



Control Number: 46441



Item Number: 1

Addendum StartPage: 0



PURSUANT TO PUC CHAPTER 24, SUBSTANTIVE RULES APPLICABLE TO WATER AND SEWER SERVICE PROVIDERS, SUBCHAPTER G: CERTIFICATES OF CONVENIENCE AND NECESSITY

## Application to Obtain or Amend a Water or Sewer Certificate of Convenience and Necessity (CCN)

Docket Number: **46441**

(this number will be assigned by the Public Utility Commission after your application is filed)

7 copies of the application, including the original, shall be filed with

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

RECEIVED  
2016 OCT 14 AM 10:03  
PUBLIC UTILITY COMMISSION  
FILING CLERK

If submitting digital map data, two copies of the portable electronic storage medium (such as CD or DVD) are required.

### Table of Contents

Purpose of Application .....	2
1. Applicant Information.....	2
2. Location Information.....	3
3. Map Requirements.....	5
4. New System Information or Utilities Requesting a CCN for the First Time .....	5
5. Existing System Information .....	6
6. Financial Information .....	9
7. Notice Requirements.....	10
OATH.....	12
Notice for Publication .....	13
Notice to Neighboring Systems, Landowners and Cities.....	15
Notice to Customers of IOUs in Proposed Area .....	17

Historical Balance Sheets .....	19
Historical Income Statement.....	20
Historical Expenses Statement .....	21
Projected Balance Sheets .....	22
Projected Income Statement .....	23
Projected Expenses Statement.....	24
Projected Sources And Uses Of Cash Statements .....	25

## Application to Obtain or Amend a Water or Sewer Certificate of Convenience and Necessity (CCN)

### Purpose of Application

<input type="checkbox"/> Obtain	<input type="checkbox"/> New Water CCN	<input type="checkbox"/> New Sewer CCN
<input checked="" type="checkbox"/> Amend	<input checked="" type="checkbox"/> Water CCN# (s) 11608	
<input type="checkbox"/> Amend	<input type="checkbox"/> Sewer CCN#(s)	

### 1. Applicant Information

#### Applicant

Utility name: Terra Southwest, Inc.

Certificate number: 11608

Street address (City/ST/ZIP/Code):

Mailing address(City/ST/ZIP/Code): P.O. Box 140, Alvord, TX 76225-140

Utility Phone Number and Fax: (940) 427-7444

#### Contact information

Please provide information about the person(s) to be contacted regarding this application. Indicate if this person is the owner, operator, engineer, attorney, accountant manager, or other title related to the applicant.

Name: Bret W. Fenner

Title: Engineer

Mailing address: 913 Hyde Park Dr., Round Rock, TX 78665

Email: bretfenner@yahoo.com

Phone and Fax: (512) 264-9124

List all counties in which service is proposed:

Denton

A. Check the appropriate box and provide information regarding the legal status of the applicant:

- ☒ Investor Owned Utility      ☐ Individual      ☐ Partnership  
☐ Home or Property Owners Association      ☐ For-profit Corporation  
☐ Non-profit, member-owned, member-controlled cooperative corporation  
(Water Code Chapter 67, Water Supply or Sewer Service Corporation)  
☐ Municipality      ☐ District      ☐ Other - Please explain:

B. If the applicant is a For-Profit business or corporation, please include the following information:

- i. A copy of the corporation's "Certification of Account Status" from the Texas State Comptroller of Public Accounts. (See Attachment A)
- ii. The corporation's charter number as recorded with the Office of the Texas Secretary of State: 00039190300
- iii. A listing of all stockholders and their respective percentages of ownership. (See Attachment A)
- iv. A copy of the company's organizational chart, if available. N/A
- v. A list of all directors and disclose the title of each individual. (See Attachment A)
- vi. A list of all affiliated organizations (if any) and explain the affiliate's business relationship with the applicant.  
None

C. If the applicant is a Texas Water Code (TWC) Chapter 67 water supply or sewer service corporation please provide:

- i. A copy of the Articles of Incorporation and By-Laws.
- ii. The corporation's charter number as recorded with the Office of the Texas Secretary of State.
- iii. Identification of all board members including name, address, title, and telephone number.
- iv. A copy of the corporation's *Certificate of Account Status* from the Texas Comptroller of Public Accounts.

## 2. Location Information

- A. Are there people already living in the proposed area?      ☒ Yes      ☐ No  
If YES, are any currently receiving utility service?      ☐ Yes      ☐ No  
If YES, from WHOM? Terra Southwest, Inc.

**B. Demonstrate the Need for Service by providing the following:**

Have you received any requests for service in the requested service area?

☒ Yes    ☐ No

If YES, provide the following: (See Attachment B)

- i. Describe the service area and circumstances driving the need for service in the requested area. Indicate the name(s) and address(es) of landowner(s), prospective landowner(s), tenant(s), or resident(s) that have requested service; and/or
- ii. Describe the economic need(s) for service in the requested area (i.e. plat approvals, recent annexation(s) or annexation request(s), building permits, septic tank permits, hospitals, etc.); and/or
- iii. Discuss in detail the environmental need(s) for service in the requested area (i.e. failing septic tanks in the requested area, fueling wells, etc.); and/or
- iv. Provide copies of any written application(s) or request(s) for service in the requested area; and/or
- v. Provide copies of any reports and/or market studies demonstrating existing or anticipated growth in the requested area.
- vi. If none of these items exist or are available, please justify the need for service in the proposed area in writing.

**Note:** Failure to demonstrate a need for additional service in the proposed service area may result in the delay and /or possible denial of the application.

**C. Is any portion of the proposed service area inside an incorporated city or district?**

☐ Yes    ☒ No

If YES, within the corporate limits of: \_\_\_\_\_

Provide a copy of any franchise, permit, or consent granted by the city or district. If not available please explain:

**D. Is any portion of the proposed service area inside another utility's CCN area?**

☐ Yes    ☒ No

If YES, has the current CCN holder agreed to decertify the proposed area?

If NO, are you seeking dual or single certification of the area? Explain why decertification of the area is in the public interest:

Single certification. The requested service area is currently not within the certified area of any CCN. Thus no decertification of another CCN will be required.

### 3. Map Requirements

Attach the following hard copy maps with each copy of the application: (See Attachment Maps)

- A. A location map delineating the proposed service area with enough detail to accurately locate the proposed area within the county.
- B. A map showing only the proposed area by:
  - i. metes and bounds survey certified by a licensed state or register professional land surveyor; or
  - ii. projectable digital data with metadata (proposed areas should be in a single record and clearly labeled). Also, a data disk labeled with the applicant's name must be provided; or
  - iii. following verifiable natural and man-made landmarks; or
  - iv. a copy of recorded plat map with metes and bounds.
- C. A written description of the proposed service area.
- D. Provide separate and additional maps of the proposed area(s) to show the following:
  - i. all facilities, illustrating separately facilities for production, transmission, and distribution of the applicant's service(s); and
  - ii. any facilities, customers or area currently being served outside the applicant's certificated area(s).

**Note:** Failure to provide adequate mapping information may result in the delay or possible denial of your application.

Digital data submitted in a format other than ArcView shape file or Arc/Info E00 file may result in the delay or inability to review applicant's mapping information.

For information on obtaining a CCN base map or questions about sending digital map data, please visit the Water Utilities section of the PUC website for assistance.

### 4. New System Information or Utilities Requesting a CCN for the First Time

A. Please provide the following information:

- i. a list of public drinking water supply system(s) or sewer system(s) within a 2 mile radius of the proposed system;
- ii. copies of written requests seeking to obtain service from each of the public drinking water systems or sewer systems listed in a. 1 above or documentation that it is not economically feasible to obtain service from each entity;
- iii. copies of written responses from each system or evidence that they did not reply; and
- iv. for sewer utilities, documentation showing that you have obtained or applied for a wastewater discharge permit.

