

List of Zip Codes - Notice of Hearing

12018	33675	56479	71119	75035	75149	75404	75712	76035	76117	76301	76707
12020	33707	57004	71753	75039	75150	75409	75713	76036	76118	76306	76708
14086	33756	57186	71913	75040	75156	75417	75751	76039	76119	76309	76710
14850	33837	59218	71972	75041	75160	75432	75752	76040	76120	76354	76711
17015	33952	60045	72076	75042	75161	75436	75754	76043	76121	76360	76712
17603	33955	60134	72222	75043	75165	75451	75756	76044	76123	76374	76714
18067	34205	60175	72745	75044	75169	75454	75757	76048	76126	76380	76715
18411	35054	60410	72802	75048	75180	75455	75758	76049	76131	76385	76721
18853	35570	60515	72903	75050	75182	75456	75762	76050	76132	76401	76801
19085	35603	60560	73010	75051	75189	75457	75763	76051	76133	76424	76821
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20657	37763	63383	73089	75060	75205	75503	75773	76058	76137	76439	76906
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20832	39553	64504	73101	75062	75208	75602	75782	76061	76147	76449	77004
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22203	44615	65737	73717	75074	75219	75639	75802	76077	76179	76503	77020
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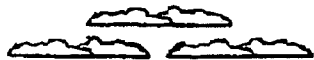
List of Zip Codes - Notice of Hearing

77084	77441	77704	78119	78258	78572	78683	78767	79735	88426	97741
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77426	77656	78114	78255	78552	78680	78761	79714	88101	97503	
77429	77662	78118	78256	78559	78681	78764	79734	88102	97525	

K.O.

C
A
G

COMMUNITY ACTION GROUP INC.
P.O. Box 124, Kerrville, TX 78029-0124



C A G Inc. Helping Conserve Hill Country Living
July 12, 2012

Kerrie J. Qualtrough
Administrative Law Judge
PO Box 13025
Austin, Texas 78711-3025

*Original letters
sent express
mail to Eric Neer
delivered to PO*

CC:

CC:

Box 13025

Cathleen Parsley
Chief Administrative Law Judge
State Office of Administrative Hearings
PO Box 13025
Austin, Texas 78711

Bridget C. Bohac
TCEQ Chief Clerk
PO Box 13087
Austin, Texas 78711-3087

Re: Docket #582-12-6658
AQUA Texas

Dear Judge Qualtrough:

This letter is in reference to the upcoming administrative hearing scheduled for July 16th referenced above, AQUA Texas. This same issue was addressed by State Representative Harvey Hilderbran in a letter to Chief Judge Parsley dated July 5. Mr. Hilderbran furnished a copy to us of her response, which included reference to a possible additional administrative hearing. These two letters are attachments in case you do not already have them.

This letter constitutes our formal request for a subsequent preliminary hearing to be conducted for approximately 3,500 AQUA Texas customers located in Kerr County. If the meeting is allowed and if it is logistically possible for you, we request that the meeting be conducted in Kerr County rather than Austin in order to reduce the necessity for long and expensive travel for impacted AQUA customers. The Kerrville South Community Action Group (CAG) represents about 1,250 of Kerr customers located in the Loma Vista or Kerrville South Water System. We are working in coordination with Kerr County Commissioners and are in contact with other individuals and associations located throughout the county.

A volunteer Civic organization working for the betterment of the Kerrville South Area

The reason for our request is that we were earlier informally advised by staff at TCEQ that the evidentiary hearing would likely take place in the late fall. Our first awareness of the preliminary hearing was dated June 11, 2012, and signed by Bridget C. Bohac, Chief Clerk for TCEQ, but the letter was not received by AQUA customers in our county (mailed by AQUA Texas) until July 5 and 6. The notice was apparently held until the last minute to notify ratepayer customers. We can only speculate as to why.

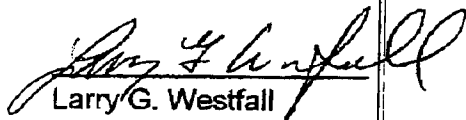
We were informed last evening that several impacted water customers within Kerrville South did not receive the hearing notice at all and learned of the hearing for the first time at a public meeting, which Kerr County Commissioner Jonathan Letz conducted, relative to the water dispute. Approximately 250 citizens attended last night's public meeting and expressed considerable frustration and anger at the large rate increase and the lack of more information about it. Several citizens indicated that not only had they not received the notice of hearing, but they also failed to receive the AQUA Texas notice (37 page book) notifying customers of the rate increase from last December.

A few of us from the CAG and a few others from Kerr County plan to be present for the preliminary hearing on July 16. However, we have not secured engineering or legal representation at this point and because of the short notice and burden of preparing for last night's meeting we will be relatively unprepared. Beyond ourselves, we are concerned for many individual citizens who might have chosen to attend, but who were unable to make plans with such short notice.

For the above reasons, we request that a second preliminary hearing be schedule and will be very grateful for your considering our request. We are aware that this will place an additional burden on the process, but believe that it will support maximizing citizen opportunity to understand the process and potentially become parties to the case.

One last thought -- If it is not necessary for Kerr citizens to attend the Austin meeting please advise by phone or email at your earliest convenience. We will get the word out.

On behalf of the CAG Board of Directors,



Larry G. Westfall

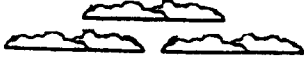
(Phone: 830-792-5506, Email: Lgwestfall@aol.com)

Volunteer Officer and Board Member
Kerrville South Community Action Group
PO Box 124
Kerrville, Texas 78029

C
A
G

COMMUNITY ACTION GROUP INC.

P.O. Box 124, Kerrville, TX 78029-0124



C A G Inc. Helping Conserve Hill Country Living
July 12, 2012

Kerrie J. Qualtrough ✓
Administrative Law Judge
PO Box 13025
Austin, Texas 78711-3025

CC:

Cathleen Parsley
Chief Administrative Law Judge
State Office of Administrative Hearings
PO Box 13025
Austin, Texas 78711

CC;

Bridget C. Bohac
TCEQ Chief Clerk
PO Box 13087
Austin, Texas 78711-3087

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For the above reasons, we request that a second preliminary hearing be schedule and will be very grateful for your considering our request. We are aware that this will place an additional burden on the process, but believe that it will support maximizing citizen opportunity to understand the process and potentially become parties to the case.

One last thought -- If it is not necessary for Kerr citizens to attend the Austin meeting please advise by phone or email at your earliest convenience. We will get the word out.

