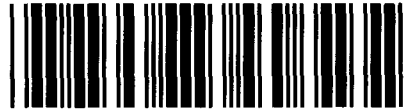




Control Number: 49560



Item Number: 7

Addendum StartPage: 0

DOCKET NO. 49560

**APPLICATION OF ECHO HILLS POA
WATER SYSTEM FOR AN EXEMPT
UTILITY REGISTRATION**

§
§
§

**PUBLIC UTILITY COMMISSION
OF TEXAS**

2019 JUN 25 PM 2:18
FILED
PUBLIC UTILITY COMMISSION
OF TEXAS

MOTION TO ADMIT EVIDENCE AND PROPOSED ORDER

COMES NOW the staff (Staff) of the Public Utility Commission of Texas (Commission) and files this Motion to Admit Evidence and Proposed Order. In support thereof, the Staff would show the following:

I. BACKGROUND

On May 21, 2019, Echo Hills POA filed an application (Application) for exempt utility registration of the 8976 Ruby Lane Frankston water system pursuant to Texas Water Code § 13.242(c) and 16 Texas Administrative Code § 24.229(e) (TAC).

Staff filed a final recommendation of approval on August 14, 2019. The Commission administrative law judge set the deadline to file a motion to admit evidence and proposed order as August 28, 2019 in Order No. 2. This pleading is therefore timely filed.

II. MOTION TO ADMIT EVIDENCE

Staff was unable to reach Echo Hills POA for comment before the filing deadline. Staff therefore moves to admit the following evidence into the record of this proceeding:

- Echo Hills's application for exempt utility registration, filed on May 21, 2019;
- Commission Staff's recommendation that the application be found sufficient, filed on June 20, 2019;
- The consent forms to the final map and tariff, filed on August 1, 2019.
- Commission Staff's Final Recommendation that the Application be approved, including the attached map and tariff, filed on August 14, 2019.

III. PROPOSED ORDER

Staff has prepared the attached Proposed Order to grant the exempt utility registration. Also attached are the tariff and map from Staff's final recommendation.

IV. CONCLUSION

Staff respectfully request that the Commission grant the Motion to Admit Evidence, and adopt the attached Proposed Order.

Dated: August 28, 2019

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

Rachelle Nicolette Robles
Managing Attorney



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**DOCKET NO. 49560
CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on August 28, 2019, in accordance with 16 TAC § 22.74.



Alexander Petak

DOCKET NO. 49560

APPLICATION OF ECHO HILLS POA	§	PUBLIC UTILITY COMMISSION
WATER SYSTEM FOR AN EXEMPT	§	
UTILITY REGISTRATION	§	OF TEXAS

PROPOSED ORDER

This Order addresses the application of Echo Hills POA for an exempt utility registration. The Commission approves the application and issues exempt utility registration number N0079 in the name of Echo Hills POA.

I. FINDINGS OF FACT

The Commission makes the following findings of fact:

Applicant

1. Bobbie L. Brown is the owner of an unmetered well located at 8976 Ruby Lane, Henderson County, Texas, 75763. The owner oversees the operation and maintenance of the well as well as the collection of fees.

Application

2. On May 21, 2019, Bobbie L. Brown filed an application to register Echo Hills POA as an exempt utility.
3. In Order No. 2, issued June 26, 2019, the administrative law judge (ALJ) found the application administratively complete.

Notice of Application

4. A copy of the required customer notice and service rules was provided to each current customer and will be provided to each future customer at the time they connect to the system

Evidentiary Record

5. On August 28, 2019, Staff filed a motion to admit evidence and a proposed order.
6. In Order No. 3, issued _____, 2019, the ALJ admitted the following evidence into the record of this proceeding: (a) Echo Hills's application for exempt utility registration, filed on May 21, 2019; (b) Commission Staff's recommendation that the application be

found sufficient, filed on June 20, 2019; (c) The consent forms to the final map and tariff, filed on August 1, 2019; and (d) Commission Staff's Final Recommendation that the Application be approved, including the attached map and tariff, filed on August 14, 2019.

Certificate Not Required

7. Echo Hills POA provides service to eight active connections and plans to add two additional service connections.
8. Echo Hills POA is not affiliated with a retail public utility or any other provider of potable water service.
9. The area serviced by Echo Hills POA is not within the certificated area of another retail public utility.
10. The area served by Echo Hills POA is not within the corporate boundaries of a district or municipality.