B. Were your requests for service denied? ☐ Yes ☐ No

- i. If yes, please provide documentation of the denial of service and go to c.
- ii. If no, please provide a detailed analysis which justifies your reasons for not accepting service. A separate analysis must be prepared and submitted for each utility that granted your request for service.
- C. Please summarize how the proposed utility system will be constructed and describe each projected construction phase, if any:
- D. Date of plat approval, if required: \_\_\_\_\_  
Approved by: \_\_\_\_\_
- E. Date Plans & Specifications submitted to the TCEQ for approval: \_\_\_\_\_  
Attach copy of approval letter, if available. If the letter is not available by the time your CCN application is submitted, please supplement your application with a copy of the letter once you receive it from the TCEQ.
- F. Date construction is scheduled to commence: \_\_\_\_\_
- G. Date service is scheduled to commence: \_\_\_\_\_

### 5. Existing System Information

A. Please provide the following information for each water and/or sewer system, attach additional sheets if necessary.

i. Water system(s): TCEQ Public Water System identification number(s):

0	6	1	0	1	6	1	;	0	6	1	0	1	1	2	;								
							;								;								
							;								;								
							;								;								

ii. Sewer system(s): TCEQ Discharge Permit number(s) None





TCEQ Water System			TCEQ Sewer System		
Other:	0	0	Other:	0	0
Total Water	806	0	Total Sewer	0	0

E. If this application is for a water CCN only, please explain how sewer service is or will be provided:

Individual Septic systems	
---------------------------	--

F. If this application is for a sewer CCN only, please explain how water service is or will be provided:

N/A	
-----	--

G. Effect of Granting a Certificate Amendment. (See Attachment D)

Explain in detail the effect of granting of a certificate or an amendment, including, but not limited to regionalization, compliance and economic effects on the following:

- the applicant,
- any retail public utility of the same kind already serving the proximate area; and
- any landowner(s) in the requested area.

H. Do you currently purchase or plan to purchase water or sewer treatment capacity from another source?

i. ☒ No, (skip the rest of this question and go to #6)

ii. ☐ Yes, Water

Purchased on a ☐ Regular ☐ Seasonal ☐ Emergency basis?

Water Source	% of Total Treatment
	0.00%

Water Source	% of Total Treatment
	0.00%
	0.00%

iii. ☐ Yes, Sewer treatment capacity

Purchased on a

☐ Regular

☐ Seasonal

☐ Emergency basis?

Sewer Source	% of Total Treatment
	0.00%
	0.00%
	0.00%

iv. Provide a signed and dated copy of the most current water or sewer treatment capacity purchase agreement or contract.

I. Ability to Provide Adequate Service.

Describe the ability of the applicant to provide adequate service, including meeting the standards of the commission, taking both of the following items into consideration:

- i. the current and projected density; and
- ii. the land use of the requested area.

J. Effect on the Land. Explain the effect on the land to be included in the certificated area.

The land to be included in the service area is currently receiving water service from the utility. This will eliminate the need for land owners to use individual wells. Thus, protecting the environment in the area from potential sources of contamination and encouraging regionalism of water service.

## 6. Financial Information

(See Attachment E)

- A. For new water and/or sewer systems and for applicants with existing CCNs who are constructing a new stand-alone water and/or sewer system:
  - i. the applicant must provide an analysis of all necessary costs for constructing, operating, and maintaining the system, and the source of that capital (such as a financial statement for the developing entity) for which the CCN is requested for at least the first five years. In addition, if service has been offered by an existing retail water service provider as stated in #4.A., but the applicant has determined that the cost of service as finally offered renders the project not economically feasible, the applicant must provide a comparison analysis of all necessary costs for acquiring and continuing to receive service from the existing system for the same period.
  - ii. Attach projected profit and loss statements, cash flow worksheets, and balance sheets (projected five year financial plan worksheet is attached) for each of the first five years of operation. Income from rates

should correlate to the projected growth in connections, shown on the projected profit and loss statement.

- iii. Attach a proposed rate schedule or tariff. Describe the procedure for determining the rates and fees and indicate the date of last change, if applicable. Attach copies of any cost of service studies or rate analysis worksheets.
- B. For existing water and/or sewer systems:
  - i. Attach a profit and loss statement and current balance sheet for existing businesses (end of last fiscal year is acceptable). Describe sources and terms for borrowed capital such as loans, bonds, or notes (profit and loss and balance sheet worksheets are attached, if needed). (See Attachment E)
  - ii. Attach a proposed rate schedule or tariff. (See Attachment E)
- ❖ **Note: An existing water and/or sewer system may be required to provide the information in 6.A.i. above during the technical review phase if necessary for staff to completely evaluate the application**
- C. Identify any funds you are required to accumulate and restrict by lenders or capital providers.
- D. In lieu of the information in #6.A. thru #6.C., you may provide information concerning loan approvals within the last three (3) years from lending institutions or agencies including the most recent financial audit of the applicant.
- ❖ **Note: Failure to provide adequate financial information may result in the delay or possible denial of your application.**

## **7. Notice Requirements**

- A. All proposed notice forms must be completed and submitted with the application. Do not mail or publish the notices until you receive written approval from the commission to do so.
- B. The commission cannot grant a CCN until proper notice of the application has been given. Commission rules do not allow a waiver of notice requirements for CCN applicants.
- C. It is the applicant's responsibility to ensure that proper notice is given to all entities that are required to receive notice.
- D. Recommended notice forms for publication, neighboring cities and systems, landowners with 25 acres or more, and customers are included with this application for use in preparing proposed notices. (Notice forms are available in Spanish upon request.)
- E. After reviewing and, if necessary, modifying the proposed notice, the commission will send the notice to the applicant after the application is accepted for filing along with instructions for publication and/or mailing. Please review the notice carefully before providing the notice.
- F. **Notice For Publication:**  
The applicant shall publish the notice in a newspaper with general circulation in the county(ies) where a CCN is being requested. The notice must be published once each week for two consecutive weeks beginning with the week after the notice is received from the commission. Proof of publication in the form of a publisher's affidavit shall be submitted to the commission within 30 days of the last publication date. The affidavit shall state with specificity each county in which the newspaper is of general circulation.
- G. **Notice To Neighboring Utilities:**
  - i. List all neighboring retail public utilities and cities providing the same utility service within the following vicinities of the applicant's proposed certificate area.
  - ii. For applications for the issuance of a NEW CCN, the applicant must mail the notice with a copy of the proposed CCN map to all cities and neighboring retail public utilities providing the same utility service within five (5) miles of the requested service area.

- iii. For applications for the AMENDMENT of a CCN, the applicant must mail the notice with a copy of the proposed CCN map to all cities and neighboring retail public utilities providing the same utility service within two (2) miles of the requested service area.
- H. Notice to Customers:  
Investor Owned Utilities (IOUs) that are currently providing service without a CCN must provide individual mailed notice to all current customers. The notice must contain the current rates, the date those rates were instituted and any other information required in the application.
- I. The commission may require the applicant to deliver notice to other affected persons or agencies.

