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TEXAS WATER COMMISSION
APPROVED
 DATE 7-7-86 DOCKET A326
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 FOR
 ADMINISTRATIVE REVIEW

DATE 6-18-86 NO. AK-32-6

WATER UTILITY TARIFF
 FOR

Senna Hills Utility Company
 (Utility Name)

2600 One American Center
 (Business Address)

600 Congress, Austin, Texas 78701 (512) 499-3611
 (City) (State) (Zip) (Area Code) Phone

This tariff is effective in the following counties:

Travis County

and the following cities, unincorporated towns, (if any)

City of Austin (ETJ)

and the following subdivisions or systems.

Senna Hills Planned Unit Development

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		Page
<u>1.0</u>	<u>Rate Schedule</u>	<u> </u>
<u>2.0</u>	<u>Service Rules</u>	<u> </u>
<u>3.0</u>	<u>Extension Policy</u>	<u> </u>
<u>4.0</u>	<u>Rationing Plan</u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>

Appendix A

The appendix contains a sample of each service agreement form used by the above utility and a condensation of The Commission's Substantive Rules.

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Senna Hills Utility Company
(Name of Water Utility)

Water Tariff Page No.
Revision No.

TEXAS WATER COMMISSION
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SECTION 1.0- RATE SCHEDULE

Section 1.1 Rates

<u>Meter Size</u>	<u>Monthly Minimum Charge</u> <i>for first 3,000 gallons</i>	<u>Gallorage Charge</u>
5/8 or 3/4-inch	\$ 19 . 75 per month	\$ 0 . 50 per 1000 gal
1 - inch	\$ 34 . 75	SAME FOR ALL SIZES
1 1/2 - inch	\$ 76 . 00	
2 - inch	\$ 132 . 25	
3 - inch	\$. . .	
4 - inch	\$. . .	

Section 1.2 Miscellaneous Fees

TAP FEE - \$ 400

Tap fee is limited to the average of the Utility's actual costs for materials and labor for standard residential connections (5/8 or 3/4 inch meter).

RETURNED CHECK CHARGE - \$ 12

RECONNECTION FEE - \$ 30

The reconnect fee will be charged before service can be restored to a customer whose service has been disconnected at the customer's request or for reasons listed under Section 2 of this tariff or the Commission's Substantive Rules.

RETURNED CHECK CHARGE - \$ 12

This fee will be charged for returned checks.

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SECTION 2.0- SERVICE RULES AND REGULATIONS

A copy of the Commissions latest condensed substantive rules should be attached as APPENDIX A. Only those service rules necessary to clarify the rules and policies of the Utility should be included in this section.

Section 2.1 Application for Service

All applications for service will be made on the utility's standard application or contract form and will be signed by the applicant before water service is provided by the utility. A separate application or contract will be made for each service at each separate location.

Section 2.2 Water Installation

After the applicant has met all requirements, conditions, and regulations herein set forth, the utility will then install a tap, meter and cut-off valves and take all necessary actions to initiate service.

Section 2.3 Billing:

Water and sewer utility bills shall be rendered monthly unless otherwise authorized by the Commission, or unless service is terminated before the end of a billing cycle. Service initiated less than one week before the next billing cycle may be billed with the following month's bill. Bills should be rendered as promptly as possible following the reading of meters.

Bills are considered late if not received at the utility's office or postal address within 16 days of the billing date. Service can be disconnected for nonpayment of a bill only after 10 day written notice.

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TEXAS WATER COMMISSION
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SECTION 3.0- EXTENSION POLICY

Section 3.1- Standard Extension Requirements Under Texas Water Commission Substantive Rules

Contributions in aid of construction shall not be required of individual residential customers for production, storage, treatment or transmission facilities.

The utility will bear the cost of the first 200 feet of water main necessary to extend service to an individual residential customer. The utility shall bear the full cost of any oversizing of water mains to serve other residential customers in the area. If the specific utility extension policy stated below requires it: residential customers may be required to pay for additional main beyond the first 200 feet; residential customers who place unique or non-standard service demands on the system may be charged the actual costs of any additional transmission or storage required over and above the standard requirements; developers may be required to provide contributions in aid of construction in amounts to furnish the system with facilities compliant with Texas Department of Health minimum design criteria for facilities used in the production, transmission, pumping, storage or treatment of water.

Section 3.2-Specific Utility Extension Policy

~~The customer shall be charged the costs of extending service to his property.~~ The individual residential customer shall not be charged for any additional production, storage or treatment facilities unless that customer places unique, non-standard service demands upon the systems, in which case, the customer shall be charged the full 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. For purposes of this paragraph, commercial, industrial and wholesale customers shall be treated as developers. Developers may be required to provide contributions in aid of construction in amounts to furnish the development with facilities compliant with Texas Department of Health minimum design criteria for facilities used in the production transmission, pumping, or treatment of water or Texas Water Commission minimum design criteria for facilities used in the transmission, pumping, treatment, and disposal of sewage. Said payments for extensions or contributions shall be in addition to tap fees and other fees required herein. Any facility provided herein shall become the property of the utility.

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SECTION 4.0- Water Rationing Plan

The following water rationing program is adopted for emergency use only during periods of acute water shortage.

1. Declaration of Emergency. When a system demand exceeds production or storage capability measured over a 24-hour period, and refilling of storage facilities is rendered impossible, OR when the utility is notified by its wholesale supplier of a cutback in water to be delivered to such an extent that normal use patterns will no longer be possible, the utility may declare an emergency to exist, and thereafter ration water in the following manner.

