

Control Number: 44066



Item Number: 17

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

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ENVIRONMENTAL QUALITY

**APPLICATION TO OBTAIN OR AMEND A WATER OR SEWER
CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN)**



APPLICATION TO OBTAIN OR AMEND A WATER/SEWER
CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN)

*RN #103013991

*CN #602744997

* If known (See instructions)

PURPOSE OF THIS APPLICATION

OBTAIN ☐ New Water CCN ☒ New Sewer CCN
AMEND ☐ Water CCN # ☐ Sewer CCN #

1. APPLICANT INFORMATION

Utility Name: Harvest Hills Treatment, Ltd.
Utility Address (city/state/zip) 8400 Blanco Road, Suite 204
San Antonio, Texas 78216
Utility Phone and Fax Number (210) 696-2522 Phone (210) 696-2034 Fax

Contact Person: Please provide information about the person to be contacted regarding this application. Indicate if this person is the owner, operator, engineer, attorney, accountant, or other title related to the applicant.

Name: Victoria Richards Harkins, Ph.D., P.E. Title: Consultant
Address: 3806 South 2nd Street, Suite B300 Telephone (512) 326-5659
City Austin St Texas Zip 78704 Fax (512) 326-5723
County(ies) in which service is proposed Guadalupe

A. Provide the following information about the utility's certified operators

Name	Classes	License Number
Jack G. Uptmore	D	WW0034537
Richard V. Downing	D	WW0036210

- Attach additional sheet(s) if necessary -

B. Check the appropriate box and provide information regarding the legal status of the applicant:

<input checked="" type="checkbox"/>	Investor owned utility
<input type="checkbox"/>	Individual
<input type="checkbox"/>	Home or Property Owners Association
<input checked="" type="checkbox"/>	For-profit corporation
<input type="checkbox"/>	Non-profit, member-owned, member-controlled cooperative corporation (Water Code Chapter 67, Water Supply or Sewer Service Corporation)
<input type="checkbox"/>	Municipality
<input type="checkbox"/>	District
<input type="checkbox"/>	Other
	Please explain:

- C. If the applicant is a For-Profit Corporation:
- Please provide a copy of the corporation's ACertification of Account Status@ from the Texas State Comptroller of Public Accounts. (See Note below). **Please see Exhibit 1.**
 - Please provide the corporation's charter number as recorded with the Office of the Texas Secretary of State. 800305176.
- D. If the applicant is a Water Code Chapter 67 water supply or sewer service corporation or other non-profit corporation:
- Please provide a copy of the Articles of Incorporation and By-Laws.
 - Please provide the corporation's charter number as recorded with the Office of the Texas Secretary of State.

2. LOCATION INFORMATION

- A. Are there people already living in the proposed area?
 YES X NO _____
 If YES, are any currently receiving utility service?
 YES X NO _____, if YES, from Whom Harvest Hills Treatment, Ltd.
- B. Have you received any requests for service in the requested service area?
 YES X NO _____
 If yes, please indicate the number of verbal and number of written requests and provide a clear explanation of the need for service in the requested area.
 WRITTEN 35 VERBAL _____
 On a separate page, list the name, address, and phone number of persons requesting service. Include any letters of intent, service inquiries, and/or any other documentation demonstrating a need for service in the proposed area. Requests for service must be identified on the large scale map. See 2.E.i.a below. **Please see Exhibit 2.**
 If no, please justify the need for service in the proposed area.
- C. Is any portion of the proposed service area inside an incorporated city?
 YES _____ NO X _____
 If YES, within the city limits of: _____
 Provide a copy of any franchise, permit, or consent granted by the city. If not available, please explain: _____
- D. Is any portion of the proposed service area inside another utility's CCN area?
 YES X NO _____
 If YES, has the current CCN holder agreed to decertify the proposed area.
 YES _____ NO X _____
 If NO, are you seeking dual or single certification of the area? Explain why decertification of the area is in the public interest. **Please see Exhibit 3.**
- E. Attach the following maps with each copy of the application: *(All maps should include applicant's name, address, telephone number, and date of drawing or revision. All maps should be folded to 8 1/2 x 11 inches).*
- Subdivision plat or engineering plans or other large scale map showing the following:
 - The exact proposed service area boundary showing locations of requests for service and locations of existing connections (if applicable).

