

Buddy Garcia, *Chairman*
Larry R. Soward, *Commissioner*
Bryan W. Shaw, Ph.D., *Commissioner*
Mark R. Vickery, P.G., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

December 14, 2009

Ms. LaDonna Castañuela, Chief Clerk
Office of the Chief Clerk
Texas Commission on Environmental Quality
P.O. Box 13087, MC-105
Austin, Texas 78711-3087

Re: Application of Texas Landing Utilities to change its water and sewer rates/tariff under CCN Nos. 11997 and 20569 in Polk and Montgomery Counties. SOAH Docket No. 582-08-1023; TCEQ Docket No. 2007-1867-UCR.

Dear Ms. Castañuela:

Enclosed for filing with the Texas Commission on Environmental Quality is the original plus seven copies of "The Executive Director's Exceptions to the Proposed Order" for the above referenced matter.

If you have any questions, please call me at (512) 239-0608.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron" followed by a stylized surname.

Ron M. Olson
Staff Attorney
Environmental Law Division

Enclosure

cc: Mailing List

the correct gallonage rate for water as being \$2.36. Accordingly, the revised finding of fact would read:

TLU's consolidated water rate schedule tariff will promote water conservation by including a gallonage charge of \$2.36 for each additional 1,000 gallons above the minimum which requires ratepayers to pay more as their consumption increases.

II. Clarification of ALJ's Proposed Finding of Fact No. 46

In determining the amount of return for water, the ALJ stated in Finding of Fact number 46 that TLU's total invested capital is \$162,933. However, consistent with Finding of Fact number 37 and Exhibit C attached to the proposed order, TLU's total invested capital is \$162,935. Nevertheless, the stated amount of return, \$15,446, is correct. Therefore, the ED recommends revising proposed Finding of Fact number 46 to read:

Using the rate of return of 9.48%, TLU's return on its total invested capital of \$162,935 for water is \$15,446.

Respectfully submitted,

Texas Commission on Environmental Quality

Mark R. Vickery, P.G.
Executive Director

Robert Martinez, Director
Environmental Law Division

By 
Ron M. Olson, Staff Attorney
Environmental Law Division
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REPRESENTING THE
EXECUTIVE DIRECTOR OF THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of December 2009, a true and correct copy of the foregoing document has been sent via facsimile, first class mail, or hand-delivered to the persons on the attached Mailing List.

A handwritten signature in black ink, appearing to read 'Ron Olson', with a horizontal line underneath it.

Ron Olson, Staff Attorney
Environmental Law Division

MAILING LIST

Application of Texas Landing Utilities
to change its water and sewer rates/tariff under
CCN Nos. 11997 and 20569 in Polk and Montgomery Counties

SOAH Docket No. 582-08-1023
TCEQ Docket No. 2007-1867-UCR

FOR SOAH:

Honorable Katherine Smith
Administrative Law Judge
State Office of Administrative Hearings
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FOR THE CHIEF CLERK:

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