



## Filing Receipt

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**DOCKET NO. 52127**

<b>APPLICATION OF UNDINE</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>DEVELOPMENT, LLC TO AMEND</b>	<b>§</b>	
<b>ITS SEWER CERTIFICATE OF</b>	<b>§</b>	<b>OF TEXAS</b>
<b>CONVENIENCE AND NECESSITY IN</b>	<b>§</b>	
<b>TRAVIS COUNTY</b>	<b>§</b>	
	<b>§</b>	

**JOINT MOTION TO ADMIT EVIDENCE AND  
PROPOSED NOTICE OF APPROVAL**

On May 13, 2021, Undine Development, LLC (Undine) filed an application to amend its sewer certificate of convenience and necessity (CCN) in Travis County, Texas. Undine holds sewer CCN No. 20948. The requested service area consists of 17 acres, zero existing connections, and zero proposed connections.

On October 16, 2021, the administrative law judge (ALJ) filed Order No. 6, ordering the Staff (Staff) of the Public Utility Commission of Texas (Commission) and Undine (collectively, the Parties) to file joint proposed findings of fact and conclusions of law by November 29, 2021. Therefore, this pleading is timely filed.

**I. MOTION TO ADMIT EVIDENCE**

The Parties request the entry of the following items into the record of this proceeding: (a) Undine's application and confidential attachments filed on May 13, 2021 and May 14, 2021 (Interchange Item Nos. 1-6); (b) Undine's supplement to the application filed on June 8, 2021 (Interchange Item No. 8); (c) Staff's Recommendation on Administrative Completeness filed on June 14, 2021 (Interchange Item No. 9); (d) Undine's supplemental information filed on July 29, 2021 (Interchange Item No. 11); (e) Undine's proof of notice filed on July 29, 2021 and confidential attachment filed on August 2, 2021 (Interchange Item Nos. 12 and 13); (f) Staff's Recommendation on Sufficiency of Notice filed on August 9, 2021 (Interchange Item No. 14); (g) Undine's consent form filed on September 30, 2021 (Interchange Item No. 18); (h) Undine's Second Submittal of Supplement Information filed on October 25, 2021 (Interchange Item No. 22); (i) Staff's Final Recommendation and confidential attachment filed on October 29, 2021 (Interchange Item Nos. 23 and 24); and (j) the attached map, tariff, and certificate.

## **II. JOINT PROPOSED NOTICE OF APPROVAL**

The Parties have agreed on the attached proposed notice of approval, which would grant Undine's application to amend sewer CCN No. 20948. The Parties request that the Commission adopt the findings of fact, conclusions of law, and ordering paragraphs in the proposed notice of approval.

## **CONCLUSION**

The Parties respectfully request that the items listed above be admitted into the record of this proceeding as evidence and that the attached proposed notice of approval be adopted.

Dated: November 29, 2021

Respectfully submitted,

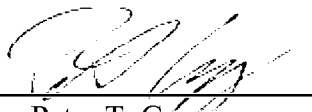
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**Attorneys for Undine Development, LLC**

**DOCKET NO. 52127**

**CERTIFICATE OF SERVICE**

I certify that, unless otherwise ordered by the presiding officer, notice of the filing of this document was provided to all parties of record via electronic mail on November 29, 2021, in accordance with the Order Suspending Rules, issued in Project No. 50664.

**DOCKET NO. 52127**

**APPLICATION OF UNDINE  
DEVELOPMENT, LLC TO AMEND  
ITS SEWER CERTIFICATE OF  
CONVENIENCE AND NECESSITY IN  
TRAVIS COUNTY**

§  
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**PUBLIC UTILITY COMMISSION  
  
OF TEXAS**

**JOINT PROPOSED NOTICE OF APPROVAL**

This notice of approval addresses the application of Undine Development, LLC (Undine) to amend its sewer certificate of convenience and necessity (CCN) in Travis County, Texas. The Commission grants the amendment to sewer CCN No. 20948 to Undine for the requested area, to the extent provided in this Notice of Approval.

**I. Findings of Fact**

The Commission makes the following findings of fact:

**Applicant**

1. Undine is a domestic corporation registered with the Texas secretary of state under file number 802427793.
2. Undine currently holds sewer CCN No. 20948 in Texas.
3. Undine owns, maintains, and controls facilities to provide sewer service in Travis County permitted by the Texas Commission on Environmental Quality (TCEQ) as Greenshores under Texas Pollutant Discharge Elimination System (TPDES) permit number WQ-0014286001 and will serve The Addie under TPDES permit number WQ-0015473.

**Application**

4. On May 13, 2021, Undine filed an application to amend its sewer CCN in Travis County.
5. Undine filed supplemental information on June 8, 2021, July 29, 2021, August 2, 2021, and October 25, 2021.
6. The application, as supplemented, requests a service area that consists of 17 acres, zero existing connections and zero proposed connections.

7. The requested area is located approximately 5.7 miles northwest of downtown Austin, Texas, and is generally bounded on the north by Pascal Lane; on the east by State Loop 360 (North Capital of Texas Highway); on the south by Wild Basin Road South; and on the west by Saint Stephens School Road.
8. In Order No. 2, filed on June 15, 2021, the administrative law judge (ALJ) found the application administratively complete.

#### **Opt-out Requests**

9. No opt-out requests were received from landowners within the proposed service area.

#### **Notice**

10. On July 29, 2021, Undine filed the affidavit of Edward Wallace, President of Undine, testifying that notice was mailed to current customers, landowners, neighboring utilities, and affected parties on June 17, 2021.
11. On July 29, 2021, Undine filed a publisher's affidavit attesting to publication of notice in the *Austin American Statesman*, a publication of general circulation in Travis County, on July 20, 2021 and July 27, 2021.
12. In Order No. 3 filed on August 10, 2021, the ALJ found the notice sufficient.

