

Control Number: 47376



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PUBLIC UTILITY COMMISSION  
FILING CLERK

May 18, 2017

RE: Plan Z, LLC CCN #13080 history

To Whom It May Concern:

Cooper Alliance of Texas, Ltd. (dissolved in 2011) and Landmark Residential Holdings, Ltd. both owned by Steve Klein (AKA "We" in this memo) purchased 79.12 acres in Travis County, Texas at the corner of State highway 71 and Ross Road in 2005. At that time it was a rural area and water was provided by Garfield Water Supply Corporation. We designed a 250 residential lot subdivision. Garfield Water Supply Corporation could not handle the capacity for 250 additional home sites. We setup Plan Z, LLC to provide water to these residential home sites and requested a CCN in 2005, being CNN #13080.

We never built this subdivision. We sold the raw land in 2010. Therefore Plan Z, LLC never provided water or sewer to any resident. Plan Z, LLC as a company was dissolved in 2010. We failed to cancel CCN #13080.

At this time, please accept this Petition to Cancel Certificate of Convenience and Necessity #13080.

Sincerely,



Lesley L. Smejkal  
CFO

Landmark Residential Holdings, Ltd.

**PETITION TO DISCONTINUE WATER/SEWER SERVICE  
AND/OR CANCEL CERTIFICATE OF CONVENIENCE  
AND NECESSITY (CCN)**

1. Applicant Plan Z, LLC  
(Individual, Corporation or Other Legal Entity)

Utility Name: If different from above): \_\_\_\_\_

404 Ball Airport Rd Victoria, TX 77904 361-572-4663  
(Address) (City, State, Zip-Code) (Area Code/Number)

2. Applicant is a(n): (Please check one)

- |  |                                       |
|--|---------------------------------------|
| <input checked="" type="checkbox"/> Investor owned utility                                   | <input type="checkbox"/> Partnership  |
| <input type="checkbox"/> Individual  | <input type="checkbox"/> Municipality |
| <input type="checkbox"/> Home or Property Owners Association                                 | <input type="checkbox"/> District     |
| <input type="checkbox"/> For-profit corporation  |                                       |
| <input type="checkbox"/> Non-profit, member-owned, member-controlled cooperative corporation |                                       |
| (Water Code Chapter 67, Water Supply or Sewer Service Corporation)                           |                                       |
| <input type="checkbox"/> Other Please Explain:   |                                       |

3. The purpose of this application is to ☒ cancel a Certificate of Convenience and Necessity (CCN)  
No.(s) 13080 and to discontinue ☐ Water or ☐ Sewer Service to the

(Name of Subdivisions or Area)  
with a proposed discontinuance date of Never Provided (Date)

4. Applicant is providing utility service in the following county(ies):  
Travis

5. Is any portion of service area inside any incorporated city or district? ☐ Yes ☒ No

6. How far is this service are from the corporate city limits of the nearest incorporated city or district?

1 Miles Austin  
( Name of City or District)  
From: East (Direction)

7. If the applicant is operating other retail public water or sewer systems not included in this petition, please provide the following information:

Name of Water or Sewer System	CCN Number	Location
N/A		



8. Please complete the applicable section of this question. Only one section will apply to your utility.

A. INDIVIDUAL

Name	Steve Klein			
Address (City/ST/ZIP/Code)	404 Ball Airport Rd, Victoria, TX 77904			
Phone Number and Fax	361-572-4663	361-578-0630		
Tax Identification Number (Social Security Number for Individuals):				

B. PARTNERSHIP, CORPORATION, ARTICLE 1434A WATER SUPPLY OR SEWER SERVICE CORPORATION, HOMEOWNERS OR PROPERTY OWNERS ASSOCIATION, DISTRICT OR MUNICIPALITY

List the name, positions held, and address of each partner or officer.

Name	Address	City	State	Zip Code
(Position and/or % of Ownership)		(Area Code-Telephone No.)		
Name	Address	City	State	Zip Code
(Position and/or % of Ownership)		(Area Code-Telephone No.)		
Name	Address	City	State	Zip Code
(Position and/or % of Ownership)		(Area Code-Telephone No.)		
Name	Address	City	State	Zip Code
(Position and/or % of Ownership)		(Area Code-Telephone No.)		

If the applicant is a for-profit corporation, please provide a copy of the corporation's "Certification of Account Status" from the State Comptroller's Office.

