

Control Number: 44380



Item Number: 1

Addendum StartPage: 0



AUSTIN WATER UTILITY  
Utility Development Services Division  
625 East 10<sup>th</sup> Street, Suite 2015  
Austin, Texas 78701

44380  
RECEIVED Austin  
WATER  
2015 JAN 28 AM 9:32  
Clearly Reliable  
PUBLIC UTILITY COMMISSION  
FILING CLERK

January 22, 2015

Tammy Benter  
Water Utilities Division  
Public Utility Commission  
1701 Congress Ave., Suite 8-100  
Austin, TX 78701

RE: Application to Cancel Lost Creek MUD water and wastewater CCN

Dear Ms Benter,

The City of Austin will full purpose annex Lost Creek MUD December 31, 2015 but took over operations and maintenance on December 1, 2014. All customers became retail City of Austin water and wastewater customers when we took over operations and maintenance.

The Austin Water Utility ("AWU") is requesting cancellation of water CCN 10307 and wastewater CCN 20118 as per the attached application.

AWU is also requesting a waiver of public notice due to the fact that throughout the annexation process public notice was already given and was already published. Below reflects dates of public notice and hearings:

**Annexation hearings:**

August 10, 2006 at 6 pm at the Council Chambers of City Hall, 301 W 2<sup>nd</sup> St, Austin, TX  
August 14, 2006 at 6:30 pm at the Westlake High School Fine Arts Facility, 4100 Westbank Dr, Austin, TX  
Notice of the annexation hearings was mailed to all the property owners in the area and published in the Statesman on July 16, 2006 and July 31, 2006.

**SPA (Strategic Partnership Agreement) hearings:**

May 3, 2007 at 6 pm at the Council Chambers of City Hall, 301 W 2<sup>nd</sup> St, Austin, TX  
May 17, 2007 at 6 pm at the Council Chambers of City Hall, 301 W 2<sup>nd</sup> St, Austin, TX  
The SPA notice was published in the Statesman in late April 2007.

If additional information is required or should you have any questions, please notify me by email at [lisa.martinez@austintexas.gov](mailto:lisa.martinez@austintexas.gov) or by phone at 972-0444.

Sincerely,

Lisa M. Martinez, CPM  
Contract Administrator  
Austin Water Utility  
City of Austin

Enclosures

**PETITION TO DISCONTINUE WATER/SEWER SERVICE  
AND/OR CANCEL CERTIFICATE OF CONVENIENCE  
AND NECESSITY (CCN)**

1. Applicant City of Austin Water Utility

(Individual, Corporation or Other Legal Entity)

Utility Name: If different from above: \_\_\_\_\_

625 E 10th Street

Austin, TX 78701

512-972-0444

(Address)

(City, State, Zip-Code)

(Area Code/Number)

2. Applicant is a(n): (Please check one)

Investor owned utility

Partnership

Individual

Municipality

Home or Property Owners Association

District

For-profit corporation

Non-profit, member-owned, member-controlled cooperative corporation

(Water Code Chapter 67, Water Supply or Sewer Service Corporation)

Other Please Explain:

3. The purpose of this application is to  cancel a Certificate of Convenience and Necessity (CCN) No.(s) 10307 & 20118 and to discontinue n/a Water or n/a Sewer Service to the

(Name of Subdivisions or Area)

with a proposed discontinuance date of n/a (Date)

4. Applicant is providing utility service in the following county(ies):

Travis

5. Is any portion of service area inside any incorporated city or district?  Yes  No

6. How far is this service are from the corporate city limits of the nearest incorporated city or district?

n/a Miles City of Austin

( Name of City or District)

From: n/a (Direction)

7. If the applicant is operating other retail public water or sewer systems not included in this petition, please provide the following information:

Name of Water or Sewer System	CCN Number	Location
n/a	n/a	n/a

8. Please complete the applicable section of this question. Only one section will apply to your utility.

A. INDIVIDUAL

Name \_\_\_\_\_  
 Address (City/ST/ZIP/Code) \_\_\_\_\_  
 Phone Number and Fax \_\_\_\_\_  
 Tax Identification Number (Social Security Number for Individuals): \_\_\_\_\_

B. PARTNERSHIP, CORPORATION, ARTICLE 1434A WATER SUPPLY OR SEWER SERVICE CORPORATION, HOMEOWNERS OR PROPERTY OWNERS ASSOCIATION, DISTRICT OR MUNICIPALITY

List the name, positions held, and address of each partner or officer.

