



Control Number: 44870



Item Number: 30

Addendum StartPage: 0

RECEIVED

APPLICATION OF THE TOWN OF §
 LITTLE ELM AND TERRA §
 SOUTHWEST, INC. FOR SALE, §
 TRANSFER, OR MERGER OF §
 FACILITIES AND CERTIFICATE §
 RIGHTS IN DENTON COUNTY §

PUBLIC UTILITY COMMISSION AM 11:30
 OF TEXAS PUBLIC UTILITY COMMISSION
 FILING CLERK

JOINT MOTION FOR ADMISSION OF EVIDENCE AND ADOPTION OF JOINT PROPOSED NOTICE OF APPROVAL

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, on behalf of itself, The Town of Little Elm, ("The Town") and Terra Southwest, Inc. ("Terra Southwest") (collectively, the Parties) and files this Joint Motion for Admission of Evidence and Adoption of Joint Proposed Notice of Approval. In support thereof, the Parties show the following:

I. BACKGROUND

On June 3, 2015, The Town and Terra Southwest filed an application (Application) with the Commission regarding the sale, transfer, or merger (STM) and amendment of water Certificate of Convenience and Necessity (CCN) No. 11608 held by Terra Southwest in Denton County, Texas pursuant to the criteria in Tex. Water. Code §§ 13.241, 13.246 and 13.301, and 16 Tex. Admin. Code §§ 24.102, 24.104-107, 24.109 and 24.112.

On July 6, 2016, the Administrative Law Judge (ALJ) issued Order No. 9 finding the documentation sufficient and complete and establishing a procedural schedule for the remainder of the proceeding. Order No. 10 directed the Parties to file a request to admit evidence and proposed notice of approval, including findings of fact, conclusions of law, and ordering paragraphs by September 30, 2016. Therefore, this pleading is timely filed.

II. JOINT MOTION TO ADMIT EVIDENCE

The Parties move to admit the following evidence into the record of this proceeding:

- a. The Applicants' Sale, Transfer, or Merger (STM) Application (Commission's automated interchange system (AIS) Item 1, filed June 23, 2015);
- b. Order No. 3, deeming Application sufficient (ALS item 9, filed September 22, 2015);
- c. The Town's Responses to Order No. 3, including notices, customer list, maps and affidavits (ALS Item 10, filed October 22, 2015);
- d. Commission Staff's Response to Order No. 3 and attachments thereto (ALS Item 11, filed October 23, 2015);
- e. Order No. 4, establishing procedural schedule (ALS Item 12, filed October 27, 2015);
- f. Commission Staff's final recommendation on application (ALS Item 14, filed January 12, 2016);
- g. Order No. 5, Approving STM to proceed (ALS Item 15, filed January 14, 2016);
- h. Commission Staff's recommendation on insufficiency of closing documents (ALS Item 19, filed May 31, 2016);
- i. Order No. 8, finding closing documents insufficient and establishing deadline for opportunity to cure deficiencies (ALS Item 20, filed June 7, 2016);
- j. The Town's Response to Order No. 8, providing additional closing documents (ALS Item 21, filed June 15, 2016);
- k. Commission Staff's recommendation on sufficiency of closing documents (ALS Item 22, filed June 30, 2016);
- l. Order No. 9, finding closing documents sufficient and establishing deadlines for remainder of proceeding (ALS Item 23, filed July 7, 2016);
- m. Consent Forms filed by The Town and Terra Southwest, (ALS Item 26, filed September 2, 2016);
- n. Commission Staff's Final Recommendation, (ALS Item No. 27, filed September 16, 2016; and
- o. CCN Map, CCN certificates, and Tariff (Attachment B).

III. JOINT MOTION FOR ADOPTION OF PROPOSED NOTICE OF APPROVAL

The attached Joint Proposed Notice of Approval (Attachment A) would grant the Applicants' Application to sell/transfer a portion of Terra Southwest's water service area served under its CCN No. 11608 to The Town, amending The Town's water CCN No. 11202.

IV. CONCLUSION

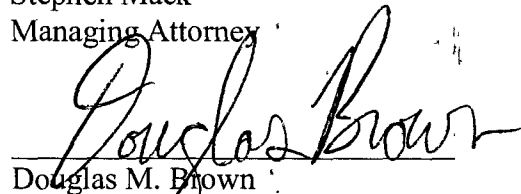
The Parties have indicated to Staff that Staff is authorized to file this pleading on their behalf. Therefore, the Parties respectfully request that the Commission grant the joint motions to admit the evidence specified above and adopt the attached proposed Notice of Approval.

Respectfully Submitted,

PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION

Margaret Uhlig Pemberton
Division Director

Stephen Mack
Managing Attorney

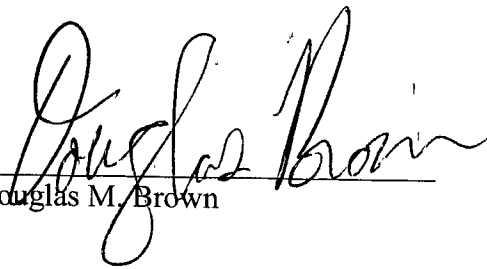


Douglas M. Brown
State Bar No. 24048366
(512) 936-7203

Alexander Petak
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Public Utility Commission of Texas
1701 N. Congress Avenue
P. O. Box 13326
Austin, Texas 78711-3326

DOCKET NO. 44870 CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on October 5, 2016 in accordance with 16 Tex. Admin. Code § 22.74.