9. List the name, address, and telephone number of the person to be contacted regarding this application and indicate if this person is the Owner, Operator, Engineer, Attorney, or other title.

Lesley L. Smejkal		CFO		
Name		(Title)		
404 Ball Airport Rd	Victoria	TX	77904	361-572-4663
Address	City	State	Zip Code	(Area Code-Telephone no.)

10. If applicant has retained an attorney, engineer or other consultant for purposes of preparing this application, please provide: (If none has been retained, please mark "N/A.")

N/A	
(Name)	(Title)



Address

City

State Zip Code

Area Code-Telephone No.

11. Please explain in detail why the applicant is requesting to discontinue service. Please attach any documents required to support this explanation.

This entity never provided service and has been dissolved.

12. Please explain in writing the efforts that have been made to ensure that the current customers will continue to receive continuous and adequate service if the utility is approved to cease operations.

This entity never provided service.  
There are no previous or existing customers.

13. When did service begin? Never

A. Is the applicant the original owner of this system?

☒ X

Yes

☐ No

If the answer is "No," please answer the following questions to the best of your ability.

1. When was the system acquired? N/A
2. What was the purchase price? N/A
3. Who was the immediate preceding owner?

N/A

(Name)

(Address)

(City, State, Zip Code)

(Area Code-Telephone No.)

B. If the system is for sale, the applicant's current asking price for the system is \$

N/A

Please explain how this price was determined:

N/A

N/A

C. If the applicant is not the owner of the system, please provide the following information. If the applicant is the owner, go to question D. below.

1. Name, mailing address and phone number of owner.

N/A

2. Attach a copy of the agreement with the owner allowing applicant to operate the system.

D. List the dates that Applicant's rates have changed since September 1, 1976.

(Not applicable to Cities and Political Subdivisions)

Never

14. List the number of existing metered (by size) and unmetered connections, as of

N/A (date application was prepared)

TCEQ Water System		TCEQ Sewer System	
Connection	Existing	Connection	Existing
5/8" or 3/4" meter		Residential	
1" meter or larger		Commercial	
Non-Metered		Industrial	
Other:		Other:	
Total Water	N/A	Total Sewer	N/A

15. Do you currently purchase water or sewer treatment capacity from another source?

- A. ☒ No (skip the rest of this question and go to #16)

- B. Water Yes

Purchased on a seasonal regular emergency basis?

Water Source	% of total supply

- C. Sewer treatment capacity ☐ Yes:

Purchased on a seasonal regular emergency basis?

Sewer Source	% of total supply

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

16. Please provide the following information for each water and/or sewer system:

- A. Water system's TCEQ Public Water System identification number(s): None

[illegible][illegible]

- B. Sewer system's TCEQ Discharge Permit number(s) (for each system)

W	Q						-					;	W	Q							-							
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1. Date of last TCEQ inspection(\_\_\_\_\_)
2. Attach a copy of the most recent inspection report letter(s).
3. For each water and/or sewer system deficiency listed in the inspection report letter(s), attach a

copy of the response to the TCEQ regarding any deficiencies noted in the letters and a brief explanation listing the actions taken or being taken by the utility to correct any outstanding deficiencies listed in the letter(s), including the proposed completion dates.

17. Please provide the name, class and license number of the applicant's certified operator.

Name	Classes	License Number
N/A		

18. List all neighboring utility service providers providing the same type of service and any cities within two miles of Applicant's proposed certificate area.

Unknown
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AFTER THE APPLICANT'S PROPOSED NOTICES ARE APPROVED, THE APPLICANT MUST NOTIFY EACH OF THE ENTITIES LISTED ABOVE AND CUSTOMERS USING THE NOTICE FORM INCLUDED IN THIS APPLICATION. THE APPLICANT MUST THEN PROVIDE A SWORN STATEMENT THAT NOTICE WAS GIVEN TO THE PUBLIC UTILITY COMMISSION OF TEXAS. PUBLISHED NOTICE MAY ALSO BE REQUIRED. IT IS THE APPLICANT'S BURDEN TO PROVIDE COMPLETE AND ACCURATE NOTICE OF THE APPLICATION.

19. Attach the following maps with each copy of the application: (All maps should include Applicant's name, address, telephone number and date of drawing or revision).

Map delineating the current service area(s). If there is no current CCN, a map showing where the Applicant is providing water and/or sewer service. If this application is to cancel a CCN and discontinue service, attach a copy of the CCN map identifying the CCN area(s) to be canceled with the area highlighted so that it can be easily identified.