On behalf of the CAG Board of Directors,



Larry G. Westfall

(Phone: 830-792-5506, Email: Lgwestfall@aol.com)

Volunteer Officer and Board Member
Kerrville South Community Action Group
PO Box 124
Kerrville, Texas 78029

State Office of Administrative Hearings



Cathleen Parsley
Chief Administrative Law Judge

July 6, 2012

The Honorable Harvey Hilderbran
Texas House of Representatives
P.O. Box 2910
Austin, Texas 78768-2910

Re: *Application of Aqua Texas*, SOAH Docket 582-12-6658

Dear Representative Hilderbran:

Thank you for your letter of July 5, 2012, in which you request a postponement of the preliminary hearing set for July 16, 2012, in *Aqua Texas*.

It is my understanding that sometimes the notices sent to customers in these cases can lead to an impression that the hearing being noticed is the hearing on the merits. May I clarify that the hearing on July 16 is not the hearing on the merits in the case but the preliminary hearing at which jurisdiction is established and the parties are designated? Your constituents would not need to be ready to address their complaints at the preliminary hearing. All they would need to do is appear and request party status in order to participate in the case. (The usual practice and preferred course is for as many customers requesting party status to attend as possible. However, it is not uncommon for one or two people to attend a preliminary hearing and request party status for themselves and other named and identified customers, so it would not even be necessary for all of the customers to attend on July 16.) The Administrative Law Judge will set the procedural schedule at the preliminary hearing, which will set the hearing on the merits for a future date and which will provide all parties ample opportunity to prepare.

As I am sure you know, the *Aqua Texas* application covers 39 counties over a wide geographical swath and possibly many thousands of customers. It would be nearly impossible to postpone the preliminary hearing at this point, as notice has gone out to all customers, and we are aware that many are preparing to attend. It would be possible, however, to hold a second preliminary hearing at a subsequent date, if necessary. If your constituents believe a second preliminary hearing is necessary, I would respectfully ask that they file a request in the case with the presiding Administrative Law Judge and with the Chief Clerk at the Texas Commission on

Environmental Quality. The request should include the docket number of the case and specify the need for a second preliminary hearing. It does not have to be detailed, lengthy, or written by an attorney. It would simply need to request a second preliminary hearing and state the reason it is needed. One request signed by multiple people would also suffice. However, considering the limited scope of the preliminary hearing, your constituents may conclude that a second preliminary hearing will not be needed.

The Administrative Law Judge is Kerrie J. Qualtrough, and she may be reached at SOAH's mailing address:

P.O. Box 13025
Austin, Texas 78711-3025.

Requestors may prefer to file requests via our electronic case filing system, a link to which is on our website at www.soah.state.tx.us.

The Chief Clerk at TCEQ is Bridget C. Bohac, and her address is:

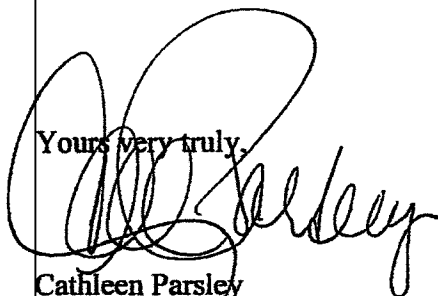
P.O. Box 13087
Austin, Texas 78711-3087.

SOAH strives to meet the needs of all who may wish to appear in a proceeding here while respecting and upholding the process that governs our hearings, and I hope that the possibility of a second preliminary hearing sometime after July 16 will be an avenue for participation for your constituents, if necessary. I assure you that our intent is to ensure that everyone who wants to participate in the case has an opportunity to do so.

Thank you for contacting me. The phone number at my desk is 475.1184, and my email is cathie.parsley@soah.state.tx.us. Please let me know at any time if I may be of assistance to you.

Best regards.

Yours very truly,



Cathleen Parsley
Chief Administrative Law Judge



Harvey Hilderbran

MEMBER

The Texas House of Representatives
State Representative • District 53

District Office:
125 Lehmann Drive
Kerrville, Texas 78028
830-257-2333

P.O. Box 2910
Austin, Texas 78768-2910
512-463-0536

July 5, 2012

Cathleen Parsley
Chief Administrative Law Judge
State Office of Administrative Hearings
PO Box 13025
Austin, Texas 78711

RE: Docket #582-12-6658
Aqua Texas

Dear Judge Parsley:

This letter is in reference to the upcoming administrative hearing scheduled for July 16th referenced above, Aqua Texas.

It has come to my attention that the Aqua Texas customers in my district have had insufficient notification of the scheduled administrative hearing on July 16th, and thus are not prepared to address the administrative law judge on their complaint against the petitioner. The customers in my district have to overcome many issues as it relates to Aqua Texas, and I ask that you not place another hardship on them by moving forward with the scheduled hearing.

This is not the first time that constituents in my district have had to protest their rate increase. We have been down this road before and every time it becomes more difficult on the customer. I urge you to take this issue seriously and to consider the Texas consumer.

Therefore, I am requesting that the administrative hearing be postponed to a later date so as to give the consumers ample time to prepare for said hearing.

If you should have any questions, please do not hesitate to contact me.

Regards,

A handwritten signature in black ink, appearing to read "Harvey Hilderbran", written over a circular stamp or seal.

Harvey Hilderbran
State Representative

** INBOUND NOTIFICATION : FAX RECEIVED SUCCESSFULLY **

TIME RECEIVED	REMOTE CSID	DURATION	PAGES	STATUS
July 13, 2012 1:54:57 PM CDT	5125289240	27	1	Received
07/13/2012 13:52 5125289240		FEDEX OFFICE #1919		PAGE 01/01

July 13, 2012

William P Clements Building
300 West 15th Street, 4th Floor
Austin, TX 78701

To Whom It May Concern,

I would like to request the presence of an ASL interpreter at the SOAH Docket No. 582-12-6658, TCEQ Docket No. 2012-1058-UCR.

I have financial hardships that will prevent me from being able to continue paying my water bills from Aqua Utilities, Inc. My bills from before Aqua Utilities were 16.00 to 17.00 a month with no real fluctuation. My bills since Aqua Utilities started were 52.00 a month, then they increased to 60.00 a month and my most recent bill was increased to 92.00 a month. I am trying to keep plants and a garden alive and I do not understand why my bill has increased so much.

I am afraid that if Aqua Utilities receives its bid to change its water rate/tariff effective for Williamson County earlier this year that I will have an increased water bill every month that I will not be able to afford.

I will bring a copy of my statements from before Aqua Utilities and the statements I have received since then. I will also bring a copy of my income to prove my hardship.

