



Control Number: 42944



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Addendum StartPage: 0

House Bill (HB) 1600 and Senate Bill (SB) 567 83rd
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

42944

**SOAH DOCKET NO. 582-11-1316
TCEQ DOCKET NO. 2010-1674-UCR**

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PUBLIC UTILITY COMMISSION
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APPLICATION OF CITY OF § BEFORE THE STATE OFFICE
THRALL §
TO AMEND ITS CERTIFICATE OF §
CONVENIENCE AND NECESSITY § OF
NO.13063, IN WILLIAMSON §
COUNTY; §
APPLICATION NO. 36627-C; § ADMINISTRATIVE HEARINGS

**THE EXECUTIVE DIRECTOR'S FIRST REQUESTS FOR DISCLOSURE
AND REQUESTS FOR PRODUCTION, TO NOACK WATER SUPPLY
CORP.**

TO: Noack Water Supply Corp. through its representative of record Leland R. Enochs, 700 North Main Street. P.O. Box 751, Taylor, Texas 76574

Pursuant to § 2001 *et seq.* of the Administrative Procedure Act ("APA"), GOVERNMENT CODE (Vernon), Rules 190-197 of the Texas Rules of Civil Procedure and 30 Texas Administrative Code ("TAC") § 80.151, and TAC Title 1, Part VII, Section 155.23, you are required to answer in complete detail and in writing each of the following requests for disclosure and interrogatories and to produce documents, as the case may be, responsive to the requests. You are required to sign your answers to the questions or requests, to swear to the truth of your responses before a Notary Public or other judicial officer, and to deliver a complete, signed, and notarized copy of your answers to Douglas Brown, Staff Attorney, Environmental Law Division, MC 173, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087, by 30 days after service of this request.

I. DEFINITIONS

As used herein, the terms "you," "your," "yourself," or "Applicant" refer to Noack Water Supply Corp. ("Noack"), the party to whom these requests are addressed, as well as to each of its present and former officers, employees, agents, representatives and attorneys, and each person acting or purporting to act on its behalf.

"Thrall" refers to the City of Thrall, the applicant in this case.

The term "application" refers to the CCN Amendment Application 36627-C and attachments filed by Thrall and received by the TCEQ on January 28, 2010, which represents the proposed amendment to Thrall's CCN No. 13063, which is the subject of these proceedings.

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The terms "TCEQ" and "commission" refer to the Texas Commission on Environmental Quality or its successor or predecessor agencies that regulate CCNs in the State of Texas.

The term "proposed areas" refers to the areas applied for in Application No. 36627-C.

As used herein, the term "representative" means any and all agents, employees, servants, officers, directors, attorneys, or other persons acting or purporting to act on your behalf.

As used herein, the term "person" means any natural individual in any capacity whatsoever or any entity or organization, including divisions, departments, and other units therein, and shall include, but not be limited to, a public or private corporation, partnership, joint venture, voluntary or unincorporated association, organization, proprietorship, trust, estate, governmental agency, commission, bureau, municipality or department.

As used herein, the term "document" means any medium upon which information can be recorded or retrieved, and includes, without limitation, the original and each copy, regardless of origin and location, of any book, pamphlet, periodical, letter, memorandum (including any memorandum or report of a meeting or conversation), invoice, bill, order form, receipt, financial statement, accounting entry, diary, calendar, telex, telegram, cable, facsimile transmission, report, record, contract, agreement, study, handwritten note, draft, working paper, chart, paper, print, laboratory record, drawing, sketch, graph, index, list, tape, photograph, microfilm, data sheet or data processing card, computer tape or disk, or any other written, recorded, transcribed, punched, taped, filmed or graphic matter, however produced or reproduced, which is in your possession, custody or control, or which has been, but is no longer, in your possession, custody, or control. The term "document" further means a copy of any document, as referred to above, if such copy contains notes, writings or is in any way different from or an alteration of the original document.

As used herein, the term "communication" means any oral or written utterance, notation or statement of any nature whatsoever, by and to whomsoever made, including, but not limited to, correspondence, conversations, dialogues, discussions, interviews, consultations, agreements and other understandings between or among two or more persons.