Douglas M. Brown

ATTACHMENT A

PUC DOCKET NO. 44870

APPLICATION OF THE TOWN OF	§	PUBLIC UTILITY COMMISSION
LITTLE ELM AND TERRA	§	
SOUTHWEST, INC. FOR SALE,	§	OF TEXAS
TRANSFER, OR MERGER OF	§	
FACILITIES AND CERTIFICATE	§	
RIGHTS IN DENTON COUNTY	§	

JOINT PROPOSED NOTICE OF APPROVAL

This Notice addresses the application of the Town of Little Elm (“The Town”) and Terra Southwest, Inc. (“Terra Southwest”) (collectively, the “Applicants”) for the sale, transfer, or merger of facilities and certificated service areas in Denton County. The Public Utility Commission of Texas (“Commission”) Staff (“Staff”) recommends approval of the application. The application is approved.

The Commission adopts the following findings of fact, conclusions of law and ordering paragraphs.

I. Findings of Fact

Procedural History

1. On June 23, 2015, The Town and Terra Southwest filed an application for the sale, transfer, or merger of a retail public utility with the Commission pursuant to the criteria in Tex. Water Code §§ 13.241, 13.246 and 13.301, and 16 Tex. Admin. Code §§ 24.102, 24.104-107, 24.109 and 24.112 (the “Application”).
2. Terra Southwest holds water CCN No. 11608.
3. The Town holds water CCN No. 11202.
4. The Application requests approval for The Town to purchase the facilities and transfer the customers and service area of water CCN No. 11608 from Terra Southwest and to amend The Town’s water CCN No. 11202.
5. The area to be transferred includes a portion of the Hilltown subdivision in Denton County, comprising an area of approximately 164 acres and 16 current customers.
6. As a result of the transaction, The Town’s water CCN will be expanded to include the proposed area and Terra Southwest’s CCN will be made smaller.

7. On June 25, 2015, the Administrative Law Judge (ALJ) issued Order No. 1 establishing a deadline for Commission staff's recommendation on the Application.
8. On June 25, 2015, the Commission issued a Notice of Application for Sale, Transfer, or Merger.
9. On July 21, 2015, Commission Staff filed its Response to Order No. 1 in which Staff recommended that the application was administratively incomplete due to deficiencies in the notice and application, specifically regarding needed mapping information.
10. On July 23, 2015, the ALJ issued Order No. 2 finding the Application incomplete and deficient.
11. On August 25, 2015, the Applicants responded to Order No. 2, providing information to cure the deficiencies noted by Commission staff.
12. On September 18, 2015, Commission Staff filed its Response to Order No. 2 in which Staff recommended that the application be deemed administratively complete.
13. On September 22, 2015, the ALJ issued Order No. 3 finding the Application sufficient and complete and establishing a procedural schedule for issuing notice.
14. On October 16, 2015, The Town filed an affidavit of notice indicating that notice of the Application was mailed to neighboring utilities and affected parties on October 14, 2015.
15. On October 23, 2015, Commission Staff responded to Order No. 3 recommending that the notice provided by The Town was sufficient.
16. On October 27, 2015, the ALJ issued Order No. 4 finding notice to be sufficient and establishing a further procedural schedule.
17. On January 12, 2016, Commission Staff filed a final recommendation, recommending approval to proceed with the proposed transaction.
18. On January 14, 2016, the ALJ issued Order No. 5 approving the sale and transfer transaction to proceed and instructing the Applicants to provide monthly status reports, and documents evidencing the consummation upon conclusion of the transaction.
19. On April 6, 2016, the Applicants filed a joint status report showing that the transaction was consummated as of March 31, 2016.
20. On May 17, 2016, the ALJ issued Order No. 7 requesting that the Commission staff shall file a recommendation regarding the sufficiency of the closing documents by May 31, 2016.

21. On May 31, 2016, Commission Staff filed its Response to Order No. 7, in which Staff recommended that the closing documents were not sufficient and that the Applicants must file documentation evidencing that customer deposits have been transferred or refunded.
22. On June 7, 2016, the ALJ issued Order No. 8, finding closing documentation insufficient and establishing a deadline to cure the deficiencies.
23. On June 15, 2016, the Applicant filed a response to Order No. 8, indicating that there were no deposits held for customer accounts transferred in the transaction.
24. On June 30, 2016, Commission Staff filed a recommendation that the closing documentation was cured and sufficient.
25. On July 6, 2016, the ALJ issued Order No. 9, finding the documentation sufficient and complete and establishing a procedural schedule for the remainder of the proceeding.
26. On September 2, 2016, the Applicants filed consent forms reflecting their consent to the maps and certificates transmitted to the Applicants by Commission Staff.
27. On August 5, 2016, Staff submitted its response to Order No. 9, recommending the consent forms were sufficient and that the Application be approved.

Notice

28. Mailed notice was provided to all neighboring utilities and affected parties on October 14, 2015.
29. The Applicants filed affidavits of notice and publication with the Commission providing proof of notice and publication on October 16, 2015.

Informal Disposition

30. More than 15 days have passed since completion of all notice required for this docket.
31. No protests, motions to intervene, or requests for hearing were filed in this docket; therefore, no hearing was necessary.
32. The Town, Terra Southwest, and Staff are the only parties to this proceeding.

Evidence

33. The following has been admitted into evidence:
 - a. The Applicants' Sale, Transfer, or Merger (STM) Application (Commission's automated interchange system (AIS) Item 1, filed June 23, 2015);

- b. Order No. 3, deeming Application sufficient (ALS item 9, filed September 22, 2015);
- c. The Town's Responses to Order No. 3, including notices, customer list, maps and affidavits (ALS Item 10, filed October 22, 2015);
- d. Commission Staff's Response to Order No. 3 and attachments thereto (ALS Item 11, filed October 23, 2015);
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- l. Order No. 9, finding closing documents sufficient and establishing deadlines for remainder of proceeding (ALS Item 23, filed July 7, 2016);
- m. Consent Forms filed by The Town and Terra Southwest, (ALS Item 26, filed September 2, 2016);
- n. Commission Staff's Final Recommendation, (ALS Item No. 27, filed September 16, 2016; and
- o. CCN Map, CCN certificates, and Tariff.