v NOTE: *Applicant may send their facility line map showing current connections (if available), OR estimate the number of connections along each side of the street on the large scale map.*

- B. The existing service area (if applicable).
- C. Metes and bounds (if available).
- D. Proposed and existing service area boundaries should be plotted on the map in relation to verifiable natural and man-made landmarks such as roads, creeks, rivers, railroads, etc.
- E. Service area boundaries should be shown with such exactness that they can be located on the ground.

v NOTE: *Applicant may use a USGS 7.5"-minute series map if no other large scale map is available.*

- ii. Small scale location map delineating the proposed service area. The proposed service area boundary should be delineated on a copy of the TCEQ official CCN map. This map will assist TCEQ staff in locating the proposed service area in relation to neighboring utility service areas. *A copy of the TCEQ official CCN map may be obtained by contacting the Utilities & Districts Section at 512/239-4691 or by mailing a written request to the following address:*

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

v NOTE: If the proposed service areas shown on the large scale map and small scale map do not delineate the same area, the more detailed large scale map will be used to delineate the official CCN service area.

- iii. **Hard copy maps should include the following items:**

- A. Map scale should be prominently displayed.
- B. Color coding should be used to differentiate the applicants existing service areas from the proposed service area.
- C. Attach a written description of the proposed service area.
- D. Proposed service area should be the same on all maps.
- E. Include map information in digital format (if available), see Section 3, GIS Information.

- iv. Each utility shall make available to the public at each of its business offices and designated sales offices within Texas the map of the proposed service area currently on file with the Commission. The applicant employees shall lend assistance to persons requesting to see a map of the proposed area upon request.

3. GIS INFORMATION

We are currently developing a state wide Geographic Information Systems (GIS) coverage of all CCN service areas. The mylar maps are being retired. In order to assist us in this move, we are requesting that a digital file of the proposed CCN service area boundary be submitted with the 3 hard copy maps. **This is not a requirement.** It is understood that not all utilities employ the services of an engineering company or use mapping software to produce a map of the proposed CCN service area boundary. However, by submitting the information digitally, the evaluation of your CCN will be faster and more accurate. Also, by receiving the information in digital form it is easier for us to update and maintain the CCN GIS coverage.

- A. **Digital Map Requirements** In order that your digital data can be properly used, the following information is necessary:

- i. Submit digital data of the proposed CCN service area on a 3.25" diskette or CD. Only one diskette or CD is necessary. Most files of CCNs (minus the base map) should be small enough to zip up and put on a diskette or CD.
- ii. The digital data should include all items represented in the hard copy maps (see Section 2, items E.i and E.ii).
- iii. Please identify data file format, projection information, map units and base map used.

Acceptable Data File Formats:

ArcView shape file (preferred)

1. AutoCAD dwg file
2. Arc/Info E00 file
3. DXF file
4. Microstation dgn files

v NOTE: If you use a format that is not listed, contact the Cartographer at the number listed below to see if we can use the data.

- A. **Projection, Datum, and Units Information** The data should be submitted in the Texas State Mapping System (TSMS) Projection. However, if it cannot be submitted in TSMS, list the Projection (e.g. State Plane Central Zone, NAD27) or coordinate system being used and Units (e.g. meters, feet, etc.).

- B. **Base Map Information**

List the base map used (e.g. TxDOT county digital road maps, USGS maps, etc.) Base map information should be included only if it has been produced in-house and is not easily available at most data repositories.

v NOTE: TCEQ uses TxDOT county (urban) digital road maps as the official CCN base map. Copies of these files can be obtained from Texas Natural Resources Information Systems (TNRIS) at (512) 463-8337 or downloaded from the TNRIS website at <http://www.tnris.state.tx.us/DigitalData/TxDOT/txdot.htm>.

