



Control Number: 44010



Item Number: 41

Addendum StartPage: 0

SOAH DOCKET NO. 473-15-2123.WS  
PUC DOCKET NO. 44010

RECEIVED  
2015 APR 14 PM 1:55  
PUBLIC UTILITY COMMISSION  
BEFORE THE  
FILING CLERK

PETITION OF THE §  
RATEPAYERS OF THE §  
RIVER PLACE WATER AND §  
WASTEWATER SYSTEMS §  
APPEALING THE RETAIL WATER §  
AND WASTEWATER RATES OF §  
THE CITY OF AUSTIN §

STATE OFFICE OF  
ADMINISTRATIVE HEARINGS

**PETITIONERS' MOTION FOR PARTIAL SUMMARY DECISION AND BRIEF  
IN RESPONSE TO ORDER NO. 4**

**TO THE HONORABLE ADMINISTRATIVE LAW JUDGES POMERLEAU AND  
NEWCHURCH:**

COME NOW, the Ratepayers of the River Place Water and Wastewater Systems ("Ratepayers" or "Petitioners") and file this Motion for Partial Summary Decision and Brief in Response to Order No. 4, and would respectfully show the following:

**I. MOTION FOR PARTIAL SUMMARY DECISION**

**A. Background and Facts**

1. On September 7, 2009, the City of Austin (the "City") assumed ownership of the River Place Water and Wastewater Systems. River Place MUD became the operator of the systems on behalf of the City.
2. On September 9, 2013, the Austin City Council adopted new water and wastewater rates that affected the River Place Water and Wastewater Systems.
3. On October 1, 2014, the City assumed operational control of the River Place Water and Wastewater Systems.
4. On October 1, 2014, the City increased the water and wastewater rates charged to the ratepayers of the River Place Water and Wastewater Systems.

5. On November 1, 2014, the City again increased the water and wastewater rates charged to the ratepayers of the River Place Water and Wastewater Systems.
6. On December 22, 2014, Petitioners, the ratepayers of the River Place Water and Wastewater Systems, timely filed a Petition under Texas Water Code Ann. § 13.043(b)(3) to appeal the City's rate increases of October 1, 2014 and November 1, 2014.
7. On February 11, 2015, Commission Staff and Petitioners filed their respective List of Issues.
8. On February 23, 2015, the City filed its Motion to Dismiss.
9. On March 2, 2015, Petitioners filed their Response to the City's Motion to Dismiss.
10. On March 13, 2015, the Commission Staff filed their Response to the City's Motion to Dismiss.
11. Administrative Law Judges ("ALJs") Lilo D. Permleau and William G. Newchurch held a prehearing conference on March 23, 2015. During that prehearing conference, the ALJs found that the Commission and the State Office of Administrative Hearings ("SOAH") had jurisdiction over the City's October 1, 2014 rate increase to Petitioners.
12. On March 25, 2015, the ALJs issued SOAH Order No. 4 Memorializing the Prehearing Conference; Establishing a Filing Deadline; and Notice of Prehearing Conference. This order scheduled a second prehearing conference for 10:00 a.m. on April 16, 2015. The Order also required the parties to file any new arguments on or before April 14, 2015.
13. As Petitioners are filing this Brief in Response to Order No. 4 on April 14, 2015, the filing is timely.

## **B. Argument**

### **1. Legal Standard for Summary Decision**

The rules of the Commission allow for summary decision on any or all issues in contested cases before SOAH when there is no genuine issue as to any material fact. P.U.C. PROC. R. 22.182(a) provides:

The presiding officer may grant a motion for summary decision on any or all issues to the extent that the pleadings, affidavits, materials obtained by discovery or otherwise, admissions, matters officially noticed, or evidence of record show that there is no genuine issue as to any material fact and that the moving party is entitled to a decision in its favor as a matter of law, on the issues expressly set forth in the motion.<sup>1</sup>

Additionally, a Motion for Summary Decision must describe the facts upon which the movant bases its request for summary decision, the information and materials that demonstrate those facts, and the laws or legal theories that entitle the movant to summary decision.<sup>2</sup>

### **2. First Ground for Partial Summary Decision – No Cost of Service Study**

A partial summary decision is appropriate in this case because no genuine issues as to any material fact exist relating to the change in retail water and wastewater rates that went into effect October 1, 2014.<sup>3</sup> As stated in Petitioners' Response to the City of Austin's Motion to Dismiss,<sup>4</sup> this hearing is a proceeding under TEX. WATER CODE ANN. § 13.043(b)(3), since the Petitioners reside outside of the corporate limits of the City and the City operates as a municipally owned utility.<sup>5</sup> Section 13.043(b) cases are also subject to the standard under § 13.043(j) insofar as the utility must show that its rates are

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<sup>1</sup> P.U.C. PROC. R. 22.182(a).

