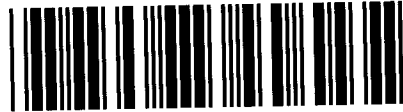


Control Number: 43166



Item Number: 4

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.

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



RECEIVED

2014 SEP 23 AM 11:46

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

PUBLIC UTILITY COMMISSION
TRAINING CLERK

CHIEF CLERKS OFFICE

2009 JAN 16 PM 4:16

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

January 16, 2009

Via Certified & First Class Mail

Wanda Wilson
TYNAN WATER SUPPLY CORPORATION
P.O. Box 115
Tynan, Texas 78291-0112
TEL: (361) 547-0500

Re: INVESTIGATION PURSUANT TO TEXAS WATER CODE CHAPTER 13.004
OF TYNAN WATER SUPPLY CORPORATION; SOAH DOCKET NO. 582-09-
0657; TCEQ DOCKET NO. 2008-1536-UCR

Dear Ms. Wilson:

Please find enclosed the Executive Director's 1st set of Discovery Request.

Sincerely,

A handwritten signature in black ink, appearing to read "Trey Jackson".

Trey Jackson
Environmental Law Division
Texas Commission on Environmental Quality

cc: mailing list

THE EXECUTIVE DIRECTOR'S FIRST REQUESTS
FOR DISCLOSURE, INTERROGATORIES AND
REQUESTS FOR PRODUCTION TO TYNAN WATER SUPPLY CORPORATION

2019 JAN 16 PM 4:16

SOAH DOCKET NO. 582-09-0657
TCEQ DOCKET NO. 2008-1536-UCR

CHIEF CLERKS OFFICE

INVESTIGATION PURSUANT TO
TEXAS WATER CODE CHAPTER
13.004 OF TYNAN WATER SUPPLY
CORPORATION

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§
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§
§

BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

THE EXECUTIVE DIRECTOR'S FIRST REQUESTS FOR DISCLOSURE,
INTERROGATORIES, REQUESTS FOR ADMISSION, AND REQUESTS FOR
PRODUCTION TO TYNAN WATER SUPPLY CORPORATION

TO: TYNAN WATER SUPPLY CORPORATION

Wanda Wilson
TYNAN WATER SUPPLY CORPORATION
P.O. Box 115
Tynan, Texas 78291-0112
TEL: (361) 547-0500

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, interrogatories, and requests for production. 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 Brian MacLeod, Staff Attorney, Environmental Law Division, MC 173, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087 in accordance with the Administrative Law Judge's directive and the Rules of the Texas Commission on Environmental Quality.

THE EXECUTIVE DIRECTOR'S FIRST REQUESTS
FOR DISCLOSURE, INTERROGATORIES AND
REQUESTS FOR PRODUCTION TO TYNAN WATER SUPPLY CORPORATION

I. DEFINITIONS

As used herein, the terms "you," "your," or "yourself," refer to **TYNAN WATER SUPPLY CORPORATION**, the party to whom these requests are addressed, as well as to each of its parents, predecessors, subsidiaries and affiliates, each of its present and former officers, employees, agents, representatives and attorneys acting on its behalf.

REPRESENTATIVE

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.

PERSON

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.

DOCUMENT

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. 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.

COMMUNICATION

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.

THE EXECUTIVE DIRECTOR'S FIRST REQUESTS
FOR DISCLOSURE, INTERROGATORIES AND
REQUESTS FOR PRODUCTION TO TYNAN WATER SUPPLY CORPORATION

IDENTIFICATION

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

THE EXECUTIVE DIRECTOR'S FIRST REQUESTS
FOR DISCLOSURE, INTERROGATORIES AND
REQUESTS FOR PRODUCTION TO TYNAN WATER SUPPLY CORPORATION

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 Rule 193.5 of the Texas Rules of Civil Procedure.

III. REQUEST FOR DISCLOSURE

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

- (b) the name, address and telephone number of any potential parties;
- (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. INTERROGATORIES

Interrogatory No. 1 Please explain why the President of Tynan WSC did not respond to the certified letter mailed on June 5, 2008 relating to the Notice of Investigation.