2. Notice Requirements. Written notice of the proposed rationing shall be mailed or delivered to each customer 72 hours before the utility actually starts the program, and shall also be placed in a local newspaper. The utility shall send a copy of the customer notice to the Texas Water Commission at the same time notice is sent to the customers. The customer notice shall contain the following information:

- (A) the date rationing shall begin,
- (B) the date rationing shall end,
- (C) the stage (level) of rationing to be employed, and
- (D) a copy of this rationing authority.

3. Stage Levels of Rationing.

STAGE I (mild rationing conditions). Alternate day usage of water for outdoor purposes such as lawns, gardens, car washing, etc. Customers with even number addresses (north or west side of streets) shall use water outdoors only on even numbered days; odd number addresses (south or east side of streets) shall use water outdoors only on odd numbered days.

STAGE I-A (limited water usage). The utility may limit water usage to a gallonage determined by the water plant's mechanical capability to provide continuous service prorated over all customers served by the water plant.

Violation of Stage I-A. Water restrictors may be installed for customers that exceed the limited gallonage determined by the system's mechanical capability. A flow restrictor shall be installed at the customer's expense (not to exceed actual costs or \$50.00). Tampering with the flow restrictor will result in water service termination for seven days. The normal reconnect fee of the utility shall apply for restoration of service. The maximum number of gallons per meter per month shall be contained in the notice to each customer. The utility shall notify the Texas Water Commission of the installation of such restrictors.

STAGE II (moderate rationing conditions). All outdoor water usage is prohibited; however, usage for livestock is exempt.

STAGE III (severe rationing conditions). All outdoor water usage is prohibited; livestock may be exempted by the utility. All consumption shall be limited to each customer in one of the following ways:

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- (A) A fixed percentage of each customer's average use in the prior month, the percentage to be uniformly applied on a systemwide basis, each customer being notified of this percentage amount, OR,
- (B) A maximum number of gallons per meter (customer) per week, with notice to each customer of the this number.

4. Violation of Emergency Rationing Rules.

- (A) First violation - the utility may install a flow restrictor in the line to limit the amount of water which will pass through the meter in a 24-hour period. The cost to be charged to the customer's account shall be the actual installed cost to the utility, not to exceed \$50.00
- (B) Subsequent violations - the utility may terminate at the meter for a period of seven (7) days, or until the end of the calendar month, whichever is LESS. The normal reconnect fee of the utility shall apply for restoration of service.

5. Exemptions or Variances From Rationing Rules.

The utility may grant any customer an exemption or variance from the uniform program, for good cause. In such event, the utility shall notify the Texas Water Commission within 24 hours of such exemption or variance, stating the name, address and cause for the affected customer.

A customer who is refused an exemption or variance may appeal such action to the utility by written appeal to the Texas Water Commission. The utility shall treat all customers equally concerning exemptions and variances, and shall not employ discrimination in such grants.

6. All existing rate schedules shall remain in effect during the rationing period, and no charges may be levied against a customer which are not contained in the approved tariff of the utility as filed with the Commission.

The purpose of this Emergency Rationing Program is to conserve the total amount of water demanded from the utility until supply can be restored to normal levels.

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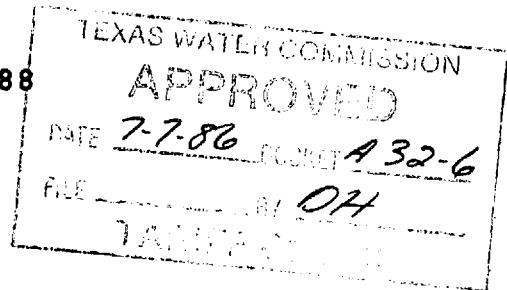
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§§291.81-291.88



Subchapter G
Customer Service and Protection
§§291.81-291.88

These rules are promulgated under the authority of Texas Water Code, §§5.103, 5.105, 13.041, 13.081, and 13.082.

§291.81. Customer Relations.

- (a) Information to customers. Each utility shall maintain a current set of maps showing the physical locations of its facilities. All facilities (production, transmission, distribution or collection lines, treatment plants, etc.) shall be labeled to indicate the size, design capacity, and any pertinent information which will accurately describe the utility's facilities. These maps, or such other maps as may be required by the commission, shall be kept by the utility in a central location and will be available for commission inspection during normal working hours.
- (b) Customer complaints.
- (1) Upon complaint to the utility by a customer either at its office, by letter, or by telephone, the utility shall promptly make a suitable investigation and advise the complainant of the results thereof.
 - (2) In the event the complainant is dissatisfied with the utility's report, the utility must advise the complainant that he has recourse in the Texas Water Commission complaint process, and that such process can be initiated by contacting the Director, Office of Public Information, Texas Water Commission, P. O. Box 13087, Austin, Texas 78711-3087, telephone number (512) 463-8028.
 - (3) Upon receipt of a complaint, either by letter or by telephone, from the commission on behalf of a customer, the utility shall make a suitable investigation and advise the commission of the results thereof. Initial response to the commission must be made within 30 days. The commission encourages all customer complaints to be made in writing to assist the commission in maintaining records on the quality of service of each utility.
 - (4) The utility shall keep a record of all complaints which shall show 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 subsequent to the final settlement of the complaint. Complaints with reference to rates or charges which require no further action by the utility need not be recorded.

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§291.82. Refusal of service.