<sup>2</sup> P.U.C. PROC. R. 22.182(b); *see also*, TEX. R. CIV. P. 166a(c).

<sup>3</sup> Hereinafter, the "October 1, 2014 rates."

<sup>4</sup> The arguments in Petitioners' Response to the City of Austin's Motion to Dismiss are incorporated herein as if set out in full.

<sup>5</sup> TEX. WATER CODE ANN. § 13.043(b)(3); *see also* City of Austin's Objections and Responses to Petitioners' First Request for Disclosure, Request for Admissions and Request for Information, Response to Request for Admission No. 20, at 14.

just and reasonable; not unreasonably preferential, prejudicial, or discriminatory; and sufficient, equitable, and consistent in application to each class of customers.<sup>6</sup>

The standard for determining a just and reasonable rate in cases involving water and sewer utilities is set forth in Commission rules, chapter 24, subchapter B,<sup>7</sup> which are the rules that govern the determination of all water and wastewater rate proceedings.<sup>8</sup> While the City is not a public utility or a water and sewer utility, as those terms are defined in Chapter 24, the City is a “retail public utility,”<sup>9</sup> and Subchapter B rules provide significant guidance about the Commission’s policy in evaluating the justness and reasonableness of rates in general, including those for retail public utilities.

The basic three-step process to establish rates is straightforward. First, the City must determine and justify the revenue requirement. Second, the City must spread and justify the allocation of costs among the various customer classes. Finally, the City must calculate a rate design that will recover the just and reasonable costs necessary to provide water and wastewater service to Petitioners. The City must meet its burden of proof through all three of these steps.

P.U.C. SUBS. R. 24.31 states that just and reasonable rates are based upon the utility’s historic cost of service adjusted for known and measurable changes,<sup>10</sup> and only those incurred expenses that are reasonable and necessary to provide utility service to the ratepayers may be included in allowable expenses.<sup>11</sup> The historic cost of service, adjusted for known and measurable changes, is the basis for determining the revenue requirements. The Commission’s rules, like the Texas Water Code, define test year as a historical test year, declaring a test year to be “[t]he most recent 12-month period for which representative operating data for a **retail public utility** are available.”<sup>12</sup> The “test

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<sup>6</sup> TEX. WATER CODE ANN. § 13.043(j).

<sup>7</sup> P.U.C. SUBS. R. §24.1 *et seq.*

<sup>8</sup> *Id.*

<sup>9</sup> TEX. WATER CODE ANN. § 13.002(19).

<sup>10</sup> P.U.C. SUBS. R. §24.31(a).

<sup>11</sup> P.U.C. SUBS. R. §24.31(b).

<sup>12</sup> P.U.C. SUBS. R. §24.3 (52)(emphasis added).

year” definition applies to retail public utilities as well as utilities. A separate rate review procedure does not exist for retail public utilities in either the Water Code or the Commission’s rules. For these reasons, the cost of service is the basis upon determining the service provider’s revenue requirement and, ultimately, its just and reasonable rates. Thus, an appeal under § 13.043(b)(3) is also a cost of service hearing.