Response:

Interrogatory No. 2 Please explain why the President of Tynan WSC did not respond to the certified letter mailed on July 21, 2008 relating to the Notice of Violation.

Response:

Interrogatory No. 3 Please explain why the Tynan WSC's Corporate Charter for a non-profit entity lapsed in April, 2008 with the office of the Texas Secretary of State.

Response:

Interrogatory No. 4 Please identify the names of all current board members as January 1st, 2009.

Response:

Interrogatory No. 5 Please identify the number of membership connections as of January 1st, 2009.

Response:

Interrogatory No. 6 Please identify the number of members who voted at the annual board meeting for the most recent annual meeting/election.

Response:

Interrogatory No. 7 Please identify the names of all current full time, part-time, and contract employees for Tynan WSC.

Response:

Interrogatory No. 8 Please identify the names and addresses of all current water customers of Tynan WSC that are not also members of the corporation.

Response:

THE EXECUTIVE DIRECTOR'S FIRST REQUESTS
FOR DISCLOSURE, INTERROGATORIES AND
REQUESTS FOR PRODUCTION TO TYNAN WATER SUPPLY CORPORATION

Interrogatory No. 9. Please identify the names and addresses of all current sewer customers of Tynan WSC that are not also members of the corporation.

Response:

Interrogatory No. 10. Please explain and discuss in detail why not all water or sewer customers are members of Tynan WSC, if any.

Response:

Interrogatory No. 11. Please explain the relation of Ms. Wanda Wilson to Tynan WSC.

Response:

V. REQUEST FOR ADMISSION

1. Admit that Tynan WSC is not operating as a member-owned and member-controlled utility.

Explain in detail reasons why you cannot admit or deny:

2. Admit that the Tynan WSC is not holding annual or special meetings in compliance with Texas Water Code Chapter 67.007.

Explain in detail reasons why you cannot admit or deny:

3. Admit that Tynan WSC did not respond to the TCEQ's request for information in connection with a Notice of Investigation dated June 5, 2008.

Explain in detail reasons why you cannot admit or deny:

4. Admit that Tynan WSC did not respond to the TCEQ's request for information in connection with a Notice of Violation dated July 21, 2008.

Explain in detail reasons why you cannot admit or deny:

5. Admit that Wanda Wilson is the registered agent for Tynan Water Supply Corporation.

Explain in detail reasons why you cannot admit or deny:

6. Admit that all customers with active water connection with the Tynan WSC do not have

THE EXECUTIVE DIRECTOR'S FIRST REQUESTS
FOR DISCLOSURE, INTERROGATORIES AND
REQUESTS FOR PRODUCTION TO TYNAN WATER SUPPLY CORPORATION

the right to vote on items.

Explain in detail reasons why you cannot admit or deny:

7. Admit that all customers with active sewer connections with the Tynan WSC do not have the right to vote on items.

Explain in detail reasons why you cannot admit or deny:

8. Admit that the Tynan WSC, in April, 2008, let its non-profit Corporate Charter lapse with the office of the Texas Secretary of State for a brief period of time.

Explain in detail reasons why you cannot admit or deny:

VI. REQUESTS FOR PRODUCTION

Please produce any and all documentation requested below, including, but not limited to the following:

1. Please produce any and all documentation regarding posting notice for annual and/or special meetings for the past 6 years.
2. Please produce any and all documentation regarding violations with the office of the Texas Secretary of State relating to the Water Supply Corporation's classification as a non-profit organization.
3. Please produce any and all documentation relating to minutes of the Tynan WSC's board and/or general membership meetings for the past 6 years.
4. Please produce a copy of Tynan WSC's latest tariff.
5. Please produce an original copy of Tynan WSC's By-Laws.
6. Please produce any and all documentation showing the amount of receipts collected from water and/or sewer sales and the amount of regulatory assessment fees paid to the TCEQ for the past Five (5) years. Copies of coupons remitted with payment of these fees or other documentation may be submitted in response to this item.
7. Please produce any and all documentation relevant to communications from the Texas Water Development Board for non payment of loans for the past five (5) years.
8. Please produce any and all documentation from the past five (5) years relating to money