- C. **Read-me text file**

Data file format, base map used, projection and units information, and other necessary information can be specified in a read-me text file.

- B. **Important Information** For those applicants that submit digital data:

- i. Please make sure the proposed service area boundary shown on the hard copy map is identical to the digital data. If the proposed service area shown on the digital data does not delineate the same area shown on the hard copy map, the hard copy map will be used to delineate the official CCN service area.
- ii. Modifications may be made to submitted digital data in order to match the proposed service area boundary to features represented on the TxDOT base map, as opposed to the same features used in the applicants base map.
- iii. If an applicant proposes to amend a portion of their existing CCN service area, the existing service area shown on the digital data must match the official CCN service area that was previously certificated to the utility. If it does not, then only the proposed portion of the digital data will be used.

If you have any questions about sending the data or our GIS CCN coverage, please contact the Cartographer of the Utilities & Districts Section, Water Supply Division at (512) 239-4691.

4. NEW SYSTEM INFORMATION OR UTILITIES REQUESTING A CCN FOR THE FIRST TIME

- A. Please provide the following information:

- i. A list of all public drinking water supply systems or sewer systems within a 2 mile radius of the proposed system. See **Exhibit 4**.
- ii. Copies of written requests seeking to obtain service from each of the public drinking water supply systems or sewer systems listed in #4.a.i above or documentation that it is not economically feasible to obtain service from them.

iii. Copies of written responses from each system or evidence that they did not reply.

- ## 5. EXISTING SYSTEM INFORMATION

- i. Water system's TCEQ Public Water System identification number: _____

- ii. Sewer system's CEQ Discharge Permit number: (for each system)
- | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| W | Q | 1 | 4 | 0 | 3 | 7 | - | 0 | 0 | 1 |
|---|---|---|---|---|---|---|---|---|---|---|
- ;
- | | | | | | | | | | | |
|---|---|--|--|--|--|--|--|---|--|--|
| W | Q | | | | | | | - | | |
|---|---|--|--|--|--|--|--|---|--|--|

- Yes NO ☒
 Attach an explanation listing the actions to be taken to make system improvements including proposed completion dates (See 291.93(3)(A) of TCEQ Rules).

- C. List in the table below, the number of existing and/or proposed metered and non-metered connections (by size). The proposed number should reflect the information presented in the business plan and reflect the number of service requests identified in Question 2.b above.

Water System			Sewer System		
Connection	Existing	Proposed	Connection	Existing	Proposed
5/8" or 3/4" meter			Residential	35	200
1" meter or larger			Commercial		
Non-Metered			Industrial		
Other:			Other:		
Total Water			Total Sewer	35	200

- D. If this application is for a water CCN only, please explain how sewer service is provided:
N/A

- E. If this application is for a sewer CCN only, please explain how water service is provided:
Water Service provided by Green Valley SUD

- F. What is the effect of the granting or amending a certificate on a recipient of the certificate and on any retail public utility of the same kind already serving the proximate area:
GVSUD does not provide wastewater service. There will be no effect on any other utility of the same kind serving in the proximate area.

- G. Do you currently purchase or plan to purchase water or sewer treatment capacity from another source?

i. No X (skip the rest of this question and go to #6)

ii. Water

Yes _____

Purchased on a () regular - () seasonal - () emergency basis?

Source	% of total supply

- iii. Sewer treatment capacity

Yes _____

Purchased on a () regular - () seasonal - () emergency basis

Source	% of total treatment

- iv. Provide a **certified** copy of the most current water or sewer treatment capacity purchase agreement or contract.

