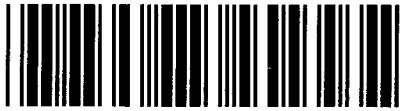




Control Number: 42854



Item Number: 8

Addendum StartPage: 0

House Bill (HB) 1600 and Senate Bill (SB) 567 83<sup>rd</sup>  
Legislature, Regular Session, transferred the functions  
relating to the economic regulation of water and sewer  
utilities from the TCEQ to the PUC effective  
September 1, 2014.

RECEIVED

SOAH DOCKET NO. 582-08-2284  
TCEQ DOCKET NO. 2008-0333-UCR

2014 SEP -9 AM 11:16  
PUBLIC UTILITY COMMISSION  
FILING CLERK

DOUBLE DIAMOND UTILITIES, CO.  
APPLICATION TO DECERTIFY A  
PORTION OF CERTIFICATE OF  
CONVENIENCE AND NECESSITY  
(CCN) NO. 12362 FROM NORTHWEST  
GRAYSON WCID 1 AND TO AMEND  
CCN NO. 12087 IN GRAYSON CO.  
APPLICATION NO. 35903-C

§  
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§

BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

CHIEF CLERKS OFFICE

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

NORTHWEST GRAYSON WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1'S  
REQUEST FOR DISCLOSURE, 1<sup>ST</sup> SET OF INTERROGATORIES, REQUESTS FOR  
PRODUCTION, AND REQUEST FOR ADMISSIONS  
TO DOUBLE DIAMOND UTILITIES, CO.

TO: Double Diamond Utilities Co., by and through its attorney, Mr. Leonard Dougal, Jackson Walker, 100 Congress Ave., Suite 1100, Austin, Texas 78701.

Northwest Grayson Water Control and Improvement District No. 1's ("WCID") serves this, its Request for Disclosures, Interrogatories, Requests for Production, and Request for Admissions, on Double Diamond Utilities Co. ("DDU"), by and through its attorney, Mr. Leonard Dougal, pursuant to Chapter 2001 of the Texas Government Code, the Texas Rules of Civil Procedure, and applicable rules and regulations of the Texas Commission on Environmental Quality and the State Office of Administrative Hearings. Within thirty (30) days of service of this request, the DDU must serve a signed copy of the responses to these requests upon counsel for WCID, Arturo D. Rodriguez, Jr., at the following address: Russell & Rodriguez, L.L.P., 102 West Morrow, Suite 103, Georgetown, Texas 78626.

#### A. DEFINITIONS

The following paragraphs state definitions that apply to this Request in its entirety, including the Instructions noted below:

1. "WCID" refers to the Northwest Grayson Water Control and Improvement District No. 1, and each of its officers, employees, agents, representatives, attorneys, and all other natural persons, business or legal entities, presently or formerly acting in concert with, under their direct or indirect control of, or on behalf of WCID.
2. "You," "your," and "DDU" means Double Diamond Utilities Co., its officers, employees, agents, representatives, attorneys, affiliated entities, and all other natural persons, businesses or legal entities, presently or formerly, acting in concert with, under the direct or indirect control of, or on behalf of DDU.
3. "Document(s)" means all written, typed, or printed matters, and all magnetic or other records, papers, or documentation of any kind or description (including, without limitation, letters, correspondence, telegrams, memoranda, notes, minutes, contracts, agreements, notations of telephone or in-person conversations, conferences, inter-office communications, e-mail, microfilm, bulletins, circulars, accounts, writings, drawings, graphs, charts, pamphlets, books, facsimiles, invoices, tape recordings, video recordings, photographs, computer printouts and work sheets), including all originals and all drafts and copies not identical to the originals, all photographs and graphic matter, however produced or reproduced, and all compilations of data from which information can be obtained, and any and all writings or recordings of any type or nature, whether or not prepared by you, in your actual possession, custody, or control, including those in the possession, custody, or control of any and all present or former directors, officers, employees, representatives, consultants, accountants, attorneys, agents, other natural persons, business or legal entities, presently or formerly acting in concert with, under their direct or indirect control of, or on behalf of DDU.
4. "Describe" or "identify," when used in reference to a document, means you must state, to the fullest extent possible, the following:
  - a) The nature (e.g., letter, handwritten note) of the document;
  - b) The title or heading that appears on the document;
  - c) The date of the document and the date of each addendum, supplement, or other addition or change;
  - d) The identity of: the author of the document; any signatory(ies) to the document; and the person on whose behalf or at whose request or direction the document was prepared or delivered; and
  - e) The present location of the document, and the name, address, position or title, and telephone number(s) of the person(s) having custody of the document
5. "Describe" or "identify," when used in reference to a natural person, means you must state, to the fullest extent possible, the following:
  - a) The full name;
  - b) The present or last known residential address, including zip code;

