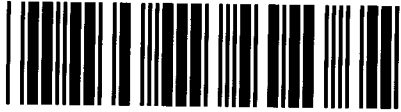




Control Number: 45988



Item Number: 3

Addendum StartPage: 0

DOCKET NO. 45988

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APPLICATION OF OLD TAMINA §
WATER SUPPLY CORPORATION TO §
OBTAIN A SEWER CERTIFICATE OF §
CONVENIENCE AND NECESSITY IN §
MONTGOMERY COUNTY (37616-C) §

PUBLIC UTILITY COMMISSION
COMMISSION FILING CLERK
OF TEXAS

**OLD TAMINA WATER SUPPLY CORPORATION'S RESPONSE TO ORDER NO. 1
GRANTING MOTION TO SEVER AND SEVERING AND DOCKETING
APPLICATION TO OBTAIN A SEWER CERTIFICATE OF CONVENIENCE AND
NECESSITY**

NOW COMES Old Tamina Water Supply Corporation ("OTWSC") and hereby files this Response to Order No. 1, and so amends its application to obtain a new sewer CCN.

I. Background

On May 15, 2013, OTWSC filed an application to amend its water CCN No. 12289 for a dual certification with the City of Shenandoah ("Shenandoah") and obtain a new sewer CCN in Montgomery County ("Application") with the Texas Commission on Environmental Quality ("TCEQ").

On March 4, 2016, the Administrative Law Judge ("ALJ") issued Order No. 2 Finding Application Incomplete and Deficient, Establishing Deadlines and Opportunity to Cure, which required OTWSC to amend its application to cure the deficiencies noted by Commission Staff on or before March 30, 2016.

On April 5, 2016, the ALJ issued Order No. 3 granting OTWSC's request to extend the deadline to amend its application to cure the deficiencies noted by Commission Staff on or before April 13, 2016.

On May 20, 2016, the ALJ issued Order No. 4 Finding Application Incomplete and

Deficient, Establishing Deadlines and Opportunity to Cure requiring OTWSC to amend its application on or before June 3, 2016.

On May 27, 2016, the ALJ issued Docket No. 45552 Order No. 5 / Docket No. 45988 Order No. 1 Granting Motion to Sever and Severing and Docketing Application to Obtain a Sewer Certificate of Convenience and Necessity, which assigned the Sewer CCN application Docket No. 45988 and which required OTWSC to amend its application on or before June 3, 2016. Accordingly, this response is timely filed.

On June 1, 2016, the ALJ issued Docket No. 45552 Order No. 6 Abating Proceeding, which abated the processing of the application to amend the water CCN.

II. OTWSC's Response to Order No. 1

OTWSC responds to each of the Commission Staff's recommendations itemized in the PUC Interoffice Memorandum dated May 11, 2016, as follows:

Item 1: A revised large scale (detailed) map showing the accurate location of the entire property subject to Conroe Independent School District's (CISD) opt out request in reference to surrounding verifiable man-made and/or natural landmarks such as roads, railroads and rivers.

Please refer to "Engineer of Record Response" letter attached hereto as Exhibit "1".

Item 2: A revised general location (small scale) map for the proposed sewer service area, which accurately removes CISD's property with enough detail to locate the proposed sewer service area within the nearest city, town or county.

Please refer to "Engineer of Record Response" letter attached hereto as Exhibit "1".

Item 3: A revised large scale map for the proposed sewer service area, which accurately removes CISC's property with enough detail to locate the proposed sewer service area in reference to verifiable man-made and natural landmarks such as roads, railroads, and rivers.

Please refer to "Engineer of Record Response" letter attached hereto as Exhibit "1".

Item 4: Revised digital data in a shapefile format for the proposed sewer service area, which accurately removes the requested CISC property.

Please refer to "Engineer of Record Response" letter attached hereto as Exhibit "1".

Item 5: The revised total acreage for the proposed sewer service area after the removal of the CISC's property. The total acreage must correspond to the same acreage provided with the revised digital data for the proposed sewer service area.

Please refer to "Engineer of Record Response" letter attached hereto as Exhibit "1".

Item 6: A written statement clarifying the request for dual certification with the City of Shenandoah's sewer CCN No. 21025.

Dual certification with Shenandoah's sewer CCN No. 21025 is being requested by OTWSC. The dual certification is requested for the geographical service area from David Memorial Road eastward to Johnson Lane, which is a part of OTWSC's water CCN No. 12289 service area. OTWSC's CCN was granted more than 20 years prior to Shenandoah's applications for water and sewer CCNs.

Item 7: File written documentation from City of Shenandoah allowing the Applicant to provide retail sewer service within a portion of their ETJ and corporate boundaries.

On August 25, 2007, OTWSC and Shenandoah entered into an Amended Agreement Reached at Mediated Settlement Conference ("Agreement"). The Agreement is attached hereto

as Exhibit "2". Shenandoah agreed to provide wastewater services on a wholesale basis to OTWSC through a connection to Shenandoah's existing wastewater system at the intersection of Tamina Road and Johnson Lane for a monthly charge to be mutually agreed upon and no other fee. The Agreement further stated that "the City will issue a Letter of Support for OTWSC's water and wastewater Certificate of Convenience and Necessity (CCN) Application currently pending in this docket before the Texas Commission on Environmental Quality ("TCEQ")." The Letter of Support was to allow OTWSC to provide retail sewer services from OTWSC's western boundary at David Memorial Road eastward on Tamina Road to OTWSC's eastern boundary at Tamina Road and Johnson Lane. However, despite multiple written requests, Shenandoah has failed to provide OTWSC the agreed upon Letter of Support.

The Agreement was a reciprocal agreement in which OTWSC and Shenandoah mutually agreed to support each other's applications for dual certification. The Agreement was made by the parties in exchange for OTWSC terminating its cease and desist action against Shenandoah for providing water service to customers who OTWSC claimed as within its service area, and for Shenandoah agreeing to become OTWSC's wholesale water and sewer service provider. The primary and explicit purpose of the Agreement was to allow OTWSC to provide retail sewer service within a portion of Shenandoah's ETJ and corporate boundaries, and to allow Shenandoah to do likewise in a portion of OTWSC's pre-existing water CCN service area. The Agreement is, in and of itself, written documentation from Shenandoah for the purpose of allowing OTWSC to provide services in Shenandoah's service area. To the best of OTWSC's recollection, OTWSC did not provide written documentation for Shenandoah's dual certification within OTWSC's pre-existing water CCN service area, other than the Agreement. It would be greatly inequitable for Shenandoah to have been allowed to use the Agreement to obtain dual certification while not also

allowing OTWSC to use the Agreement for the same purpose and benefit.

Premises considered, OTWSC respectfully requests that its Application for a new Sewer CCN be found administratively complete and that the application be allowed to move forward.

Respectfully submitted,

OLD TAMINA WATER SUPPLY CORPORATION

By: 

Ramond W. Howard

Texas Bar No. 10076800

Email: barlife@aol.com

1303 Turtle Creek Dr

Missouri City, TX 77489

Tel. (281) 437-5900

Fax. (281) 416-9517

Attorney for

Old Tamina Water Supply Corporation

DOCKET NO. 45988

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on this June 2, 2016 in accordance with 16 TAC § 22.74.

