



Control Number: 50501



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DOCKET NO. 50501

APPLICATION OF KENNETH V. LAND §
TO CANCEL AN EXEMPT UTILITY §
REGISTRATION AND OF §
GREG COBURN TO OBTAIN AN §
EXEMPT UTILITY REGISTRATION §

PUBLIC UTILITY COMMISSION
OF TEXAS

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PUBLIC UTILITY COMMISSION
FRANK CLARK

NOTICE OF APPROVAL

This Notice of Approval addresses the application of Kenneth V. Land to cancel his exempt utility registration number N0063 and the application of Greg Coburn to register the exempt utility formerly held by Mr. Land under a new exempt utility registration number. The Commission cancels Mr. Land's exempt utility registration number N0063 and grants to Mr. Coburn exempt utility registration number N0080.

I. Findings of Fact

The Commission makes the following findings of fact.

Applicants

1. Mr. Land is an individual.
2. Mr. Land currently holds exempt utility registration number N0063 issued by the Commission.
3. The water utility operated under exempt utility registration number N0063 includes one water well, 12 acres, and three existing water customer connections in the Lange Ranch subdivision unit 2, lot 1, in Comal County.
4. Mr. Coburn is an individual.
5. Mr. Coburn recently purchased from Mr. Land the water utility operated under exempt utility registration number N0063.

Applications

6. On January 30, 2020, Mr. Land and Mr. Coburn filed an application under Texas Water Code (TWC) § 13.301 and 16 Texas Administrative Code (TAC) § 24.239 seeking to transfer Mr. Land's exempt utility registration to Mr. Coburn.

7. On September 18, 2020, the applicants filed an amended application, explaining that Mr. Land had sold the water utility, including the well and facilities, operated under Mr. Land's exempt utility registration number N0063 to Mr. Coburn, and they wished for Mr. Land's exempt utility registration to be cancelled and for Mr. Coburn to be granted an exempt utility registration. Included with the amended application was an application by Mr. Coburn for exempt utility registration.
8. On September 23, 2020, Commission Staff recommended that processing the application under TWC § 13.301 and 16 TAC § 24.239 was improper. Instead, Commission Staff recommended that this proceeding should be processed as an application to relinquish Mr. Land's existing exempt utility registration and for approval of an application for a new exempt utility registration for Mr. Coburn under 16 TAC § 24.229(e).
9. On October 26, 2020, Mr. Coburn supplemented his application for exempt utility registration with general and detailed location maps.
10. On November 23, 2020, Mr. Land filed an affidavit attesting to his intent to relinquish his exempt utility registration number N0063.
11. As a result of the transaction, Mr. Land's exempt utility registration number N0063 will be cancelled, and the water utility, including the well and facilities, that had been owned and operated under Mr. Land's exempt utility registration number N0063 will be owned and operated under Mr. Coburn's exempt utility registration number N0080.
12. In Order No. 9 filed on December 15, 2020, the administrative law judge (ALJ) found the application, as supplemented, administratively complete.

Notice

13. On September 18, 2020, Mr. Coburn filed water service agreements as proof of notice to the three affected customers.
14. In Order No. 9 filed on December 15, 2020, the ALJ found the notice sufficient.

Evidentiary Record

15. On March 15, 2021, Commission Staff filed, on behalf of itself, Mr. Land, and Mr. Coburn, a joint motion to admit evidence.

16. In Order No. 11 filed on March 24, 2021, the ALJ admitted the following evidence into the record of this proceeding: (a) Mr. Coburn's well application and letter of explanation filed on September 18, 2020; (b) Commission Staff's supplemental recommendation filed on September 23, 2020; (c) Mr. Coburn's location maps and water service agreements filed on October 26, 2020; (d) Mr. Land's affidavit to relinquish exempt utility registration number N0063 filed on November 23, 2020; (e) Commission Staff's supplemental recommendation on administrative completeness filed on December 14, 2020; (f) Mr. Land's signed consent form filed on January 20, 2021; (g) Mr. Coburn's signed consent form filed on January 20, 2021; and (h) Commission Staff's final recommendation and all attachments filed on February 26, 2021.

Effect on Customers

17. Mr. Land's relinquishment will have no effect on the three existing customers because Mr. Coburn has filed service agreements demonstrating that he will continue to serve those customers.

Certificate Not Required

18. The water utility at issue in this proceeding has less than 15 potential service connections.
19. The water utility at issue in this proceeding is not owned by or affiliated with a retail public water utility or any other provider of potable water service.
20. The service area of the water utility at issue in this proceeding is not within the certificated area of another retail public water utility.
21. The service area of the water utility at issue in this proceeding is not within the corporate boundaries of a district or municipality.