- c) The present or last known residential and office telephone number(s);
  - d) The present or last known occupation, job title, employer, and employer's address, including zip code;
  - e) The occupation, job title, employer, and employer's address at the time of the event or period referred to in each particular interrogatory; and
  - d) In the case of any person other than an individual, identify the officer, employee, or agent most closely connected with the subject matter of the interrogatory, and the officer who is responsible for supervising that officer or employee.
- 6. "Communication" means any oral or written communication of which DDU has knowledge, information, or belief.
  - 7. "File" means any collection or group of documents maintained held, stored, or used together, including, without limitation, all collections of documents maintained, held, or stored in folders, notebooks, or other devices for separating or organizing documents.
  - 8. "Person(s)" means any natural person, corporation, firm, association, partnership, joint venture, proprietorship, governmental body, or any other organization, business, or legal entity, and all other predecessors or successors in interest.
  - 9. "Concerning" means, in whole or in part, directly or indirectly, referring to, relating to, being connected with, commenting on, responding to, showing, describing, analyzing, reflecting, embodying, mentioning, or constituting the subject matter identified in the request.
  - 10. "Date" means the exact day, month, and year, if ascertainable or, if not, the best approximation.
  - 11. The word "and" means "and/or."
  - 12. The word "or" means "or/and."
  - 13. "Application" refers to DDU's application to decertify a portion of Certificate of Convenience and Necessity (CCN) No. 12362 from Northwest Grayson WCID #1 and to Amend CCN No. 12087 in Grayson County, Application No. 35903-C, TCEQ Docket No. 2008-0333-UCR, SOAH Docket No. 582-08-2284, pending before the Texas Commission on Environmental Quality ("TCEQ") and/or the State Office of Administrative Hearings ("SOAH") and any and all information gathered, generated, compiled, or submitted to any other state or federal agency by or on behalf of DDU related to Application No. 35903-C.
  - 14. "Requested area" means the area or property DDU seeks to certificate in its Application.
  - 15. All definitions found in 30 TEX. ADMIN. CODE Ch. 291 and Texas Water Code Ch. 11 and Ch. 13 are incorporated herein, verbatim.

**B. INSTRUCTIONS**

1. You may not object to requests for disclosure.
2. You are required to answer each of the following requests for documents separately by listing the documents and by describing them as defined herein. If documents are numbered for production, in each response provide both the information that identifies the document and the document's number.
3. As to any interrogatory or requests for production to which you refuse to respond or are unable to respond to in whole or in part, for any reason, please state the grounds for your refusal or inability to respond. When you believe that a complete answer to a particular request for production or part thereof is not possible, please answer each request for production to the extent possible and furnish a statement explaining: 1) the reason for your inability to respond further; and 2) whatever information or knowledge you have concerning the non-responsive portion.
4. For each document or other requested information that you assert is privileged or is not discoverable, identify that document or other requested information, and state the specific grounds for the claim of privilege or other ground for exclusion. Also, for each document you assert is not discoverable, state the date of the document; state the name, job title, and address of the person who prepared it; state the name, address, and job title of the person to whom it was addressed, circulated, or who saw it; state the name, job title, and address of the person now in possession of the document; describe the subject matter of the document; and state the present location and the custodian for the document.
5. For every document that no longer exists or cannot be located, or for any requested information about a document that no longer exists or cannot be located: identify the document; state how and when the document passed out of existence, or when it could no longer be located; and state the reason(s) for the disappearance; identify each person having knowledge about the disposition or loss of the document; and identify each document evidencing the existence or nonexistence of each document that cannot be located.
6. It is requested that all documents that might impact on the subject matter of the Application be preserved and that any ongoing process of document destruction involving such documents cease.
7. Furnish all information available to you and known by you, or in your possession or that of your agents and attorneys, or appearing in your records.
8. In those instances when requested information or requested documents are stored only on software, computer based information, or other data compilations, you should either produce the raw data along with all codes and programs for translating it into usable form, or produce the information in a finished usable form that includes all necessary glossaries, keys, and indices for interpretation of the material.

9. You are under a duty to supplement incomplete or incorrect when made your answers if you obtain information either: 1) was incorrect or incomplete when made, is no longer true and correct, or 2) amend the answer is in substance and effect.
10. Unless otherwise indicated, the Interrogatories, Requests for Production period from January 1, 1997 through the date of the filing of this motion, and recordings when the time period are to be produced.