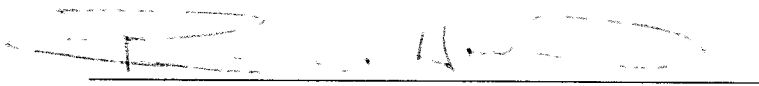

Ramond W. Howard

VERIFICATION

STATE OF TEXAS

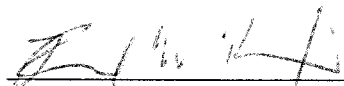
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BEFORE ME, the undersigned authority, personally appeared Ramond W. Howard, who stated, upon oath, that the statements made in the foregoing instrument are within his personal knowledge and are true and correct.

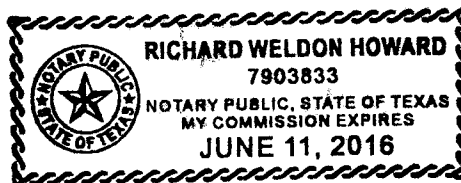


Ramond W. Howard

SUBSCRIBED AND SWORN TO BEFORE ME on the 2nd day of June, 2016, by
Ramond W. Howard.



Notary Public, State of Texas





9700 Richmond Ave.
Suite 250
Houston, Texas 77042
T-713-706-4414
F-713-706-4410

**ENGINEER OF RECORD RESPONSE TO PUC INTEROFFICE
MEMORANDUM DATED MAY 11, 2016**

Date: May 24, 2016

REVISED MAY 29, 2016

To: Mrs. Julia Leveston, Secretary
Old Tamina Water Supply Corporation
P. O. Box 7402
The Woodlands, Texas 77387

Re: Engineer of Record Response to PUC Interoffice Memorandum dated May 11, 2016.

Dear Mrs. Leveston:

As Engineer of Record, we will make every effort to make our response, request for clarification and comments as brief as possible and to the point.

Before responding to the PUC Interoffice Memorandum we would like to make a few preliminary comments on the current PUC GIS Maps on file and our findings:
To further analyze the PUC GIS Maps, I have enlarged it into six (6) contiguous maps (Attached as Exhibits "1.1" – "1.6") of the three (3) CCN areas in question.

- A. Page 1 (Exhibit "1.1") shows the northern portion of Tamina's CCN No. 12289 area on the east and west side of Union Pacific RR. If you will note 1) The 60 Acre Conroe ISD Tract is contiguous to Tamina's northern CCN boundary and is wholly within the City of Shenandoah's CCN No. 13146 and 21025 boundary. 2) The City of Shenandoah's City Limit Line or ETJ is just east of David Memorial Drive and just north of Tamina's north CCN line and runs east to the area midway between Johnson Lane and Union Pacific RR, then run south. Note the ETJ dotted line on page 1 (Exhibit "1.1").
- B. Page 2 (Exhibit "1.2") shows Tamina's CCN No. 12289 area east of Union Pacific RR. If you will note there is a small area cut into the southern portion of Tamina's

CCN No. 12289 that shows the City Limit Line or ETJ Line and labeled 13146, which is the old CCN No. 13146 for the City of Shenandoah Certificate Number, which was used in our original application. You should also note the City Limit Line is shown south of Tamina's southern boundary labeled Shenandoah ETJ Line.

- C. Page 3 (Exhibit "1.3") shows the southern boundary of CCN No. 13146 just north of Nancy Lane in Oak Ridge, Texas. You might also note that Montgomery County has a small strip of land between Tamina's, Chateau Woods, and Shenandoah's CCN boundaries.
- D. Pages 4, 5 & 6 (Exhibits "1.4" – "1.6"), complete the western portion of map pages 1, 2, & 3 for your review.
- E. Page 7 (Exhibit "1.7") clearly shows the contiguous boundary between Chateau Woods' CCNs (sewer CCN No. 20937 and water CCN No. 10351) and Tamina's CCN No. 12289
- F. Page 8 (Exhibit "1.8") is the continuation of Chateau Woods CCN No. 10351.

Order No. 2 required the Applicant to cure application content and mapping deficiencies. On April 13, 2016, the Applicant filed a response to Order No. 3, supplementing the application seeking to abate the water CCN portion of the application, and requesting to proceed with the application to obtain a sewer CCN. The Applicant is also seeking a new docket number for their sewer CCN application.

MAPPING CONTENT

The Applicant filed a metes and bounds map with a written description for the property subject to the Conroe Independent School District's (CISD) opt out request which consists of 60 acres. **On April 21, 2013 we sent a detailed response and map to Mr. Brian Dickey-TCEQ informing him that the original Tamina Proposed Sanitary Sewer CCN which was in our original proposed CCN Boundary/Application, stated that Conroe ISD was never included in our Old CCN nor the New CCN Application. The map clearly showed the Conroe ISD property to be outside the OTWSC CCN northern boundary and all of the streets within the CCN boundary were clearly shown. We also attached an 11" x 17" area street map of all of the areas surrounding Tamina with the Proposed and Existing CCN boundaries shown and a copy of the certified survey of the CISD 60 acres. Our metes and bounds description clearly states "The proposed service area situated in Montgomery County School Land Survey, Abstract No. 350, and located within City of Shenandoah ETJ. Said proposed service area bounds on the west side by David Memorial Drive (also known as Tamina School Road), the north side by the Conroe Independent School District Natatorium, the east side bounds by the east line of Kimblewood subdivision, and the south side bounds by Chateau Woods subdivision. Said proposed service area is being more particularly as follows (coordinates based on Texas Coordinate System, Central**

Zone, NAD 83)."

PUC Staff said that the map does not include enough verifiable man-made and/or natural landmarks of the surrounding property and Staff is unable to accurately position the CISD's property on the road map. **On the map submitted to Mr. Dickey, we clearly showed the 60 acre CISD property at the end of Johnson Road and east of David Memorial Drive, which is the western boundary line of the 60 acre CISD tract. The southeast corner boundary line of the 60 acre tract and the north boundary line of Tamina Water CCN is one and the same.** PUC Staff said that it appears the property is located partially within the proposed sewer service area requested in the docket. **The 60 acres is not located in the proposed sewer service area requested in the docket. The 60 acres is located in the Shenandoah CCN No. 21025 area.** PUC Staff also said the digital data for the proposed sewer service area overlaps Chateau Woods MUD's sewer CCN No. 20937. **The most current map for the CCN, which was issued February 5, 2003 to Chateau Woods, shows a northern boundary line some 500 feet south of Rhodes Lane and contiguous to Tamina water CCN No. 12289. As per TCEQ Water Supply Division, CCN Map dated 03/18/2013.** Lastly, PUC Staff said that a portion of the proposed sewer service area is located within the City of Shenandoah's extraterritorial jurisdiction (ETJ) and city limits. **The most current city limit map on the web shows the eastern city limits to be outside of Tamina Water CCN No. 12289, however, the City of Shenandoah's CCNs No. 13146 and 21025 do overlap Tamina's pre-existing water CCN No. 12289. When did Tamina Water Supply Corporation Board of Directors agree to this dual area?**

Currently Shenandoah is only serving its commercial customers along David Memorial Drive and Tamina is still serving its water customers along Tamina Road, Easley Street, Terri Lane, Elmore Drive and a customer or two along David Memorial Drive, east of Tamina Road.

