

Control Number: 43990



Item Number: 28

Addendum StartPage: 0

House Bill (HB) 1600 and Senate Bill (SB) 567 83<sup>rd</sup>  
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

JOHN W. DAVIDSON  
ARTHUR TROILO  
TERRY TOPHAM  
CHEREE TULL KINZIE  
R. GAINES GRIFFIN  
RICHARD E. HETTINGER  
PATRICK W. LINDNER  
IRWIN D. ZUCKER  
RICHARD D. O'NEIL  
J. MARK CRAUN

LAW OFFICES OF  
**DAVIDSON & TROILO**  
A PROFESSIONAL CORPORATION

SAN ANTONIO  
7550 W IH-10, SUITE 800, 78229-5815  
210/349-6484 • FAX: 210/349-0041

LEA A. REAM  
FRANK J. GARZA  
JAMES C. WOO  
RICHARD L. CROZIER  
R. JO RESER  
MARIA S. SANCHEZ  
DALBY FLEMING  
LISA M. GONZALES

AUSTIN OFFICE  
919 CONGRESS, SUITE 810, 78701  
512/469-6006 • FAX 512/473-2159

September 19, 2006

**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

RECEIVED  
SEP 19 2006  
TCEQ  
CENTRAL FILE ROOM

cc: See attached Mailing List

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

Docket Clerk  
Texas Commission on Environmental Quality  
Office of the Chief Clerk  
P. O. Box 13087  
Austin, Texas 78711

Garrett Arthur  
Staff Attorney  
Texas Commission on Environmental Quality  
Office of Public Interest Counsel  
MC-175, P. O. Box 13087  
Austin, Texas 78711-3087

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

Elizabeth R. Martin  
Attorney at Law  
P. O. Box 1764  
Boerne, Texas 78006

Eric Sherer  
Attorney at Law  
11124 Wurzbach Rd.  
San Antonio, Texas 78230

FILE COPY

STATE OF TEXAS  
TEXAS WATER COMMISSION  
RODNEY D. BERRY  
DIRECTOR  
MISSION STATEMENT  
DOCUMENT AND RECORDS  
SEP 14 2008

TEXAS WATER COMMISSION  
**APPROVED**  
DATE 5/31/88 DOCKET 73765  
FILE \_\_\_\_\_ BY KA  
**TARIFF CLERK** ph

STATE OF TEXAS  
TEXAS WATER COMMISSION  
WATER UTILITY TARIFF

FOR

TAPATIO SPRINGS SERVICE COMPANY, INC.  
**(Utility Name)**  
Boerne  
**(City)**  
Texas  
**(State)**  
78007  
**(Zip Code)**  
37-4121  
**(Area Code/Telephone No.)**  
**(Business Address)**

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 Subdiv.

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):

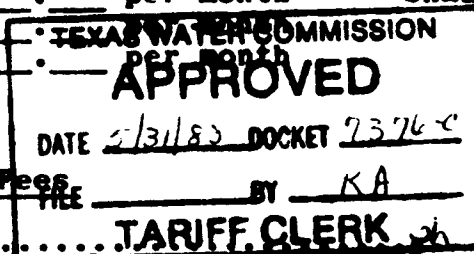
SECTION	PAGE
1.0 RATE SCHEDULE.....	<u>2</u>
2.0 SERVICE RULES.....	<u>5</u>
3.0 EXTENSION POLICY.....	<u>9</u>
4.0 WATER RATIONING PLAN.....	<u>11</u>
APPENDIX A SERVICE AGREEMENTS.....	<u>    </u>

(Water Utility Name)

SECTION 1.0--RATE SCHEDULE
Section 1.01--Rates

METER SIZE	Monthly Minimum Charge including <u>6,000</u> gallons	Gallonge Charge
5/8" or 3/4"	\$ <u>10.00</u> per month	\$ <u>1.00</u> per 1000 gallons
1"	\$ <u>    </u> per month	
1 1/2"	\$ <u>    </u> per month	
2"	\$ <u>    </u> per month	
3"	\$ <u>    </u> per month	
4"	\$ <u>    </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).....\$ 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

(Water Utility Name)

TEXAS WATER COMMISSION	
<b>APPROVED</b>	
DATE <u>5/31/83</u>	DOCKET <u>4376 C</u>
FILE _____	BY <u>KA</u>
TARIFF CLERK <u>ph</u>	

## 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)

DATE 2/3/87 DOCKET 2376  
FILE BY SA

Water Tariff Page No. 1

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:

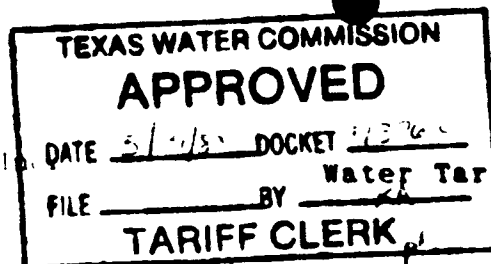
1. if service is not connected;
2. after disconnection of service if the deposit or portion of the deposit exceeds any unpaid bills; or,
3. to any residential customer who has paid service bills for 12 consecutive months without being disconnected for nonpayment and without more than two occasions in 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.



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

Water Tar.iff 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)

TEXAS WATER COMMISSION	
APPROVED	
DATE <u>3/2/87</u>	DOCKET <u>7376 C</u>
FILE _____	BY <u>AA</u>
TARIFF CLERK <u>ph</u>	

## 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 26 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.

Tyler Springs Service Company, Inc.

(Water Utility Name)

TEXAS WATER COMMISSION	
<b>APPROVED</b>	
DATE <u>5/3/83</u>	DOCKET <u>7326-C</u>
FILE _____	BY <u>DA</u>
<b>TARIFF CLERK</b>	

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.