**Do not publish or send copies of the proposed notices to anyone at the time you submit the application to the commission. Wait until you receive written authorization to do so. Authorization occurs after the commission has reviewed the notices for completeness, and your application has been accepted for filing. Once the application is accepted for filing, you will receive written authorization to provide notice. Please check the notices for accuracy before providing them to the public. It is the applicant's burden to ensure that correct and accurate notice is provided.**

OATH

STATE OF TEXAS  
COUNTY OF DENTON

I, ROVANA PHILLEY, being duly sworn, file this application as Owner (Indicate relationship to Applicant, that is, owner, member of partnership, title as officer of corporation, or other authorized representative of Applicant); that, in such capacity, I am qualified and authorized to file and verify such application, am personally familiar with the maps and financial information filed with this application, and have complied with all the requirements contained in this application; and, that all such statements made and matters set forth therein are true and correct. I further state that the application is made in good faith and that this application does not duplicate any filing presently before the Public Utility Commission of Texas.

I further represent that the application form has not been changed, altered or amended from its original form.

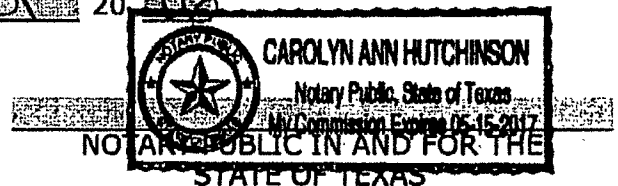
**I further represent that the Applicant will provide continuous and adequate service to all customers and qualified applicants for service within its certificated service area.**

ROVANA PHILLEY  
AFFIANT  
(Utility's Authorized Representative)

If the Affiant 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, a Notary Public in and for the State of Texas,  
This day 7<sup>th</sup> of OCTOBER 2016

SEAL



CAROLYN ANN HUTCHINSON  
PRINT OR TYPE NAME OF NOTARY

MY COMMISSION EXPIRES 5-15-17

## Notice for Publication

NOTICE OF APPLICATION FOR CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) TO PROVIDE WATER/SEWER UTILITY SERVICE IN

Denton COUNTY(IES), TEXAS

Name of Applicant Terra Southwest, Inc. has filed an application for a CCN to obtain or amend CCN No. (s) 11608 and to decertify a portion(s) of None with the  
(Name of Decertified Utility)

Public Utility commission of Texas to provide

water  
(specify 1) water or 2) sewer or 3) water & sewer)

utility service in

Denton County,  
(ies).

The proposed utility service area is located approximately 10 miles east / southeast [direction] of downtown Denton, [City or Town] Texas, and is generally bounded on the north by Cedar Lane; on the east by Spring Branch Drive; on the south by Lewisville Lake; and on the west by Shorewood Drive

The total area being requested includes approximately 35 acres and 98 current customers.

A copy of the proposed service area map is available at (Utility Address and Phone Number): P.O. Box 140, Alvord, TX 76225-140 Phone No. 940-427-7444

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

**Persons who wish to intervene or comment should file with the PUC at the following address:**

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

within thirty (30) days from the date of this publication or notice. 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, the commission will not issue 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.

If you are a landowner with a tract of land at least 25 acres or more, that is partially or wholly located within the proposed area, you may request to be excluded from the proposed area (or "opt out") by providing written notice to the commission within (30) days from the date that notice was provided by the applicant. All requests to opt out of the requested service area must include a scaled, general location map and a metes and bounds description of the tract of land.

**Persons who meet the requirements to opt out, and wish to request this option should file the required documents with the:**

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

A copy of the request to opt out of the proposed area must also be sent to the applicant. Staff may request additional information regarding your request.

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

## Notice to Neighboring Systems, Landowners and Cities

NOTICE OF APPLICATION FOR CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) TO  
PROVIDE WATER/SEWER UTILITY SERVICE IN

Denton

COUNTY(IES), TEXAS

To: \_\_\_\_\_  
(Neighboring System, Landowner or City)

Date Notice Mailed \_\_\_\_\_ 20 \_\_\_\_\_

\_\_\_\_\_

(Address)

\_\_\_\_\_

City State Zip

Name of Applicant Terra Southwest, Inc. has filed an application for a  
CCN to obtain or amend CCN No. (s) 11608 and to  
decertify a portion(s) of None with the  
(Name of Decertified Utility)

Public Utility Commission of Texas to provide water  
(specify 1) water or 2) sewer or 3) water & sewer  
utility service in Denton County(ies).

The proposed utility service area is located approximately 10 miles east / southeast  
[direction] of downtown Denton, [City or Town] Texas, and is  
generally bounded on the north by Cedar Lane ; on the east by  
Spring Branch Drive ; on the south by Lewisville Lake ; and on the west by Shorewood Drive

**See enclosed map of the proposed service area.**

The total area being requested includes approximately 35 acres and 98  
current customers.

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



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If you are a landowner with a tract of land at least 25 acres or more, that is partially or wholly located within the proposed area, you may request to be excluded from the proposed area (or "opt out") by providing written notice to the commission within (30) days from the date that notice was provided by the applicant. All requests to opt out of the requested service area must include a scaled, general location map and a metes and bounds description of the tract of land.

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

## Notice to Customers of IOUs in Proposed Area

### NOTICE OF APPLICATION FOR CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) TO PROVIDE WATER/SEWER UTILITY SERVICE IN

Denton

COUNTY(IES), TEXAS

Dear Customer: \_\_\_\_\_ Date Notice Mailed \_\_\_\_\_ 20 \_\_\_\_

Name of Applicant Terra Southwest, Inc. has filed an application for a CCN to obtain or amend CCN No. (s) 11608 and to decertify a portion(s) of none with the \_\_\_\_\_ (Name of Decertified Utility)

Public Utility commission of Texas to provide

Water

(specify 1) water or 2) sewer or 3) water & sewer)

utility service in

Denton

County(ies).

The proposed utility service area is located approximately 10 miles east / southeast [direction] of downtown Denton, [City or Town] Texas.

A copy of the proposed service area map is available at (Utility Address and Phone Number): P.O. Box 140, Alvord, TX 76225-140 Phone No: 940-427-7444

The current utility rates which were first effective on May 1 20 10

Monthly Flat Rate of \$ \_\_\_\_\_ Per connection

-OR-

Monthly Base Rate Including per 3,000 gallons connection for:

5/8" meter	\$ 32.93
1" meter	\$ 71.08
1 1/2" meter	\$ 134.65
2" meter	\$ 210.94

Other\$ 3" - \$388.95, 4" - \$643.25

Gallage charge of \$ 2.50 Per 1,000 Gallons above minimum (same for all meters sizes)

#### Miscellaneous Fees

#### Regulatory Assessment

Tap Fee (Average Actual Cost)

#### Reconnecting fee:

- Non Payment (\$25.00 max)
- Transfer
- Customer's request

#### Late fee

#### Returned Check charge

Customer Deposit (\$50.00 max)

#### Meter test fee

(Actual Cost not Exceed \$25.00)

#### Other Fees

1%
\$ 750.00
\$
\$ 25.00
\$ 35.00
\$ 50.00
\$ 5.00 or 10%
\$ 25.00
\$ 50.00
\$ 25.00
\$

**Your utility service rates and fees cannot be changed by this application. If you are currently paying rates, those rates must remain in effect unchanged. Rates may only be increased if the utility files and gives notice of a separate rate change application.**

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

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If a public hearing is requested, the Commission will not issue 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.

**IF A HEARING IS HELD,** it is important that you or your representative attend to present your concerns. Your request serves only to cause a hearing to be held and is not used during the hearing.

If you are a landowner with a tract of land at least 25 acres or more, and is partially or wholly located within the proposed area, you may request to be excluded from the proposed area (or "opt out") by providing written notice to the commission within (30) days from the date that notice was provided by the applicant. All requests to opt out of the requested service area must include a scaled, general location map and a metes and bounds description of the tract of land.

