

Control Number: 45421



Item Number: 12

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Donna L. Nelson
Chairman

Kenneth W. Anderson, Jr.
Commissioner

Brandy Marty Marquez
Commissioner

Brian H. Lloyd
Executive Director



Greg Abbott
Governor

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2016 APR 15 AM 12:08
KC 14
PUBLIC UTILITY COMMISSION
CLERK

Public Utility Commission of Texas

TO: Donna L. Nelson, Chairman
Kenneth W. Anderson, Jr., Commissioner
Brandy Marty Marquez, Commissioner

All Parties of Record

FROM: Jeffrey J. Huhn *JJH*
Administrative Law Judge

RE: **Open Meeting of May 4, 2016**
Docket No. 45421 – *Application of La Tierra Water for Exempt Utility Registration*

DATE: April 14, 2016

Enclosed is a copy of the Proposed Order in the above-referenced docket. The Commission is currently scheduled to consider this docket at an open meeting to begin at 9:30 a.m. on Wednesday, May 4, 2016, at the Commission's offices, 1701 North Congress Avenue, Austin, Texas. The parties shall file corrections or exceptions to the Proposed Order on or before Tuesday, April 26, 2016.

If there are no corrections or exceptions, no response is necessary.



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DOCKET NO. 45421

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APPLICATION OF LA TIERRA
WATER FOR EXEMPT UTILITY
REGISTRATION

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§

PUBLIC UTILITY COMMISSION

2016 APR 15 AM 12:08
PUBLIC UTILITY COMMISSION
OF TEXAS
FILING CLERK

PROPOSED ORDER

This Order addresses the application of La Tierra Water (La Tierra) for exempt utility registration. Public Utility Commission of Texas (Commission) Staff recommended approval of the application. The application is approved.

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

I. Findings of Fact

Procedural History

1. On December 8, 2015, La Tierra filed an application for exempt utility registration.
2. On December 14, 2015, Order No. 1 was issued, requiring comments on administrative completeness.
3. On January 8, 2016, Commission Staff filed a response to Order No. 1 and recommended the application be found sufficient and proposed a procedural schedule.
4. On January 13, 2016, Order No. 2 was issued, deeming the application administratively complete and establishing a procedural schedule.
5. On February 2, 2016, Commission Staff provided La Tierra with the proposed map of La Tierra's exempt utility water service area and a proposed exempt utility information form which will serve as the tariff for La Tierra.
6. On February 3, 2016, La Tierra consented to Commission Staff's proposed final map and tariff.
7. On March 4, 2016, Commission Staff filed a final recommendation for approval of the application.
8. On March 25, 2016, the parties filed a joint proposed notice of approval, including

findings of fact, conclusions of law, and ordering paragraphs and a request to admit evidence.

9. On April 1, 2016, Order No. 4 was issued, admitting evidence into the record of this proceeding.
10. Notice of the application was published in the *Texas Register* on April 15, 2016.
11. The parties have resolved all issues regarding the application. Additionally, no protests and no requests for hearing were filed.
12. The map and tariff referenced in Findings of Fact Nos. 5 and 6 are attached to this Order.

Certificate Not Required

13. The Commission has considered the factors listed in Tex. Water Code § 13.242(c) (TWC) and 16 Tex. Admin. Code § 24.103(d) (TAC).
14. La Tierra is a utility that has less than 15 potential service connections.
15. La Tierra is not owned by or affiliated with a retail public utility or any other provider of potable water service.
16. La Tierra is currently operating under CCN No. 12235 in Hays County.
17. La Tierra is not within the certificated area of another retail public utility.
18. La Tierra is not within the corporate boundaries of a district or municipality.

II. Conclusions of Law

1. The Commission has jurisdiction over these matters pursuant to TWC § 13.242(c) and 16 TAC § 24.103(d).
2. La Tierra is eligible to operate without a CCN under TWC § 13.242(c) and 16 TAC § 24.103(d).
3. The application was processed in accordance with the requirements of TWC § 13.242(c) and 16 TAC § 24.103(d).
4. 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. La Tierra's CCN No. 12235 in Hays County is revoked.
2. La Tierra is an exempt utility under TWC § 13.242(c) and 16 TAC § 24.103(d).
3. 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 May 2016.