Sincerely Yours,



Donna Rumsey
1119 San Gabriel Ranch Road
Liberty Hill, TX 78642

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



THE STATE OF TEXAS
COUNTY OF TRAVIS

I hereby certify that this is a true and correct copy of a
Texas Commission on Environmental Quality document,
which is filed in the permanent records of the Commission.
Given under my hand and the seal of office on

Bridget C. Bohac JUN 26 2012

Bridget C. Bohac, Chief Clerk
Texas Commission on Environmental Quality

STATE OF TEXAS §
COUNTY OF TRAVIS §

I, Bridget C. Bohac, Chief Clerk of the Texas Commission on Environmental Quality, do hereby certify that the attached mailing list provides the persons to whom the notice of the public hearing for Aqua Utilities, Inc., Aqua Texas, Inc., Aqua Development, Inc., Kerrville South Water Company, Inc., and Harper Water Company, Inc. dba Aqua Texas (Aqua Texas) – North Region Water and Southwest Region water only, SOAH Docket No. 582-12-6658, TCEQ Docket No. 2012-1058-UCR, was mailed on June 11, 2012. Given under my hand and the seal of the Texas Commission on Environmental Quality, this the 11th day of June, 2012.

Bridget C. Bohac

Bridget C. Bohac, Chief Clerk
Texas Commission on Environmental Quality

SEAL

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



NOTICE OF HEARING

**AQUA UTILITIES, INC., AQUA TEXAS, INC., AQUA DEVELOPMENT, INC.,
KERRVILLE SOUTH WATER COMPANY, INC., AND HARPER WATER
COMPANY, INC. DBA AQUA TEXAS (AQUA TEXAS) – NORTH REGION
WATER AND SOUTHWEST REGION WATER ONLY**

SOAH Docket No. 582-12-6658

TCEQ Docket No. 2012-1058-UCR

APPLICATION.

Aqua Utilities, Inc., Aqua Texas, Inc., Aqua Development, Inc., Kerrville South Water Company, Inc., and Harper Water Company, Inc. dba Aqua Texas (Aqua Texas) – North Region Water and Southwest Region water only, 1106 Clayton Lane, Suite 400W, Austin, Texas 78723, has applied to the Texas Commission on Environmental Quality (TCEQ) to change its water rate/tariff effective February 22, 2012 for its service area located in Anderson, Bosque, Camp, Cherokee, Cooke, Denton, Erath, Grayson, Gregg, Henderson, Hood, Hunt, Johnson, McLennan, Marion, Parker, Smith, Somervell, Tarrant, Taylor, Wise, Wood, Bandera, Bexar, Burnet, Comal, Gillespie, Hays, Kendall, Kerr, Kimble, Live Oak, Llano, Medina, Nueces, Travis, Victoria, Williamson, and Wilson Counties, Texas (Certificate of Convenience and Necessity (CCN) Nos. 11157, 12902, A1943, 11421 and 11484, Application Nos. 37234-R and 37235-R). This application concerns service areas located within the USPS zip codes on the attached list.

CONTESTED CASE HEARING.

The State Office of Administrative Hearings (SOAH) will conduct a preliminary hearing on this application at:

**10:00 a.m. – July 16, 2012
William P. Clements Building
300 West 15th Street, 4th Floor
Austin, Texas 78701**

The purpose of a preliminary hearing is to establish jurisdiction, name the parties, establish a procedural schedule for the remainder of the proceeding, allow an opportunity for settlement discussions, and to address other matters as determined by the judge. The evidentiary hearing phase of the proceeding will be similar to a civil trial in state district court. The hearing will be conducted in accordance with Chapter 2001,

Texas Government Code; Chapter 13, Texas Water Code; TCEQ rules, including 30 Texas Administrative Code (TAC) Chapter 291; and the procedural rules of the TCEQ and SOAH, including 30 TAC Chapter 80 and 1 TAC Chapter 155. To participate in the evidentiary hearing as a party, you must attend the preliminary hearing and show you would be affected by the petition in a way not common to members of the general public.

INFORMATION.

Information concerning your participation in this hearing may be obtained by contacting Blas Coy, TCEQ Office of Public Interest Counsel (MC 103), P.O. Box 13087, Austin, TX 78711-3087, telephone 512-239-6363. For additional information, please contact the TCEQ Water Supply Division, Utilities & Districts Section (MC 153), P.O. Box 13087, Austin, TX 78711-3087, telephone 512-239-4691. General information regarding the TCEQ can be found at our web site at <http://www.tceq.texas.gov/>.

Persons with disabilities who plan to attend this hearing and who need special accommodations at the hearing should call the SOAH Docketing Department at 512-475-3445, at least one week prior to the hearing.

Issued: June 11, 2012



Bridget C. Bohac, Chief Clerk
Texas Commission on Environmental Quality

Bryan W. Shaw, Ph.D., *Chairman*
Carlos Rubinstein, *Commissioner*
Toby Baker, *Commissioner*
Zac Covar, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
Protecting Texas by Reducing and Preventing Pollution

June 11, 2012

BY CERTIFIED AND FIRST CLASS MAIL
Certified Receipt # 7010 2780 0001 8055 5535

Paul Terrill, Attorney
The Terrill Firm, PC
810 West 10th Street
Austin, Texas 78701

RE: Mailing requirements on Notice of Hearing on Aqua Utilities, Inc., Aqua Texas, Inc., Aqua Development, Inc., Kerrville South Water Company, Inc., and Harper Water Company, Inc. dba Aqua Texas (Aqua Texas) – North Region Water and Southwest Region water only
SOAH Docket No. 582-12-6658, TCEQ Docket No. 2012-1058-UCR

Dear Mr. Terrill:

Enclosed is a Notice of Public Hearing concerning the above-referenced application. This notice must be provided in its entirety to all affected utility customers, at the utility company's expense. **A listing of all USPS zip codes within which any affected customer resides must be attached to the notice.** You may mail the notice with a utility bill or statement, or by separate first class mail. In accordance with Section 2001.051(1) of the Administrative Procedure Act, **all affected customers must receive the notice not less than 10 days before the hearing date**, or not later than July 3, 2012.

After the notice is mailed to all affected customers, you must file an affidavit stating the attached notice was mailed to all affected customers, and stating the date on which it was mailed. **Please be sure to attach a copy of the mailed notice including the zip code listing to the affidavit.** The affidavit must be filed with the Office of the Chief Clerk of the Texas Commission on Environmental Quality (Commission), ATTN: SOAH Docket Clerk (Mail Code 105), P.O. Box 13087, Austin, Texas 78711-3087, at least two days before the public hearing.

Immediately contact the State Office of Administrative Hearings (SOAH) Docket Clerk in the event that notice is not provided in a timely manner. **When contacting the Commission or SOAH regarding this application, please reference the SOAH docket number given at the top of this letter.**

If you have any questions, please call (512) 475-3445 to speak with the SOAH Docket Clerk.