Tariff and Map

11. On August 14, 2019, Commission Staff filed a proposed tariff and map attached to its final recommendation.
12. On August 1, 2019, Echo Hills POA filed a consent form concurring

Informal Disposition

13. More than 15 days have passed since the completion of the notice provided in this docket.
14. Echo Hills POA and Commission Staff are the only parties to this proceeding.
15. No motions to intervene were filed.
16. No party requested a hearing and no hearing is needed.
17. This decision is not adverse to any party.
18. On August 14, 2019, Commission Staff recommended approval of the application.

II. CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the application under Texas Water Code (TWC) § 13.242(c) and 16 Texas Administrative Code (TAC) § 24.229(e).
2. Echo Hills POA is eligible to operate without a certificate of convenience and necessity under TWC § 13.242(c) and 16 TAC § 24.229(e).

3. The application was processed in accordance with the requirements of TWC § 13.242(c) and 16 TAC § 24.229(e).
4. The requirements for informal disposition in 16 TAC § 22.35 have been met in this proceeding.

III. ORDERING PARAGRAPHS

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

1. The Commission approves the application and issues exempt utility registration number N0079 to Echo Hills POA for water service in Henderson County as shown on the map attached to this Order.
2. The tariff submitted by Commission Staff on August 14, 2019 is approved.
3. Within 10 days of the date of this Order, Commission Staff must provide a clean copy of the approved exempt utility water tariff to Central Records to be marked *Approved* and filed in the Commission's tariff books.
4. The Commission denies all other motions and any requests for general or specific relief, if not expressly granted.

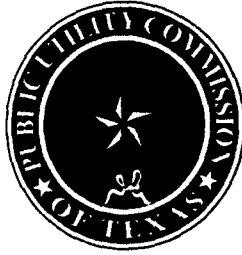
SIGNED AT AUSTIN, TEXAS the _____ day of _____, 2019.

PUBLIC UTILITY COMMISSION OF TEXAS

DEANN T. WALKER, CHAIRMAN

ARTHUR C. D'ANDREA, COMMISSIONER

SHELLY BOTKIN, COMMISSIONER



EXEMPT UTILITY WATER TARIFF FORM

Docket No. 49560

Exempt Registration No. N0079

Echo Hills POA
(Water System Name)

(903)876-4739
(Phone Number)

8976 Ruby Lane
(Utility Address)

Frankston, Texas 75763
(City, State, Zip Code)

Rate Schedule
Residential

Monthly Minimum Charge
\$50.00 (Includes 0 gallons)

Gallage Charge
None

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

Cash X , Check X , Money Order , Credit Card , Other (specify)

REGULATORY ASSESSMENT..... 1.0%
A REGULATORY ASSESSMENT, EQUAL TO ONE PERCENT OF THE CHARGE FOR RETAIL WATER SERVICE ONLY, SHALL BE COLLECTED FROM EACH RETAIL CUSTOMER.

TAP FEE..... \$0.00

OTHER EXTENSION FEES \$0.00

RECONNECTION FEE \$0.00

LATE CHARGE..... \$0.00

RETURNED CHECK CHARGE..... \$0.00

CUSTOMER DEPOSIT \$0.00

METER TEST FEE..... \$0.00

The attached Service Rules are part of this tariff.

Docket No. 49560

REQUIRED SERVICE RULES AND REGULATIONS FOR EXEMPT UTILITIES

CUSTOMER NOTICE: THIS UTILITY SERVICE PROVIDER IS EXEMPT FROM MANY OF THE REQUIREMENTS FOR UTILITIES, BUT IT STILL MUST COMPLY WITH THESE SERVICE RULES. THE COMMISSION WILL NOT REVIEW RATE CHANGES UNLESS PROTESTED BY AT LEAST 50% OF THE CUSTOMERS WITHIN 90 DAYS AFTER THE EFFECTIVE DATE OF THE RATE CHANGE.

Rate Changes - Rates can be changed no more than once per year without the approval of the Commission. Customers will be given a notice of rate change which states the effective date of the rate change, the old rates, the new rates, the Commission's address and a statement that written protests can be submitted to the Commission.

Application for and Provision of Water Service

All new applicants will be given a copy of this Exempt Utility Tariff.

Where service has been disconnected for nonpayment of a bill, service will be reconnected within one working day after the customer has met the requirements for reconnection.

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

Refusal of Service

This exempt utility is not required to have a designated service area and is not obligated to serve every applicant for service but is required to provide service in a nondiscriminatory manner.