Staff recommends the Applicant submit the following items to resolve mapping deficiencies:

1. A revised large scale (detailed) map showing the accurate location of the entire property subject to Conroe Independent School District's (CISD) opt out request in reference to surrounding verifiable man-made and /or natural landmarks such as roads, railroads and rivers. **The map sent to Mr. Brian Dickey on April 21, 2013 clearly shows that Conroe Independent School District 60 acre school site was never included in our Sewer CCN Application. This map was again included in the Response to Order 2 (Docket 45552) filed on April 13, 2016.**
2. A revised general location (small scale) map for the proposed sewer service area, which accurately removes CISD's property with enough detail to locate the proposed sewer service area within the nearest city, town or county. **The CISD**

property was never included in any of our exhibits. Please see the map contained on the data disk previously sent to TCEQ & filed with PUC in the Response to Order 2 (Docket 45552) filed on April 13, 2016.

3. A revised large scale map for the proposed sewer service area, which accurately removes CISC's property with enough detail to locate the proposed sewer service area in reference to verifiable man-made and natural landmarks such as roads, railroads and rivers. **The Proposed Sanitary Sewer System previously sent to Mr. Dickey and which was included on the data disk shows all proposed facilities and does not include the CISC property. We again submitted the Proposed Sanitary Sewer System map on the CD filed with PUC in the Response to Order 2 (Docket 45552) filed on April 13, 2016.**
4. Revised digital data in a shape file format for the proposed sewer service area, which accurately removes the requested CISC property. **This was submitted on the CD filed with PUC in the Response to Order 2 (Docket 45552) filed on April 13, 2016.**
 - a. File the digital data on a CD with the projection (.prj) file used to create the shape file.
 - b. The revised digital data file must correspond to the same proposed sewer service area as shown on the revised small and large scale maps.
5. The revised total acreage for the proposed sewer service area after the removal of the CISC's property. The total acreage must correspond to the same acreage provided with the revised digital data for the proposed sewer service area. **Again, the CISC property was never a part of our application. The approximate total acreage is 500 acres.**
6. A written statement clarifying the request for dual certification with the City of Shenandoah's sewer CCN No. 21025. **It is evident that CCN No. 21025 and 13146 overlapped Tamina's pre-existing CCN No. 12289 service area. When did this overlap occur and did the Tamina Water Supply Corporation Board of Directors approve and agree to this? Could we please get a copy of CCN No. 20125 and the map, documentation, and when approved. If dual certification is not being requested, the Applicant must remove the portion of the overlap from the proposed sewer service area shown on the revised maps and digital data. The current application is for all areas currently being served by Tamina Water Supply Corporation and expanded to existing water customers currently served outside of Tamina's Current CCN No. 12289 boundary. Areas in question include the Elmore Street area north of Tamina Road that are current water customers, and the area south of Tamina Road, which include Johnson Road, Terri Lane, Easley St, plus all lots or tracts of land fronting on Tamina Road from Johnson Lane to David Memorial Drive. The existing water distribution system map and proposed sanitary sewer system map are included in the digital CD previously submitted to PUC in the Response to Order 2 (Docket 45552) filed on April 13, 2016.**

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In conclusion, the question I would have is, when did the City of Shenandoah, Texas file an overlapping application with PUC and did they receive approval from Old Tamina Water Supply Corporation Board of Directors?

Sincerely:

David L. Collins, Sr.

David L. Collins, Sr., P.E., RPLS
Project Manager

Cc: Ms. Jessica Morgan, Legal Division-PUC
Ms. Tammy Benter, Director-PUC
Ms. Lisa Fuentes, Manager, Water Utility Division-PUC
Ms. Debbie Reyes Tamayo, Program Specialist-PUC
Mr. Andrew Novak, Financial Analyst-PUC
Ms. Tracy Montes, GIS Specialist, Water Utility Division-PUC
Mr. James Leveston, President, OTWSC
Mrs. Monica Pierre, USDA
Mr. Harold Hunter, CRG
Mr. Raymond Howard, Attorney
Mr. Richard Howard, Attorney
Dr. Frank C. Mbachu, P.E., Ph D, FCM



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Page 12

**ENGINEER OF RECORD RESPONSE TO PUC INTEROFFICE
MEMORANDUM DATED MAY 11, 2016**

Date: May 24, 2016

REVISED MAY 29, 2016

To: Mrs. Julia Leveston, Secretary
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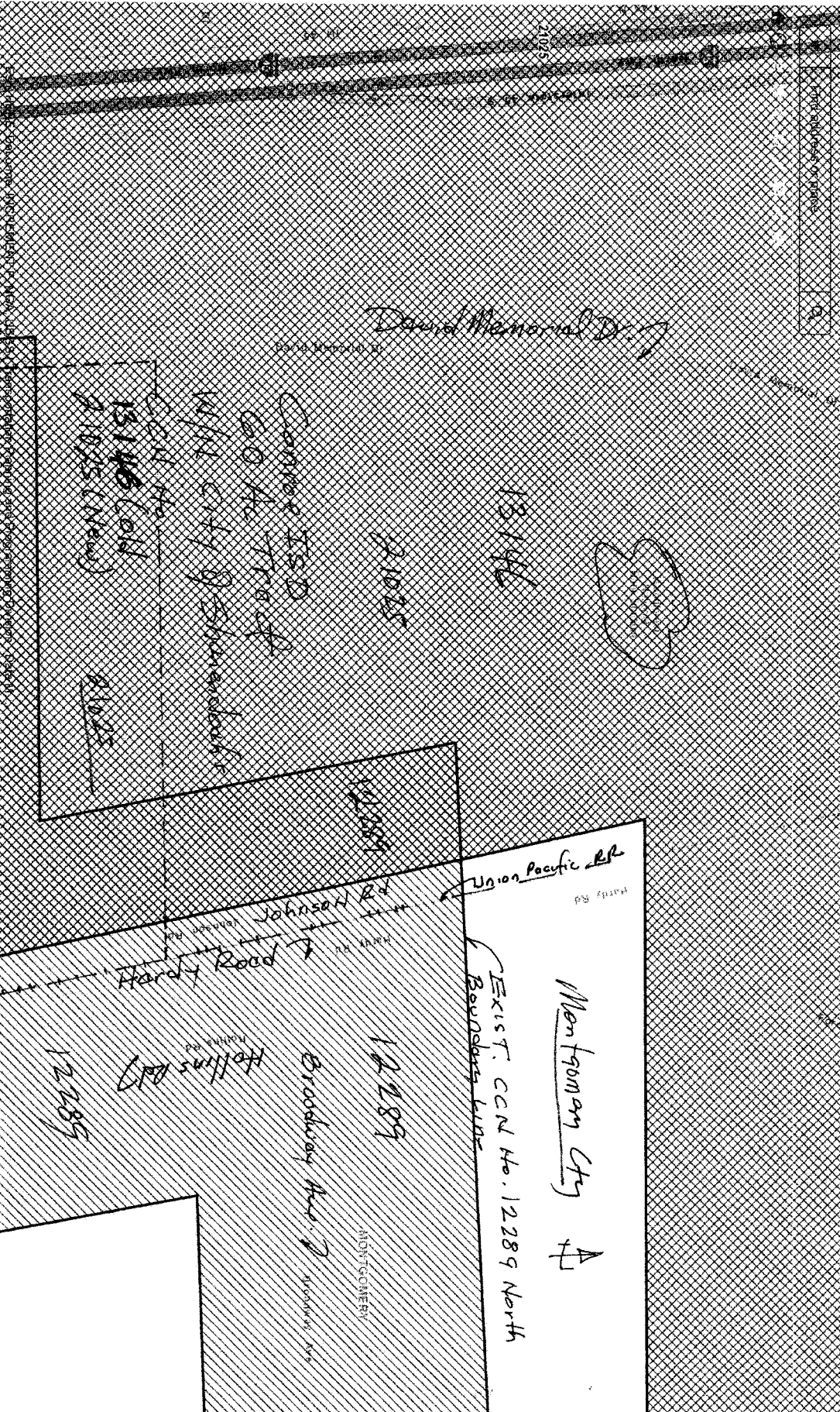
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Project Manager