II. Conclusions of Law

- 1. The Commission has jurisdiction over this proceeding pursuant to TWC §§ 13.041, 13.246, 13.251, and 13.301.
- 2. Terra Southwest and The Town are water utilities as defined in TWC § 13.002(23).
- 3. Public notice of the application was provided as required by TWC § 13.301(a)(2) and § 13.246.

4. The application was processed in accordance with the requirements of the Administrative Procedures Act,¹ Texas Water Code, and the Commission's rules.
5. Terra Southwest and The Town completed the sale within one year from the date of the Commission's written approval of the sale, consistent with 16 TAC § 24.112(e).
6. The Commission notified the Parties that a public hearing on the Application was not requested and would not be held, consistent with TWC § 13.301(f) and 16 TAC § 24.109(f).
7. After consideration of the factors in TWC § 13.246(c), The Town has demonstrated adequate financial, managerial, and technical capability for providing adequate and continuous service to every consumer within the proposed service areas and approval of the Application serves the public interest.
8. Terra Southwest and The Town have demonstrated that the certificate transfer requested in this application is necessary for the service, accommodation, convenience, and safety of the public.
9. The requirements for informal disposition pursuant to 16 TAC § 22.35 have been met in this proceeding.

III. Ordering Paragraphs

In accordance with these findings of fact and conclusions of law, the Commission issues the following Order:

1. The Application is approved.
2. The Town's Water CCN No. 11202 is amended to include the service areas transferred from Terra Southwest to The Town.
3. Terra Southwest's Water CCN No. 11608 is hereby amended to exclude the service areas transferred from Terra Southwest to The Town.
4. The Town shall serve every customer and applicant for service within the area covered by its Water CCN No. 11202, and such service shall be continuous and adequate.
5. All other motions, requests for entry of specific findings of fact or conclusions of law, and any other requests for general or specific relief, if not expressly granted herein, are hereby denied.

SIGNED AT AUSTIN, TEXAS the ____ day of _____, 2016.

¹ Administrative Procedure Act, Tex. Gov't Code §§ 2001.001-.902.

ADMINISTRATIVE LAW JUDGE

ATTACHMENT B

Town of Little Elm
 Portion of Water Service Area
 CCN No. 11202
 PUC Docket No. 44870
 Transferred a Portion of Terra Southwest Inc, CCN No. 11608 in Denton County



Public Utility Commission of Texas
 1701 N. Congress Ave
 Austin, TX 78701

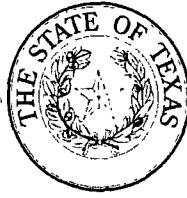
Water CCN Service Areas

-  11202 - Town of Little Elm
-  11608 - Terra Southwest Inc
-  11856 - Mustang SUD
-  11414 - Knob Hill Water System

0 500 1,000
 Feet



Map by Komal Patel
 Date created July 8, 2016
 Project Path n:\finalmapping\44870TownofLittleElm.mxd



Public Utility Commission of Texas

By These Presents Be It Known To All That Terra Southwest, Inc.

having duly applied for certification to provide water utility service for the convenience and necessity of the public, and it having been determined by this Commission that the public convenience and necessity would in fact be advanced by the provision of such service by this Applicant, is entitled to and is hereby granted this

Certificate of Convenience and Necessity No. 11608

to provide continuous and adequate water utility service to that service area or those service areas in Denton County as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 44870 are on file at the Commission offices in Austin, Texas; and are matters of official record available for public inspection; and be it known further that these presents do evidence the authority and the duty of the Terra Southwest, Inc., to provide such utility service in accordance with the laws of this State and Rules of this Commission, subject only to any power and responsibility of this Commission to revoke or obtain this Certificate in whole or in part upon a subsequent showing that the public convenience and necessity would be better served thereby.

Issued at Austin, Texas, this _____ day of _____ 2016



Public Utility Commission of Texas

By These Presents Be It Known To All That Town of Little Elm

having duly applied for certification to provide water utility service for the convenience and necessity of the public, and it having been determined by this Commission that the public convenience and necessity would in fact be advanced by the provision of such service by this Applicant, is entitled to and is hereby granted this

Certificate of Convenience and Necessity No. 11202

to provide continuous and adequate water utility service to that service area or those service areas in Denton County as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 44870 are on file at the Commission offices in Austin, Texas; and are matters of official record available for public inspection; and be it known further that these presents do evidence the authority and the duty of the Town of Little Elm, to provide such utility service in accordance with the laws of this State and Rules of this Commission, subject only to any power and responsibility of this Commission to revoke or obtain this Certificate in whole or in part upon a subsequent showing that the public convenience and necessity would be better served thereby.

Issued at Austin, Texas; this _____ day of _____ 2016



WATER UTILITY TARIFF
Docket Number: 44870

Terra Southwest, Inc.
(Utility Name)

P.O. Box 140
(Business Address)

Alvord, TX 76225
(City, State, Zip Code)

(940) 391-2826
(Area Code/Telephone)

This tariff is effective for utility operations under the following Certificate of Convenience and Necessity:

11608

This tariff is effective in the following counties:

Denton

This tariff is effective in the following cities or unincorporated towns (if any):

None

This tariff is effective in the following subdivisions:

East Ponder Estates (PWS #0610161)

TABLE OF CONTENTS

The above utility lists the following sections of its tariff (if additional pages are needed for a section, all pages should be numbered consecutively):

SECTION 1.0 - RATE SCHEDULE2
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APPENDIX A: DROUGHT CONTINGENCY PLAN	
APPENDIX B: APPLICATION FOR SERVICE	