Customer Deposits

Refund of deposit – If service is not connected, or after permanent disconnection of service to a customer, the utility will promptly refund, within 30 days, the customer's deposit or the balance, if any, in excess of the unpaid bills for service furnished.

Every service applicant who has previously been a customer of the utility and whose service has been discontinued for nonpayment of bills, meter tampering, bypassing of meter or failure to comply with applicable state and municipal regulations or regulations of the utility shall be required, before service is resumed, to pay all amounts due the utility or execute a deferred payment agreement, if offered, and may be required to pay a deposit if the utility does not currently have a deposit from the customer. The burden shall be on the utility to prove the amount of utility service received but not paid for and the reasonableness of any charges for such unpaid service, as well as all other elements of any bill required to be paid as a condition of service restoration.

Meter Requirements, Readings, and Testing

One meter or connection may be required for each customer. The exempt utility will, upon the request of a customer, and, if the customer so desires, in his or her presence or in that of his or her authorized representative, make a test of the accuracy of the customer's meter. The test may be made using a container of known volume.

A meter test will cost \$25.00. Following the completion of any requested test, the utility will promptly advise the customer in writing of the results. If the meter is in error by more than 3% the meter should be replaced at the utility's expense. Meters will be read at (preferably monthly) intervals.

REQUIRED SERVICE RULES AND REGULATIONS FOR EXEMPT UTILITIES (Continued)

Billing

Bills from the utility will be mailed at intervals specified in the service agreement. The due date of bills for utility service will be at least sixteen (16) days from the date of issuance. The postmark on the bill or, if there is no postmark on the bill, the recorded date of mailing by the utility will constitute proof of the date of issuance. Payment for utility service is delinquent if full payment, including late fees, is not received at the designated payment location by 5:00 p.m. on the due date. If the due date falls on a holiday or weekend, the due date for payment purposes will be the next work day after the due date.

Late Fee - A late penalty may be charged (if listed on the tariff) on bills received after the due date. The utility must maintain a record of the date of mailing to charge the late penalty.

Each bill will provide at least the following: The total amount due for water service, the due date of the bill and a telephone number (or numbers) for customers to call if they have questions.

Metered Service

If service is metered, the bill must also state the date and reading of the meter at the beginning and end of the period for which the bill is rendered, and the numbers of gallons consumed.

Service Disconnection and Disputed Bills

If a customer or applicant for service files a complaint about all or a portion of the bill, the utility will promptly investigate the matter and advise the complainant of the results. Service may not be disconnected pending completion of the investigation. If the complainant is dissatisfied with the utility's response, the utility must advise the complainant that he/she has recourse through the Public Utility Commission of Texas complaint process. Pending resolution of a complaint, the Commission may require continuation or restoration of service.

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

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

Notice of disconnection must be a separate mailing or hand delivery.

Utility service may also be disconnected without notice if an imminent hazard to the utility system exists.

The utility is required to reconnect service after a customer who has been disconnected for nonpayment pays a delinquent bill and any other applicable fees in accordance with this tariff and any applicable service agreement. The utility may permanently disconnect service to an existing customer only if authorized to in writing by the Commission after notice has been issued.

REQUIRED SERVICE RULES AND REGULATIONS FOR EXEMPT UTILITIES (Continued)

Reconnection of Service

Service will be reconnected within 24 hours, unless otherwise stated on the service agreement, after the past due bill, reconnection fee and any other outstanding charges are paid or correction of the conditions which caused service to be disconnected.

A reconnection fee will be applied to the customer's account for reconnection of service. Payment of all service charges and fees must be received by 5:00 pm of the regularly scheduled work day in order to have water service reconnected that day. When service has been disconnected for nonpayment of a bill, service will be reconnected within one working day after the customer has met the requirements for reconnection, including paying the past-due bill, reconnection fee, and any other outstanding charges.

Service Interruptions

The utility will make all reasonable efforts to prevent interruptions of service. If interruptions occur, the utility will re-establish service within the shortest possible time.

Quality of Service

The utility will provide properly treated and disinfected water and facilities with sufficient pressure and capacity for reasonable consumer uses unless otherwise stated on the service agreement.

Standard Extension Requirements

All practices and policies related to the extension of service to new applicants or restoration of service must be reasonable and nondiscriminatory.

Specific Utility Rules (May not conflict with Commission required Rules. Attach additional pages if needed.)