Sincerely,

Bridget C. Bohac

Bridget C. Bohac, Chief Clerk
Texas Commission on Environmental Quality

Enclosures

TCEQ - Office of the Chief Clerk
MC-105 Attn: SOAH Docket Clerk
PO Box 13087
Austin TX 78711-3087

Utility Company: AQUA UTILITIES, INC.
TCEQ Docket Number: 2012-1058-UCR
SOAH Docket Number: 582-12-6658

AFFIDAVIT OF NOTICE TO CUSTOMERS OF THE PUBLIC HEARING

STATE OF TEXAS §
COUNTY OF: _____ §

Before me, the undersigned authority, on this day personally appeared the affiant who being by me duly sworn, deposes and says:

My name is _____, I am over eighteen (18)
(Name of Affiant)

years of age. I have personal knowledge of the facts stated herein and they are all true and correct.

I am _____ of
(Title of Affiant)

(Name of Utility)

On _____, I caused to be mailed to all of the above named utility's
(Date)

customers and affected municipalities, if any, the attached notice of public hearing. The notice was mailed by first class mail.

Signature of Affiant

Subscribed and sworn to before me this the _____ day of _____,
20 _____, to certify which witness my hand and seal of office.

(Seal)

Notary Public in and for the State of Texas

Print or type Name of Notary Public

My Commission Expires _____

MAILING LIST

**AQUA UTILITIES, INC., AQUA TEXAS, INC., AQUA DEVELOPMENT, INC.,
KERRVILLE SOUTH WATER COMPANY, INC., AND HARPER WATER
COMPANY, INC. DBA AQUA TEXAS (AQUA TEXAS) – NORTH REGION
WATER AND SOUTHWEST REGION WATER ONLY**

**SOAH Docket No. 582-12-6658
TCEQ Docket No. 2012-1058-UCR**

Paul Terrill, Attorney
The Terrill Firm, PC
810 West 10th Street
Austin, Texas 78701

(Via First Class and Certified Mail)

Texas Commission on Environmental Quality
P. O. Box 13087
Austin, Texas 78711-3087

Via electronic mail:

Ross Henderson, Staff Attorney, Environmental Law Division (MC 173)
Kamal Adhikari, E.I.T., Technical Staff, Water Supply Division, Utilities &
Districts Section

(MC 153)

Debi Loockerman, Financial Staff, Water Supply Division, Utilities & Districts
Section

(MC 153)

Blas Coy, Office of Public Interest Counsel (MC 103)

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com®

OFFICIAL USE

7010 2780 0001 8055 5535

PAUL TERRILL ATTORNEY
THE TERRILL FIRM PC
810 W 10TH ST
(End: AUSTIN TX 78701-2005

Res
(End:

Total Postage & Fees \$

Sent To

Street, Apt. No.,
or PO Box No.

City, State, ZIP+4

PS Form 3800, August 2006

See Reverse for Instructions

BN

RECEIVED
STATE OFFICE OF
ADMINISTRATIVE HEARINGS

2012 JUL 13 PM 1:49

**TEXAS COMMISSION
ON ENVIRONMENTAL QUALITY**

TRANSMITTAL OF ADMINISTRATIVE RECORD

DATE: July 12, 2012
TO: SOAH Natural Resources Docket Clerk
FROM: KA Katha Anderson, TCEQ Final Documents Team
RE: Aqua Texas, Inc.; Application Nos. 37110-C and 37111-C
SOAH Docket No. 582-12-6876; TCEQ Docket No. 2012-0885-UCR

Pursuant to 30 TAC § 80.6(b)(4) regarding referrals to SOAH, a copy of the Chief Clerk's case file is attached. Please find certified copies of the following documents:

- 1. petition;
- 2. public hearing notice and Chief Clerk's affidavit issued June 26, 2012

If any of these documents are not included as enclosures with this memo, please notify Deanna Avalos, Final Documents Team Leader at (512) 239-3327.

TCEQ Interoffice Memorandum

TO: Elizabeth Nichols
Melissa Morton
Business Support Section

THRU: *5/16/12*
SP Tammy Benter, Manager
Utilities and Districts Section
Water Supply Division

SP Lisa Fuentes, Team Leader
5/16/12 Utilities Financial Review Team
Water Supply Division

SP Vera Poe, P.E., Team Leader
5/21/12 Utilities Technical Review Team
Water Supply Division

FROM: *BOO* Brian Dickey
Utilities Technical Review Team
Water Supply Division

DATE: May 17, 2012

SUBJECT: Docket No. 2012-0885-UCR; Petition Under Texas Water Code Section 13.254(a) from Residents of Lake Rockwall Estates, to Revoke a Portion of Certificate of Convenience and Necessity (CCN) Nos. 11157 and 20453 from Aqua Utilities, Inc., dba Aqua Texas, Inc. (Aqua Texas), in Rockwall County, Application Nos. 37110-C and 37111-C.

CN: 602787509; RN: 102674215 (water) and 102674504 (sewer)

We hereby transfer the official file for the above referenced application to the Chief Clerk's Office. Please refer the application to the State Office of Administrative Hearings and request that a hearing be scheduled.

The petition was received by the Utilities and Districts Section of the Texas Commission on Environmental Quality (TCEQ or Commission) on July 25, 2011. The petition was declared administratively complete on February 3, 2012. The petitioners are requesting the Commission to revoke the Certificate of Convenience and Necessity (CCN) because Aqua Texas is not providing adequate and continuous service.

Aqua Texas has filed a response disagreeing with the assertions claimed in the petition.

THE STATE OF TEXAS
COUNTY OF TRAVIS

I hereby certify that this is a true and correct copy of a Texas Commission on Environmental Quality document, which is filed in the permanent records of the Commission. Given under my hand and the seal of office on

Bridget C. Bohac

JUL 12 2012

Bridget C. Bohac, Chief Clerk
Texas Commission on Environmental Quality

We hereby transfer the official file for the above referenced application to the Chief Clerk's Office. Please refer the application to the State Office of Administrative Hearings and request that a hearing be scheduled.

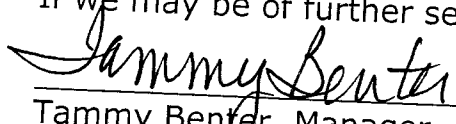
Staff estimates 15 people to attend this hearing.

The staff assigned to this case are:

Technical - Brian Dickey

Legal -

If we may be of further service regarding this matter, please call.



