

Control Number: 46748



Item Number: 30

Addendum StartPage: 0

PUC DOCKET NO. 46748

**APPLICATION OF JJM  
DEVELOPMENT, INC. AND R.P.  
LAND & CATTLE, LLC FOR SALE,  
TRANSFER, OR MERGER OF  
FACILITIES AND CERTIFICATE  
RIGHTS IN EL PASO COUNTY**

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**BEFORE THE PUBLIC UTILITY**

**COMMISSION OF TEXAS**

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**JOINT MOTION TO ADMIT EVIDENCE AND PROPOSED NOTICE OF APPROVAL**

COME NOW, JJM Development, Inc. (JJM), R.P. Land & Cattle, LLC (R.P.), and the Staff of the Public Utility Commission of Texas (Staff) (collectively, the Parties) and file this Joint Motion for Admission of Evidence and Adoption of Proposed Notice of Approval. In support thereof, the Parties show the following.

**I. BACKGROUND**

On January 11, 2017, R.P. together with JJM filed an application (Application) regarding the sale, transfer, or merger of facilities and certificate rights in El Paso County, Texas. Specifically, R.P. seeks approval to acquire all of JJM's facilities and service area held under water certificate of convenience and necessity (CCN) No. 12575. The total area being requested includes approximately 4.144 acres and serves 54 current customers.

On September 20, 2017, the administrative law judge issued Order No. 7 directing the Parties to file joint proposed findings of fact and conclusions of law by October 31, 2017. Therefore, this pleading is timely filed.

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## II. JOINT MOTION TO ADMIT EVIDENCE

The Parties move to admit the following evidence into the record of this proceeding:

- a. Application and attachments filed January 11, 2017 (AIS Item No. 1).
- b. *Texas Register* notice filed January 19, 2017 (AIS Item No. 3).
- c. R.P.'s response to Staff's first request for information filed March 23, 2017 (AIS No. 8).
- d. R.P.'s affidavit and proof of notice filed March 24, 2017 (AIS Item No. 9).
- e. Staff's recommendation on notice filed April 3, 2017 (AIS Item No. 10).
- f. R.P.'s response to Staff's second request for information filed May 18, 2017 (AIS Item No. 17).
- g. Staff's recommendation on sale filed May 25, 2017 (AIS Item No. 18).
- h. Closing documents filed June 30, 2017 (AIS Items No. 21).
- i. R.P.'s Letter Regarding Sale of Valley Acres MHP Water System filed August 28, 2017 (AIS Item No. 22).
- j. JJM's Letter Regarding Transfer of Valley Acres MHP Customer Deposits filed August 28, 2017 (AIS Item No. 23).
- k. Staff's recommendation on closing documents filed September 18, 2017 (AIS Item No. 24).
- l. R.P.'s consent form filed October 18, 2017 (AIS Item No. 28).
- m. JJM's consent form filed October 30, 2017 (AIS Item No. 29).
- n. The final map, tariff, and CCN consented to by R.P. and JJM, which are included with **Attachment A** hereto (the Proposed Notice of Approval).

### **III. JOINT MOTION FOR ADOPTION OF PROPOSED NOTICE OF APPROVAL**

The Parties move for adoption of the attached Proposed Notice of Approval included as **Attachment A**, which would grant the R.P. and JJM Application to sell/transfer all of JJM's facilities and service area held under water CCN No. 12575 to R.P.

### **IV. CONCLUSION**

The Parties respectfully request that the Commission grant the joint motions to admit the evidence specified above and adopt the attached Proposed Notice of Approval.

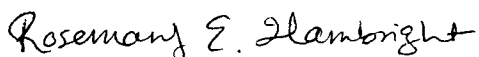
**DATE: October 31, 2017**

**Respectfully submitted,**

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Margaret Uhlig Pemberton  
Division Director

Stephen Mack  
Managing Attorney



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**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on October 31, 2017 in accordance with 16 TAC § 22.74.

