

- Check the collection system manholes to ensure that manholes in low laying areas have inflow disks. This program is to be completed every two years. The inspection will also indicate the need of repairs in the collection system.
- Conduct another inspection by smoke testing the previously identified area of the collection system.

➤ *Time line for completing each milestone:*

This is the time line to complete each milestone:

- Replace 2 main line clean-out caps. This to be completed by January 31, 2009.
- Ensure the installation of clean out caps by customers at 18 locations. This is to be completed by June 30, 2009.
- Notify and ensure that 6 customers repair their service lines. This to be completed by June 30, 2009.
- Replace, re-grout and/or seal 6 sanitary sewer manholes throughout the collection system. This is to be completed by January 31, 2009.
- Replace the old lift station at the wastewater plant site with a new one by March 2009.
- Conduct another inspection by smoke testing the previously identified area of the collection system in 2010.
- Complete repairs of the collection system found during the 2010 smoke testing in 2011, 2012 and 2013.
- Schedule annual meetings with Kaufman and Rockwall Counties to address the need of dredging Lake Rockwall. Send letter to both Agencies by June 30 of every year.

➤ *Description of the source for funding.*

Funds will be budgeted from 2009 through 2013 for completion of the improvements.

➤ *Provisions for evaluating the effectiveness of the improvements.*

To evaluate the effectiveness of the improvements we will monitor flows at the wastewater treatment plant paying particular attention to days with major rain events. In addition, we will:

- Prepare a Progress report which will be submitted by October 30 of each year.
- Prepare the Final report which will be submitted by April 30, 2014.

The SSO occurrences will be tracked and summarized in both reports.

C

AQUA

Aqua Texas, Inc.
762 W. Lancaster Avenue
Bryn Mawr, PA 19010

www.aqua-texas.com

October 19, 2011

Ms. Mary Smith
Director of Finance
City of Rockwall
385 South Goliad
Rockwall, Texas 75087

Re: Aqua Texas ("Aqua") and the Buffalo Creek Wastewater System

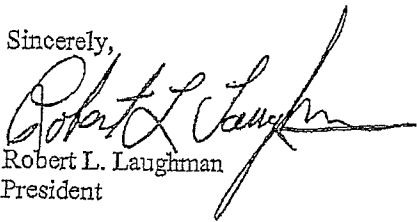
Dear Ms. Smith:

The City of Rockwall ("City") has not responded to Aqua's request to enter into a wholesale wastewater agreement. The agreement would allow Aqua to transport wastewater from its Buffalo Creek Wastewater System ("System") through the City's wastewater collection system for ultimate processing by the North Texas Municipal Water District. Aqua had requested such an agreement if the City and Aqua could not agree upon a purchase price for the System. The City's failure to respond to Aqua's September 1, 2011 letter -- even well past the response date Aqua requested -- leads us to conclude the City is uninterested in either purchasing the system or entering into a wholesale wastewater agreement..

A wholesale agreement would have allowed Aqua to minimize system improvements that will ultimately be reflected in rates paid by Aqua's customers. Without the City's cooperation, Aqua is now forced to move forward with those improvements that are necessary for Aqua to ensure continued compliance with Texas Commission on Environmental Quality ("TCEQ") and the City's regulations and ordinances.

Due to the unique circumstances presented by the City's recently enacted ordinances (City of Rockwall Ordinances Nos. 11-17, 11-27, and 11-28), Aqua has decided to pull the Buffalo Creek systems from its next North Region water and sewer rate case filings to TCEQ and, in the near future, will file a separate rate application with the City for Aqua's water and wastewater systems within the City's boundaries. The cost for the system improvements will be included within that application.

Sincerely,


Robert L. Laughman
President

cc: The Honorable Bob Deuell, Senate of Texas

An Aqua America Company

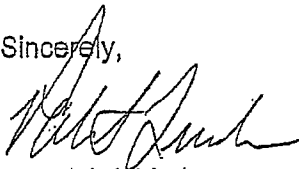
Texas Commission on Environmental Quality
March 15, 2011
Page 2

The City of Rockwall is concerned about the information supporting the applicant's conclusion that the proposed transfer will not have an impact on rates or quality of service on ratepayers located within the City of Rockwall. The applicant did not offer any conclusion regarding whether the applicant's assignee will be able to honor its contractual obligations that involve the City of Rockwall.

Communications regarding this protest and request for hearing should be directed to me at the address, phone number, and e-mail address provided in the letterhead.

At this time, the City of Rockwall does not know what adjustments, if any, can be made to satisfy the concerns of the city or to cause the city to withdraw this protest and request for hearing.

Sincerely,



Patrick W. Lindner
For the Firm

PWL/rre

CC: Pete Eckert, City Attorney, City of Rockwall
Julie Couch, City Manager, City of Rockwall

(b) An Application shall be submitted by an Applicant in duplicate originals, with one counterpart to be filed with the City Manager and the other counterpart to be filed with the City Secretary. If both counterparts are not filed on the same date, then the later of the submittal dates shall constitute the date of initial filing for all purposes.

(c) Each Application and any supplement or addendum thereto shall be submitted in the form of an affidavit or have an affidavit attached thereto attested by a duly appointed agent or officer of the Applicant setting forth that all information contained therein is true and correct.

(d) No Application shall be deemed filed with the city unless and until it contains substantially all the information called for in this Ordinance. An Application shall be deemed to be sufficiently complete if the City Manager does not send the Applicant a notice of insufficiency of the Application on or before the thirtieth (30th) day following completion of the initial filing are required under section 2(a) of this Ordinance. Each such notice shall be in writing and shall specify the insufficiency with particularity. In the event such notice is given, the Applicant shall have ten (10) business days within which to supplement its Application to address the notice of insufficiency.

Section 3. Forms and Interpretation.

(a) For the convenience of an Applicant in assembling the information required, and for the sake of the convenience of the City in interpreting the information, the City Manager or his/her designee may prescribe forms and formats for the submission of the information required under this Ordinance. Each Applicant shall comply with all applicable forms and formats which have been so prescribed. The City Manager, or any person designated by him/her, is authorized to prepare and publish guidance to aid Applicants in the preparation of an Application.

(b) The provisions of this Ordinance shall not be construed to relieve any utility of its obligation to file with and make available to the City, or to any authorized City officer or agency, any information not specified that is required to be furnished or made available by any ordinance or other law. Furthermore, each utility shall file, furnish and make available to the City, within such time limits as may be reasonably prescribed by the City Manager, all information that the City Manager may from time to time lawfully request.

Section 4. Severability. If any provision, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional, void or invalid, or for any reasons unenforceable, the validity of the remaining portions of this Ordinance shall not be affected thereby; it being the intent of the City in adopting this Ordinance that no portion thereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any other portion, provision, and to this end, all provisions of this Ordinance are declared to be severable.

Section 5. Effective Date. The text of this Ordinance shall, after final passage by the City Council, be published once each week for two consecutive weeks in a newspaper of general circulation published in the City of Rockwall. Upon said publication being completed, this Ordinance shall take effect thirty (30) days after its last

ORDINANCE # 11-17

City of Rockwall, Texas

Attachment A

Information/Documents Required

Except as expressly limited, include information required below for each type of service made subject of the Application, for each System (or portion thereof) that connects to customers within the Area Served, and for the four-year period leading up to the date of submission of a completed Application. If the water or sewer System serving within the City also serves areas outside the City, the requested information shall include be for the entire water or sewer system in question, providing information on a system basis and for the portion that is within the City.

(1) SUMMARY INFORMATION:

- a. A complete set of proposed tariff revisions;
- b. A statement specifying in detail each proposed tariff revision, the classes and numbers of utility customers affected, and the change in gross revenues (in absolute dollar amounts and in percentage terms—each by customer class and by total) that the utility expects the revised tariffs to furnish as opposed to those furnished by existing tariffs;
- c. A schedule comparing under current tariffs the income statements of the system or division for the test year and the twelve-month period immediately previous to the test year, together with a description of all substantial changes reasonably anticipated by the utility to occur during the projected fiscal year;
- d. A schedule comparing the capital structure of the utility for the test year and the twelve-month period immediately previous to the test year, with a description of all substantial changes reasonably anticipated by the utility to occur during the projected fiscal year. [Note: If any component of the capital of the utility is not obtained primarily through its own financing, but rather is obtained primarily from a company which controls the utility ("controlling company"), then the capital structure information shall be both for the controlling company on a consolidated basis and for the utility. If the utility controls any other companies, then the capital structure information shall be both for the utility on a consolidated basis and for the utility on an unconsolidated basis];
- e. A schedule showing gross plant in service of the system or division and a breakdown by functional classification of construction work in progress for the test year;
- f. A schedule showing forecasted construction expenditures of the system or division for the five (5) years following the test year. [Note: Such schedule shall, show expenditures by year and project];
- g. A schedule showing the rates of return (on an actual and adjusted basis) for the test year on the original cost rate base of the system or division (thirteen-month average) and the book common equity of the utility (thirteen-month average), together with an explanation of the basis on which those rates of return were calculated; and

- h. A schedule showing the determination of original and current cost of the system's or division's plant in service, (Service Life (years; Years, Months and Days in Service) including an explanation of the methods and calculations used in arriving at such costs;
- i. A schedule showing the determination of the adjustment for both age and condition of the system's or division's plant in service, including an explanation of the methods and calculations used;
- j. A schedule showing facilities under construction or included in the construction budget itemized by:
1. Date in service or estimated date in service;
 2. Estimated total cost;
 3. Cost at the beginning and end of test year;
 4. Estimated annual cost from test year end until placement in service;
 5. Purpose of construction (replacement or growth);
- k. A schedule of planned retirements by major transmission or distribution unit over the five-year period after the test year end;
- l. A schedule showing the computation of the utility's allowance for funds used during construction rate; also an explanation of the utility's policy regarding the capitalization of allowance for funds used during construction which includes limits on projects, amounts, and timing;
- m. A schedule showing the utility's plant held for future use including the reason that the plant or property is being held for future use and the anticipated date such plant or property will be placed into service;
- n. A schedule showing the amount of construction work in progress requested by the utility at the end of the test year; such schedule shall be itemized by major project and shall show the estimated date of placement in service, location and the estimated cost of each project at the time of placement in service;
- o. A schedule showing the monthly balance of construction work in progress during the test year, the monthly balance used to calculate the charge to the allowance for funds used during construction during the test year, and the monthly charge to the allowance for funds used during construction during the test year;
- p. A schedule showing the amount of construction work in progress requested by the utility that will not increase the capacity of the applicable system or division;
- q. A schedule showing the computation of the working capital allowance requested by the system or division; this schedule shall include for each of the twelve (12) months in the test year the monthly book balances during the test year for materials and supplies (excluding appliances), and prepayments;
- r. A schedule listing the banking and depository institutions from which records can be supplied to compute the total daily bank balances by day for the test year, including cash, special deposits, working funds, and temporary cash investments;
- s. A copy of a lead-lag study and supporting workpapers which may have been performed and used by the utility in requesting its proposed working capital allowance;

6. Issuance expense including amount, percent gross proceeds, net proceeds and net proceeds per unit;
7. Cost of money: yield to maturity based on the interest rate and net proceeds per unit outstanding determined by reference to any generally accepted table of bond yields;
8. A description of the projects and their locations funded with the debt.
9. Current amortization schedules for all capital outlays and debt issuances.
10. If the issue is owned by an affiliate of the utility (or the controlling company, if any), state the name of the affiliate and its relationship to the utility (and the controlling company, if any); and
11. If the utility (or the controlling company, if any) has acquired at a discount or premium some part of the outstanding debt which could be used in meeting sinking fund requirements or for other reasons, it shall show the annual amortization of the discount or premium for each series of debt from the date of acquisition over the remaining life of the debt being retired and shall separately show the total remaining or unamortized discount and premium, as a result of such amortization, applicable to the test year;

c. A schedule showing the monthly balances of short-term debt, excluding the current portion of long-term debt, for the utility (or controlling company, if any), during the test year and the latest date available, including the following information:

1. Title of the issue and lender name (bank loan, commercial paper, etc.);
2. Date of issuance and maturity;
3. Interest rate;
4. Principal amount of issue;
5. Compensating balance, if any, including the supporting compensating balance agreement; and
6. Interest expense including the cost of money computed as the interest rate divided by net proceeds per unit outstanding; if the issue is owned by an affiliate of the utility (or the controlling company, if any), then the name of the affiliate, its relationship to the utility (and the controlling company, if any) and an explanation of the method of determining the interest rate shall be stated;
7. A description of the projects and their locations funded with the debt.
8. Current amortization schedules capital outlays and debt issuances.

d. A schedule showing for each class and series of preferred and preference stock of the utility (and the controlling company, if any) outstanding at the end of the test year and the latest date available, the following information:

1. Title of the stock issue;
2. Date of issuance;

- c. A schedule setting forth monthly detailed net income statements of the utility, and the relevant system or division, for the test year, showing revenues by customer class and showing detailed operating expenses;
- d. An annual schedule of detailed operating expenses, by line item, for the system, for the test year.
- e. A schedule showing actual sales by month (1,000/gal and revenue) of the utility by customer classification for the twelve (12) months during the test year and projected annual sales (units and dollars) for the next three (3) years subsequent to the test year end;
- f. A schedule showing the number of active customer accounts by customer classification of the utility by month during the test year and the projected annual number of customers by customer classification for the period subsequent to the test year end during which the requested rates are to be in effect;
- g. A schedule showing utility personnel, by department for the utility for the three (3) years prior to the test year end, during the test year, and budgeted for the period subsequent to the test year end during which the requested rates are to be in effect; total compensation levels for all employees who operate or administer the System and an estimate of the amount of each employee's professional time that is devoted to servicing the System.
- h. The utility's current and proposed wage contracts, where applicable;
- i. A schedule showing rate case expenses incurred at the time of the filing and estimated rate case expenses for the utility and outside expert witnesses; the schedule should itemize:
 - 1. The salary, expenses and allocations thereof to the filing for each expert retained (other than a regular salaried employee of the utility), whether such person is expected to testify upon the hearing of the rate case or not;
 - 2. All materials and supplies cost;
 - 3. Any other costs associated with the filing preparation and hearings;
- j. A schedule reconciling book net income of the utility with taxable net income as reported to the Internal Revenue Service for the most recent year for which a tax return was filed and the previous three (3) years;
- k. A schedule showing the tax computation for the relevant system or division of the utility during the test year and all supporting workpapers;
- l. A schedule showing the computation of consolidated income taxes for the utility and for the controlling company, if any, during test year operations;
- m. A schedule showing a reconciliation of the treatment of allowance for funds used during construction (AFUDC) for both book and tax purposes for the utility during the test year; this schedule shall be accompanied by a narrative explanation;
- n. A schedule showing the depreciation rates used by the utility in its filing classified by major plant accounts;
- o. A schedule indicating for the utility the date of the most recent change in depreciation lives and studies supporting such a change in depreciable asset lives and corresponding depreciation rates;

2. Number of customers by month by class;
3. Number of customers by class by meter size;
3. System demand by month;
4. Water pumped by month for any and all wells serving the system.
5. Water purchased to serve the system including monthly volumes, monthly total cost and cost/1,000 gal for each identified seller.
6. Water losses with break outs of percentages flushed, leaked, stolen or any other source of water loss by month.
7. Where applicable, cooling and heating degree days by month, both normal and actual;
8. Actual peak per year by class;

(6) **EXPERT TESTIMONY:**

The utility shall submit two (2) copies of the testimony and reports, if any, of company representatives and outside expert witnesses used to support such filing.

(7) **ADDITIONAL INFORMATION UPON REQUEST:**

An Applicant shall make available any or all of the following information to the City Manager or his/her designee for inspection or copying upon written request therefor:

- (1) Current and detailed system maps of facilities that, in whole or in part, serve the Area Served.
- (2) Annual inspection reports filed by Applicant to the TCEQ (or other regulatory body) addressing the Area Served.
- (3) Any deficiencies reports produced for the Area Served and Applicant's responses to same.
- (4) Customer complaints about any aspect of Applicant's service within the Area Served.
- (5) Total actual dollars of un-collectable accounts for customers within the Area Served, by customer class.
- (6) Documents detailing the acquisition/price paid by Applicant (or any of predecessor) for the System(s) within the Area Served, the associated number of accounts acquired, the date(s) of closing and the seller(s) of the System(s).
- (7) Supporting studies, workpapers, or documentation relied upon by each representative or witness in the presentation of his testimony;
- (8) The utility's books of original entry including the general ledger, subledgers, journals, balance sheets, operating income statements, and monthly trial balances by primary account number, for each month during the test year;
- (9) All workpapers used to derive the utility's adjusted value of invested capital which were not included in the filing package; and

JOHN W. DAVIDSON
ARTHUR TROILO
CHEREE TULL KINZIE
R. GAINES GRIFFIN
RICHARD E. HETTINGER
PATRICK W. LINDNER
IRWIN D. ZUCKER
RICHARD D. O'NEIL
J. MARK CRAUN
LEA A. REAM
FRANK J. GARZA
JAMES C. WOO

LAW OFFICES OF
DAVIDSON & TROILO,
A PROFESSIONAL CORPORATION

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

June 7, 2011

RICHARD L. CROZIER
R. JO RESER
STEVEN PEÑA
LISA M. GONZALES

OF COUNSEL:
TERRY TOPHAM
ROBERT F. EICHELBAUM
PAUL M. GONZALEZ
LESLIE M. LUTTRELL

AUSTIN OFFICE
919 CONGRESS, SUITE 810, 78701
512/469-8006 * FAX: 512/473-2159

Direct Dial (210) 442-2310
plindner@davidsontrilo.com

Via Regular Mail and Email

Office of the Chief Clerk
MC 105
TCEQ,
P.O. Box 13087
Austin, Texas 78711-3087

Re: Application by Aqua Utilities, Inc. to renew Permit No. WQ0011974001;
Comment; Protest; & Request for Contested Case Hearing.

Dear Sirs:

This law firm serves as special counsel for the City of Rockwall.

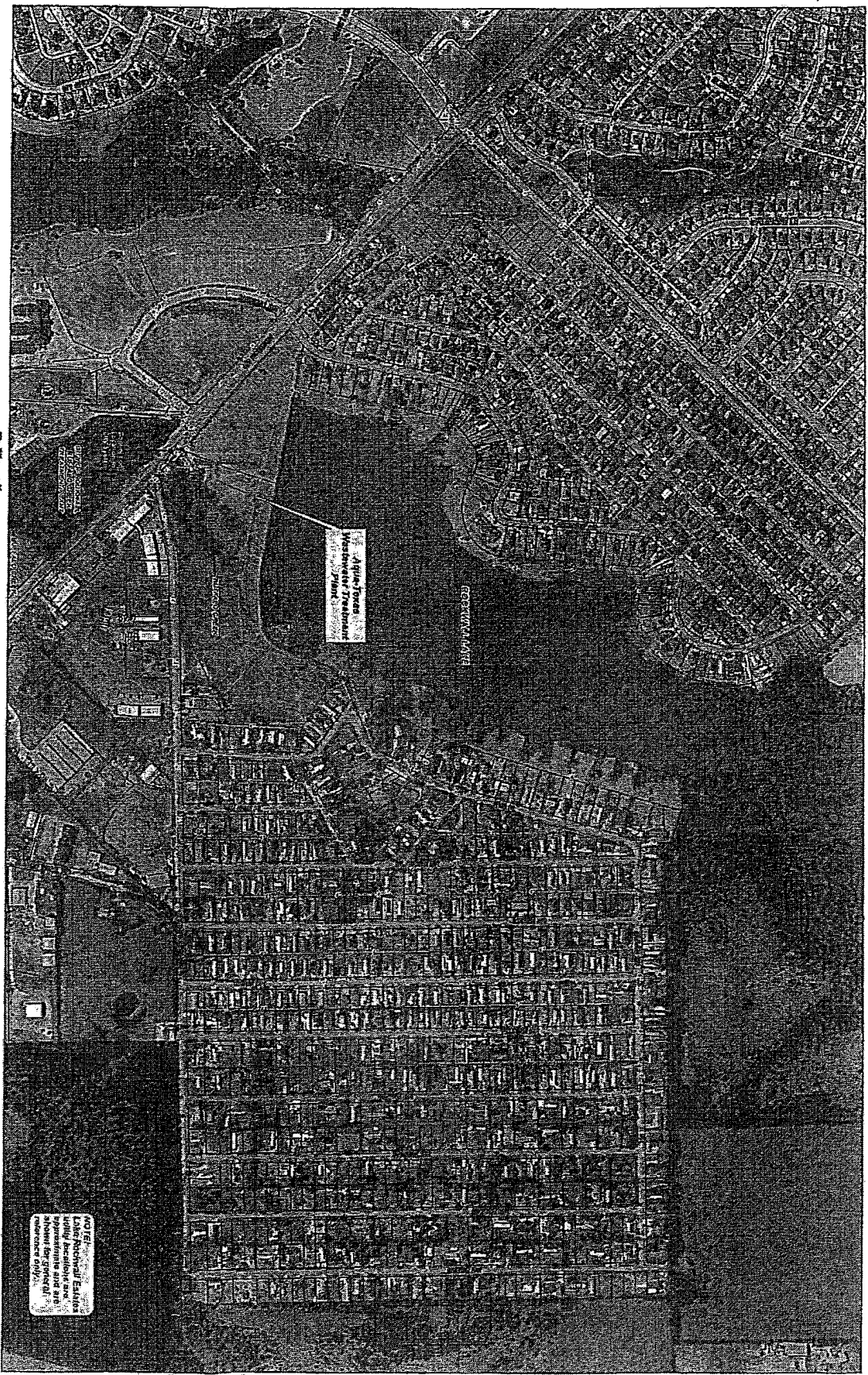
The City of Rockwall protests and requests a hearing on the above-referenced application. The City of Rockwall has a pending protest and request for a hearing on an application by the above-referenced applicant seeking to transfer the facility to an entity named "Aqua Texas, Inc."¹. The City of Rockwall also opposes any application to amend the above-referenced permit to change the name of the entity holding the permit.

Since the initial permit was issued and the existing facility constructed, the City of Rockwall has extended its corporate limits to include the location of the facility authorized by the above-referenced permit. In addition, the City of Rockwall has extended its respective wastewater collection and treatment systems to be within a few hundred feet of the applicant's facility. The City of Rockwall has offered a contract to the applicant to receive and treat the wastewater so the applicant's aging treatment plant can be removed from service. The City of Rockwall owns land along the receiving stream within a few hundred feet downstream of the discharge point for the existing plant and is concerned about the quality of the effluent discharged by the applicant. The location of these existing facilities is shown on the attached aerial photograph.

The City of Rockwall requests a hearing on whether there is a continued need for the facility and whether any additional terms or conditions should be included in the permit based upon the Commission's consideration of need under Texas Water Code § 26.0282. Texas Water Code § 26.0282 provides that in considering the issuance, amendment, *renewal*, of a permit to discharge waste, the Commission may deny or alter the terms and conditions of the proposed permit, amendment, renewal, based on

¹ See Application Nos. 36875-S and 36876-S.

1 inch = 200 feet



Date: 4/7/81

To: [unclear]
Regional [unclear]

LAKELAND ESTATES
[unclear]
[unclear]

NOT TO BE USED FOR
LAKELAND ESTATES
[unclear]
[unclear]
[unclear]

LAKELAND ESTATES
MASTER MAP
HOUSTON, TX 77052



City of Rockwall
The New Horizon

June 30, 2011

Robert L. Laughman
Aqua Texas Water Supply
810 W. 10th Street
Austin, TX 78701

Re: Water and Wastewater Standards of Service Ordinance-Adopted

Dear Mr. Laughman:

At the June 20 City Council Meeting, the City Council approved the second reading of the attached Water and Wastewater Standards of Service Ordinances which amend the City Code of Ordinances. The amendments establish the minimum water and wastewater service requirements. The ordinances apply to all water and wastewater providers within the City including both investor owned utilities and water supply corporations. The ordinances are now in effect.

I have also attached a copy of the ordinance that relates to rate changes for water and wastewater providers within the City where the City has original jurisdiction.

If you have any questions please contact me at 972-771-7746.

Sincerely,

A handwritten signature in black ink that reads "Chuck Todd". The signature is written in a cursive style with a long horizontal stroke at the end.

Chuck Todd, P.E.
City Engineer

Attachments

CAT 145 Water and Wastewater Standards of Service Transmittal Aqua Texas 6-30-2011
CAT/ct

Section 3. Service Obligations of Utility. The utility's service obligations will be subject to, and will comply with, the statutory obligations of a retail public utility to provide customers with continuous and adequate service at rates that are just and reasonable. The utility shall assure continuity of service. The City acknowledges that the utility is required to comply with certain state standards for health and safety, including, but not limited to, the rules of the TCEQ. To the extent there is any conflict between complying with state standards and complying with City ordinances, the stricter standards shall prevail.

Section 4. Accounts, Records and Reports.

a. Utility shall keep complete and accurate books of accounts and records of its business and operations within the City in accordance with generally accepted accounting practices.

b. Within seven (7) business days after receipt of a request from the City, the utility will make its books and records pertaining to service provided within the City available for inspection and copying by the City at the utility's place of business in the City during regular business hours.

c. Utility shall furnish the City with record drawings of the existing system within the City, including updating record drawings with any additional facilities constructed.

d. Utility shall furnish the City with a copy of its adopted Water Conservation Plan and its Drought Management Plan and shall maintain such plans in a manner so as to be consistent with the City's plans of the same title.