Tammy Benter, Manager

TB/BD/mmg
THE STATE OF TEXAS
COUNTY OF TARRANT
I hereby certify that the
Texas Commission on
which is filed in the
Given under my hand and
Seal at Austin, Texas
this 10th day of 2010

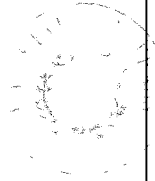
- cc: TCEQ Public Interest Counsel; ATTN: Vic McWherter
- TCEQ Agency Communications; ATTN: Andy Saenz, Director
- TCEQ Chief Clerk's Office; ATTN: Deanna Avalos, SOAH Docket Clerk
- TCEQ Legal Office; ATTN: Todd Galiga, Senior Attorney

Mailing List for
Residents of Lake Rockwall Estates
Docket No. 2012-0885-UCR
Application Nos. 37110-C and 37111-C

Mr. G. David Smith Representing: Residents of Lake Rockwall Estates
Law Office of G. David Smith, P.C.
702 N. Goliad
Rockwall, Texas 75087

The Terrill Firm, P.C. Representing: Aqua Texas
Attn: Geoff Kirshbaum
810 W. 10th Street
Austin, Texas 78701

Bryan W. Shaw, Ph.D., *Chairman*
Carlos Rubinstein, *Commissioner*
Toby Baker, *Commissioner*
Zak Covar, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

May 17, 2012

Mr. G. David Smith
Law Office of G. David Smith, P.C.
702 N. Goliad
Rockwall, Texas 75087

Re: Petition Under Texas Water Code Section 13.254(a) from Residents of Lake Rockwall Estates, to Revoke a Portion of Certificate of Convenience and Necessity (CCN) No. 11157 from Aqua Utilities, Inc., dba Aqua Texas, Inc., in Rockwall County, Application No. 37110-C

Petition Under Texas Water Code Section 13.254(a) from Residents of Lake Rockwall Estates, to Revoke a Portion of CCN No. 20453 from Aqua Utilities, Inc., dba Aqua Texas, Inc., in Rockwall County, Application No. 37111-C

CN: 602787509; RN: 102674215 (water) and 102674504 (sewer)

Dear Mr. Smith:

The Texas Commission on Environmental Quality (TCEQ) has received a protest from Aqua Utilities, Inc., dba Aqua Texas, Inc., regarding the applications referenced above. The Commission's Chief Clerk has assigned Docket No. 2012-0885-UCR to this matter. Any further communications should refer to this docket number. V.T.C.A. Water Code, Section 13.246 provides that affected parties may protest the application and request a hearing. Please see the enclosed mailing list.

This matter has been referred to the State Office of Administrative Hearings for scheduling. When a hearing date has been set, you will receive a notice of hearing which explains when and where the hearing will be held.

In order to review the application, the staff of the TCEQ may need additional information regarding your utility's service. You may be receiving Staff Requests for Information (RFI's) within a few weeks. We would appreciate your cooperation in providing the information requested.

Mr. G. David Smith
Page 2
May 17, 2012

If you have questions about this process or what material you should bring with you to the hearing, please contact Mr. Brian Dickey. at 512/239-0963, by fax at 512/239-0963, by email at brian.dickey@tceq.texas.gov. If you contact our office by correspondence, please include MC153 in the letterhead address.

Sincerely,

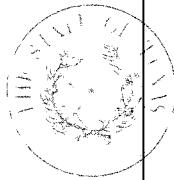
A handwritten signature in cursive script that reads "Tammy Benter".

Tammy Benter, Manager
Utilities and Districts Section
Water Supply Division
Texas Commission on Environmental Quality

TB/BD/mmg

cc: Attached Mailing List

Bryan W. Shaw, Ph.D., *Chairman*
Buddy Garcia, *Commissioner*
Carlos Rubinstein, *Commissioner*
Mark R. Vickery, P.G., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

February 3, 2012

Mr. G. David Smith
Law Office of G. David Smith, P.C.
702 N. Goliad
Rockwall, Texas 75087

Re: Petition Under Texas Water Code Section 13.254(a) from Residents of Lake Rockwall Estates, to Revoke a Portion of Certificate of Convenience and Necessity (CCN) No. 11157 from Aqua Utilities, Inc., dba Aqua Texas, Inc., in Rockwall County, Application No. 37110-C

Petition Under Texas Water Code Section 13.254(a) from Residents of Lake Rockwall Estates, to Revoke a Portion of CCN No. 20453 from Aqua Utilities, Inc., dba Aqua Texas, Inc., in Rockwall County, Application No. 37111-C

CN: 602787509; RN: 102674215 (water) and 102674504 (sewer)

Dear Mr. Smith:

Your petitions for the residents of Lake Rockwall Estates to revoke portions of Aqua Utilities, Inc., dba Aqua Texas, Inc.'s CCNs were received on July 25, 2011, and have been accepted for filing. Thank you for providing the items we requested with your January 11, 2012, letter. Mr. Brian Dickey has been assigned to perform the technical review.

Additional financial or technical information may also be requested through future correspondence.

If you have any questions, please contact Mr. Brian Dickey at 512/239-0963, or if by correspondence, include Mail Code 153 in the letterhead address.

Sincerely,

A handwritten signature in cursive script that reads "Tammy Benter".

Tammy Benter, Manager
Utilities & Districts Section
Water Supply Division

THB/KLB/ln

cc: Mr. Glen E. Lewis, Attorney, Aqua Utilities, Inc. dba Aqua Texas, Inc.
P.O. Box 13087 • Austin, Texas 78711-3087 • 512-239-1000 • www.tceq.texas.gov

To: Administrative Reviewer

Date Complete: January 23, 2012

From: Cartographer-Utilities & Districts Section

Subject: Overlap & Notice Check for Administrative Review No. A-081-11/37110&11-C
Petition by Residents of Rockwall Estates to revoke a portion of Aqua Development (11157 & 20453) in Rockwall county.

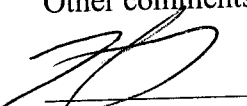
1. No new overlap of service areas exists.
2. An overlap:
3. Dual certification:
4. An overlap exists with the city limits of:
5. If this is a Sale, Transfer, or Merger, is additional area being requested?

7. Map submitted is digital request digital data.

9. Utility notice was sufficient.
10. Utility notice was insufficient. In addition to those systems listed in the application, they will also need to notify:
TWO MILES:

11. Notice:

X Other comments: The area is certificated to Aqua Utilities (11157 & 20453)


Kent Steelman

Law Office of G. David Smith, P.C.

702 N. Goliad
Rockwall, Texas 75087
972-771-2579 Fax 972-771-0513
Toll Free 800-548-8128
www.gdavidsmith.com

G. David Smith, Attorney
Board Certified - Personal Injury Trial Law
Texas Board of Legal Specialization
Email: david@gdavidsmith.com

Ryan K. Lee, Attorney
Email: ryan@gdavidsmith.com

Diane L. Martin
Legal Assistant
Email: diane@gdavidsmith.com

January 11, 2012

Via Certified Mail / RRR: 7011 0470 0002 1544 5542

Mr. Kent Steelman / Ms. Lisa Fuentes
Texas Commission on Environmental Quality
Utilities and Districts Section, MC 153
P.O. Box 13087
Austin, Texas 78711

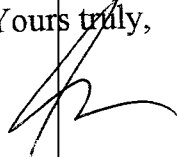
Re: Petition to Revoke and/or Refuse Continuation of Certificate of Convenience and
Necessity; Petition numbers assigned as 37110-C and 37111-C

Dear Ms. Fuentes and Mr. Steelman:

Enclosed please find mapping data regarding the affected area of the CCN the subject
of the above-referenced petition numbers. There are a total of four discs enclosed.