For the Commission to determine whether the City’s water and wastewater rates are just and reasonable in this case, the ALJs must look at the City’s underlying cost of providing service to Petitioners. However, in this matter, the City admits that it did not base its increased rates to Petitioners on the cost of providing water or wastewater services. In response to Commission Staff’s Request for Information (“RFI”) 1-1, in which the Staff asked whether the City completed a cost of service study for the rate increases to the customers of the River Place Water and Wastewater Systems, the City responded that it did not prepare a cost of service study before raising Petitioners’ rates:

The City of Austin *did not complete a cost of service study*, for the so called “Retail Water and Wastewater Customers of the River Place Water and Wastewater Systems.”<sup>13</sup>

Furthermore, the City did not base Petitioner’s rates on an historical test year as the rules require:

Austin *has not used a historical “test year”* in the development of its cost of service water and wastewater rates. Austin has used a process where rates are projected for the coming fiscal year using budget data and financial, or revenue, forecast models. The validity of its budgeting and financial forecast models are verified using some known historical costs from the previous fiscal year.<sup>14</sup>

According to its own statements, because the City did not develop a cost of service study and failed to employ an historic test year before raising Petitioners’ utility rates, the City lacked any reasonable basis to support its October 1, 2014 increase in rates charged to Petitioners. Without these critical steps, the City’s October 1, 2014 rate is *per se* unjust

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<sup>13</sup> Austin’s Comments, Concerns and Responses to Commission Staff’s 1<sup>st</sup> RFI, Response 1-1, at 3.

<sup>14</sup> Austin’s Comments, Concerns and Responses to Commission Staff’s 1<sup>st</sup> RFI, Response 1-4, at 5.

and unreasonable according to Commission rule and precedent. A genuine issue does not exist as to the material fact that the City's October 1, 2014 rates are not just and reasonable as clearly indicated by the City's own discovery answers, and Petitioners are entitled to Partial Summary Decision as a matter of law.

### **3. Second Ground for Partial Summary Decision – Deficient Notice of Rate**

There is no genuine issue of material fact relating to the lawfulness of the City's October 1, 2014 rate for the second reason that it was imposed without proper public notice. Tex. Water Code Ann. § 13.043(i) requires the City to comply with the public notice requirements, as follows:

(i) The governing body of a municipally owned utility . . . , ***within 60 days after the date of a final decision on a rate change***, shall provide individual written notice to each ratepayer eligible to appeal who resides outside the boundaries of the municipality or the political subdivision. The notice must include, at a minimum, the effective date of the new rates, the new rates, and the location where additional information on rates can be obtained. The governing body of a municipally owned utility . . . may provide the notice electronically if the utility or political subdivision has access to a ratepayer's e-mail address.<sup>15</sup>

As it concedes in its responses to Petitioners' Requests for Admissions, the City failed to provide individual written notice to each ratepayer of the River Place Water and Wastewater Systems within 60 days of the City Council's decision to raise Petitioners' water rates in accordance with the applicable statutory requirement:

Austin admits that ***individual written notice was not provided to the ratepayers*** residing in River Place within 60 days of September 9, 2013.<sup>16</sup>

And regarding Petitioners' wastewater rates,

Austin admits that ***individual written notice was not provided to the ratepayers*** residing in RiverPlace [sic] within 60 days of September 9, 2013.<sup>17</sup>

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<sup>15</sup> TEX. WATER CODE ANN. § 13.043(i) (emphasis added).

<sup>16</sup> City of Austin's Objections and Responses to Petitioners' First Request for Disclosure, Request for Admissions and Request for Information, Response to Request for Admission No. 16, p. 13 (emphasis added).

Despite the City's claim otherwise, the Petitioners were customers of the City on September 9, 2013, as the City assumed ownership of the River Place Water and Wastewater Systems on September 7, 2009.<sup>18</sup> Before September 9, 2013, the State had already transferred the State's public water system authorization<sup>19</sup> and the State's permit for the wastewater system<sup>20</sup> to the City. On September 9, 2013, River Place MUD simply operated the River Place Water and Wastewater Systems on behalf of the City -- River Place MUD was a third-party operator only. Petitioners were clearly customers of the City starting on September 7, 2009. The City's argument that Petitioners were not customers until October 1, 2014 cannot be true. Otherwise, any utility subject to an appeal would claim jurisdictional issues because the ratepayers were not customers due to utility operations by a third-party operator.

In TEX. WATER CODE ANN. § 13.187, the Texas Legislature requires a utility to send notice of any rate increase to its customers before the effective date of the rate increase. The purpose of this notice requirement is to give customers an opportunity to review the rate increase before its effective date and to file a request for hearing if the customers believe the increased rate is not just or reasonable. If the notice is deficient in language or untimely, then the utility's rate is not effective.