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

# **ATTACHMENT A**

## **1. B. Demonstrate Need for Service**

i. Copy of account status attached

iii. James Presley has 100% ownership

v. James Presley - President and Rovana Presley - Vice President



## Franchise Tax Account Status

As of : 10/06/2016 11:33:05 AM

**This Page is Not Sufficient for Filings with the Secretary of State**

TERRA SOUTHWEST INC.	
Texas Taxpayer Number	17515285827
Mailing Address	3052 HOUSTON ST LEVELLAND, TX 79336-7609
Right to Transact Business in Texas	ACTIVE
State of Formation	TX
Effective SOS Registration Date	11/01/1976
Texas SOS File Number	0039190300
Registered Agent Name	JIM PRESLEY
Registered Office Street Address	1125 G UNIVERSITY DR., DENTON, TX 76201

# **ATTACHMENT B**

## **2. B. Demonstrate Need for Service**

The Applicant is submitting this application to amend its current water service area to include the requested area to which it is currently providing service. None of the service area being requested is in the certificated service area of another CCN holder nor in the city limits of any neighboring city. Because the Applicant is currently providing water services to the requested area there will be no negative impact to the environment. No customer's rates will be changed by this application.



# **ATTACHMENT C**

Bryan W. Shaw, Ph.D., P.E., *Chairman*  
Toby Baker, *Commissioner*  
Zak Covar, *Commissioner*  
Richard A. Hyde, P.E., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

February 19, 2015

E SIGNATURE CONFIRMATION # 91 3408 2133 3931 9094 5865

RECEIVED

Mr. Jim Presley, Owner  
Terra Southwest Incorporated  
PO Box 140  
Alvord, Texas 76225

APR 21 2015

TCEQ  
CENTRAL FILE ROOM

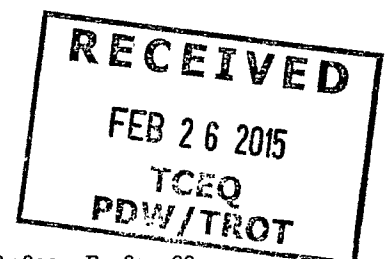
Re: Notice of Violation for Public Water Supply Focused Investigation at:  
Hilltown Addition, Greenwood Dr., Oak Point, Denton County, Texas  
RN101242915, PWS ID No. 0610112, Investigation No. 1014305, Incident No. 208247

Dear Mr. Presley:

On January 21, 2015, Ms. Crystal Watkins of the Texas Commission on Environmental Quality (TCEQ) Dallas/Fort Worth (D/FW) Regional Office conducted an investigation of the above-referenced regulated entity to evaluate compliance with applicable requirements for public water supply. Enclosed is a summary which lists the investigation findings. During the investigation, a certain outstanding alleged violation was identified for which compliance documentation is required. Please submit to this office by **April 20, 2015**, a written description of corrective action taken and the required documentation demonstrating that compliance has been achieved for the outstanding alleged violation.

In the listing of the alleged violation, we have cited applicable requirements, including TCEQ rules. Please note that both the rules themselves and the agency brochure entitled *Obtaining TCEQ Rules* (GI 032) are located on our agency website at <http://www.tceq.state.tx.us> for your reference. If you would like a hard copy of this brochure mailed to you, you may call and request one from either the D/FW Regional Office at (817) 588-5800 or the Central Office Publications Ordering Team at 512-239-0028.

The TCEQ appreciates your assistance in this matter. Please note that the Legislature has granted TCEQ enforcement powers which we may exercise to ensure compliance with environmental regulatory requirements. We anticipate that you will resolve the alleged violation as required in order to protect the State's environment. If you have additional information that we are unaware of, you have the opportunity to contest the violation documented in this notice. Should you choose to do so, you must notify the D/FW Regional Office within 10 days from the date of this letter.



Mr. Jim Presley, Owner

Page 2

February 19, 2015

At that time, Mr. Charles Marshall, Public Water Supply Program Team Leader, will schedule a violation review meeting to be conducted within 21 days from the date of this letter. However, please be advised that if you decide to participate in the violation review process, the TCEQ may still require you to adhere to the compliance schedule included in the attached Summary of Investigation Findings until an official decision is made regarding the status of any or all of the contested violation.

If you or members of your staff have any questions, please feel free to contact Ms. Crystal Watkins in the D/FW Regional Office at (817) 588-5804.

Sincerely,



Charles Marshall  
Team Leader, Public Water Supply Program  
D/FW Regional Office

CM/cdw

Enclosure: Summary of Investigation Findings

## Summary of Investigation Findings

HILLTOWN ADDITION

Investigation #

1014305

Investigation Date: 01/17/2014

, DENTON COUNTY,

Additional ID(s): 0610112

### OUTSTANDING ALLEGED VIOLATION(S) ASSOCIATED TO A NOTICE OF VIOLATION

Track No: 561593

Compliance Due Date: 04/20/2015

30 TAC Chapter 290.46(l)

#### Alleged Violation:

Investigation: 1014305

Comment Date: 02/13/2015

Failure to flush all dead-end mains at monthly intervals.

30 TAC 290.46(l) states that all dead-end mains must be flushed at monthly intervals. Dead-end lines and other mains shall be flushed as needed if water quality complaints are received from water customers or if disinfectant residuals fall below acceptable levels as specified in §290.110 of this title.

On the day of the investigation, the water system was flushing the dead-end main once every six months.

**Recommended Corrective Action:** Flush the dead-end main once a month. Provide a copy of two months' worth of flushing records. Maintain a record of the system's flushing records in a central location that is easily available for review.

### ALLEGED VIOLATION(S) NOTED AND RESOLVED ASSOCIATED TO A NOTICE OF VIOLATION

Track No: 561594

30 TAC Chapter 290.46(f)(3)(A)(iii)

#### Alleged Violation:

Investigation: 1014305

Comment Date: 02/13/2015

Failure to maintain a record of complaints received.

30 TAC 290.46(f)(3)(A)(iii) states that the date, location, and nature of water quality, pressure, or outage complaints received by the system and the results of any subsequent complaint investigation.

On the day of the investigation, the water system had not maintained a complaint record for 2014.

**Recommended Corrective Action:** Create a complaint record and note when complaints are received. The complaint record should indicate the date, location, and nature of water quality, pressure, or outage complaints received by the system and the results of any subsequent complaint investigation. Maintain a record of the complaint record in a central location that is easily available for review.

**Resolution:** On January 21, 2015, the water system indicated to the investigator that the a complaint record was created for 2015. The investigator verified that the water system was recording the date, location, nature of complaint, and results of the complaint investigation. This will resolve the alleged violation.

# ATTACHMENT D

## **5. G. Effect of Granting a Certificate Amendment.**

- i. the applicant - The applicant has already operating and providing water service in the requested service area. The applicant will benefit from having the area requested with its certificated service area
- ii. any retail public utility of the same kind already serving the proximate area - Public utilities in the proximate area have declined to provide service the requested area.
- iii. any landowner(s) in the requested area – there will be no effect on any landowner as the applicant has already operating and providing water service in the requested service area.

