

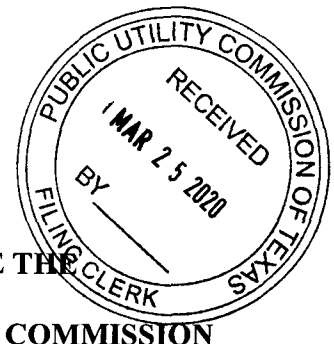


Control Number: 48350



Item Number: 120

Addendum StartPage: 0



DOCKET NO. 48350

APPLICATION OF THE CITY OF
DAYTON FOR CERTIFICATES OF
CONVENIENCE AND NECESSITY IN
LIBERTY AND HARRIS COUNTIES

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BEFORE THE
PUBLIC UTILITY COMMISSION
OF TEXAS

**AFFIDAVIT OF SUPPLEMENTAL NOTICE REGARDING NONCONFORMING OPT-
OUT REQUESTS**

COMES NOW, the City of Dayton (the “City”), and files this Affidavit of Supplemental Notice Regarding Nonconforming Opt-Out Requests (“Affidavit”) in the above-referenced Docket.

I. BACKGROUND

On May 8, 2018, the City filed an application (“Application”) with the Public Utility Commission of Texas (“Commission”) to obtain water and sewer Certificates of Convenience and Necessity (“CCNs”) in Liberty and Harris Counties. On June 18, 2018, the City mailed notice of the Application to neighboring systems, landowners, customers, and cities—many of whom filed requests to exclude property from the CCN service areas sought under the Application (each, an “Opt-Out Request”). On August 13, 2018, the Administrative Law Judge (“ALJ”) issued Order No. 3, deeming such notice sufficient.

To address the Opt-Out Requests, the City modified the area requested in its Application, submitting revised maps and digital data to the Commission on October 19, 2018. On November 27, 2018, the ALJ issued Order No. 6, which adopted Commission Staff’s recommendation that the revised mapping information be deemed deficient and established an opportunity for the City to cure the issues identified by Staff. The City again submitted revised maps and digital data to the Commission on December 20, 2018. On February 5, 2019, in accordance with Staff’s

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recommendation, the ALJ issued Order No. 9, finding the supplemental mapping information sufficient.

Since that time, however, Staff has requested that the City provide additional mapping information related to Opt-Out Requests received by the City that do not meet the requirements of Texas Water Code § 13.246(h) or 16 Tex. Admin. Code § 24.227(h) (each, a “Nonconforming Opt-Out Request”). The City has been working in good faith to accommodate Staff’s request, most recently proposing the Agreed Motion to Adopt a Procedural Schedule filed on March 19, 2020. That Procedural Schedule requires the City to file proof of providing additional notice to landowners who submitted Nonconforming Opt-Out Requests on or before March 25, 2010. Therefore, this pleading is timely filed.

II. VERIFICATION OF SUPPLEMENTAL NOTICE

On March 24, 2020, the City mailed additional notice of the Application, including an “Opt-Out Request Supplement/Confirmation Form,” to landowners who submitted Nonconforming Opt-Out Requests. With this filing, as Exhibit 1, the City submits an Affidavit of Supplemental Notice Regarding Nonconforming Opt-Out Requests, as well as a copy of the actual notice mailed to such landowners. More specifically, Exhibit 1 includes the following documentation:

- Affidavit of Supplemental Notice Regarding Nonconforming Opt-Out Requests,
- Attachment A – List of Landowners Receiving Supplemental Notice, and
- Attachment B – Copies of Supplemental Notice Provided.

IV. PRAYER

WHEREFORE, PREMISES CONSIDERED, the City respectfully requests that the ALJ accept this Affidavit and grant all other relief to which the City is entitled.

Respectfully submitted,

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

816 Congress Avenue, Suite 1900
Austin, Texas 78701
(512) 322-5800
(512) 472-0532 (Fax)



DAVID J. KLEIN
State Bar No. 24041257
dklein@lglawfirm.com

MARIS M. CHAMBERS
State Bar No. 24101607
mchambers@lglawfirm.com

ATTORNEYS FOR THE CITY OF DAYTON

CERTIFICATE OF SERVICE

I hereby certify that, unless otherwise ordered by the presiding officer, a true and correct copy of the foregoing document was transmitted by electronic mail to the parties of record on this 25th day of March, 2020, in accordance with the Order Suspending Rules issued in Docket No. 50664.



David J. Klein

Exhibit 1

Affidavit of Supplemental Notice Regarding Nonconforming Opt-Out Requests

DOCKET NO. 48350

APPLICATION OF THE CITY OF
DAYTON FOR CERTIFICATES OF
CONVENIENCE AND NECESSITY IN
LIBERTY AND HARRIS COUNTIES

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BEFORE THE
PUBLIC UTILITY COMMISSION
OF TEXAS

**AFFIDAVIT OF SUPPLEMENTAL NOTICE REGARDING NONCONFORMING OPT-
OUT REQUESTS**

STATE OF TEXAS

§
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COUNTY OF Liberty

On this day, March 24 2020, appeared before me, the undersigned notary public, and after I administered an oath to him/her, upon his/her oath, he/she said:

"I, Kimberly Judge, being duly sworn, file this affidavit as the Acn/Development Ser of the City of Dayton, Texas (the "City"). I am more than 21 years of age and am capable of making this affidavit. I have personal knowledge of the facts stated herein, which are true and correct:

1. On March 24, 2020, the City mailed supplemental notice of the of the above-referenced application, including an "Opt-Out Request Supplement/Confirmation Form," to the landowners listed on Attachment A.
2. Attached to this affidavit as Attachment B are copies of the supplemental notice provided."

FURTHER AFFIANT SAYETH NOT.

THE CITY OF DAYTON, TEXAS
a home rule municipal government

By: [Signature]
Date: 3/24/20

STATE OF TEXAS
COUNTY OF Liberty

§
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§

This instrument was acknowledged before me on March 24, 2020 by Kimberly Judge, Town Development Serv of the City of Dayton, Texas, on behalf of said home rule municipal government.



[Signature]
Notary Public, State of Texas

Attachment A
List of Landowners Receiving Supplemental Notice

LANDOWNER	ADDRESS	CITY	STATE	ZIP CODE
Stoesser Farms, Inc.	P.O. Box 637	Dayton	Texas	77535
Stoesser Investments, LLC	P.O. Box 637	Dayton	Texas	77535
Mark Stoesser	P.O. Box 637	Dayton	Texas	77535
Jack Stoesser	P.O. Box 637	Dayton	Texas	77535
Stoesser Drier, Inc.	P.O. Box 637	Dayton	Texas	77535
Michael Pomykal	10820 Eagle Drive, P.O. Box 1936	Mont Belvieu	Texas	77580
The Mary Gay Corporation	3939 FM 1409	Dayton	Texas	77535-8438
FVL, Ltd.	2930 Revere Street, Suite 300	Houston	Texas	77098
FPL Farming, Ltd.	2930 Revere Street, Suite 300	Houston	Texas	77098
Precab, Inc.	P.O. Box 1174	Huffman	Texas	77336
Bill Komegay	3569 Hwy 90 AE	Shiner	Texas	77984
Weldon W. Alders	1616 S. Chestnut Ave.	Lufkin	Texas	75901
Alan Swenson	550 Westcott, Suite 445	Houston	Texas	77007
Cedar Bayou Wildlife, LLC	4520 Sherwood Forest Blvd.	Baton Rouge	Louisiana	70816
Gary Moreau	P.O. Box 722	Dayton	Texas	77535
Eagle Heights Fellowship	14120 Hwy 146	Dayton	Texas	77535
Susan Nanette Daniel	20302 Sequoia Trace	Spring	Texas	77379
Bill Daniel Trust et al	20302 Sequoia Trace	Spring	Texas	77379
Daniel Martin Parker	20302 Sequoia Trace	Spring	Texas	77379
Klomitckek	505 County Road 609	Dayton	Texas	77535

Attachment B
Copies of Supplemental Notice Provided



117 Cook St. • Dayton, Texas 77535 • Telephone - (936) 258-2642 • Fax - (936) 258-2348

March 24, 2020

Will M. Daniel
Daniel Law Office, PLLC
20302 Sequoia Trace
Spring, Texas 77379

***Via Certified Mail Return Receipt
Requested***
7018 1830 0000 1793 7755

Re: Your request to opt-out of the proposed water and wastewater service area contemplated by the "Application of the City of Dayton for Certificates of Convenience and Necessity (each, a "CCN") in Liberty and Harris Counties" filed with the Public Utility Commission of Texas ("PUC") in Docket No. 48350

Dear Mr. Daniel:

You previously provided written notice of your election to exclude some or all of property owned by Susan Nanette Daniel, Daniel Martin Parker, and Bill Daniel Trust et al from the water and wastewater CCN service areas proposed by the above-referenced application (your "Opt-Out Request"). However, your Opt-Out Request does not meet the statutory and regulatory requirements set forth for such requests in Texas Water Code § 13.246(h) and Title 16 Texas Administrative Code § 24.227(h) (collectively, the "Rules").¹

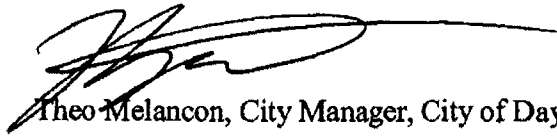
Pursuant to the Rules, an eligible landowner's opt-out request must include: (A) the PUC Docket number and CCN number, if available; (B) the total acreage of the property subject to the landowner's opt-out request; and (C) for all such property, a metes and bounds survey, sealed or embossed by a licensed state land surveyor or registered professional land surveyor, of the precise acreage to be excluded from the requested area.

At this time, your Opt-Out Request lacks the information necessary for the City of Dayton ("City") to determine the acreage/location of your property to be excluded from its proposed CCN service areas. More specifically, the City cannot properly address your Opt-Out Request because: (1) documentation supporting your Opt-Out Request was missing, incomplete and/or unclear; and (2) the Opt-Out Request does not otherwise fully comply with the Rules.

The City is providing this opportunity for you to cure the above-listed deficiencies so that your Opt-Out Request can be processed. If you do not supplement your Opt-Out Request, it could be dismissed. **Accordingly, please supplement your Opt-Out Request within 30 days of receipt of this letter by completing the attached form.**

¹ The Legislative Reference Library of Texas provides online access to the Texas Water Code at: <https://statutes.capitol.texas.gov/>. Chapter 24 of the Texas Administrative Code, containing water and sewer regulations promulgated by the PUC, is also available online at: <https://www.puc.texas.gov/agency/rulesnlaws/subrules/water/Water.aspx>.