- (a) Compliance by applicant. Any utility may decline to serve an applicant until such applicant has complied with the state and municipal regulations and approved rules and regulations of the utility on file with the commission governing the service applied for or for the following reasons:
 - (1) if the applicant's installation or equipment is known to be inadequate or of such character that satisfactory service cannot be given;
 - (2) if the applicant is indebted to any utility for the same kind of service as that applied for, provided, however, that in the event the indebtedness of the applicant is in dispute, the applicant shall be served upon complying with the deposit requirement in §291.83 of this title (relating to Applicant and Customer Deposit); and
 - (3) for refusal to make a deposit if applicant is required to make a deposit under these sections.
- (b) Applicant's recourse. In the event that the utility shall refuse to serve an applicant under the provisions of these sections, the utility must inform the applicant of the basis of its refusal and that the applicant may file a complaint with the commission thereon.
- (c) Insufficient grounds for refusal to serve. The following shall not constitute sufficient cause for refusal of service to a present customer or applicant:
 - (1) delinquency in payment for service by a previous occupant of the premises to be served;
 - (2) failure to pay a bill to correct previous under-billing due to misapplication of rates more than six months prior to the date of application;
 - (3) violation of the utility's rules pertaining to operation of nonstandard equipment or unauthorized attachments which interferes with the service of others, unless the customer has first been notified and been afforded reasonable opportunity to comply with said rules;
 - (4) failure to pay a bill of another customer as guarantor thereof, unless the guarantee was made in writing to the utility as a condition precedent to service;
 - (5) failure to pay the bill of another customer at the same address except where the change of customer identity is made to avoid or evade payment of a utility bill. A customer may request a supervisory review if the utility determines that evasion has occurred and refuses to provide service.

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§291.83, Applicant and Customer Deposit.

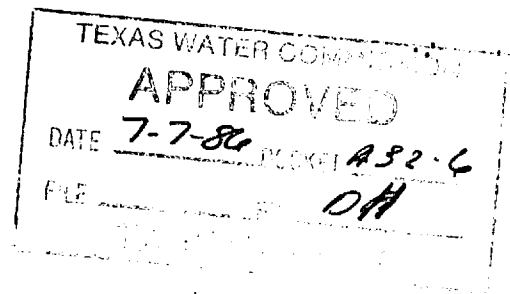
- (a) Deposit Policy:

SS291.81-291.88

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- (1) Residential Applicants. If a residential applicant cannot establish credit to the satisfaction of the utility, the residential applicant can be required to pay a deposit that does not exceed \$50.00 for water service and \$50.00 for sewer service.
- (2) Non-Residential Applicants. If an application for non-residential service cannot establish credit to the satisfaction of the utility, the applicant may be required to make a deposit. The required deposit shall not exceed an amount equivalent to one-sixth of the estimated annual billings. If actual billings of a non-residential customer are at least twice the amount of the estimated billings, a new deposit requirement may be calculated and an additional deposit may be required to be made within 15 days after the issuance of written notice.
- (b) Applicants, 65 Years of Age or Older. All applicants for permanent residential service who are 65 years of age or older will be considered as having established credit if such applicant does not have an outstanding account balance with the utility or another water or sewer utility which accrued within the last two years. No cash deposit shall be required of such applicant under these conditions.
- (c) Interests on Deposits. Each utility shall pay a minimum interest on such deposits at an annual rate at least equal to a rate set each calendar year by the Public Utility Commission in accordance with the provisions of Texas Civil Statutes, Article 1440a. Payment of the interest to the customer shall be annually if requested by the customer, or at the time the deposit is returned or credited to the customer's account. Inquiries about the current interest rate may be directed to the Director of the Water Rates and Services Division.
- (d) Deposits for temporary or seasonal service and for weekend residences. The utility may require a deposit sufficient to reasonably protect it against the assumed risk for temporary or seasonal service, including service for weekend residences, provided such policy is applied in a uniform and nondiscriminatory manner. These deposits shall be returned according to guidelines set out in subsection (h) of this section.
- (e) Complaint by applicant or customer. Each utility shall direct its personnel engaged in initial contact with an applicant for service or customer, seeking to establish or reestablish credit under the provisions of these sections, to inform the customer, if dissatisfaction is expressed with the utility's decision, of the customer's right to file a complaint with the commission thereon.

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- (f) Reestablishment of credit or deposit. Every applicant who previously has 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 pay a deposit, if requested. 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.
- (g) Records of deposits.
 - (1) The utility shall keep records to show:
 - (A) the name and address of each depositor;
 - (B) the amount and date of the deposit;
 - (C) each transaction concerning the deposit; and
 - (D) the amount of interest earned on customer deposit funds.
 - (2) The utility shall issue a receipt of deposit to each applicant from whom a deposit is received and shall provide means whereby a depositor may establish claim if the receipt is lost.
 - (3) A record of each unclaimed deposit must be maintained for at least four years, during which time the utility shall make a reasonable effort to return the deposit.
 - (4) The utility shall maintain all funds received as customer deposits in a separate, federally insured, interest-bearing account, or accounts, and shall use such funds for no purpose other than application to unpaid bills guaranteed by such deposits, payment of interest to depositors and refunds of deposits to depositors.
- (h) Refund of deposit.
 - (1) If service is not connected, or after disconnection of service, the utility shall promptly and automatically refund the customer's deposit plus accrued interest or the balance, if any, in excess of the unpaid bills for service furnished. A transfer of service from one premise to another within the service area of the utility shall not be deemed a disconnection within the meaning of these sections, and no additional deposit may be demanded unless permitted by these sections.
 - (2) When the customer has paid bills for service for 12 consecutive residential billings or for 24 consecutive commercial or industrial billings without having service disconnected for nonpayment of bill

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and without having more than two occasions in which a bill was delinquent, and when the customer is not delinquent in the payment of the current bills, the utility shall promptly and automatically refund the deposit plus accrued interest to the customer in the form of cash or credit to a customer's bill, or void the guarantee. If the customer does not meet these refund criteria, the deposit and interest may be retained, until the customer meets the refund criteria, or is no longer receiving service from the utility.