Similarly, the Texas Legislature has given customers of municipally-owned utilities who live outside of the municipality the same opportunity to appeal a rate

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<sup>17</sup> City of Austin's Objections and Responses to Petitioners' First Request for Disclosure, Request for Admissions and Request for Information, Response to Request for Admission No. 17, p. 13 (emphasis added).

<sup>18</sup> See ORIGINAL PETITION APPEALING RETAIL WATER AND WASTEWATER RATES OF THE CITY OF AUSTIN, Strategic Partnership Agreement Between the City of Austin and River Place MUD, Attachment A, at 11 (*stating* "The District shall convey ownership of its Retail Water System and Retail Wastewater System (as described in the Water and Wastewater Agreement) and all associated assets and easements to the City on the Effective Date of this SPA pursuant to the terms and conditions of the Water and Wastewater Agreement.")

<sup>19</sup> See **Attachment B**, Central Registry Detail of Wastewater Permit WQ00115114001, River Place MUD and the City of Austin, April 13, 2015, (*showing* River Place MUD as the Owner and the City of Austin as the Owner/Operator of the River Place Wastewater System) (emphasis added).

<sup>20</sup> See **Attachment C**, Transfer of TCEQ Permit No. WQ00115114001 to River Place MUD and City of Austin, Sept. 1, 2011.



increase before the effective date of the rate. A municipality's failure to provide proper and timely notice of a rate increase must also result in nullifying the municipality's proposed rate case; otherwise, the Legislature's language has no meaning or purpose. Accordingly, no genuine issue exists as to any material fact regarding whether the City failed to provide proper notice of its October 1, 2014 rate increase and the resulting invalidity of the rate increase itself, and Petitioners are entitled to Partial Summary Decision as a matter of law.

## **II. JURISDICTION OVER NOVEMBER 2014 RATE INCREASE**

Petitioners are a unique set of Austin water and wastewater customers, unlike all other out-of-City customers. Petitioners are the only out-of-City customers for whom the City tried to raise rates twice within one month: October 1, 2014 and again November 1, 2014. Petitioners are the only out-of-City customers served by their own, stand-alone water and wastewater systems, as a specific operating agreement requires. Furthermore, Petitioners are the only out-of-City customers for whom that same, specific operating agreement governs the level and methodology for providing water and wastewater service and the use of revenue that the City may collect upon assumption of operations.

### **A. Petitioners are the Only Out-of-City Customers Whose Rates Increased from the Old River Place Rates to City's November 1, 2014 Rates**

As the ALJs and the parties discussed during the Preliminary Hearing on March 23, 2015, the City's increase in water and wastewater rates on October 1, 2014 impacted Petitioners in a way different from all other out-of-City customers. As of October 1, 2014, Petitioners were the only out-of-City customers for whom the City raised rates from the prior River Place Municipal Utility District ("MUD") rates to the City rates adopted September 9, 2013.<sup>21</sup> For that reason, the ALJs found that the Commission and SOAH had jurisdiction over Petitioners' appeal, as Petitioners had filed a petition with the Commission that included more than the requisite number of signatures -- the Petition

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<sup>21</sup> See *Affidavit of Robert Rowan*, CITY OF AUSTIN MOTION TO DISMISS, Exhibit A, COA 006.

included 360 signatures for a unique water and wastewater system with a customer count of 1,047 water and 1,035 wastewater customers.<sup>22</sup>

As shown above in Petitioners' Motion for Partial Summary Decision, the October 1, 2014 rate increase was invalid for two reasons: 1) the City failed to provide the proper notice to customers pursuant to TEX. WATER CODE ANN. § 13.043(i); and 2) the City's October 1, 2014 rates were not just and reasonable rates due to the City's failure to base those rates on the cost of providing service to Petitioners. As a result, since the October 1, 2014 rates are invalid, Petitioners experienced a rate hike not shared by any other out-of-City customers. So, as much as the City would like to lump Petitioners in with any other City customers or ignore their special status altogether, in fact, Petitioners are the only out-of-City customers whose rates increased from the old River Place MUD rates to the City's November 1, 2014 rates.