Sincerely,

A handwritten signature in black ink, appearing to read 'Theo Melancon', with a long horizontal flourish extending to the right.

Theo Melancon, City Manager, City of Dayton

cc: Brandon Davis, City Attorney, City of Dayton
David J. Klein, Special Counsel, City of Dayton
Merritt Lander, Public Utility Commission of Texas

**PUC Docket No. 48350
Opt-Out Request Supplement/Confirmation Form**

(1) Name of the legal landowner: _____

(2) Total number of acres of land to be excluded from the proposed CCN areas: _____

(3) Attach a legible metes and bounds description for the acreage in your answer (2), above.

(please make sure that your metes and bounds description/survey is sealed or embossed by a licensed state land surveyor or registered professional land surveyor).

Please send/file this completed page and the metes and bounds description/survey to both of the following entities within 30 days of receipt:

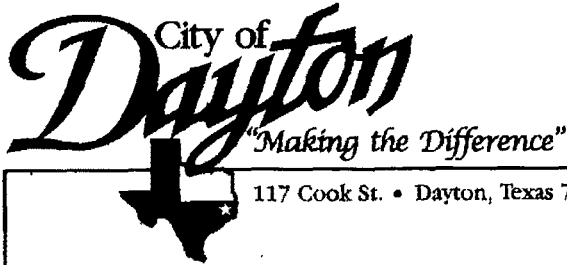
Public Utility Commission of Texas
Attn.: Merritt Lander
1701 North Congress Avenue
P. O. Box 13326
Austin, TX 78711-3326
Phone: (512) 936-7290
Fax: (512) 239-7268

Merritt.Lander@puc.texas.gov

City of Dayton
Attn.: David J. Klein
Lloyd Gosselink Rochelle &
Townsend, P.C.
816 Congress Ave., Suite 1900
Phone: (512) 322-5800
Fax: (512) 472-0532

dklein@lglawfirm.com

Please contact Ms. Lander if you have any questions or concerns.



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March 24, 2020

Mark Stoesser
Vice President,
Stoesser Farms, Inc.
P.O. Box 637
Dayton, Texas 77535

*Via Certified Mail Return Receipt
Requested*

7018 1830 0000 179. 7731

Re: Your request to opt-out of the proposed water and wastewater service area contemplated by the "Application of the City of Dayton for Certificates of Convenience and Necessity (each, a "CCN") in Liberty and Harris Counties" filed with the Public Utility Commission of Texas ("PUC") in Docket No. 48350

Dear Mr. Stoesser:

You previously provided written notice of your election to exclude some or all of your property from the water and wastewater CCN service areas proposed by the above-referenced application (your "**Opt-Out Request**"). However, your Opt-Out Request does not meet the statutory and regulatory requirements set forth for such requests in Texas Water Code § 13.246(h) and Title 16 Texas Administrative Code § 24.227(h) (collectively, the "**Rules**").¹

Pursuant to the Rules, an eligible landowner's opt-out request must include: (A) the PUC Docket number and CCN number, if available; (B) the total acreage of the property subject to the landowner's opt-out request; and (C) for all such property, a metes and bounds survey, sealed or embossed by a licensed state land surveyor or registered professional land surveyor, of the precise acreage to be excluded from the requested area.

At this time, your Opt-Out Request lacks the information necessary for the City of Dayton ("City") to determine the acreage/location of your property to be excluded from its proposed CCN service areas. More specifically, the City cannot properly address your Opt-Out Request because: (1) there is a significant discrepancy between the acreage you requested that the City exclude and the acreage represented in the documents provided; (2) documentation supporting your Opt-Out Request was missing, incomplete, and/or unclear; and (3) the Opt-Out Request does not otherwise fully comply with the Rules.

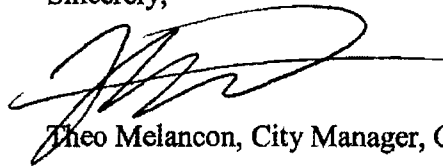
The map included with your Opt-Out Request depicts multiple tracts of land to be excluded from the City's proposed CCN service areas. The metes and bounds provided, however, describe only one tract. Please submit a complete, sealed metes and bounds description of each tract of land subject to your Opt-Out Request, and indicate which of such metes and bounds descriptions

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metes and bounds descriptions corresponds with the tracts designated for exclusion on the map provided with your Opt-Out Request.

The City is providing this opportunity for you to cure the above-listed deficiencies so that your Opt-Out Request can be processed. If you do not supplement your Opt-Out Request, it could be dismissed. **Accordingly, please supplement your Opt-Out Request within 30 days of receipt of this letter by completing the attached form.**

Sincerely,

A handwritten signature in black ink, appearing to read 'Theo Melancon', with a long horizontal flourish extending to the right.

Theo Melancon, City Manager, City of Dayton

cc: Brandon Davis, City Attorney, City of Dayton
David J. Klein, Special Counsel, City of Dayton
Merritt Lander, Public Utility Commission of Texas

**PUC Docket No. 48350
Opt-Out Request Supplement/Confirmation Form**

(1) Name of the legal landowner: _____

(2) Total number of acres of land to be excluded from the proposed CCN areas: _____

(3) Attach a legible metes and bounds description for the acreage in your answer (2), above.

(please make sure that your metes and bounds description/survey is sealed or embossed by a licensed state land surveyor or registered professional land surveyor).

Please send/file this completed page and the metes and bounds description/survey to both of the following entities within 30 days of receipt:

Public Utility Commission of Texas
Attn.: Merritt Lander
1701 North Congress Avenue
P. O. Box 13326
Austin, TX 78711-3326
Phone: (512) 936-7290
Fax: (512) 239-7268

Merritt.Lander@puc.texas.gov

City of Dayton
Attn.: David J. Klein
Lloyd Gosselink Rochelle &
Townsend, P.C.
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Phone: (512) 322-5800
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dklein@lglawfirm.com

Please contact Ms. Lander if you have any questions or concerns.



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March 24, 2020

Will M. Daniel
Daniel Law Office, PLLC
20302 Sequoia Trace
Spring, Texas 77379

***Via Certified Mail Return Receipt
Requested***
7018 1830 0000 1793 7762

Re: Your request to opt-out of the proposed water and wastewater service area contemplated by the "Application of the City of Dayton for Certificates of Convenience and Necessity (each, a "CCN") in Liberty and Harris Counties" filed with the Public Utility Commission of Texas ("PUC") in Docket No. 48350

Dear Mr. Daniel:

You previously provided written notice of your election to exclude some or all of property owned by Susan Nanette Daniel, Daniel Martin Parker, and Bill Daniel Trust et al from the water and wastewater CCN service areas proposed by the above-referenced application (your "***Opt-Out Request***"). However, your Opt-Out Request does not meet the statutory and regulatory requirements set forth for such requests in Texas Water Code § 13.246(h) and Title 16 Texas Administrative Code § 24.227(h) (collectively, the "***Rules***").¹

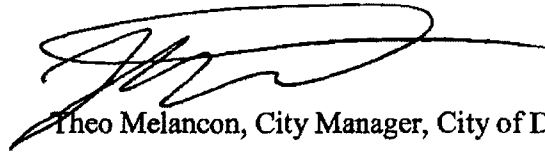
Pursuant to the Rules, an eligible landowner's opt-out request must include: (A) the PUC Docket number and CCN number, if available; (B) the total acreage of the property subject to the landowner's opt-out request; and (C) for all such property, a metes and bounds survey, sealed or embossed by a licensed state land surveyor or registered professional land surveyor, of the precise acreage to be excluded from the requested area.

At this time, your Opt-Out Request lacks the information necessary for the City of Dayton ("City") to determine the acreage/location of your property to be excluded from its proposed CCN service areas. More specifically, the City cannot properly address your Opt-Out Request because: (1) documentation supporting your Opt-Out Request was missing, incomplete and/or unclear; and (2) the Opt-Out Request does not otherwise fully comply with the Rules.

The City is providing this opportunity for you to cure the above-listed deficiencies so that your Opt-Out Request can be processed. If you do not supplement your Opt-Out Request, it could be dismissed. **Accordingly, please supplement your Opt-Out Request within 30 days of receipt of this letter by completing the attached form.**

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Sincerely,

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Theo Melancon, City Manager, City of Dayton

cc: Brandon Davis, City Attorney, City of Dayton
David J. Klein, Special Counsel, City of Dayton
Merritt Lander, Public Utility Commission of Texas

PUC Docket No. 48350
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City of Dayton
Attn.: David J. Klein
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Townsend, P.C.
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Fax: (512) 472-0532

dklein@lglawfirm.com

Please contact Ms. Lander if you have any questions or concerns.



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March 23, 2020

Will M. Daniel
Daniel Law Office, PLLC
20302 Sequoia Trace
Spring, Texas 77379

***Via Certified Mail Return Receipt
Requested***

7018 1830 0000 1793 7618

Re: Your request to opt-out of the proposed water and wastewater service area contemplated by the "Application of the City of Dayton for Certificates of Convenience and Necessity (each, a "CCN") in Liberty and Harris Counties" filed with the Public Utility Commission of Texas ("PUC") in Docket No. 48350

Dear Mr. Daniel:

You previously provided written notice of your election to exclude some or all of property owned by Susan Nanette Daniel, Daniel Martin Parker, and Bill Daniel Trust et al from the water and wastewater CCN service areas proposed by the above-referenced application (your "***Opt-Out Request***"). However, your Opt-Out Request does not meet the statutory and regulatory requirements set forth for such requests in Texas Water Code § 13.246(h) and Title 16 Texas Administrative Code § 24.227(h) (collectively, the "***Rules***").¹

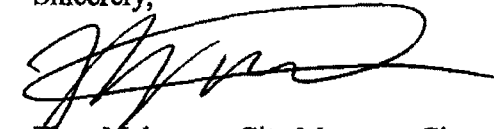
Pursuant to the Rules, an eligible landowner's opt-out request must include: (A) the PUC Docket number and CCN number, if available; (B) the total acreage of the property subject to the landowner's opt-out request; and (C) for all such property, a metes and bounds survey, sealed or embossed by a licensed state land surveyor or registered professional land surveyor, of the precise acreage to be excluded from the requested area.

At this time, your Opt-Out Request lacks the information necessary for the City of Dayton ("***City***") to determine the acreage/location of your property to be excluded from its proposed CCN service areas. More specifically, the City cannot properly address your Opt-Out Request because: (1) documentation supporting your Opt-Out Request was missing, incomplete and/or unclear; and (2) the Opt-Out Request does not otherwise fully comply with the Rules.