#### **Map and Certificate**

13. On September 24, 2021, Commission Staff emailed the proposed map, tariff, and certificate to Undine.
14. On September 30, 2021, Undine filed its consent to the proposed map, tariff, and certificate.
15. On November 29, 2021, the Parties filed the proposed map, tariff, and certificate as attachments to the joint motion to admit evidence.

#### **Evidentiary Record**

16. On November 29, 2021, the Parties filed a joint motion to admit evidence and proposed notice of approval.
17. In Order No. \_\_\_\_ filed on \_\_\_\_\_, 2021, the ALJ admitted the following into evidence: (a) Undine's application and confidential attachments filed on May 13, 2021 and May 14, 2021; (b) Undine's supplement to the application filed on June 8, 2021; (c) Staff's Recommendation on Administrative Completeness filed on June 14, 2021;

(d) Undine's supplemental information filed on July 29, 2021; (e) Undine's proof of notice filed on July 29, 2021 and confidential attachment filed on August 2, 2021; (f) Staff's Recommendation on Sufficiency of Notice filed on August 9, 2021; (g) Undine's consent form filed on September 30, 2021; (h) Undine's Second Submittal of Supplement Information filed on October 25, 2021; (i) Staff's Final Recommendation and confidential attachment filed on October 29, 2021; and (j) the attached map, tariff, and certificate attached to the agreed motion to admit evidence filed on November 15, 2021.

**Adequacy of Existing Service**

18. There are no existing customers in the requested area and sewer service is not currently being provided to the requested area.

**Need for Service**

19. There are no existing sewer connections in the requested area.
20. There is a need for service as the property owner intends to develop the requested area and anticipates a total of 46 sewer connections.

**Effect of Granting the Amendment and Granting the Certificate**

21. Undine will be the certificated entity for the requested area and will be required to provide adequate and continuous service to the requested area.
22. There will be no effect on any retail public utility servicing the proximate area.
23. No protests, adverse comments, or motions to intervene were filed by any adjacent retail public utility in this docket.
24. Amending Undine sewer certificate will facilitate the development of the property as desired by the landowner.
25. Future customers in the requested area will benefit from a centralized sewer system and will not need to install and operate their own individual septic systems.

**Ability to Serve: Managerial and Technical**

26. Undine has a TCEQ approved wastewater treatment plant, registered as Addie Wastewater Treatment Facility, Wastewater Discharge Permit No. WQ0015473001.
27. Undine is capable of meeting the TCEQ's design criteria for wastewater treatment plants and the requirements of chapter 13 of the Texas Water Code (TWC).

28. The developer will be constructing the necessary wastewater facilities.
29. Undine does not have any violations listed in the TCEQ database and no complaints against Undine have been filed with the Commission.
30. Undine intends to employ or contract with a TCEQ-licensed operator to operate the sewer system that will serve the requested area.
31. Undine has the managerial and technical capability to provide continuous and adequate service to the requested area.

**Feasibility of Obtaining Service from an Adjacent Retail Public Utility**

32. Undine received a request for service for the requested area from a developer.
33. Undine requested service from neighboring utilities and none of them were able to provide service.
34. Undine has approved TCEQ plans to build facilities in the requested area to serve future customers and will have sufficient capacity to serve the area.
35. It is not feasible to obtain service from an adjacent retail public utility.

**Regionalization or Consolidation**

36. Service was requested from neighboring utilities and none of them were able to provide service.
37. Undine has approval from TCEQ to construct wastewater facilities in the requested area to serve future customers and will have sufficient capacity to serve the area.
38. It is not feasible to obtain service from an adjacent retail public utility.
39. Undine demonstrated that regionalization or consolidation do not apply.

**Ability to Serve: Financial Ability and Stability**

40. Undine's reports a debt service coverage ratio that is greater than 1.25, satisfying the leverage test.
41. Undine has demonstrated it has sufficient cash available to cover any projected operations and maintenance shortages in the first five years after the amendment of the CCN, satisfying the operations test.
42. The developer will pay for any capital improvements needed to provide continuous and adequate service to the requested area.



43. Undine demonstrated the financial stability and capability to provide continuous and adequate service to the requested area.

#### **Financial Assurance**

44. There is no need to require Undine to provide a bond or other financial assurance to ensure continuous and adequate service to the requested area.

#### **Environmental Integrity and Effect on the Land**

45. Future construction will be necessary for Undine to provide service to the requested area.
46. Undine has received conditional approval from the TCEQ for the construction of the sewer system and related facilities.
47. The environmental integrity of the land will be minimally affected as additional construction is needed to provide service to the requested area.

#### **Improvement in Service or Lowering of Cost to Consumers**

48. Future residents of the planned development in the requested area will have sewer service.
49. No lowering of cost to consumers in the requested area will result from amending the CCN because there are no existing customers in the requested area.

#### **Proposed Tariff, Rate Study, and Supporting Documentation**

50. Undine filed its current tariff in its application.
51. Undine filed a rate study and pro forma financial statements supporting its proposed rates.
52. Undine provided all calculations supporting its proposed rates.
53. Undine provided all assumptions for projections included in its rate study.
54. Undine provided an estimated completion date for the sewer system.
55. Service and billing will commence upon the approval of this application by the Commission and completion of the sewer system.

### **Informal Disposition**

56. More than 15 days have passed since the completion of notice provided in this docket.
57. No person filed a protest or motion to intervene.
58. Commission Staff and Undine are the only parties to this proceeding.
59. No party requested a hearing and no hearing is needed.
60. Commission Staff recommended approval of the application.
61. The decision is not adverse to any party.