SECTION 1.0 -- RATE SCHEDULE

Section 1.01 - Rates

<u>Meter Size</u>	<u>Monthly Minimum Charge</u>	<u>Gallage Charge</u>
5/8" or 3/4"	\$32.93 (Includes 3,000 gallons)	\$2.50 per 1,000 gallons
1"	\$71.08	same for all meter sizes
1½"	\$134.65	
2"	\$210.94	
3"	\$388.95	
4"	\$643.25	

FORM OF PAYMENT: The utility will accept the following forms of payment:

Cash X, Check X, Money Order X, Credit Card X, Other (specify) _____

THE UTILITY MAY REQUIRE EXACT CHANGE FOR PAYMENTS AND MAY REFUSE TO ACCEPT PAYMENTS MADE USING MORE THAN \$1.00 IN SMALL COINS. A WRITTEN RECEIPT WILL BE GIVEN FOR CASH PAYMENTS.

REGULATORY ASSESSMENT.....1.0%

PUC RULES REQUIRE THE UTILITY TO COLLECT A FEE OF ONE PERCENT OF THE RETAIL MONTHLY BILL AND TO REMIT THE FEE TO THE TCEQ.

Section 1.02 - Miscellaneous Fees

TAP FEE.....\$750.00

TAP FEE COVERS THE UTILITY'S COSTS FOR MATERIALS AND LABOR TO INSTALL A STANDARD RESIDENTIAL 5/8" or 3/4" METER. AN ADDITIONAL FEE TO COVER UNIQUE COSTS IS PERMITTED IF LISTED ON THIS TARIFF.

TAP FEE (Unique costs)Actual Cost

FOR EXAMPLE, A ROAD BORE FOR CUSTOMERS OUTSIDE OF SUBDIVISIONS OR RESIDENTIAL AREAS.

TAP FEE (Large meter)Actual Cost

TAP FEE IS THE UTILITY'S ACTUAL COST FOR MATERIALS AND LABOR FOR METER SIZE INSTALLED.

METER RELOCATION FEEActual Relocation Cost, Not to Exceed Tap Fee

THIS FEE MAY BE CHARGED IF A CUSTOMER REQUESTS THAT AN EXISTING METER BE RELOCATED.

METER TEST FEE\$25.00

THIS FEE WHICH SHOULD REFLECT THE UTILITY'S COST MAY BE CHARGED IF A CUSTOMER REQUESTS A SECOND METER TEST WITHIN A TWO-YEAR PERIOD AND THE TEST INDICATES THAT THE METER IS RECORDING ACCURATELY. THE FEE MAY NOT EXCEED \$25.

RECONNECTION FEE

THE RECONNECT FEE MUST BE PAID BEFORE SERVICE CAN BE RESTORED TO A CUSTOMER WHO HAS BEEN DISCONNECTED FOR THE FOLLOWING REASONS (OR OTHER REASONS LISTED UNDER SECTION 2.0 OF THIS TARIFF):

- | | |
|---|---------|
| a) Non payment of bill (Maximum \$25.00)..... | \$25.00 |
| b) Customer's request that service be disconnected..... | \$50.00 |

SECTION 1.0 -- RATE SCHEDULE (Continued)

TRANSFER FEE.....\$35.00

THE TRANSFER FEE WILL BE CHARGED FOR CHANGING AN ACCOUNT NAME AT THE SAME SERVICE LOCATION WHEN THE SERVICE IS NOT DISCONNECTED.

LATE CHARGE (EITHER \$5.00 OR 10% OF THE BILL).....\$5.00

PUC RULES ALLOW A ONE-TIME PENALTY TO BE CHARGED ON DELINQUENT BILLS. A LATE CHARGE MAY NOT BE APPLIED TO ANY BALANCE TO WHICH THE PENALTY WAS APPLIED IN A PREVIOUS BILLING.

RETURNED CHECK CHARGE.....\$25.00

RETURNED CHECK CHARGES MUST BE BASED ON THE UTILITY'S DOCUMENTABLE COST.

CUSTOMER DEPOSIT RESIDENTIAL (Maximum \$50).....\$50.00

COMMERCIAL & NON-RESIDENTIAL DEPOSIT..... 1/6TH of estimate annual billing

GOVERNMENTAL TESTING, INSPECTION AND COSTS SURCHARGE:

WHEN AUTHORIZED IN WRITING BY PUC AND AFTER NOTICE TO CUSTOMERS, THE UTILITY MAY INCREASE RATES TO RECOVER INCREASED COSTS FOR INSPECTION FEES AND WATER TESTING. [16 TAC 24.21(K)(2)]

LINE EXTENSION AND CONSTRUCTION CHARGES:

REFER TO SECTION 3.0--EXTENSION POLICY FOR TERMS, CONDITIONS, AND CHARGES WHEN NEW CONSTRUCTION IS NECESSARY TO PROVIDE SERVICE.

SECTION 1.0 -- RATE SCHEDULE (Continued)

PASS THROUGH ADJUSTMENT CLAUSE:

The utility may pass on only to those customers serviced by a system subject to the jurisdiction of any regional water authority and/or any groundwater reduction plan, any increase or decrease in its underground water district pumpage fee or purchased water fee, thirty (30) days after noticing of any change to all effected customers and filing notice with the PUC as required by 16 TAC 24.21(I). The change per customer shall be calculated as follows:

$$(AXB)/C + L [(AXB)/C] = \text{increase or decrease to existing gallonage rate}$$

Where:

A=Utility's annualized change in cost of water subjected to district's fee

B=Average number of gallons

C=1000 gallons

L=percentage system wide line loss for the preceding 12 months, not exceed 15%

SECTION 2.0 – SERVICE RULES AND POLICIES

The utility will have the most current Public Utility Commission of Texas (PUC) or commission rules relating to Water and Wastewater Utility regulations, available at its office for reference purposes. The Rules and this tariff shall be available for public inspection and reproduction at a reasonable cost. The latest Rules or commission approved changes to the Rules supersede any rules or requirements in this tariff.