The City is providing this opportunity for you to cure the above-listed deficiencies so that your Opt-Out Request can be processed. If you do not supplement your Opt-Out Request, it could be dismissed. **Accordingly, please supplement your Opt-Out Request within 30 days of receipt of this letter by completing the attached form.**

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Sincerely,



Theo Melancon, City Manager, City of Dayton

cc: Brandon Davis, City Attorney, City of Dayton
David J. Klein, Special Counsel, City of Dayton
Merritt Lander, Public Utility Commission of Texas

**PUC Docket No. 48350
Opt-Out Request Supplement/Confirmation Form**

(1) Name of the legal landowner: _____

(2) Total number of acres of land to be excluded from the proposed CCN areas: _____

(3) Attach a legible metes and bounds description for the acreage in your answer (2), above.

(please make sure that your metes and bounds description/survey is sealed or embossed by a licensed state land surveyor or registered professional land surveyor).

Please send/file this completed page and the metes and bounds description/survey to both of the following entities within 30 days of receipt:

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1701 North Congress Avenue
P. O. Box 13326
Austin, TX 78711-3326
Phone: (512) 936-7290
Fax: (512) 239-7268

Merritt.Lander@puc.texas.gov

City of Dayton
Attn.: David J. Klein
Lloyd Gosselink Rochelle &
Townsend, P.C.
816 Congress Ave., Suite 1900
Phone: (512) 322-5800
Fax: (512) 472-0532

dklein@lglawfirm.com

Please contact Ms. Lander if you have any questions or concerns.



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March 23, 2020

Randal and Pamela Klimitchek
505 County Road 609
Dayton, Texas 77535

*Via Certified Mail Return Receipt
Requested*
7018 1830 0000 1793 7601

Re: Your request to opt-out of the proposed water and wastewater service area contemplated by the "Application of the City of Dayton for Certificates of Convenience and Necessity (each, a "CCN") in Liberty and Harris Counties" filed with the Public Utility Commission of Texas ("PUC") in Docket No. 48350

Dear Mr. and Ms. Klimitchek:

You previously provided written notice of your election to exclude some or all of your property from the water and wastewater CCN service areas proposed by the above-referenced application (your "**Opt-Out Request**"). However, your Opt-Out Request does not meet the statutory and regulatory requirements set forth for such requests in Texas Water Code § 13.246(h) and Title 16 Texas Administrative Code § 24.227(h) (collectively, the "**Rules**").¹

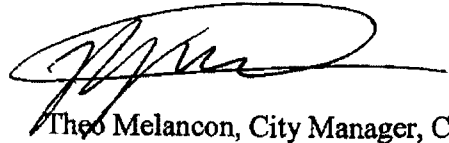
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At this time, your Opt-Out Request lacks the information necessary for the City of Dayton ("City") to determine the acreage/location of your property to be excluded from its proposed CCN service areas. More specifically, the City cannot properly address your Opt-Out Request because: (1) documentation supporting your Opt-Out Request was missing, incomplete and/or unclear; and (2) the Opt-Out Request does not otherwise fully comply with the Rules.

The City is providing this opportunity for you to cure the above-listed deficiencies so that your Opt-Out Request can be processed. If you do not supplement your Opt-Out Request, it could be dismissed. **Accordingly, please supplement your Opt-Out Request within 30 days of receipt of this letter by completing the attached form.**

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Sincerely,

A handwritten signature in black ink, appearing to read 'Theo Melancon', with a large, sweeping loop at the end.

Theo Melancon, City Manager, City of Dayton

cc: Brandon Davis, City Attorney, City of Dayton
David J. Klein, Special Counsel, City of Dayton
Merritt Lander, Public Utility Commission of Texas

**PUC Docket No. 48350
Opt-Out Request Supplement/Confirmation Form**

(1) Name of the legal landowner: _____

(2) Total number of acres of land to be excluded from the proposed CCN areas: _____

(3) Attach a legible metes and bounds description for the acreage in your answer (2), above.

(please make sure that your metes and bounds description/survey is sealed or embossed by a licensed state land surveyor or registered professional land surveyor).

Please send/file this completed page and the metes and bounds description/survey to both of the following entities within 30 days of receipt:

Public Utility Commission of Texas
Attn.: Merritt Lander
1701 North Congress Avenue
P. O. Box 13326
Austin, TX 78711-3326
Phone: (512) 936-7290
Fax: (512) 239-7268

Merritt.Lander@puc.texas.gov

City of Dayton
Attn.: David J. Klein
Lloyd Gosselink Rochelle &
Townsend, P.C.
816 Congress Ave., Suite 1900
Phone: (512) 322-5800
Fax: (512) 472-0532

dklein@lglawfirm.com

Please contact Ms. Lander if you have any questions or concerns.



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March 23, 2020

Attn.: Laurine Farmer
Eagle Heights Fellowship
14120 Hwy 146
Dayton, Texas 77535

***Via Certified Mail Return Receipt
Requested***

7018 1830 0000 1793 7625

Re: Your request to opt-out of the proposed water and wastewater service area contemplated by the "Application of the City of Dayton for Certificates of Convenience and Necessity (each, a "CCN") in Liberty and Harris Counties" filed with the Public Utility Commission of Texas ("PUC") in Docket No. 48350

Dear Ms. Farmer:

You previously provided written notice of your election to exclude some or all of your property from the water and wastewater CCN service areas proposed by the above-referenced application (your "***Opt-Out Request***"). However, your Opt-Out Request does not meet the statutory and regulatory requirements set forth for such requests in Texas Water Code § 13.246(h) and Title 16 Texas Administrative Code § 24.227(h) (collectively, the "***Rules***").¹

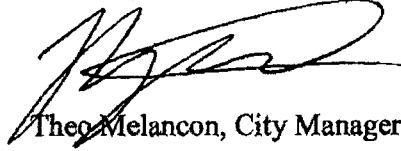
Pursuant to the Rules, an eligible landowner's opt-out request must include: (A) the PUC Docket number and CCN number, if available; (B) the total acreage of the property subject to the landowner's opt-out request; and (C) for all such property, a metes and bounds survey, sealed or embossed by a licensed state land surveyor or registered professional land surveyor, of the precise acreage to be excluded from the requested area.

At this time, your Opt-Out Request lacks the information necessary for the City of Dayton ("***City***") to determine the acreage/location of your property to be excluded from its proposed CCN service areas. More specifically, the City cannot properly address your Opt-Out Request because: (1) documentation supporting your Opt-Out Request was missing, incomplete and/or unclear; and (2) the Opt-Out Request does not otherwise fully comply with the Rules.

The City is providing this opportunity for you to cure the above-listed deficiencies so that your Opt-Out Request can be processed. If you do not supplement your Opt-Out Request, it could be dismissed. **Accordingly, please supplement your Opt-Out Request within 30 days of receipt of this letter by completing the attached form.**

¹ The Legislative Reference Library of Texas provides online access to the Texas Water Code at: <https://statutes.capitol.texas.gov/>. Chapter 24 of the Texas Administrative Code, containing water and sewer regulations promulgated by the PUC, is also available online at: <https://www.puc.texas.gov/agency/rulesnlaws/subrules/water/Water.aspx>.

Sincerely,

A handwritten signature in black ink, appearing to read 'Theo Melancon', written over the printed name.

Theo Melancon, City Manager, City of Dayton

cc: Brandon Davis, City Attorney, City of Dayton
David J. Klein, Special Counsel, City of Dayton
Merritt Lander, Public Utility Commission of Texas

PUC Docket No. 48350
Opt-Out Request Supplement/Confirmation Form

(1) Name of the legal landowner: _____

(2) Total number of acres of land to be excluded from the proposed CCN areas: _____

(3) Attach a legible metes and bounds description for the acreage in your answer (2), above.

(please make sure that your metes and bounds description/survey is sealed or embossed by a licensed state land surveyor or registered professional land surveyor).

Please send/file this completed page and the metes and bounds description/survey to both of the following entities within 30 days of receipt:

Public Utility Commission of Texas
Attn.: Merritt Lander
1701 North Congress Avenue
P. O. Box 13326
Austin, TX 78711-3326
Phone: (512) 936-7290
Fax: (512) 239-7268

Merritt.Lander@puc.texas.gov

City of Dayton
Attn.: David J. Klein
Lloyd Gosselink Rochelle &
Townsend, P.C.
816 Congress Ave., Suite 1900
Phone: (512) 322-5800
Fax: (512) 472-0532

dklein@lglawfirm.com

Please contact Ms. Lander if you have any questions or concerns.



117 Cook St. • Dayton, Texas 77535 • Telephone - (936) 258-2642 • Fax - (936) 258-2348

March 23, 2020

Alan Swenson

Farm and Ranch Manager,
Cushman & Wakefield,
Agent for JPMorgan Chase Bank, N A,
Trustee of the Bannister Trusts
550 Westcott, Suite 445
Houston, Texas 77077

Via Certified Mail Return Receipt
7018 1830 0000 1793 7588
Requested

Re: Your request to opt-out of the proposed water and wastewater service area contemplated by the "Application of the City of Dayton for Certificates of Convenience and Necessity (each, a "CCN") in Liberty and Harris Counties" filed with the Public Utility Commission of Texas ("PUC") in Docket No. 48350

Dear Mr. Swenson:

You previously provided written notice of your election to exclude some or all of your property from the water and wastewater CCN service areas proposed by the above-referenced application (your "***Opt-Out Request***"). However, your Opt-Out Request does not meet the statutory and regulatory requirements set forth for such requests in Texas Water Code § 13.246(h) and Title 16 Texas Administrative Code § 24.227(h) (collectively, the "***Rules***").¹


Pursuant to the Rules, an eligible landowner's opt-out request must include: (A) the PUC Docket number and CCN number, if available; (B) the total acreage of the property subject to the landowner's opt-out request; and (C) for all such property, a metes and bounds survey, sealed or embossed by a licensed state land surveyor or registered professional land surveyor, of the precise acreage to be excluded from the requested area.

At this time, your Opt-Out Request lacks the information necessary for the City of Dayton ("***City***") to determine the acreage/location of your property to be excluded from its proposed CCN service areas. More specifically, the City cannot properly address your Opt-Out Request because: (1) there is a significant discrepancy between the acreage you requested that the City exclude and the acreage represented in the documents provided; (2) documentation supporting your Opt-Out Request was missing, incomplete and/or unclear; and (3) the Opt-Out Request does not otherwise fully comply with the Rules.

