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PUC DOCKET NO. 44898
SOAH DOCKET NO. 473-16-0564.WS

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APPLICATION OF LINDSAY PURE
WATER COMPANY FOR A
RATE/TARIFF CHANGE

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PUBLIC UTILITY COMMISSION

OF TEXAS

PUBLIC UTILITY COMMISSION
CLERK

ORDER

This Order addresses the application of Lindsay Pure Water Company for a rate and tariff change. A unanimous agreement was executed that resolves all issues between the parties. Consistent with the agreement, the application is approved.

The Commission adopts the following findings of fact and conclusions of law:

I. Findings of Fact

Procedural History

1. On July 1, 2015, Lindsay Pure Water filed an application for a rate and tariff change for water certificate of convenience and necessity number 12858 in Cooke County. Lindsay Pure Water requested a total revenue requirement of approximately \$35,855.00.
2. The 12-month test year employed in Lindsay Pure Water's application ended on December 31, 2014.
3. Lindsay Pure Water's prior rate was \$18.50 per month for a 5/8", 3/4", or 1" line, including 2,000 gallons, with gallonage fees of \$2.00 per 1,000 gallons above 2,000, \$2.50 above 30,000 gallons and \$3.50 above 70,000 gallons. Lindsay Pure Water proposed to increase the monthly rate for 5/8", 3/4", or 1" lines to \$34.50.
4. Lindsay Pure Water mailed the first notice of the proposed rate change to all of its customers on or about July 2, 2015.
5. On July 10, 2015, the Commission issued Order No. 1, requiring comments on administrative completeness of the application and addressing other procedural matters.
6. On August 3, 2015, Commission Staff recommended that Lindsay Pure Water's application be deemed deficient.

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7. On August 6, 2015, the Commission issued Order No. 2, finding the application deficient, suspending effective date of rate change, and establishing deadlines for Lindsay Pure Water to supplement the application and for Commission Staff to provide a supplemental recommendation.
8. On August 31, 2015, Lindsay Pure Water supplemented the application by filing a revised tariff and revised notice.
9. On September 14, 2015, Lindsay Pure Water mailed the revised notice to all customers and filed an affidavit of proof of notice with the Commission.
10. On September 30, 2015, Commission Staff requested that this proceeding be referred to the State Office of Administrative Hearings (SOAH) to conduct a hearing and issue a proposal for decision, if necessary.
11. On October 5, 2015, the Commission referred Lindsay Pure Water's application to SOAH for an evidentiary hearing and required Lindsay Pure Water and Commission Staff to submit proposed lists of issues.
12. On October 12, 2015, SOAH issued Order No.1, describing the case, requiring Lindsay Pure Water to issue notice of the prehearing conference to customers, addressing jurisdiction and other procedural matters, and requiring Lindsay Pure Water to file proof of notice.
13. On October 14, 2015, Lindsay Pure Water mailed notice of the prehearing conference to all of its customers.
14. On October 16, 2015, Lindsay Pure Water and Commission Staff filed proposed lists of issues to be addressed by the Commission.
15. On October 22, 2015, Lindsay Pure Water filed proof of notice of the prehearing conference to customers.
16. On November 6, 2015, the Commission issued a preliminary order specifying the issues to be addressed.
17. On November 19, 2015, SOAH conducted a prehearing conference, naming Lindsay Pure Water and Commission Staff as the only parties to this proceeding.

18. On December 1, 2015, SOAH issued Order No. 2 summarizing the prehearing conference, setting a procedural schedule, noticing a settlement conference, prehearing conference, and hearing on the merits, discussing other procedural matters, which required Commission Staff to file comments regarding the completeness of the application, sufficiency of notice, the effective date of the proposed rate changes, and whether person who filed protests should be named as parties. Lindsay Pure Water was also required to file a response to Commission Staff's comments.
19. On December 14, 2015, Commission Staff filed comments, recommending that the application be found administratively complete, that notice be deemed sufficient for a proposed effective date of December 1, 2015 for the proposed rates, and that the protestors be allowed to file motions to intervene if they wished to be named as parties.
20. On December 17, 2015, Lindsay Pure Water responded affirmatively to Commission Staff's comments.
21. On December 31, 2015, SOAH issued Order No. 3, deeming the application complete, notice sufficient, December 1, 2015 as the effective date for the proposed rates, and declaring that the only parties to the case were Lindsay Pure Water and Commission Staff.
22. From January 11 to November 17, 2016, the procedural schedule was extended and thereafter abated in order for Lindsay Pure Water and Commission Staff to finalize documents related to an agreed resolution to this proceeding.
23. On November 17, 2016, Lindsay Pure Water and Commission Staff filed a joint motion to admit evidence and remand proceeding to the Commission for final processing.
24. On November 23, 2016, SOAH issued Order No. 14, admitting evidence, remanding the proceeding to the Commission, and dismissing the SOAH docket.