### **C. REQUESTS**

Pursuant to TEX. R. CIV. P. 194, D of this request, the information or material

**Rule 194.2(c)**            The legal theories party's claims or defenses

**RESPONSE:**

**Rule 194.2(d)**            The amount and any damages

**RESPONSE:**

**Rule 194.2(e)**            The name, address, relevant facts, and a summary of the issues in dispute with the case.

**RESPONSE:**

**Rule 194.2(f)**            For any testifying expert

- 1)        The expert's name, address

**RESPONSE:**

**Rule 194.2(f)** For any testifying expert:

- 2) The subject matter on which the expert will testify.

**RESPONSE:**

**Rule 194.2(f)** For any testifying expert:

- 3) The general substance of the expert's mental impressions and opinions and a brief summary of the basis for them, or if the expert is not retained by you, employed by you, or otherwise subject to your control, documents reflecting such information.

**RESPONSE:**

**Rule 194.2(f)** For any testifying expert:

- 4) If the expert is retained by, employed by, or otherwise subject to the control of the responding party:
- (a) All documents, tangible things, reports, models or data compilations that have been provided to, reviewed by, or prepared by or for the expert in anticipation of the expert's testimony; and
  - (b) The expert's current resume and bibliography.

**RESPONSE:**

**Rule 194.2(i)** Any witness statements described in Rule 192.3(h).

**RESPONSE:**

#### **D. INTERROGATORIES**

**INTERROGATORY NO. 1:** Please describe in detail DDU's existing water transmission lines, if any, capable of providing water service to any area in which DDU has requested in its Application.

**RESPONSE:**

**INTERROGATORY NO. 2:** Please describe in detail DDU's existing booster stations, if any, capable of providing water service to any area in which DDU has requested in its Application.

**RESPONSE:**

**INTERROGATORY NO. 3:** Please describe in detail DDU's existing water distribution lines, if any, capable of providing water service to any area in which DDU has requested in its Application.

**RESPONSE:**

**INTERROGATORY NO. 4:** Please describe in detail DDU's existing water storage tanks, if any, capable of providing water service to any area in which DDU has requested in its Application.

**RESPONSE:**

**INTERROGATORY NO. 5:** Please identify DDU's sources of water, including ground water and surface water, and explain whether surface water sources are secured by contract or permit.

**RESPONSE:**

**INTERROGATORY NO. 6:** Please identify any partially or fully conducted, or partially or fully prepared, plans, reports, or studies, including, but not limited to, land-use assumptions, capital improvement plans, impact fee studies, and capital asset acquisition budgets, which concern or address water service by DDU to any area in which DDU has requested in its Application.

**RESPONSE:**

**INTERROGATORY NO. 7:** Please identify the shortest time frame in which DDU is capable of providing water service, in compliance with all applicable rules and statutes, to any points throughout DDU's entire requested area, in the event there is immediate demand for service.

**RESPONSE:**

**INTERROGATORY NO. 8:** Please explain in detail how DDU would provide water service within the time frame identified in DDU's answer to the previous Interrogatory.

**RESPONSE:**

**INTERROGATORY NO. 9:** Please identify any and all requests DDU has received for water service within DDU's requested area.

**RESPONSE:**



**INTERROGATORY NO. 10:** Please describe the physical characteristics and location of any and all existing water facilities, including, but not limited to, utility lines, storage tanks, pump stations, booster stations, and treatment facilities now existing, either complete or partially complete, that could be used to provide water service by DDU to any area in which DDU has requested in its Application.

**RESPONSE:**

**INTERROGATORY NO. 11:** Please explain whether and how DDU has discussed, addressed, budgeted for, intended, or planned for the design, construction and/or extension of water facilities, including, but not limited to, permits, distribution and transmission lines, storage tanks, booster stations, wells, well fields, and water treatment facilities, with the capacity to provide continuous and adequate water service to any area in which DDU has requested in its Application.

**RESPONSE:**

**INTERROGATORY NO. 12:** Please identify any and all violations of any TCEQ regulation committed by or attributed to DDU during the past five (5) years concerning any areas for which DDU provides water service.

**RESPONSE:**

**INTERROGATORY NO. 13:** Please identify any and all violations of any EPA regulation committed by or attributed to DDU during the past five (5) years concerning any areas for which DDU provides water service.