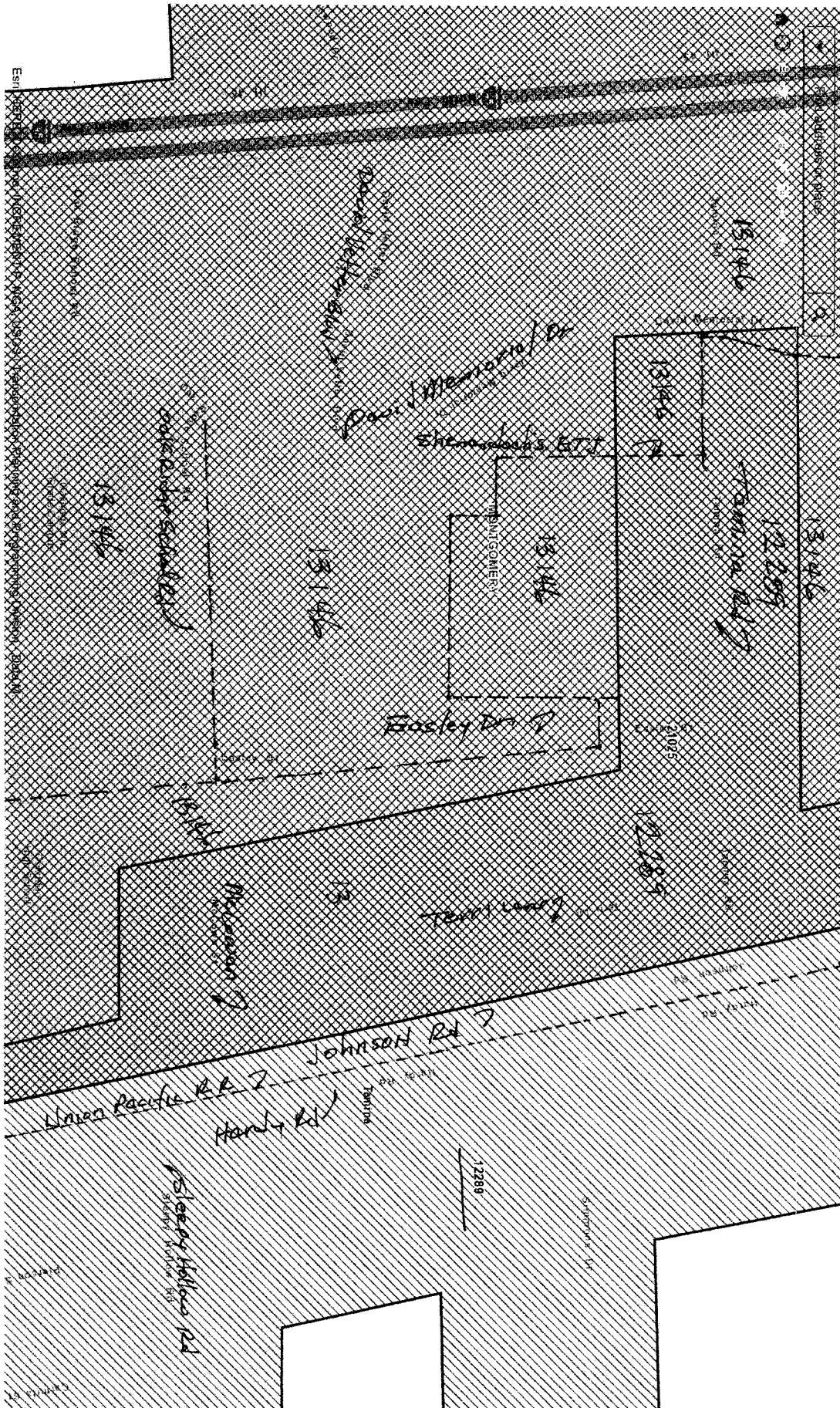
Cc: Ms. Jessica Morgan, Legal Division-PUC
Ms. Tammy Benter, Director-PUC
Ms. Lisa Fuentes, Manager, Water Utility Division-PUC
Ms. Debbie Reyes Tamayo, Program Specialist-PUC
Mr. Andrew Novak, Financial Analyst-PUC
Ms. Tracy Montes, GIS Specialist, Water Utility Division-PUC
Mr. James Leveston, President, OTWSC
Mrs. Monica Pierre, USDA
Mr. Harold Hunter, CRG
Mr. Raymond Howard, Attorney
Mr. Richard Howard, Attorney
Dr. Frank C. Mbachu, P.E., Ph D, FCM