PUBLIC UTILITY COMMISSION OF TEXAS

DONNA L. NELSON, CHAIRMAN

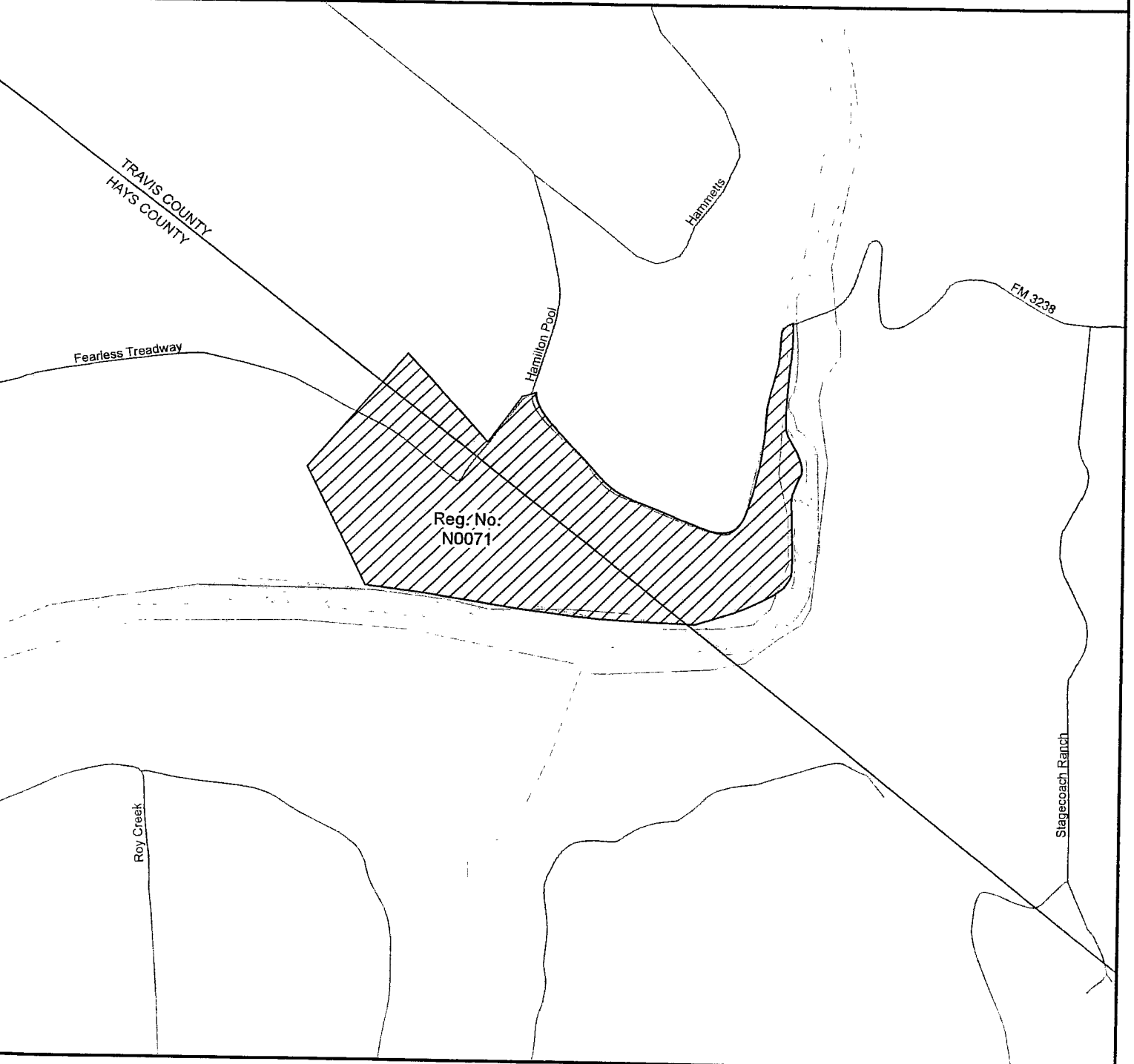
KENNETH W. ANDERSON, JR., COMMISSIONER

BRANDY MARTY MARQUEZ, COMMISSIONER

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
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La Tierra Water
Water Service Area
Exempt Utility Registration No. N0071
PUC Docket No. 45421
Hays and Travis Counties



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

Exempt Utility Water Service Area

 N0071 - La Tierra Water

0 500 1,000
Feet



Map by: Komal Patel
Date created: January 28, 2016
Project Path: n:\finalmapping\45421LaTierraWater.mxd

EXEMPT UTILITY INFORMATION FORM

January 14, 2016 45421 N0071
Effective Date Docket No. Registration No.