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The City is providing this opportunity for you to cure the above-listed deficiencies so that your Opt-Out Request can be processed. If you do not supplement your Opt-Out Request, it could be dismissed. Accordingly, please supplement your Opt-Out Request within 30 days of receipt of this letter by completing the attached form.

Sincerely,


Theo Melancon, City Manager, City of Dayton

cc: Brandon Davis, City Attorney, City of Dayton
David J. Klein, Special Counsel, City of Dayton
Merritt Lander, Public Utility Commission of Texas

PUC Docket No. 48350
Opt-Out Request Supplement/Confirmation Form

(1) Name of the legal landowner: _____

(2) Total number of acres of land to be excluded from the proposed CCN areas: _____

(3) Attach a legible metes and bounds description for the acreage in your answer (2), above.

(please make sure that your metes and bounds description/survey is sealed or embossed by a licensed state land surveyor or registered professional land surveyor).

Please send/file this completed page and the metes and bounds description/survey to both of the following entities within 30 days of receipt:

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1701 North Congress Avenue
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Austin, TX 78711-3326
Phone: (512) 936-7290
Fax: (512) 239-7268

Merritt.Lander@puc.texas.gov

City of Dayton
Attn.: David J. Klein
Lloyd Gosselink Rochelle &
Townsend, P.C.
816 Congress Ave., Suite 1900
Phone: (512) 322-5800
Fax: (512) 472-0532

dklein@lglawfirm.com

Please contact Ms. Lander if you have any questions or concerns.



117 Cook St. • Dayton, Texas 77535 • Telephone - (936) 258-2642 • Fax - (936) 258-2348

March 23, 2020

Weldon W. Alders
c/o John D. Stover
Skelton Shusher Barnhill Watkins Wells, PLLC
1616 South Chestnut
Lufkin, Texas 75901

***Via Certified Mail Return Receipt
Requested***

7018 1830 0000 1793 7663

Re: Your request to opt-out of the proposed water and wastewater service area contemplated by the "Application of the City of Dayton for Certificates of Convenience and Necessity (each, a "CCN") in Liberty and Harris Counties" filed with the Public Utility Commission of Texas ("PUC") in Docket No. 48350

Dear Mr. Alders:

You previously provided written notice of your election to exclude some or all of your property from the water and wastewater CCN service areas proposed by the above-referenced application (your "***Opt-Out Request***"). However, your Opt-Out Request does not meet the statutory and regulatory requirements set forth for such requests in Texas Water Code § 13.246(h) and Title 16 Texas Administrative Code § 24.227(h) (collectively, the "***Rules***").¹

Pursuant to the Rules, an eligible landowner's opt-out request must include: (A) the PUC Docket number and CCN number, if available; (B) the total acreage of the property subject to the landowner's opt-out request; and (C) for all such property, a metes and bounds survey, sealed or embossed by a licensed state land surveyor or registered professional land surveyor, of the precise acreage to be excluded from the requested area.

At this time, your Opt-Out Request lacks the information necessary for the City of Dayton ("City") to determine the acreage/location of your property to be excluded from its proposed CCN service areas. More specifically, the City cannot properly address your Opt-Out Request because: (1) documentation supporting your Opt-Out Request was missing, incomplete and/or unclear; and (2) the Opt-Out Request does not otherwise fully comply with the Rules.

Please ensure that you have provided legible, complete, and sealed metes and bounds descriptions corresponding to each of the tracts designated for exclusion on the maps and plats provided with your Opt-Out Request. Further, please provide evidence of your ownership, as of the date of your Opt-Out Request, to request the exclusion of the properties identified therein. If no such documentation is available, please provide letters from the owner(s) of the tract(s),

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which grant you authority to request that those properties be excluded from the City's requested CCN service areas.

The City is providing this opportunity for you to cure the above-listed deficiencies so that your Opt-Out Request can be processed. If you do not supplement your Opt-Out Request, it could be dismissed. **Accordingly, please supplement your Opt-Out Request within 30 days of receipt of this letter by completing the attached form.**

Sincerely,

A handwritten signature in black ink, appearing to read 'Theo Melancon', with a long horizontal flourish extending to the right.

Theo Melancon, City Manager, City of Dayton

cc: Brandon Davis, City Attorney, City of Dayton
David J. Klein, Special Counsel, City of Dayton
Merritt Lander, Public Utility Commission of Texas

PUC Docket No. 48350
Opt-Out Request Supplement/Confirmation Form

(1) Name of the legal landowner: _____

(2) Total number of acres of land to be excluded from the proposed CCN areas: _____

(3) Attach a legible metes and bounds description for the acreage in your answer (2), above.

(please make sure that your metes and bounds description/survey is sealed or embossed by a licensed state land surveyor or registered professional land surveyor).

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Austin, TX 78711-3326
Phone: (512) 936-7290
Fax: (512) 239-7268

Merritt.Lander@puc.texas.gov

City of Dayton
Attn.: David J. Klein
Lloyd Gosselink Rochelle &
Townsend, P.C.
816 Congress Ave., Suite 1900
Phone: (512) 322-5800
Fax: (512) 472-0532

dklein@lglawfirm.com

Please contact Ms. Lander if you have any questions or concerns.



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March 23, 2020

Gary Moreau
Executor of Estate
P.O. Box 722
Dayton, Texas 77535

***Via Certified Mail Return Receipt
Requested***

7018 1830 0000 1793 7632

Re: Your request to opt-out of the proposed water and wastewater service area contemplated by the "Application of the City of Dayton for Certificates of Convenience and Necessity (each, a "CCN") in Liberty and Harris Counties" filed with the Public Utility Commission of Texas ("PUC") in Docket No. 48350

Dear Mr. Moreau:

You previously provided written notice of your election to exclude some or all of your property from the water and wastewater CCN service areas proposed by the above-referenced application (your "***Opt-Out Request***"). However, your Opt-Out Request does not meet the statutory and regulatory requirements set forth for such requests in Texas Water Code § 13.246(h) and Title 16 Texas Administrative Code § 24.227(h) (collectively, the "***Rules***").¹

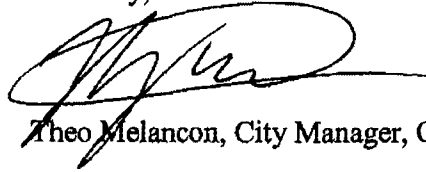
Pursuant to the Rules, an eligible landowner's opt-out request must include: (A) the PUC Docket number and CCN number, if available; (B) the total acreage of the property subject to the landowner's opt-out request; and (C) for all such property, a metes and bounds survey, sealed or embossed by a licensed state land surveyor or registered professional land surveyor, of the precise acreage to be excluded from the requested area.

At this time, your Opt-Out Request lacks the information necessary for the City of Dayton ("City") to determine the acreage/location of your property to be excluded from its proposed CCN service areas. More specifically, the City cannot properly address your Opt-Out Request because: (1) there is a significant discrepancy between the acreage you requested that the City exclude and the acreage represented in the documents provided; (2) documentation supporting your Opt-Out Request was missing, incomplete and/or unclear; (3) the Opt-Out Request does not otherwise fully comply with the Rules.

The City is providing this opportunity for you to cure the above-listed deficiencies so that your Opt-Out Request can be processed. If you do not supplement your Opt-Out Request, it could be dismissed. **Accordingly, please supplement your Opt-Out Request within 30 days of receipt of this letter by completing the attached form.**

¹ The Legislative Reference Library of Texas provides online access to the Texas Water Code at: <https://statutes.capitol.texas.gov/>. Chapter 24 of the Texas Administrative Code, containing water and sewer regulations promulgated by the PUC, is also available online at: <https://www.puc.texas.gov/agency/rulesnlaws/subrules/water/Water.aspx>.

Sincerely,

A handwritten signature in black ink, appearing to read 'Theo Melancon', with a large, sweeping flourish extending to the right.

Theo Melancon, City Manager, City of Dayton

cc: Brandon Davis, City Attorney, City of Dayton
David J. Klein, Special Counsel, City of Dayton
Merritt Lander, Public Utility Commission of Texas

**PUC Docket No. 48350
Opt-Out Request Supplement/Confirmation Form**

(1) Name of the legal landowner: _____

(2) Total number of acres of land to be excluded from the proposed CCN areas: _____

(3) Attach a legible metes and bounds description for the acreage in your answer (2), above.

(please make sure that your metes and bounds description/survey is sealed or embossed by a licensed state land surveyor or registered professional land surveyor).

Please send/file this completed page and the metes and bounds description/survey to both of the following entities within 30 days of receipt:

Public Utility Commission of Texas
Attn.: Merritt Lander
1701 North Congress Avenue
P. O. Box 13326
Austin, TX 78711-3326
Phone: (512) 936-7290
Fax: (512) 239-7268

Merritt.Lander@puc.texas.gov

City of Dayton
Attn.: David J. Klein
Lloyd Gosselink Rochelle &
Townsend, P.C.
816 Congress Ave., Suite 1900
Phone: (512) 322-5800
Fax: (512) 472-0532

dklein@lglawfirm.com

Please contact Ms. Lander if you have any questions or concerns.



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March 23, 2020

Bill Kornegay
3569 Highway 90 AE
Shiner, Texas 77984

***Via Certified Mail Return Receipt
Requested***
7018 1830 0000 1793 7687

Re: Your request to opt-out of the proposed water and wastewater service area contemplated by the "Application of the City of Dayton for Certificates of Convenience and Necessity (each, a "CCN") in Liberty and Harris Counties" filed with the Public Utility Commission of Texas ("**PUC**") in Docket No. 48350

Dear Mr. Kornegay:

You previously provided written notice of your election to exclude some or all of your property from the water and wastewater CCN service areas proposed by the above-referenced application (your "**Opt-Out Request**"). However, your Opt-Out Request does not meet the statutory and regulatory requirements set forth for such requests in Texas Water Code § 13.246(h) and Title 16 Texas Administrative Code § 24.227(h) (collectively, the "**Rules**").¹

Pursuant to the Rules, an eligible landowner's opt-out request must include: (A) the PUC Docket number and CCN number, if available; (B) the total acreage of the property subject to the landowner's opt-out request; and (C) for all such property, a metes and bounds survey, sealed or embossed by a licensed state land surveyor or registered professional land surveyor, of the precise acreage to be excluded from the requested area.

At this time, your Opt-Out Request lacks the information necessary for the City of Dayton ("**City**") to determine the acreage/location of your property to be excluded from its proposed CCN service areas. More specifically, the City cannot properly address your Opt-Out Request because: (1) documentation supporting your Opt-Out Request was missing, incomplete, and/or unclear; and (2) the Opt-Out Request does not otherwise fully comply with the Rules.

