



Control Number: 46198



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APPLICATION OF SWWC UTILITIES, §  
INC. DBA DIAMOND WATER §  
COMPANY AND SWWC UTILITIES, §  
INC. DBA WATER SERVICES, INC. §  
FOR SALE, TRANSFER, OR MERGER  
OF FACILITIES AND CERTIFICATE  
RIGHTS IN BANDERA, COMAL, AND  
GILLESPIE COUNTIES

PUBLIC UTILITY COMMISSION  
FILING CLERK

PUBLIC UTILITY COMMISSION  
OF TEXAS

**SWWC UTILITIES, INC.'S PROOF OF NOTICE BY AFFIDAVIT**

SWWC Utilities, Inc. d/b/a Diamond Water Company ("Diamond Water") and SWWC Utilities, Inc. d/b/a Water Services, Inc. ("Water Services") files its Proof of Notice by Affidavit and states as follows;

SWWC Utilities, Inc. d/b/a Diamond Water Company ("Diamond Water") and SWWC Utilities, Inc. d/b/a Water Services, Inc. ("Water Services") filed an application for sale, transfer, or merger of facilities and certificate of convenience and necessity rights in Bandera, Comal, and Gillespie Counties on July 21, 2016 with the Public Utility Commission of Texas. Under 16 Tex. Admin. Code § 24.112(c)(1) ("TAC") and Texas Water Code § 13.301, notice to customers, affected municipalities and the Office of Public Utility Counsel ("OPUC") of an application for sale, transfer, or merger of facilities and certificate of convenience and necessity rights shall be made by mail, email or hand delivery. On July 21, 2016, SWWC Utilities, Inc. provided to OPUC by hand delivery a copy of its application for sale, transfer, or merger of facilities and certificate of convenience and necessity rights. Lastly, SWWC Utilities, Inc. mailed notice to all customers and affected municipalities on August 26, 2016, meeting all the necessary requirements under TAC 24.22(c)(1). A copy of the Affidavit of Provision of Notice verifying the mailing of the notice to customers is attached hereto.



Respectfully submitted,

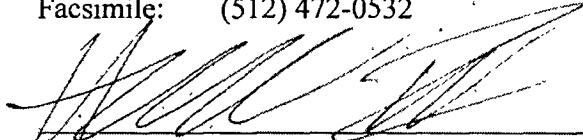
**LLOYD, GOSSELINK,  
ROCHELLE & TOWNSEND, P.C.**

816 Congress Avenue, Suite 1900.

Austin, Texas 78701

Telephone: (512) 322-5800

Facsimile: (512) 472-0532



LAMBETH TOWNSEND

State Bar No. 20167500

GEORGIA N. CRUMP

State Bar No. 05185500

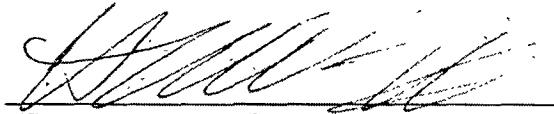
WILLIAM A. FAULK, III

State Bar No. 24075674

ATTORNEYS FOR MONARCH UTILITIES I, LP

**CERTIFICATE OF SERVICE**

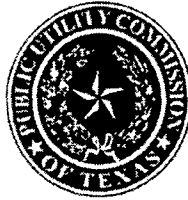
I hereby certify that on this 1st day of September, 2016, a true and correct copy of the foregoing document has been sent via facsimile, certified mail, return receipt requested, first class mail, or hand-delivered to all parties of record.



WILLIAM A. FAULK, III

3146/18/7178085

PUBLIC UTILITY COMMISSION



AFFIDAVIT OF NOTICE TO CURRENT CUSTOMERS, LANDOWNERS, NEIGHBORING SYSTEMS AND CITIES

DOCKET NO. 46198

STATE OF TEXAS  
COUNTY OF BANDERA, COMAL,  
GILLESPIE

DIAMOND WATER COMPANY

has provided individual notice to the following entities and customers:

	DATE
<u>3009 WATER COMPANY, LLC</u>	<u>AUGUST 26, 2016</u>
<u>AQUA TEXAS INC.</u>	<u>AUGUST 26, 2016</u>
<u>JUDGE RICHARD EVANS, BANDERA COUNTY</u>	<u>AUGUST 26, 2016</u>
<u>BANDERA COUNTY RIVER AUTHORITY AND GROUNDWATER DISTRICT</u>	<u>AUGUST 26, 2016</u>
<u>BANDERA EAST UTILITY L.P.</u>	<u>AUGUST 26, 2016</u>
<u>BANDERA RIVER RANCH WSC</u>	<u>AUGUST 26, 2016</u>
<u>CANYON LAKE WATER SERVICE COMPANY, INC.</u>	<u>AUGUST 26, 2016</u>
<u>CITY OF BANDERA</u>	<u>AUGUST 26, 2016</u>
<u>CITY OF BULVERDE</u>	
<u>JUDGE SHERMAN KRAUSE COMAL COUNTY</u>	<u>AUGUST 26, 2016</u>
<u>COMAL COUNTY WCID 6</u>	<u>AUGUST 26, 2016</u>
<u>COMAL TRINITY GROUNDWATER CONSERVATION DISTRICT</u>	<u>AUGUST 26, 2016</u>
<u>DILLON WATER RESOURCES, L.P.</u>	<u>AUGUST 26, 2016</u>
<u>ELM RIDGE WATER COMPANY, INC.</u>	<u>AUGUST 26, 2016</u>
<u>FLYING L PUD</u>	<u>AUGUST 26, 2016</u>
<u>JUDGE MARK STROEHER GILLESPIE COUNTY</u>	<u>AUGUST 26, 2016</u>
<u>GILLESPIE COUNTY WCID 1</u>	<u>AUGUST 26, 2016</u>
<u>GUADALUPE BLANCO RIVER AUTHORITY</u>	<u>AUGUST 26, 2016</u>
<u>HILL COUNTRY UNDERGROUND WATER CONSERVATION DISTRICT</u>	<u>AUGUST 26, 2016</u>

JOHNSON RANCH MUD  
KAP WATER SUPPLY  
LANGE RANCH SUBDIVISION UNIT 2 LOT 1  
LOWER COLORADO RIVER AUTHORITY  
SAN ANTONIO RIVER AUTHORITY  
SAN ANTONIO WATER SYSTEM  
WATER SERVICES, INC.  
854 ACTIVE CUSTOMERS AT CURRENT  
BILLING ADDRESS

AUGUST 26, 2016  
AUGUST 26, 2016  
AUGUST 26, 2016  
AUGUST 26, 2016  
AUGUST 26, 2016  
AUGUST 26, 2016  
AUGUST 26, 2016  
AUGUST 26, 2016

OATH

I, RONNIEA TYCER, being duly sworn, file this form as

DIRECTOR, COMMUNICATIONS AND CUSTOMER CARE (indicate relationship to applicant, that

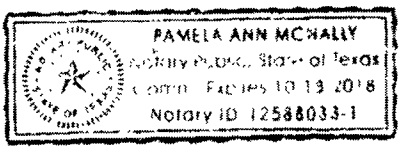
is, owner, member of partnership, title of officer of corporation, or other authorized representative of applicant); that in such capacity, I am qualified and authorized to file and verify such form, am personally familiar with the notices given with this application, and have complied with all notice requirements in the application and application acceptance letter; and that all such statements made and matters set for therein are true and correct.

*Ronnica Tycer*  
Applicant's Authorized Representative

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

Subscribed and sworn to before me this 30<sup>th</sup> day of AUGUST, 2016 to certify which witness my hand and seal of office.

*Pamela Ann McNally*  
Notary Public in and for the State of Texas  
PAMELA ANN MCNALLY  
Print or Type Name of Notary Public  
Commission Expires 10-18-2016



*Notice to Current Customers, Neighboring Systems, and Cities*

**SWWC UTILITIES, INC. dba WATER SERVICES, INC. CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) NO. 11106, NOTICE OF INTENT TO PURCHASE WATER FACILITIES AND TO TRANSFER WATER SERVICE AREA UNDER CCN NO. 12865, FROM THE SWWC UTILITIES, INC. dba DIAMOND WATER COMPANY IN BANDERA, COMAL, AND GILLESPIE COUNTIES, TEXAS**

To: [REDACTED]  
[REDACTED]  
BANDERA, TX [REDACTED]