As used herein, the terms "identification," "identify," or "identity," when used in reference to: (a) a natural individual - require you to state his or her full name and business address; (b) a corporation - require you to state its full corporate name and any names under which it does business, its state of incorporation, the address of its principal place of business, and the addresses of all of its offices; (c) a business -require you to state the full name or style under which the business is conducted, its business address or addresses, the types of businesses in which it

is engaged, the geographic areas in which it conducts those business, and the identity of the person or persons who own, operate, and control the business; (d) a document - require you to state the number of pages and the nature of the document (e.g., letter or memorandum), its title, its date, the name or names of its authors and recipients, and its present location and custodian; (e) a communication - require you, if any part of the communication was written, to identify the document or documents which refer to or evidence the communication, and, to the extent that the communication was non-written, to identify the persons participating in the communication and to state the date, manner, place and substance of the communication.

II. INSTRUCTIONS

IDENTIFICATION OF DOCUMENTS

With respect to each request, in addition to supplying the information requested, you are to identify all documents that support, refer to or evidence the subject matter of each request and your answer thereto.

If any or all documents identified herein are no longer in your possession, custody or control because of destruction, loss or any other reason, then do the following with respect to each and every such document: (a) describe the nature of the document (e.g., letter or memorandum); (b) state the date of the document; (c) identify the persons who sent and received the original and a copy of the document; (d) state in as much detail as possible the contents of the document; and (e) state the manner and date of disposition of the document.

If you contend that any material or information responsive to any of the interrogatories is privileged, state in response that: (a) the information or material responsive to the interrogatories has been withheld; (b) the interrogatory to which the information or material relates; and (c) the privilege or privileges asserted.

CONTENTION REQUESTS

When a request requires you to "state the basis of" a particular claim, contention, or allegation, state in your answer the identity of each and every communication and each and every legal theory that you think supports, refers to, or evidences such claim, contention, or allegation.

CONTINUING REQUESTS

These requests are to be considered continuing in nature and you are under a duty to timely supplement any response given to such request(s) as required by the Texas Rules of Civil Procedure.

III. REQUESTS FOR DISCLOSURE

Pursuant to Texas Rule of Civil Procedure 194, you are requested to disclose the information or material described in Rule 194.2(c),(e),(f),(h), and (i) within thirty (30) days of the date of service of this request, as follows:

(c) the legal theories and, in general, the factual bases of the responding party's claims or defenses;

(e) the name, address, and telephone number of persons having knowledge of relevant facts, and a brief statement of each identified person's connection with the case;

(f) for any testifying expert:

- (1) the expert's name, address, and telephone number;
- (2) the subject matter on which the expert will testify;
- (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, employed by, or otherwise subject to the control of the responding party, documents reflecting such information;
- (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;

(h) any discoverable settlement agreements; and

(i) any discoverable witness statements.

IV. REQUESTS FOR PRODUCTION

Request for Production No. 1: Please provide a certified map and any other related documents that show the proposed areas that Thrall seeks with this application are within Noack's CCN.

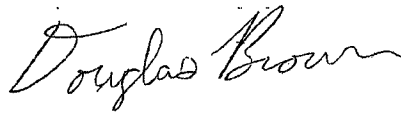
Respectfully submitted,

Texas Commission on Environmental
Quality

Zak Covar,
Executive Director

Caroline Sweeney, Deputy Director
Office of Legal Services

Robert Martinez, Division Director
Environmental Law Division




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Austin, Texas 78711-3087

Representing the Executive
Director of the Texas Commission
on Environmental Quality

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing proposed procedural schedule has been filed with the Texas Commission on Environmental Quality's Office of the Chief Clerk and provided to the persons listed on the attached Mailing List via facsimile transmission, first class mail, interoffice mail, hand delivery, and or electronic submission on September 14, 2012.

A handwritten signature in cursive script that reads "Douglas Brown".

Douglas M. Brown, Staff Attorney
Environmental Law Division
State Bar No. 24048366

CITY OF THRALL
SOAH DOCKET NUMBER 582-11-1316
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