Water and Sewer CCN Viewer

Page 1 of 1

Exh 1.1

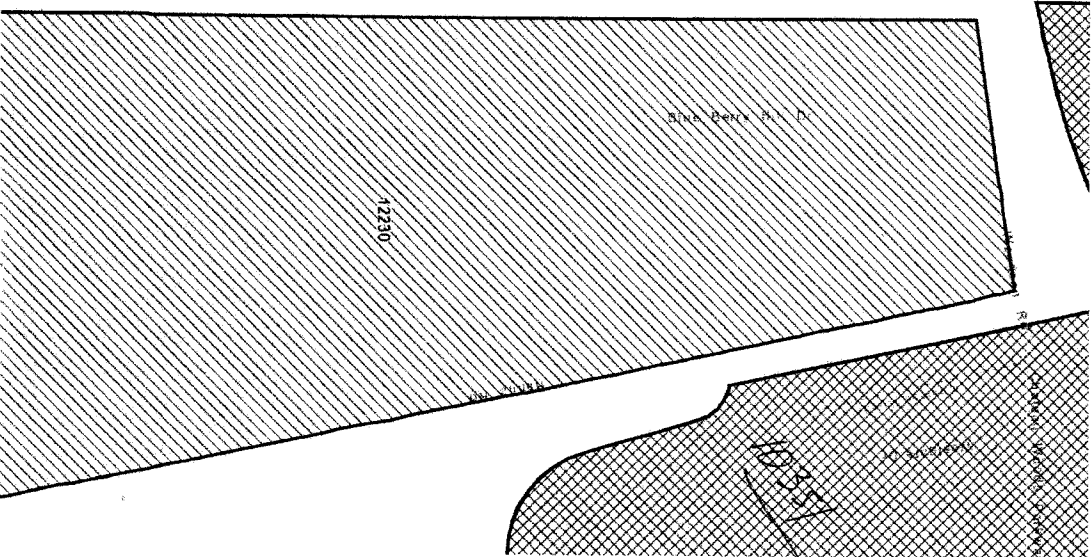




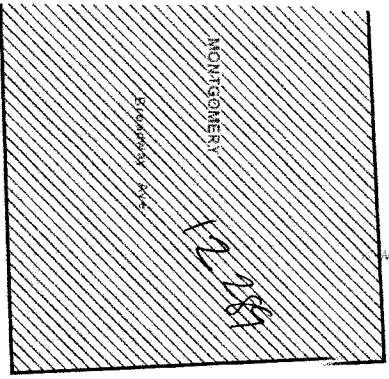
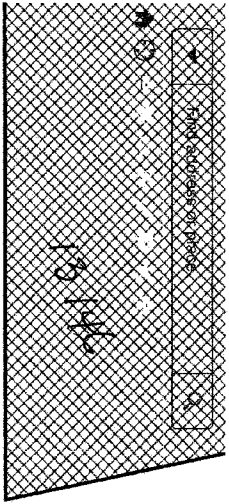


Water and Sewer CCN Viewer

Find address or place



Water and Sewer CCN Viewer

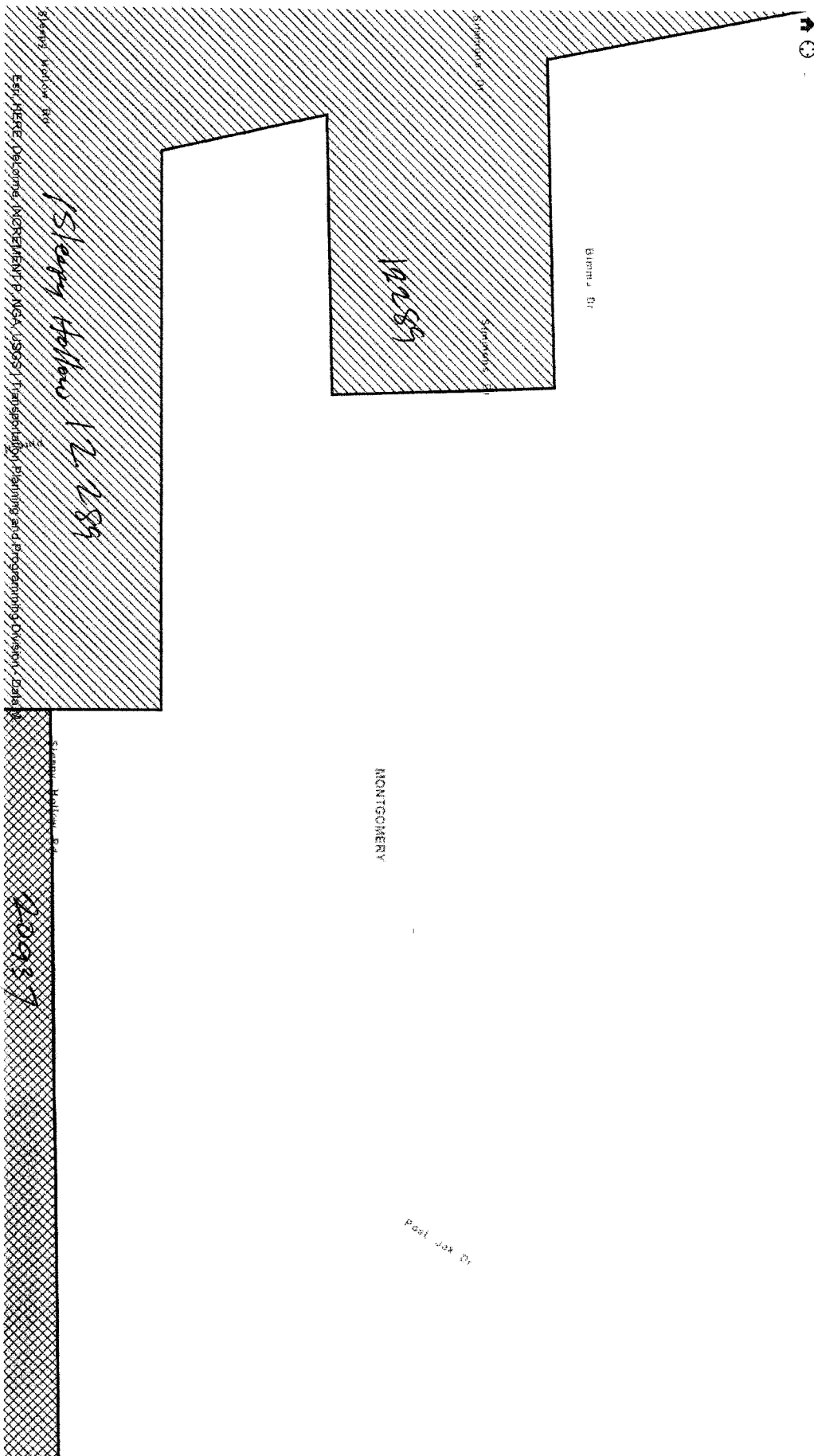


Esri, HERE, DeLorme, INCREMENT P, NOAA, USGS, | Transportation Planning and Programming Division - Data M.