Section 5. Defaults and Remedies.

a. Notice of Violation. If the City has reason to believe that utility is in violation of federal or state law or regulations, or local regulations, the City shall notify the utility in writing of the alleged violation setting forth the nature of such alleged violation. Within thirty (30) days of receipt of such notice, or such longer period specified by the City, the utility shall respond in writing that the violation has been cured or provide a cure plan or schedule or provide explanations in refutation or excuse with documentation to support that an alleged violation did not occur.

b. Cure Period. Notwithstanding Subsection 5.a. above, the utility shall be allowed ninety (90) days to cure violations after written notice is received from the City, by taking appropriate steps to comply with the terms of any lawful regulations. If the nature of the violation is such that it cannot be fully cured within 90 days, the period of time in which the utility must cure the violation shall be extended for such additional time reasonably necessary to complete the cure, provided that (i) the utility shall have promptly commenced to cure, and (ii) the utility is diligently pursuing its efforts to cure.

Section 6. Utility Construction, Street Cuts and Bores. Utility shall be bound by all City ordinances that govern the placement, location, design and construction of water pipelines, equipment, infrastructure, fixtures, facilities, and related appurtenances in the City; and City ordinances that assist in the management of the Public Rights-of-Way to the extent such are necessary to protect the public health, safety, or welfare, and are adopted pursuant to the City's police powers.

ORDINANCE NO. 11- 28

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, AMENDING CHAPTER 44 UTILITIES, ARTICLE IV SEWERS AND SEWAGE DISPOSAL OF THE CODE OF ORDINANCES; SETTING REQUIREMENTS TO BE SATISFIED BY UTILITIES PROVIDING SEWER UTILITY SERVICE WITHIN ITS CORPORATE LIMITS; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council has authority to specify the standards, classifications, regulations, service rules, minimum service standards or practices to be observed and followed with respect to the sewer service to be furnished within the corporate limits of the City of Rockwall;

WHEREAS, the City Council finds the adoption of the following standards for design, operation and maintenance is necessary to protect the public safety and health;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS:

Section 1. Standards. Each component part of the utility's sewage collection and treatment system must be designed, constructed, and operated to satisfy the minimum design criteria set forth in the Title 30, Texas Administrative Code, Chapter 217 and any subsequent construction or modification by the utility within the corporate limits of the City shall satisfy the minimum design requirement adopted by the City or applicable to sewage collection and treatment facilities constructed by the City or by others for the City. The facility design must incorporate processes that use the least hazardous and toxic chemicals and the least amounts of those chemicals that will effectively treat and disinfect the influent so that the effluent and the sludge meet the requirements in the associated wastewater permit and do not degrade the water quality in a receiving stream or cause accumulation in a land application area.

Section 2. Reports. The utility shall provide to the City a copy of each periodic report or compliance records filed with any state or federal agency and each and every report describing an event involving sewage backup, overflow in the collection system or by-pass in the treatment process. The utility shall forward to the City a copy of each and every notice of violation or other letter or report from any state or federal agency with jurisdiction over the utility's operation to the utility specifically addressing the utility's operations within the City.

Section 3. Nuisance. The utility shall remove and abate at its own expense any sewage backup. The City shall have the power, using reasonable means and methods, to clean up any sewage back-up at the expense of the utility and in that event, the utility shall pay the City's charges within thirty days after receiving a demand for payment and explanation of the charges due.

Section 4. Service Obligations of Utility. The utility's service obligations will be subject to, and will comply with, the statutory obligations of a retail public utility to provide

Section 9. That if any section or provision of this ordinance or the application of that section or provision to any person, firm, corporation, situation or circumstance is for any reason judged invalid, the adjudication shall not affect any other section or provision of this ordinance or the application of any other section or provision to any other person, firm, corporation, situation or circumstance, and the City Council declares that it would have adopted the valid portions and applications of the ordinance without the invalid parts and to this end the provisions of this ordinance shall remain in full force and effect;

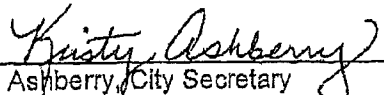
Section 10. That this ordinance shall take effect immediately from and after its passage and approval, and it is so ordained.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 20th day of June, 2011.



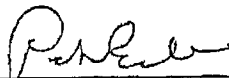
David Sweet, Mayor

ATTEST:

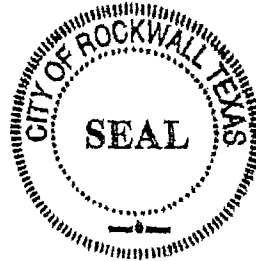


Kristy Ashberry, City Secretary

APPROVED AS TO FORM:



Pete Eckert, City Attorney




1st Reading: 06-06-11
2nd Reading: 06-20-11

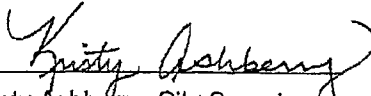
publication.

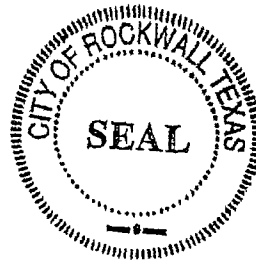
Section 6. Notice. It is hereby officially found that the meeting at which this Ordinance is passed is open to the public and that due notice of this meeting was posted, all as required by law.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 16th day of May, 2011.

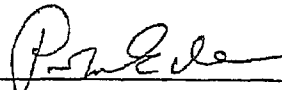

William R. Cecil, Mayor

ATTEST:


Kristy Ashberry, City Secretary



Approved as to form:


Pete Eckert, City Attorney

1st Reading: May-2-11

2nd Reading: May-16-11

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

October 25, 2011

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

Via Certified Mail / RRR: 7011-0470-0002-1544-5337

Ms. Tammy Benter
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. Benter:

Please accept this letter as a response to your correspondence dated September 23, 2011 in regard to the above-referenced petition. In the letter, you advise that mapping must be submitted by the Petitioners pursuant to *30 TAC 291.105* by October 28, 2011 or "...your applications (sic) will be returned for failure to prosecute."

I must protest this notice and request that the petitions be accepted for filing. *30 TAC 291.105(a)* provides that mapping submission is required of a *public utility or water supply or sewer service corporation* seeking to obtain a certificate of public convenience and necessity (CCN) or an amendment to a CCN. The petition in this case is brought pursuant to *Tex. Water Code § 13.254* and *13.246* as well as *30 TAC 291.113*. It is a petition to revoke and/or refuse continuation of the CCN previously granted to Aqua Texas, the respondent. It is brought by the consumers of the services in question, not the investor owned utility. The Commission, upon receipt of such a petition, after notice and hearing, may revoke any CCN, *30 TAC 291.113(a)*. There is no administrative or statutory requirement that the petitioners in this case file mapping of an area already subject to a CCN that has previously been identified, mapped, and made the subject of a CCN.

It is my request that the Commission proceed with notice and hearing as required by statute and administrative rule and refrain from unwarranted requests and demands of the petitioners in this case.

2011 OCT 28 PM 4 11
RECEIVED
TOED
M. T. R. SUPPLY DIV.

Ms. Tammy Benter
October 25, 2011
Page 2

As an accommodation, I am enclosing mapping that meets the criteria of *30 TAC 291.105*. Enclosed you will find the following:

1. Mapping from TCEQ and apparently prepared by TCEQ showing the Lake Rockwall Estates subdivision subject to the water and sewer service CCNs held by Aqua Texas (Exhibit 1);
2. A disc with digital aerial maps of Lake Rockwall Estates with the water and sewer services the subject of the Aqua Texas CCN depicted thereon. Two different sizes of the TCEQ mapping (Exhibit 1) are recorded on the disc as well. The disc is Exhibit 2;
3. A certified copy of the plat maps of Lake Rockwall Estates (originally platted as Lake Echo, then Rockwall Lake Estates, and Rockwall Lake Properties) filed with the County Clerk in Rockwall County, Texas, Exhibit 3.

Mr. Brian Dickey of the TECQ advised in an e-mail dated September 19, 2011 that a written description of the area be included as well. Despite the conflict between his correspondence and yours, in an abundance of caution, I am providing the following description of the area of interest:

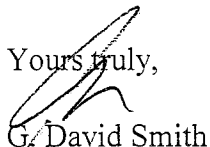
Lake Rockwall Estates is a subdivision in the City of Rockwall, County of Rockwall, State of Texas bordered by FM 3097 to the south, Bass Road to the West, Evans Road to the north, the back lot lines, inclusive of easements, of all lots along Renee Street to the northeast, and County Road on the eastern perimeter.

As stated above, it is my review of the statutes and rules applicable to the petition that the petitioners have met their initial burden without this mapping, especially in light of the fact that TCEQ mapping currently depicts the "area of interest" involved. Accordingly, I ask that this petition be accepted for filing and notice and hearing proceed per statute and rule.

This letter is being submitted with an additional three copies per your letter's demand.

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

Yours truly,



G. David Smith

GDS/dlm
enc.
cc: Clients

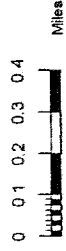
EXHIBIT 1

**Protecting Texas by
Reducing and
Preventing Pollution**



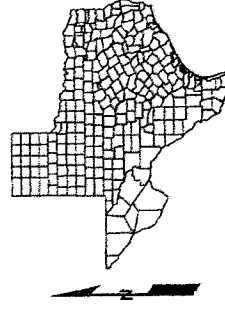
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
For more information
concerning this map, please contact the
Water Supply Division at (512) 239-4091.
09/15/2011

**The Selected Area
of Interest**



Legend

- Water CCN Facility Line
- Sewer CCN Facility Line
- Senate - Districts
- House - Districts
- TCEQ Service Region Boundary
- County Boundary
- Sewer CCN Service Area
- Water CCN Service Area
- City Boundary
- CCN Overlap Key
- Sewer-Water CCN Service Area



Disclaimer:
This map was generated by the Integrated Water Utilities
Database (IWUD) from the Texas Commission on
Environmental Quality. No claims are made to the
accuracy or completeness of the data or to its suitability
for a particular use.