### **II. Conclusion of Law**

The Commission makes the following conclusions of law:

1. The Commission has jurisdiction over this proceeding under TWC §§ 13.041, 13.241, 13.242, 13.244, and 13.246.
2. Undine is a retail public utility as defined by TWC § 13.002(19) and 16 Texas Administrative Code (TAC) § 24.3(31).
3. Undine's notice complies with TWC § 13.246 and 16 TAC § 24.235.
4. The Commission processed the application in accordance with the requirements of the Administrative Procedure Act,<sup>1</sup> the TWC, and Commission rules.
5. The application meets the requirements set forth in TWC § 13.244 and 16 TAC §§ 24.25 and 24.235.
6. After consideration of the factors in TWC §§ 13.241(a) and 13.246(c) and 16 TAC §§ 24.11(e) and 24.227(e), Undine demonstrated adequate financial, managerial, and technical capability for providing continuous and adequate service to the requested service area as required by TWC § 13.241(a) and 16 TAC § 24.227.
7. Undine meets the requirements of TWC § 13.241(c) to provide sewer utility service.
8. Undine demonstrated that regionalization or consolidation with another retail public utility is not economically feasible, as required by TWC § 13.241(d) and 16 TAC § 24.227(b).
9. It is not necessary for Undine to provide a bond or other financial assurance under TWC § 13.246(d) or 16 TAC § 24.227(f).

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<sup>1</sup> Tex. Gov't Code §§ 2001.001-.902.

10. Undine has demonstrated that granting the amendment to sewer CCN No. 20948 is necessary for the service, accommodation, convenience, and safety of the public as required by TWC § 13.246(b) and 16 TAC § 24.227(d).
11. Under TWC § 13.257(r) and (s), Undine must record a certified copy of the approved map and certificate, along with a boundary description of the service area, in the real property records of Travis County within 30 days of this Notice of Approval and must submit evidence of the recording to the Commission.
12. Under 16 TAC § 24.25(b)(1)(C), Undine must file a rate application with the Commission within 18 months from the date service begins.
13. 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 grants Undine amendment to sewer CCN No. 20948 as described in this Notice of Approval and shown on the attached map.
2. The Commission approves the map and tariff attached to this Notice of Approval.
3. Undine must serve every customer and applicant for service within the approved area under sewer CCN No. 20948 who requests sewer service and meets the terms of Undine's sewer service, and such service must be continuous and adequate.
4. Undine must comply with the recording requirements in TWC § 13.257(r) and (s) for the areas in Travis County affected by this application and file in this docket proof of the recording no later than 45 days after the date of this Notice of Approval.
5. Undine must provide notice to the Commission once billing for sewer service begins as required by 16 TAC § 24.25(b)(1)(B)(vi).
6. Undine must comply with the requirements in 16 TAC § 24.25(b)(1)(C) and file a rate application with the Commission within 18 months from the date sewer service begins.
7. Within 10 days of the date of this Notice of Approval, Commission Staff must provide a clean copy of the tariff approved by this Notice of Approval to Central Records to be marked Approved and filed in the Commission's tariff book.

8. 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 \_\_\_\_\_ day of \_\_\_\_\_ 2021.**

**PUBLIC UTILITY COMMISSION OF TEXAS**

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**ADMINISTRATIVE LAW JUDGE**



# **Public Utility Commission of Texas**

**By These Presents Be It Known To All That**

## **Undine Development LLC**

having obtained certification to provide sewer utility service for the convenience and necessity of the public, and it having been determined by this Commission that the public convenience and necessity would in fact be advanced by the provision of such service, Undine Development LLC is entitled to this

### **Certificate of Convenience and Necessity No. 20948**

to provide continuous and adequate sewer utility service to that service area or those service areas in Travis County as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 52127 are on file at the Commission offices in Austin, Texas; and are matters of official record available for public inspection; and be it known further that these presents do evidence the authority and the duty of the Undine Development LLC to provide such utility service in accordance with the laws of this State and Rules of this Commission, subject only to any power and responsibility of this Commission to revoke or amend this Certificate in whole or in part upon a subsequent showing that the public convenience and necessity would be better served thereby.



## SEWER UTILITY TARIFF

**Docket Number: 52127**

Undine Development, LLC  
(Utility Name)

17681 Telge Road  
(Business Address)

Cypress, Texas 77429  
(City, State, Zip Code)

713/574-5953  
(Area Code/Telephone)

This tariff is effective for utility operations under the following Certificate of Convenience and Necessity:

20948

This tariff is effective in the following county:

Travis

This tariff is effective in the following cities or unincorporated towns (if any):

City of Austin (portions under limited purpose annexation)

The rates set or approved by the city of the systems within its corporate boundary are not presented in this tariff. Those rates are not under the original jurisdiction of the PUC and will have to be obtained from the City of Austin.

This tariff is effective in the following subdivisions or systems:

Greenshores on Lake Austin and Woods of Greenshores Subdivisions: WQ0014286001

Rob Roy 360 Subdivision: WQ0015473001

### TABLE OF CONTENTS

The above utility lists the following sections of its tariff (if additional pages are needed for a section, all pages should be numbered consecutively):

SECTION 1.0 -- RATE SCHEDULE.....	2
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SECTION 3.0 -- EXTENSION POLICY .....	10

APPENDIX A -- SAMPLE SERVICE AGREEMENT

APPENDIX B -- APPLICATION FOR SERVICE

## SECTION 1.0 -- RATE SCHEDULE

Section 1.01 - Rates

<u>Meter Size</u>	<u>Monthly Minimum Charge</u> (Includes 0 gallons all meters)	<u>Gallonge Charge</u>
5/8" x 3/4"	<u>\$70.00</u>	<u>\$12.00</u> per 1000 gallons over the minimum
3/4"	<u>\$105.00</u>	
1"	<u>\$175.00</u>	
1½"	<u>\$350.00</u>	
2"	<u>\$560.00</u>	
3"	<u>\$1,050.00</u>	

Gallonge charges are determined based on average consumption for winter period which includes the following months: December, January, and February

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

Cash        Check X Money Order X Credit Card X 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%  
 PUC RULES REQUIRE THE UTILITY TO COLLECT A FEE OF ONE PERCENT OF THE RETAIL  
 MONTHLY BILL AND TO REMIT THE FEE TO THE TCEQ.