LA TIERRA WATER 830-825-0133
(Water System Name) (Phone Number)
24815 HAMILTON POOL RD ROUND MOUNTAIN TX 78663-8570
(Utility Address) (City) (State) (Zip Code)

RATE SCHEDULE	Monthly Minimum Charge	Gallonage Charge
Residential	\$ 12.00 (INCLUDING 3,000 GALLONS)	\$ 4.00 per 1000 gallons
Commercial	\$ (INCLUDING GALLONS)	\$ per 1000 gallons

TAP FEE \$ 250.00

OTHER EXTENSION FEES

REGULATORY ASSESSMENT 1.0%
A REGULATORY ASSESSMENT, EQUAL TO ONE PERCENT OF THE CHARGE FOR RETAIL WATER SERVICE ONLY, MUST BE COLLECTED FROM EACH RETAIL CUSTOMER

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 (not to exceed \$25 without justification) \$ 25.00
- b Customer's request \$
- c Other Reasons (specify): \$

LATE CHARGE \$ 0.00
For bill not received by due date. (Select either \$5.00 or 10%)
RETURNED CHECK CHARGE \$ 0.00
CUSTOMER DEPOSIT \$ 0.00
METER TEST FEE (Not to exceed \$25) \$ 0.00

The attached Service Rules are part of this tariff.

Docket No. 45421

LA TIERRA WATER

(Utility Name)

Meter Requirements, Readings, and Testing

One meter or connection may be required for each customer. The exempt 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 a test of the accuracy of the customer's meter. The test may be made using a container of known volume.

A meter test will cost \$ 25.00 Following the completion of any requested test, the utility will promptly advise the customer in writing of the results. If the meter is in error by more than 3% the meter should be replaced at the utility's expense. Meters will be read at (preferably monthly) intervals.

Billing

Bills from the utility will be mailed at intervals specified in the service agreement. 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, is not received at the designated payment location 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 work day after the due date.

Late Fee

A late penalty may be charged (if listed on the tariff) on bills received after the due date. The utility must maintain a record of the date of mailing to charge the late penalty.

Each bill will provide the following information (at a minimum): The total amount due for water service, the due date of the bill and a telephone number (or numbers) for customers to call if they have questions.

Metered Service

If service is metered the bill must also state the date and reading of the meter at the beginning and end of the period for which the bill is rendered, and the numbers of gallons consumed.

Service Disconnection and Disputed Bills

If a customer or applicant for service files a complaint about all or a portion of the bill, the utility will promptly investigate the matter and advise the complainant of the results. Service may 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/she has recourse through the Public Utility Commission of Texas 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.

WATER SERVICE APPLICATION/AGREEMENT

Date 11/19/2015

Exempt Utility Name LA TIERRA WATER
Business Address Street 24815 HAMILTON POOL RD
City, State, Zip ROUND MOUNTAIN TX 78663-8570
(AC)Telephone (830)825-0133

APPLICATION FOR WATER SERVICE

Name of Applicant/Customer: _____

Service Location: _____

Billing Address: _____

City, State, Zip: _____

Check Applicable Items:

Residential ☒ Owner ☐ Commercial ☐ Tenant ☐

The Exempt Utility agrees to sell and deliver water to the Applicant and the Applicant agrees to purchase and receive water from the Utility in accordance with the rules and regulations required by the Public Utility Commission of Texas which are included in its Exempt Utility Tariff and any other rules or requirements contained in this agreement.

Water will ☐ Will not ☒ be disinfected. Water will ☒ will not ☐ be measured by meters which are furnished, installed, owned and maintained by the Utility. The meter and/or connection is for the sole use of the Applicant/Customer to serve water to one dwelling, business or property. The Applicant/Customer shall not share, resell, or submeter water to any other dwelling, business, property, etc., without the specific written authorization of the Utility and in compliance with applicable laws and regulations.

The Utility has the right to locate a water service meter/connection and the pipe necessary to connect the meter to the utility's water main on the property of the Applicant at a point mutually agreeable to both the Utility and the Applicant. The Applicant/Customer will allow the Utility access at all reasonable times to its property and equipment located upon Applicant/Customer's premises for the limited purposes of reading the water meter, repairing or replacing existing facilities and the inspection of the Applicant/Customer's facilities to check for illegal connections or unsafe plumbing practices or cross-connections, in compliance with the requirements of the Texas Commission on Environmental Quality's "Rules and Regulations for Public Water Systems."

The Applicant will install, at his own expense, a service line from the water meter/connection to the Applicant's point of use which includes ☒ /does not include ☐ a cutoff valve on the Applicant's side of the water meter/connection. The Applicant/Customer will be responsible for maintenance and repair of the Applicant/Customer's service line. The Applicant/Customer shall hold the Utility harmless from any and all claims or demands for damage to real or personal property occurring from the point the Applicant/Customer ties on the water meter/connection to the final destination of the line installed by Applicant/Customer.