Date Notice Mailed: August 26, 2016

SWWC Utilities, Inc. dba Water Services, Inc. 12535 Reed Road Sugarland, TX 77478  
(Purchaser's or Transferee's Name) (Address) (City) (State) (Zip Code)

has submitted an application with the Public Utility Commission of Texas (Commission) to purchase all water facilities and to transfer water service area under CCN No. 12865, in Bandera, Comal, and Gillespie Counties, TX from:

SWWC Utilities, Inc. dba Diamond Water Company 12535 Reed Road Sugarland, TX 77478  
(Seller's or Transferor's Name) (Address) (City) (State) (Zip Code)

The sale is scheduled to take place as approved by the Commission (V.T.C.A., Water Code § 13.301). The transaction and the transfer of the CCN includes the following subdivision: River Bend Estates, Enchanted River Estates, Oakview, Kestrel Airpark, Windmill Ranch, Rim Rock Ranch.

The areas subject to this transaction are:

**BANDERA COUNTY**

Enchanted River Estates is located approximately 2 miles west of downtown Bandera, Texas, and is generally bounded on the north by SR 16; on the east by Tobin Ranch Rd; on the south by Bottle Springs Rd; and on the west by at the intersection of SR 16 and Enchanted River Rd extending south to Bottle Springs Rd. The total proposed area being requested includes approximately 164 acres and 113 current customers.

River Bend Estates is located approximately 2 miles west of downtown Bandera, Texas, and is generally bounded on the north by SR 16; on the east by Medina River; on the south by Medina River; and on the west by Medina River. The total proposed area being requested includes approximately 151 acres and 93 current customers.

**COMAL COUNTY**

Windmill Estates/ Kestrel Airpark is located partly in, and north of, Bulverde, Texas, and is generally bounded on the north by Stealth Rd; on the east by U.S. Highway 281; on the south by State Highway 46; and on the west by Ahern Creek Rd. The total proposed area being requested includes approximately 571 acres and 221 current customers.

Rim Rock Ranch is located east of, and adjacent to, Bulverde, Texas, and is generally bounded on the north by Smithson Valley Rd; on the east by Rustling Ridge; on the south by FM 1863; and on the west by Longhorn Trail. The total proposed area being requested includes approximately 1200 acres and 328 current customers.

**GILLESPIE COUNTY**

Oakview Water System is located approximately 7 miles south/southeast of downtown Fredericksburg, Texas, and is generally bounded on the north by S. 290; on the east by Cain City Rd; on the south by Cain City Rd and Luckenbach Rd; and on the west by Old San Antonio Rd. The total proposed area being requested includes approximately 170 acres and 63 current customers.

This transaction will have the following effect on the current customers' rates and services: Current customer rates will remain the same, service quality will remain the same, and SWWC Utilities, Inc. service policies and fees will remain the same.

Affected persons may file written protests and/or request a public hearing within 30 days of this notice.

To request a hearing, you must:

- (1) state your name, mailing address and daytime telephone number;
- (2) state the applicant's name, application number or another recognizable reference to this application;
- (3) the statement "I/we request a public hearing";
- (4) write a brief description of how you, the persons you represent, or the public interest would be adversely affected by the proposed transaction and transfer of the CCN; and
- (5) state your proposed adjustment to the application or CCN which would satisfy your concerns and cause you to withdraw your request for a hearing.

Only those persons who submit a written request to be notified of a hearing will receive notice if a hearing is scheduled.

Persons who wish to intervene or comment should file a request in writing within thirty (30) days from the date of this publication or notice with:

Filing Clerk  
Public Utility Commission of Texas  
1701 North Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326

A public hearing will be held only if a legally sufficient hearing request is received or if the Commission on its own motion requests a hearing. Only those individuals who submit a written hearing request or a written request to be notified if a hearing is set will receive notice if a hearing is scheduled.

If a public hearing is requested, Commission will not transfer the CCN and will forward the application to the State Office of Administrative Hearings (SOAH) for a hearing. If no settlement is reached and an evidentiary hearing is held, the SOAH will submit a recommendation to the Commission for final decision. If an evidentiary hearing is held, it will be a legal proceeding similar to a civil trial in state district court.

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

Charles W. Proffitt, Managing Director  
Utility Representative

SWWC Utilities Inc. dba Water Services Inc.