Section 1.02 - Miscellaneous Fee

TAP FEE (Pressure System) ..... \$3,750.00  
 THIS FEE COVERS THE UTILITY'S COSTS FOR MATERIALS AND LABOR TO INSTALL  
 SERVICE CONNECTION HAVING 5/8 x 3/4 INCH WATER METER OR SERVICE DEMAND OF 10  
 GPM OR LESS THAT ARE INSTALLED IN DIRT AND DO NOT REQUIRE THE USE OF ROCK  
 SAW OR ANY OTHER SPECIAL EXCAVATION. THIS FEE WILL INCLUDE THE INITIAL  
 INSTALLATION COST OF GRINDER PUMP, STORAGE TANKS, AND ELECTRICAL CONTROLS.

TAP FEE (Gravity System) ..... \$500.00  
 TAP FEE COVERS THE UTILITY'S COSTS FOR MATERIALS AND LABOR TO INSTALL A  
 STANDARD RESIDENTIAL CONNECTION. AN ADDITIONAL FEE TO COVER UNIQUE COSTS IS  
 PERMITTED IF LISTED ON THIS TARIFF.

TAP FEE (Large Tap Connection) ..... Actual Cost  
 TAP FEE IS THE UTILITY'S ACTUAL COST FOR MATERIALS AND LABOR FOR METER SIZE  
 INSTALLED.

**Docket Number: 52127**

## SECTION 1.0 -- RATE SCHEDULE (Continued)

## RECONNECTION FEE

THE RECONNECT FEE MUST BE PAID BEFORE SERVICE CAN BE RESTORED TO A CUSTOMER WHO HAS BEEN DISCONNECTED FOR THE FOLLOWING REASONS (OR OTHER REASONS LISTED UNDER SECTION 2.0 OF THIS TARIFF):

- a) Nonpayment of bill (Maximum \$25.00).....\$25.00
- b) Customer's request that service be disconnected .....\$45.00

TRANSFER FEE.....\$45.00

THE TRANSFER FEE WILL BE CHARGED FOR CHANGING AN ACCOUNT NAME AT THE SAME SERVICE LOCATION WHEN THE SERVICE IS NOT DISCONNECTED

LATE CHARGE (EITHER \$5.00 OR 10% OF THE BILL).....10%

PUC RULES ALLOW A ONE-TIME PENALTY TO BE CHARGED ON DELINQUENT BILLS. A LATE CHARGE MAY NOT BE APPLIED TO ANY BALANCE TO WHICH THE PENALTY WAS APPLIED IN A PREVIOUS BILLING.

RETURNED CHECK  
CHARGE.....\$30.00

RETURNED CHECK CHARGES MUST BE BASED ON THE UTILITY'S DOCUMENTABLE COST.

CUSTOMER DEPOSIT RESIDENTIAL (Maximum  
\$50).....\$50.00

COMMERCIAL & NON-RESIDENTIAL DEPOSIT..... 1/6TH OF ESTIMATED ANNUAL  
BILL

## GOVERNMENTAL TESTING, INSPECTION AND COSTS SURCHARGE:

WHEN AUTHORIZED IN WRITING BY PUC AND AFTER NOTICE TO CUSTOMERS, THE UTILITY MAY INCREASE RATES TO RECOVER INCREASED COSTS FOR INSPECTION FEES AND WATER TESTING. [16 TAC § 24.25(b)(2)(G)]

## LINE EXTENSION AND CONSTRUCTION CHARGES:

REFER TO SECTION 3.0--EXTENSION POLICY FOR TERMS, CONDITIONS, AND CHARGES WHEN NEW CONSTRUCTION IS NECESSARY TO PROVIDE SERVICE.



**Docket Number: 52127**

## SECTION 2.0 -- SERVICE RULES AND POLICIES

The utility will have the most current Public Utility Commission (PUC or Commission) Rules, Chapter 24, available at its office for reference purposes. The Rules and this tariff shall be available for public inspection and reproduction at a reasonable cost. The latest Rules or Commission approved changes to the Rules supersede any rules or requirements in this tariff.

### Section 2.01 - Application for Sewer Service

All applications for service will be made on the utility's standard application or contract form (attached in the Appendix to this tariff), will be signed by the applicant, any required fees (deposits, reconnect, tap, extension fees, etc. as applicable) will be paid and easements, if required, will be granted before service is provided by the utility. A separate application or contract will be made for each service location.

### Section 2.02 - Refusal of Service

The utility may decline to serve an applicant until the applicant has complied with the regulations of the regulatory agencies (state and municipal regulations) and for the reasons outlined in the PUC Rules. In the event that the utility refuses to serve an applicant, the utility will inform the applicant in writing of the basis of its refusal. The utility is also required to inform the applicant that a complaint may be filed with the Commission.

### Section 2.03 - Fees and Charges & Easements Required Before Service Can Be Connected

#### (A) Customer Deposits

If a residential applicant cannot establish credit to the satisfaction of the utility, the applicant may be required to pay a deposit as provided for in Section 1.02 - Miscellaneous Fees of this tariff. The utility will keep records of the deposit and credit interest in accordance with PUC Rules.