*Rosemary E. Hambright*

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Rosemary E. Hambright

# **Attachment A**

**PUC DOCKET NO. 46748**

<b>APPLICATION OF JJM</b>	<b>§</b>	<b>BEFORE THE PUBLIC UTILITY</b>
<b>DEVELOPMENT, INC. AND R.P.</b>	<b>§</b>	
<b>LAND &amp; CATTLE, LLC FOR SALE,</b>	<b>§</b>	
<b>TRANSFER, OR MERGER OF</b>	<b>§</b>	
<b>FACILITIES AND CERTIFICATE</b>	<b>§</b>	<b>COMMISSION OF TEXAS</b>
<b>RIGHTS IN EL PASO COUNTY</b>	<b>§</b>	
	<b>§</b>	
	<b>§</b>	
	<b>§</b>	

**JOINT PROPOSED NOTICE OF APPROVAL**

This Notice of Approval addresses the application of R.P. Land & Cattle, LLC (R.P.) and JJM Development, Inc. (JJM) for the sale, transfer, or merger of facilities and certain certificate rights in El Paso County, Texas. The application is approved.

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

**I. FINDINGS OF FACT**

**Procedural History, Description, and Background**

1. On January 11, 2017, R.P. and JJM filed an application for approval of the sale, transfer, or merger of all of JJM's certificated service area and facilities in El Paso County, Texas, to R.P.
2. Approximately 4.144 acres and 54 current customers will be affected by this application.
3. Approval of the application would complete the transfer of all of the customers, facilities, and the certificated area associated with the Valley Acres MHP Water System under JJM's water certificate of convenience and necessity (CCN) No. 12575 to R.P.

4. On February 16, 2017, Order No. 2 was issued, deeming the application administratively complete, requiring applicants to provide notice and proof thereof, and establishing a procedural schedule for continued processing of the application.
5. On April 6, 2017, Order No. 3 was issued, finding the notice of this application provided to be sufficient and adopting a procedural schedule for the continued processing of the application.
6. On May 25, 2017, Public Utility Commission of Texas staff (Staff) recommended that applicants be approved to proceed with the proposed transaction.
7. On June 6, 2017, Order No. 6 was issued, approving the transaction to proceed and requiring filings.
8. On June 30, 2017, and August 8, 2017, R.P. and JJM filed closing documents.
9. On September 20, 2017, Order No. 7 was issued, finding the closing documentation provided by the JJM sufficient to show that the transaction was completed and that customer deposits were properly addressed, and establishing deadlines for the remainder of the proceeding.
10. R.P. and JJM filed consent forms reflecting consent to the certificate, tariff, and map as prepared by Staff on October 18, 2017, and October 30, 2017, respectively.
11. On October 31, 2017, the Parties filed a joint proposed notice of approval and motion to admit evidence, and provided a revised certificate, revised tariff, and a revised map for R.P.'s CCN No. 12575.
12. The certificate, tariff, and map described in Findings of Fact Nos. 11 and 12 are attached to this Notice.



13. On \_\_\_\_\_, Order No. 8 was issued, admitting evidence into the record of this proceeding.

**Notice**

14. Notice of the application was published in the *Texas Register* on February 3, 2017.
15. On February 26, 2017, applicants mailed notice of the application to all districts, utilities, and cities within two miles of the proposed service area, the county judge of each county and each groundwater conservation district that is wholly or partly included in the proposed area to be certified, each city with an extraterritorial jurisdiction that is wholly or partly included in the proposed service area, and any customers transferred, or other affected parties in the area.
16. On March 24, 2017, R.P. filed an affidavit as proof that notice had been provided.

**Evidentiary Record**

17. On October 31, 2017, Applicants filed a joint proposed notice of approval and request to admit evidence.
18. On \_\_\_\_\_, 2017, an order was issued in the docket admitting evidence into the record.

**Informal Disposition**

19. More than 15 days have passed since completion of all notice required for this docket.
20. No protest, motion to intervene, or request for hearing was filed in this docket; therefore, no hearing is necessary.
21. JJM, R.P., and Staff are the only parties to this proceeding.