- (i) Sale or transfer of utility or company. Upon the sale or transfer of any public utility or operating units thereof, the seller shall file with the commission, under oath, in addition to other information, a list showing the names and addresses of all customers served by such utility or unit who have to their credit a deposit, the date such deposit was made, the amount thereof, and the unpaid interest thereon. All such deposits shall be refunded to the customers or transferred to the new owner, with all accrued interest.

§291.84. New Construction.

- (a) Standards of construction. In determining standard practice, the commission will be guided by the provisions of American Water Works Association, and such other codes and standards that are generally accepted by the industry, except as modified by this commission, the Texas Department of Health, or municipal regulations within their jurisdiction. Each utility shall construct, install, operate, and maintain its plant, structures, equipment, and lines in accordance with these standards, and in such manner to best accommodate the public, and to prevent interference with service furnished by other public utilities insofar as practical.
- (b) Line extension and construction charges. Every utility shall file its extension policy with the commission as part of its tariff. The policy shall be consistent, nondiscriminatory, and subject to the approval of the commission. No contribution in aid of construction may be required of any customer except as provided for in the extension policy.
- (1) The fees for initiation of service charged by a water or sewer utility shall be in accordance with the following:
- (A) The fee charged by a utility for connecting a customer's premises to the system (i.e. - tap fee) shall be cost based and limited to the utility's average of actual costs of materials and labor for such service connections.

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- (B) the fee charged for all service connections (i.e. - taps) requiring meters larger than 3/4 inch shall be set at the actual cost of making the individual service connection.
- (2) Utilities shall not charge disconnect fees, membership fees, application fees, service call fees or any other fee or charge for service or function that is a normal utility service except as provided in the tariff of the utility.
- (c) Contributions in aid of construction. Contributions in aid of construction that are required through an approved extension policy shall not be required of individual residential customers for production, storage, treatment, or transmission facilities, except that developers may be required to provide contributions in aid of construction in amounts to furnish the development with facilities compliant with Texas Department of Health minimum design criteria for facilities used in the production transmission, pumping, or treatment of water or Texas Water Commission minimum design criteria for facilities used in the transmission, pumping, treatment, and disposal of sewage.
- (d) Costs utilities shall bear. Utilities shall be required to bear the cost of the first 200 feet of any water main or sewer collection line necessary to extend service to an individual residential customer. The customer may be charged the remaining costs of extending service to his property. The utility shall bear the full cost of any oversizing of water mains or sewer collection lines necessary to serve other customers in the immediate area. The individual residential customer shall not be charged for any additional production, storage or treatment facilities unless that customer places unique, non-standard service demands upon the systems, in which case, the customer may be charged the full 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. For purposes of this section, commercial, industrial and wholesale customers shall be treated as developers.
- (e) Response to request for service.
- (1) Every public utility shall serve each qualified applicant for service within its certificated area as rapidly as is practical after accepting a completed application. A qualified applicant is an applicant who has met all of the utility's requirements contained in its tariff, schedule of rates, or service policies and regulations for extension of service. A request for service that does not require line extensions, construction, or new

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facilities shall be filled within 14 working days after a completed application has been accepted. If construction is required to fill the order and if it cannot be completed within 30 days, the utility shall provide a written explanation of the construction required and an expected date of service. Except for good cause, the failure to provide service within 30 days of an expected date or within 180 days of the date a completed application was accepted from a qualified applicant shall constitute refusal to serve, and consideration may be given to revoking the certificate of convenience and necessity or to granting a certificate to another utility to serve the applicant. The time requirements set forth herein are not applicable in the event that the utility is prevented from extending service by legal impediment.

- (2) Any construction cost 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 shall be explained to the customer upon assessment of the costs of necessary line work, but before construction begins.

§291.85. Billing.

- (a) Due date. The due date of the bill for utility service shall not be less than 16 days after issuance. A bill for utility service is delinquent if not received at the utility or at the utility's authorized payment agency by the due date. The postmark, if any, on the envelope of the bill, or the recorded date of mailing by the utility, if there is no postmark on the envelope, shall constitute proof of the date of issuance. If the due date falls on a holiday or weekend, the due date for payment purposes shall be the next work day after the due date.
- (b) Penalty on delinquent bills for retail service. A one-time penalty of \$1.00 or 5.0% whichever is larger may be made on delinquent bills. The penalty on delinquent bills may not be applied to any balance to which the penalty was applied in a previous billing. No such penalty may be collected unless a record of the date of mailing is made at the time of the mailing and maintained at the principal office of the utility.
- (c) Deferred payment plan. 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.
- (d) Rendering and form of bills.