WATER SERVICE APPLICATION/AGREEMENT

Date: _____

Exempt Utility Name Echo Hills POA
Business Address Street 8976 Ruby Lane
City, State, Zip Frankston, TX 75763
(AC) Telephone (903)876-4739

APPLICATION FOR WATER SERVICE

Name of Applicant/Customer: _____
Service Location: _____
Billing Address: _____
City, State, Zip: _____

Check Applicable Items:

____ Residential ____ Owner
____ Commercial ____ Tenant

The Exempt Utility agrees to sell and deliver water to the Applicant and the Applicant agrees to purchase and receive water from the Utility in accordance with the rules and regulations required by the Public Utility Commission of Texas which are included in its Exempt Utility Tariff and any other rules or requirements contained in this agreement.

Water **will** ____ **will not** ____ be disinfected. The customer acknowledges that the utility does not treat or disinfect the water, and the water quality is represented on the attached water quality report. The customer agrees that any additional water testing the customer desires will be at his or her expense. Water **will** ____ **will not** ____ be measured by meters which are furnished, installed, owned and maintained by the Utility. The meter and/or connection is for the sole use of the Applicant/Customer to serve water to one dwelling, business or property. The Applicant/Customer shall not share, resell, or submeter water to any other dwelling, business, property, etc., without the specific written authorization of the Utility and in compliance with applicable laws and regulations.

The Utility has the right to locate a water service meter/connection and the pipe necessary to connect the meter to the utility's water main on the property of the Applicant at a point mutually agreeable to both the Utility and the Applicant. The Applicant/Customer will allow the Utility access at all reasonable times to its property and equipment located upon Applicant/Customer's premises for the limited purposes of reading the water meter, repairing or replacing existing facilities and the inspection of the Applicant/Customer's facilities to check for illegal connections or unsafe plumbing practices or cross-connections, in compliance with the requirements of the Texas Commission on Environmental Quality's "Rules and Regulations for Public Water Systems."

The Applicant will install, at his own expense, a service line from the water meter/connection to the Applicant's point of use which **includes** ____/**does not include** ____ a cutoff valve on the Applicant's side of the water meter/connection. The Applicant/Customer will be responsible for maintenance and repair of the Applicant/Customer's service line. The Applicant/Customer shall hold the Utility harmless from any and all claims or demands for damage to real or personal property occurring from the point the Applicant/Customer ties on the water meter/connection to the final destination of the line installed by Applicant/Customer.

The Applicant agrees to grant to the Utility an easement/right-of-way for the purpose of installing, maintaining and operating such pipe lines, meters, valves, and any other equipment which may be deemed necessary for the provision of Utility service to that Applicant/Customer. The Utility will attempt to restore the Applicant/Customer's property to its original condition after installation or repairs. This easement may be in such form as is required by the Utility. The Applicant/Customer agrees not to interfere with the Utility's employees in the discharge of their duties. The Applicant/Customer will not permit anyone except the Utility's employees to tamper with or interfere with any of the utility's equipment installed on the Applicant/Customer's premises.

The Applicant/Customer shall not operate the utility's meter shut-off located on the supply-side of the water meter. The Applicant/Customer will only use the shut-off valve on customer's side of the meter. The Applicant/Customer shall not attached any ground wire to any plumbing connected to the Utility's distribution system.

The Applicant/Customer shall not connect any other source to any water lines served by the Utility's public water supply system. Applicant/Customer shall disconnect from any other source of water prior to connecting to the Utility's system, and shall eliminate any present or future cross-connection in the Applicant/Customer's system.

Non-Standard Service

Will the Applicant's use of water place unique, non-standard service demands upon the system or require any special facilities?

☐ No ☐ Yes If yes, please describe.

OTHER AGREEMENTS OR REQUIREMENTS FOR SERVICE

The service applicant has been provided a copy of the utility's Exempt Utility Tariff and agrees to pay the rates in the tariff and abide by the requirements in this service agreement. This utility is exempted from most of the requirements for water utilities as long as service is provided in accordance with the Exempt Utility Tariff. The Commission will not review rate changes by the utility unless it receives written protests from at least 50% of the customers within 90 days after the effective date of a rate change.