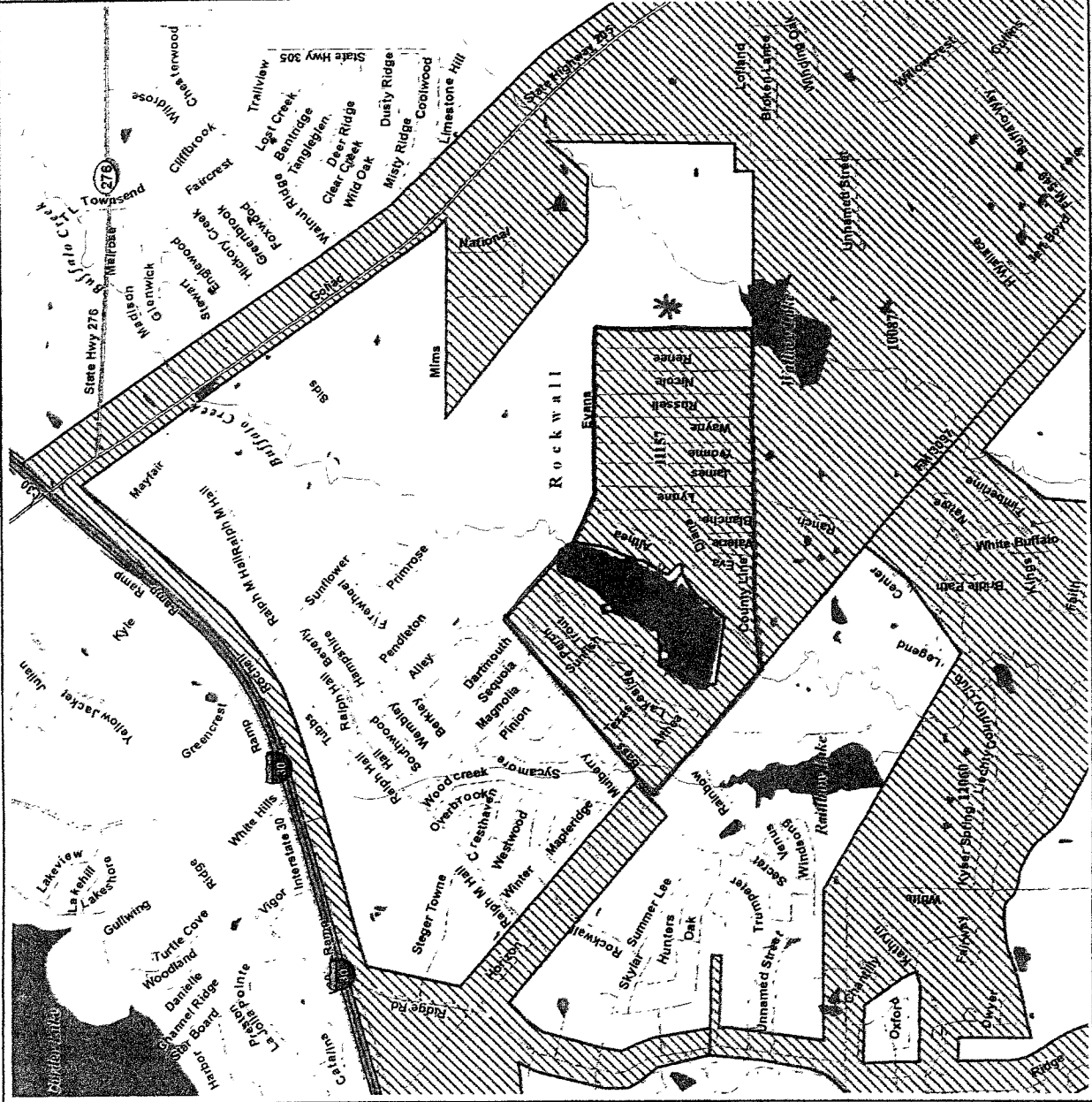
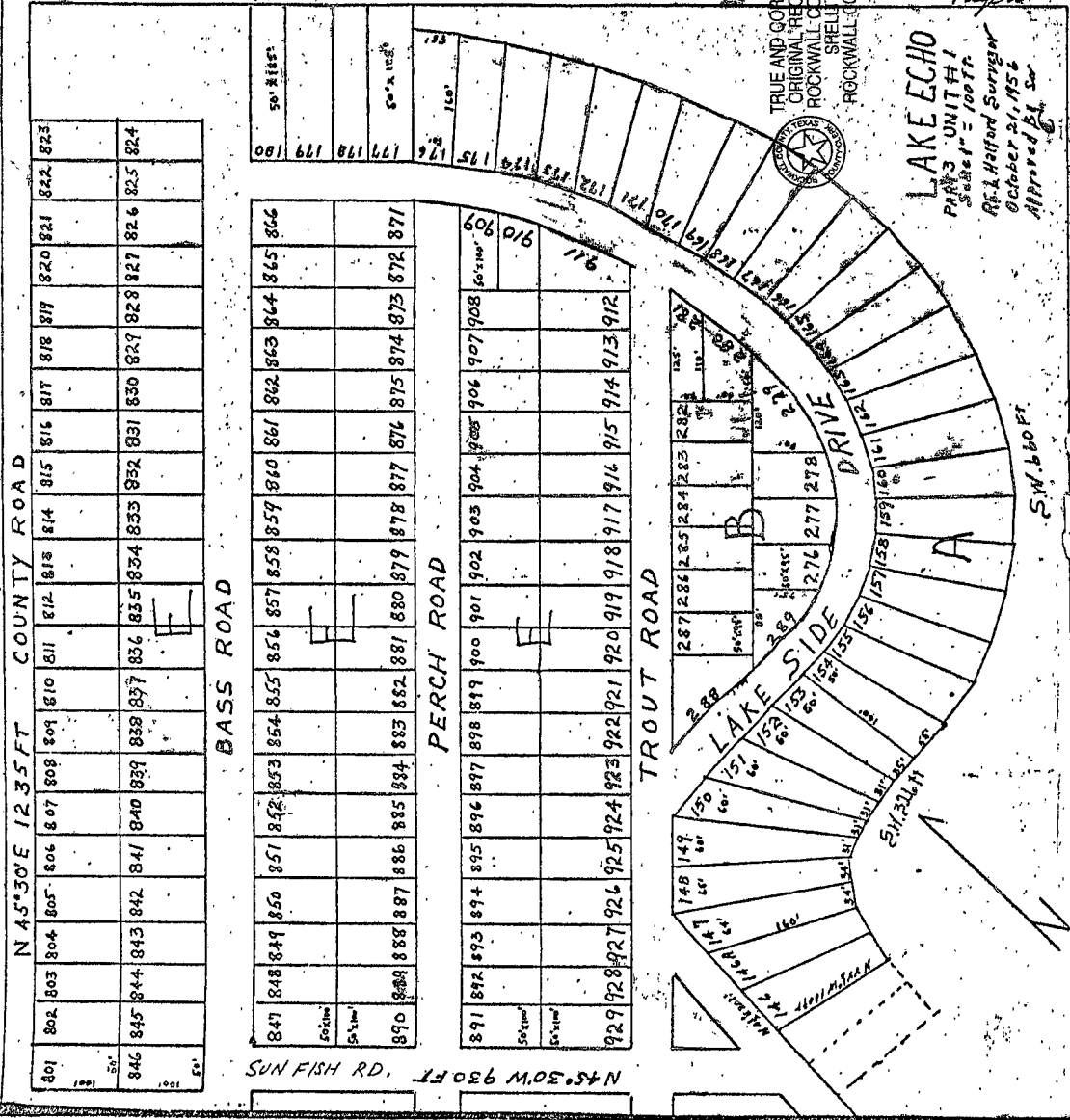


EXHIBIT 2

EXHIBIT 3

S 45° 30' E 250 FT



TRUE AND CORRECT COPY OF ORIGINAL RECORD FILED IN ROCKWALL COUNTY, TEXAS. STELL MILLER, ROCKWALL COUNTY CLERK

LAKE ECHO
 PLAN UNIT #1
 Subst # = 100 ft
 R.E.A. Hafford Surveyor
 October 21, 1954
 Approved by Sr

801	802	803	804	805	806	807	808	809	810	811	812	813	814	815	816	817	818	819	820	821	822	823	
846	845	844	843	842	841	840	839	838	837	836	835	834	833	832	831	830	829	828	827	826	825	824	

BASS ROAD

PERCH ROAD

TROUT ROAD

847	848	849	850	851	852	853	854	855	856	857	858	859	860	861	862	863	864	865	866	
870	888	887	886	885	884	883	882	881	880	879	878	877	876	875	874	873	872	871		
891	892	893	894	895	896	897	898	899	900	901	902	903	904	905	906	907	908			
929	928	927	926	925	924	923	922	921	920	919	918	917	916	915	914	913	912			

SUN FISH RD. 1/4 Sec 36 N 45° 30' E 250 FT

I, R. E. A. Hafford, County Surveyor, do hereby certify that I made a survey of the above described property, in the month of July, 1954, and that this part is made in accordance of the field notes of the same.

APPROVED FOR FILING:
 [Signature]
 County Judge

ROCKWALL COUNTY COMMISSIONERS.
 [Signatures]

FILED
 21st day of Oct 1954
 ROCKWALL COUNTY CLERK
 [Signature]

LAKE ECHO
 PLAN UNIT #1
 Subst # = 100 ft
 R.E.A. Hafford Surveyor
 October 21, 1954
 Approved by Sr

L. K. S. R. O. O.
 Glover Title Survey
 Rockwall, County Texas

APPROVED FOR FILING:
 [Signature]
 Rockwall County Surveyor

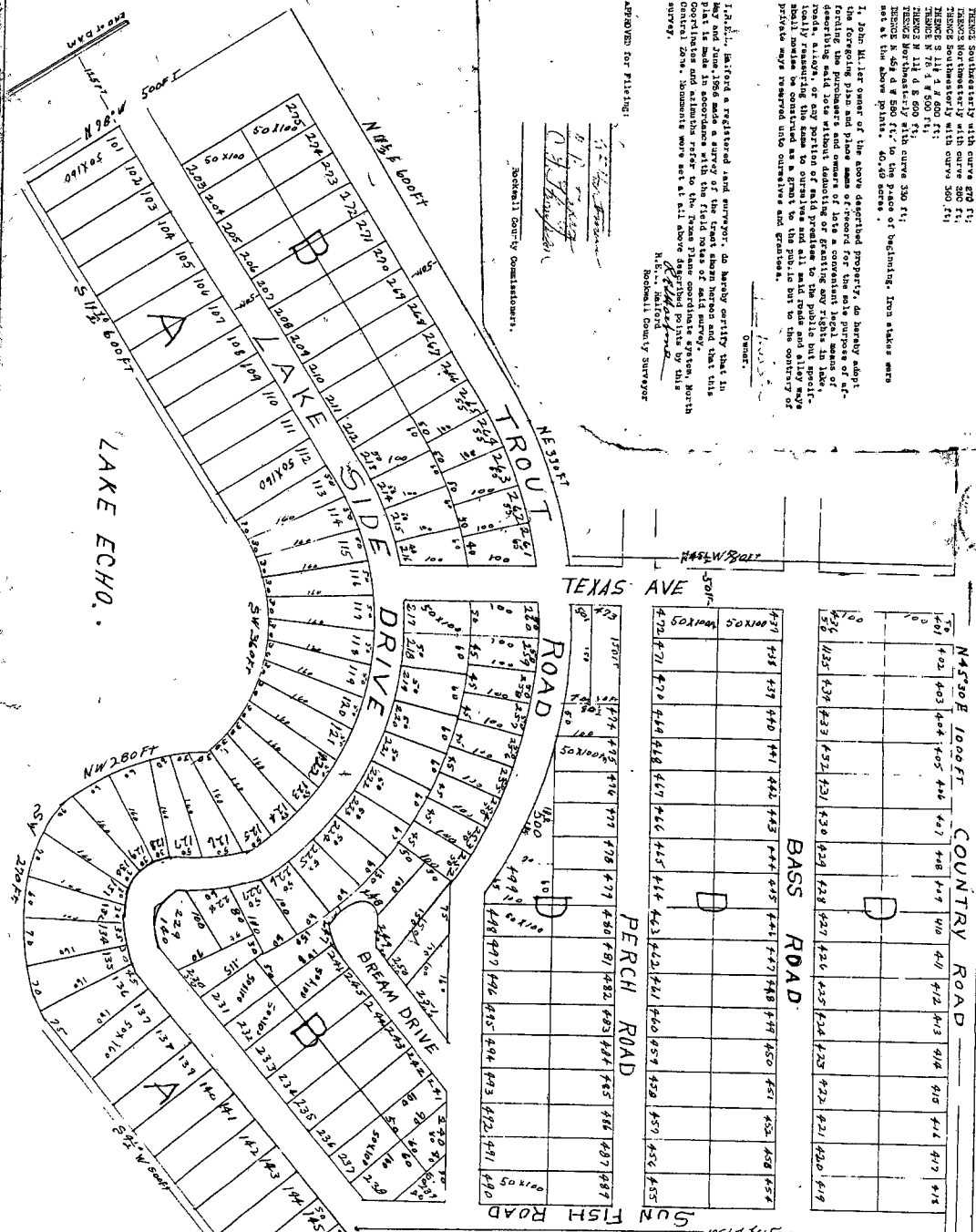
APPROVED FOR FILING:
 [Signature]
 Rockwall County Surveyor

I, J. B. [Name], being a registered land surveyor, do hereby certify that the map and plat made in accordance with the field notes of said survey, and the plat is made in accordance with the field notes of said survey, and that the same are correct and true to the best of my knowledge and belief, and that I am a duly qualified and licensed land surveyor in the State of Texas, and that I am the author of the same.

APPROVED FOR FILING:
 [Signature]
 Rockwall County Surveyor

I, John M. [Name], owner of the above described property, do hereby admit, for the purpose of the foregoing plan and plat, that the same is correct and true to the best of my knowledge and belief, and that I am the author of the same.

I, [Name], being a registered land surveyor, do hereby certify that the map and plat made in accordance with the field notes of said survey, and the plat is made in accordance with the field notes of said survey, and that the same are correct and true to the best of my knowledge and belief, and that I am a duly qualified and licensed land surveyor in the State of Texas, and that I am the author of the same.