Residential applicants 65 years of age or older may not be required to pay deposits unless the applicant has an outstanding account balance with the utility or another water or sewer utility which accrued within the last two years.

Nonresidential applicants who cannot establish credit to the satisfaction of the utility may be required to make a deposit that does not exceed an amount equivalent to one-sixth of the estimated annual billings.

Refund of deposit - If service is not connected, or after disconnection of service, the utility will promptly refund the customer's deposit plus accrued interest or the balance, if any, in excess of the unpaid bills for service furnished. The utility may refund the deposit at any time prior to termination of utility service but must refund the deposit plus interest for any customer who has paid 18 consecutive billings without being delinquent.

## SECTION 2.0 -- SERVICE RULES AND POLICIES (Continued)

### (B) Tap or Reconnect Fees

A new customer requesting service at a location where service has not previously been provided must pay a tap fee as provided in Section 1. A customer requesting service where service has previously been provided must pay a reconnect fee as provided in Section 1. Any applicant or existing customer required to pay for any costs not specifically set forth in the rate schedule pages of this tariff shall be given a written explanation of such costs prior to request for payment and/or commencement of construction. If the applicant or existing customer does not believe that these costs are reasonable or necessary, the applicant or existing customer shall be informed of their right to appeal such costs to the PUC or such other regulatory authority having jurisdiction over the utility's rates in that portion of the utility's service area in which the applicant's or existing customer's property(ies) is located.

Fees in addition to the regular tap fee may be charged if listed specifically in Section 1 to cover unique costs not normally incurred as permitted by 16 TAC § 24.163(b)(1)(C). For example, a road bore for customers outside a subdivision or residential area could be considered a unique cost.

### (C) Easement Requirement

Where recorded public utility easements on the service applicant's property do not exist or public road right-of-way easements are not available to access the applicant's property, the Utility may require the applicant to provide it with a permanent recorded public utility easement on and across the applicant's real property sufficient to provide service to that applicant. Such easement(s) shall not be used for the construction of production, storage, transmission or pressure facilities unless they are needed for adequate service to that applicant.

### Section 2.04 - Utility Response to Applications for Service

After the applicant has met all the requirements, conditions and regulations for service, the utility will install tap and utility cut-off and/or take all necessary actions to initiate service. The utility will serve each qualified applicant for service within 5 working days unless line extensions or new facilities are required. If construction is required to fill the order and if it cannot be completed within 30 days, the utility will provide the applicant with a written explanation of the construction required and an expected date of service.

Except for good cause where service has previously been provided, service will be reconnected within one working day after the applicant has met the requirements for reconnection.

### Section 2.05 - Customer Responsibility

The customer will be responsible for furnishing and laying the necessary customer service pipe from the tap location to the place of consumption. Customers will not be allowed to use the utility's cutoff.

### Section 2.06 - Access to Customer's Premises

All customers or service applicants shall provide access to utility cutoffs at all times reasonably necessary to conduct ordinary utility business and after normal business hours as needed to protect and preserve the integrity of the public drinking water supply.

## SECTION 2.0 -- SERVICE RULES AND POLICIES (Continued)

### Section 2.07 - Back Flow Prevention Devices

No water connection shall be made to any establishment where an actual or potential contamination or system hazard exists without an approved air gap or mechanical backflow prevention assembly. The air gap or backflow prevention assembly shall be installed in accordance with the American Water Works Association (AWWA) standards C510, C511 and AWWA Manual M14 or the University of Southern California Manual of Cross-Connection Control, current edition. The backflow assembly installation by a licensed plumber shall occur at the customer's expense.

The back flow assembly shall be tested upon installation by a recognized prevention assembly tester and certified to be operating within specifications. Back flow prevention assemblies which are installed to provide protection against high health hazards must be tested and certified to be operating within specifications at least annually by a recognized back flow prevention device tester. The maintenance and testing of the back flow assembly shall occur at the customer's expense.

### Section 2.10 - Billing

#### (A) Regular Billing

Bills from the utility will be mailed monthly unless otherwise authorized by the Commission. 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 and the regulatory assessment, is not received at the utility or the utility's authorized payment agency 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 workday after the due date.

#### (B) Late Fees

A late penalty of either \$5.00 or 10.0% will be charged on bills received after the due date. The penalty on delinquent bills will not be applied to any balance to which the penalty was applied in a previous billing. The utility must maintain a record of the date of mailing to charge the late penalty.

#### (C) Information on Bill

Each bill will provide all information required by the PUC Rules. For each of the systems it operates, the utility will maintain and note on the monthly bill a local or toll-free telephone number (or numbers) to which customers can direct questions about their utility service.

#### (D) Prorated Bills

If service is interrupted or seriously impaired for 24 consecutive hours or more, the utility will prorate the monthly base bill in proportion to the time service was not available to reflect this loss of service.

### Section 2.11 - Payments

All payments for utility service shall be delivered or mailed to the utility's business office. If the business office fails to receive payment prior to the time of noticed disconnection for non-

payment of a delinquent account, service will be terminated as scheduled. Utility service crews shall not be allowed to collect payments on customer accounts in the field.

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SECTION 2.0 -- SERVICE RULES AND POLICIES (Continued)

Payment of an account by any means that has been dishonored and returned by the payor or payee's bank, shall be deemed to be delinquent. All returned payments must be redeemed with cash or valid money order. If a customer has two returned payments within a twelve-month period, the customer shall be required to pay a deposit if one has not already been paid.

Section 2.12 - Service Disconnection

(A) With Notice

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

The utility is encouraged 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 termination has been given.

Notice of termination must be a separate mailing or hand delivery in accordance with the PUC Rules.

(B) Without Notice

Utility service may also be disconnected without notice for reasons as described in the PUC Rules.