Tariffs and Maps

22. On January 19, 2021, Commission Staff emailed the exempt utility water tariff and map related to this docket to Mr. Land and Mr. Coburn.
23. On January 20, 2021, Mr. Coburn and Mr. Land filed consent forms concurring with the exempt utility water tariff and map as prepared by Commission Staff.
24. On February 26, 2021, Commission Staff filed a proposed exempt utility water tariff and map attached to its final recommendation.

Informal Disposition

25. More than 15 days have passed since the completion of notice provided in this proceeding.
26. Mr. Land, Mr. Coburn, and Commission Staff are the only parties to this proceeding.
27. No protests or motions to intervene were filed.
28. No party requested a hearing and no hearing is necessary.
29. Commission Staff recommended approval of the application.
30. This decision is not adverse to any party.

II. Conclusions of Law

The Commission makes the following conclusions of law.

1. The Commission has authority over the application under TWC §§ 13.041, 13.242(c), and 13.250, and 16 TAC § 24.229(e).
2. The water utility registered as an exempt utility under number N0063 is properly registered as an exempt utility in accordance with 16 TAC § 24.229(e).
3. The Commission processed the applications in accordance with the requirements of the Administrative Procedure Act,¹ the TWC, and Commission rules.
4. TWC § 13.301 and 16 TAC § 24.239 are not applicable to the sale of the facilities and service area under exempt utility registration number N0063 from Mr. Land to Mr. Coburn.
5. Mr. Coburn's application complied with the mapping requirements in 16 TAC § 24.229(e)(6).
6. Mr. Coburn provided reasonable notice to the three existing customers in accordance with 16 TAC § 22.55.
7. Mr. Land has demonstrated that the cancellation of exempt utility registration number N0063 will not adversely affect the three existing customers.
8. Mr. Coburn is not required to obtain a certificate of convenience and necessity to provide water service under TWC § 13.242(c) and 16 TAC § 24.229(e).

¹ Texas Gov't Code §§ 2001.001–.903.

9. Mr. Coburn's application for a new exempt utility registration was processed in accordance with the requirements of TWC § 13.242(c) and 16 TAC § 24.229(e).
10. The requirements for informal disposition under 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 cancels Mr. Land's exempt utility registration number N0063.
2. The Commission approves the application of Mr. Coburn to register the exempt utility and associated area in Comal County, formerly held by Mr. Land, under new exempt utility registration number N0080.
3. The Commission approves the map and exempt utility water tariff filed by Commission Staff as attachments to its final recommendation on February 26, 2021, and attached to this Notice of Approval.
4. Mr. Coburn must comply with the service rule requirements in the attached exempt utility tariff.
5. Mr. Coburn must provide a copy of the exempt utility tariff for exempt utility registration number N0080 to each future customer at the time service is requested and upon request to each current customer.
6. Mr. Coburn must maintain a current copy of the exempt utility tariff approved in this Notice of Approval at his business location.
7. Mr. Coburn may not change the rates charged under exempt utility registration number N0080 unless he follows the procedure outlined in 16 TAC § 24.22(e)(7)(B).
8. Mr. Coburn must not cease operations under exempt utility registration number N0080 unless he obtains prior written authorization from the Commission.
9. Within ten days of the date of this Notice of Approval, 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.