<http://puccx.maps.arcgis.com/apps/Viewer/index.html?appid=93fa2af03bbf4432979e8527c73cbe70>

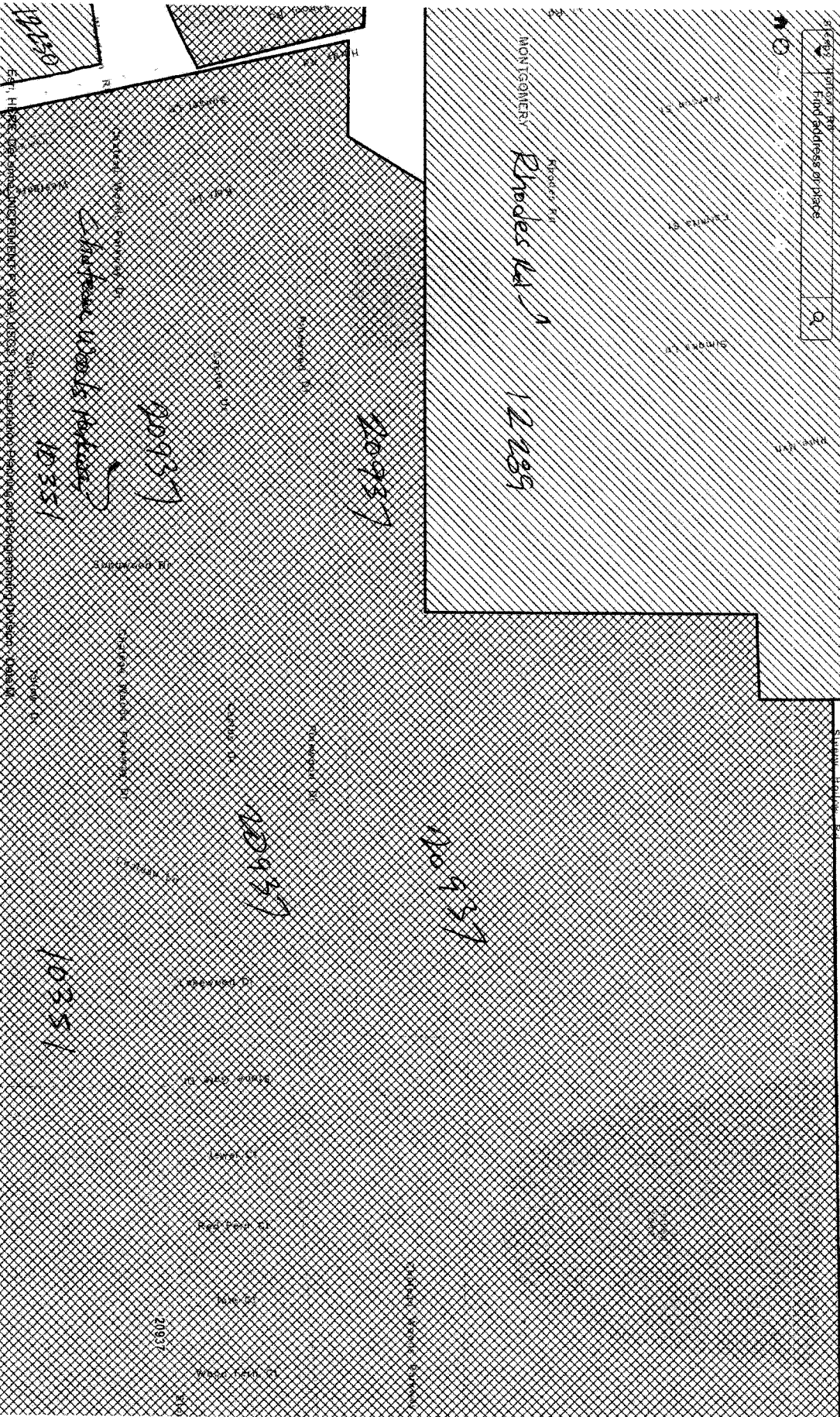
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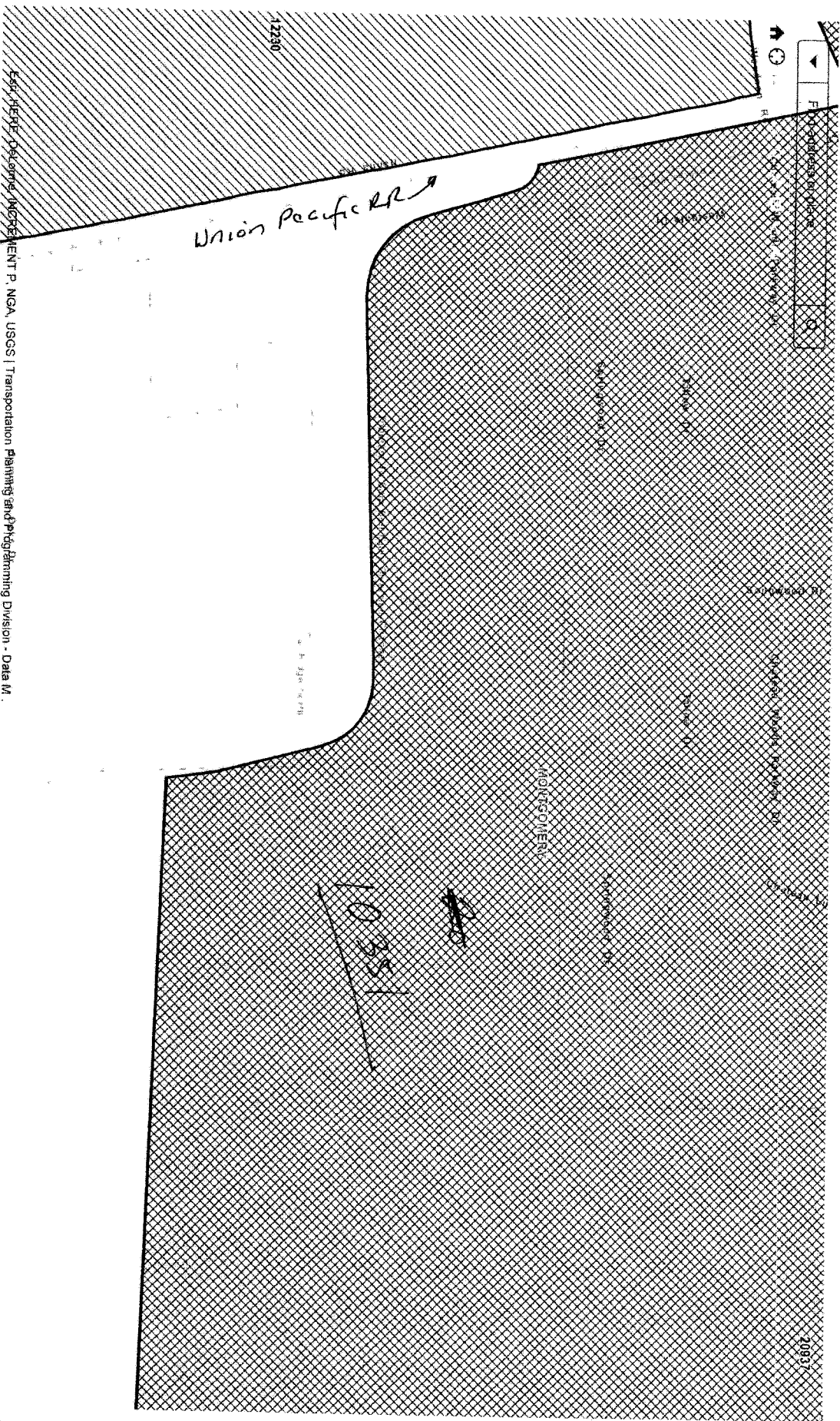