**THE EXECUTIVE DIRECTOR'S FIRST REQUESTS
FOR DISCLOSURE, INTERROGATORIES AND
REQUESTS FOR PRODUCTION TO TYNAN WATER SUPPLY CORPORATION**

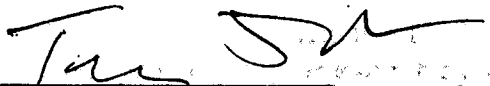
loaned to Tynan WSC from the Texas Water Development Board and how the loan money was spent.

9. Please produce any and all documentation relating to contracts between Wanda Wilson and the Tynan WSC.
10. Please produce any and all documentation relating to money/salaries paid to all full time and contract employees for the past five (5) years. Indicate the name of the employee or contractor when producing the items.
11. Please produce any and all documentation relating monies paid to all current board members for the past five (5) years.
12. Please produce any and all documentation establishing the full names of all active board members and the dates they were elected.
13. Please produce a list of all the names and addresses of all current water customers of Tynan WSC.
14. Please produce a list of all the names and addresses of all current sewer customers of Tynan WSC.
15. Please produce a list of all the names and addresses of all current members of Tynan WSC.
16. Please produce a copy of all documents responsive to the Commission for compliance violations of the public water systems owned and/or operated by Tynan WSC.
17. Please produce a copy of all documents responsive to the Commission for compliance violations of the waste water system and/or discharge permit owned and/or operated by Tynan WSC.

THE EXECUTIVE DIRECTOR'S FIRST REQUESTS
FOR DISCLOSURE, INTERROGATORIES AND
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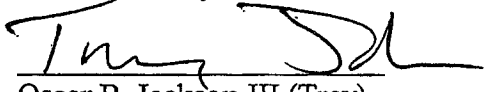
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

Robert Martinez, Director
Environmental Law Division

By 
Oscar B. Jackson III (Trey)
Staff Attorney
Environmental Law Division
State Bar of Texas No. 24057918
P.O. Box 13087; MC 173
Austin, Texas 78711-3087
Phone: (512) 239-0750
Fax: (512) 239-0606

CERTIFICATE OF SERVICE

This is to certify that all parties on the attached Mailing List have been sent a copy of the foregoing document in accordance with TCEQ and SOAH rules on January 16, 2009.


Oscar B. Jackson III (Trey)
Staff Attorney
Environmental Law Division

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2009 JAN 16 PM 4:16
CHIEF CLERKS OFFICE

MAILING LIST
INVESTGATION OF THE TYNAN WATER SUPPLY CORPORATION
SOAH Docket No.: 582-09-0657
TCEQ Docket No.: 2008-1536-UCR

Docket Clerk

TCEQ Office of Chief Clerk
MC 105

P. O. Box 13087

Austin, Texas 78711-3087

Tel: (512) 239-3300

Fax: (512) 239-3311

Amy Swanholm

TCEQ Office of Public Interest Counsel

P.O. BOX 13087, MC-103

Austin, Texas 78711-3087

Tel: (512) 239-3300

Fax: (512) 239-3311

Wanda Wilson

TYNAN WATER SUPPLY CORPORATION

P.O. Box 115

Tynan, Tx 78391-0112

(361) 547-0500 (PH)

Heidi Graham - Fwd: RE: FW: Current Status with Secretary of State

From: Vera Poe
To: Graham, Heidi
Date: 1/22/2009 4:24 PM
Subject: Fwd: RE: FW: Current Status with Secretary of State
CC: Heinzke, Tera
Attachments: RE: FW: Current Status with Secretary of State

Good Morning Vera,

I got on line yesterday and saw that they were active with the Sec. of State. The account number was 9106501. If this is not sufficient then let me know.