Section 2.13 - Reconnection of Service

Utility personnel must be available during normal business hours to accept payments on the day service is disconnected and the following day unless service was disconnected at the customer's request or due to a hazardous condition.

Service will be reconnected within 24 hours after the past due bill, reconnect fees and any other outstanding charges are paid or the conditions which caused service to be disconnected are corrected.

Section 2.14 - 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. Except for momentary interruptions due to automatic equipment operations, the utility will keep a complete record of all interruptions, both emergency and scheduled and will notify the Commission in writing of any service interruptions affecting the entire system or any major division of the system lasting more than four hours. The notice will explain the cause of the interruptions.

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SECTION 2.0 -- SERVICE RULES AND POLICIES (Continued)

Section 2.15 - Quality of Service

The utility will plan, furnish, and maintain and operate production, treatment, storage, transmission, and collection facilities of sufficient size and capacity to provide continuous and adequate service for all reasonable consumer uses and to treat sewage and discharge effluent of the quality required by its discharge permit issued by the Commission. Unless otherwise authorized by the Commission, the utility will maintain facilities as described in the PUC Rules.

Section 2.16 - Customer Complaints and Disputes

If a customer or applicant for service lodges a complaint, the utility will promptly make a suitable investigation and advise the complainant of the results. Service will 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 has recourse through the PUC 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.

In the event of a dispute between a customer and a utility regarding any bill for utility service, the utility will conduct an investigation and report the results to the customer. If the dispute is not resolved, the utility will inform the customer that a complaint may be filed with the Commission.

Section 2.17 - Customer Liability

Customer shall be liable for any damage or injury to utility-owned property shown to be caused by the customer.



**Docket No. 52127**

## SECTION 3.0 -- EXTENSION POLICY

### Section 3.01 - Standard Extension Requirements

Line Extension and Construction Charges. No contribution in aid of construction may be required of any customer except as provided for in this approved extension policy.

The utility is not required to extend service to any applicant outside of its certified service area and will only do so under terms and conditions mutually agreeable to the utility and the applicant, in compliance with PUC rules and policies, and upon extension of the utility's certified service area boundaries by the PUC.

The applicant for service will be given an itemized statement of the costs, options such as rebates to the customer, sharing of construction costs between the utility and the customer, or sharing of costs between the customer and other applicants prior to beginning construction.

### Section 3.02 - Costs Utilities and Service Applicants Shall Bear

Within its certified area, the utility will pay the cost of the first 200 feet of any water main or distribution line necessary to extend service to an individual residential customer within a platted subdivision.

However, if the residential customer requesting service purchased the property after the developer was notified in writing of the need to provide facilities to the utility, the utility may charge for the first 200 feet. The utility must also be able to document that the developer of the subdivision refused to provide facilities compatible with the utility's facilities in accordance with the utility's approved extension policy after receiving a written request from the utility.

Residential customers will be charged the equivalent of the costs of extending service to their property from the nearest collection line even if that line does not have adequate capacity to serve the customer. However, if the customer places unique, non-standard service demands upon the system, the customer may be charged the additional cost of extending service to and throughout their property, including the cost of all necessary transmission and storage facilities necessary to meet the service demands anticipated to be created by that property.

Unless an exception is granted by the PUC, the residential service applicant shall not be required to pay for costs of main extensions greater than 6" in diameter for gravity wastewater lines.

Exceptions may be granted by the PUC if

- adequate service cannot be provided to the applicant using the maximum line sizes listed due to distance or elevation, in which case, it shall be the utility's burden to justify that a larger diameter pipe is required for adequate service;
- or larger minimum line sizes are required under subdivision platting requirements or building codes of municipalities within whose corporate limits or extraterritorial jurisdiction the point of use is located; or the residential service applicant is located outside the CCN service area.

**Docket No. 52127**

### SECTION 3.0 -- EXTENSION POLICY (Continued)

If an exception is granted, the utility shall establish a proportional cost plan for the specific extension or a rebate plan which may be limited to seven years to return the portion of the applicant's costs for oversizing as new customers are added to ensure that future applicants for service on the line pay at least as much as the initial service applicant.

For purposes of determining the costs that service applicants shall pay, commercial customers with service demands greater than residential customer demands in the certified area, industrial, and wholesale customers shall be treated as developers.

If an applicant requires service other than the standard service provided by the utility, such applicant will be required to pay all expenses incurred by the utility in excess of the expenses that would be incurred in providing the standard service and connection beyond 200 feet and throughout his property including the cost of all necessary transmission facilities.

The utility will bear the full cost of any over-sizing of sewer mains necessary to serve other customers in the immediate area. The individual residential customer shall not be charged for any additional treatment facilities. Contributions in aid of construction of individual residential customers for production, storage, treatment or transmission facilities unless otherwise approved by the Commission under this specific extension policy.

#### Section 3.03 - Contributions in Aid of Construction

Developers may be required to provide contributions in aid of construction in amounts sufficient to furnish the development with all facilities necessary to provide for reasonable local demand requirements and to comply with Texas Commission on Development Quality (TCEQ) minimum design criteria for facilities used in the production, collection, transmission, pumping, or treatment of sewage or TCEQ minimum requirements. For purposes of this subsection, a developer is one who subdivides or requests more than two meters on a piece of property. Commercial, industrial, and wholesale customers will be treated as developers.

Any applicant who places unique or non-standard service demands on the system may be required to provide contributions in aid of construction for the actual costs of any additional facilities required to maintain compliance with the TCEQ minimum design criteria for water production, treatment, pumping, storage and transmission.

Any service extension to a subdivision (recorded or unrecorded) may be subject to the provisions and restrictions of 16 TAC § 24.163(c). When a developer wishes to extend the system to prepare to service multiple new connections, the charge shall be the cost of such extension, plus a pro-rata charge for facilities which must be committed to such extension compliant with the TCEQ minimum design criteria. As provided by 16 TAC § 24.163(d)(4), for purposes of this section, commercial, industrial, and wholesale customers shall be treated as developers.