Please contact me if you have any questions or need additional information.

Yours truly,



G. David Smith

GDS/dlm

enc.

cc: Clients

RECEIVED
TOP
WATER SUPPLY DIV.
2012 JAN 12 PM 10 50

RECEIVED
TOP
WATER SUPPLY DIV.
2012 JAN 17 PM 10 56

To: Administrative Reviewer

Date Complete: January 4, 2012

From: Cartographer-Utilities & Districts Section

Subject: Overlap & Notice Check for Administrative Review No. A-081-11/37110&11-C
Petition by Residents of Rockwall Estates to revoke a portion of Aqua Development (11157 & 20453) in Rockwall county.

1. No new overlap of service areas exists.
2. An overlap:
3. Dual certification:
4. An overlap exists with the city limits of:
5. If this is a Sale, Transfer, or Merger, is additional area being requested?

7. Map submitted is digital request digital data.

9. Utility notice was sufficient.
10. Utility notice was insufficient. In addition to those systems listed in the application, they will also need to notify:

TWO MILES:

X 11. Notice: **DO NOT NOTICE**

X Other comments: **Maps do not meet requirements. Please submit original and copies of the following. (No digital data (disk contained image files))**


Kent Steelman

Law Office of G. David Smith, P.C.

702 N. Goliad
Rockwall, Texas 75087
972-771-2579 Fax 972-771-0513
Toll Free 800-548-8128
www.gdavidsmith.com

G. David Smith, Attorney
Board Certified - Personal Injury Trial Law
Texas Board of Legal Specialization
Email: david@gdavidsmith.com

Ryan K. Lee, Attorney
Email: ryan@gdavidsmith.com

December 16, 2011

Diane L. Martin
Legal Assistant
Email: diane@gdavidsmith.com

Via Certified Mail / RRR: 7011-0470-0002-1544-5474

Mr. Kent Steelman / Ms. Lisa Fuentes
Texas Commission on Environmental Quality
Utilities and Districts Section, MC 153
P.O. Box 13087
Austin, Texas 78711

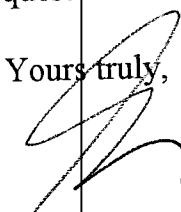
Re: Petition to Revoke and/or Refuse Continuation of Certificate of Convenience and Necessity; Petition numbers assigned as 37110-C and 37111-C

Dear Ms. Fuentes and Mr. Steelman:

Enclosed please find a water map and a sewer map, three copies each, of the affected area in the above-referenced petitions. Also enclosed are four discs with the data required for each map.

Please contact me if you have any questions or need additional information.

Yours truly,


G. David Smith

GDS/dlm
enc.
cc: Clients

2011 DEC 29 PM 3 45
RECEIVED
TOL
WATER SUPPLY DIV.

Rick Guzman, rguzman@rickguzmanlaw.com

LARRY WESTFALL, lgwestfall@aol.com

John Quest JQ@GVTC.COM

JAY YOUNT EYOUNT@HOTMAIL.COM



STATE OFFICE OF ADMINISTRATIVE HEARINGS
PUBLIC HEARING REGISTRATION
ALL PERSONS IN ATTENDANCE ARE REQUESTED TO COMPLETE
PLEASE PRINT CLEARLY



Date: _____

Name: ISAAC ALVARADO

Occupation: Representative HARVEY HILDEBRAND

Mailing Address: _____
Street or P.O. Box

City _____ State _____ Zip _____

Daytime Phone: () _____ Fax #: () _____

E-Mail address (if available): _____

Representing: Self Other (specify): _____

Title of matter being considered: _____

SOAH Docket No. (if known): _____

Your position regarding the matter being considered: In Favor Opposed Undecided Observer



**STATE OFFICE OF ADMINISTRATIVE HEARINGS
PUBLIC HEARING REGISTRATION**
ALL PERSONS IN ATTENDANCE ARE REQUESTED TO COMPLETE
PLEASE PRINT CLEARLY



Date: 7/16/12

Name: Amy Allgood

Occupation: TCEO - OPIC intern

Mailing Address: _____

Street or P.O. Box

Austin

TX

City

State

Zip

Daytime Phone: (512) 239-3144

Fax #: () _____

E-Mail address (if available): _____

Representing: Self Other (specify): _____

Title of matter being considered: Agua Utilities

SOAH Docket No. (if known): 2012-1058 UCR

Your position regarding the matter being considered: In Favor Opposed Undecided Observer



**STATE OFFICE OF ADMINISTRATIVE HEARINGS
PUBLIC HEARING REGISTRATION**
ALL PERSONS IN ATTENDANCE ARE REQUESTED TO COMPLETE
PLEASE PRINT CLEARLY



