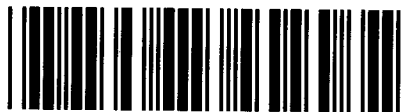




Control Number: 43534



Item Number: 5

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

Kathleen Hartnett White, *Chairman*  
Larry R. Soward, *Commissioner*  
Martin A. Hubert, *Commissioner*  
Glenn Shankle, *Executive Director*



43534

## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

January 10, 2007

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

**Re: APPLICATION OF MUSTANG VALLEY WATER SUPPLY CORPORATION (WSC) TO AMEND A CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) NO. 11175 IN BOSQUE AND CORYELL COUNTIES, TEXAS; APPLICATION NO. 35384-C 2006-1339-UCR**

Dear Ms. Castañuela:

Enclosed for filing with the Texas Commission on Environmental Quality are the Executive Director's Disclosures, Interrogatories, Requests for Production and Requests for Admission to Protestant Jeffrey Martin Hewlett; Executive Director's Disclosures, Interrogatories and Requests for Production to Protestant the City of Meridian; Executive Director's Disclosures, Interrogatories, Requests for Production and Requests for Admission to Applicant Mustang Valley WSC in the above referenced matter.

If you have any questions, do not hesitate to contact me at 239-1297.

Sincerely,

A handwritten signature in cursive script, appearing to read "R. Spencer Marks".

R. Spencer Marks  
Staff Attorney- Environmental Law Division

cc: Mailing list

5

SOAH DOCKET NO. 582-07-0520  
TCEQ DOCKET NO. 2006-1339-UCR

IN THE MATTER OF AN APPLICATION  
OF MUSTANG VALLEY WATER  
SUPPLY CORPORATION (WSC) TO  
AMEND A CERTIFICATE OF  
CONVENIENCE AND NECESSITY  
(CCN) NO. 11175 IN BOSQUE AND  
CORYELL COUNTIES, TEXAS;  
APPLICATION NO. 35384-C

§ BEFORE THE STATE OFFICE  
§  
§  
§ OF  
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§  
§ ADMINISTRATIVE HEARINGS

**EXECUTIVE DIRECTOR'S DISCLOSURES INTERROGATORIES,  
REQUESTS FOR PRODUCTION AND REQUESTS FOR ADMISSION TO  
PROTESTANT JEFFREY MARTIN HEWLETT**

To: *Protestant, Jeffrey Martin Hewlett, 10370 Highway 6, Meridian, Texas 76665.*

The Executive Director serves these Interrogatories, Requests for Production and Requests for Admission on the Protestant, as allowed by Texas Rules of Civil Procedure 196-198. Pursuant to the Texas Government Code §§ 2001.001 *et seq.*, 30 Texas Administrative Code § 80.151, and 1 Texas Administrative Code § 155.23, the Protestant must respond to each interrogatory under oath in writing, produce the responsive documents to each request, and respond to the requests for admission within 30 days after service of these discovery requests. Please deliver your responses to Spencer Marks, Staff Attorney, Environmental Law Division, Texas Commission on Environmental Quality, MC-173, P.O. Box 13087, Austin, Texas 78711-3087. All other parties are also to be provided copies of Protestants responses.

**I. INSTRUCTIONS**

For any requested information about a document that no longer exists or cannot be located, identify the document, state how and when it passed out of existence or when it could no longer be located, and give the reasons for the disappearance. Also, identify each person having knowledge about the disposition or loss, and identify each document evidencing the existence or nonexistence of each document that cannot be located.

**II. DEFINITIONS**

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1. "Protestant" as well as a party's full or abbreviated name or a pronoun referring to a party, means the party, and where applicable, the party's agents, representatives,

officers, directors, employees, partners, corporate agents, subsidiaries, affiliates, or any other person acting in concert with the party or under the party's control, whether directly or indirectly, including any attorney.

2. "You" or "your" means the Protestant, its successors, predecessors, divisions, subsidiaries, present and former officers, agents, employees, and all other persons acting on behalf of the PROTESTANT, or its successors, predecessors, divisions, and subsidiaries.

3. "Document" means all written, typed, or printed matter and all magnetic, electronic, or other records or documentation of any kind or description 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, consultants, accountants, attorneys, or other agents, whether or not prepared by you, that constitute or contain matters relevant to the subject matter of the action.

4. "Possession, custody, or control" of an item means that the person either has physical possession of the item or has a right to possession equal or superior to that of the person who has physical possession of the item.