**RESPONSE:**

**E. REQUEST FOR PRODUCTION**

**REQUEST FOR PRODUCTION NO. 1:** Please produce any and all documents in your actual or constructive possession, including, but not limited to, budgets, reports, projections, estimates, and supporting or underlying documentation, concerning DDU's financial ability to provide water service to any area in which DDU has requested in its Application.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 2:** Please produce any and all documents or tangible things in your actual or constructive possession concerning DDU's financial plans or intentions to supply water service to any area in which DDU has requested in its Application.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 3:** Please produce any and all documents or tangible things in your actual or constructive possession concerning DDU's anticipated development in the area in which DDU has requested in its Application

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 4:** Please produce any and all documents or tangible things in your actual or constructive possession concerning your rate schedules for water service for the previous five years.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 5:** Please produce any and all documents or tangible things in your actual or constructive possession concerning your long-range water service plan.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 6:** Please produce any and all documents or tangible things in your actual or constructive possession concerning your annual operating budgets for water service for the previous five years.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 7:** Please produce any and all documents or tangible things in your actual or constructive possession concerning your financial statements and budgets for the previous five years.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 8:** Please produce any and all documents or tangible things in your actual or constructive possession concerning your monitoring procedures, emergency response procedures, and emergency response times for water service issues for the previous five years.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 9:** Please produce any and all documents or tangible things in your actual or constructive possession concerning the individuals who operate your water facilities and their level(s) and type(s) of training.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 10:** Please produce any and all documents or tangible things in your actual or constructive possession concerning the quantities and types of operational and maintenance equipment used by DDU for its water services.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 11:** Plea  
constructive possession concerning DDU's curren

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 12:** Plea  
constructive possession concerning DDU's curren

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 13:** Plea  
constructive possession concerning DDU's CCN :

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 14:** Plea  
things in your actual or constructive possession co

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 15:** Plea  
things in your actual or constructive possession co

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 16:** Plea  
things in your actual or constructive possession co

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 17:** Plea  
things in your actual or constructive possession co

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 18:** Plea  
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**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 19:** Plea  
things in your actual or constructive possession co

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 20:** Plea  
things in your actual or constructive possession co

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 21:** Please produce any and all documents or tangible things in your actual or constructive possession concerning your answer to Interrogatory No. 8.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 22:** Please produce any and all documents or tangible things in your actual or constructive possession concerning your answer to Interrogatory No. 9.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 23:** Please produce any and all documents or tangible things in your actual or constructive possession concerning your answer to Interrogatory No. 10.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 24:** Please produce any and all documents or tangible things in your actual or constructive possession concerning your answer to Interrogatory No. 11.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 25:** Please produce any and all documents or tangible things in your actual or constructive possession concerning your answer to Interrogatory No. 12.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 26:** Please produce any and all documents or tangible things in your actual or constructive possession concerning your answer to Interrogatory No. 13.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 27:** Please produce any and all documents in your actual or constructive possession concerning any agreements between DDU and any entity that provides water utility service, relating to service area boundaries or adjustments in service area boundaries. Please include in your response any documents concerning agreements relating to areas certificated by TCEQ.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 28:** Please produce any and all documents or tangible things in your actual or constructive possession regarding any applications for amendments to DDU's CCN filed within the last five (5) years.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 29:** Produce all documents relating to or concerning the Northwest Grayson County Water Control and Improvement District No. 1, DDU, or DDU's Application including, but not limited to, all correspondence, notes of telephone conferences or other oral communications, meeting notes, agendas, notices, letters, statements, or any other documents evidencing or relating to communications, whether written or oral, between you and any of the following entities:

- (a) any municipal entity;
- (b) any county entity;
- (c) any state agency;
- (d) any federal agency;
- (e) any testifying or consulting expert;
- (f) any party to this proceeding;
- (g) any elected official;
- (h) any representative(s), agent, or affiliate of any individual or business entity that provides any type of wastewater services; or
- (i) any representative(s), agent, or affiliate of any individual or business entity that provides any type of water services.

**RESPONSE:**

**F. REQUESTS FOR ADMISSIONS**

**Admission No. 1:** Admit or deny that DDU is currently providing retail water service to customers in the requested area.

**RESPONSE:**

**Admission No. 2:** Admit or deny that DDU has water facility lines and/or infrastructure currently available to provide retail water service in the requested area.

**RESPONSE:**

**Admission No. 3:** Admit or deny that DDU has received requests for retail water service in the requested area.

**RESPONSE:**

**Admission No. 4:** Admit or deny that the WCID has water facility lines and/or infrastructure currently available to provide retail water service in the requested area.