## II. CONCLUSIONS OF LAW

1. R.P. and JJM are retail public utilities as defined in Tex. Water Code § 13.002(19)<sup>1</sup> and 16 Tex. Admin. Code § 24.3(59) (TAC).
2. The Commission has jurisdiction over this proceeding pursuant to TWC §§ 13.041, 13.241, 13.244, 13.246, 13.301 and regulatory authority under 16 TAC §§ 24.102 and 24.109.
3. Public notice of the Application was provided as required by TWC § 13.301(a)(2) and 16 TAC § 24.109(c).
4. The application was processed in accordance with the requirements of TWC §§ 13.251 and 13.301 and 16 TAC §§ 24.102 and 24.109.
5. R.P. and JJM completed the sale within 180 days from the date of the Commission's approval of the sale, consistent with 16 TAC § 24.111(i).
6. After consideration of the factors in TWC § 13.246(c), R.P. has demonstrated adequate financial, managerial, and technical capability for providing adequate and continuous service to the requested areas.
7. R.P. and JJM have demonstrated that the sale and transfer of facilities and amendment of CCN No. 12575 in this application will serve the public interest.
8. Under TWC § 13.257(r) and 16 TAC § 24.106(e), R.P. is required to record a certified copy of the approved CCN map, along with a boundary description of the service area, in the real property records of each county in which the service area or portion of the service area is located, and submit to the Commission evidence of the recording.
9. The requirements for informal disposition pursuant to 16 TAC § 22.35 have been met in this proceeding.

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<sup>1</sup> Tex. Water Code Ann. § 13.002(19) (West 2008 and Supp. 2017) (TWC).

### III. ORDERING PARAGRAPHS

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

1. The application is approved.
2. JJM's CCN No. 12575 is transferred to R.P. consistent with this Notice.
4. R.P. shall serve every customer and applicant for service within the area covered by its CCN No. 12575 and such service shall be continuous and adequate.
5. R.P. shall comply with the recording requirements in TWC § 13.257(r) and 16 TAC § 24.106(e) for the area in El Paso County affected by the application and submit to the Commission evidence of the recording no later than 31 days after receipt of this Notice.
6. All other motions, requests for entry of specific findings of fact or conclusions of law, and any other requests for general or specific relief, if not expressly granted herein, are hereby denied.

SIGNED AT AUSTIN, TEXAS the \_\_\_\_ day of \_\_\_\_\_ 2017.

**PUBLIC UTILITY COMMISSION OF TEXAS**

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**ADMINISTRATIVE LAW JUDGE**



# **Public Utility Commission of Texas**

**By These Presents Be It Known To All That**

**R.P. Land & Cattle, LLC**

having obtained certification to provide water utility service for the convenience and necessity of the public, and it having been determined by this Commission that the public convenience and necessity would in fact be advanced by the provision of such service, Valley Acres MHP Water System is entitled to this

## **Certificate of Convenience and Necessity No. 12575**

to provide continuous and adequate water utility service to that service area or those service areas in El Paso County as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 46748 are on file at the Commission offices in Austin, Texas; and are matters of official record available for public inspection; and be it known further that these presents do evidence the authority and the duty of the R.P. Land & Cattle, LLC, to provide such utility service in accordance with the laws of this State and Rules of this Commission, subject only to any power and responsibility of this Commission to revoke or amend this Certificate in whole or in part upon a subsequent showing that the public convenience and necessity would be better served thereby.

Issued at Austin, Texas, this \_\_\_\_\_ day of \_\_\_\_\_ 2017.