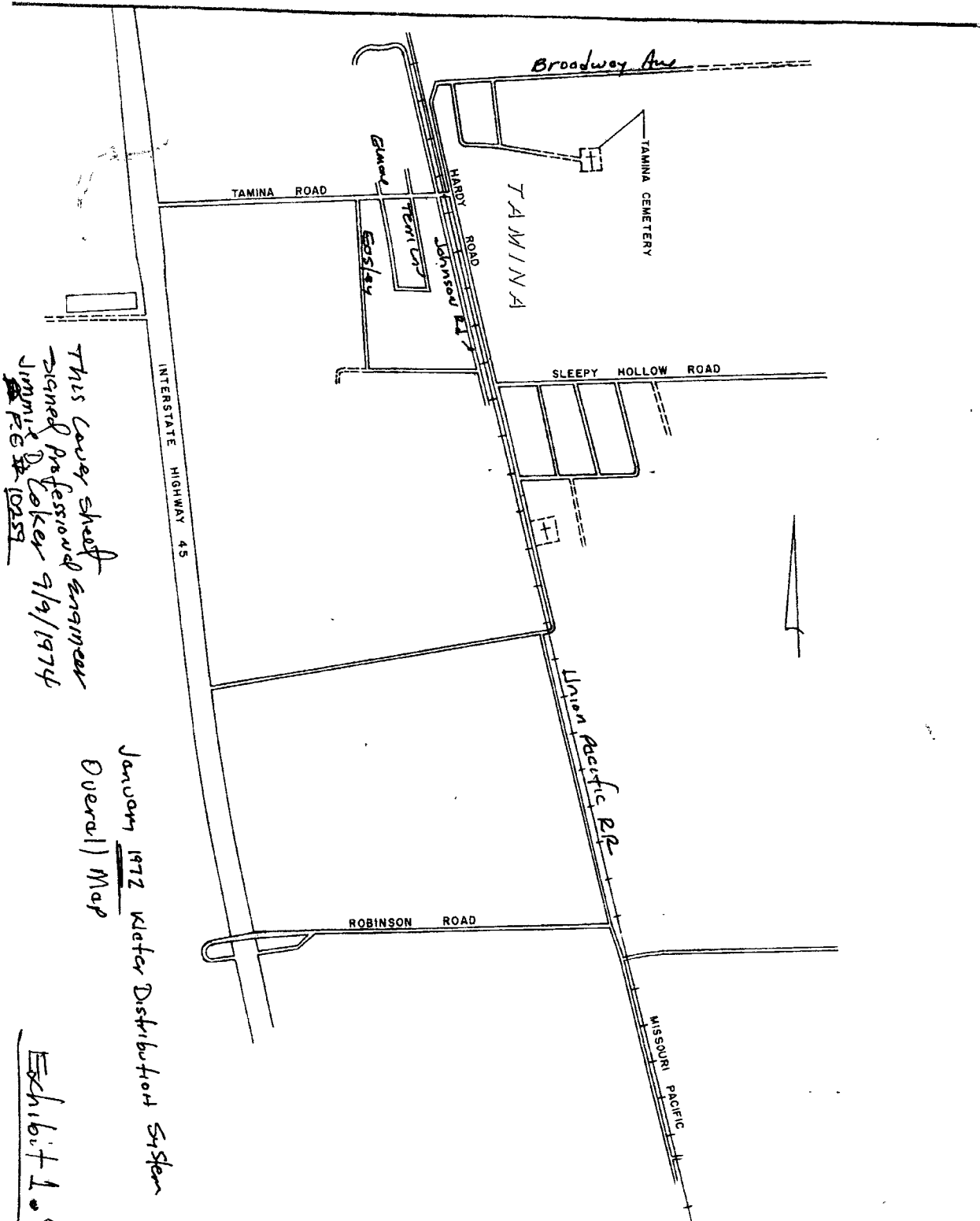
Water and Sewer CCN Viewer

Page 1 of 1



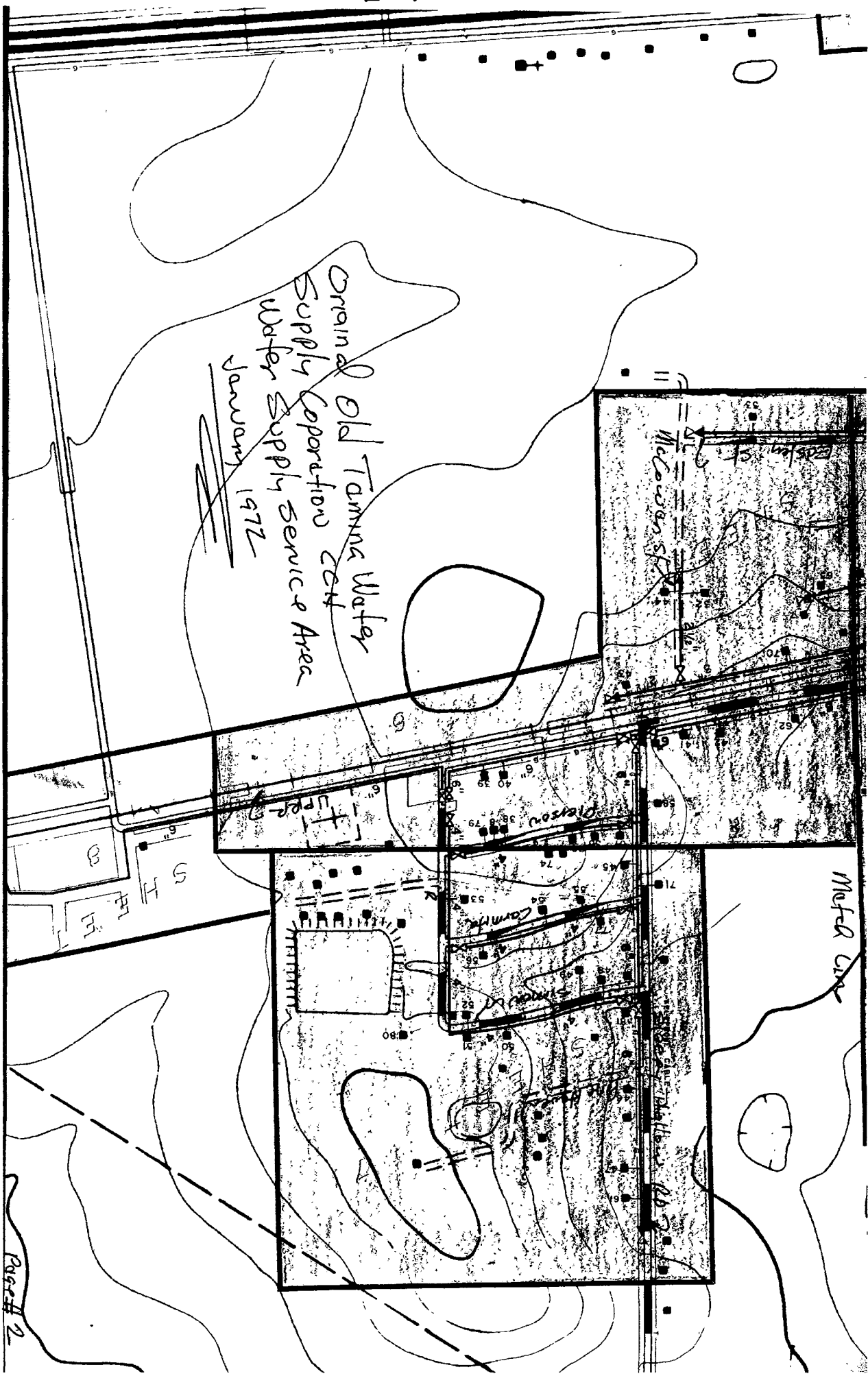
Water and Sewer CCN Viewer





January 1972 Water Distribution System
Overall Map

Exhibit 1.9



THE STATE OF TEXAS
COUNTY OF TRAVIS

I hereby certify that this is a true and correct copy of a Texas Water Commission document, the original of which is filed in the permanent records of the Commission.