Section 2.01 - Application for Water Service

All applications for service will be made on the utility's standard application or contract form (attached in the Appendix to this tariff), will be signed by the applicant, any required fees (deposits, reconnect, tap, extension fees, etc. as applicable) will be paid and easements, if required, will be granted before service is provided by the utility. A separate application or contract will be made for each service location.

Section 2.02 - Refusal of Service

The utility may decline to serve an applicant until the applicant has complied with the regulations of the regulatory agencies (state and municipal regulations) and for the reasons outlined in the PUC Rules. In the event that the utility refuses to serve an applicant, the utility will inform the applicant in writing of the basis of its refusal. The utility is also required to inform the applicant that a complaint may be filed with the commission.

Section 2.03 - Fees and Charges & Easements Required Before Service Can Be Connected

(A) Customer Deposits

If a residential applicant cannot establish credit to the satisfaction of the utility, the applicant may be required to pay a deposit as provided for in Section 1.02 - Miscellaneous Fees of this tariff. The utility will keep records of the deposit and credit interest in accordance with PUC Rules.

Residential applicants 65 years of age or older may not be required to pay deposits unless the applicant has an outstanding account balance with the utility or another water or sewer utility which accrued within the last two years.

Nonresidential applicants who cannot establish credit to the satisfaction of the utility may be required to make a deposit that does not exceed an amount equivalent to one-sixth of the estimated annual billings:

Refund of Deposit - If service is not connected, or after disconnection of service, the utility will promptly refund the customer's deposit plus accrued interest or the balance, if any, in excess of the unpaid bills for service furnished. The utility may refund the deposit at any time prior to termination of utility service but must refund the deposit plus interest for any residential customer who has paid 18 consecutive billings without being delinquent.

SECTION 2.0 – SERVICE RULES AND POLICIES

(B) Tap or Reconnect Fees

A new customer requesting service at a location where service has not previously been provided must pay a tap fee as provided in Section 1. A customer requesting service where service has previously been provided must pay a reconnect fee as provided in Section 1. Any applicant or existing customer required to pay for any costs not specifically set forth in the rate schedule pages of this tariff shall be given a written explanation of such costs prior to request for payment and/or commencement of construction. If the applicant or existing customer does not believe that these costs are reasonable or necessary, the applicant or existing customer shall be informed of their right to appeal such costs to the PUC or such other regulatory authority having jurisdiction over the utility's rates in that portion of the utility's service area in which the applicant's or existing customer's property(ies) is (are) located.

Fees in addition to the regular tap fee may be charged if listed specifically in Section 1 to cover unique costs not normally incurred as permitted by P.U.C. SUBST. R: 24.86(a)(1)(C). For example, a road bore for customers outside a subdivision or residential area could be considered a unique cost.

(C) Easement Requirement

Where recorded public utility easements on the service applicant's property do not exist or public road right-of-way easements are not available to access the applicant's property, the utility may require the applicant to provide it with a permanent recorded public utility easement on and across the applicant's real property sufficient to provide service to that applicant. Such easement(s) shall not be used for the construction of production, storage, transmission or pressure facilities unless they are needed for adequate service to that applicant.

Section 2.04 - Utility Response to Applications for Service

After the applicant has met all the requirements, conditions and regulations for service, the utility will install tap, meter and utility cut-off valve and/or take all necessary actions to initiate service. The utility will serve each qualified applicant for service within 5 working days unless line extensions or new facilities are required. If construction is required to fill the order and if it cannot be completed within 30 days, the utility will provide the applicant with a written explanation of the construction required and an expected date of service.

Except for good cause where service has previously been provided, service will be reconnected within one working day after the applicant has met the requirements for reconnection.

Section 2.05 - Customer Responsibility

The customer will be responsible for furnishing and laying the necessary customer service pipe from the meter location to the place of consumption. Customers will not be allowed to use the utility's cutoff valve on the utility's side of the meter. Existing customers may install cutoff valves on their side of the meter and are encouraged to do so. All new customers may be required to install and maintain a cutoff valve on their side of the meter.

SECTION 2.0 – SERVICE RULES AND POLICIES

No direct connection between a public water supply system and any potential source of contamination or between a public water supply system and a private water source (ex. private well) will be allowed. A customer shall not connect, or allow any other person or party to connect, onto any water lines on his premises.

Section 2.06 - Customer Service Inspections

Applicants for new service connections or facilities which have undergone extensive plumbing modifications are required to furnish the utility a completed customer service inspection certificate. The inspection certificate shall certify that the establishment is in compliance with the Texas Commission on Environmental Quality (TCEQ) Rules and Regulations for Public Water Systems, Section 290.46(j). The utility is not required to perform these inspections for the applicant/customer, but will assist the applicant/customer in locating and obtaining the services of a certified inspector.

Section 2.07 - Back Flow Prevention Devices

No water connection shall be allowed to any residence or establishment where an actual or potential contamination hazard exists unless the public water facilities are protected from contamination by either an approved air gap, backflow prevention assembly, or other approved device. The type of device or backflow prevention assembly required shall be determined by the specific potential hazard identified in Title 30 Texas Administrative Code (TAC) §290.47(i) Appendix I, Assessment of Hazards and Selection of Assemblies of the TCEQ Rules and Regulations for Public Water Systems.