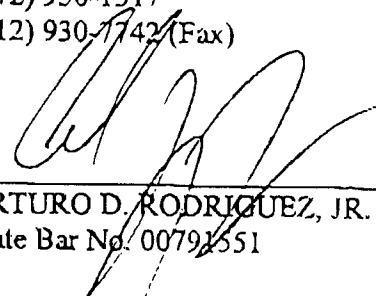
**RESPONSE:**

**Admission No. 5:** Admit or deny that the WCID has made an offer to provide retail water services to the area being sought by DDU in this Application.

**RESPONSE:**

Respectfully submitted,

**Russell & Rodriguez, L.L.P.**  
102 West Morrow Street, Suite 103  
Georgetown, Texas 78626  
(512) 930-1317  
(512) 930-7742 (Fax)

  
ARTURO D. RODRIGUEZ, JR.  
State Bar No. 00791551

**ATTORNEY FOR NORTHWEST GRAYSON  
WCID NO. 1**

**CERTIFICATE OF SERVICE**

I hereby certify that on this 27<sup>th</sup> day of May, 2008, a true and correct copy of the foregoing document has been sent via facsimile, first class mail, or hand-delivered to the following counsel of record:

Mr. Leonard Dougal, Attorney  
Jackson Walker LLP  
100 Congress Ave., Suite 1100  
Austin, Texas 78701  
Fax: 512/236-2002

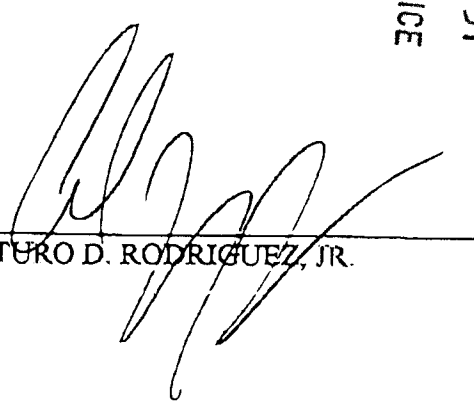
Mr. Blas Coy, Attorney  
Office of Public Interest Counsel  
TCEQ - MC 103  
P.O. Box 13087  
Austin, Texas 78711-3087  
Fax: 239-6377

Mr. Ross Henderson  
Environmental Law Division  
TCEQ - MC 173  
P.O. Box 13087  
Austin, Texas 78711-3087  
Fax: 239-0606

Docket Clerk  
Office of the Chief Clerk - MC 105  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087  
Fax: 239-3311

2008 MAY 27 PM 2:51  
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COMMISSION  
ON ENVIRONMENTAL  
QUALITY

  
\_\_\_\_\_  
ARTURO D. RODRIGUEZ, JR.

## RUSSELL &amp; RODRIGUEZ, L.L.P.

Attorneys at Law

102 West Morrow Street, Suite 103, Georgetown, Texas 78626

Phone (512) 930-1317

E-mail: arodriguez@txadminlaw.com

Fax (512) 930-7742

## FACSIMILE COVER PAGE

May 27, 2008

*Please Deliver the Following page(s) to:*

TCEQ Chief Clerk	Fax Number:	(512) 239-3311
Mr. Leonard Dougal	Fax Number:	(512) 236-2002
Mr. Blas Coy	Fax Number:	(512) 239-6377
Mr. Ross Henderson	Fax Number:	(512) 239-0606
Ms. Karen Bomar	Fax Number:	(903) 523-0021
General Manager, NW Grayson County WCID No. 1		

Client Number: 1240-00

From: Art Rodriguez

Direct Phone: (512) 930-1317

Pages: 15 (Including Cover Sheet)

Comments: *Application of Double Diamond Utilities Co. (DDU) to Amend Certificate of Convenience and Necessity (CCN) No. 12087 and to Decertify a Portion of Northwest Grayson WCID 1 in Grayson County, Texas, TCEQ Docket No. 2008-0333-UCR, SOAH Docket No. 582-08-2284*

Northwest Grayson WCID's Request for Disclosure, Interrogatories,  
Requests for Production, and Request for Admissions to DDU

NOTICE: The following material is intended for the use of the individual or entity to which it is addressed. The material may contain information that is attorney-client privileged, or otherwise confidential and exempt from disclosure under law. If you are not the specified recipient, do not read this material. Any use, dissemination or copying of this material is strictly prohibited. If you have received this material in error, please notify us by telephone at the above number and return to us by U.S. Mail.

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