6. **FINANCIAL INFORMATION**

- A. For new systems and for applicants with existing CCNs who are constructing a new stand alone system: N/A
- i. the applicant must provide an analysis of all necessary costs for constructing, operating, and maintaining the system for which the CCN is requested for at least the first five years. In addition, if service has been offered by an existing water service provider as stated in #4.A., but the applicant has determined that the cost of service as finally offered renders the project not economically feasible, the applicant must provide a comparison analysis of all necessary costs for acquiring and continuing to receive service from the existing system for the same period.
 - ii. Attach projected profit and loss statements, cash flow worksheets, and balance sheets (projected five year financial plan worksheet is attached) for each of the first five years of operation. Income from rates should correlate to the growth projections in #6.A above.
 - iii. Attach a proposed rate schedule or tariff. Describe the procedure for determining the rates and fees and indicate date of last change, if applicable. Attach copies of any cost of service studies or rate analysis worksheets.
- B. For existing systems:
- i. Attach a profit and loss statement and current balance sheet for existing businesses (end of last fiscal year is acceptable). Describe sources and terms for borrowed capital such as loans, bonds, or notes (profit and loss and balance sheet worksheets are attached, if needed). **Please see Exhibit 7.**
 - ii. Attach a proposed rate schedule or tariff. **Please see Exhibit 8.**
- v NOTE: An existing system may be required to provide the information in 6.A.i. above during the technical review phase if necessary for staff to completely evaluate the application.
- C. Identify any funds you are required to accumulate and restrict by lenders or capital providers.
- D. In lieu of the information in #6.A. thru #6.C., you may provide information concerning loan approvals within the last three (3) years from lending institutions or agencies including the most recent financial audit of the applicant. **Please see Exhibit 9.**

7. **NOTICE REQUIREMENTS**

- A. All proposed notice forms must be completed and submitted with the application. However, do not mail or publish them until you receive written approval from the Commission to do so.
- B. The Commission cannot grant a CCN until proper notice of the application has been given. Commission rules do not allow a waiver of these notice requirements.
- C. It is the applicant=s responsibility to ensure that proper notice is given to all entities that are required to receive notice.
- D. Recommended notice forms for publication, neighboring cities and systems, and customers are included with this application to use in preparing your proposed notices. (These notice forms are also available in Spanish upon request.)
- E. After reviewing and, if necessary, modifying the proposed notice, the Commission will send the notice to the applicant after the application is accepted for filing along with instructions for publication and/or mailing. Please review the notice carefully and note any additional neighboring utilities which may be included in the acceptance letter.
- F. Notice For Publication:
The applicant shall publish the notice in a newspaper having general circulation in the county or counties where a certificate of convenience and necessity is being requested, once each week for two consecutive weeks beginning with the week after the notice is received from the Commission. Proof

of publication in the form of a publisher=s affidavit shall be submitted to the Commission within 30 days of the last publication date. The affidavit shall state with specificity each county in which the newspaper is of general circulation.

G. Notice To Neighboring Utilities:

- i. List all neighboring retail public utilities and cities providing the same utility service within the following vicinities of the applicant's proposed certificate area; and
- ii any city whose extra-territorial jurisdiction (ETJ) overlaps the proposed service area.
- iii. For applications for the issuance of a **NEW** certificate of public convenience and necessity, the applicant must mail the notice with a copy of the location map (CCN map) to all cities and neighboring retail public utilities providing the same utility service within **five (5) miles** of the requested service area, and any city with an ETJ which overlaps the proposed service area.
- iv. For applications for the **AMENDMENT** of certificate of public convenience and necessity, the applicant must mail the notice with a copy of the location map (CCN map) to all cities and neighboring retail public utilities providing the same utility service within **two (2) miles** of the requested service area, and any city with an extra-territorial jurisdiction which overlaps the proposed service area.

H. Notice to Customers

Investor Owned Utilities (IOUs) that are currently providing service without a certificate must provide individual mailed notice to all current customers. The notice must contain the current rates, the date those rates were instituted, and any other information required in the application.