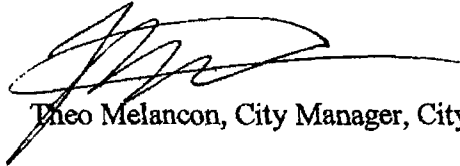
Please submit a map depicting each tract of land to be excluded from the City's proposed CCN service areas. In addition, please provide a legible, complete, and sealed metes and bounds description of each tract subject to your Opt-Out Request. Please also indicate which of such metes and bounds descriptions corresponds with the tracts designated for exclusion on the requested map.

The City is providing this opportunity for you to cure the above-listed deficiencies so that your Opt-Out Request can be processed. If you do not supplement your Opt-Out Request, it could

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be dismissed. Accordingly, please supplement your Opt-Out Request within 30 days of receipt of this letter by completing the attached form.

Sincerely,

A handwritten signature in black ink, appearing to read 'Theo Melancon', with a long horizontal flourish extending to the right.

Theo Melancon, City Manager, City of Dayton

cc: Brandon Davis, City Attorney, City of Dayton
David J. Klein, Special Counsel, City of Dayton
Merritt Lander, Public Utility Commission of Texas

**PUC Docket No. 48350
Opt-Out Request Supplement/Confirmation Form**

(1) Name of the legal landowner: _____

(2) Total number of acres of land to be excluded from the proposed CCN areas: _____

(3) Attach a legible metes and bounds description for the acreage in your answer (2), above.

(please make sure that your metes and bounds description/survey is sealed or embossed by a licensed state land surveyor or registered professional land surveyor).

Please send/file this completed page and the metes and bounds description/survey to both of the following entities within 30 days of receipt:

Public Utility Commission of Texas
Attn.: Merritt Lander
1701 North Congress Avenue
P. O. Box 13326
Austin, TX 78711-3326
Phone: (512) 936-7290
Fax: (512) 239-7268

Merritt.Lander@puc.texas.gov

City of Dayton
Attn.: David J. Klein
Lloyd Gosselink Rochelle &
Townsend, P.C.
816 Congress Ave., Suite 1900
Phone: (512) 322-5800
Fax: (512) 472-0532

dklein@lglawfirm.com

Please contact Ms. Lander if you have any questions or concerns.



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March 23, 2020

Gus Prevot
President,
Precab, Inc.
P.O. Box 1174
Huffman, Texas 77336

***Via Certified Mail Return Receipt
Requested***

7018 1830 0000 1793 7595

Re: Your request to opt-out of the proposed water and wastewater service area contemplated by the "Application of the City of Dayton for Certificates of Convenience and Necessity (each, a "CCN") in Liberty and Harris Counties" filed with the Public Utility Commission of Texas ("PUC") in Docket No. 48350

Dear Mr. Prevot:

You previously provided written notice of your election to exclude some or all of your property from the water and wastewater CCN service areas proposed by the above-referenced application (your "***Opt-Out Request***"). However, your Opt-Out Request does not meet the statutory and regulatory requirements set forth for such requests in Texas Water Code § 13.246(h) and Title 16 Texas Administrative Code § 24.227(h) (collectively, the "***Rules***").¹

Pursuant to the Rules, an eligible landowner's opt-out request must include: (A) the PUC Docket number and CCN number, if available; (B) the total acreage of the property subject to the landowner's opt-out request; and (C) for all such property, a metes and bounds survey, sealed or embossed by a licensed state land surveyor or registered professional land surveyor, of the precise acreage to be excluded from the requested area.

At this time, your Opt-Out Request lacks the information necessary for the City of Dayton ("***City***") to determine the acreage/location of your property to be excluded from its proposed CCN service areas. More specifically, the City cannot properly address your Opt-Out Request because: (1) there is a significant discrepancy between the acreage you requested that the City exclude and the acreage represented in the documents provided; (2) documentation supporting your Opt-Out Request was missing, incomplete and/or unclear; (3) the Opt-Out Request does not otherwise fully comply with the Rules.

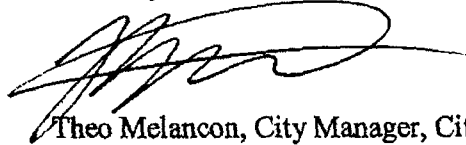
Documentation provided in your Opt-Out Request references acreage described by recorded documents not made available to the City, and indicates you may not have authority, as an owner in fee, to request that certain property be excluded from the City's requested CCN service areas. Please provide evidence of your ownership, as of the date of your Opt-Out Request, to

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request the exclusion of the properties identified therein. If no such documentation is available, please provide letters from the owner(s) of the tract(s), which grant you authority to request that those properties be excluded from the City's requested CCN service areas.

The City is providing this opportunity for you to cure the above-listed deficiencies so that your Opt-Out Request can be processed. If you do not supplement your Opt-Out Request, it could be dismissed. **Accordingly, please supplement your Opt-Out Request within 30 days of receipt of this letter by completing the attached form.**

Sincerely,

A handwritten signature in black ink, appearing to read 'Theo Melancon', written over a horizontal line.

Theo Melancon, City Manager, City of Dayton

cc: Brandon Davis, City Attorney, City of Dayton
David J. Klein, Special Counsel, City of Dayton
Merritt Lander, Public Utility Commission of Texas

**PUC Docket No. 48350
Opt-Out Request Supplement/Confirmation Form**

(1) Name of the legal landowner: _____

(2) Total number of acres of land to be excluded from the proposed CCN areas: _____

(3) Attach a legible metes and bounds description for the acreage in your answer (2), above.

(please make sure that your metes and bounds description/survey is sealed or embossed by a licensed state land surveyor or registered professional land surveyor).

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Merritt.Lander@puc.texas.gov

City of Dayton
Attn.: David J. Klein
Lloyd Gosselink Rochelle &
Townsend, P.C.
816 Congress Ave., Suite 1900
Phone: (512) 322-5800
Fax: (512) 472-0532

dklein@lglawfirm.com

Please contact Ms. Lander if you have any questions or concerns.



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March 23, 2020

Ford J. Frost, Manager
FPL Farming, Ltd.
Frost Ventures, LLC, General Partner
2930 Revere Street, Suite 300
Houston, Texas 77098

***Via Certified Mail Return Receipt
Requested***

7018 1830 0000 1793 7694

Re: Your request to opt-out of the proposed water and wastewater service area contemplated by the "Application of the City of Dayton for Certificates of Convenience and Necessity (each, a "CCN") in Liberty and Harris Counties" filed with the Public Utility Commission of Texas ("PUC") in Docket No. 48350

Dear Mr. Frost:

You previously provided written notice of your election to exclude some or all of your property from the water and wastewater CCN service areas proposed by the above-referenced application (your "***Opt-Out Request***"). However, your Opt-Out Request does not meet the statutory and regulatory requirements set forth for such requests in Texas Water Code § 13.246(h) and Title 16 Texas Administrative Code § 24.227(h) (collectively, the "***Rules***").¹

Pursuant to the Rules, an eligible landowner's opt-out request must include: (A) the PUC Docket number and CCN number, if available; (B) the total acreage of the property subject to the landowner's opt-out request; and (C) for all such property, a metes and bounds survey, sealed or embossed by a licensed state land surveyor or registered professional land surveyor, of the precise acreage to be excluded from the requested area.

At this time, your Opt-Out Request lacks the information necessary for the City of Dayton ("***City***") to determine the acreage/location of your property to be excluded from its proposed CCN service areas. More specifically, the City cannot properly address your Opt-Out Request because: (1) there is a significant discrepancy between the acreage you requested that the City exclude and the acreage represented in the documents provided; (2) documentation supporting your Opt-Out Request was missing, incomplete and/or unclear; (3) the Opt-Out Request does not otherwise fully comply with the Rules.

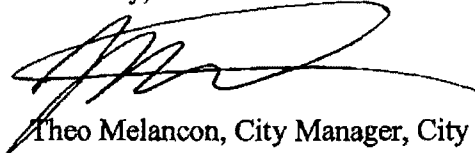
In addition, we believe you have submitted a duplicate Opt-Out Request within this Docket. The PUC provides a web-based filing search tool available at: <http://interchange.puc.texas.gov/>. Our review of Interchange Item Nos. 29, 44, and 51 lead us to believe you may have provided

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duplicate Opt-Out Requests. As such, please either clarify the intent behind this duplication or confirm that it was unintentional.

The City is providing this opportunity for you to cure the above-listed deficiencies so that your Opt-Out Request can be processed. If you do not supplement your Opt-Out Request, it could be dismissed. **Accordingly, please supplement your Opt-Out Request within 30 days of receipt of this letter by completing the attached form.**

Sincerely,

A handwritten signature in black ink, appearing to read 'Theo Melancon', is written over a horizontal line.

Theo Melancon, City Manager, City of Dayton

cc: Brandon Davis, City Attorney, City of Dayton
David J. Klein, Special Counsel, City of Dayton
Merritt Lander, Public Utility Commission of Texas

PUC Docket No. 48350
Opt-Out Request Supplement/Confirmation Form

(1) Name of the legal landowner: _____

(2) Total number of acres of land to be excluded from the proposed CCN areas: _____

(3) Attach a legible metes and bounds description for the acreage in your answer (2), above.

(please make sure that your metes and bounds description/survey is sealed or embossed by a licensed state land surveyor or registered professional land surveyor).

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City of Dayton
Attn.: David J. Klein
Lloyd Gosselink Rochelle &
Townsend, P.C.
816 Congress Ave., Suite 1900
Phone: (512) 322-5800
Fax: (512) 472-0532

dklein@lglawfirm.com

Please contact Ms. Lander if you have any questions or concerns.



117 Cook St. • Dayton, Texas 77535 • Telephone - (936) 258-2642 • Fax - (936) 258-2348

March 23, 2020

Ford J. Frost, Manager
FVL, Ltd.
FVL Management, LLC
2930 Revere Street, Suite 300
Houston, Texas 77098

***Via Certified Mail Return Receipt
Requested***

7018 1830 0000 1793 7700

Re: Your request to opt-out of the proposed water and wastewater service area contemplated by the "Application of the City of Dayton for Certificates of Convenience and Necessity (each, a "CCN") in Liberty and Harris Counties" filed with the Public Utility Commission of Texas ("PUC") in Docket No. 48350

Dear Mr. Frost:

You previously provided written notice of your election to exclude some or all of your property from the water and wastewater CCN service areas proposed by the above-referenced application (your "***Opt-Out Request***"). However, your Opt-Out Request does not meet the statutory and regulatory requirements set forth for such requests in Texas Water Code § 13.246(h) and Title 16 Texas Administrative Code § 24.227(h) (collectively, the "***Rules***").¹

Pursuant to the Rules, an eligible landowner's opt-out request must include: (A) the PUC Docket number and CCN number, if available; (B) the total acreage of the property subject to the landowner's opt-out request; and (C) for all such property, a metes and bounds survey, sealed or embossed by a licensed state land surveyor or registered professional land surveyor, of the precise acreage to be excluded from the requested area.