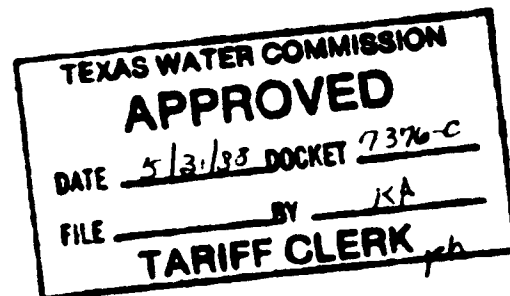
(Water Utility Name)

Water Tariff Page No. 8  
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



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

(Water Utility Name)

## SECTION 3.0--EXTENSION POLICY

Section 3.01--Standard Extension Requirements

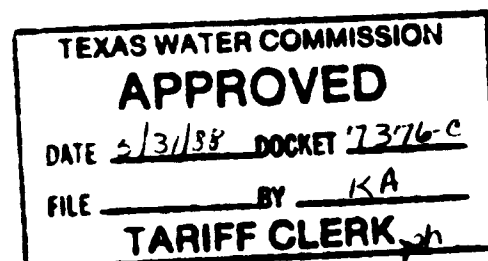
Contributions in aid of construction shall not be required of individual residential customers for production, storage, treatment or transmission facilities.

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.



Lapatio Springs Service Company, Inc.

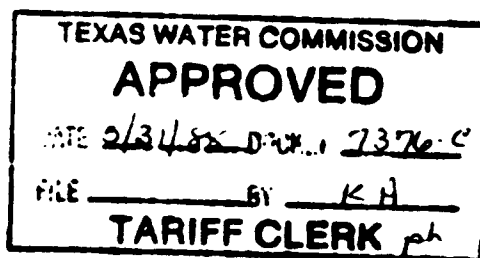
(Water Utility Name)

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



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

## TEXAS WATER COMMISSION

APPROVED

DATE: 5/2/87 DOCKET 1326 WATER Tariff Page No. 11

(Water Utility Name)

FILE \_\_\_\_\_ BY K A

TARIFF CLERK

## 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.

TEXAS WATER COMMISSION	
APPROVED	
DATE <u>3/2/87</u>	DOCKET <u>17376-C</u>
FILE _____	BY <u>KA</u>
TARIFF CLERK <u>2</u>	

1. City Springs Service Company, Inc.

(Water Utility Name)

Water Tariff Page No. \_\_\_\_

SECTION 4.0--WATER RATIONING PROGRAM (CONT.)

Section 4.01--General Provisions (cont.)

**EXEMPTIONS OR VARIANCES FROM RATIONING RULES:** The utility may grant any customer an exemption or variance from the uniform rationing program for good cause. In such event, the utility shall notify the Texas Water Commission within 24 hours of such exemption or variance, stating the name, address, and cause of exemption for the affected customer. A customer who is refused an exemption or variance may appeal such action of the utility by written appeal to the Texas Water Commission. The utility shall treat all customers equally concerning exemptions and variances, and shall not discriminate in granting exemptions and variances.

**RATES:** All existing rates schedules shall remain in effect during the rationing period, and no charges may be levied against a customer which are not contained in the approved tariff of the utility as filed with the Commission.

Section 4.02--Stages of Rationing

Unless there is an immediate extreme reduction in water production, the Utility must initially declare Stage I rationing. If, after a reasonable period of time, demand is not reduced enough to alleviate outages, Stage II may be declared.

**STAGE I (MILD RATIONING CONDITIONS).** Under Stage I (Mild Rationing Conditions) the Utility may select any of the alternatives listed below. Usage of water for outdoor purposes such as lawns, gardens, car washing, etc. will be restricted to:

1. Alternate Day Use--Customers with even numbered addresses may use water outdoors on even numbered days and customers with odd numbered addresses can may water outdoors on odd numbered days. (When there are no addresses--North and West Sides of streets: even days; South and East sides of streets: odd days.)
2. Weekday Use Only--No outside watering allowed on Saturdays, Sundays, or official Federal Holidays.
3. Restricted Hours of Use--Outside watering is allowed only from 9-11:30 a.m. and 10-12 p.m.
4. Every Five Day Use--Customers whose addresses end in 0 and 1 may use water outdoors on the 1st day of the month; 2 and 3--the 2nd; 4 and 5--3rd; 6 and 7--4th; 8 and 9--5th; 0 and 1--6th . . . and so on. The utility must provide a calender noting the respective watering days and the order should remain consecutive as new months begin.
5. Nighttime Watering Prohibited--No outside watering allowed from 10 p.m. to 7 a.m.

(Water Utility Name)

**SECTION 4.0--WATER RATIONING PROGRAM (CONT.)**

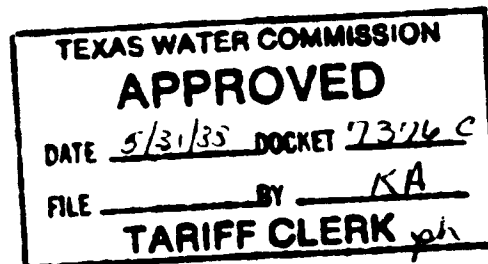
**Section 4.02--Stages of Rationing (cont.)**

**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.

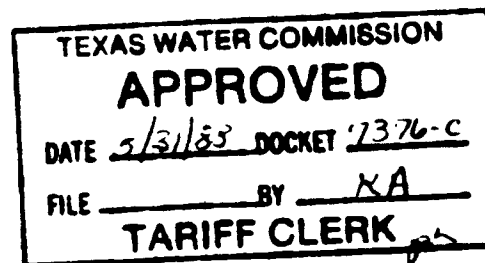
(Water Utility Name)

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



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