Date: July 16, 2012

Name: Sherry A. Dykstra

Occupation: retired

Mailing Address: P.O. Box 91
Street or P.O. Box

Harper City Tx State 78631 Zip

Daytime Phone: (830) 864-4142 Fax #: () _____

E-Mail address (if available): edykstra@windstream.net

Representing: Self Other (specify): _____

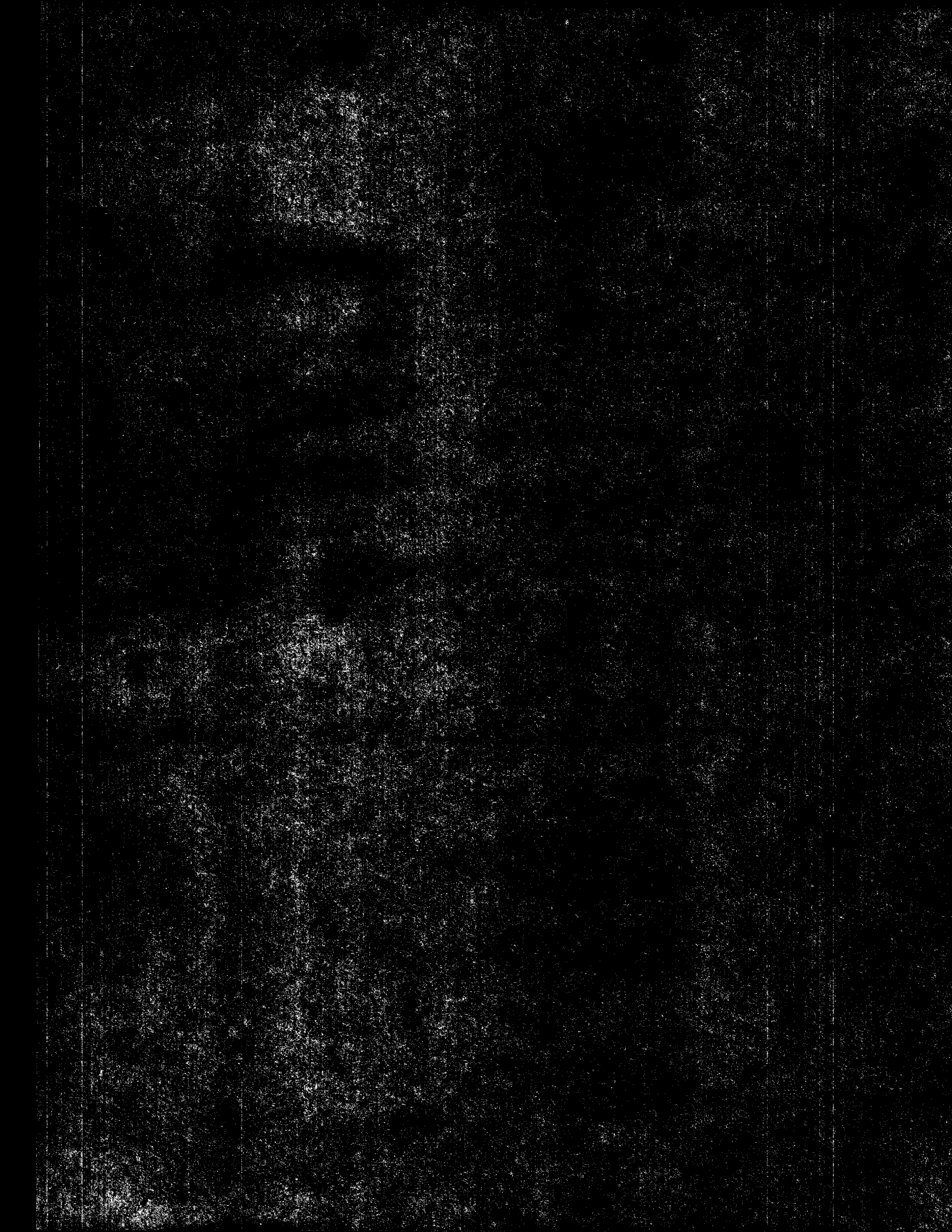
Title of matter being considered: Agua Utilities Rate Increase

SOAH Docket No. (if known): 582-12-6658

Your position regarding the matter being considered: In Favor Opposed Undecided Observer

STATE OF CALIFORNIA
DEPARTMENT OF REVENUE

THE STATE OF CALIFORNIA,
COUNTY OF _____
I, _____
of the County of _____
do hereby certify that _____
is the true and correct _____
of the _____
and that the _____
is a true and correct _____
of the _____
and that the _____
is a true and correct _____
of the _____



KERR COUNTY



STATE OFFICE OF ADMINISTRATIVE HEARINGS
PUBLIC HEARING REGISTRATION
ALL PERSONS IN ATTENDANCE ARE REQUESTED TO COMPLETE
PLEASE PRINT CLEARLY



Date: 7/16/2012

Name: RAY A. SANDERS

Occupation: LICENSED WATER / WASTE WATER OPERATOR

Mailing Address: 220 LOMA VISTA DR.
Street or P.O. Box

KERRVILLE TX 78028
City State Zip

Daytime Phone: (512) 850-3011 Fax #: () _____

E-Mail address (if available): SANDERS RAY @ ROCKETMAIL.COM

Representing: Self Other (specify): _____

Title of matter being considered: CONTESTED CASE HEARING ON PROPOSED RATES

SOAH Docket No. (if known): 582-12-6658

Your position regarding the matter being considered: In Favor Opposed Undecided Observer



**STATE OFFICE OF ADMINISTRATIVE HEARINGS
PUBLIC HEARING REGISTRATION**
ALL PERSONS IN ATTENDANCE ARE REQUESTED TO COMPLETE
PLEASE PRINT CLEARLY



Date: 7/6-12

Name: Marcus Jackson & Erika Arnold-Daniels

Occupation: boat captain

Mailing Address: 1409 Briarcreek
Street or P.O. Box

Manor TX 78653
City State Zip

Daytime Phone: (504) 252-6849 Fax #: ()

E-Mail address (if available): _____

Representing: Self Other (specify): Marcus Jackson

Title of matter being considered: Aqua Tades

SOAH Docket No. (if known): _____

Your position regarding the matter being considered: In Favor Opposed Undecided Observer



STATE OFFICE OF ADMINISTRATIVE HEARINGS
PUBLIC HEARING REGISTRATION
 ALL PERSONS IN ATTENDANCE ARE REQUESTED TO COMPLETE
 PLEASE PRINT CLEARLY



Date: July 16, 2012

Name: PAUL TERRILL

Occupation: ATTORNEY

Mailing Address: 810 W. 10th
Street or P.O. Box

AUSTIN TX 78701
City State Zip

Daytime Phone: (512) 474-9100 Fax #: (512) 474-9888

E-Mail address (if available): pterrill@terriu-law.com

Representing: Self Other (specify): AQVA TEXAS

Title of matter being considered: RATE APPLICATION

SOAH Docket No. (if known): _____

Your position regarding the matter being considered: In Favor Opposed Undecided Observer



**STATE OFFICE OF ADMINISTRATIVE HEARINGS
PUBLIC HEARING REGISTRATION**
ALL PERSONS IN ATTENDANCE ARE REQUESTED TO COMPLETE
PLEASE PRINT CLEARLY



Date: 7-16-12

Name: MARK ZEPPIA

Occupation: Attorney

Mailing Address: 4033 Spirewood Springs Rd #202
Street or P.O. Box

City: Austin State: TX Zip: 78759

Daytime Phone: (512) 346-4011 Fax #: (512) 346-6847

E-Mail address (if available): markzeppa@austin.tx.com

Representing: Self Other (specify): Aqua Texas, Inc.