**WATER UTILITY TARIFF  
Docket Number 46748**

R.P. Land & Cattle, LLC  
(Utility Name)

797 Barley Drive Unit R  
(Business Address)

Canutillo, Texas 79835  
(City, State, Zip Code)

915-300-8470  
(Area Code/Telephone)

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

12575

This tariff is effective in the following county:

El Paso

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

None

This tariff is effective in the following subdivisions or systems:

Valley Acres MHP Water System (PWS #0710139)

**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):

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APPENDIX B -- APPLICATION FOR SERVICE

SECTION 1.0 -- RATE SCHEDULE

Section 1.01 - Rates

<u>Meter Size</u>	<u>Monthly Minimum Charge</u>	<u>Gallonage Charge</u>
5/8" or 3/4"	\$0.00 (Includes 0 gallons)	\$1.70 per 1,000 gallons

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

Cash  Check  Money Order  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%

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

Section 1.02 – Miscellaneous Fees

TAP FEE ..... None

TAP COVERS THE UTILITY'S COST FOR MATERIALS AND LABOR TO INSTALL STANDARD RESIDENTIAL 5/8" OR 3/4" METER. AN ADDITIONAL FEE TO COVER UNIQUE COSTS IS PERMITTED IF LISTED ON THIS TARIFF.

METER TEST FEE (actual cost of testing the meter up to) ..... \$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. THIS FEE MAY NOT EXCEED \$25.

RECONNECTION FEE

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

a) Nonpayment of bill (Maximum \$25.00) ..... \$25.00

b) Customer's request ..... None  
or other reasons listed under Section 2.0 of this tariff

LATE CHARGE ..... \$5.00

PUC 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.

SECTION 1.0 -- RATE SCHEDULE (Continued)

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 PUC AND AFTER NOTICE TO CUSTOMERS, THE UTILITY MAY INCREASE RATES TO RECOVER INCREASED COSTS FOR INSPECTION FEES AND WATER TESTING. [16 TAC 24.21(b)(2)(F)]

LINE EXTENSION AND CONSTRUCTION CHARGES:  
REFER TO SECTION 3.0--EXTENSION POLICY FOR TERMS, CONDITIONS, AND CHARGES WHEN NEW CONSTRUCTION IS NECESSARY TO PROVIDE SERVICE.

## SECTION 2.0 - SERVICE RULES AND REGULATIONS

### Section 2.01 – Rules

The Utility will have the most current Public Utility Commission of Texas (PUC or Commission) Rules, 16 TAC Chapter 24, available at its office for reference purposes. The Rules and this tariff shall be available for public inspection and reproduction at a reasonable cost. The latest Rules or Commission approved changes to the Rules supersede any rules or requirements in this tariff.

### Section 2.02 - Application for and Provision of Water Service

All applications for service will be made on the Utility's standard application or contract form (attached in the Appendix to this tariff) and will be signed by the applicant before water service is provided by the Utility. A separate application or contract will be made for each service location.

After the applicant has met all the requirements, conditions, and regulations for service, the Utility will install tap, meter, and utility cut-off valve and/or take all necessary actions to initiate service. The Utility will serve each qualified applicant for service within 5 working days unless line extensions or new facilities are required. If construction is required to fill the order and if it cannot be completed within 30 days, the Utility will provide the applicant with a written explanation of the construction required and an expected date of service.

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

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

### Section 2.03 - Refusal of Service

The Utility may decline to serve an applicant until the applicant has complied with the regulations of the regulatory agencies (state and municipal regulations) and for the reasons outlined in the PUC Rules. In the event that the Utility refuses to serve an applicant, the Utility will inform the applicant in writing of the basis of its refusal. The Utility is also required to inform the applicant that a complaint may be filed with the Commission.

### Section 2.04 - Customer Deposits

If a residential applicant cannot establish credit to the satisfaction of the Utility, the applicant may be required to pay a deposit as provided for in Section 1.02 of this tariff. The Utility will keep records of the deposit and credit interest in accordance with PUC Rules.

Residential applicants 65 years of age or older may not be required to pay deposits unless the applicant has an outstanding account balance with the Utility or another water or sewer utility that accrued within the last two years.



SECTION 2.0 - SERVICE RULES AND REGULATIONS (Continued)

Nonresidential applicants who cannot establish credit to the satisfaction of the Utility may be required to make a deposit that does not exceed an amount equivalent to one-sixth of the estimated annual billings.