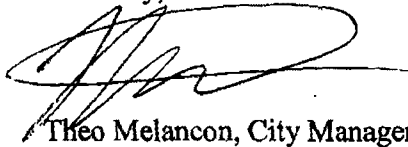
At this time, your Opt-Out Request lacks the information necessary for the City of Dayton ("***City***") to determine the acreage/location of your property to be excluded from its proposed CCN service areas. More specifically, the City cannot properly address your Opt-Out Request because: (1) there is a significant discrepancy between the acreage you requested that the City exclude and the acreage represented in the documents provided; and (2) the Opt-Out Request does not otherwise fully comply with the Rules.

In addition, we believe you have submitted a duplicate Opt-Out Request within this Docket. The PUC provides a web-based filing search tool available at: <http://interchange.puc.texas.gov/>. Our review of Interchange Item Nos. 27, 40, and 45 lead us to believe you may have provided duplicate Opt-Out Requests. As such, please either clarify the intent behind this duplication or confirm that it was unintentional.

¹ The Legislative Reference Library of Texas provides online access to the Texas Water Code at: <https://statutes.capitol.texas.gov/>. Chapter 24 of the Texas Administrative Code, containing water and sewer regulations promulgated by the PUC, is also available online at: <https://www.puc.texas.gov/agency/rulesnlaws/subrules/water/Water.aspx>.

The City is providing this opportunity for you to cure the above-listed deficiencies so that your Opt-Out Request can be processed. If you do not supplement your Opt-Out Request, it could be dismissed. **Accordingly, please supplement your Opt-Out Request within 30 days of receipt of this letter by completing the attached form.**

Sincerely,

A handwritten signature in black ink, appearing to read 'Theo Melancon', written over a horizontal line.

Theo Melancon, City Manager, City of Dayton

cc: Brandon Davis, City Attorney, City of Dayton
David J. Klein, Special Counsel, City of Dayton
Merritt Lander, Public Utility Commission of Texas

PUC Docket No. 48350
Opt-Out Request Supplement/Confirmation Form

(1) Name of the legal landowner: _____

(2) Total number of acres of land to be excluded from the proposed CCN areas: _____

(3) Attach a legible metes and bounds description for the acreage in your answer (2), above.

(please make sure that your metes and bounds description/survey is sealed or embossed by a licensed state land surveyor or registered professional land surveyor).

Please send/file this completed page and the metes and bounds description/survey to both of the following entities within 30 days of receipt:

Public Utility Commission of Texas
Attn.: Merritt Lander
1701 North Congress Avenue
P. O. Box 13326
Austin, TX 78711-3326
Phone: (512) 936-7290
Fax: (512) 239-7268

Merritt.Lander@puc.texas.gov

City of Dayton
Attn.: David J. Klein
Lloyd Gosselink Rochelle &
Townsend, P.C.
816 Congress Ave., Suite 1900
Phone: (512) 322-5800
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dklein@lglawfirm.com

Please contact Ms. Lander if you have any questions or concerns.



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March 23, 2020

Martin D. Moran, Jr.,
Managing Member,
Cedar Bayou Wildlife, LLC
4520 S. Sherwood Forest Blvd.
Baton Rouge, Louisiana 70816

***Via Certified Mail Return Receipt
Requested***

7018 1830 0000 1793 7649

Re: Your request to opt-out of the proposed water and wastewater service area contemplated by the "Application of the City of Dayton for Certificates of Convenience and Necessity (each, a "CCN") in Liberty and Harris Counties" filed with the Public Utility Commission of Texas ("PUC") in Docket No. 48350

Dear Mr. Moran:

You previously provided written notice of your election to exclude some or all of your property from the water and wastewater CCN service areas proposed by the above-referenced application (your "***Opt-Out Request***"). However, your Opt-Out Request does not meet the statutory and regulatory requirements set forth for such requests in Texas Water Code § 13.246(h) and Title 16 Texas Administrative Code § 24.227(h) (collectively, the "***Rules***").¹

Pursuant to the Rules, an eligible landowner's opt-out request must include: (A) the PUC Docket number and CCN number, if available; (B) the total acreage of the property subject to the landowner's opt-out request; and (C) for all such property, a metes and bounds survey, sealed or embossed by a licensed state land surveyor or registered professional land surveyor, of the precise acreage to be excluded from the requested area.

At this time, your Opt-Out Request lacks the information necessary for the City of Dayton ("***City***") to determine the acreage/location of your property to be excluded from its proposed CCN service areas. More specifically, the City cannot properly address your Opt-Out Request because: (1) there is a significant discrepancy between the acreage you requested that the City exclude and the acreage represented in the documents provided; (2) documentation supporting your Opt-Out Request was missing, incomplete and/or unclear; and (3) the Opt-Out Request does not otherwise fully comply with the Rules.

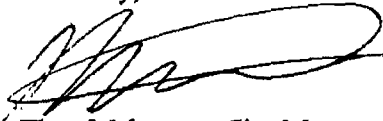
Documentation provided in your Opt-Out Request references acreage described by recorded documents not made available to the City, and indicates you may not have authority, as an owner in fee, to request that certain property be excluded from the City's requested CCN service areas. Please provide evidence of your ownership, as of the date of your Opt-Out Request, to

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request the exclusion of the properties identified therein. If no such documentation is available, please provide letters from the owner(s) of the tract(s), which grant you authority to request that those properties be excluded from the City's requested CCN service areas.

The City is providing this opportunity for you to cure the above-listed deficiencies so that your Opt-Out Request can be processed. If you do not supplement your Opt-Out Request, it could be dismissed. **Accordingly, please supplement your Opt-Out Request within 30 days of receipt of this letter by completing the attached form.**

Sincerely,

A handwritten signature in black ink, appearing to read 'Theo Melancon', written over a horizontal line.

Theo Melancon, City Manager, City of Dayton

cc: Brandon Davis, City Attorney, City of Dayton
David J. Klein, Special Counsel, City of Dayton
Merritt Lander, Public Utility Commission of Texas

**PUC Docket No. 48350
Opt-Out Request Supplement/Confirmation Form**

(1) Name of the legal landowner: _____

(2) Total number of acres of land to be excluded from the proposed CCN areas: _____

(3) Attach a legible metes and bounds description for the acreage in your answer (2), above.

(please make sure that your metes and bounds description/survey is sealed or embossed by a licensed state land surveyor or registered professional land surveyor).

Please send/file this completed page and the metes and bounds description/survey to both of the following entities within 30 days of receipt:

Public Utility Commission of Texas
Attn.: Merritt Lander
1701 North Congress Avenue
P. O. Box 13326
Austin, TX 78711-3326
Phone: (512) 936-7290
Fax: (512) 239-7268

Merritt.Lander@puc.texas.gov

City of Dayton
Attn.: David J. Klein
Lloyd Gosselink Rochelle &
Townsend, P.C.
816 Congress Ave., Suite 1900
Phone: (512) 322-5800
Fax: (512) 472-0532

dklein@lglawfirm.com

Please contact Ms. Lander if you have any questions or concerns.



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March 24, 2020

Gregg Pratkan
President,
The Mary Gay Corporation
3939 FM 1409
Dayton, Texas 77535-8438

*Via Certified Mail Return Receipt
Requested*

7018 1830 0000 1793 7748

Re: Your request to opt-out of the proposed water and wastewater service area contemplated by the "Application of the City of Dayton for Certificates of Convenience and Necessity (each, a "CCN") in Liberty and Harris Counties" filed with the Public Utility Commission of Texas ("PUC") in Docket No. 48350

Dear Mr. Pratkan:

You previously provided written notice of your election to exclude some or all of your property from the water and wastewater CCN service areas proposed by the above-referenced application (your "Opt-Out Request"). However, your Opt-Out Request does not meet the statutory and regulatory requirements set forth for such requests in Texas Water Code § 13.246(h) and Title 16 Texas Administrative Code § 24.227(h) (collectively, the "Rules").¹

Pursuant to the Rules, an eligible landowner's opt-out request must include: (A) the PUC Docket number and CCN number, if available; (B) the total acreage of the property subject to the landowner's opt-out request; and (C) for all such property, a metes and bounds survey, sealed or embossed by a licensed state land surveyor or registered professional land surveyor, of the precise acreage to be excluded from the requested area.

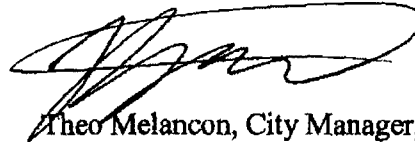
At this time, your Opt-Out Request lacks the information necessary for the City of Dayton ("City") to determine the acreage/location of your property to be excluded from its proposed CCN service areas. More specifically, the City cannot properly address your Opt-Out Request because: (1) there is a significant discrepancy between the acreage you requested that the City exclude and the acreage represented in the documents provided; (2) documentation supporting your Opt-Out Request was missing, incomplete, and/or unclear; and (3) the Opt-Out Request does not otherwise fully comply with the Rules.

Please submit a map depicting each tract of land to be excluded from the City's proposed CCN service areas. In addition, please provide a complete, sealed metes and bounds description of each tract subject to your Opt-Out Request, and indicate which of such metes and bounds descriptions corresponds with the tracts designated for exclusion on the requested map.

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The City is providing this opportunity for you to cure the above-listed deficiencies so that your Opt-Out Request can be processed. If you do not supplement your Opt-Out Request, it could be dismissed. **Accordingly, please supplement your Opt-Out Request within 30 days of receipt of this letter by completing the attached form.**

Sincerely,

A handwritten signature in black ink, appearing to read 'Theo Melancon', written over a horizontal line.

Theo Melancon, City Manager, City of Dayton

cc: Brandon Davis, City Attorney, City of Dayton
David J. Klein, Special Counsel, City of Dayton
Merritt Lander, Public Utility Commission of Texas

PUC Docket No. 48350
Opt-Out Request Supplement/Confirmation Form

(1) Name of the legal landowner: _____

(2) Total number of acres of land to be excluded from the proposed CCN areas: _____

(3) Attach a legible metes and bounds description for the acreage in your answer (2), above.