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- (1) Bills for water and sewer service shall be rendered monthly unless otherwise authorized by the commission, or unless service is terminated before the end of a billing cycle. Service initiated less than one week before the next billing cycle may be billed with the following month's bill. Bills shall be rendered as promptly as possible following the reading of meters.
- (2) The customer's bill shall show all the following information, if applicable:
 - (A) if the meter is read by the utility, the date and reading of the meter at the beginning and at the end of the period for which the bill is rendered;
 - (B) the number and kind of units metered;
 - (C) the applicable rate schedule title or code;
 - (D) the total amount due for water service and separately stated, the total amount due for sewer service;
 - (E) the due date of the bill;
 - (F) the date by which customers must pay the bill in order to avoid addition of a penalty;
 - (G) the total amount due as penalty for nonpayment within a designated period;
 - (H) a distinct marking to identify an estimated bill;
 - (I) any conversions from meter reading units to billing units, or any other calculations to determine billing units from recording or other devices, or any other factors used in determining the bill;
 - (J) the gallonage used in determining sewer usage; and
 - (K) the information required in subparagraphs (A)-(J) of this paragraph shall be arranged so as to allow the customer to readily compute his bill with a copy of the applicable rate schedule which shall be mailed on request to the customer.
- (e) Overbilling and underbilling. If billings for utility service are found to differ from the utility's lawful rates for the services being purchased by the customer, or if the utility fails to bill the customer for such service, a billing adjustment shall be calculated by the utility. If the customer is due a refund, an adjustment shall be made for the entire period of the overcharges. If the customer was undercharged, the utility may backbill the customer for the amount which was underbilled. The backbilling is not to exceed six months unless the utility can produce records to identify and justify the additional amount of backbilling or unless

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such undercharge is a result of meter tampering, bypass, or diversion by the customer as defined in §291.87 of this title (relating to Meters). However, the utility may not disconnect service if the customer fails to pay charges arising from an underbilling more than six months prior to the date the utility initially notified the customer of the amount of the undercharge and the total additional amount due unless such undercharge is a result of meter tampering, bypassing, or diversion by the customer as defined in §291.87 of this title (relating to Meters). If the underbilling is \$25 or more, the utility shall offer to such customer a deferred payment plan option for the same length of time as that of the underbilling. In cases of meter tampering, bypass, or diversion, a utility may, but is not required to, offer a customer a deferred payment plan.

- (f) Estimated bills. When there is good reason for doing so, a water, or sewer utility may submit estimated bills provided that an actual meter reading is taken every two months.
- (g) Disputed bills.
- (1) In the event of a dispute between a customer and a utility regarding any bill for utility service, the utility shall forthwith make such investigation as shall be required by the particular case, and report the results thereof to the customer and, in the event the dispute is not resolved, shall inform the customer that a complaint may be filed with the commission by contacting the Director, Office of Public Information, Texas Water Commission, P. O. Box 13087, Austin, Texas 78711-3087, telephone number (512) 463-8028.
 - (2) Notwithstanding any other section of this chapter, the customer shall not be required to pay the disputed portion of the bill which exceeds the amount of that customer's average monthly usage at current rates pending the completion of the determination of the dispute. For purposes of this section only, the customer's average monthly usage at current rates shall be the average of the customer's gross utility service for the preceding 12-month period. Where no previous usage history exists, consumption for calculating the average monthly usage shall be estimated on the basis of usage levels of similar customers and under similar conditions.
 - (3) Notwithstanding any other section of this chapter, a utility customer's service shall not be subject to discontinuance for nonpayment of that portion of a bill under dispute pending the completion of the determination of the dispute. The customer is

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obligated to pay any billings not disputed as established in \$291.86 of this title (relating to Discontinuance of Service).

- (h) Notification of alternative payment programs or payment assistance. Anytime a customer contacts a utility to discuss their inability to pay a bill or indicate that they are in need of assistance with their bill payment, the utility or utility representative shall inform the customer of all available alternative payment and payment assistance programs available from the utility, such as deferred payment plans, as applicable, and of the eligibility requirements and procedure for applying for each.
- (i) Adjusted bills due to meter tampering. There shall be a presumption of reasonableness of billing methodology by a water utility with regard to a case of meter tampering, bypassing, or other service diversion if any of the following methods of calculating such bills are used:
 - (1) estimated bills based upon service consumed by that customer at that location under similar conditions during periods preceding the initiation of meter tampering or service diversion. Such estimated bills shall be based on at least 24 consecutive months of comparable usage history of that customer, when available, or lesser history if the customer has not been served at that site for 24 months; this subsection, however, does not prohibit utilities from using other methods of calculating bills for unmetered water when the usage of other methods can be shown to be more appropriate in the case in question;
 - (2) estimated bills based upon that customer's usage at that location after the service diversion has been corrected;
 - (3) in cases of meter tampering, meter bypassing or other service diversion, where the amount of actual unmetered consumption can be calculated by industry recognized testing procedures, bills may be calculated for the consumption over the entire period of meter bypassing or other service diversion;
- (j) Equipment damage charges. A utility may charge for all labor, material, equipment, and other costs necessary to repair or replace all equipment damaged due to meter tampering or bypassing, service diversion, or the discharge of wastes which the system cannot properly treat. The utility may charge for all costs necessary to correct service diversion or unauthorized taps where there is no equipment damage, including incidents where service is reconnected without authority. An itemized bill of such charges must be provided to the customer. A utility may not charge any additional penalty or any

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other charge other than actual costs unless such penalty has been expressly approved by the commission and filed in the utility's tariff, or such other additional charge has been approved by order of the commission or court of law of competent jurisdiction.