LAKE ECHO
 Part # 1 Unit # 1
 Scale 1" = 100 FT.
 R.L. Holland Reg.Surv.
 Rockwall, Tex. June 12, 1956

LAKE ECHO
 Part # 1 Unit # 1
 Scale 1" = 100 FT.
 R.L. Holland Reg.Surv.
 Rockwall, Tex. June 12, 1956

10-20-2011 Date
 Rockwall County Clerk
 Rockwall County, Texas
 [Signature]
 Deputy

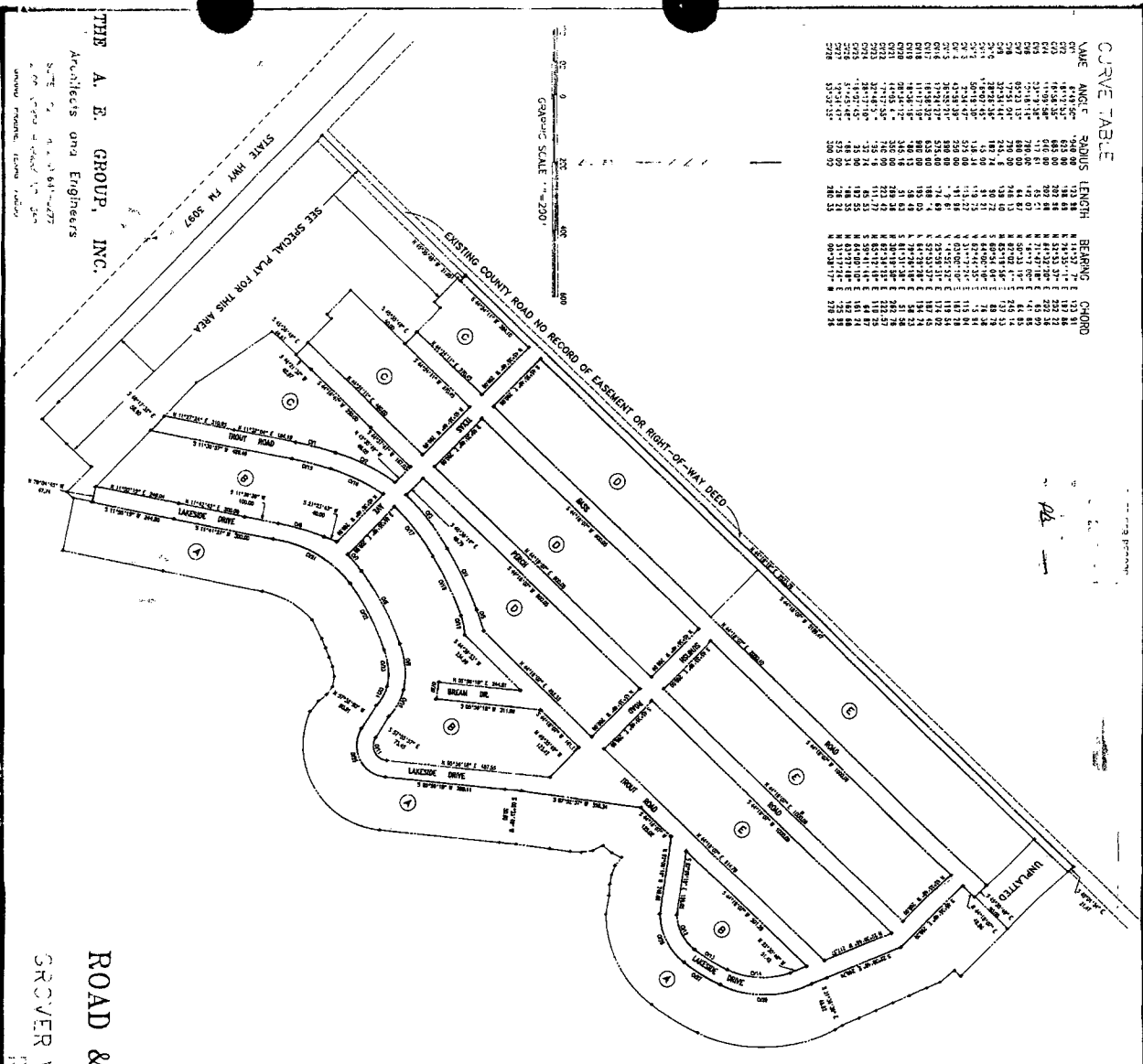
FILED
 [Signature]
 Rockwall County Surveyor

10-20-2011 Date
 Rockwall County Clerk
 Rockwall County, Texas
 [Signature]
 Deputy

LAKE ECHO
 Part # 1 Unit # 1
 Scale 1" = 100 FT.
 R.L. Holland Reg.Surv.
 Rockwall, Tex. June 12, 1956

CURVE TABLE

CURVE	NAME	ANGLE	RADIUS	LENGTH	BEARING	CHORD
001	141-50-00	123.88	123.88	123.88	N 151-51-17 E	123.88
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100	141-50-00	123.88	123.88	123.88	N 151-51-17 E	123.88



THE A. E. GROUP, INC.
Architects and Engineers
Suite 72, 9401 East 16th Street
Houston, Texas 77036

ROAD & STREET DEDICATION PLAT
15.5904 ACRES IN THE
GROVER WELLS SURVEY, ABSTRACT NO. 219
ROCKWALL COUNTY, TEXAS

B 242

OWNER'S CERTIFICATE

WHEREAS, Henry Country Homes of Texas, Inc., is the owner of that certain property in the GROVER WELLS SURVEY, Abstract 219, of Rockwall County, Texas, and being the roadways and streets of the subdivision shown as Rockwall Lake Properties Development No. One, and also being the same subdivisions as shown on plat No. 103, on the County Clerk's Office of Rockwall County, Texas, recorded in Volume 1 pages 1 and 2 of Plat Records Rockwall County, Texas;

Being all that property within the existing roadways and streets as shown on the plat hereinabove referred to, and the same being the property of the following lot as shown on the various plats of said address:

Lot	Block
101 thru 180	Block A
181 thru 360	Block B
361 thru 540	Block C
541 thru 720	Block D
721 thru 900	Block E

The total land area within the roadways and streets shown on this plat is 071,117.59 sq. ft. or 1.625926 acres.

NOW THEREFORE KNOWN ALL MEN BY THESE PRESENTS:

That Henry Country Homes of Texas, Inc., being the owner, does hereby adopt this plat, designating the property described above as Right of Way for road and Streets of ROCKWALL LAKE ESTATES, No. One, an addition of ROCKWALL COUNTY, TEXAS, and do hereby dedicate to the public use of said County the property hereinabove described, and do hereby agree that the same shall at all times have full right of ingress and egress to or from and upon the said areas for the purpose of construction, reconstruction, maintenance, repair, and use of the same, and do hereby agree to indemnify and hold the County of Rockwall, Texas, harmless from and against all claims, damages, and expenses, including reasonable attorneys' fees, which may be asserted against or incurred by the County of Rockwall, Texas, in connection with the use of the same, without the necessity of any further action or permission of anyone.

This plat is adopted subject to all rules and regulations of the County of Rockwall, Texas.

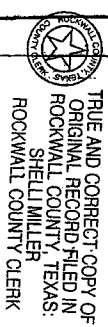
WITNES MY HAND at Rockwall, Texas, this 10th day of July, 1985.

BY: *George J. Miller*, Surveyor

STATE OF TEXAS
COUNTY OF ROCKWALL

BEFORE ME, the undersigned a Notary Public in and for said County and State of Texas, do hereby certify that the foregoing instrument, a plat of 15.5904 acres in the Grover Wells Survey, Abstract No. 219, in Rockwall County, Texas, was duly executed by the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed, and that the same was duly filed for record in my office on the 10th day of July, 1985.

George J. Miller
Notary Public, State of Texas
Commission Expires 10/17/88



TRUE AND CORRECT COPY OF ORIGINAL RECORD FILED IN ROCKWALL COUNTY, TEXAS: SHELL MILLER ROCKWALL COUNTY CLERK

OWNER'S CERTIFICATE

WHEREAS, Happy Country Homes of Texas, Inc. is the owner of that certain property in the GROVER WELLS SURVEY, Abstract #219, and the R. J. JOHNSON SURVEY, Abstract # 128, of Rockwall County, Texas, and being the roadways and streets of the subdivision known as Rockwall Lane Properties, and being the same as shown on the plat recorded in Volume 1 pages 79 and 80 of Plat Records Rockwall County, Texas.

Being all that property within the existing roadways and streets as shown on the plat, and the same as shown on the plat, and being the same as shown on the following lots as shown on the various parts of said plat:

Lots 1063 thru 1157

The total land area within the roadways and streets shown on this plat is 673,364.59 SF or 15.4581 acres, of which 15.4581 acres are in the said Grover Wells Survey and 2,5673 acres are in the said Johnson Survey.

NOW THEREFORE KNOW ALL MEN BY THESE PRESENTS

That, Happy Country Homes of Texas, Inc., being the owner, does hereby adopt this plat, designating the property described above as a "dedicated" roadway and street, and that the same shall be dedicated to the public use forever the said lots and streets shown therein, and also do hereby receive the same area for the use of public utility companies. Said utility companies shall have the right to use the same area for the purpose of construction, reconstruction, maintaining, and either adding to or removing all or part of their respective systems without the necessity of, at anytime, procuring the permission of anyone.

This plat is adopted subject to all rules and regulations of the County of Rockwall, Texas.

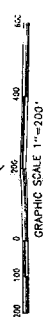
WITN 55 MY HAND at Rockwall, Texas, this 15th day of July, 1985, A.D.

BY *George J. Jones* President

STATE OF TEXAS
COUNTY OF ROCKWALL

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared George F. Jones, as President of Happy Country Homes of Texas, Inc. known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, and that he is duly qualified to execute the same in the capacity therein stated. GIVEN UNDER MY HAND AND SEAL OF OFFICE this 15th day of July, 1985.

George F. Jones
Notary Public
Commission Expires 1-1-86



B 243

ROAD & STREET DEDICATION PLAT
15.4581 ACRES IN THE
GROVER WELLS SURVEY, ABSTRACT NO. 219
and R. J. JOHNSON SURVEY, ABSTRACT NO. 128
ROCKWALL COUNTY, TEXAS

TRUE AND CORRECT
ORIGINAL RECORD
ROCKWALL COUNTY
SHELLY MILLER
ROCKWALL COUNTY CLERK

THE A. E. GROUP, INC.
Architects and Engineers
501 E 202 PH (214) 841-3277
2100 NORTH HIGHWAY NO 366
GRAND PRairie, TEXAS 75050

computer plot by: CAD/O GRAPHICS, INC. Grand Prairie, Texas (214) 841-3277

OWNER'S CERTIFICATE

WHEREAS, Happy Homes of Texas, Inc., is the owner of that certain property in the GROVER WELLS SURVEY, Abstract No. 219, Rockwall County, Texas, and the plat of said subdivision known as Rockwall Lake Properties Development No. Two, in addition to the County of Rockwall being recorded in Volume 1, pages 79 and 80 of Plat Records Rockwall County, Texas.

Being all that property within the existing roadways and streets as shown on this plat. These roadways and streets provide ingress and egress for the following lots as shown on the various plats of said additions:

- Lots 730A thru 999A
- Lots 1000 thru 1062

This plat land area within the roadways and streets shown on this plat is 653,781.7 SF or 15.0088 acres.

NOW THEREFORE KNOWN ALL MEN BY THESE PRESENTS that, Happy Homes of Texas, Inc., does hereby dedicate to the public use of the State of Texas, the County of Rockwall, Texas, and the City of Rockwall, Texas, all of the above described roads and streets, to be known as the Grover Wells Survey, Abstract No. 219, Rockwall County, Texas, and do hereby dedicate to the public use forever the said roads and streets shown on this plat. Said utility companies shall at all times have full right of ingress and egress to or from and upon the said areas for the purpose of construction, reconstruction, inspection, maintaining, and either adding to or removing all or part of the same, without the necessity of, or anything, preventing the permission of anyone.

This plat is adopted subject to all rules and regulations of the County of Rockwall, Texas.

WITNESS MY HAND at Rockwall, Texas, this 15th day of July, 1955, A.D.

BY: George J. Jones
Secretary

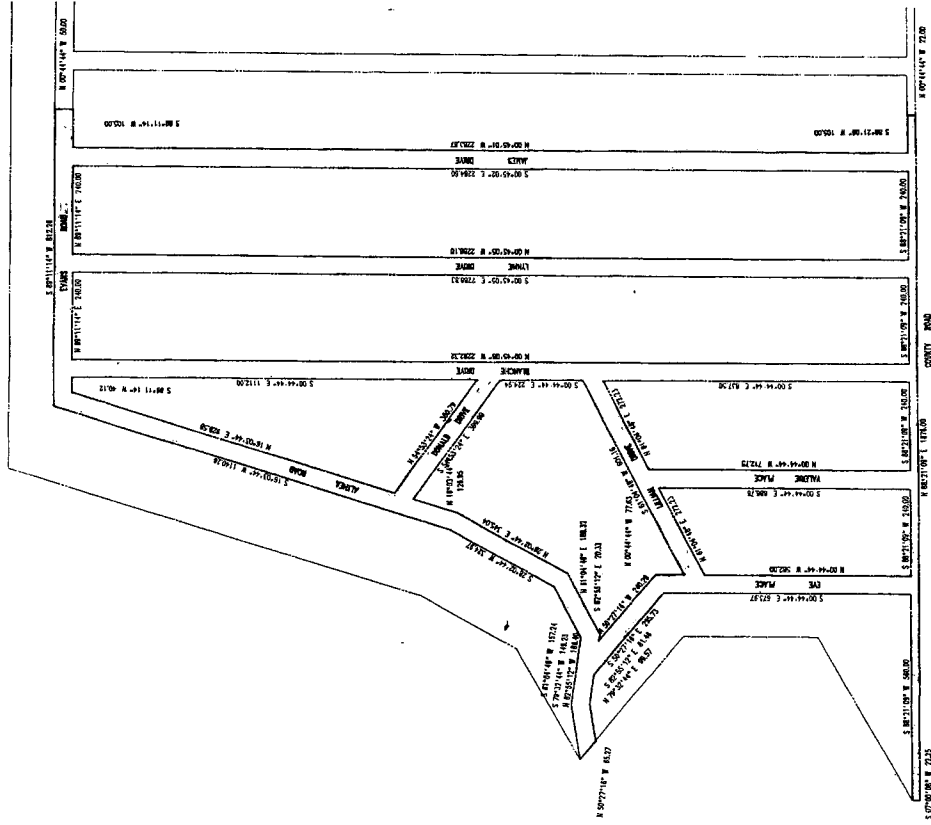
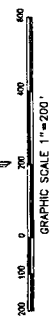
STATE OF TEXAS
COUNTY OF ROCKWALL

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared George F. James, as President of Happy Homes of Texas, Inc., known to me to be the person whose name is on the executed the same for the purposes and considerations therein expressed as the act and deed of said Corporation, and in the capacity therein stated, and he acknowledged to me that he executed the same in full and free knowledge of the contents and effect of the same, and that he was acting in the execution of his duty as President of said Corporation, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 15th day of July, 1955.
George F. James
Notary Public, State of Texas
Commission Expires: 1-1-56

I, Sheri Miller, Rockwall County Clerk, do hereby certify that the foregoing, consisting of 2 pages, is true and correct copy of the original record now on file and recorded in the records.

