS WATER COMMISSION APPROVED DATE <u>4-27-90</u> MONKEY <u>8531-6</u> FILE <u>12/22</u> BY <u>QC</u> TARIFF CLERK <u>46</u>

TWC-WUT 3/87

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SEP-19-2006 TUE 12:32 PM DAVIDSON AND TROILO

FAX NO. 512 4732159

P. 09

Sep. 18. 2006 4:54PM Kendall County Development

No. 1779 P. 9

Tapatia Springs Service Company, Inc.
(Sewer Utility Name)

Sewer Tariff Page No. 2
Revision No.

SECTION 1.0--RATE SCHEDULE**Section 1.01--Rates****CONNECTION TYPE**

Sewer Rate

\$12.00 a month per connection

**Section 1.02--Miscellaneous Fees**

TAP FEE.....\$ 175.00
Tap fee is limited to the average of the Utility's actual costs for materials and labor for standard residential connections.

RECONNECTION FEE.....\$ 10.00
The reconnect fee will be charged before service can be restored to a customer who has been disconnected at a) the customer's request; b) reasons listed under Section 2.0 of this tariff, or c) reasons listed in the Commission's Substantive Rules.

LATE CHARGE
A one-time penalty of \$1.00 or 5.0% whichever is larger may be made on delinquent bills. The penalty on delinquent bills may not be applied to any balance to which the penalty was applied in a previous billing.

RETURNED CHECK CHARGE.....\$ 10.00

CUSTOMER DEPOSIT (Maximum \$50).....\$ none

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TEXAS WATER COMMISSION

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AUG 5 1996
SYSTEMS
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