Greg Meszaros	625 E 10th Street	Austin	TX	78701
Name	Address	City	State	Zip Code
Director			512-972-0108	
(Position and/or % of Ownership)			(Area Code-Telephone No.)	
Name	Address	City	State	Zip Code
(Position and/or % of Ownership)			(Area Code-Telephone No.)	
Name	Address	City	State	Zip Code
(Position and/or % of Ownership)			(Area Code-Telephone No.)	
Name	Address	City	State	Zip Code
(Position and/or % of Ownership)			(Area Code-Telephone No.)	

If the applicant is a for-profit corporation, please provide a copy of the corporation's "Certification of Account Status" from the State Comptroller's Office.

9. List the name, address, and telephone number of the person to be contacted regarding this application and indicate if this person is the Owner, Operator, Engineer, Attorney, or other title.

625 E 10th Street	Lisa Martinez	Austin	TX	78701	Contract Administrator
Address	Name	City	State	Zip Code	(Title)
					512-972-0444
					(Area Code-Telephone no.)

10. If applicant has retained an attorney, engineer or other consultant for purposes of preparing this application, please provide: (If none has been retained, please mark "N/A.")

n/a  
 \_\_\_\_\_  
 (Name) (Title)

Address	City	State	Zip Code	Area Code-Telephone No.
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11. Please explain in detail why the applicant is requesting to discontinue service. Please attach any documents required to support this explanation.

n/a

12. Please explain in writing the efforts that have been made to ensure that the current customers will continue to receive continuous and adequate service if the utility is approved to cease operations.

The City of Austin has annexed Lost Creek MUD and all customers are now City of Austin water and wastewater retail customers.

13. When did service begin? December 1, 2014

A. Is the applicant the original owner of this        Yes          No  
system?               

If the answer is "No," please answer the following questions to the best of your ability.

- 1. When was the system acquired? August 31, 2007
- 2. What was the purchase price? n/a
- 3. Who was the immediate preceding owner?

<u>Lost Creek MUD</u> (Name)	<u>1305 Quaker Ridge Drive</u> (Address)
<u>Austin, TX 78746</u> (City, State, Zip Code)	<u>512-327-6243</u> (Area Code-Telephone No.)

B. If the system is for sale, the applicant's current asking price for the system is \$ n/a  
Please explain how this price was determined: n/a

(Empty box for explanation of asking price)

C. If the applicant is not the owner of the system, please provide the following information. If the applicant is the owner, go to question D. below.

- 1. Name, mailing address and phone number of owner.  
n/a
- 2. Attach a copy of the agreement with the owner allowing applicant to operate the system.

D. List the dates that Applicant's rates have changed since September 1, 1976.  
(Not applicable to Cities and Political Subdivisions)

n/a

14. List the number of existing metered (by size) and unmetered connections, as of

\_\_\_\_\_ (date application was prepared)

TCEQ Water System		TCEQ Sewer System	
Connection	Existing	Connection	Existing
5/8" or 3/4" meter	1238	Residential	1251
1" meter or larger	12	Commercial	
Non-Metered		Industrial	
Other:		Other:	
<b>Total Water</b>	<b>1250</b>	<b>Total Sewer</b>	<b>1251</b>

15. Do you currently purchase water or sewer treatment capacity from another source?

A.  No (skip the rest of this question and go to #16)

B. Water  Yes

Purchased on a  seasonal  regular  emergency basis?

Water Source	% of total supply

C. Sewer treatment capacity  Yes:

Purchased on a  seasonal  regular  emergency basis?

Sewer Source	% of total supply

D. Provide a signed and dated copy of the most current water and/or sewer treatment capacity purchase agreement or contract.

16. Please provide the following information for **each** water and/or sewer system:

A. Water system's TCEQ Public Water System identification number(s):

2	2	7	0	0	0	1
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B. Sewer system's TCEQ Discharge Permit number(s) (for each system)

W	Q	1	0	5	4	3	-		
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W	Q						-		
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1. Date of last TCEQ inspection( 12/12/2014 )
2. Attach a copy of the most recent inspection report letter(s).
3. For each water and/or sewer system deficiency listed in the inspection report letter(s), attach a

copy of the response to the TCEQ regarding any deficiencies noted in the letters and a brief explanation listing the actions taken or being taken by the utility to correct any outstanding deficiencies listed in the letter(s), including the proposed completion dates.

17. Please provide the name, class and license number of the applicant's certified operator.

Name	Classes	License Number
Jane Burazer	"A"	WO0006113
James Bennett	"A"	WW0038287

18. List all neighboring utility service providers providing the same type of service and any cities within two miles of Applicant's proposed certificate area.