### SECTION 3.0 -- EXTENSION POLICY (Continued)

A utility may only charge a developer standby fees for unrecovered costs of facilities committed to a developer's property under the following circumstances:

- Under a contract and only in accordance with the terms of the contract; or
- if service is not being provided to a lot or lots within two years after installation of facilities necessary to provide service to the lots has been completed and if the standby fees are included on the utility's approved tariff after a rate change application has been filed. The fees cannot be billed to the developer or collected until the standby fees have been approved by the commission.
- For purposes of this section, a manufactured housing rental community can only be charged standby fees under a contract or if the utility installs the facilities necessary to provide individually metered service to each of the rental lots or spaces in the community.

#### Section 3.04 - Appealing Connection Costs

The imposition of additional extension costs or charges as provided by Sections 3.0 - Extension Policy of this tariff shall be subject to appeal as provided in this tariff, PUC rules, or the rules of such other regulatory authority as may have jurisdiction over the utility's rates and services. Any applicant required to pay for any costs not specifically set forth in the rate schedule pages of this tariff shall be given a written explanation of such costs prior to payment and/or commencement of construction. If the applicant does not believe that these costs are reasonable or necessary, the applicant shall be informed of the right to appeal such costs to the PUC or such other regulatory authority having jurisdiction over the utility's rates in that portion of the utility's service area in which the applicant's property(ies) is located.

#### Section 3.05 - Applying for Service

The utility will provide a written service application form to the applicant for each request for service received by the utility's business offices. A separate application shall be required for each potential service location if more than one service connection is desired by any individual applicant.

Service application forms will be available at the utility's business office during normal weekday business hours. Service applications will be sent by prepaid first-class United States mail to the address provided by the applicant upon request. Completed applications should be returned by hand delivery in case there are questions which might delay fulfilling the service request. Completed service applications may be submitted by mail if hand delivery is not possible.

Where a new tap or service connection is required, the service applicant shall be required to submit a written service application and request that a tap be made. A diagram, map, plat, or written metes and bounds description of precisely where the applicant desires each tap or service connection is to be made and, if necessary, where the meter is to be installed, along the applicant's property line may also be required with the tap request.

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### SECTION 3.0 -- EXTENSION POLICY (Continued)

The actual point of connection and meter installation must be readily accessible to utility personnel for inspection, servicing, and meter reading while being reasonably secure from damage by vehicles and mowers. If the utility has more than one main adjacent to the service applicant's property, the tap or service connection will be made to the utility's nearest service main with adequate capacity to service the applicant's full potential service demand. Beyond the initial 200 feet, the customer shall bear only the equivalent cost of extending from the nearest main. If the tap or service connection cannot be made at the applicant's desired location, it will be made at another location mutually acceptable to the applicant and the utility. If no agreement on location can be made, the applicant may refer the matter to the PUC for resolution.

#### Section 3.06 - Qualified Service Applicant

A "qualified service applicant" is an applicant who has: (1) met all of the utility's requirements for service contained in this tariff, PUC rules and/or PUC order, (2) has made payment or made arrangement for payment of tap fees, (3) has provided all easements and rights-of-way required to provide service to the requested location, (4) delivered an executed customer service inspection certificate to the utility, if applicable, and (5) has executed a customer service application for each location to which service is being requested.

The utility shall serve each qualified service applicant within its certified service area as soon as practical after receiving a completed service application. All service requests will be fulfilled within the time limits prescribed by PUC rules once the applicant has met all conditions precedent to achieving "qualified service applicant" status. If a service request cannot be fulfilled within the required period, the applicant shall be notified in writing of the delay, its cause and the anticipated date that service will be available. The PUC service dates shall not become applicable until the service applicant has met all conditions precedent to becoming a qualified service applicant as defined by PUC rules.

#### Section 3.07 - Developer Requirements

As a condition of service to a new subdivision, the utility shall require a developer (as defined by PUC rule) to provide permanent recorded public utility easements as a condition of service to any location within the developer's property.

## APPENDIX A -- SAMPLE SERVICE AGREEMENT

### From 30 TAC Chapter 290.47(b), Appendix B SERVICE AGREEMENT

- I. **PURPOSE.** The NAME OF SEWER SYSTEM is responsible for protecting the drinking water supply from contamination or pollution which could result from improper private water distribution system construction or configuration. The purpose of this service agreement is to notify each customer of the restrictions which are in place to provide this protection. The utility enforces these restrictions to ensure the public health and welfare. Each customer must sign this agreement before the NAME OF SEWER SYSTEM will begin service. In addition, when service to an existing connection has been suspended or terminated, the sewer system will not re-establish service unless it has a signed copy of this agreement.
- II. **RESTRICTIONS.** The following unacceptable practices are prohibited by State regulations.
- A. No direct connection between the public drinking water supply and a potential source of contamination is permitted. Potential sources of contamination shall be isolated from the public water system by an air-gap or an appropriate backflow prevention device.
  - B. No cross-connection between the public drinking water supply and a private water system is permitted. These potential threats to the public drinking water supply shall be eliminated at the service connection by the installation of an air-gap or a reduced pressure-zone backflow prevention device.
  - C. No connection which allows water to be returned to the public drinking water supply is permitted.
  - D. No pipe or pipe fitting which contains more than 8.0% lead may be used for the installation or repair of plumbing at any connection which provides water for human use.
  - E. No solder or flux which contains more than 0.2% lead can be used for the installation or repair of plumbing at any connection which provides water for human use.
- III. **SERVICE AGREEMENT.** The following are the terms of the service agreement between the NAME OF SEWER SYSTEM (the Sewer System) and NAME OF CUSTOMER (the Customer).
- A. The Sewer System will maintain a copy of this agreement as long as the Customer and/or the premises is connected to the Sewer System.
  - B. The Customer shall allow his property to be inspected for possible cross-connections and other potential contamination hazards. These inspections shall be conducted by the Sewer System or its designated agent prior to initiating new water service; when there is reason to believe that cross-connections or other potential contamination hazards exist; or after any major changes to the private water distribution facilities. The inspections shall be conducted during the Sewer System's normal business hours.
  - C. The Sewer System shall notify the Customer in writing of any cross-connection or other potential contamination hazard which has been identified during the initial inspection or the periodic reinspection.
  - D. The Customer shall immediately remove or adequately isolate any potential cross-connections or other potential contamination hazards on his premises.
  - E. The Customer shall, at his expense, properly install, test, and maintain any backflow prevention device required by the Sewer System. Copies of all testing and maintenance records shall be provided to the Sewer System.
- IV. **ENFORCEMENT.** If the Customer fails to comply with the terms of the Service Agreement, the Sewer System shall, at its option, either terminate service or properly install, test, and maintain an appropriate backflow prevention device at the service connection. Any expenses associated with the enforcement of this agreement shall be billed to the Customer.