# **ATTACHMENT E**

## SETS

101 Utility Plant in Service	
103 Property held for Future Use	
105 Construction Work In Progress	
114, 115 Net Utility Plant Acquisition Adjustment	
	<b>TOTAL UTILITY PLANT</b>
108 Less: Accumulated Depreciation	
110 Less: Accumulated Amortization	
	<b>NET UTILITY PLANT</b>

131-135 Cash  
141-143 Accounts Receivable  
144 Notes Receivable  
144-145 Accounts Receivable-Affiliates/Common Ownership  
151 Plant Materials and Supplies  
162 Prepayments  
171-174 Other Current Assets  
**TOTAL CURRENT ASSETS**

181 Deferred Debt Expense  
182-186 Deferred Charges/Debits  
190 Accum. Deferred Income Taxes  
TOTAL OTHER ASSETS and DEFERRED CHARGES

**TOTAL ASSETS**

201	Common Stock	
211	Other paid in capital	
215	Retained Earnings	
	<b>TOTAL STOCKHOLDERS' EQUITY</b>	

## 224 Long-term debt, excluding current portion

231 Accounts Payable  
232 Notes Payable  
233, 234 Payables to Affiliates/Common Ownership  
236 Accrued Taxes  
237 Accrued Interest  
241.0 Other Current Liabilities  
**TOTAL CURRENT LIABILITIES**

252 Advances for Construction  
253 Other Deferred Credits  
255 Deferred Investment Tax Credits  
271-272 Net Contributions in Aid of Construction  
281-283. Accumulated Deferred Inc. Taxes  
**TOTAL OTHER LIABILITIES and DEFERRED CREDITS**

**TOTAL LIABILITIES & EQUITY**

Year	2015
\$	798,879
\$	0
\$	0
\$	0
\$	798,879
\$	350,170
\$	448,709
\$	201,776
\$	0
\$	0
\$	0
\$	0
\$	0
\$	11,569
\$	213,345
\$	0
\$	0
\$	0
\$	0
\$	662,054

[illegible]



## Statement of Income - Terra Southwest, Inc.

	Year 2015
<b><u>Total Revenue:</u></b>	\$ 391,435
<b><u>Operating Expenses:</u></b>	
601.1/701.1 O & M Salaried Labor	\$ 0
604/704 Employee Benefits	\$ 0
6/731, 6/735, 6/736 O & M Contract labor	\$ 131,781
620/720 Operating/Maint Supplies	\$ 11,179
610/710 Purchased Water	\$ 0
615/715 Purchased Power	\$ 54,439
635/735 Testing Expense	\$ 1,060
618/718 Chemicals	\$ 2,414
656-659/756-759 Insurance	\$ 5,443
601.2/701.2 General Office Salaries	\$ 0
650/750 Transportation	\$ 0
675 General Office Expenses	\$ 4,968
632, 633, 634 Contract Acctg, legal, Mgmt	\$ 1,000
666 Amortization- Rate Case Expense	\$ 0
403 Depreciation Expense	\$ 24,632
667-675 Other Misc. Expenses	\$ 875
<b><u>Taxes:</u></b>	
409 Federal Income Taxes	\$ 0
409 State Franchise Taxes/Reg Assess.	\$ 3,914
408 All Other Taxes	\$ 3,099
<b><u>Total Expenses</u></b>	\$ 244,804
<b><u>Net Operating Income</u></b>	\$ 146,631
421, 433 Non-Operating Income	\$ 0
<b><u>Non-Operating Deductions:</u></b>	
426 Other	\$ 0
427 Interest	\$ 0
<b>Net Income</b>	\$ 146,631

# **WATER UTILITY TARIFF FOR**

Terra Southwest, Inc.  
(Utility Name)

P.O. Box 140  
(Business Address)

Alvord, Texas 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 county:

Denton

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

None

This tariff is effective in the following subdivisions and public water systems:

Hilltown Addition (PWS #0610112), 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 SCHEDULE.....	2
SECTION 2.0 -- SERVICE RULES AND POLICIES .....	3
SECTION 3.0 -- EXTENSION POLICY .....	8
SECTION 4.0 -- DROUGHT CONTINGENCY PLAN .....	10
APPENDIX A -- SAMPLE SERVICE AGREEMENT	
APPENDIX B -- APPLICATION FOR SERVICE	

## SECTION 1.0 – RATE SCHEDULE (Continued)

Section 1.01 - Rates

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

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

Cash X, Check X, Money Order X, Credit Card \_\_\_\_\_, 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%

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

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 FEE ..... Actual 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.

RATES LISTED ARE EFFECTIVE ONLY  
IF THIS PAGE HAS TCEQ APPROVAL STAMP

**SECTION 1.0 -- RATE SCHEDULE (Continued)**

**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

**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**

TCEQ 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 ESTIMATED ANNUAL BILL**

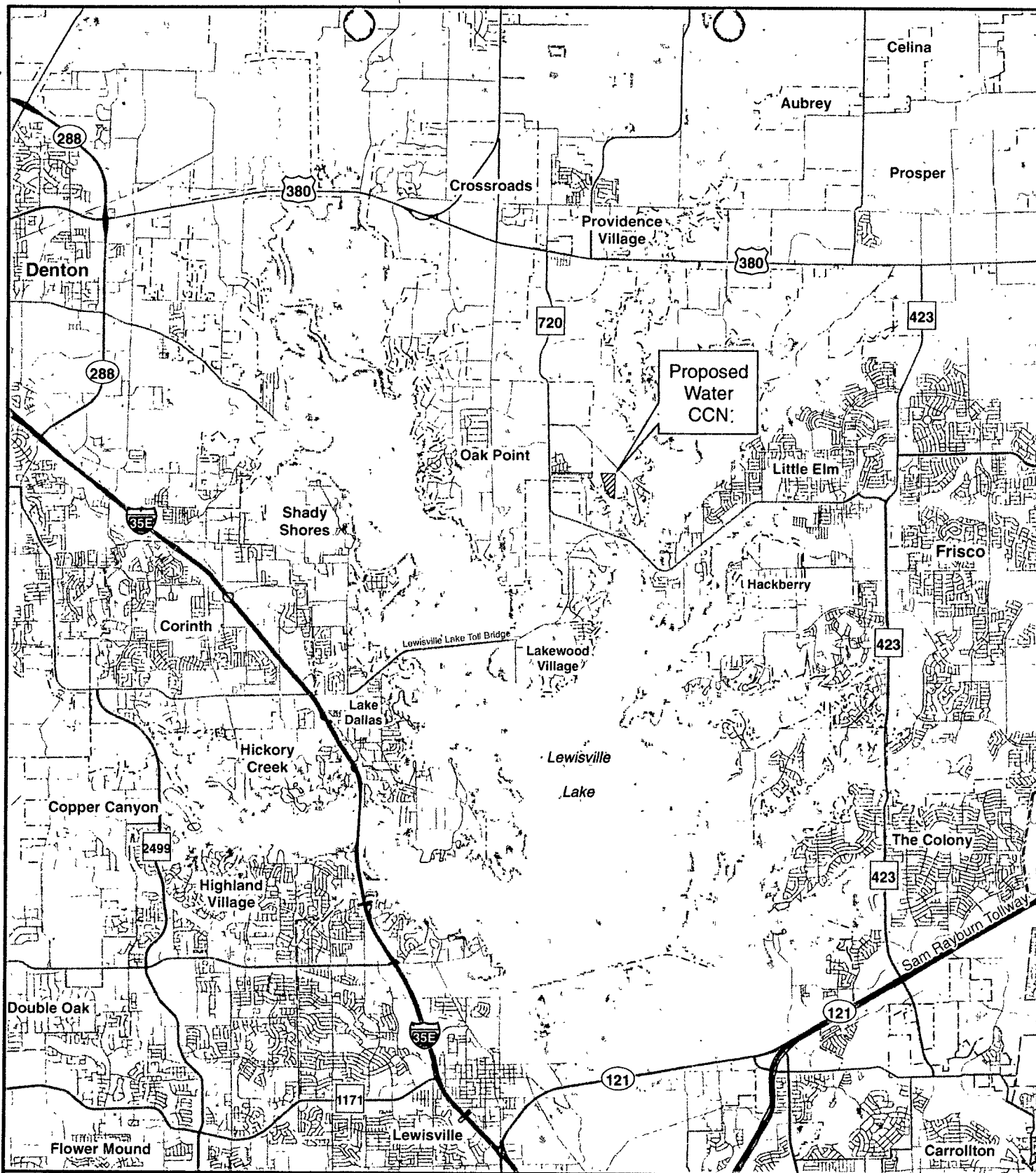
**GOVERNMENTAL TESTING, INSPECTION AND COSTS SURCHARGE:**

WHEN AUTHORIZED IN WRITING BY TCEQ AND AFTER NOTICE TO CUSTOMERS, THE UTILITY MAY INCREASE RATES TO RECOVER INCREASED COSTS FOR INSPECTION FEES AND WATER TESTING. [30 TAC 291.21(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.