Thank you,

Shane Self, EIT
Enviro-Ag Engineering, Inc.
3404 Airway Blvd.
Amarillo, TX 79118
(806)353-6123 Ext. 106
(806)353-4132 Fax
sself@enviroag.com

From: Vera Poe [mailto:VPoe@tceq.state.tx.us]
Sent: Wednesday, January 21, 2009 4:23 PM
To: sself@enviroag.com
Cc: Graham, Heidi
Subject: Re: FW: Current Status with Secretary of State

Shane,

Please verify that the entity is now current with the Secretary of State by contacting the SOS, the following website allows you to check on your own, online, and provides contact info for the SOS:

<http://www.sos.state.tx.us/corp/sosda/index.shtml>

Please verify that they are reinstated and let us know the results and we will request the public water system identification number.

Sincerely,

Vera Poe, P.E.
Team Leader
Utilities Technical Review Team

>>> "Shane Self" <sself@enviroag.com> 1/20/2009 10:54 AM >>>
Good Morning Vera,

I received the below email this morning from Kade with Panfork Baptist. I don't know how the Secretary of State

works with any notifications or responses to something like this, but I would have thought they would have received a notification stating that they are now in "Good Standings or now current" with the state. Let me know if he is not current with the Secretary of State and I will call him back.

Thank you,

Shane Self, EIT
Enviro-Ag Engineering, Inc.
3404 Airway Blvd.
Amarillo, TX 79118
(806)353-6123 Ext. 106
(806)353-4132 Fax
sself@enviroag.com

From: Kade Wilcox [mailto:kadewilcox@hotmail.com]
Sent: Tuesday, January 20, 2009 10:07 AM
To: sself@enviroag.com
Subject: RE: Current Status with Secretary of State

Hello Shane. I hope you are doing well.

I filled out and mailed our "re-filing" with the Sect. of State on Januar 6th. I have not heard back from them, but I'm hoping everything is back as it should be.

Thank you sir.

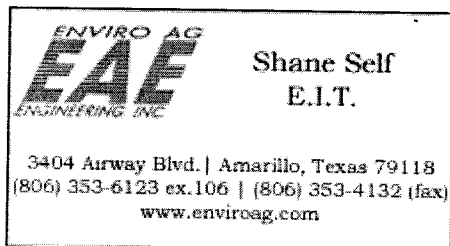
Kade

From: sself@enviroag.com
To: kadewilcox@hotmail.com; panfork@wildblue.net
Subject: Current Status with Secretary of State
Date: Mon, 29 Dec 2008 15:17:26 -0600

Hi Kade,

I hope you have had a good Christmas. I thought I would touch base with you and what the status was for Panfork and the current standings with the Secretary of State?

Thanks,



Enviro-Ag Engineering, Inc. is a progressive consulting firm offering a unique blend of talent and engineering experience. EAE is centrally located to serve a client base covering much of the United States. This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the sender and delete this message. For

more information, please visit our website or give us a call.

Windows LiveT: Keep your life in sync. Check it out.

No virus found in this incoming message.

Checked by AVG - <http://www.avg.com>

Version: 8.0.176 / Virus Database: 270.10.9/1902 - Release Date: 1/20/2009 7:49 AM

No virus found in this incoming message.

Checked by AVG - <http://www.avg.com>

Version: 8.0.176 / Virus Database: 270.10.10/1906 - Release Date: 1/21/2009 7:07 AM

Heidi Graham - Fwd: RE: FW: Current Status with Secretary of State

From: Vera Poe
To: Graham, Heidi
Date: 1/22/2009 4:24 PM
Subject: Fwd: RE: FW: Current Status with Secretary of State
CC: Heinzke, Tera
Attachments: RE: FW: Current Status with Secretary of State

Heidi,

I am pretty sure I returned this file to you (Panfork Baptist). Please route to Tera (with a printout of this email) for a new log number so she can send it back to pdw for an ID.

Thanks,

Vera