Barton Creek WSC, Barton Creek West WSC, Camelot, Crystal Mountain, Ridgewood Village, Rollingwood, Travis WCID #10, #19, & #20, Travis County MUD 4, West Lake Hills, West Travis County Public Utility

AFTER THE APPLICANT'S PROPOSED NOTICES ARE APPROVED, THE APPLICANT MUST NOTIFY EACH OF THE ENTITIES LISTED ABOVE AND CUSTOMERS USING THE NOTICE FORM INCLUDED IN THIS APPLICATION. THE APPLICANT MUST THEN PROVIDE A SWORN STATEMENT THAT NOTICE WAS GIVEN TO THE PUBLIC UTILITY COMMISSION OF TEXAS. PUBLISHED NOTICE MAY ALSO BE REQUIRED. IT IS THE APPLICANT'S BURDEN TO PROVIDE COMPLETE AND ACCURATE NOTICE OF THE APPLICATION.

19. Attach the following maps with each copy of the application: (All maps should include Applicant's name, address, telephone number and date of drawing or revision).

Map delineating the current service area(s). If there is no current CCN, a map showing where the Applicant is providing water and/or sewer service. If this application is to cancel a CCN and discontinue service, attach a copy of the CCN map identifying the CCN area(s) to be canceled with the area highlighted so that it can be easily identified.

20. Please attach a tariff or other documentation which outlines all of the utility's current rates and service rules.

**ALL APPLICABLE QUESTIONS MUST BE ANSWERED FULLY.**

**THE APPLICATION WILL NOT BE ACCEPTED FOR FILING WITHOUT MAPS, ALL REQUIRED ATTACHMENTS AND COMPLETED NOTICES.**

**PLEASE NOTE THAT THE FILING OF THIS APPLICATION DOES NOT CONSTITUTE AUTHORITY TO CEASE OR TERMINATE THE OPERATION OF THE WATER/SEWER SYSTEM.**

OATH

STATE OF Texas

COUNTY OF Travis

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

I further represent that the applicant will not cease operations and will continue to provide water/sewer utility service to all customers until such time as the Public Utility Commission of Texas approves cessation of operations.

*[Handwritten Signature]*

AFFIANT

(Utility's Authorized Representative)

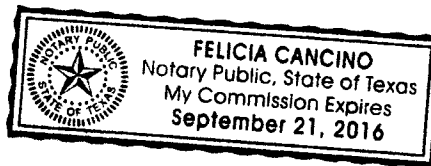
If the Affiant to this form is any person other than the sole owner, partner, officer of the Applicant, or its attorney, a properly verified Power of Attorney must be enclosed.

SUBSCRIBED AND SWORN TO BEFORE ME, a Notary Public in and for the State of Texas, this d day 20<sup>th</sup> of January 20 15

SEAL

*[Handwritten Signature: Felicia Cancino]*

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS



Felicia Cancino

PRINT OR TYPE NAME OF NOTARY

9/21/2016

MY COMMISSION EXPIRES



NOTICE FOR PUBLICATION

NOTICE OF CESSATION OF OPERATIONS AND DISCONTINUANCE OF WATER/SEWER UTILITY SERVICE AND CANCELLATION OF CERTIFICATE OF CONVENIENCE AND NECESSITY NO. 10307 & 20118

IN Travis COUNTY(IES), TEXAS.

(Name of Utility) Austin Water Utility has filed a petition with the Public Utility Commission of Texas to cease operations; discontinue providing water/sewer utility service and cancel Certificate of Convenience and Necessity No.: 10307 & 20118 in Travis County(ies) Texas. The proposed effective date of this action is December 1, 2014.

The anticipated effect of the cessation of operations on the rates and services provided to the customers is that service provided will cease and rates charged for that service area will no longer be collected by this utility. The water/sewer utility service area is located approximately 6 miles of west of the City of Austin, Texas and is generally bounded by the Capital of Texas Highway to the east (Direction) (General Location)

in Travis County, and as specified in detail maps filed with the (County Seat)

Public Utility Commission of Texas and available for review at the utility's office at: 625 E 10th Street, Austin, TX 78701

(Utility's Business Address)

The utility will sell the facilities to a qualified buyer willing to continue utility operations for \$ n/a

The Owner City of Austin (Owner's Name)

may be contacted at: 625 E 10th Street, Austin, TX 78701 (Owner's Address)

or by telephoning: 512-972-0444 (Owner's Telephone Number)

If you wish to protest or comment on this petition, you should notify the utility and must file your protest in writing with the Filing Clerk, Public Utility Commission of Texas, 1701 North Congress Avenue, P.O. Box 13326, Austin, Texas 78711-3326 within (30) days of the date of this notice. Only those individuals who submit a written protest will receive notice if a hearing is scheduled.