The use of a backflow prevention assembly at the service connection shall be considered as additional backflow protection and shall not negate the use of backflow protection on internal hazards as outlined and enforced by local plumbing codes. When a customer service inspection certificate indicates that an adequate internal cross-connection control program is in effect, backflow protection at the water service entrance or meter is not required.

At any residence or establishment where it has been determined by a customer service inspection, that there is no actual or potential contamination hazard, as referenced in 30 TAC §290.47(i) Appendix I, Assessment of Hazards and Selection of Assemblies of the TCEQ Rules and Regulations for Public Water Systems, then a backflow prevention assembly or device is not required. Outside hose bibs do require, at a minimum, the installation and maintenance of a working atmospheric vacuum breaker.

All backflow prevention assemblies or devices shall be tested upon installation by a TCEQ certified backflow prevention assembly tester and certified to be operating within specifications. Backflow prevention assemblies which are installed to provide protection against health hazards must also be tested and certified to be operating within specifications at least annually by a certified backflow prevention assembly tester.

SECTION 2.0 – SERVICE RULES AND POLICIES

If the utility determines that a backflow prevention assembly or device is required, the utility will provide the customer or applicant with a list of TCEQ certified backflow prevention assembly testers. The customer will be responsible for the cost of installation and testing, if any, of backflow prevention assembly or device. The customer should contact several qualified installers to compare prices before installation. The customer must pay for any required maintenance and annual testing and must furnish a copy of the test results demonstrating that the assembly is functioning properly to the utility within 30 days after the anniversary date of the installation unless a different date is agreed upon.

Section 2.08 - Access to Customer's Premises

The utility will have the right of access to the customer's premises at all reasonable times for the purpose of installing, testing, inspecting or repairing water mains or other equipment used in connection with its provision of water service, or for the purpose of removing its property and disconnecting lines, and for all other purposes necessary to the operation of the utility system including inspecting the customer's plumbing for code, plumbing or tariff violations. The customer shall allow the utility and its personnel access to the customer's property to conduct any water quality tests or inspections required by law. Unless necessary to respond to equipment failure, leak or other condition creating an immediate threat to public health and safety or the continued provision of adequate utility service to others, such entry upon the customer's property shall be during normal business hours and the utility personnel will attempt to notify the customer that they will be working on the customer's property. The customer may require any utility representative, employee, contractor, or agent seeking to make such entry identify themselves, their affiliation with the utility, and the purpose of their entry.

All customers or service applicants shall provide access to meters and utility cutoff valves at all times reasonably necessary to conduct ordinary utility business and after normal business hours as needed to protect and preserve the integrity of the public drinking water supply.

Section 2.09 - Meter Requirements, Readings, and Testing

One meter is required for each residential, commercial, or industrial connection. All water sold by the utility will be billed based on meter measurements. The utility will provide, install, own and maintain meters to measure amounts of water consumed by its customers.

Meters will be read at monthly intervals and as nearly as possible on the corresponding day of each monthly meter reading period unless otherwise authorized by the Commission.

Meter tests. The utility will, upon the request of a customer, and, if the customer so desires, in his or her presence or in that of his or her authorized representative, make without charge a test of the accuracy of the customer's meter. If the customer asks to observe the test, the test will be made during the utility's normal working hours at a time convenient to the customer. Whenever possible, the test will be made on the customer's premises, but may, at the utility's discretion, be made at the utility's testing facility. If within a period of two years the customer requests a new test, the utility will make the test, but if the meter is found to be within the accuracy standards established by the American Water Works Association, the utility will charge the customer a fee which reflects the cost to test the meter up to a maximum \$25 for a residential customer.

SECTION 2.0 – SERVICE RULES AND POLICIES

Following the completion of any requested test, the utility will promptly advise the customer of the date of removal of the meter, the date of the test, the result of the test, and who made the test.

Section 2.10 – Billing

(A) Regular Billing

Bills from the utility will be mailed monthly unless otherwise authorized by the Commission. The due date of bills for utility service will be at least sixteen (16) days from the date of issuance. The postmark on the bill or, if there is no postmark on the bill, the recorded date of mailing by the utility will constitute proof of the date of issuance. Payment for utility service is delinquent if full payment, including late fees and the regulatory assessment, is not received at the utility or the utility's authorized payment agency by 5:00 p.m. on the due date. If the due date falls on a holiday or weekend, the due date for payment purposes will be the next workday after the due date.

(B) Late Fees

A late penalty of either \$5.00 or 10.0% will be charged on bills received after the due date. The penalty on delinquent bills will not be applied to any balance to which the penalty was applied in a previous billing. The utility must maintain a record of the date of mailing to charge the late penalty.

(C) Information on Bill

Each bill will provide all information required by the PUC Rules. For each of the systems it operates, the utility will maintain and note on the monthly bill a local or toll-free telephone number (or numbers) to which customers can direct questions about their utility service.

If service is interrupted or seriously impaired for 24 consecutive hours or more, the utility will prorate the monthly base bill in proportion to the time service was not available to reflect this loss of service.

Section 2.11- Payments

All payments for utility service shall be delivered or mailed to the utility's business office. If the business office fails to receive payment prior to the time of noticed disconnection for non-payment of a delinquent account, service will be terminated as scheduled. Utility service crews shall not be allowed to collect payments on customer accounts in the field.

Payment of an account by any means that has been dishonored and returned by the payor or payee's bank, shall be deemed to be delinquent. All returned payments must be redeemed with cash or valid money order. If a customer has two returned payments within a twelve month period, the customer shall be required to pay a deposit if one has not already been paid.

SECTION 2.0 – SERVICE RULES AND POLICIES

Section 2.12 - Service Disconnection

(A) With Notice

Utility service may be disconnected if the bill has not been paid in full by the date listed on the termination notice. The termination date must be at least 10 days after the notice is mailed or hand delivered.