Given under my hand and the seal of
Office on SEP 27 1989
Brenda W. Foster, Chief Clerk
Texas Water Commission

CERTIFICATE OF CONVENIENCE AND NECT

To Provide Water Service Under V.T.C.A., Water Code
and Texas Water Commission Substantive Rules

Certificate No. 12289

I. Certificate Holder:

Name: Tamina Water Supply Corporation

Address: 1071 Johnson Avenue
Conroe, Texas 77385

II. General Description and Location of Service Area:

The area covered by this certificate is located approximately 7 miles south of downtown Conroe, Texas on Interstate Highway 45. The service area is generally bounded on the east by Falvey Lake and Glen Lake, on the south by Pinewood Street, on the west by Interstate Highway 45, and on the north by Broadway in Montgomery County, Texas.

III. Certificate Maps:

The certificate holder is authorized to provide water service in the area identified on the Commission's official water service area map, WRS-170, maintained in the offices of the Texas Water Commission, 1700 North Congress, Austin, Texas with all attendant privileges and obligations.

This certificate is issued subject to the rules and orders of the Commission, the laws of the State of Texas, conditions contained herein and may be revoked for violations thereof. The certificate is valid until amended or revoked by the Commission.

ISSUED this 27th day of September, 1989.

ATTEST:

For the Commission

SOAH DOCKET NO. 582-07-1751
TCEQ DOCKET NO. 2007-95-UCR

APPLICATION OF OLD TAMINA	§	BEFORE THE STATE OFFICE
WATER SUPPLY CORPORATION	§	
TO AMEND ITS WATER CERTIFICATE	§	OF
OF CONVENIENCE AND NECESSITY	§	
(CCN) AND TO OBTAIN A SEWER CCN	§	
IN MONTGOMERY COUNTY, TEXAS	§	ADMINISTRATIVE HEARINGS

**AMENDED AGREEMENT REACHED AT
MEDIATED SETTLEMENT CONFERENCE**

On May 17, 2007, a mediated settlement conference was conducted in the above-referenced case. The following parties appeared and participated in the mediation: (1) Old Tamina Water Supply Corporation (OTWSC); (2) the City of Shenandoah (City); and (3) the Executive Director (ED) of the Texas Commission on Environmental Quality. At the mediation, OTWSC and the City reached a tentative agreement resolving their contested issues in this case and other legal matters between them. That agreement was not approved by the Board of Directors of OTWSC. That agreement is now hereby amended, and this amended agreement constitutes the entire agreement of the parties with respect to the subject matter thereof and all prior negotiations, representations, agreements and understandings are merged herein or superseded and replaced hereby. The agreement reached is hereby reduced to writing and signed by the party representatives for OTWSC and the City.

The parties hereby agree to the following terms and conditions, reflecting the mutual consideration provided by the parties to this written contractual agreement:

1. The City will provide wastewater service, on a wholesale basis, to OTWSC through a connection to the City's existing wastewater system at the intersection

of Tamina Road and Johnson Lane for a monthly service charge to be mutually agreed upon and no other fee;

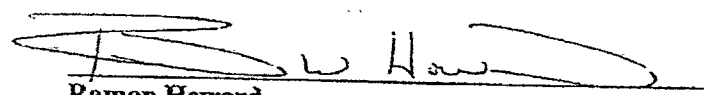
2. The City will provide technical assistance with any loan or grant applications submitted by OTWSC to finance water and/or sewer facilities within the OTWSC boundaries; This obligation shall not require the City to physically prepare or submit any applications or to pursue any loan opportunities; rather, the City's obligation is simply to provide information and assistance to OTWSC in aid of such efforts;
3. The City will issue a letter of support for OTWSC's water and wastewater certificate of convenience and necessity (CCN) applications currently pending in this docket before the Texas Commission on Environmental Quality (TCEQ) and, if necessary, provide technical assistance in explaining the City's role as a wholesale water provider and emergency interconnect water provider in TCEQ proceedings;
4. The City will provide an emergency interconnect to OTWSC's water system at the intersection of Tamina Road and Johnson Lane that consists of a pipe large enough to deliver wholesale water to OTWSC;
5. The City will extend its 12" water line along Tamina Road to Johnson Lane and provide potable water to OTWSC, on a wholesale basis, in an amount sufficient to serve OTWSC customers who live west of Johnson Lane;
6. Within three (3) business days of the effective date of this settlement agreement finalizing all of the terms of the settlement between OTWSC and the City, OTWSC will dismiss its appeal in the cease and desist action, and will agree not to pursue any different or additional cease and desist actions for any actions of the City that occurred prior to the effective date of this settlement agreement;
7. Within three (3) business days of the effective date of this settlement agreement, OTWSC will discontinue any and all claims that its authorized CCN area extends beyond the TCEQ service area map (WRS-170) and will revise its water and sewer CCN applications to exclude any area west of David Memorial Drive;
8. The City will provide a sign, of a size and materials to be agreed upon by the City and OTWSC, that states "Welcome to the historical community of Tamina, established in 1871."

9. OTWSC will withdraw its protest of the City's currently pending applications in SOAH Docket No. 582-06-0968 seeking dual certification over areas west of Johnson Lane, and both the City and OTWSC will agree to dual certification over those areas west of Johnson Lane that are encompassed by the City's currently pending applications and/or OTWSC's currently pending application in this docket; however, the City's agreement to the certification sought by OTWSC in this case and the City's withdrawal of its protest shall occur only after the final orders have been issued dismissing OTWSC's appeal in the cease and desist action and a final order has been issued in SOAH Docket No. 582-06-0968 granting the certification sought by the City.

This settlement agreement reflects all of the terms agreed upon at or following the mediated settlement conference on May 17, 2007 up to and including the date executed, as shown below, herein.

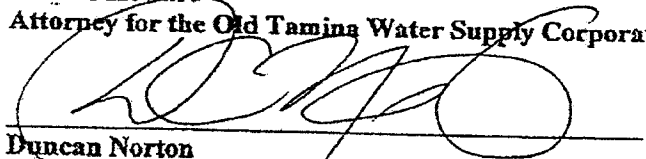
Agreed:

Date:



August 20, 2007

Ramon Howard
Attorney for the Old Tama Water Supply Corporation



8/25/07

Duncan Norton
Attorney representing the City of Shenandoah