Si desea informacion en Espanol, puede llamar al 1-888-782-8477

# NOTICE FOR CUSTOMERS AND NEIGHBORING UTILITIES

NOTICE OF CESSATION OF OPERATIONS AND DISCONTINUANCE OF WATER/SEWER UTILITY SERVICE  
AND CANCELLATION OF CERTIFICATE OF CONVENIENCE AND NECESSITY NO.

10307 & 20118 IN Travis COUNTY(IES), TEXAS.

TO: \_\_\_\_\_ Date Notice Mailed \_\_\_\_\_  
(Neighboring Utility of Affected Party)

\_\_\_\_\_  
(Address) (City) (State) (Zip)

(Name of Utility) Austin Water Utility

has filed a petition with the Public Utility Commission of Texas to cease operations; discontinue providing water/sewer utility service and cancel Certificate of Convenience and Necessity

No. 10307 & 20118 in Travis

County (ies) Texas. The proposed effective date of this action is 12/1/2014 The anticipated effect of the cessation of operations on the rates and services provided to the customers is that service provided will cease and rates charged for that service area will no longer be collected by this utility. The water/sewer utility service area is located approximately 6 miles west of the City of Austin of Travis

(Direction) (County Seat)

Texas, and is generally bounded by the Capital of Texas Highway to the east, and as specified in detail maps filed

(General Location)

with the Public Utility Commission of Texas and available for review at the utility's office at the utility's office at: 625 E 10th Street, Austin, TX 78701

(Petitioning Utility's Business Address)

The utility will sell the facilities to a qualified buyer willing to continue utility operations for

\$ n/a. The Owner City of Austin may be contacted at:

(Owner's Name)

625 E 10th Street, Austin, TX 78701

or by telephoning: 512-972-0444

(Owner's Address)

(Owner's Telephone Number's)

If you wish to protest or comment on this petition, you should notify the utility and must file your protest in writing with the Filing Clerk, Public Utility Commission of Texas, 1701 North Congress Avenue, P.O. Box 13326, Austin, Texas 78711-3326, within (30) days of the date of this notice. Only those individuals who submit a written protest will receive notice if a hearing is scheduled.

Lisa Martinez

Austin Water Utility

(Utility's Representative)

(Utility Name)