20. Please attach a tariff or other documentation which outlines all of the utility's current rates and service rules.

**ALL APPLICABLE QUESTIONS MUST BE ANSWERED FULLY.**

**THE APPLICATION WILL NOT BE ACCEPTED FOR FILING WITHOUT MAPS, ALL REQUIRED ATTACHMENTS AND COMPLETED NOTICES.**

**PLEASE NOTE THAT THE FILING OF THIS APPLICATION DOES NOT CONSTITUTE AUTHORITY TO CEASE OR TERMINATE THE OPERATION OF THE WATER/SEWER SYSTEM.**

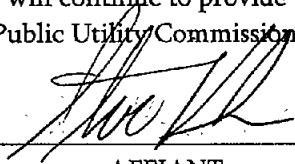
## OATH

STATE OF Texas

COUNTY OF Victoria

I, Steve Klein, being duly sworn, file this application  
as Member (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 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.

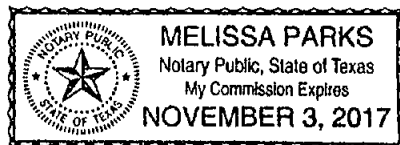
I further represent that the applicant will not cease operations and will continue to provide  
water/sewer utility service to all customers until such time as the Public Utility Commission of  
Texas approves cessation of operations.

  
\_\_\_\_\_  
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 d  
day 14 of June 20 17  
SEAL

  
\_\_\_\_\_  
NOTARY PUBLIC IN AND FOR  
THE STATE OF TEXAS



PRINT OR TYPE NAME OF NOTARY

MY COMMISSION EXPIRES



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



APPLICATION NO. 34767-C

IN THE MATTER OF THE  
APPLICATION OF PLAN Z, L.L.C. TO  
DECERTIFY A PORTION OF  
CERTIFICATE OF CONVENIENCE  
AND NECESSITY NO. 11244 FROM  
GARFIELD WATER SUPPLY  
CORPORATION AND TO OBTAIN A  
WATER CERTIFICATE OF  
CONVENIENCE AND NECESSITY IN  
TRAVIS COUNTY, TEXAS

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BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

On DEC 07 2005, the Executive Director of the Texas Commission on Environmental Quality pursuant to Chapters 5 and 13 of the Texas Water Code considered the application of Plan Z, L.L.C. to Decertify a Portion of Certificate of Convenience and Necessity (CCN) No. 11244 from Garfield Water Supply Corporation and to Obtain a Water Certificate of Convenience and Necessity in Travis County, Texas.

Garfield Water Supply Corporation requested a public hearing on the application. However, Garfield Water Supply Corporation reached a settlement agreement with Plan Z, L.L.C. and withdrew their protest;

By letter dated April 22, 2005, Garfield Water Supply Corporation agreed to decertify a portion of their Certificate of Convenience and Necessity No. 11244;

Notice of the application was given to all affected and interested parties;

The criteria set forth in Texas Water Code Sections 13.246(c) and 13.254, have been considered; and


Now, therefore, be it ordered by the Texas Commission on Environmental Quality that the application is granted and Certificate of Convenience and Necessity No. 13080 be issued in accordance with the terms and conditions set forth herein and in the certificate.

IT IS FURTHER ORDERED that Plan Z, L.L.C. shall serve every customer and applicant for service within the area certified under Certificate of Convenience and Necessity No. 13080 and that such service shall be continuous and adequate.

IT IS FURTHER ORDERED that Garfield Water Supply Corporation shall serve every customer and applicant for service within the area certified under Certificate of Convenience and Necessity No. 11244 and that such service shall be continuous and adequate.

Texas Commission on Environmental Quality

Issued date: DEC 07 2005

  
For the Commission

Plan Z, L.L.C.  
Water Service Area  
CCN No. 13080  
Application No. 34767-C (Decertified a Portion of Garfield WSC, CCN No. 11244)  
Travis County

Garfield WSC

Plan Z

BURCH

ROSE ROAD



Map by S. Jaster 10/05/2005  
Data path: s:\ud\ccn\ccn\_working\ccn.shp  
Project path: k:\gis\projects\34767-c.apr



Water CCN Service Areas  
13080 - PLAN Z LLC  
11244 - GARFIELD WSC  
11322 - CITY OF AUSTIN

1000 0 1000 Feet

1 inch = 1,000 feet