Description of the Stipulation

25. The signatories agreed that Lindsay Pure Water should be allowed to implement the retail water utility rates contained in Section 1.0 of the agreed proposed tariff included as Attachment 1 to this Order.

26. The signatories agreed that Lindsay Pure Water should be allowed to implement retail water utility rates effective according to the schedule contained in Section 1.0 of the proposed tariff included as Attachment 1 to this Order.
27. The signatories agreed that Lindsay Pure Water should be allowed to implement the other tariff provisions included in the agreed proposed tariff in Attachment 1 to this Order.
28. The signatories agreed that the agreed proposed tariff should be the governing water utility rates, terms, treatments, and conditions for Lindsay Pure Water ratepayers of the public water systems and service areas specified in the agreed proposed tariff.
29. The signatories agreed that Lindsay Pure Water shall not seek to recover and shall not collect any rate case expense that it has incurred or will incur in relation to the application or this docket.
30. The signatories agreed that Lindsay Pure Water should be allowed to keep all revenue collected under the rate schedule in effect for December 1, 2015 through the date of this Order.

Consistency of the Stipulation with the Texas Water Code and Commission Requirements

31. The signatories agreed that considered in light of Lindsay Pure Water's application and responses to discovery requests, the agreement is the result of compromise from each party, and these efforts, as well as the overall result of the agreement, support the reasonableness and benefits of the terms of the agreement.
32. Consistent with the agreement, the rates, terms, and conditions of Attachment 1 to this Order are just and reasonable.

II. Conclusions of Law

1. Lindsay Pure Water is a public utility as defined in Texas Water Code § 13.002(23).¹
2. The Commission has jurisdiction over Lindsay Pure Water's application for a rate increase under TWC §§ 13.041, 13.181, and 13.187.

¹ Tex. Water Code Ann. (West 2008 and Supp. 2016) (TWC).

3. This docket was processed in accordance with the requirements of the TWC, the Administrative Procedure Act,² and Commission rules.
4. Lindsay provided proper notice of the application as required by TWC § 13.187 and 16 TAC § 24.22.
5. This docket contains no remaining contested issues of fact or law.
6. The agreement, taken as a whole, is a just and reasonable resolution of all issues it addresses, results in just and reasonable rates, terms and conditions, is consistent with the relevant provisions of TWC, chapter 13, and should be approved.
7. The rates agreed to in the agreement are just and reasonable, comply with the ratemaking provisions in TWC, chapter 13, and are not unreasonably discriminatory, preferential, or prejudicial.
8. The requirements for informal disposition under 16 TAC § 22.35 have been met in this proceeding.

III. Ordering Paragraphs

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

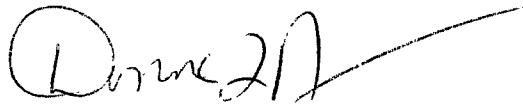
1. Lindsay Pure Water's application for a rate/tariff change and related relief is approved consistent with this Order and the agreement.
2. Lindsay Pure Water's tariff provided with this Order as Attachment 1 is approved.
3. Lindsay Pure Water shall not seek to recover and shall not collect any rate-case expense that it has incurred or will incur in relation to the application or this docket.
4. Entry of this Order consistent with the agreement does not indicate the Commission's endorsement of any principle or methodology that may underlie the agreement. Neither should entry of this Order be regarded as a precedent as to the appropriateness of any principle or methodology underlying the agreement.

² Tex. Gov't Code Ann. §§ 2001.001-.902 (West 2016).