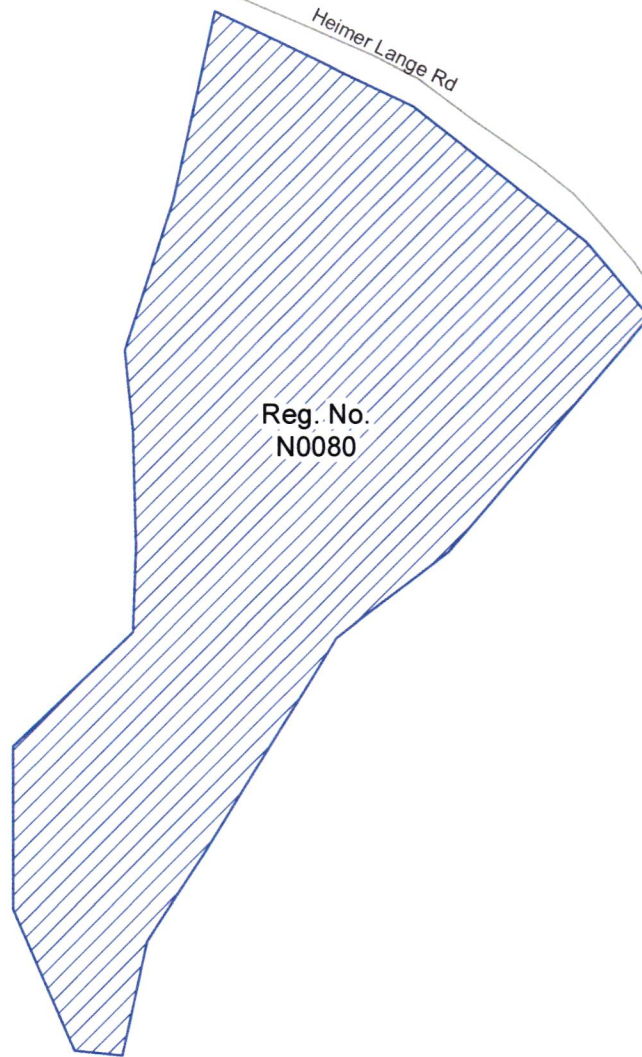
10. The Commission denies all other motions and any other requests for general or specific relief that have not been expressly granted.

Signed at Austin, Texas the 26th day of March 2021.

PUBLIC UTILITY COMMISSION OF TEXAS


HUNTER BURKHALTER
CHIEF ADMINISTRATIVE LAW JUDGE

Greg Coburn
Water Service Area
Exempt Utility Registration No. N0080
PUC Docket No. 50501
Transferred all of Kenneth V. Land and Greg Coburn, Reg. No. N0063 in Comal County



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

Exempt Utility Service Area



N0080 - Greg Coburn

0 125 250
Feet



Map by: Komal Patel
Date created: January 11, 2021
Project Path: n:\finalmapping\
50501GregCoburn.mxd

EXEMPT UTILITY WATER TARIFF FORM

Effective Date: 1/6/2021
Docket No.: 50501
Registration No.: N0080

Greg Coburn
(Utility Name)

1143 Heimer Lange Rd
(Utility Address)

Spring Branch, TX 78070
(City, State, Zip Code)

(830) 515-7860
(Phone Number)

RATE SCHEDULE

Rate Schedule

Monthly Minimum Charge

Residential

\$25.00 FLAT RATE

TAP FEE..... 0.00

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

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

THE UTILITY MAY REQUIRE EXACT CHANGE FOR PAYMENTS AND MAY REFUSE TO ACCEPT PAYMENTS MADE USING MORE THAN \$1.00 IN SMALL COINS. A WRITTEN RECEIPT WILL BE GIVEN FOR CASH PAYMENTS.

REGULATORY ASSESSMENT..... 1.0%

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

RECONNECTION FEE

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

- a) Non-payment of bill (not to exceed \$25 without justification) \$0.00
- b) Customer' request..... \$0.00

LATE CHARGE \$0.00
FOR BILLS NOT RECEIVED BY DUE DATE

RETURNED CHECK CHARGE..... \$0.00

CUSTOMER DEPOSIT..... \$0.00

METER TEST FEE (Not to exceed \$25) \$0.00

The attached Service Rules are part of this tariff.

CUSTOMER NOTICE: THIS UTILITY SERVICE PROVIDER IS EXEMPT FROM MANY OF THE REQUIREMENTS OF TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ) 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.

REQUIRED SERVICE RULES AND REGULATIONS FOR EXEMPT UTILITIES

Rate Changes - Rates can be changed no more than once per year without the approval of the Executive Director 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.

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 \$0.00. 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 on the 15th day of each month (preferably monthly) intervals.

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.

Disputed Bills - In the event of a dispute between a customer and a exempt utility regarding any bill for utility service, the utility will conduct an investigation and report the results to the customer. Service will not be terminated during the time of the investigation if any undisputed amounts are paid.

Service Disconnection

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

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 executive director of the TCEQ or his designated representative and after notice has been issued.

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.

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_____

Greg Coburn dba

Lange Ranch Subdivision Unit 2, Lot 1

(Utility Name)

1143 Heimer Lange Rd

(Utility Address)

Spring Branch, TX 78070

(City, State, Zip Code)

903-331-9350

(Phone Number)

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 Texas Commission on Environmental Quality which are included in its Exempt Utility Tariff and any other rules or requirements contained in this agreement.

Water will not be disinfected. Water will 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 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.

Non-standard Service

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

___ Yes ___ No 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 of the Texas Commission on Environmental Quality 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 ____/____/____