(please make sure that your metes and bounds description/survey is sealed or embossed by a licensed state land surveyor or registered professional land surveyor).

Please send/file this completed page and the metes and bounds description/survey to both of the following entities within 30 days of receipt:

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Attn.: Merritt Lander
1701 North Congress Avenue
P. O. Box 13326
Austin, TX 78711-3326
Phone: (512) 936-7290
Fax: (512) 239-7268

Merritt.Lander@puc.texas.gov

City of Dayton
Attn.: David J. Klein
Lloyd Gosselink Rochelle &
Townsend, P.C.
816 Congress Ave., Suite 1900
Phone: (512) 322-5800
Fax: (512) 472-0532

dklein@lglawfirm.com

Please contact Ms. Lander if you have any questions or concerns.



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March 23, 2020

Michael Pomykal
c/o Cindy S. Price
Law Offices of Cindy S. Price, P.C.
10820 Eagle Drive
P.O. Box 1936
Mount Belvieu, Texas 77580

***Via Certified Mail Return Receipt
Requested***

7018 1830 0000 1793 7670

Re: Your request to opt-out of the proposed water and wastewater service area contemplated by the "Application of the City of Dayton for Certificates of Convenience and Necessity (each, a "CCN") in Liberty and Harris Counties" filed with the Public Utility Commission of Texas ("PUC") in Docket No. 48350

Dear Mr. Pomykal:

You previously provided written notice of your election to exclude some or all of your property from the water and wastewater CCN service areas proposed by the above-referenced application (your "***Opt-Out Request***"). However, your Opt-Out Request does not meet the statutory and regulatory requirements set forth for such requests in Texas Water Code § 13.246(h) and Title 16 Texas Administrative Code § 24.227(h) (collectively, the "***Rules***").¹

Pursuant to the Rules, an eligible landowner's opt-out request must include: (A) the PUC Docket number and CCN number, if available; (B) the total acreage of the property subject to the landowner's opt-out request; and (C) for all such property, a metes and bounds survey, sealed or embossed by a licensed state land surveyor or registered professional land surveyor, of the precise acreage to be excluded from the requested area.

At this time, your Opt-Out Request lacks the information necessary for the City of Dayton ("***City***") to determine the acreage/location of your property to be excluded from its proposed CCN service areas. More specifically, the City cannot properly address your Opt-Out Request because: (1) there is a significant discrepancy between the acreage you requested that the City exclude and the acreage represented in the documents provided; (2) documentation supporting your Opt-Out Request was missing, incomplete, and/or unclear; and (3) the Opt-Out Request does not otherwise fully comply with the Rules.

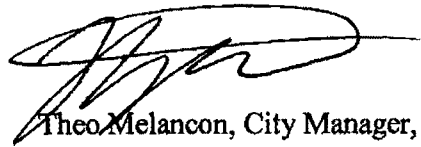
Please submit a map depicting the tract(s) of land to be excluded from the City's proposed CCN service areas. In addition, please provide a legible, complete, and sealed metes and bounds description of each tract subject to your Opt-Out Request, and indicate which of such

¹ The Legislative Reference Library of Texas provides online access to the Texas Water Code at: <https://statutes.capitol.texas.gov/>. Chapter 24 of the Texas Administrative Code, containing water and sewer regulations promulgated by the PUC, is also available online at: <https://www.puc.texas.gov/agency/rulesnlaws/subrules/water/Water.aspx>.

metes and bounds descriptions corresponds with the tracts designated for exclusion on the requested map.

The City is providing this opportunity for you to cure the above-listed deficiencies so that your Opt-Out Request can be processed. If you do not supplement your Opt-Out Request, it could be dismissed. **Accordingly, please supplement your Opt-Out Request within 30 days of receipt of this letter by completing the attached form.**

Sincerely,

A handwritten signature in black ink, appearing to read 'Theo Melancon', with a long horizontal flourish extending to the right.

Theo Melancon, City Manager, City of Dayton

cc: Brandon Davis, City Attorney, City of Dayton
David J. Klein, Special Counsel, City of Dayton
Merritt Lander, Public Utility Commission of Texas

PUC Docket No. 48350
Opt-Out Request Supplement/Confirmation Form

(1) Name of the legal landowner: _____

(2) Total number of acres of land to be excluded from the proposed CCN areas: _____

(3) Attach a legible metes and bounds description for the acreage in your answer (2), above.

(please make sure that your metes and bounds description/survey is sealed or embossed by a licensed state land surveyor or registered professional land surveyor).

Please send/file this completed page and the metes and bounds description/survey to both of the following entities within 30 days of receipt:

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Attn.: Merritt Lander
1701 North Congress Avenue
P. O. Box 13326
Austin, TX 78711-3326
Phone: (512) 936-7290
Fax: (512) 239-7268

Merritt.Lander@puc.texas.gov

City of Dayton
Attn.: David J. Klein
Lloyd Gosselink Rochelle &
Townsend, P.C.
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Please contact Ms. Lander if you have any questions or concerns.



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March 23, 2020

Mark Stoesser
Manager,
Jack Stoesser
P.O. Box 637
Dayton, Texas 77535

***Via Certified Mail Return Receipt
Requested***

7018 1830 0000 1793 7656

Re: Your request to opt-out of the proposed water and wastewater service area contemplated by the "Application of the City of Dayton for Certificates of Convenience and Necessity (each, a "CCN") in Liberty and Harris Counties" filed with the Public Utility Commission of Texas ("PUC") in Docket No. 48350

Dear Mr. Stoesser:

You previously provided written notice of your election to exclude some or all of your property from the water and wastewater CCN service areas proposed by the above-referenced application (your "***Opt-Out Request***"). However, your Opt-Out Request does not meet the statutory and regulatory requirements set forth for such requests in Texas Water Code § 13.246(h) and Title 16 Texas Administrative Code § 24.227(h) (collectively, the "***Rules***").¹

Pursuant to the Rules, an eligible landowner's opt-out request must include: (A) the PUC Docket number and CCN number, if available; (B) the total acreage of the property subject to the landowner's opt-out request; and (C) for all such property, a metes and bounds survey, sealed or embossed by a licensed state land surveyor or registered professional land surveyor, of the precise acreage to be excluded from the requested area.

At this time, your Opt-Out Request lacks the information necessary for the City of Dayton ("***City***") to determine the acreage/location of your property to be excluded from its proposed CCN service areas. More specifically, the City cannot properly address your Opt-Out Request because: (1) there is a significant discrepancy between the acreage you requested that the City exclude and the acreage represented in the documents provided; and (2) documentation supporting your Opt-Out Request was missing, incomplete and/or unclear.

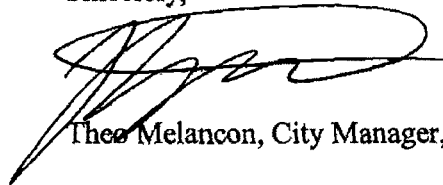
The map included with your Opt-Out Request depicts multiple tracts of land, labeled 1-20, to be excluded from the City's proposed CCN service areas. Please submit a legible, complete, and sealed metes and bounds description of each tract of land subject to your Opt-Out Request, and indicate which of such metes and bounds descriptions corresponds with the tracts designated for exclusion on the map provided with your Opt-Out Request.

¹ The Legislative Reference Library of Texas provides online access to the Texas Water Code at: <https://statutes.capitol.texas.gov/>. Chapter 24 of the Texas Administrative Code, containing water and sewer regulations promulgated by the PUC, is also available online at: <https://www.puc.texas.gov/agency/rulesnlaws/subrules/water/Water.aspx>.

Additionally, documentation provided in your Opt-Out Request indicates you may not have authority, as an owner in fee, to request that certain property be excluded from the City's requested CCN service areas. Please provide evidence of your ownership, as of the date of your Opt-Out Request, to request the exclusion of the properties identified therein. If no such documentation is available, please provide letters from the owner(s) of the tract(s), which grant you authority to request that those properties be excluded from the City's requested CCN service areas.

The City is providing this opportunity for you to cure the above-listed deficiencies so that your Opt-Out Request can be processed. If you do not supplement your Opt-Out Request, it could be dismissed. **Accordingly, please supplement your Opt-Out Request within 30 days of receipt of this letter by completing the attached form.**

Sincerely,

A handwritten signature in black ink, appearing to read 'Theo Melancon', written over a horizontal line.

Theo Melancon, City Manager, City of Dayton

cc: Brandon Davis, City Attorney, City of Dayton
David J. Klein, Special Counsel, City of Dayton
Merritt Lander, Public Utility Commission of Texas

**PUC Docket No. 48350
Opt-Out Request Supplement/Confirmation Form**

(1) Name of the legal landowner: _____

(2) Total number of acres of land to be excluded from the proposed CCN areas: _____

(3) Attach a legible metes and bounds description for the acreage in your answer (2), above.

(please make sure that your metes and bounds description/survey is sealed or embossed by a licensed state land surveyor or registered professional land surveyor).

Please send/file this completed page and the metes and bounds description/survey to both of the following entities within 30 days of receipt:

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dklein@lglawfirm.com

Please contact Ms. Lander if you have any questions or concerns.



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March 23, 2020

Mark Stoesser
P.O. Box 637
Dayton, Texas 77535

*Via Certified Mail Return Receipt
Requested*
7018 1830 0000 1793 7717

Re: Your request to opt-out of the proposed water and wastewater service area contemplated by the "Application of the City of Dayton for Certificates of Convenience and Necessity (each, a "CCN") in Liberty and Harris Counties" filed with the Public Utility Commission of Texas ("PUC") in Docket No. 48350

Dear Mr. Stoesser:

You previously provided written notice of your election to exclude some or all of your property from the water and wastewater CCN service areas proposed by the above-referenced application (your "**Opt-Out Request**"). However, your Opt-Out Request does not meet the statutory and regulatory requirements set forth for such requests in Texas Water Code § 13.246(h) and Title 16 Texas Administrative Code § 24.227(h) (collectively, the "**Rules**").¹

Pursuant to the Rules, an eligible landowner's opt-out request must include: (A) the PUC Docket number and CCN number, if available; (B) the total acreage of the property subject to the landowner's opt-out request; and (C) for all such property, a metes and bounds survey, sealed or embossed by a licensed state land surveyor or registered professional land surveyor, of the precise acreage to be excluded from the requested area.