		<b>Old River Place MUD Rates</b>	<b>11/1/14 City of Austin Rates</b>
<b>WATER</b>	<b>BASE</b>	<b>\$30.00</b>	<b>\$9.75 - \$20.25</b>
	<b>0-2,000 gal</b>	<b>\$0.00</b>	<b>\$3.12</b>
	<b>2,001-6,000 gal</b>	<b>\$2.50</b>	<b>\$4.68</b>
	<b>6,001-11,000 gal</b>	<b>\$2.50</b>	<b>\$7.48</b>
	<b>11,001-20,000 gal</b>	<b>\$2.50</b>	<b>\$11.22</b>
	<b>Over 20,000 gal</b>	<b>\$3.50-\$7.00</b>	<b>\$14.12</b>
<b>WASTEWATER</b>	<b>BASE</b>	<b>\$0.00</b>	<b>\$10.30</b>
	<b>Per 1,000 gals</b>	<b>\$3.14</b>	<b>\$4.51-\$9.13</b>

For Petitioners only, average monthly water bills increased from \$73.50 to \$149.93 on November 1, 2014, and average monthly wastewater bills increased from \$15.70 to \$46.71 on November 1, 2014.

The total number of City water and wastewater customers whose rates increased in this manner are the 1,047 water and 1,035 wastewater customers of the River Place Water and Wastewater Systems whose rate changed from the old River Place MUD rates to the City's November 1, 2014 rates. This number of customers represents the entire

<sup>22</sup> See **Attachment A**, River Place MUD Meter Count.

universe of out-of-City customers impacted in the same way and manner as the City's November 1, 2014 rate increase affected Petitioners. The Petition's inclusion of the 360 signatures more than meets the statutory requirement for jurisdiction under TEX. WATER CODE ANN. § 13.043(c).

**B. Petitioners are the Only Out-of-City Customers Eligible to Appeal the Rates of the City's River Place Water and Wastewater Systems**

While the City claims that the River Place Water and Wastewater Systems no longer exist, those claims are untrue. According to the Texas Commission on Environmental Quality ("TCEQ") Central Registry, the City and the River Place MUD jointly hold the permit for the River Place Wastewater System.<sup>23</sup> The current TCEQ wastewater permit file also shows that the TCEQ issued a permit for the wastewater system jointly to the River Place MUD and the City of Austin.<sup>24</sup> Regarding the public water system, the TCEQ Water Utility Database also shows that the active holders of the public water system authorization are both the City of Austin and River Place MUD.<sup>25</sup> The TCEQ Water Utility Database for Public Water Systems shows that the River Place Water System remains a unique and stand alone water system, and the City has not combined the River Place Water System with the remainder of the City's water system. Finally, the River Place MUD remains the certificate holder of the active Certificate of Convenience and Necessity for the public water system.<sup>26</sup>

The existence and applicability of the Strategic Partnership Agreement between the City of Austin and River Place MUD ("SPA"), including its Exhibit D Agreement for Water and Wastewater Service and Operations Management of Facilities between the City of Austin and the River Place Municipal Utility District ("Water and Wastewater Agreement"), also demonstrates that the ratepayers and the water and wastewater systems

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<sup>23</sup> See **Attachment B**, Central Registry Detail of Wastewater Permit WQ00115114001, River Place MUD and the City of Austin, April 13, 2015, (*showing* River Place MUD as the Owner and the City of Austin as the Owner/Operator of the River Place Wastewater System) (emphasis added).

<sup>24</sup> See **Attachment C**, Transfer of TCEQ Permit No. WQ00115114001 to River Place MUD and City of Austin, Sept. 1, 2011.

<sup>25</sup> See **Attachment D**, TCEQ Water Utility Database, District Details of River Place MUD (emphasis added).

<sup>26</sup> *Id.*

are unique among other City customers and facilities. The SPA requires the City to use any existing or future utility revenue collected from rates above the MUD's annual operating and maintenance expenses to pay down the MUD's outstanding indebtedness until 12:01 a.m., December 31, 2017.<sup>27</sup> The Water and Wastewater Agreement requires the City to provide service to Petitioners exclusively through the River Place Water and Wastewater Systems.<sup>28</sup> And, the MUD, not the City, is responsible for the debt service for the River Place Water and Wastewater Systems until October 2017.<sup>29</sup>