Title of matter being considered: Rete Change

SOAH Docket No. (if known): _____

Your position regarding the matter being considered: In Favor Opposed Undecided Observer



**STATE OFFICE OF ADMINISTRATIVE HEARINGS
PUBLIC HEARING REGISTRATION**
ALL PERSONS IN ATTENDANCE ARE REQUESTED TO COMPLETE
PLEASE PRINT CLEARLY



Date: July 16, 2012

Name: Robert Laughman

Occupation: President Aqua Texas

Mailing Address: 1106 Clayton Ln. Suite 400
Street or P.O. Box
Austin Tx. 78723
City State Zip

Daytime Phone: (512) 990-4400 Fax #: () _____

E-Mail address (if available): RLLLaughman@AquaAmerica.com

Representing: Self Other (specify): Aqua Texas

Title of matter being considered: SOAH Docket No. 582-12-6658

SOAH Docket No. (if known): 582-12-6658

Your position regarding the matter being considered: In Favor Opposed Undecided Observer



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Name: Ross Henderson

Date: 7/16/12

Occupation: Staff Atty

Mailing Address: 12100 PARK 35th Blvd PO Box 13037
Street or P.O. Box

Austin
City

TX
State

78711
Zip

Daytime Phone: (512) 239 6257

Fax #: (512) 239-0626

E-Mail address (if available): ross.henderson@tcy.texas.gov

Representing: Self Other (specify): SD

Title of matter being considered: Agua Texas North + SW Regions

SOAH Docket No. (if known): 582-12-6658

Your position regarding the matter being considered: In Favor Opposed Undecided Observer



STATE OFFICE OF ADMINISTRATIVE HEARINGS
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ALL PERSONS IN ATTENDANCE ARE REQUESTED TO COMPLETE
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Date: 7/16/12

Name: Dinniah C. Tadema

Occupation: Attorney

Mailing Address: P.O. Box 13087
Street or P.O. Box

Austin
City

TX
State

78751
Zip

Daytime Phone: (512) 239-0617

Fax #: (512) 239-0606

E-Mail address (if available): dtadema@tceq.state.tx.us

Representing: Self Other (specify): TCEQ ED

Title of matter being considered: Agua Texas, Inc., Agua Utilities Inc

SOAH Docket No. (if known): 582-12-6658

Your position regarding the matter being considered: In Favor Opposed Undecided Observer



STATE OFFICE OF ADMINISTRATIVE HEARINGS
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ALL PERSONS IN ATTENDANCE ARE REQUESTED TO COMPLETE
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Date: 7.16.12

Name: WALT SOBCEZAK

Occupation: _____

Mailing Address: 12100 PARK 35 CIRCLE
Street or P.O. Box

AUSTIN TX 78753
City State Zip

Daytime Phone: (512) 239-6403 Fax #: () _____

E-Mail address (if available): WALT.SOBCEZAK@TCEQ.TEXAS.GOV

Representing: Self Other (specify): TCEQ

Title of matter being considered: AQUA TEXAS

SOAH Docket No. (if known): 582-12 6658

Your position regarding the matter being considered: In Favor Opposed Undecided Observer



STATE OFFICE OF ADMINISTRATIVE HEARINGS
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ALL PERSONS IN ATTENDANCE ARE REQUESTED TO COMPLETE
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Date: 7/16/12

Name: Lisa Fuentes

Occupation: Team Leader, Utilities Financial Review

Mailing Address: P.O. Box 13087
Street or P.O. Box

Austin Tx 78711-3087
City State Zip

Daytime Phone: (512) 239-6117 Fax #: (512) 239-6972

E-Mail address (if available): lisa.fuentes@tceq.texas.gov

Representing: Self Other (specify): E. D.

Title of matter being considered: Aqua Texas

SOAH Docket No. (if known): 582-12-6658

Your position regarding the matter being considered: In Favor Opposed Undecided Observer



STATE OFFICE OF ADMINISTRATIVE HEARINGS
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ALL PERSONS IN ATTENDANCE ARE REQUESTED TO COMPLETE
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Date: 7/16/2012

Name: Kamal Adhikari

Occupation: Engineer

Mailing Address: P.O. Box 13087
Street or P.O. Box

Austin TX 78711
City State Zip

Daytime Phone: (512) 239-0680 Fax #: (512) 239-6972

E-Mail address (if available): Kamal.adhikari@tceq.texas.gov

Representing: Self Other (specify): TCEQ - ED

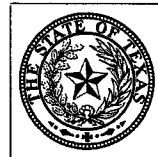
Title of matter being considered: Agua Texas, Inc

SOAH Docket No. (if known): 582-12-6658

Your position regarding the matter being considered: In Favor Opposed Undecided Observer



STATE OFFICE OF ADMINISTRATIVE HEARINGS
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Date: 7/16/12

Name: Debi Leockerman

Occupation: Auditor V

Mailing Address: PO Box 13087

Street or P.O. Box

Austin TX 78753 MC-153

City

State

Zip

Daytime Phone: (512) 239-4714 Fax #: (512) 239-6972

E-Mail address (if available): debi.leockerman@teg.texas.gov

Representing: Self Other (specify): TCEQ E.D.

Title of matter being considered: Agua Texas Rate/Tariff Change App!

SOAH Docket No. (if known): 582-12-6658

Your position regarding the matter being considered: In Favor Opposed Undecided Observer



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Date: 7/16/12

Name: ISAAC JACKSON

Occupation: Legislative Liaison

Mailing Address: 12100 Park 354 Circle, Austin TX 78753
Street or P.O. Box

Austin City TX State 78753 Zip

Daytime Phone: (512) 235-3508 Fax #: ()

E-Mail address (if available): isaac.jackson@legis.texas.gov

Representing: Self Other (specify): TLED

Title of matter being considered: _____

SOAH Docket No. (if known): _____

Your position regarding the matter being considered: In Favor Opposed Undecided Observer

Raws Group Rep

- JQ@GVTC.com



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Date: July 16th 2012

Name: John Quest

Occupation: Writer

Mailing Address: 833 Hillside Loop
Street or P.O. Box

Canyon Lake Texas 78133^L
City State Zip

Daytime Phone: (830) 714-4454

Fax #: (830) 899-8555

E-Mail address (if available): JQ@GVTC.COM

Representing: Self Other (specify): Canyon Springs Resort P.O.A.

Title of matter being considered: Aqua Texas rate increase

SOAH Docket No. (if known): 582-12-6658

Your position regarding the matter being considered: In Favor Opposed Undecided Observer

John Quest

Admitted



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Date: 7-16-2012

Name: PAUL D. McCAFFERY

Occupation: RETIRED

Mailing Address: 331 SCENIC LOOP N
Street or P.O. Box

CANYON LAKE TX 78133
City State Zip

Daytime Phone: (830) 899-4739 Fax #: (202) 422-3963

E-Mail address (if available): PAULMCA@GUTC.COM

Representing: Self Other (specify): _____

Title of matter being considered: AQUA UTILITIES, AQUA TEXAS INC

SOAH Docket No. (if known): 582-12-6658

Your position regarding the matter being considered: In Favor Opposed Undecided Observer



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Date: 7/16/12

Name: GLENDIA (DECEASED) ROBERT WILHELM

Occupation: RETIRED

Mailing Address: 6135 SHADOWCREST HOUSTON
Street or P.O. Box

HOUSTON TX 77074
City State Zip

Daytime Phone: (713) 771 9059 Fax #: (713) 771 0118

E-Mail address (if available): ROBERTWILHELM@AOL.COM

Representing: Self Other (specify): _____

Title of matter being considered: AQUA RATE INCREASE

SOAH Docket No. (if known): 582-12-6658

Your position regarding the matter being considered: In Favor Opposed Undecided Observer