I. The Commission may require the applicant to deliver notice to other affected persons or agencies.

Do not publish or send copies of the proposed notices to anyone at the time you submit the application to the Commission. Wait until you receive written authorization to do so. This will occur after the Commission has reviewed the notices for completeness, and your application has been accepted for filing.


OATH

State of Texas

I, JACK UPTMORE, being duly sworn, file this application as manager (indicate relationship to Applicant, that is, owner, member of partnership, title as officer of corporation, or other authorized representative of Applicant); that, in such capacity, I am qualified and authorized to file and verify such application; am personally familiar with the maps filed with this application; and have complied with all the requirements contained in this application; and, that all such statements made and matters set forth therein are true and correct. I further state that the application is made in good faith and that this application does not duplicate any filing presently before the Texas Commission on Environmental Quality.

I further represent that the application form has not been changed, altered or amended from its original form available only from the Commission.

I further represent that the Applicant will provide continuous and adequate service to all customers and qualified applicants for service within its certificated service area.


AFFIANT
(Applicant's Authorized Representative)

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

SUBSCRIBED AND SWORN TO BEFORE ME, a Notary Public in and for the State of Texas, this 2nd day of March, 2009.

SEAL




NOTARY PUBLIC

Notice for Publication

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

Harvest Hills Treatment, Ltd. has filed an application for a CCN and to decertify a portion(s) of Green Valley Special Utility District with the Texas Commission on Environmental Quality to provide sewer utility service in Guadalupe County.

The proposed utility service area is located approximately 1.8 miles northeast of downtown Santa Clara, Texas, and is generally bounded on the north by Well Road; on the east by Marion Rd; on the south by Youngford Rd.; and on the west by Wetz Rd.

The total area being requested includes approximately 311 acres and 35 current customers.

A copy of the proposed service area map is available at 8300 Blanco Road, Suite 204, San Antonio, Texas 782116 (210) 696-2522.

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

Persons who wish to intervene or comment should write the:

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

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

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

If you are a landowner with a tract of land at least 25 acres or more, that is partially or wholly located within the proposed area, you may request to exclude the tract from the proposed area (or Aopt out@) by providing written notice to the Commission within (30) days from the date that notice was provided by the applicant. All requests to opt out of the requested service area must include a scaled, general location map and a metes and bounds description of the tract of land.

Persons who meet the requirements to opt out, and wish to request this option should file the required documents with the:

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

A copy of the request to opt out of the proposed area must also be sent to the applicant. Staff may request additional information regarding your request.

Si desea informacion en Espanol, puede llamar al 18512-239-0200.

Notice to Neighboring Systems, Landowners and Cities

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

To: _____ Date Notice Mailed: _____, 200__
(Neighboring System, Landowner or City)

(Address)

(City State Zip)

Harvest Hills Treatment, Ltd. has filed an application for a CCN and to decertify a portion(s) of Green Valley Special Utility District with the Texas Commission on Environmental Quality to provide sewer utility service in Guadalupe County.

The proposed utility service area is located approximately 1.8 miles northeast of downtown Santa Clara, Texas, and is generally bounded on the north by Well Road; on the east by Marion Rd; on the south by Youngford Rd.; and on the west by Wetz Rd.

The total area being requested includes approximately 311 acres and 35 current customers.

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

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

If you are a landowner with a tract of land at least 25 acres or more, that is partially or wholly located within the proposed area, you may request to exclude the tract from the proposed area (or Aopt out@) by providing written notice to the Commission within (30) days from the date that notice was provided by the applicant. All requests to opt out of the requested service area must include a scaled, general location map and a metes and bounds description of the tract of land.

Persons who meet the requirements to opt out, and wish to request this option should file the required documents with the:

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A copy of the request to opt out of the proposed area must also be sent to the applicant. Staff may request additional information regarding your request.

Si desea informacion en Espanol, puede llamar al 1B512-239-0200.