# **MAPPING INFORMATION**



### General Location Map

Terra Southwest

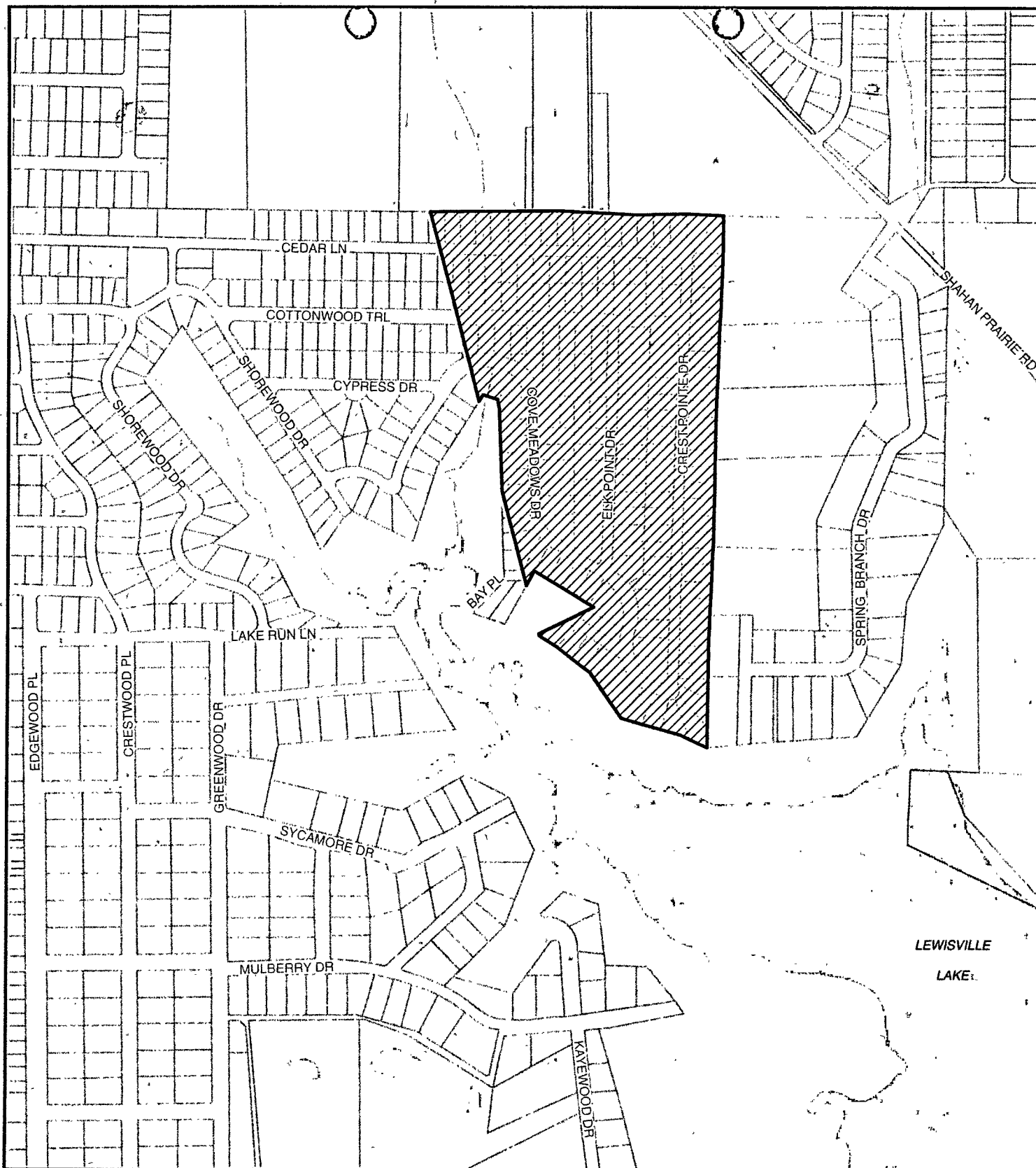
Application for an Amendment to Water CCN No. 11608  
in Denton County



Proposed Water CCN Service Area - approx 34 acres

0 1 2  
Miles

Date: August 17, 2  
Map by: S. Burt, A&S Business Group,  
Project: Terra Southwest General Location Map.1  
Data: City Limits from Denton Central Appraisal Dis  
Base: TxDOT Roadways 2



### Large Scale Map

Terra Southwest  
Application for an Amendment to Water CCN No. 11608  
in Denton County