§291.86. Discontinuance of Service.

- (a) Disconnection for delinquent bills. 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 has been given. Proper notice shall consist of a separate mailing or hand delivery at least 10 days prior to a stated date of disconnection, with the words "termination notice" or similar language prominently displayed on the notice. The information included in the notice shall be provided in English and Spanish as necessary to adequately inform the customer. Attached to or on the face of the termination notice shall appear a statement notifying the customer that if they are in need of assistance with payment of their bill, they may be eligible for alternative payment programs, such as deferred payment plans, and to contact the local office of the utility for more information. If mailed, the cut-off day may not fall on a holiday or weekend, but shall fall on the next working day after the 10th day. Payment at a utility's authorized payment agency is considered payment to the utility. The company shall not issue late notices or disconnect notices to the customer earlier than the first day the bill becomes delinquent, so that a reasonable length of time is allowed to ascertain receipt of payment by mail or at the utility's authorized payment agency.
- (b) Disconnection with notice. Utility service may be disconnected after proper notice for any of the following reasons:
 - (1) failure to pay a delinquent account for utility service or failure to comply with the terms of a deferred payment agreement;
 - (2) violation of the utility's rules pertaining to the use of service in a manner which interferes with the service of others or the operation of non-standard equipment, if a reasonable attempt has been made to notify the customer and the customer is provided with a reasonable opportunity to remedy the situation; and
 - (3) failure to comply with deposit or guarantee arrangements where required by §291.83 of this title (relating to Applicant and Customer Deposit).
- (c) Disconnection without notice. Utility service may be disconnected without notice where a known dangerous

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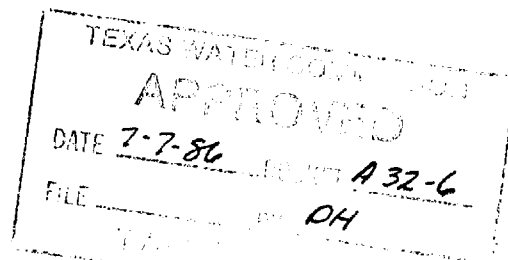
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condition exists for as long as the condition exists or where service is connected without authority by a person who has not made application for service or who has reconnected service without authority following termination of service for nonpayment or in instances of tampering with the utility company's meter or equipment, bypassing the same, or other instances of diversion as defined in §291.87 of this title (relating to Meters). Where reasonable, given the nature of the hazardous condition, a written statement providing notice of disconnection and the reason therefor shall be posted at the place of common entry or upon the front door of each affected residential unit as soon as possible after service has been disconnected.

- (d) Disconnection prohibited. Utility service may not be disconnected for any of the following reasons:
 - (1) delinquency in payment for utility service by a previous occupant of the premises;
 - (2) failure to pay for merchandise, or charges for nonutility service provided by the utility;
 - (3) failure to pay for a different type or class of utility service unless fee for such service is included on the same bill;
 - (4) failure to pay the account of another customer as guarantor thereof, unless the utility has in writing the guarantee as a condition precedent to service;
 - (5) failure to pay charges arising from an underbilling occurring due to any misapplication of rates more than six months prior to the current billing;
 - (6) failure to pay charges arising from an underbilling due to any faulty metering, unless the meter has been tampered with or unless such underbilling charges are due under §291.87 of this title (relating to Meters); and
 - (7) failure to pay an estimated bill other than a bill rendered pursuant to an approved meter-reading plan, unless the utility is unable to read the meter due to circumstances beyond its control.
- (e) Disconnection on holidays or weekends. Unless a dangerous condition exists, or unless the customer requests disconnection, service shall not be disconnected on a day, or on a day immediately preceding a day, when personnel of the utility are not available to the public for the purpose of making collections and reconnecting service.
- (f) Disconnection due to utility abandonment. No public utility may abandon a customer or a certified service area without written notice to its customers therein and all similar neighboring utilities, and approval from the commission.

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- (g) Disconnection for ill and disabled. No utility may discontinue service to a delinquent residential customer permanently residing in an individually metered dwelling unit when that customer establishes that discontinuance of service will result in some person residing at that residence becoming seriously ill or more seriously ill if service is discontinued. Each time a customer seeks to avoid termination of service under this section, the customer must have the attending physician (for purposes of this section, the term "physician" shall mean any public health official, including, but not limited to, medical doctors, doctors of osteopathy, nurse practitioners, registered nurses, and any other similar public health official) call or contact the utility within 16 days of issuance of the bill. A written statement must be received by the utility from the physician within 26 days of the issuance of the utility bill. The prohibition against service termination provided by this rule shall last 63 days from the issuance of the utility bill or such lesser period as may be agreed upon by the utility and the customer or physician. The customer who makes such request shall enter into a deferred payment plan.
- (h) Resolution of disputes. Any customer or applicant for service requesting the opportunity to dispute any action or determination of a utility under the customer service rules of the commission shall be given an opportunity for a review by the utility. If the utility is unable to provide a review immediately following the customer's request for such review, arrangements for the review shall be made for the earliest possible date. Service shall not be disconnected pending completion of the review. If the customer chooses not to participate in such review or to make arrangements for such review to take place within five days after requesting it, the company may disconnect service, providing notice has been issued under standard disconnect procedures. Any customer who is dissatisfied with the review by the public utility must be informed of their right to file a complaint and/or request a hearing before the appropriate municipal regulatory body or the Texas Water Commission whichever is applicable. The results of the review must be provided in writing to the customer within 10 days of the review, if requested.
- (i) Disconnection of master-metered apartments. When a bill for utility services is delinquent for a master-metered apartment complex (defined as a submetered or nonsub-metered building in which a single meter serves five or more residential dwelling units), the following shall apply:

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- (1) The utility shall send a notice to the customer as required in subsection (a) of this section. At the time such notice is issued, the utility shall also inform the customer that notice of possible disconnection will be provided to the tenants of the apartment complex in six days if payment is not rendered before that time.
- (2) At least six days after providing notice to the customer and at least four days prior to disconnect, the utility shall post a minimum of five notices in conspicuous areas in the corridors or other public places of the apartment complex. Language in the notice shall be prominently displayed and shall read: "Notice to residents of (name and address of apartment complex) water utility service or sewer utility service to this apartment complex is scheduled for disconnection on (date), because (reason for disconnection)."

§291.87 Meters.

(a) Meter requirements.

- (1) Use of meter. All water sold by a utility shall be charged for by meter measurements, except where otherwise provided for by the applicable rate schedule or contract.
- (2) Installation by utility. Unless otherwise authorized by the commission, each utility shall provide and install and shall continue to own and maintain all meters necessary for the measurement of water to its customers.
- (3) Standard type. No utility shall furnish, set up, or put in use any meter which is not reliable and of a standard type which meets industry standards; provided, however, special meters not necessarily conforming to such standard types may be used for investigation or experimental purposes.

(b) Meter readings.

- (1) Meter unit indication. In general each meter shall indicate clearly the gallons of water, or other units of service for which charge is made to the customer.
- (2) Reading of meters. As a matter of general practice, service meters shall be read at monthly intervals, and as nearly as possible on the corresponding day of each meter reading period, but may be read at other than monthly intervals if the circumstances warrant.

(c) Meter tests on request of customer. Each utility shall, upon the request of a customer, and, if he so desires, in his presence or in that of his authorized representative, make without charge a test of the accuracy of

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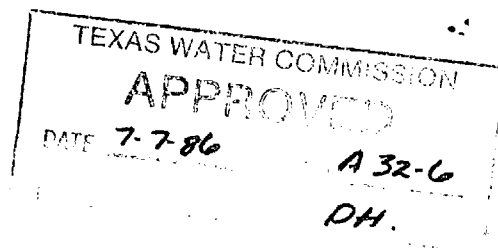
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the customer's meter. The test shall be made during the utility's normal working hours at a time convenient to the customer if he desires to observe the test. The test shall be made preferably on the customer's premises, but may, at the utility's discretion, be made at the utility's test laboratory. If the meter has been tested by the utility, or by an authorized agency, at the customer's request, and within a period of two years the customer requests a new test, the utility shall make the test, but if the meter is found to be within the accuracy standards established by the American Water Works Association, the utility may charge the customer a fee which reflects the cost to test the meter, but this charge shall in no event be more than \$15 for a residential customer. Following the completion of any requested test, the utility shall promptly advise the customer of the date of removal of the meter, the date of the test, the result of the test, and who made the test.

- (d) Bill adjustment due to meter error. If any meter is found to be outside of the accuracy standards established by the American Water Works Association, proper correction shall be made of previous readings for the period of six months immediately preceding the removal of such meter from service for the test, or from the time the meter was in service since last tested, but not exceeding six months, as the meter shall have been shown to be in error by such test, and adjusted bills shall be rendered. No refund is required from the utility except to the customer last served by the meter prior to the testing. If a meter is found not to register for any period, unless bypassed or tampered with, the utility shall make a charge for units used, but not metered, for a period not to exceed three months, based on amounts used under similar conditions during the period preceding or subsequent thereto, or during corresponding periods in previous years.
- (e) Meter tampering. For purposes of these sections, meter tampering, bypass, or diversion shall be defined as tampering with a water or sewer utility company's meter or equipment, bypassing the same, or other instances of diversion, such as physically disorienting the meter, objects attached to the meter to divert service or to bypass, insertion of objects into the meter, and other electrical and mechanical means of tampering with, bypassing, or diverting utility service. The burden of proof of meter tampering, bypass, or diversion is on the utility. Photographic evidence must be accompanied by a sworn affidavit by the utility when any action regarding meter tampering as provided for in these sections is initiated. A court finding of meter tampering may be

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used instead of photographic or other evidence, if applicable.

§291.88. Continuity of Service.

- (a) Service interruptions.
 - (1) Every public utility shall make all reasonable efforts to prevent interruptions of service. When interruptions occur, the utility shall reestablish service within the shortest possible time.
 - (2) Each utility shall make reasonable provisions to meet emergencies resulting from failure of service, and each utility shall issue instructions to its employees covering procedures to be followed in the event of emergency in order to prevent or mitigate interruption or impairment of service.
 - (3) In the event of national emergency or local disaster resulting in disruption of normal service, the utility may, in the public interest, interrupt service to other customers to provide necessary service to civil defense or other emergency service agencies on a temporary basis until normal service to these agencies can be restored.
- (b) Record of interruption. Except for momentary interruptions due to automatic equipment operations, each utility shall keep a complete record of all interruptions, both emergency and scheduled. This record shall show the cause for interruptions, date, time, duration, location, approximate number of customers affected, and, in cases of emergency interruptions, the remedy and steps taken to prevent recurrence.
- (c) Report to commission. The commission shall be notified in writing of interruptions in service affecting the entire system or any major division thereof lasting more than four hours. The notice shall also state the cause of such interruptions.