625 E 10th Street

Austin

TX

78701

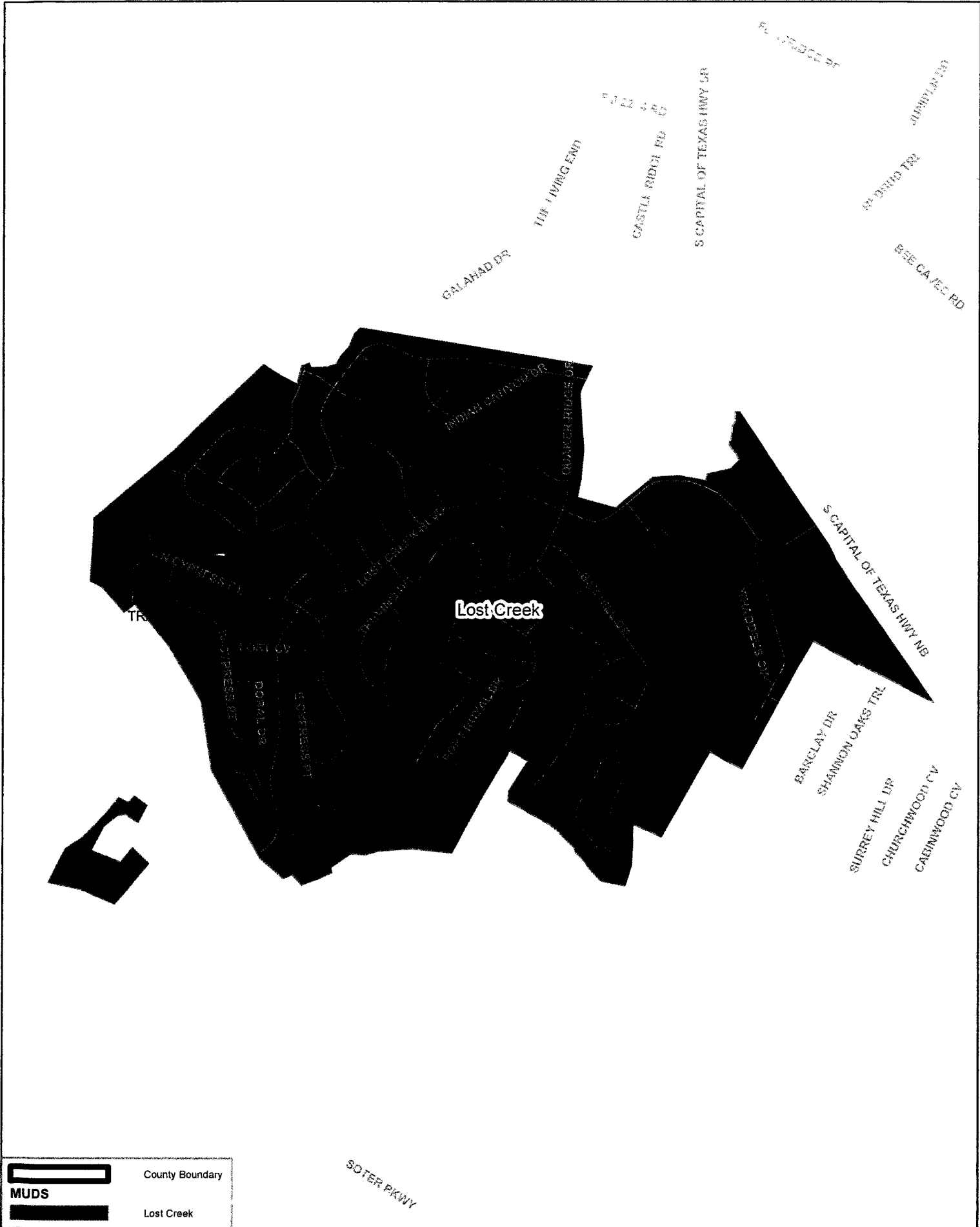
(Mailing Address)

(City)

(State)

(Zip)

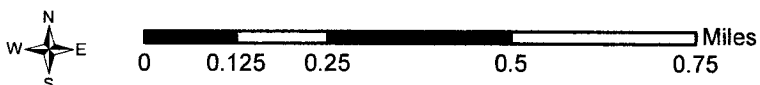
Si desea informacion en Espanol, puede llamar al **1-888-782-8477**