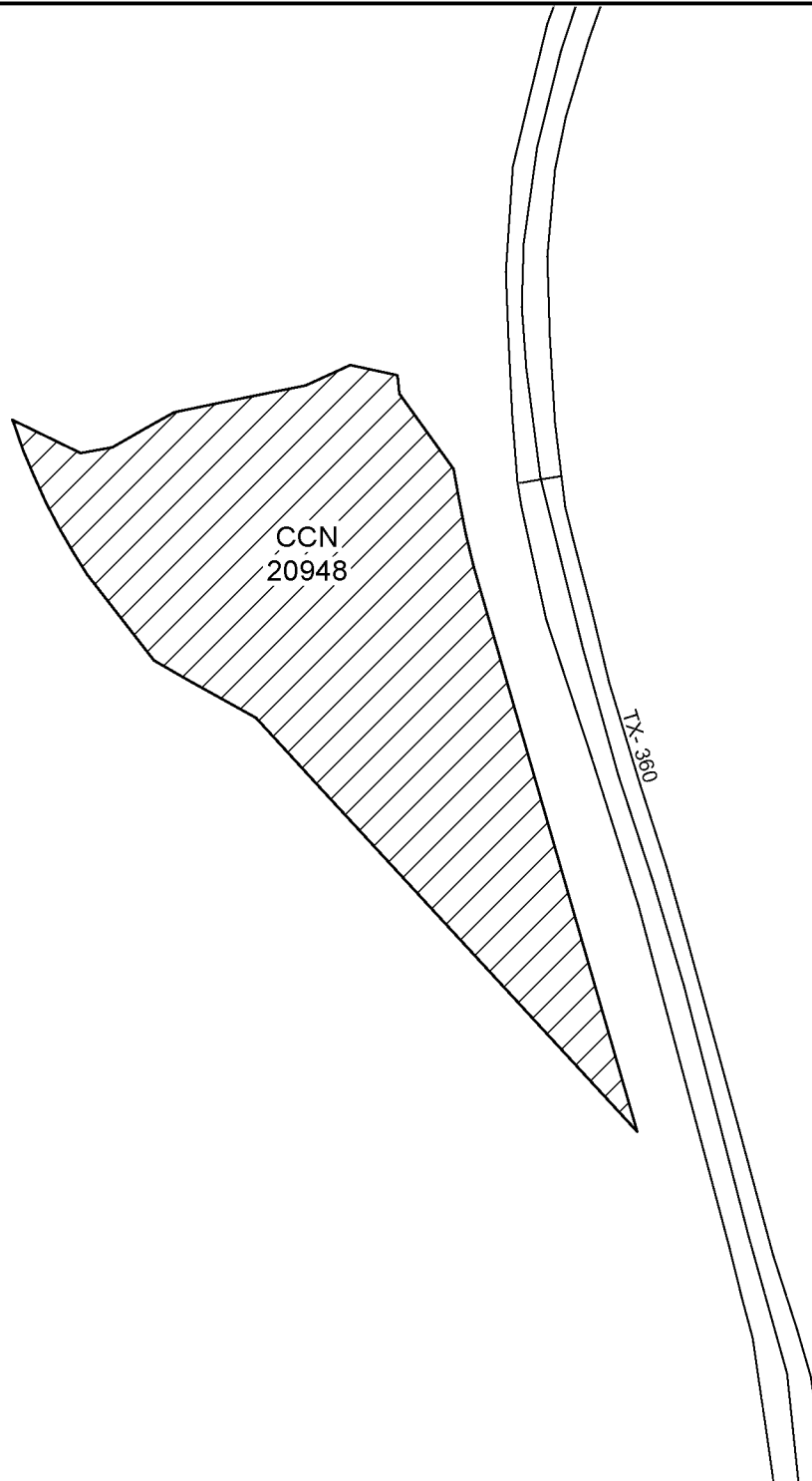
CUSTOMER'S SIGNATURE: \_\_\_\_\_



DATE: \_\_\_\_\_

APPENDIX B -- APPLICATION FOR SERVICE  
(Utility Must Attach Blank Copy)

Undine Development, LLC  
Portion of Sewer CCN No. 20948  
PUC Docket No. 52127  
Amended CCN No. 20948 in Travis County



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

**Sewer CCN**

 20948 - Undine Development LLC

0 200 400  
Feet



Map by: Komal Patel  
Date: September 14, 2021  
Project: 52127Undine.mxd