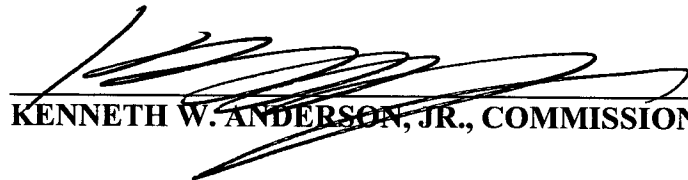
5. All other motions, requests for entry of specific findings of fact, conclusions of law, and ordering paragraphs, and any other requests for general or specific relief, if not expressly granted are denied.

Signed at Austin, Texas the 13th day of January 2017.

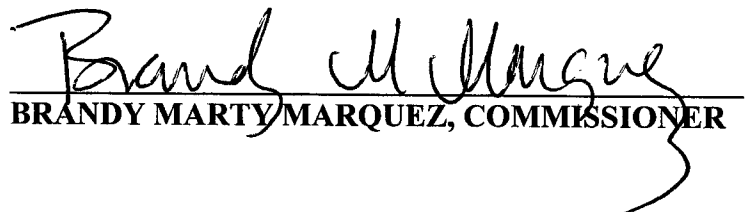
PUBLIC UTILITY COMMISSION OF TEXAS



DONNA L. NELSON, CHAIRMAN



KENNETH W. ANDERSON, JR., COMMISSIONER



BRANDY MARTY MARQUEZ, COMMISSIONER



ATTACHMENT 1

WATER UTILITY TARIFF
Docket Number 44898

Lindsay Pure Water Company
(Utility Name)

P.O. Box 5
(Business Address)

Lindsay, TX 76250-0005
(City, State, Zip Code)

(940) 665-0977
(Area Code/Telephone)

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

12858

This tariff is effective in the following counties:

Cooke

This tariff is effective in the following subdivisions or systems:

Lindsay Pure Water Co South Ridge: PWS ID # 0490044

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

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SECTION 1.0 – RATE SCHEDULE

Section 1.01 - Rates

<u>Meter Size</u>	<u>Monthly Minimum Charge</u> (Includes 2,000 gallons all meters)	<u>Gallonage Charge</u>
5/8" or ¾"	\$34.50	\$2.00 per 1,000 gallons from 2,001 to 30,000 gallons
1"	\$34.50	\$2.50 per 1,000 gallons from 30,001 to 70,000 gallons
1½"	\$40.00	\$3.50 per 1,000 gallons over 70,000 gallons
2"	\$62.50	
3"	\$114.00	

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

Cash X, Check X, Money Order X, Credit Card X

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. AT THE CUSTOMER'S OPTION, ANY BILLING TRANSACTION OR COMMUNICATION MAY BE PERFORMED ON THE INTERNET. THIS INCLUDES THE UTILITY SENDING PAPERLESS BILLS BY EMAIL.

REGULATORY ASSESSMENT.....1.0%

PUC RULES REQUIRE THE UTILITY TO COLLECT A FEE OF ONE PERCENT OF THE RETAIL MONTHLY BILL AND TO REMIT FEE TO THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ).

Section 1.02 – Miscellaneous Fees

TAP FEE.....\$650.00

TAP FEE IS BASED ON THE AVERAGE OF THE UTILITY'S ACTUAL COST FOR MATERIALS AND LABOR FOR STANDARD RESIDENTIAL CONNECTION OF 5/8" METER PLUS UNIQUE COSTS AS PERMITTED BY PUC RULE AT COST.

TAP FEE (Unique costs)Actual Cost
FOR EXAMPLE, A ROAD BORE FOR CUSTOMERS OUTSIDE OF SUBDIVISIONS OR RESIDENTIAL AREAS.

LARGE METER TAP FEE.....Actual Cost

TAP FEE IS BASED ON THE UTILITY'S ACTUAL COST FOR MATERIALS AND LABOR FOR METERS LARGER THAN STANDARD 5/8" METERS.

SECTION 1.0 -- RATE SCHEDULE (Continued)

RECONNECTION FEE

THE RECONNECT FEE WILL BE CHARGED BEFORE SERVICE CAN BE RESTORED TO A CUSTOMER WHO HAS BEEN DISCONNECTED FOR THE FOLLOWING REASONS:

- a) Non-payment of bill (Maximum \$25.00)\$25.00
 - b) Customer's request.....\$25.00
- or other reasons listed under Section 2.0 of this tariff

TRANSFER FEE.....\$25.00

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

LATE CHARGE.....\$5.00

A ONE-TIME PENALTY MAY BE MADE ON DELINQUENT BILLS BUT MAY NOT BE APPLIED TO ANY BALANCE TO WHICH THE PENALTY WAS APPLIED IN A PREVIOUS BILLING.