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TWC WATER UTILITY
 APPROVED
 8-6-86 7024
 U84-6 DH

CCN NO. 20649

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WATER RATES DIVISION

SEWER UTILITY TARIFF

FOR

Senna Hills Utility Company
 (Utility Name)

2600 One American Center
 (Business Address)

600 Congress Avenue, Austin, Texas
 (City) (State)

78701 (512) 499-3611
 (Zip) (Area Code) Phone

This tariff is effective in the following counties:

Travis County

and the following cities, unincorporated towns, (if any)

City of Austin (ETJ)

and the following subdivisions or systems.

Senna Hills Planned Unit Development

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	Page
<u>1.0 Rate Schedule</u>	<u>2</u>
<u>2.0 Service Rules</u>	<u>3</u>
<u>3.0 Extension Policy</u>	<u>4</u>
<u> </u>	<u> </u>
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Appendix A

The appendix contains a sample of each service agreement form used by the above utility and a condensation of The Commission's Substantive Rules.

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Senna Hills Utility Company
(Name of Sewer Utility)

Sewer Tariff Page No. 2
Revision No. _____

SECTION 1.0- RATE SCHEDULE

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Section 1.1 Rates

Connection Type

Minimum charge of \$25.00 for first 3,000 gallons and additional charge per each 1,000 gallons thereafter of \$0.40. Wastewater billing is based on the average water usage during the December, January and February billing periods or actual water consumption, whichever is lower.

Section 1.2 Miscellaneous Fees

TAP FEE- \$ 400

Tap fee is limited to the average of the Utility's actual costs for materials and labor for standard residential connections.

RECONNECTION FEE

A fee of \$ 25 will be charged before service can be restored to a customer whose service has been disconnected at the customer's request or for reasons listed under Section 2 of this tariff or the Commission's Substantive Rules.

RETURNED CHECK CHARGE

A fee of \$ 12 will be charged for returned checks.

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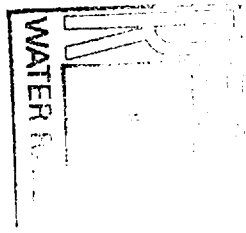
- C- Regulation change; D- Discontinued; I- Increase; N- New;
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and mail it to the Commission for a filing stamp. List the revision No. at top of page. The Commission will review it, stamp it, or send a tariff change form for more data (all public notice provisions on the tariff change form must be followed).

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Senna Hills Utility Company
(Name of Utility)

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SECTION 2.0- SERVICE RULES AND REGULATIONS

A copy of the Commissions latest condensed substantive rules should be attached as APPENDIX A. Only those service rules necessary to clarify the rules and policies of the Utility should be included in this section.

Section 2.1 Application for Service

All applications for service will be made on the utility's standard application or contract form and will be signed by the applicant before sewer service is provided by the utility. A separate application or contract will be made for each service at each separate location.

Section 2.2 Sewer Installation

After the applicant has met all requirements, conditions, and regulations herein set forth, the utility will then install a service connection and take all necessary actions to initiate service.

Section 2.3 Billing:

Water and sewer utility bills shall be rendered monthly unless otherwise authorized by the Commission, or unless service is terminated before the end of a billing cycle. Service initiated less than one week before the next billing cycle may be billed with the following month's bill. Bills should be rendered as promptly as possible following the reading of meters.

Bills are considered late if not received at the utility's office or postal address within 16 days of the billing date. Service can be disconnected for nonpayment of a bill only after 10 day written notice.

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Senna Hills Utility Company
(Name of Utility)

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SECTION 3.0- EXTENSION POLICY

Section 3.1- Standard Extension Requirements of Texas Water
Commission Substantive Rules

Contributions in aid of construction shall not be required of individual residential customers for transmission, pumping, treatment and disposal of sewage.

Utilities shall bear the costs of the first 200 feet of any collection line necessary to extend service to individual residential customers. The utility shall bear the full cost of any oversizing of collection lines necessary to serve any additional customers in the immediate area. If the utility's specific extension policy stated below requires it: residential customers may be required to pay for additional collection line beyond the first 200 feet necessary to serve his property, residential customers who place unique or non-standard service demands on the system may be charged the actual costs of any additional collection or pumping required over and above the standard requirements, developers may be required to provide contributions in aid of construction necessary to furnish the system with facilities compliant with Texas Water Commission minimum design criteria for transmission, pumping treatment or disposal of sewage.

Section 3.2- Specific Utility Extension Policy

An individual residential customer shall be charged the costs of extending service to his property beyond the first 200 feet of any necessary collection line. The individual residential customer shall not be charged for any additional production, storage or treatment facilities unless that customer places unique, non-standard service demands upon the systems, in which case, the customer shall be charged the full 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.

For purposes of this paragraph, commercial, industrial and wholesale customers shall be treated as developers. Developers may be required
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Senna Hills Utility Company

(Name of Utility)

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to provide contributions in aid of construction in amounts to furnish the developer with facilities compliant with Texas Department of Health minimum design criteria for facilities used in the production, transmission, pumping or treatment of water or Texas Water Commission minimum design criteria for facilities used in the transmission, pumping, treatment, and disposal of sewage.

Said payments for extensions or contributions shall be in addition to tap fees and other fees required herein. Any facility provided herein shall become the property of the utility.

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