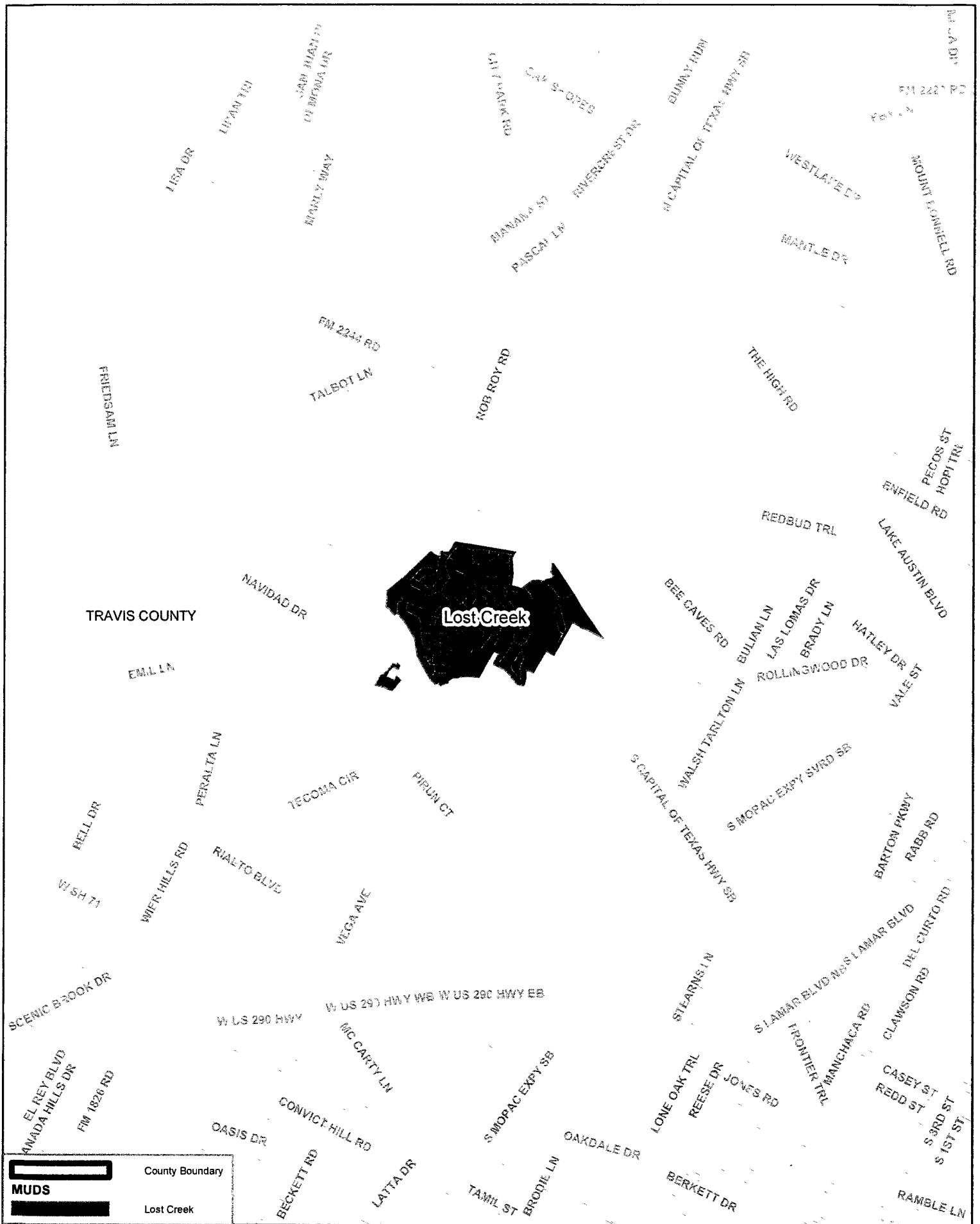
County Boundary

**MUDS**

Lost Creek



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. This product has been produced by the City of Austin for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



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Bryan W. Shaw, Ph.D., P.E., *Chairman*  
Toby Baker, *Commissioner*  
Zak Covar, *Commissioner*  
Richard A. Hyde, P.E., *Executive Director*

**COPY**

## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

December 12, 2014

Mr. Greg Meszaros, Director  
Austin Water Utility  
625 E. 10<sup>th</sup> Street, Suite 100  
Austin, TX 78701

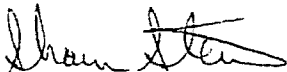
Re: Compliance Evaluation Investigation at:  
South Austin Regional Wastewater Treatment Plant, 13009 Fallwell Ln, Del Valle,  
Travis County, Texas  
TCEQ ID: WQ0010543012, EPA ID: TX0071889

Dear Mr. Meszaros:

On November 25, 2014, Ms. Patricia Phillips of the Texas Commission on Environmental Quality (TCEQ) Austin Region Office conducted an investigation of the above-referenced facility to evaluate compliance with applicable requirements for wastewater treatment and lift station maintenance. No violations are being alleged as a result of the investigation; however, please see the attached Additional Issues.

If you or members of your staff have any questions, please feel free to contact Ms. Patricia Phillips in the Austin Region Office at (512) 339-2929.

Sincerely,



Shawn Stewart  
Water Section Work Leader  
Austin Region Office

SS/pjp

Enclosures: Summary of Investigation Findings

cc: Ms. Dana White, Wastewater Regulatory Program Manager, Austin Water Utility,  
625 E. 10<sup>th</sup> street, Suite 606, Austin, TX 78701 (include Enclosure)

# Summary of Investigation Findings

<b>SOUTH AUSTIN REGIONAL WWTP</b> 13009 FALLWELL LN DEL VALLE, TRAVIS COUNTY, TX 78617	Investigation # 1203683 Investigation Date: 11/25/2014
Additional ID(s): TX0071889 WQ0010543012	

No Violations Associated to this Investigation

## ADDITIONAL ISSUES

### Description

Have unauthorized discharges occurred at the plant or in the collection system since the last CCI?

### Additional Comments

There have been 54 unauthorized discharges reported within the previous 18 months of this on-site investigation. None of these unauthorized discharges resulted in fish kill events. The City of Austin's South Austin Regional WWTP is an active participant in the TCEQ Sanitary Sewer Overflow Initiative (SSOI). Participation in the initiative excludes the facility from formal enforcement for unauthorized discharges (aka SSOs), as long as the SSOs do not result in a documented impact to human health and safety or the environment. The unauthorized discharges were all reported appropriately.