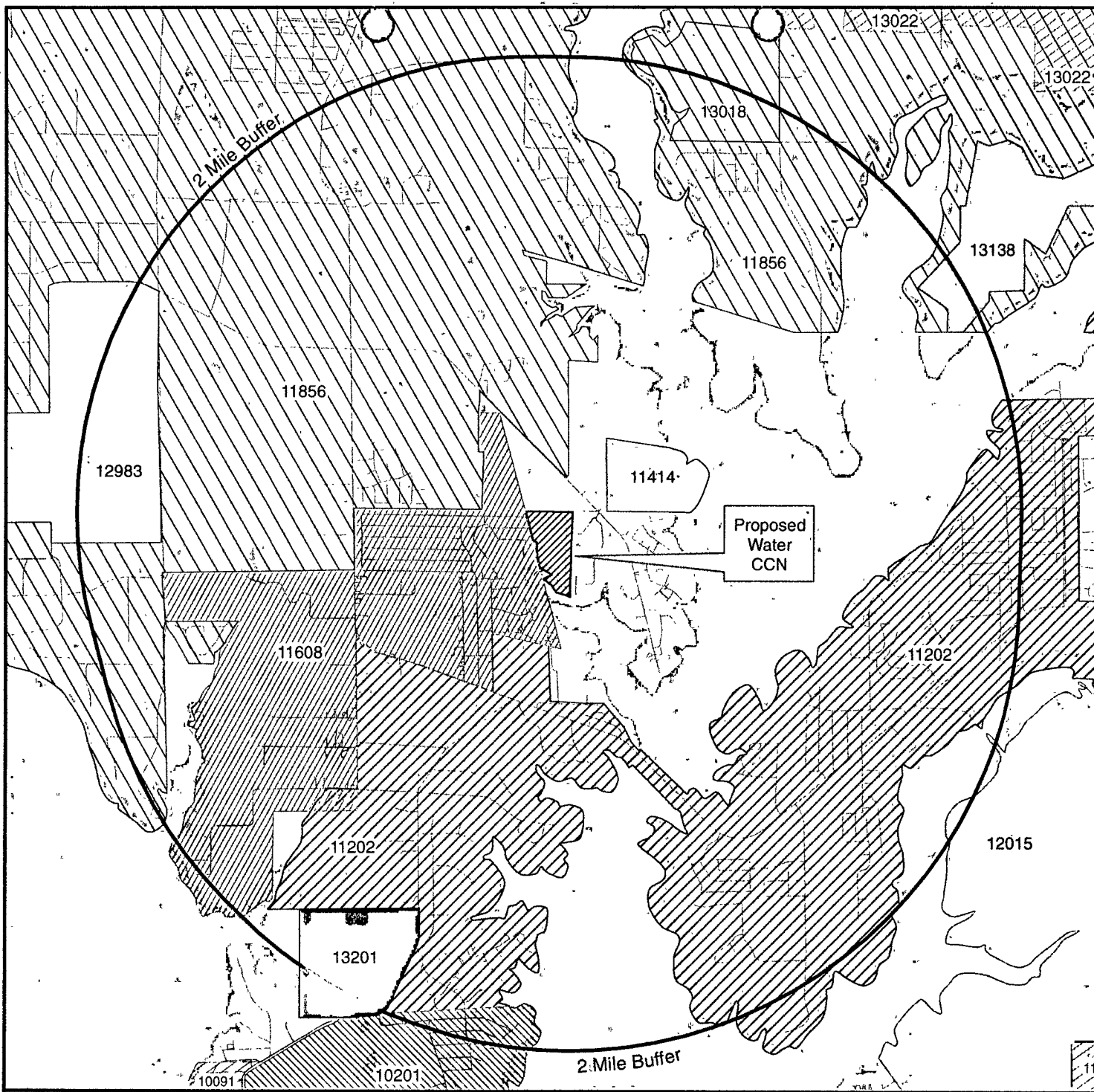


0 250 500  
Feet



Proposed Water CCN Service Area - approx 34 acres

Map by: S. Burt, A&S Business Group,  
Date: August 17, 2017  
Project: Terra Southwest Large Scale.r  
Base: Parcels from Denton Central Appraisal Dis



### 2 Mile Buffer Map with Water CCNs

Terra Southwest  
Application for an Amendment to Water CCN No. 11608  
in Denton County

Proposed Water CCN Service Area

2 Mile Buffer

CCNs Outside 2 Mile Buffer

#### CCNs within 2 Miles

10201 - City of Lakewood Village

11202 - Town of Little Elm

11414 - Knob Hill Water System

11608 - Terra Southwest

11856 - Mustang SUD

#### CCNs within 2 Miles

12015 - City of Hackberry.

12983 - Monarch Utilities I LP

13018 - Denton County FWSD 8A

13138 - Valencia on the Lake WCID

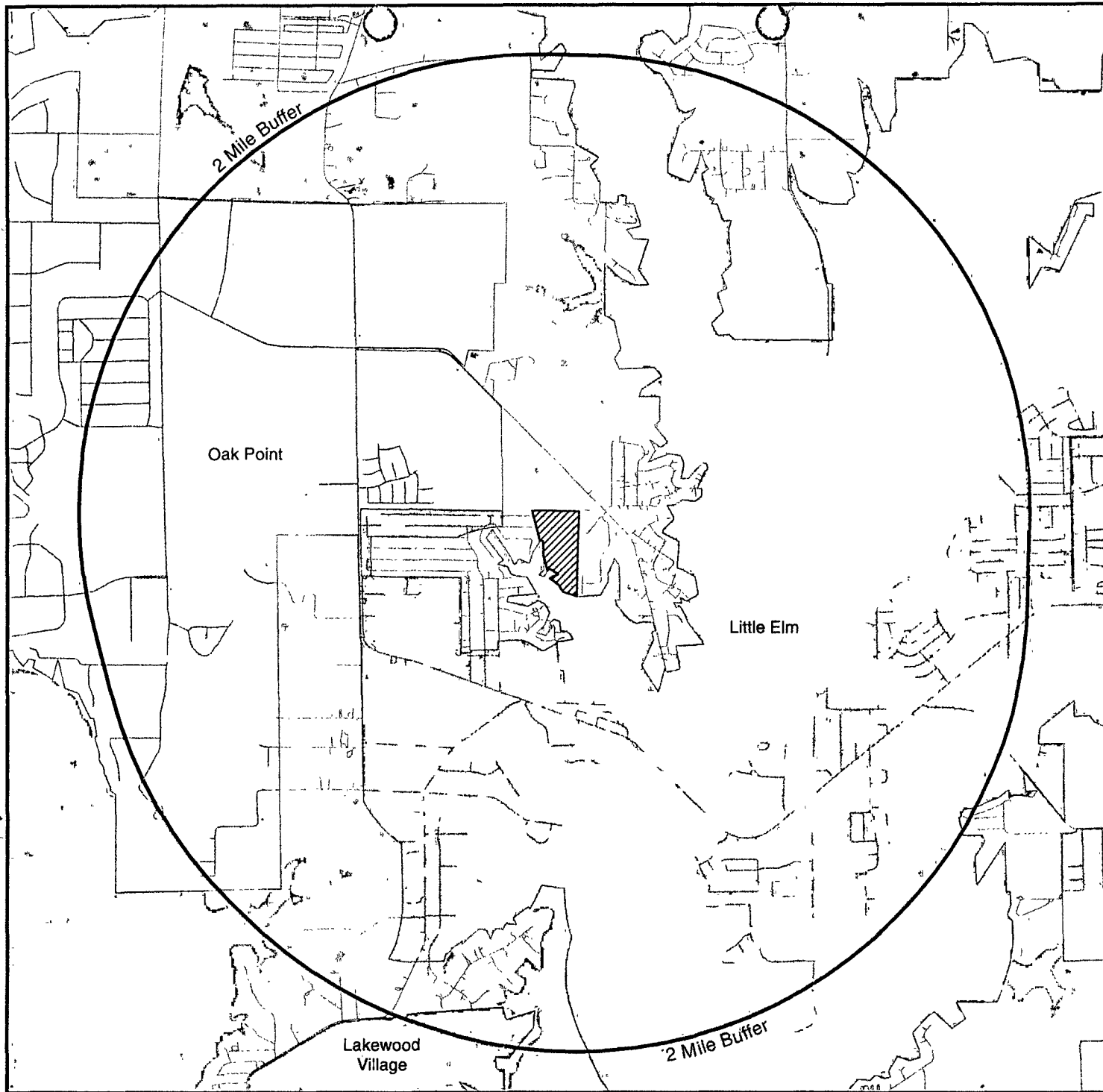
13201 - Aqua Texas Inc.

0 0.25 0.5  
Miles





Date: August 17, 2017  
Map by: S. Burt, A&S Business Group,  
Project: Terra Southwest 2 mile Buffer with CCNs.






### 2 Mile Buffer Map with City Limits

Terra Southwest  
Application for an Amendment to Water CCN No. 11608  
in Denton County