10-20-2011
Rockwall County Clerk
Rockwall County, Texas
Sharonne Holliday Deputy



ROAD & STREET DEDICATION PLAT
15.0088 ACRES IN THE
GROVER WELLS SURVEY, ABSTRACT NO. 219
ROCKWALL COUNTY, TEXAS **B 244**

THE A. E. GROUP, INC.
Architects and Engineers
SUITE 202 PH(214) 641-3277
2100 NORTH HIGHWAY NO. 380
GRAND PRAIRIE, TEXAS 75050

computer plot by: CAD/P GRAPHICS, Inc. Grand Prairie, Texas (214) 641-3272

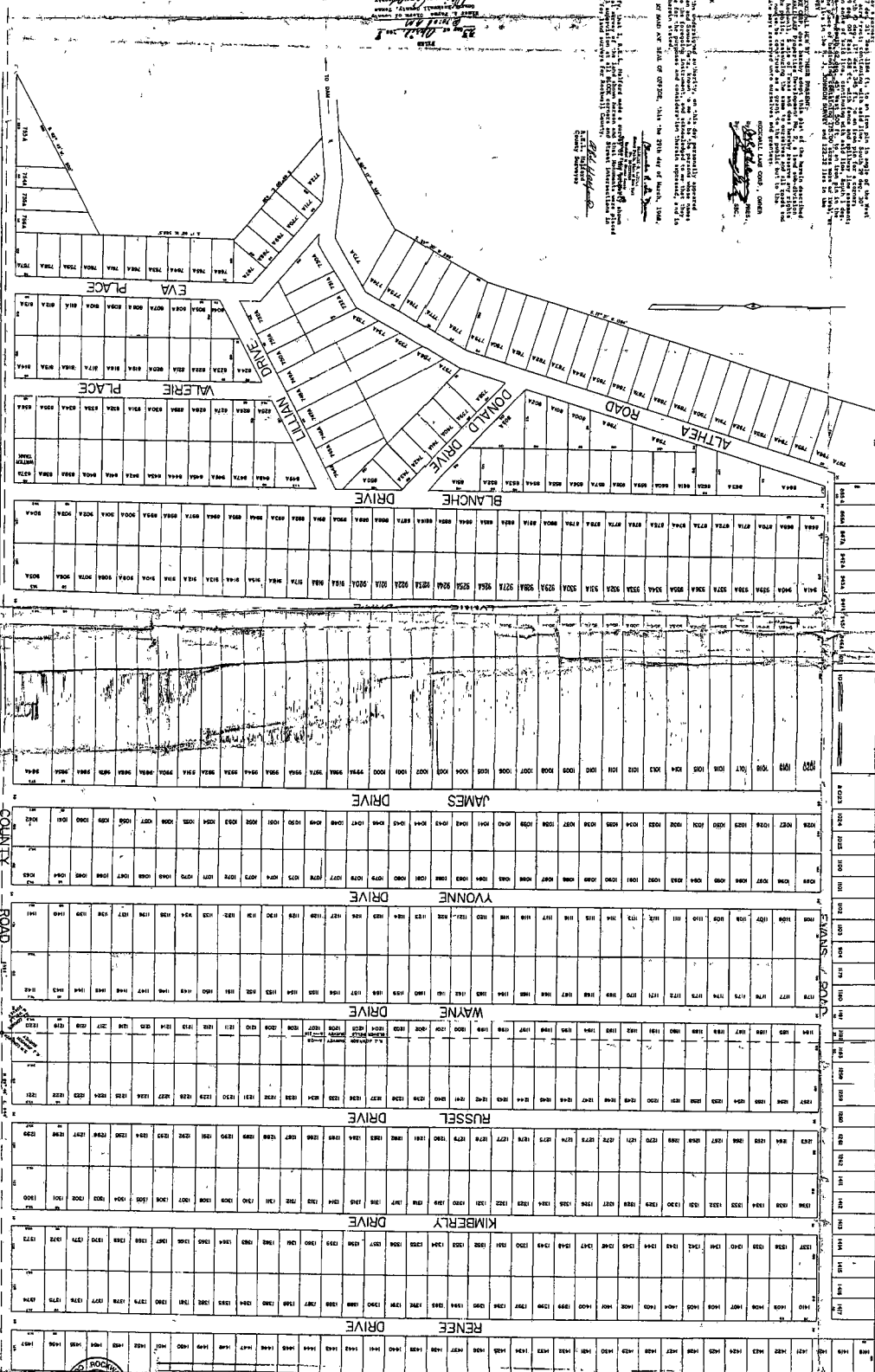
COUNTY OF ROCKWALL, TEXAS
 COUNTY CLERK'S OFFICE

THIS INSTRUMENT IS A PART OF THE PUBLIC RECORDS OF ROCKWALL COUNTY, TEXAS, AND IS SUBJECT TO THE PUBLIC RECORDS ACT, TEXAS, AND TO THE PUBLIC INFORMATION ACT, TEXAS. THIS INSTRUMENT IS NOT TO BE CONSIDERED VALID UNLESS IT IS FILED IN ACCORDANCE WITH THE PUBLIC RECORDS ACT, TEXAS, AND TO THE PUBLIC INFORMATION ACT, TEXAS.

ROCKWALL COUNTY, TEXAS
 COUNTY CLERK'S OFFICE

THIS INSTRUMENT IS A PART OF THE PUBLIC RECORDS OF ROCKWALL COUNTY, TEXAS, AND IS SUBJECT TO THE PUBLIC RECORDS ACT, TEXAS, AND TO THE PUBLIC INFORMATION ACT, TEXAS. THIS INSTRUMENT IS NOT TO BE CONSIDERED VALID UNLESS IT IS FILED IN ACCORDANCE WITH THE PUBLIC RECORDS ACT, TEXAS, AND TO THE PUBLIC INFORMATION ACT, TEXAS.

ROCKWALL LAKE PROPERTIES
 DEVELOPMENT NO. 2
 SECTIONS EAST OF LAKE



A 80

A 79

TRUE AND CORRECT COPY OF
 ORIGINAL RECORD FILED IN
 ROCKWALL COUNTY, TEXAS:
 SHELL MILLER
 ROCKWALL COUNTY CLERK



1091	1090	1089	1088	1087	1086	1085	1084	1083	1082	1081	1080	1079	1078	1077	1076	1075	1074	1073	1072	1071	1070	1069	1068	1067	1066	1065	1064	1063	1062	1061	1060	1059	1058	1057	1056	1055	1054	1053	1052	1051	1050	1049	1048	1047	1046	1045	1044	1043	1042	1041	1040	1039	1038	1037	1036	1035	1034	1033	1032	1031	1030	1029	1028	1027	1026	1025	1024	1023	1022	1021	1020	1019	1018	1017	1016	1015	1014	1013	1012	1011	1010	1009	1008	1007	1006	1005	1004	1003	1002	1001	1000	999A	998A	997A	996A	995A	994A	993A	992A	991A	990A	989A	988A	987A	986A	985A	984A	983A	982A	981A	980A	979A	978A	977A	976A	975A	974A	973A	972A	971A	970A	969A	968A	967A	966A	965A	964A	963A	962A	961A	960A	959A	958A	957A	956A	955A	954A	953A	952A	951A	950A	949A	948A	947A	946A	945A	944A	943A	942A	941A	940A	939A	938A	937A	936A	935A	934A	933A	932A	931A	930A	929A	928A	927A	926A	925A	924A	923A	922A	921A	920A	919A	918A	917A	916A	915A	914A	913A	912A	911A	910A	909A	908A	907A	906A	905A	904A	903A	902A	901A	900A	899A	898A	897A	896A	895A	894A	893A	892A	891A	890A	889A	888A	887A	886A	885A	884A	883A	882A	881A	880A	879A	878A	877A	876A	875A	874A	873A	872A	871A	870A	869A	868A	867A	866A	865A	864A	863A	862A	861A	860A	859A	858A	857A	856A	855A	854A	853A	852A	851A	850A	849A	848A	847A	846A	845A	844A	843A	842A	841A	840A	839A	838A	837A	836A	835A	834A	833A	832A	831A	830A	829A	828A	827A	826A	825A	824A	823A	822A	821A	820A	819A	818A	817A	816A	815A	814A	813A	812A	811A	810A	809A	808A	807A	806A	805A	804A	803A	802A	801A	800A	799A	798A	797A	796A	795A	794A	793A	792A	791A	790A	789A	788A	787A	786A	785A	784A	783A	782A	781A	780A	779A	778A	777A	776A	775A	774A	773A	772A	771A	770A	769A	768A	767A	766A	765A	764A	763A	762A	761A	760A	759A	758A	757A	756A	755A	754A	753A	752A	751A	750A	749A	748A	747A	746A	745A	744A	743A	742A	741A	740A	739A	738A	737A	736A	735A	734A	733A	732A	731A	730A	729A	728A	727A	726A	725A	724A	723A	722A	721A	720A	719A	718A	717A	716A	715A	714A	713A	712A	711A	710A	709A	708A	707A	706A	705A	704A	703A	702A	701A	700A	699A	698A	697A	696A	695A	694A	693A	692A	691A	690A	689A	688A	687A	686A	685A	684A	683A	682A	681A	680A	679A	678A	677A	676A	675A	674A	673A	672A	671A	670A	669A	668A	667A	666A	665A	664A	663A	662A	661A	660A	659A	658A	657A	656A	655A	654A	653A	652A	651A	650A	649A	648A	647A	646A	645A	644A	643A	642A	641A	640A	639A	638A	637A	636A	635A	634A	633A	632A	631A	630A	629A	628A	627A	626A	625A	624A	623A	622A	621A	620A	619A	618A	617A	616A	615A	614A	613A	612A	611A	610A	609A	608A	607A	606A	605A	604A	603A	602A	601A	600A	599A	598A	597A	596A	595A	594A	593A	592A	591A	590A	589A	588A	587A	586A	585A	584A	583A	582A	581A	580A	579A	578A	577A	576A	575A	574A	573A	572A	571A	570A	569A	568A	567A	566A	565A	564A	563A	562A	561A	560A	559A	558A	557A	556A	555A	554A	553A	552A	551A	550A	549A	548A	547A	546A	545A	544A	543A	542A	541A	540A	539A	538A	537A	536A	535A	534A	533A	532A	531A	530A	529A	528A	527A	526A	525A	524A	523A	522A	521A	520A	519A	518A	517A	516A	515A	514A	513A	512A	511A	510A	509A	508A	507A	506A	505A	504A	503A	502A	501A	500A	499A	498A	497A	496A	495A	494A	493A	492A	491A	490A	489A	488A	487A	486A	485A	484A	483A	482A	481A	480A	479A	478A	477A	476A	475A	474A	473A	472A	471A	470A	469A	468A	467A	466A	465A	464A	463A	462A	461A	460A	459A	458A	457A	456A	455A	454A	453A	452A	451A	450A	449A	448A	447A	446A	445A	444A	443A	442A	441A	440A	439A	438A	437A	436A	435A	434A	433A	432A	431A	430A	429A	428A	427A	426A	425A	424A	423A	422A	421A	420A	419A	418A	417A	416A	415A	414A	413A	412A	411A	410A	409A	408A	407A	406A	405A	404A	403A	402A	401A	400A	399A	398A	397A	396A	395A	394A	393A	392A	391A	390A	389A	388A	387A	386A	385A	384A	383A	382A	381A	380A	379A	378A	377A	376A	375A	374A	373A	372A	371A	370A	369A	368A	367A	366A	365A	364A	363A	362A	361A	360A	359A	358A	357A	356A	355A	354A	353A	352A	351A	350A	349A	348A	347A	346A	345A	344A	343A	342A	341A	340A	339A	338A	337A	336A	335A	334A	333A	332A	331A	330A	329A	328A	327A	326A	325A	324A	323A	322A	321A	320A	319A	318A	317A	316A	315A	314A	313A	312A	311A	310A	309A	308A	307A	306A	305A	304A	303A	302A	301A	300A	299A	298A	297A	296A	295A	294A	293A	292A	291A	290A	289A	288A	287A	286A	285A	284A	283A	282A	281A	280A	279A	278A	277A	276A	275A	274A	273A	272A	271A	270A	269A	268A	267A	266A	265A	264A	263A	262A	261A	260A	259A	258A	257A	256A	255A	254A	253A	252A	251A	250A	249A	248A	247A	246A	245A	244A	243A	242A	241A	240A	239A	238A	237A	236A	235A	234A	233A	232A	231A	230A	229A	228A	227A	226A	225A	224A	223A	222A	221A	220A	219A	218A	217A	216A	215A	214A	213A	212A	211A	210A	209A	208A	207A	206A	205A	204A	203A	202A	201A	200A	199A	198A	197A	196A	195A	194A	193A	192A	191A	190A	189A	188A	187A	186A	185A	184A	183A	182A	181A	180A	179A	178A	177A	176A	175A	174A	173A	172A	171A	170A	169A	168A	167A	166A	165A	164A	163A	162A	161A	160A	159A	158A	157A	156A	155A	154A	153A	152A	151A	150A	149A	148A	147A	146A	145A	144A	143A	142A	141A	140A	139A	138A	137A	136A	135A	134A	133A	132A	131A	130A	129A	128A	127A	126A	125A	124A	123A	122A	121A	120A	119A	118A	117A	116A	115A	114A	113A	112A	111A	110A	109A	108A	107A	106A	105A	104A	103A	102A	101A	100A	99A	98A	97A	96A	95A	94A	93A	92A	91A	90A	89A	88A	87A	86A	85A	84A	83A	82A	81A	80A	79A	78A	77A	76A	75A	74A	73A	72A	71A	70A	69A	68A	67A	66A	65A	64A	63A	62A	61A	60A	59A	58A	57A	56A	55A	54A	53A	52A	51A	50A	49A	48A	47A	46A	45A	44A	43A	42A	41A	40A	39A	38A	37A	36A	35A	34A	33A	32A	31A	30A	29A	28A	27A	26A	25A	24A	23A	22A	21A	20A	19A	18A	17A	16A	15A	14A	13A	12A	11A	10A	9A	8A	7A	6A	5A	4A	3A	2A	1A	0A
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JAMES DRIVE