Refund of deposit. If service is not connected, or after disconnection of service, the Utility will promptly refund the customer's deposit plus accrued interest or the balance, if any, in excess of the unpaid bills for service furnished. The Utility may refund the deposit at any time prior to termination of utility service but must refund the deposit plus interest for any residential customer who has paid 18 consecutive billings without being delinquent.

Section 2.05 - Meter Requirements, Readings, and Testing

All water sold by the Utility will be billed based on meter measurements. The Utility will provide, install, own, and maintain meters to measure amounts of water consumed by its customers. One meter is required for each residential, commercial, or industrial facility in accordance with the PUC Rules.

Service meters will be read at monthly intervals and as nearly as possible on the corresponding day of each monthly meter reading period unless otherwise authorized by the Commission.

Meter tests. The Utility will, upon the request of a customer, and, if the customer so desires, in his or her presence or in that of his or her authorized representative, make without charge a test of the accuracy of the customer's meter. If the customer asks to observe the test, the test will be made during the Utility's normal working hours at a time convenient to the customer. Whenever possible, the test will be made on the customer's premises, but may, at the Utility's discretion, be made at the Utility's testing facility. If within a period of two years the customer requests a new test, the Utility will make the test, but if the meter is found to be within the accuracy standards established by the American Water Works Association, the Utility will charge the customer a fee that reflects the cost to test the meter up to a maximum \$25 for a residential customer. Following the completion of any requested test, the Utility will promptly advise the customer of the date of removal of the meter, the date of the test, the result of the test, and who made the test.

Section 2.06 - Billing

Bills from the Utility will be mailed monthly unless otherwise authorized by the Commission. The due date of the bills for utility service will be at least sixteen (16) days from the date of issuance. The postmark on the bill or, if there is no postmark on the bill, the recorded date of mailing by the Utility will constitute proof of the date of issuance. At the customer's option, bills may be sent in a paperless, electronic form by email. The date of the email will constitute the date of issuance. Payment for utility service is delinquent if full payment, including late fees and the regulatory assessment, is not received at the Utility or the Utility's authorized payment agency by 5:00 p.m. on the due date. If the due date falls on a holiday or weekend, the due date for payment purposes will be the next workday after the due date.

SECTION 2.0 - SERVICE RULES AND REGULATIONS (Continued)

A late penalty of either \$5.00 or 10% will be charged on bills received after the due date. The penalty on delinquent bills will not be applied to any balance to which the penalty was applied in a previous billing. The Utility must maintain a record of the date of mailing to charge the late penalty.

Each bill will provide all information required by the PUC Rules. For each of the systems it operates, the Utility will maintain and note on the monthly bill a telephone number (or numbers) which may be reached by a local call by customers. At the Utility's option, a toll-free telephone number or the equivalent may be provided.

In the event of a dispute between a customer and the Utility regarding any bill for utility service, the Utility will conduct an investigation and report the results to the customer. If the dispute is not resolved, the Utility will inform the customer that a complaint may be filed with the Commission.

Section 2.07 - Service Disconnection

Utility service may be disconnected if the bill has not been paid in full by the date listed on the termination notice. The termination date must be at least 10 days after the notice is mailed or hand delivered.

The Utility is encouraged to offer a deferred payment plan to a customer who cannot pay an outstanding bill in full and is willing to pay the balance in reasonable installments. However, a customer's utility service may be disconnected if a bill has not been paid or a deferred payment agreement entered into within 26 days from the date of issuance of a bill and if proper notice of termination has been given.

Notice of termination must be a separate mailing or hand delivery in accordance with the PUC Rules.

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

Section 2.08 - Reconnection of Service

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

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

SECTION 2.0 - SERVICE RULES AND REGULATIONS (Continued)

Section 2.09 - Service Interruptions

The Utility will make all reasonable efforts to prevent interruptions of service. If interruptions occur, the Utility will re-establish service within the shortest possible time. Except for momentary interruptions due to automatic equipment operations, the Utility will keep a complete record of all interruptions, both emergency and scheduled and will notify the Commission in writing of any service interruptions affecting the entire system or any major division of the system lasting more than four hours. The notice will explain the cause of the interruptions.