-  Proposed Water CCN Service Area
-  2 Mile Buffer

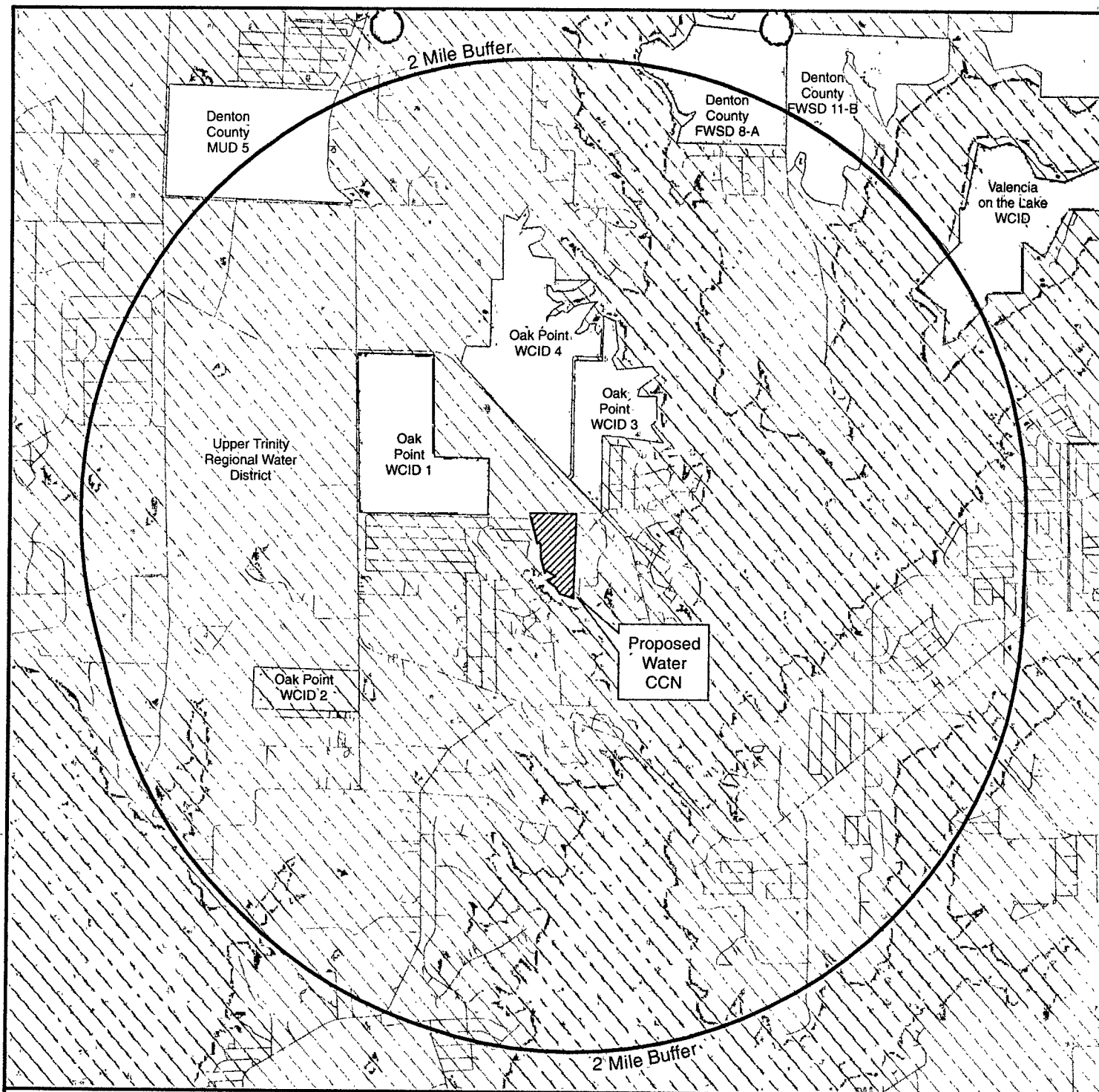
### Cities within 2 Miles

-  Lakewood Village
-  Little Elm
-  Oak Point



0 0.25 0.5  
Miles

Date: August 17, 2011  
Map by: S. Burt, A&S Business Group,  
Project: Terra Southwest 2 mile Buffer with City Limits.  
Data: City Limits (citylim.shp) obtained from Denton County



### 2 Mile Buffer Map with Districts

Terra Southwest  
Application for an Amendment to Water CCN No. 11608  
in Denton County

0 0.25 0.5  
Miles



#### Districts within 2 Miles

- Denton County FWSD 11-B
- Denton County FWSD 8-A
- Denton County MUD 5
- Oak Point WCID 1
- Oak Point WCID 2
- Oak Point WCID 3
- Oak Point WCID 4
- Upper Trinity Regional Water District
- Valencia on the Lake WCID

Proposed Water CCN Service Area

2 Mile Buffer

Terra Southwest – Amendment to Water CCN No. 11608

Counties within: Denton

GCDs within: North Texas Groundwater Conservation District

City limits within: None – city limits data obtained from Denton CAD  
(CityLimits\_DentonCAD.shp is included on data disk)

ETJs within: Town of Little Elm

Districts within: Upper Trinity Regional Water District (Special Law District 8149000, PWS 0610213)

CCN overlaps: None

Entities within 2 miles/Notice list:

Town of Little Elm (city limits and CCN 11202)  
City of Oak Point (city limits)  
City of Lakewood Village (city limits and CCN 10201)  
Aqua Texas, Inc. (CCN 13201)  
Knob Hill Water System (CCN 11414)  
Mustang SUD (CCN 11856)  
City of Hackberry (CCN 12015)  
Moharch Utilities I LP (CCN 12983)  
Denton County FWSD 8-A (CCN 13018, District 2721802)  
Denton County FWSD 11-B (District 2721858, PWS 0610256)  
Valencia on the Lake WCID (CCN 13138, District 8254500)  
Oak Point WCID 1 (District 6183125)  
Oak Point WCID 2 (District 6183750)  
Oak Point WCID 3 (District 6184375)  
Oak Point WCID 4 (District 6184688)  
Upper Trinity Regional Water District (Special Law District 8149000, PWS 0610213)  
Denton County MUD 5 (District 2722019)  
North Texas Groundwater Conservation District (District 6007500)  
Denton County

Addresses and Phone Numbers for Notice List

Town of Little Elm  
PO Box 129  
Little Elm, TX 75068  
972-294-1821

City of Oak Point  
100 Naylor Road  
Little Elm, TX 75068  
972-294-2312

City of Lakewood Village  
100 Highridge Dr  
Little Elm, TX 75068-4300  
972-292-5555

Aqua Texas, Inc.  
1106 Clayton Lane Ste 400W  
Austin, TX 78723-2476  
512-990-4400

Knob Hill Water System  
2861 High Meadow  
Little Elm, TX 75068-2865  
972-294-2553

Mustang SUD  
7985 FM 2931  
Aubrey, TX 76227-6209  
940-440-9561

City of Hackberry  
119 Maxwell Road  
Frisco, TX 75034  
972-292-3223

Monarch Utilities I LP  
12535 Reed Rd  
Sugar Land, TX 77478-2837  
866-654-7992

Denton County FWSD 8-A  
19 Briar Hollow Ln Ste 245  
Denton County FWSD 11-B  
214-954-6300

Denton County FWSD 11-B  
19 Briar Hollow Ln Ste 245  
Denton County FWSD 11-B  
713-621-3707

Valencia on the Lake WCID  
201 Main St Ste 2500

Fort Worth, TX 76102  
713-621-3707

Oak Point WCID 1  
3100 McKinnon St Ste 1100  
Dallas, TX 75201-1033  
214-981-9090

Oak Point WCID 2  
3100 McKinnon St Ste 1100  
Dallas, TX 75201-1033  
214-981-9090

Oak Point WCID 3  
Winstead PC  
300 Throckmorton St Ste 1700  
Fort Worth, TX 76102-2928  
817-420-8200

Oak Point WCID 4  
5420 LBJ Fwy Ste 1300  
Dallas, TX 75240-6299  
972-982-8450

Upper Trinity Regional Water District  
PO Box 305  
Lewisville, Tx 75067-0305  
972-219-1228

Denton County MUD 5  
1980 Post Oak Blvd Ste 1380  
Houston, TX 77056-3870  
713-850-9000

North Texas Groundwater Conservation District  
PO Box 508  
Gainesville, TX 76241-0508  
855-426-4433

The Honorable Mary Horn, County Judge  
110 W. Hickory Street  
Denton, TX 76201-4168  
940-349-2820

### Written Description

The proposed utility service area is located approximately 10.2 miles east/southeast of downtown Denton, TX, and is generally bounded on the north by approx. 150 feet north of Cedar Lane; on the east by Spring Branch Dr; on the south by Lewisville Lake; and on the west by Shorewood Dr.

Approximately 34 acres.