RETURNED CHECK CHARGE\$25.00**CUSTOMER DEPOSIT RESIDENTIAL (Maximum \$50).....\$50.00****METER TEST FEE (actual cost of testing the meter up to).....\$25.00**

THIS FEE 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.

METER RELOCATION FEE Actual Relocation Cost

THIS FEE MAY BE CHARGED IF A CUSTOMER REQUESTS RELOCATION OF AN EXISTING METER.

METER CONVERSION FEE..... Actual Cost to Convert Meter

THIS FEE MAY BE CHARGED IF A CUSTOMER REQUESTS CHANGE OF SIZE OF AN EXISTING METER OR CHANGE IS REQUIRED BY MATERIAL CHANGE IN CUSTOMERS SERVICE DEMAND.

SEASONAL RECONNECTION FEE:

BASE RATE FOR METER SIZE TIMES NUMBER OF MONTHS OFF THE SYSTEM NOT TO EXCEED SIX MONTHS WHEN LEAVE AND RETURN WITHIN A TWELVE MONTH PERIOD.

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.
[§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 2.0 - SERVICE RULES AND REGULATIONS

Section 2.01 – Rules

The Utility will have the most current Public Utility Commission of Texas (PUC or Commission) Rules, Chapter 24, 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 2.02 - Application for and Provision of 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) and will be signed by the applicant before water service is provided by the Utility. A separate application or contract will be made for each service location.

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.

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

The customer will be responsible for furnishing and laying the necessary customer service pipe from the meter location to the place of consumption. Customers may be required to install a customer owned cut-off valve on the customer's side of the meter or connection.

Section 2.03 - 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 2.04 - 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 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 that 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.

SECTION 2.0 - SERVICE RULES AND REGULATIONS (Continued)

Section 2.04 - Customer Deposits (Continued)

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. Deposits from non-residential customers may be held as long as that customer takes service.

Section 2.05 - Meter Requirements, Readings, and Testing

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. One meter is required for each residential, commercial, or industrial facility in accordance with the PUC Rules.

Service 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 that reflects the cost to test the meter up to a maximum \$25 for a residential customer. 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 2.06 - Billing

Bills from the Utility will be mailed monthly unless otherwise authorized by the Commission. The due date of the 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. At the customer's option, bills may be sent in a paperless, electronic form by email. The date of the email will constitute 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.

A late penalty of \$5.00 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.

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 telephone number (or numbers) which may be reached by a local call by customers. At the Utility's option, a toll-free telephone number or the equivalent may be provided.

SECTION 2.0 - SERVICE RULES AND REGULATIONS (Continued)

Section 2.06 - Billing (Continued)

In the event of a dispute between a customer and the 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 2.07 - Service Disconnection

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 may 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 has not been 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.

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

Utility personnel must be available to collect payments and to reconnect service on the day of and the day after any disconnection of service unless service was disconnected at the customer's request or due to a hazardous condition.

Section 2.08 - Reconnection of Service

Service will be reconnected within 24 hours after the past due bill and any other outstanding charges are paid or correction of the conditions which caused service to be disconnected.

Section 2.09 - 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.

Prorated Bills. 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 2.10 - 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 Commission, the Utility will maintain facilities as described in the TCEQ Rules and Regulations for Public Water Systems.

SECTION 2.0 - SERVICE RULES AND REGULATIONS (Continued)

Section 2.11 - 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 the PUC complaint process. 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.

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 customer 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 before beginning construction.

The Utility will bear the full cost of any oversizing 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.

Cost Utilities Shall Bear. Within its certificate 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 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.

Developers may be required to provide contributions in aid of construction in amounts to furnish the system with all facilities necessary to comply with the PUC's Rules.

SECTION 3.20 - SPECIFIC UTILITY EXTENSION POLICY

This section contains the Utility's specific extension policy that complies with the requirements already stated under Section 3.01. It must be reviewed and approved by the Commission and in compliance with PUC Rules to be effective.

Residential customers not covered under Section 3.01 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 full 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.

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.

SECTION 4.0 – DROUGHT CONTINGENCY PLAN
(Utility must attach a copy of the TCEQ approved Drought Contingency Plan)