At this time, your Opt-Out Request lacks the information necessary for the City of Dayton ("City") to determine the acreage/location of your property to be excluded from its proposed CCN service areas. More specifically, the City cannot properly address your Opt-Out Request because: (1) documentation supporting your Opt-Out Request was missing, incomplete, and/or unclear; and (2) the Opt-Out Request does not otherwise fully comply with the Rules.

The map included with your Opt-Out Request depicts multiple tracts of land, labeled 1-7, to be excluded from the City's proposed CCN service areas. Please submit a complete, sealed metes and bounds description of each tract of land subject to your Opt-Out Request, and indicate which of such metes and bounds descriptions corresponds with the tracts designated for exclusion on the map provided with your Opt-Out Request.

The City is providing this opportunity for you to cure the above-listed deficiencies so that your Opt-Out Request can be processed. If you do not supplement your Opt-Out Request, it could

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be dismissed. Accordingly, please supplement your Opt-Out Request within 30 days of receipt of this letter by completing the attached form.

Sincerely,

A handwritten signature in black ink, appearing to read 'Theo Melancon', written over a horizontal line.

Theo Melancon, City Manager, City of Dayton

cc: Brandon Davis, City Attorney, City of Dayton
David J. Klein, Special Counsel, City of Dayton
Merritt Lander, Public Utility Commission of Texas

PUC Docket No. 48350
Opt-Out Request Supplement/Confirmation Form

(1) Name of the legal landowner: _____

(2) Total number of acres of land to be excluded from the proposed CCN areas: _____

(3) Attach a legible metes and bounds description for the acreage in your answer (2), above.

(please make sure that your metes and bounds description/survey is sealed or embossed by a licensed state land surveyor or registered professional land surveyor).

Please send/file this completed page and the metes and bounds description/survey to both of the following entities within 30 days of receipt:

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City of Dayton
Attn.: David J. Klein
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dklein@lglawfirm.com

Please contact Ms. Lander if you have any questions or concerns.



117 Cook St. • Dayton, Texas 77535 • Telephone - (936) 258-2642 • Fax - (936) 258-2348

March 23, 2020

Mark Stoesser
Manager,
Stoesser Investments, LLC
P.O. Box 637
Dayton, Texas 77535

***Via Certified Mail Return Receipt
Requested***

7018 1830 0000 1793 7724

Re: Your request to opt-out of the proposed water and wastewater service area contemplated by the "Application of the City of Dayton for Certificates of Convenience and Necessity (each, a "CCN") in Liberty and Harris Counties" filed with the Public Utility Commission of Texas ("PUC") in Docket No. 48350

Mr. Stoesser:

You previously provided written notice of your election to exclude some or all of your property from the water and wastewater CCN service areas proposed by the above-referenced application (your "***Opt-Out Request***"). However, your Opt-Out Request does not meet the statutory and regulatory requirements set forth for such requests in Texas Water Code § 13.246(h) and Title 16 Texas Administrative Code § 24.227(h) (collectively, the "***Rules***").¹

Pursuant to the Rules, an eligible landowner's opt-out request must include: (A) the PUC Docket number and CCN number, if available; (B) the total acreage of the property subject to the landowner's opt-out request; and (C) for all such property, a metes and bounds survey, sealed or embossed by a licensed state land surveyor or registered professional land surveyor, of the precise acreage to be excluded from the requested area.

At this time, your Opt-Out Request lacks the information necessary for the City of Dayton ("***City***") to determine the acreage/location of your property to be excluded from its proposed CCN service areas. More specifically, the City cannot properly address your Opt-Out Request because: (1) there is a significant discrepancy between the acreage you requested that the City exclude and the acreage represented in the documents provided; (2) documentation supporting your Opt-Out Request was missing, incomplete and/or unclear; (3) the Opt-Out Request does not otherwise fully comply with the Rules.

The map included with your Opt-Out Request depicts multiple tracts of land, labeled 1-9, to be excluded from the City's proposed CCN service areas. The metes and bounds provided, however, describe tracts labeled "M1," "M4," "M5," "M6," "M7," "M8," "M9," "M10," and "M11." Please submit a complete, sealed metes and bounds description of each tract of land

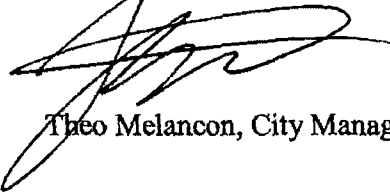
¹ The Legislative Reference Library of Texas provides online access to the Texas Water Code at: <https://statutes.capitol.texas.gov/>. Chapter 24 of the Texas Administrative Code, containing water and sewer regulations promulgated by the PUC, is also available online at: <https://www.puc.texas.gov/agency/rulesnlaws/subrules/water/Water.aspx>.

subject to your Opt-Out Request, and indicate which of such metes and bounds descriptions corresponds with the tracts designated for exclusion on the map provided with your Opt-Out Request.

In addition, we believe you have submitted a duplicate Opt-Out Request within this Docket. The PUC provides a web-based filing search tool available at: <http://interchange.puc.texas.gov/>. Our review of Interchange Item Nos. 15 and 16 lead us to believe you may have provided duplicate Opt-Out Requests. As such, please either clarify the intent behind this duplication or confirm that it was unintentional.

The City is providing this opportunity for you to cure the above-listed deficiencies so that your Opt-Out Request can be processed. If you do not supplement your Opt-Out Request, it could be dismissed. **Accordingly, please supplement your Opt-Out Request within 30 days of receipt of this letter by completing the attached form.**

Sincerely,

A handwritten signature in black ink, appearing to read 'Theo Melancon', written over a horizontal line.

Theo Melancon, City Manager, City of Dayton

cc: Brandon Davis, City Attorney, City of Dayton
David J. Klein, Special Counsel, City of Dayton
Merritt Lander, Public Utility Commission of Texas

PUC Docket No. 48350
Opt-Out Request Supplement/Confirmation Form

(1) Name of the legal landowner: _____

(2) Total number of acres of land to be excluded from the proposed CCN areas: _____

(3) Attach a legible metes and bounds description for the acreage in your answer (2), above.

(please make sure that your metes and bounds description/survey is sealed or embossed by a licensed state land surveyor or registered professional land surveyor).

Please send/file this completed page and the metes and bounds description/survey to both of the following entities within 30 days of receipt:

Public Utility Commission of Texas
Attn.: Merritt Lander
1701 North Congress Avenue
P. O. Box 13326
Austin, TX 78711-3326
Phone: (512) 936-7290
Fax: (512) 239-7268

Merritt.Lander@puc.texas.gov

City of Dayton
Attn.: David J. Klein
Lloyd Gosselink Rochelle &
Townsend, P.C.
816 Congress Ave., Suite 1900
Phone: (512) 322-5800
Fax: (512) 472-0532

dklein@lglawfirm.com

Please contact Ms. Lander if you have any questions or concerns.



117 Cook St. • Dayton, Texas 77535 • Telephone - (936) 258-2642 • Fax - (936) 258-2348

March 24, 2020

Mark Stoesser
Agent,
Stoesser Drier, Inc.
P.O. Box 637
Dayton, Texas 77535

***Via Certified Mail Return Receipt
Requested***

7018 1830 0000 1793 7786

Re: Your request to opt-out of the proposed water and wastewater service area contemplated by the "Application of the City of Dayton for Certificates of Convenience and Necessity (each, a "CCN") in Liberty and Harris Counties" filed with the Public Utility Commission of Texas ("PUC") in Docket No. 48350

Dear Mr. Stoesser:

You previously provided written notice of your election to exclude some or all of your property from the water and wastewater CCN service areas proposed by the above-referenced application (your "**Opt-Out Request**"). However, your Opt-Out Request does not meet the statutory and regulatory requirements set forth for such requests in Texas Water Code § 13.246(h) and Title 16 Texas Administrative Code § 24.227(h) (collectively, the "**Rules**").¹

Pursuant to the Rules, an eligible landowner's opt-out request must include: (A) the PUC Docket number and CCN number, if available; (B) the total acreage of the property subject to the landowner's opt-out request; and (C) for all such property, a metes and bounds survey, sealed or embossed by a licensed state land surveyor or registered professional land surveyor, of the precise acreage to be excluded from the requested area.

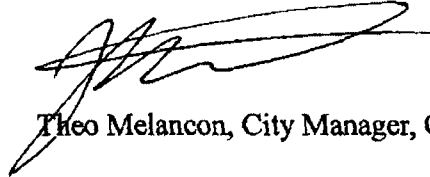
At this time, your Opt-Out Request lacks the information necessary for the City of Dayton ("**City**") to determine the acreage/location of your property to be excluded from its proposed CCN service areas. More specifically, the City cannot properly address your Opt-Out Request because: (1) there is a significant discrepancy between the acreage you requested that the City exclude and the acreage represented in the documents provided; and (2) documentation supporting your Opt-Out Request was missing, incomplete and/or unclear.

The map included with your Opt-Out Request depicts multiple tracts of land, labeled 1-4, to be excluded from the City's proposed CCN service areas. Please submit a complete, sealed metes and bounds description of each tract of land subject to your Opt-Out Request, and indicate which of such metes and bounds descriptions corresponds with the tracts designated for exclusion on the map provided with your Opt-Out Request.

¹ The Legislative Reference Library of Texas provides online access to the Texas Water Code at: <https://statutes.capitol.texas.gov/>. Chapter 24 of the Texas Administrative Code, containing water and sewer regulations promulgated by the PUC, is also available online at: <https://www.puc.texas.gov/agency/rules/laws/subrules/water/Water.aspx>.

The City is providing this opportunity for you to cure the above-listed deficiencies so that your Opt-Out Request can be processed. If you do not supplement your Opt-Out Request, it could be dismissed. Accordingly, please supplement your Opt-Out Request within 30 days of receipt of this letter by completing the attached form.

Sincerely,

A handwritten signature in black ink, appearing to read 'Theo Melancon', with a long horizontal flourish extending to the right.

Theo Melancon, City Manager, City of Dayton

cc: Brandon Davis, City Attorney, City of Dayton
David J. Klein, Special Counsel, City of Dayton
Merritt Lander, Public Utility Commission of Texas

PUC Docket No. 48350
Opt-Out Request Supplement/Confirmation Form

(1) Name of the legal landowner: _____

(2) Total number of acres of land to be excluded from the proposed CCN areas: _____

(3) Attach a legible metes and bounds description for the acreage in your answer (2), above.

(please make sure that your metes and bounds description/survey is sealed or embossed by a licensed state land surveyor or registered professional land surveyor).

Please send/file this completed page and the metes and bounds description/survey to both of the following entities within 30 days of receipt:

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dklein@lglawfirm.com

Please contact Ms. Lander if you have any questions or concerns.