Prorated Bills. If service is interrupted or seriously impaired for 24 consecutive hours or more, the Utility will prorate the monthly base bill in proportion to the time service was not available to reflect this loss of service.

Section 2.10 - Quality of Service

The Utility will plan, furnish, and maintain production, treatment, storage, transmission, and distribution facilities of sufficient size and capacity to provide a continuous and adequate supply of water for all reasonable consumer uses. Unless otherwise authorized by the Commission, the Utility will maintain facilities as described in the TCEQ Rules and Regulations for Public Water Systems.

Section 2.11 - Customer Complaints and Disputes

If a customer or applicant for service lodges a complaint, the Utility will promptly make a suitable investigation and advise the complainant of the results. Service will not be disconnected pending completion of the investigation. If the complainant is dissatisfied with the Utility's response, the Utility must advise the complainant that he has recourse through the PUC complaint process. Pending resolution of a complaint, the Commission may require continuation or restoration of service.

The Utility will maintain a record of all complaints which shows the name and address of the complainant, the date and nature of the complaint and the adjustment or disposition thereof, for a period of two years after the final settlement of the complaint.

SECTION 2.20 – SPECIFIC UTILITY SERVICE RULES AND REGULATIONS

This section contains specific utility service rules in addition to the rules previously listed under Section 2.0. It must be reviewed and approved by the Commission and in compliance with PUC rules to be effective.

SECTION 3.0 - EXTENSION POLICY

Section 3.01 - Standard Extension Requirements

LINE EXTENSION AND CONSTRUCTION CHARGES. No contribution in aid of construction may be required of any customer except as provided for in this approved extension policy.

The customer will be given an itemized statement of the costs, options such as rebates to the customer, sharing of construction costs between the Utility and the customer, or sharing of costs between the customer and other applicants before beginning construction.

The Utility will bear the full cost of any oversizing of water mains necessary to serve other customers in the immediate area. The individual residential customer shall not be charged for any additional production, storage, or treatment facilities. Contributions in aid of construction may not be required of individual residential customers for production, storage, treatment or transmission facilities unless otherwise approved by the Commission under this specific extension policy.

COST UTILITIES SHALL BEAR. Within its certificate area, the Utility will pay the cost of the first 200 feet of any water main or distribution line necessary to extend service to an individual residential customer within a platted subdivision. However, if the residential customer requesting service purchased the property after the developer was notified of the need to provide facilities to the Utility, the Utility may charge for the first 200 feet. The Utility must also be able to document that the developer of the subdivision refused to provide facilities compatible with the Utility's facilities in accordance with the Utility's approved extension policy after receiving a written request from the Utility.

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

SECTION 3.02 - SPECIFIC UTILITY EXTENSION POLICY

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

Residential customers not covered under Section 3.01 will be charged the equivalent of the costs of extending service to their property from the nearest transmission or distribution line even if that line does not have adequate capacity to serve the customer. However, if the customer places unique, non-standard service demands upon the system, the customer may be charged the full cost of extending service to and throughout their property, including the cost of all necessary transmission and storage facilities necessary to meet the service demands anticipated to be created by that property.

Developers may be required to provide contributions in aid of construction in amounts sufficient to furnish the development with all facilities necessary to provide for reasonable local demand requirements and to comply with TCEQ minimum design criteria for facilities used in the production, transmission, pumping, or treatment of water or TCEQ minimum requirements. For purposes of this subsection, a developer is one who subdivides or requests more than two meters on a piece of property. Commercial, industrial, and wholesale customers will be treated as developers.