LYNNE DRIVE

BLANCHE DRIVE

ROAD

DONALD DRIVE

LILLIAN DRIVE

VALERIE PLACE

EVA PLACE

GEN. ORDER BY THE ASST. CLERK OF COUNTY, THIS THE 20th day of March, 1904.

Blanche A. Taylor

This is to certify that the legal plat hereof made and approved by me as Clerk of County, and that the same were placed under personal supervision at all BLACK corners and street intersections in the platements for land surveys for Rockwall County.

Blanche A. Taylor

Clerk of County

FILED

Blanche A. Taylor

Blanche A. Taylor

Blanche A. Taylor, Clerk of County

County of Rockwall, Texas

Blanche A. Taylor

ROCKWALL LAKE PROPERTIES

DEVELOPMENT NO. 2

PLATTED FROM THE ORIGINAL SURVEY

October 1, 1907

R.L. HALFORD COUNTY SURVEYOR

Scale 1" = 100'

Rockwall, Texas

I, Sheila Liller, Rockwall County Clerk, do hereby certify that the foregoing, consisting of *2* pages, is a true and correct copy of the original record now on file and/or recorded in the records.

Date *10-20-2011*

By *Sheila Liller*

Rockwall County Clerk
Rockwall County, Texas



Karen Blaschke - RE: Lake Rockwall Estates v. Aqua Texas, Inc. application No. 37111-C

From: "david@gdavidsmith.com" <david@gdavidsmith.com>
To: Brian Dickey <Brian.Dickey@tceq.texas.gov>
Date: 10/20/2011 5:55 PM
Subject: RE: Lake Rockwall Estates v. Aqua Texas, Inc. application No. 37111-C
CC: Lisa Fuentes <Lisa.Fuentes@tceq.texas.gov>
Attachments: LRE East Side of Lake Sewer Map 102011.pdf; LRE East Side of Lake Water Map 102011.pdf; LRE West Side of Lake Sewer Map 102011.pdf; LRE West Side of Lake Water Map 102011.pdf

I have the certified plats with legal descriptions for the affected area. Attached are maps showing the water and sewer service for Lake Rockwall Estates, the affected areas. The water maps show the location of existing Aqua Texas water lines in blue and the sewer lines in orange. Will these, along with the plats of the subdivision, suffice for mapping purposes?

From: Brian Dickey [mailto:Brian.Dickey@tceq.texas.gov]
Sent: Monday, September 19, 2011 10:32 AM
To: david@gdavidsmith.com
Cc: Lisa Fuentes
Subject: RE: Lake Rockwall Estates v. Aqua Texas, Inc. application No. 37111-C

Mr. Smith:

Thank you for the information submitted. When you get the Notice of Deficiency letter please make sure the maps you submit meet the mapping requirements contained in the CCN application which are:

Attach the following hard copy maps with each copy of the application (original plus three copies required):

- a. A general location map delineating the proposed service area with enough detail to locate the proposed area within the county (ies).
- b. A map showing only the proposed area by:
 - (1) Metes and bounds survey certified by a licensed state or register professional land surveyor; or
 - (2) Projectable digital data with metadata (proposed areas should be in a single record and clearly labeled); or
 - (3) Following verifiable natural and man-made landmarks; or
 - (4) A copy of a recorded plat map with metes and bounds
- c. A written description of the proposed service area.

If you have any additional questions you can call me at 512-239-0963.

Thank you

Brian Dickey
Utilities Technical Review Team
Plan and Groundwater Review Section
Water Supply Division
Texas Commission on Environmental Quality

>>> "david@gdavidsmith.com" <david@gdavidsmith.com> 9/16/2011 3:05 PM >>>

Here are two maps I have of the affected area. The star by the outlined area indicates where we are talking about.

From: Brian Dickey [mailto:Brian.Dickey@tceq.texas.gov]
Sent: Wednesday, September 14, 2011 4:23 PM
To: david@gdavidsmith.com
Subject: Re: Lake Rockwall Estates v. Aqua Texas, Inc.

Mr. Smith:

If you type the TCEQ docket number in the search by specific Docket Number blank and click search you will be able to download all the filings in the City of Tyler's petition to decertify Tall Timbers Utility Company.

<http://agmt.tceq.texas.gov/epic/efilings/index.cfm?fuseaction=search.home>

TCEQ Docket Number: 2009-2054-UCR

Brian Dickey
Utilities Technical Review Team
Plan and Groundwater Review Section
Water Supply Division
Texas Commission on Environmental Quality

>>> "david@gdavidsmith.com" <david@gdavidsmith.com> 9/14/2011 4:14 PM >>>

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Yours truly,

G. David Smith

Law Office of G. David Smith P.C
702 N. Goliad
Rockwall, Texas 75087
(972) 771-2579
(972) 771-0513 facsimile

Board Certified in Personal Injury Trial Law







YVONNE DR

LYNNE DR

BLANCHE DR

DONALD

EVA PL

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Karen Blaschke - RE: Lake Rockwall Estates v. Aqua Texas, Inc. application No. 37111-C

From: "david@gdavidsmith.com" <david@gdavidsmith.com>
To: Brian Dickey <Brian.Dickey@tceq.texas.gov>
Date: 10/20/2011 5:54 PM
Subject: RE: Lake Rockwall Estates v. Aqua Texas, Inc. application No. 37111-C
CC: Lisa Fuentes <Lisa.Fuentes@tceq.texas.gov>

Per Ms. Fuentes' request, the petition filed regarding both applications is on behalf of all residents in the affected area.

From: Brian Dickey [mailto:Brian.Dickey@tceq.texas.gov]
Sent: Monday, September 19, 2011 10:32 AM
To: david@gdavidsmith.com
Cc: Lisa Fuentes
Subject: RE: Lake Rockwall Estates v. Aqua Texas, Inc. application No. 37111-C

Mr. Smith:

Thank you for the information submitted. When you get the Notice of Deficiency letter please make sure the maps you submit meet the mapping requirements contained in the CCN application which are:

Attach the following hard copy maps with each copy of the application (original plus three copies required):

- a. A general location map delineating the proposed service area with enough detail to locate the proposed area within the county (ies).
- b. A map showing only the proposed area by:
 - (1) Metes and bounds survey certified by a licensed state or register professional land surveyor; or
 - (2) Projectable digital data with metadata (proposed areas should be in a single record and clearly labeled); or
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Utilities Technical Review Team
Plan and Groundwater Review Section
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Texas Commission on Environmental Quality

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To: david@gdavidsmith.com

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Mr. Smith:

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TCEQ Docket Number: 2009-2054-UCR

Brian Dickey
Utilities Technical Review Team
Plan and Groundwater Review Section
Water Supply Division
Texas Commission on Environmental Quality

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Rockwall, Texas 75087
(972) 771-2579
(972) 771-0513 facsimile

Board Certified in Personal Injury Trial Law

** Transmit Conf. Report **

P.1

Sep 27 2011

8:57

Fax/Phone Number	Mode	Start	Time	Page	Result	Note
919727710513	NORMAL	27, 8:57	0'26"	3	# OK	

How is our customer service? www.tceq.state.tx.us/goto/customersurvey

Notes:

Division
 (or Region): Water Supply Division
 Texas Commission on Environmental Quality
 Phone: 512-239-6932
 Fax: 512-239-6972

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



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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

September 23, 2011

BY FAX TO 972/771-0513 AND
BY CERTIFIED MAIL

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

NOTICE OF DEFICIENCY

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, received on July 25, 2011, have been assigned Application Nos. 37110-C and 37111-C, respectively, but have not been accepted for filing. Please refer to these application numbers in future correspondence.

Processing for the above-referenced applications cannot proceed until we receive maps meeting the mapping requirements outlined in 30 TAC, Chapter 291.105. Please submit four (4) copies of the following map information:

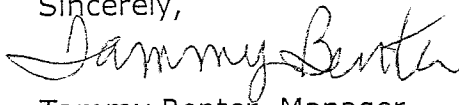
1. General location maps delineating the proposed service area(s) to be revoked from Aqua Utilities, Inc. dba Aqua Texas, Inc. with enough detail to locate in the county.
2. Maps showing **only** the proposed service area(s) by:
 - a. metes and bounds survey certified by a licensed state land surveyor or a registered professional land surveyor; or
 - b. projectable digital data with metadata (service area(s) should be in a single record and clearly labeled for each utility), also a data disk labeled with the applicant's name must be provided; or
 - c. following verifiable natural and man-made landmarks; or
 - d. copies of recorded plat map with metes and bounds.

Mr. G. David Smith
Page 2
September 23, 2011

These items must be completed and returned to our office by **October 28, 2011**.
If we do not receive the requested information by this date, your applications will be
returned for failure to prosecute.

If you have any further questions, please contact Ms. Karen Blaschke at (512)
239-6932 or if by correspondence, include MC 153 in the letterhead address.

Sincerely,



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

TB/KLB/mmg

cc: Mr. Glen E. Lewis, Attorney, Aqua Utilities, Inc. dba Aqua Texas, Inc.