5. "Person" means any natural person, corporation, firm, association, partnership, joint venture, proprietorship, governmental body, or any other organization, business, or legal entity, and all predecessors or successors in interest.

6. "Mobile device" means any cellular telephone, satellite telephone, pager, personal digital assistant, handheld computer, electronic rolodex, walkie-talkie, or any combination of these devices.

7. "Identify" or "describe" when referring to a person, means you must state the following:

- a. The full name.
- b. The present or last known residential address and residential telephone number.
- c. The present or last known office address and office telephone number.
- d. The present occupation, job title, employer, and employer's address at the time of the event or period referred to in each particular interrogatory.
- e. In the case of any entity, 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.

8. "Identify" or "describe" when referring to a document, means you must state 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 and of the signer of the document, and of the person on whose behalf or at whose request or direction the document was prepared or delivered.
- e. The present location of the document, and the name, address, position or title, and telephone number of the person or persons having custody of the document.

### **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 thirty (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 describe in detail the adequacy of water and sewer services currently provided by the Applicant to the requested area.

**RESPONSE:**

Interrogatory No. 2.

Please identify if there are any other entities providing similar services in the proposed area other than the Applicant.

**RESPONSE:**

Interrogatory No. 3.

Please describe in detail the need for service in the proposed area.

**RESPONSE:**

Interrogatory No. 4.

Please describe whether the need for service is met by the Applicant or not.

**RESPONSE:**

Interrogatory No. 5.

Please describe in detail the effect on you if the application is granted as requested.

**RESPONSE:**

Interrogatory No. 6.

Please describe why you believe that the Applicant does not have the ability to provide continuous and adequate water service in the proposed area.

**RESPONSE:**

Interrogatory No. 7.

Please describe the feasibility of obtaining service from an adjacent retail public utility.

**RESPONSE:**

Interrogatory No. 8.

Please describe why you believe that the Applicant does not have financial, managerial and technical capabilities to provide continuous and adequate water service in the proposed area.

**RESPONSE:**

Interrogatory No. 9.

Please describe in detail the effects on environmental integrity if the application is granted as requested.

**RESPONSE:**

Interrogatory No. 10.

Please describe in detail the effects on land to be included in the certificated area if the application is granted as requested.

**RESPONSE:**

Interrogatory No. 11.

If you are currently receiving water utility service, please fully name the utility from which you are receiving service and describe in detail the quality of the service you receive.

**RESPONSE:**

Interrogatory No. 12.

Please describe in detail what the basis is for your belief that you can get better service from another utility compared to your current service provider.

**RESPONSE:**

**V. REQUEST FOR PRODUCTION**

Request for Production No. 1. Please identify in the proposed area map where you think the other retail public utility is providing service.

Request for Production No. 2. Please identify in the proposed area map, the area that you have concerns with.

Request for Production No. 3. Please provide copies of all documents that support or otherwise relate to your answers to Interrogatory Nos. 1 through 12 above not already provided in Request for Production Nos. 1-2.

## **VI. REQUEST FOR ADMISSION**

Request for Admission No. 1. Admit that the Applicant is currently providing continuous and adequate service to its existing customers in the proposed area.

**ADMIT/DENY**

Request for Admission No. 2. Admit that you are currently receiving water utility service from the Applicant.

**ADMIT/DENY**

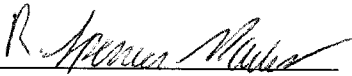
Request for Admission No. 3. Admit that you own the land inside the proposed area of Mustang Valley WSC.

**ADMIT/DENY**

Request for Admission No. 4. Admit that the area where your land is located inside the proposed area is not currently certificated to Mustang Valley WSC.

**ADMIT/DENY**

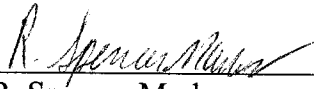
Respectfully submitted,  
Robert Martinez, Director  
Environmental Law Division

By   
R. Spencer Marks, Staff Attorney  
Environmental Law Division  
State Bar of Texas No. 24046350  
P.O. Box 13087; MC-173  
Austin, Texas 78711-3087  
Phone: (512) 239-4761  
Fax: (512) 239-0606



CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of January, 2007 a true and correct copy of the foregoing document was delivered via facsimile, hand delivery, interagency mail, or by deposit in the U.S. Mail to all persons on the attached mailing list.