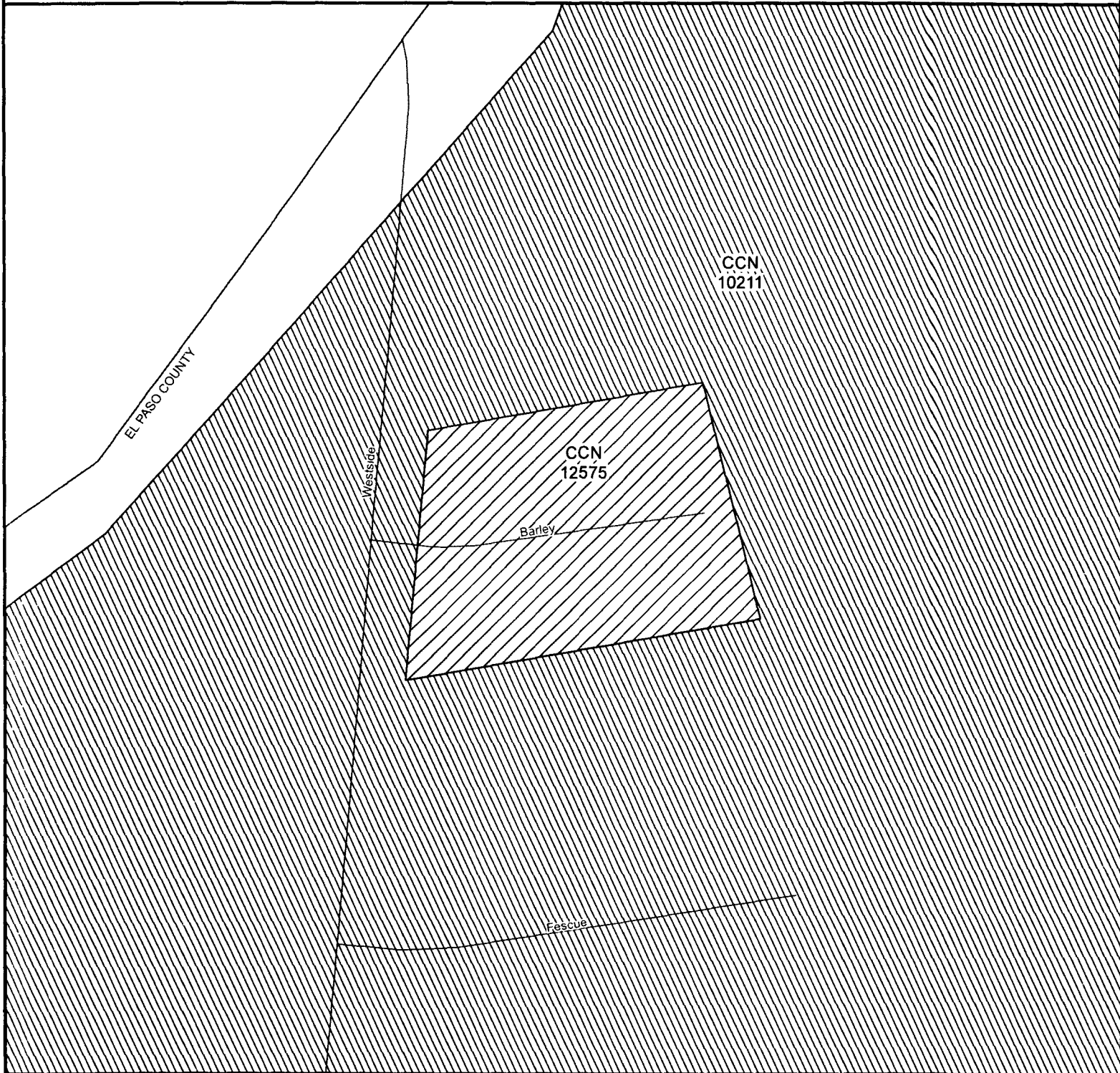
**APPENDIX A – DROUGHT CONTINGENCY PLAN**

**“This page incorporates by reference the utility’s Drought Contingency Plan, as approved and periodically amended by the Texas Commission on Environmental Quality.”**



**APPENDIX B -- APPLICATION FOR SERVICE  
(Utility Must Attach Blank Copy)**



R. P. Land & Cattle, LLC  
Water CCN No. 12575  
PUC Docket No. 46748  
Transferred CCN No. 12575 from Valley Acres MHP Water Systems in El Paso County



**Water CCN**

-  12575 - RP Land & Cattle LLC
-  10211 - El Paso Water Utilities Public Service Board