Karen Blaschke - RE: Lake Rockwall Estates v. Aqua Texas, Inc. application No. 37111-C

From: Brian Dickey
To: david@gdavidsmith.com
Date: 9/19/2011 10:31 AM
Subject: RE: Lake Rockwall Estates v. Aqua Texas, Inc. application No. 37111-C
CC: Fuentes, Lisa
Attachments: 8X11 MAP LRE.pdf; 11X17 MAP LRE.pdf

Mr. Smith:

Thank you for the information submitted. When you get the Notice of Deficiency letter please make sure the maps you submit meet the mapping requirements contained in the CCN application which are:

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Utilities Technical Review Team
Plan and Groundwater Review Section
Water Supply Division
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TCEQ Docket Number: 2009-2054-UJR

Brian Dickey
Utilities Technical Review Team
Plan and Groundwater Review Section
Water Supply Division
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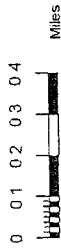
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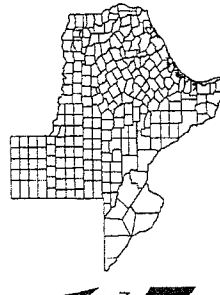
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
For more information
concerning this map, please contact the
Water Supply Division at (512) 239-4691
09/15/2011

The Selected Area of Interest

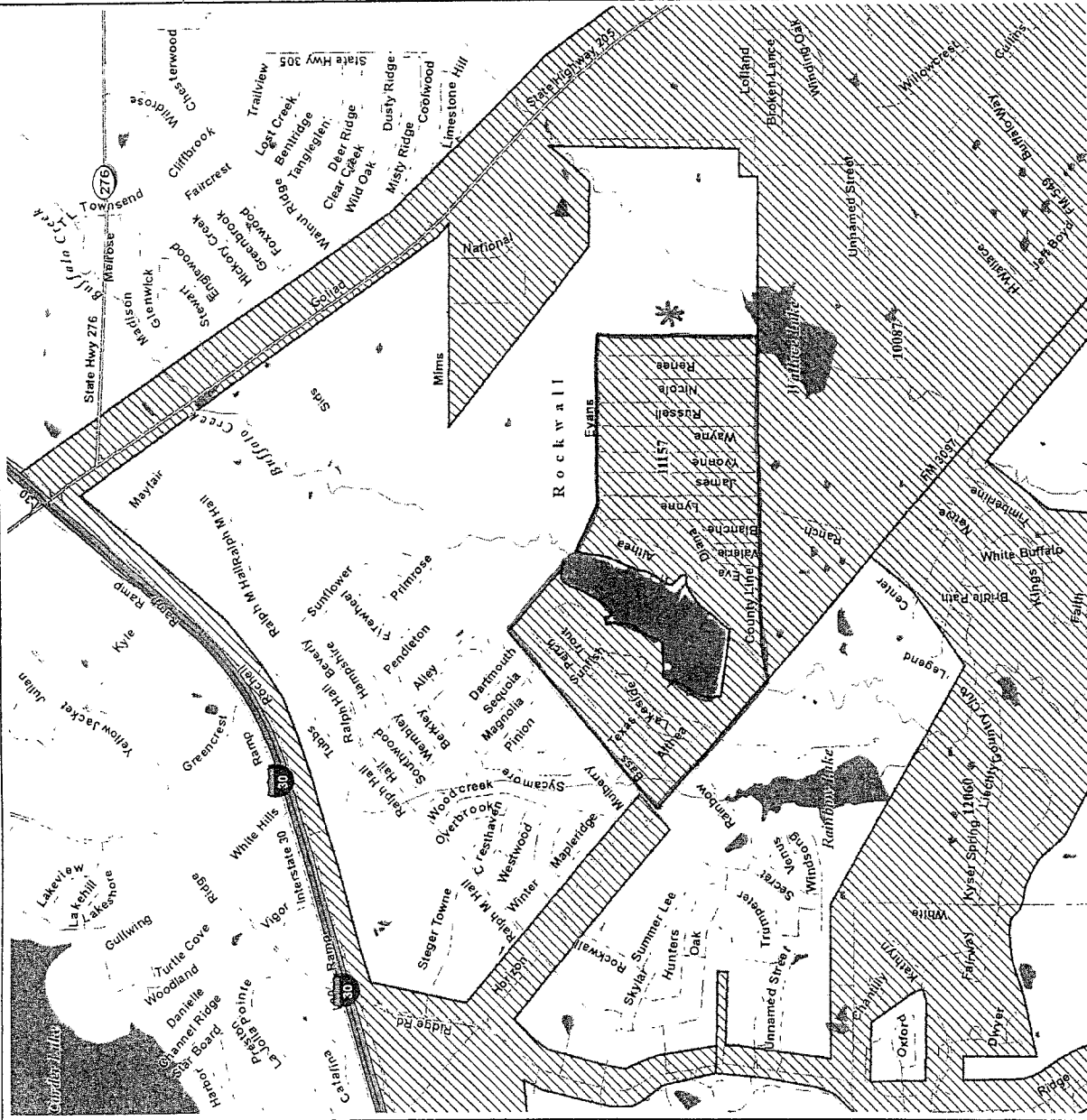


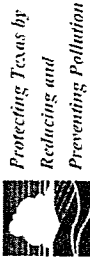
Legend

- Water CCN Facility Line
- Sewer CCN Facility Line
- Senate - Districts
- House - Districts
- TCEQ Service Region Boundary
- County Boundary
- Water CCN Service Area
- Water CCN Service Area
- City Boundary
- CCN Overlap Key
- Sewer-Water CCN Service Area



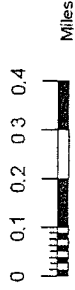
Disclaimer
This map was generated by the Integrated Water Utilities Database (IWUD) from the Texas Commission on Environmental Quality. No claims are made to the accuracy or completeness of the data or to its suitability for a particular use.





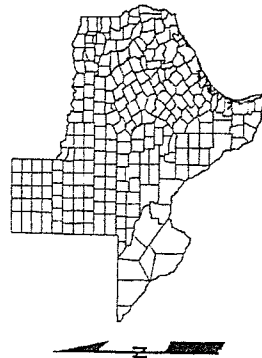
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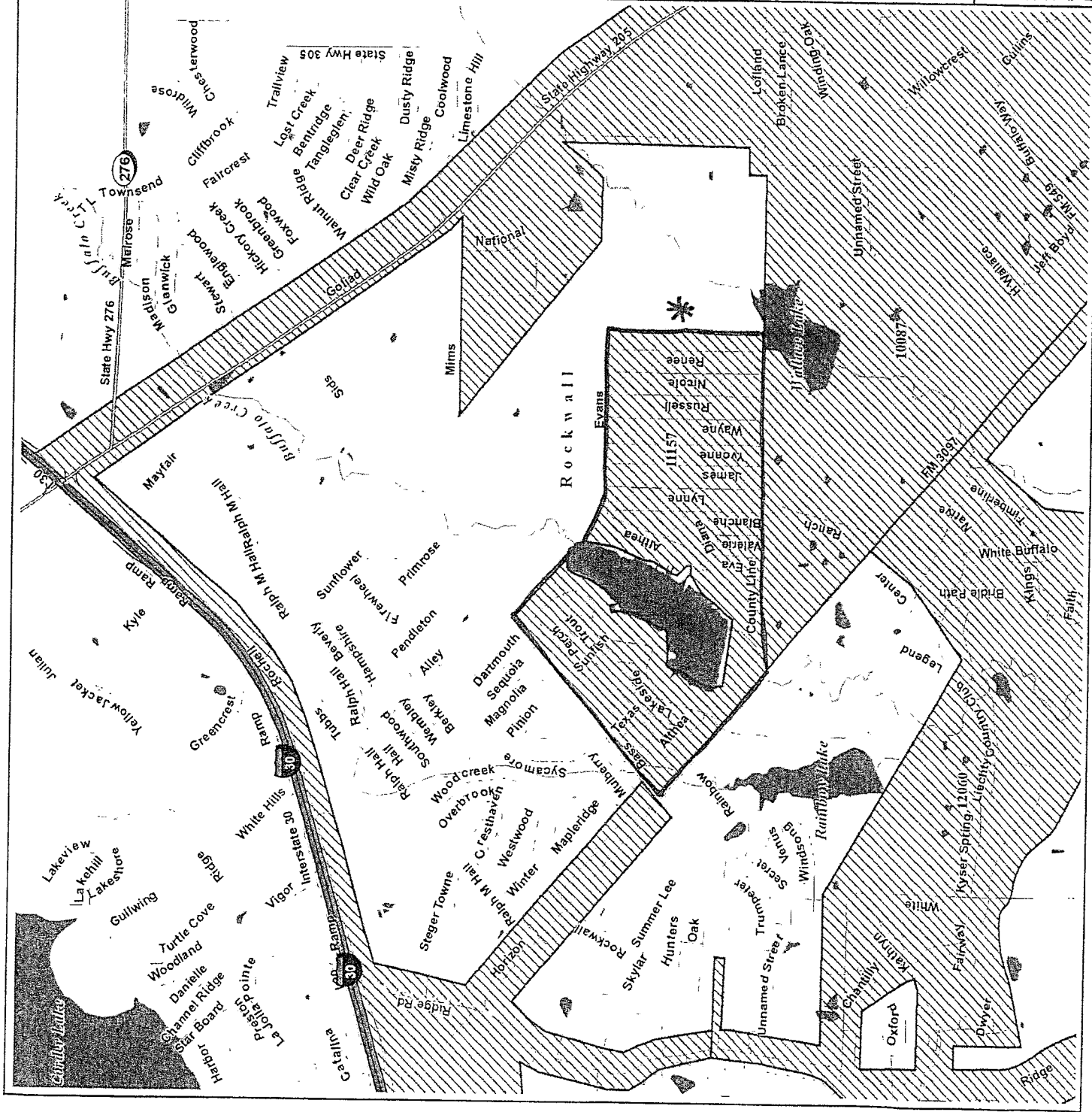


Legend

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- Sewer-Water CCN Service Area



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CITY OF ROCKWALL

ORDINANCE NO. 11-17

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS SETTING REQUIREMENTS TO BE SATISFIED BY UTILITIES PROVIDING WATER AND/OR SEWER UTILITY SERVICE WITHIN ITS CORPORATE LIMITS WHEN A CHANGE IN RATES IS PROPOSED; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council, as the governing body of the City of Rockwall, has exclusive original jurisdiction over all water and sewer utility rates, operations, and services provided by a water and sewer utility within the corporate limits of the City of Rockwall;

WHEREAS, Section 10.06 of the Home Rule Charter of the City of Rockwall provides that a proposed rate change is must be demonstrated as being necessary and that the City Council may specify the evidence that must be produced for consideration of the request, including, but not limited to (a) the cost of the utility's investment for service within the City and (b) the amount and character of expenses and revenues connecting with rendering service within the City; and

WHEREAS, the City Council finds necessary the adoption of general rules and requirements regarding the information to be included in any rate change request presented by a water or sewer utility operating within the City of Rockwall;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS:

Section 1. Definitions. The following words and terms, when used in this ordinance, have the following meanings, unless the context clearly indicates otherwise.

(a) *Applicant* means the retail public utility providing retail water and/or sewer service within the City requesting a change in rates.

(b) *Application* means a request to change rates for the provision of retail water and/or sewer service within the City.

(c) *Area Served* means that area within the corporate limits of the City of Rockwall served by Applicant.

(d) *System* means a water and/or sewer distribution system and its associated facilities.

Section 2. Rate Change Requests.

(a) An Applicant must provide information required by this Ordinance and by other law. The Application must include the information contained on Attachment A, which is expressly incorporated herein as if set forth in full. An Applicant may submit such additional information as it considers relevant and appropriate.

(b) An Application shall be submitted by an Applicant in duplicate originals, with one counterpart to be filed with the City Manager and the other counterpart to be filed with the City Secretary. If both counterparts are not filed on the same date, then the later of the submittal dates shall constitute the date of initial filing for all purposes.

(c) Each Application and any supplement or addendum thereto shall be submitted in the form of an affidavit or have an affidavit attached thereto attested by a duly appointed agent or officer of the Applicant setting forth that all information contained therein is true and correct.

(d) No Application shall be deemed filed with the city unless and until it contains substantially all the information called for in this Ordinance. An Application shall be deemed to be sufficiently complete if the City Manager does not send the Applicant a notice of insufficiency of the Application on or before the thirtieth (30th) day following completion of the initial filing are required under section 2(a) of this Ordinance. Each such notice shall be in writing and shall specify the insufficiency with particularity. In the event such notice is given, the Applicant shall have ten (10) business days within which to supplement its Application to address the notice of insufficiency.

Section 3. Forms and Interpretation.

(a) For the convenience of an Applicant in assembling the information required, and for the sake of the convenience of the City in interpreting the information, the City Manager or his/her designee may prescribe forms and formats for the submission of the information required under this Ordinance. Each Applicant shall comply with all applicable forms and formats which have been so prescribed. The City Manager, or any person designated by him/her, is authorized to prepare and publish guidance to aid Applicants in the preparation of an Application.

(b) The provisions of this Ordinance shall not be construed to relieve any utility of its obligation to file with and make available to the City, or to any authorized City officer or agency, any information not specified that is required to be furnished or made available by any ordinance or other law. Furthermore, each utility shall file, furnish and make available to the City, within such time limits as may be reasonably prescribed by the City Manager, all information that the City Manager may from time to time lawfully request.

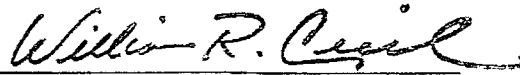
Section 4. Severability. If any provision, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional, void or invalid, or for any reasons unenforceable, the validity of the remaining portions of this Ordinance shall not be affected thereby; it being the intent of the City in adopting this Ordinance that no portion thereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any other portion, provision, and to this end, all provisions of this Ordinance are declared to be severable.

Section 5. Effective Date. The text of this Ordinance shall, after final passage by the City Council, be published once each week for two consecutive weeks in a newspaper of general circulation published in the City of Rockwall. Upon said publication being completed, this Ordinance shall take effect thirty (30) days after its last

publication.

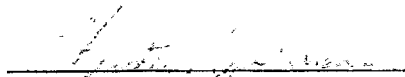
Section 6. Notice. It is hereby officially found that the meeting at which this Ordinance is passed is open to the public and that due notice of this meeting was posted, all as required by law.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ROCKWALL, TEXAS, this 16th day of May, 2011.



William R. Cecil, Mayor

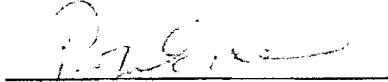
ATTEST.



Kristy Ashberry, City Secretary



Approved as to form:



Pete Eckert, City Attorney

1st Reading: May-2-11

2nd Reading: May-16-11