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APPLICATION OF CITY OF LORENA,	§	PUBLIC UTILITY COMMISSION
SPRING VALLEY WATER SUPPLY	§	
CORPORATION, AND CITY OF WACO	§	
FOR APPROVAL OF A SERVICE AREA	§	OF TEXAS
CONTRACT UNDER TEXAS WATER	§	
CODE § 13.248 AND TO AMEND THE	§	
CERTIFICATE OF CONVENIENCE AND	§	
NECESSITY IN MCLENNAN COUNTY	§	

**PROTEST AND REQUEST TO INTERVENE
BY MICHAEL AND DOUG DUTSCHMANN**

COMES NOW Michael and Doug Dutschmann (“Protestants” or “Dutschmanns”), who own 33 acres of real property in McLennan County, directly affected by the Application for Approval and Enforcement of an Agreement Designating Service Area Under TEXAS WATER CODE § 13.248 in McLennan County and to Amend the Certificate of Convenience and Necessity of the City of Lorena (the “Application”), filed by the City of Lorena, Spring Valley Water Supply Corporation and the City of Waco. For the reasons outlined below, the Dutschmanns object to the approval of the Application above-referenced and seeks to intervene in this proceeding.

I. BACKGROUND

The Dutschmanns own 33 acres located on Pilgrim Lane in McLennan County. The property is currently within the certificated service area of the Spring Valley Water Supply Corporation and the City of Waco. Their certificated service areas border Pilgrim Lane, as does the Protestants’ property. The City of Lorena’s service ends at Pilgrim Street, directly across from the Dutschmanns’ property. Despite lacking a certificate, the City of Lorena (the “City”) currently provides retail potable water service to at least four (4) customers adjacent to the Dutschmanns’ property and located in the certificated service area of Spring Valley Water Supply Corporation (“Spring Valley”) and the City of Waco. These connections have existed for a long period of time and, ironically, are served from a line owned by the City of Lorena located in an easement granted

by the Dutschmanns' predecessor-in-title in return for a commitment by the City to provide retail water service to the property from the line owned by the City on Protestants' property.

II.

The Dutschmanns are directly, adversely affected by the proposed Application. The area affected by this Application is adjacent to the Dutschmanns' property. Despite the Dutschmanns' repeated requests for retail service from the City and approval by Spring Valley for such connections to be made, both parties have refused and despite the Dutschmanns' willingness to enter into an agreement to allow this service to be provided by Spring Valley, when and if service was extended to this area by the utility, on the same terms as included in the City's request.

III.

The Dutschmanns' property is thus rendered unusable for any purpose requiring a potable water supply since the cost of obtaining such service from Spring Valley or Waco is far more than can be paid by one landowner and requires upfront costs disproportionate to the necessary service. Despite the fact that such service is readily obtainable from facilities currently located on an easement on the Dutschmanns' property, owned by the City, the City has failed to request the right to serve this property while seeking approval to serve adjacent landowner customers along that line. As described in the Application, properties adjacent to the Dutschmanns have been provided service by the City, pursuant to a "long standing agreement" between the City and Spring Valley. The proposed Application also provides a mechanism for transfer of these customers to the City of Waco or Spring Valley, when either is in a position to readily provide retail service to this area. Neither Spring Valley nor the City of Waco have facilities nearby, nor would they be harmed if the City of Lorena's Application included Protestants' property.

IV.

The Commission should authorize the extension of retail service to the Dutschmann property under the same terms and conditions under the TEXAS WATER CODE § 13.248 Service Area Transfer Agreement (“Agreement”) executed by all three (3) utilities. By requiring this minor amendment in the proposed agreement among the utilities, an adversely affected landowner could be in a position to obtain retail public utility water service to property currently unusable for any purpose requiring potable water.

V. PRAYER

Michael and Doug Dutschmann respectfully request that the Public Utility Commission grant their request to participate in this proceeding as Intervenors and that the approval of the Agreement between the utilities be amended to authorize the City of Lorena to provide retail water service to the Dutschmanns’ property under terms and conditions identical to the Agreement’s provisions related to adjacent properties or that a hearing be conducted on such request and for such other and further relief to which the Dutschmanns may be entitled.

Respectfully submitted,

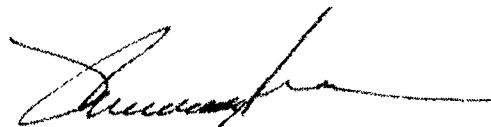


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PUC DOCKET NO. 49097
CERTIFICATE OF SERVICE

I Russell Johnson, attorney for Protestants Michael and Doug Dutschmann, certify that a copy of this document will be served on all parties of record on APRIL 18, 2019, in accordance with 16 TEX. ADMIN. CODE § 22.74.



Russell S. Johnson