The utility is encouraged to offer a deferred payment plan to a customer who cannot pay an outstanding bill in full and is willing to pay the balance in reasonable installments. However, a customer's utility service may be disconnected if a bill has not been paid or a deferred payment agreement entered into within 26 days from the date of issuance of a bill and if proper notice of termination has been given.

Notice of termination must be a separate mailing or hand delivery in accordance with the PUC Rules.

B) Without Notice

Utility service may also be disconnected without notice for reasons as described in the PUC Rules.

Section 2.13 - Reconnection of Service

Utility personnel must be available during normal business hours to accept payments on the day service is disconnected and the following day unless service was disconnected at the customer's request or due to a hazardous condition.

Service will be reconnected within 36 hours after the past due bill, reconnect fees and any other outstanding charges are paid or the conditions which caused service to be disconnected are corrected.

Section 2.14 - Service Interruptions

The utility will make all reasonable efforts to prevent interruptions of service. If interruptions occur, the utility will re-establish service within the shortest possible time. Except for momentary interruptions due to automatic equipment operations, the utility will keep a complete record of all interruptions, both emergency and scheduled and will notify the commission in writing of any service interruptions affecting the entire system or any major division of the system lasting more than four hours. The notice will explain the cause of the interruptions.

Section 2.15 - Quality of Service

The utility will plan, furnish, and maintain production, treatment, storage, transmission, and distribution facilities of sufficient size and capacity to provide a continuous and adequate supply of water for all reasonable consumer uses. Unless otherwise authorized by the PUC or TCEQ, the utility will maintain facilities as described in the TCEQ Rules and Regulations for Public Water Systems.

SECTION 2.0 – SERVICE RULES AND POLICIES

Section 2.16 - Customer Complaints and Disputes

If a customer or applicant for service lodges a complaint, the utility will promptly make a suitable investigation and advise the complainant of the results. Service will not be disconnected pending completion of the investigation. If the complainant is dissatisfied with the utility's response, the utility must advise the complainant that he has recourse through either the PUC complaint process, depending on the nature of the complaint. Pending resolution of a complaint, the commission may require continuation or restoration of service.

The utility will maintain a record of all complaints which shows the name and address of the complainant, the date and nature of the complaint and the adjustment or disposition thereof, for a period of two years after the final settlement of the complaint.

In the event of a dispute between a customer and a utility regarding any bill for utility service, the utility will conduct an investigation and report the results to the customer. If the dispute is not resolved, the utility will inform the customer that a complaint may be filed with the commission.

Section 2.17 - Customer Liability

Customer shall be liable for any damage or injury to utility-owned property shown to be caused by the customer.

SECTION 3.0 – EXTENSION POLICY

Section 3.01 – Standard Extension Requirements

Line Extension and Construction Charges: No Contribution in Aid of Construction may be required of any customer except as provided for in this approved extension policy.

The utility is not required to extend service to any applicant outside of its certified service area and will only do so under terms and conditions mutually agreeable to the utility and the applicant, in compliance with PUC rules and policies, and upon extension of the utility's certified service area boundaries by the PUC.

The applicant for service will be given an itemized statement of the costs, options such as rebates to the customer, sharing of construction costs between the utility and the customer, or sharing of costs between the customer and other applicants prior to beginning construction.

The utility is not required to extend service to any applicant outside of its certificated service area and will only do so under terms and conditions mutually agreeable to the utility and the applicant, in compliance with PUC rules and policies, and upon extension of the utility's certificated service area boundaries by the PUC.

Section 3.02 - Costs Utilities and Service Applicants Shall Bear

Within its certified area, the utility will pay the cost of the first 200 feet of any water main or distribution line necessary to extend service to an individual residential customer within a platted subdivision.

However, if the residential customer requesting service purchased the property after the developer was notified in writing of the need to provide facilities to the utility, the utility may charge for the first 200 feet. The utility must also be able to document that the developer of the subdivision refused to provide facilities compatible with the utility's facilities in accordance with the utility's approved extension policy after receiving a written request from the utility.

Residential customers will be charged the equivalent of the costs of extending service to their property from the nearest transmission or distribution line even if that line does not have adequate capacity to serve the customer. However, if the customer places unique, non-standard service demands upon the system, the customer may be charged the additional cost of extending service to and throughout their property, including the cost of all necessary transmission and storage facilities necessary to meet the service demands anticipated to be created by that property.

Unless an exception is granted by the PUC, the residential service applicant shall not be required to pay for costs of main extensions greater than 2" in diameter for water distribution and pressure wastewater collection lines and 6" in diameter for gravity wastewater lines.

SECTION 3.0 – EXTENSION POLICY

Exceptions may be granted by the PUC if:

- adequate service cannot be provided to the applicant using the maximum line sizes listed due to distance or elevation, in which case, it shall be the utility's burden to justify that a larger diameter pipe is required for adequate service;
- or larger minimum line sizes are required under subdivision platting requirements or building codes of municipalities within whose corporate limits or extraterritorial jurisdiction the point of use is located; or the residential service applicant is located outside the CCN service area.

If an exception is granted by the PUC, the utility shall establish a proportional cost plan for the specific extension or a rebate plan which may be limited to seven years to return the portion of the applicant's costs for oversizing as new customers are added to ensure that future applicants for service on the line pay at least as much as the initial service applicant.

For purposes of determining the costs that service applicants shall pay, commercial customers with service demands greater than residential customer demands in the certified area, industrial, and wholesale customers shall be treated as developers. A service applicant requesting a one inch meter for a lawn sprinkler system to service a residential lot is not considered nonstandard service.

If an applicant requires service other than the standard service provided by the utility, such applicant will be required to pay all expenses incurred by the utility in excess of the expenses that would be incurred in providing the standard service and connection beyond 200 feet and throughout his property including the cost of all necessary transmission facilities.