The point of this discussion is to demonstrate that the Petitioners, the ratepayers of the River Place Water and Wastewater Systems, are the only customers of those jointly owned and controlled water and wastewater systems and the only customers for whom the City's November 1, 2014 rate increase impacted in this manner. No other out-of-City customers receive water or wastewater service from these jointly owned, operated, and controlled water and wastewater systems, and no other City customers experienced the rate increase as the River Place ratepayers experienced. Therefore, the only customers of these jointly owner, operated, or controlled water and wastewater systems who are eligible to appeal the City's rates for these systems are the 1,047 water and the 1,035 wastewater customers of the River Place Water and Wastewater Systems. Thus, for jurisdiction purposes, the Petition not only met the 10% signature requirement under TEX. WATER CODE ANN. § 13.043(c) for the City's invalid October 2014 rate increase, but the Petition also met the 10% requirement for the City's November 2014 rate increase, as the Petition included 360 signatures out of the 1,047 water and the 1,035 wastewater customers eligible to appeal the City's rates.

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<sup>27</sup> See ORIGINAL PETITION APPEALING RETAIL WATER AND WASTEWATER RATES OF THE CITY OF AUSTIN, Strategic Partnership Agreement Between the City of Austin and River Place MUD, Attachment A, at 15-16.

<sup>28</sup> See CITY OF AUSTIN MOTION TO DISMISS, Agreement for Water and Wastewater Service and Operations Management of Facilities between the City of Austin and the River Place Municipal Utility District, Attachment 1 to Exhibit A, at 12.

<sup>29</sup> *Id.* at 20.

### III. CONCLUSION

For the reasons set out above, Petitioners respectfully request that the ALJs grant Petitioners' Motion for Partial Summary Decision and find that the Commission and SOAH have jurisdiction over the City's November 1, 2014 rate increase to Petitioners, and grant such other relief to which Petitioners are entitled.

Respectfully submitted,

Randall B. Wilburn  
Helen Gilbert  
State Bar No. 00786263  
Gilbert Wilburn, PLLC  
7000 North MoPac Blvd., Suite 200  
Austin, Texas 78731  
Telephone: (512) 535-1661  
Telecopier: (512) 535-1678

By: 

Randall B. Wilburn  
State Bar No. 24033342

**ATTORNEYS FOR PETITIONERS**

### CERTIFICATE OF SERVICE

I hereby certify that I have or will serve a true and correct copy of the foregoing document via hand delivery, facsimile, electronic mail, overnight mail, U.S. mail, and/or Certified Mail Return Receipt Requested on all parties on the 14<sup>th</sup> day of April 2015.

By: 

Randall B. Wilburn

# ATTACHMENT "A"

DIST. CODE 776 RIVER PLACE MUD

**Meters Total** Date:12/04/2014 Page: 1

Meter Size	Water S/A	Water Active	Water Total	Irrigation S/A	Irrigation Active	Irrigation Total
A		2	2			
B	1	6	7			
C	2	3	5			
F	2	84	86			
H	1	1	2			
UnSize	30	915	945			

Total	36	1011	1047			
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Total Sewer	33	1002	1035			
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# ATTACHMENT "B"

TCEQ CR Query - Wastewater Permit WQ0011514001

4/13/15, 2:40 PM

[Questions or Comments >>](#)

## Central Registry

Detail of: **Wastewater Permit WQ0011514001** [View Permit](#)

For: **RIVER PLACE MUNICIPAL UTILITY DISTRICT (RN100843283)**  
111 CONGRESS AVE, AUSTIN

Permit  
Status: **ACTIVE**

Held by: **RIVER PLACE MUD (CN600640098)**  
**OWNER** [View Compliance History](#)

Mailing  
Address: 600 CONGRESS AVE STE 2100 AUSTIN, TX 78701-2986

**CITY OF AUSTIN (CN600135198)**

**OWNER OPERATOR** Since 09/07/2009 [View Compliance History](#)

Mailing  
Address: 600 CONGRESS AVE STE 2100 AUSTIN, TX 78701-2986

### Related Information:

- [Commissioners' Actions](#)
- [Complaints](#)
- [Discharges](#)
- [Investigations](#)
- [Permit Information](#)

There is no information related to this Permit in the following categories:

- [Correspondence Tracking](#)
- [Effective Enforcement Orders](#)
- [Criminal Convictions](#)
- [Proposed Enforcement Orders](#)
- [Emergency Response Events](#)
- [Emission Events](#)
- [Fish Kills](#)
- [Other Incidents](#)
- [Periodic Reports](#)