Applicant/Customer's Signature

Date ____/____/____

\$_____ Tap Fee Collected

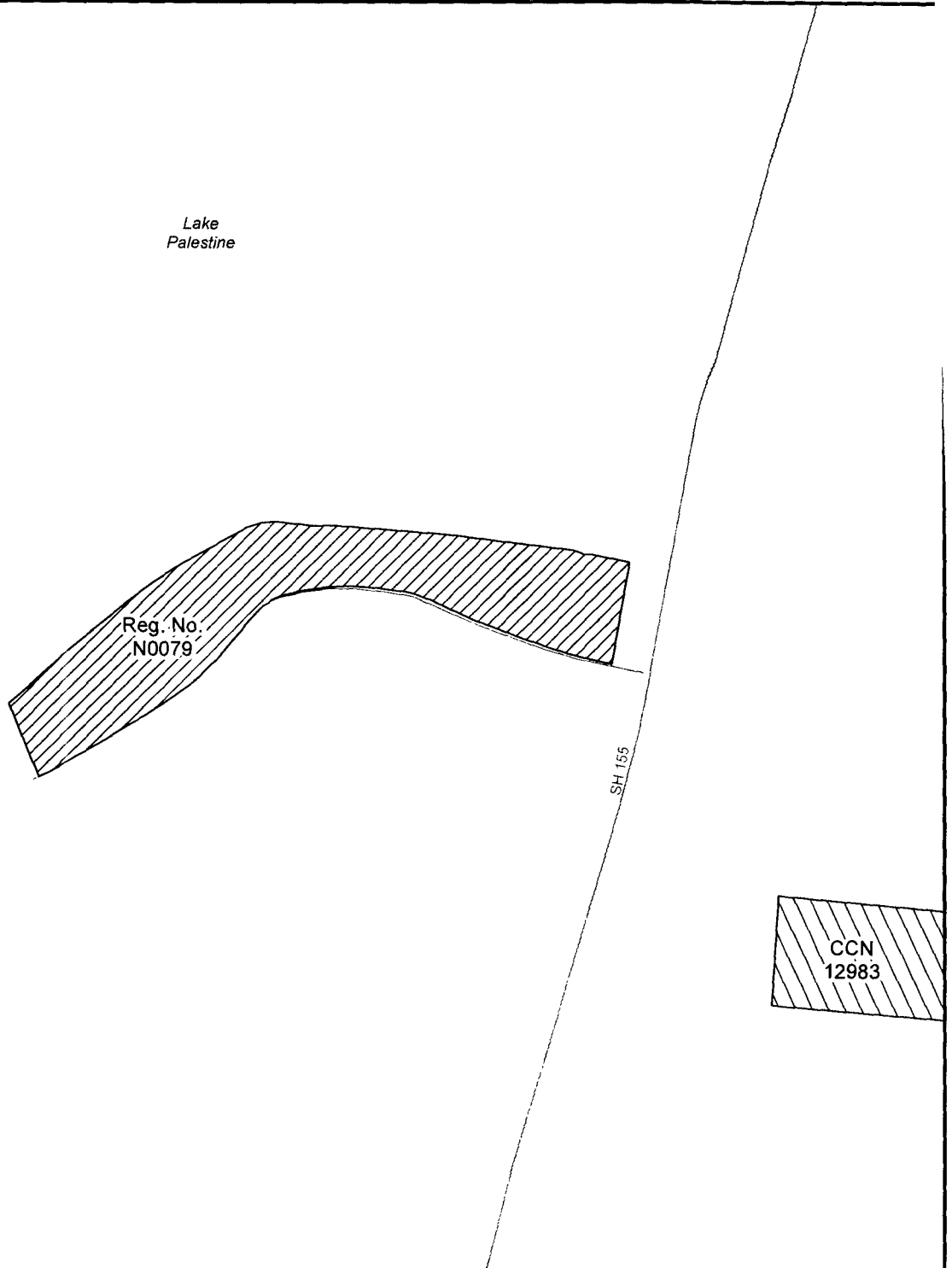
\$_____ Deposit Collected

Service will be connected at the service location on or about _____, 20_____.

Utility Representative


Date ____/____/____

Echo Hills POA
Water Service Area
Exempt Utility Registration No. N0079
PUC Docket No. 49560
Henderson County



Public Utility Commission of Texas
1701 N. Congress Ave
Austin, TX 78701

Exempt Utility Water Service Area

 N0079 - Echo Hills POA

Water CCN

 12983 - Monarch Utilities I LP

0 250 500
Feet



Map by Komal Patel
Date created: July 15, 2019
Project Path n \finalmapping\
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