The utility will bear the full cost of any over-sizing of water mains necessary to serve other customers in the immediate area. The individual residential customer shall not be charged for any additional production, storage, or treatment facilities. Contributions in aid of construction may not be required of individual residential customers for production, storage, treatment or transmission facilities unless otherwise approved by the Commission under this specific extension policy.

Section 3.03 - Contributions in Aid of Construction

Developers may be required to provide contributions in aid of construction in amounts sufficient to furnish the development with all facilities necessary to provide for reasonable local demand requirements and to comply with TCEQ minimum design criteria for facilities used in the production, transmission, pumping, or treatment of water or TCEQ minimum requirements. For purposes of this subsection, a developer is one who subdivides or requests more than two meters on a piece of property. Commercial, industrial, and wholesale customers will be treated as developers.

Any applicant who places unique or non-standard service demands on the system may be required to provide contributions in aid of construction for the actual costs of any additional facilities required to maintain compliance with the TCEQ minimum design criteria for water production, treatment, pumping, storage and transmission.

SECTION 3.0 – EXTENSION POLICY

Any service extension to a subdivision (recorded or unrecorded) may be subject to the provisions and restrictions of P.U.C. SUBST. R. 24.86(d). When a developer wishes to extend the system to prepare to service multiple new connections, the charge shall be the cost of such extension, plus a pro-rata charge for facilities which must be committed to such extension compliant with the TCEQ minimum design criteria. As provided by P.U.C. SUBST. R. 24.85(e)(3), for purposes of this section, commercial, industrial, and wholesale customers shall be treated as developers.

A utility may only charge a developer standby fees for unrecovered costs of facilities committed to a developer's property under the following circumstances:

- under a contract and only in accordance with the terms of the contract; or
- if service is not being provided to a lot or lots within two years after installation of facilities necessary to provide service to the lots has been completed and if the standby fees are included on the utilities approved tariff after a rate change application has been filed. The fees cannot be billed to the developer or collected until the standby fees have been approved by the commission or executive director.

For purposes of this section, a manufactured housing rental community can only be charged standby fees under a contract or if the utility installs the facilities necessary to provide individually metered service to each of the rental lots or spaces in the community.

Section 3.04 - Appealing Connection Costs

The imposition of additional extension costs or charges as provided by Sections 3.0 - Extension Policy of this tariff shall be subject to appeal as provided in this tariff, PUC rules, or the rules of such other regulatory authority as may have jurisdiction over the utility's rates and services. Any applicant required to pay for any costs not specifically set forth in the rate schedule pages of this tariff shall be given a written explanation of such costs prior to payment and/or commencement of construction. If the applicant does not believe that these costs are reasonable or necessary, the applicant shall be informed of the right to appeal such costs to the PUC or such other regulatory authority having jurisdiction over the utility's rates in that portion of the utility's service area in which the applicant's property(ies) is (are) located.

Section 3.05 - Applying for Service

The utility will provide a written service application form to the applicant for each request for service received by the utility's business offices. A separate application shall be required for each potential service location if more than one service connection is desired by any individual applicant. Service application forms will be available at the utility's business office during normal weekday business hours. Service applications will be sent by prepaid first class United States mail to the address provided by the applicant upon request. Completed applications should be returned by hand delivery in case there are questions which might delay fulfilling the service request. Completed service applications may be submitted by mail if hand delivery is not possible.

SECTION 3.0 – EXTENSION POLICY

Where a new tap or service connection is required, the service applicant shall be required to submit a written service application and request that a tap be made. A diagram, map, plat, or written metes and bounds description of precisely where the applicant desires each tap or service connection is to be made and, if necessary, where the meter is to be installed, along the applicant's property line may also be required with the tap request. The actual point of connection and meter installation must be readily accessible to utility personnel for inspection, servicing, and meter reading while being reasonably secure from damage by vehicles and mowers. If the utility has more than one main adjacent to the service applicant's property, the tap or service connection will be made to the utility's nearest service main with adequate capacity to service the applicant's full potential service demand. Beyond the initial 200 feet, the customer shall bear only the equivalent cost of extending from the nearest main. If the tap or service connection cannot be made at the applicant's desired location, it will be made at another location mutually acceptable to the applicant and the utility. If no agreement on location can be made, the applicant may refer the matter to the PUC for resolution.

Section 3.06 - Qualified Service Applicant

A "qualified service applicant" is an applicant who has: (1) met all of the utility's requirements for service contained in this tariff, PUC rules and/or PUC order, (2) has made payment or made arrangement for payment of tap fees, (3) has provided all easements and rights-of-way required to provide service to the requested location, (4) delivered an executed customer service inspection certificate to the utility, if applicable, and (5) has executed a customer service application for each location to which service is being requested.

The utility shall serve each qualified service applicant within its certified service area as soon as practical after receiving a completed service application. All service requests will be fulfilled within the time limits prescribed by PUC rules once the applicant has met all conditions precedent to achieving "qualified service applicant" status. If a service request cannot be fulfilled within the required period, the applicant shall be notified in writing of the delay, its cause and the anticipated date that service will be available. The PUC service dates shall not become applicable until the service applicant has met all conditions precedent to becoming a qualified service applicant as defined by PUC rules.

Section 3.07 - Developer Requirements

As a condition of service to a new subdivision, the utility shall require a developer (as defined by PUC rule) to provide permanent recorded public utility easements as a condition of service to any location within the developer's property.

APPENDIX A – DROUGHT CONTINGENCY PLAN

“This page incorporates by reference the utility’s Drought Contingency Plan, as approved and periodically amended by the Texas Commission on Environmental Quality.”

APPENDIX B -- APPLICATION FOR SERVICE
(Utility Must Attach Blank Copy)