Notice to Customers of IOUs in Proposed Area

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

Dear Customer:

Date Notice Mailed _____, 200__

Harvest Hills Treatment, Ltd. has filed an application for a CCN and to decertify a portion(s) of Green Valley Special Utility District with the Texas Commission on Environmental Quality to provide sewer utility service in Guadalupe County.

The proposed utility service area is located approximately 1.8 miles northeast of downtown Santa Clara, Texas, and is generally bounded on the north by Well Road; on the east by Marion Rd; on the south by Youngford Rd.; and on the west by Wetz Rd.

The total area being requested includes approximately 311 acres and 35 current customers.

A copy of the proposed service area map is available at 8300 Blanco Road, Suite 204, San Antonio, Texas 782116 (210) 696-2522.

There are no current rates.

\$ Monthly Flat Rate of \$ ____ per connection

Miscellaneous Fees

-Regulatory Assessment	1%
-Tap Fee (Average Actual Cost)	\$
-Reconnection fee:	
-Non Payment (\$25.00 max)	\$ _
-Transfer	\$ _
-Customer's request	\$ _
-Late fee	\$
-Returned Check charge	\$ _
-Customer Deposit (\$50.00 max)	\$ _
-Meter test fee (Actual Cost not exceed \$25.00)	\$ _
-Other Fees	\$ _

Your utility service rates and fees cannot be changed by this application. If you are currently paying rates, those rates must remain in effect unchanged. Rates may only be increased if the utility files and gives notice of a separate rate change application.

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

Persons who wish to intervene or comment should write the:

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

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

IF A HEARING IS HELD, it is important that you or your representative attend to present your concerns. Your request serves only to cause a hearing to be held and is not used during the hearing.

If you are a landowner with a tract of land at least 25 acres or more, and is partially or wholly located within the proposed area, you may request to exclude the tract from the proposed area (or Aopt out@) by providing written notice to the Commission within (30) days from the date that notice was provided by the applicant. All requests to opt out of the requested service area must include a scaled, general location map and a metes and bounds description of the tract of land.

Persons who meet the requirements to opt out, and wish to request this option should file the required documents with the:

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A copy of the request to opt out of the proposed area must also be sent to the applicant. Staff may request additional information regarding your request.

Si desea informacion en Espanol, puede llamar al 1B512-239-0200.

ADDENDUM
FOR APPLICATION TO OBTAIN OR AMEND A
CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN)**

****NOTE: THIS FORM MUST BE COMPLETED AND SUBMITTED WITH ALL APPLICATIONS TO OBTAIN OR AMEND A CCN.**

House Bill 2876 was enacted during the 79th Regular Session of the 2005 Texas Legislature. The enactment of this Bill changed the criteria in Chapter 13 of the *Texas Water Code* to consider when granting or amending CCN certificates. On December 14, 2005, the Texas Commission on Environmental Quality also adopted changes to Chapter 30, *Texas Administrative Code*, Subsection 291, to require additional criteria be considered when granting or amending CCN certificates. The outline below is designed to help us capture the information required to meet the new criteria in accordance with the new statutes and rules. The Commission also reserves the right to request additional information if necessary.

- I. Demonstrate the Need for Service by providing the following:
- A. Describe the service area and circumstances driving the need for service in the requested area. Indicate the name(s) and address(es) of landowner(s), prospective landowner(s), tenant(s) or resident(s) that have requested service; and/or Current subdivision. **Please See Exhibit 2 for list of current customers.**
 - B. Describe the economic need(s) for service in the requested area (i.e. plat approvals, recent annexation(s) or annexation request(s), building permits, septic tank permits, hospitals, etc.); and/or **Current platted subdivision.**
 - C. Discuss in detail the environmental need(s) for service in the requested area (i.e. failing septic tanks in the requested area, failing wells, etc.); and/or **Residential lots are too small for on-site septic, Harvest Hills Treatment, Ltd. provides central wastewater service.**
 - D. Provide copies of any written applications or requests for service in the requested area; and/or **Please see Exhibit 2.**
 - E. Provide copies of any reports and/or market studies demonstrating existing or anticipated growth in the requested area.
- II. Effect of Granting of a Certificate of Amendment:
- A. Explain in detail the effect of the granting of a certificate or an amendment, including, but not limited to regionalization, compliance and economic effects on

the following:

1. the applicant; **The applicant will now be able to provide wastewater service and charge for such service.**
2. any retail public utility of the same kind already serving the proximate area; and **There are no other utilities providing wastewater service in the proximate area.**
3. any landowner(s) in the requested area.
The landowner's effect will be to secure reliable and approved centralized water service.

III. Ability to Provide Adequate Service:

- A. Describe the ability of the applicant to provide adequate service, including meeting the standards of the commission, taking the both of the following items into consideration:

Harvest Hills Treatment, Ltd. has two licensed wastewater operators. The facility has been inspected and there are no pending violations or enforcement actions.

1. the current and projected density; and
300 homes
2. the land use of the requested area.
The land use is residential.

IV. Effect on the Land

- A. Explain the effect on the land to be included in the certificated area.
There will not be any effect on the land as the WWTP has already been built and is currently in service.

V. Map Requirements - Please disregard the map information listed in the CCN application form and attach the following hard copy maps with each copy of the application:

- A. A small scale, general location map delineating the proposed service area(s) with enough detail to locate the area(s) within the county(ies); and
Please see Exhibit A.
- B. A map showing only the proposed area(s) by:
 1. metes and bounds survey; or
 2. projectable digital data with metadata; or
Please see attached CD of digital data.
 3. following verifiable natural and man-made landmarks; or

4. plat map with metes and bounds; and
- C. A written description of the proposed service area(s); and
Written description stated in proposed notice.
- D. Provide separate and additional maps of the proposed area(s) to show the following:
 1. all facilities, illustrating separately facilities for production, transmission, and distribution of the applicant's service(s); and
Please see Exhibit B.
 2. any facilities, customers or area currently being served outside the applicant's certificated area(s); and
Applicant does not currently have a CCN.
 3. cities must also provide a separate map showing corporate and extraterritorial jurisdictional (ETJ) boundaries.

NOTE: All maps must have an accurate scale and proposed area(s) should be clearly labeled. Include digital data for all maps created in digital formats.

VI. Additional Notice Requirement to Landowner(s) - In addition to the notice(s) required in the application form, please also submit the following:

- A. A copy of the county(ies) tax appraisal roles of the applicable appraisal district(s) to include all landowner(s) of a tract of land that is at least 25 acres and is wholly or partially included in the proposed area(s). **None.**
- B. A copy of the proposed notice to landowner(s) including the required attached map. **N/A.**

NOTE: Notice to landowner(s) must be mailed by first class mail and should not be mailed until the application is accepted for filing by the Commission.



LEGEND

 HARVEST HILLS
PROPOSED SEWER CCN

Espey Consultants, Inc.

Environmental & Engineering Services

EXHIBIT A
SEWER CCN APPLICATION
HARVEST HILL SUBDIVISION, MARION TEXAS
PROPOSED SEWER CCN

MARCH 2009

8039




WASTE WATER
TREATMENT PLANT

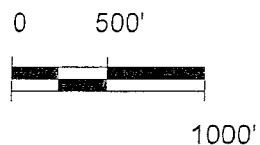
STORAGE POND

WASTEWATER
IRRIGATION SITE

LIFT STATION

LEGEND

-  HARVEST HILLS
-  PROPOSED SEWER CCN
-  PROPOSED SEWER LINE OR TREATMENT FACILITY



Espey Consultants, Inc.

Environmental & Engineering Services

EXHIBIT B
SEWER CCN APPLICATION
HARVEST HILL SUBDIVISION, MARION TEXAS
PROPOSED WW FACILITIES

MARCH 2009

8039