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[Statewide Links](#): [Texas.gov](#) | [Texas Homeland Security](#) | [TRAIL Statewide Archive](#) | [Texas Veterans Portal](#)

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# ATTACHMENT "C"

## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



### TRANSFER OF

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

PERMIT NO. WQ0011514001

FROM: River Place Municipal Utility District

TO: River Place Municipal Utility District and City of Austin

Ownership of the facilities covered by the above-referenced permit issued February 4, 2010, has changed. That part of the signature page pertaining to the name and mailing address of the permit holder is hereby changed so that the same shall hereinafter be and read as follows:

"River Place Municipal Utility District and City of Austin  
600 Congress Avenue, Suite 2100  
Austin, Texas 78701"

The transferee is financially responsible for the proper maintenance and operation of the facility so as to comply with the terms and conditions of the permit. The failure to operate the facility in accordance with the terms and conditions of the permit may be good cause for revocation of the permit.

This transfer is in accordance with 30 Texas Administrative Code Section 305.64.

This order is part of the permit and should be attached there to.

Issued Date: September 1, 2011

A handwritten signature in black ink, appearing to read "Mark Wiley", written over a horizontal line.

For The Commission



# ATTACHMENT "D"

District details for RIVER PLACE MUD

4/13/15, 2:42 PM

Questions or Comments >>



District Name: RIVER PLACE MUD (7289500)

Affiliations

Documents

## Responsible Party

Organization: **RIVER PLACE MUD**  
Address: **10123 TREASURE ISLAND DR**  
**AUSTIN , TX 78730-3559**  
Individual: **JAMES F CASEY**

## Customers

Reference Number  
CN600640098

Name  
RIVER PLACE MUD

Role  
RESPONSIBLE PARTY

## Official Address / Phone

Address: **600 CONGRESS AVE STE 2100**  
**MCGINNIS LOCHRIDGE & KILGORE LLP**  
**AUSTIN , TEXAS 78701-2986**  
Telephone: **(512) 495-6008**

## Properties

CR Regulated Entity Number: **RN101194264**  
CCEDS Status: **NO ACTIVE NOE EXISTS**  
District Type: **MUNICIPAL UTILITY DISTRICT**  
Creation Type: **TCEQ**  
Primary County: **TRAVIS**  
Financial Status: **AUDIT FILED**  
Acre Size: **1062.414**  
Directors: **5**  
Closure: **Y**

## Functions

### Function

DRAINAGE  
EMINENT DOMAIN  
FLOOD CONTROL  
HYDROELECTRIC  
IRRIGATION  
NAVIGATION  
RECREATION AND PARKS  
ROAD POWERS  
RETAIL WASTEWATER  
STREET LIGHTING  
SUPPLY TREATED OR RETAIL WATER  
SUPPLY RAW (UNTREATED) OR WHOLESALE WATER  
SOLID WASTE GARBAGE  
TAX BOND AUTHORITY  
Occurrences retrieved

### Entry Date

07/24/2001  
07/24/2001  
07/24/2001  
07/24/2001  
11/02/2000  
07/24/2001  
11/02/2000  
07/24/2001  
11/02/2000  
07/24/2001  
11/02/2000  
07/11/2001  
11/02/2000  
07/24/2001

## Associated Public Water Systems

**PWS Name**  
**CITY OF AUSTIN RIVER PLACE WATER SYSTEM**  
Water System occurrences retrieved

**PWSID**  
2270252

**Status**  
ACTIVE

**CCN**  
P1153

**Utility Name**  
**RIVER PLACE MUD**

# ATTACHMENT "D"

District details for RIVER PLACE MUD

4/13/15, 2:42 PM

## Utility Name

RIVER PLACE MUD

Utility occurrences retrieved

## Associated Utility Systems

### Status

ACTIVE

### CCN

P1153

## Code

227

Occurrences retrieved

## County Name

TRAVIS

## Counties

## Primary

Y

## Activity

Creation Date: **05/22/1985**

Activity Status: **ACTIVE**

Last Registration Date: **09/02/2014**

Boundary Change Date: **09/18/2006**

Confirmation Date: **08/10/1985**

[Run District Information Report](#)

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District successfully retrieved

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