  
\_\_\_\_\_  
R. Spencer Marks  
Staff Attorney  
Environmental Law Division

CONFIDENTIAL  
JAN 14 2007  
EVE

Mailing List  
Mustang Valley Water Supply Corp  
SOAH Docket 582-07-0520  
TCEQ Docket 2006-1339-UCR

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

Blas J. Coy, Jr.  
Texas Commission on Environmental Quality  
Office of Public Interest Council, MC 103  
P.O. Box 13087  
Austin, Texas 78711-3087

Kerry E. Russell  
Russell, Moorman & Rodriguez, LLP  
102 West Morrow Street, Suite 103  
Georgetown, Texas 78626

Patricia Coy  
Attorney  
P.O. Box 547  
Clifton, Texas 76634

Jeffrey Martin Hewlett  
Rancher  
10370 Highway 6  
Meridian, Texas 76665

SOAH DOCKET NO. 582-07-0520  
TCEQ DOCKET NO. 2006-1339-UCR

IN THE MATTER OF AN APPLICATION  
OF MUSTANG VALLEY WATER  
SUPPLY CORPORATION (WSC) TO  
AMEND A CERTIFICATE OF  
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(CCN) NO. 11175 IN BOSQUE AND  
CORYELL COUNTIES, TEXAS;  
APPLICATION NO. 35384-C

§ BEFORE THE STATE OFFICE  
§  
§  
§ OF  
§  
§  
§  
§ ADMINISTRATIVE HEARINGS

**EXECUTIVE DIRECTOR'S DISCLOSURES INTERROGATORIES AND  
REQUESTS FOR PRODUCTION TO  
PROTESTANT THE CITY OF MERIDIAN**

*To: Protestant, City of Meridian, by and through its attorney of record, Kerry E. Russell, Russell, Moorman & Rodriguez, 102 Morrow Street, Suite 103, Georgetown, Texas 78626.*

The Executive Director serves these Interrogatories and Requests for Production on the Protestant, as allowed by Texas Rules of Civil Procedure 196-198. Pursuant to the Texas Government Code §§ 2001.001 *et seq.*, 30 Texas Administrative Code § 80.151, and 1 Texas Administrative Code § 155.23, the Protestant must respond to each interrogatory under oath in writing, produce the responsive documents to each request, and respond to the requests for admission within 30 days after service of these discovery requests. Please deliver your responses to Spencer Marks, Staff Attorney, Environmental Law Division, Texas Commission on Environmental Quality, MC-173, P.O. Box 13087, Austin, Texas 78711-3087. All other parties are also to be provided copies of Protestants responses.

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- e. In the case of any entity, 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.

8. "Identify" or "describe" when referring to a document, means you must state the following:

- a. The nature (e.g., letter, handwritten note) of the document.
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  - (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
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**RESPONSE:**

Interrogatory No. 2.

Please identify if there are any other entities providing similar services in the proposed area other than the Applicant.

**RESPONSE:**

Interrogatory No. 3.

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**RESPONSE:**

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Please describe whether the need for service is met by the Applicant or not.

**RESPONSE:**

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Please describe in detail the effect on you if the application is granted as requested.

**RESPONSE:**

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Please describe why you believe that the Applicant does not have the ability to provide continuous and adequate water service in the proposed area.

**RESPONSE:**

Interrogatory No. 7.

Please describe the feasibility of obtaining service from an adjacent retail public utility.

**RESPONSE:**

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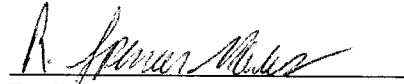
Respectfully submitted,  
Robert Martinez, Director  
Environmental Law Division

By R. Spencer Marks  
R. Spencer Marks, Staff Attorney  
Environmental Law Division  
State Bar of Texas No. 24046350  
P.O. Box 13087; MC-173  
Austin, Texas 78711-3087  
Phone: (512) 239-4761  
Fax: (512) 239-0606



**CERTIFICATE OF SERVICE**

I hereby certify that on this 10th day of January, 2007 a true and correct copy of the foregoing document was delivered via facsimile, hand delivery, interagency mail, or by deposit in the U.S. Mail to all persons on the attached mailing list.



R. Spencer Marks  
Staff Attorney  
Environmental Law Division

CLERK  
JAN 14 2007  
FACSIMILE  
RECEIVED

Mailing List  
Mustang Valley Water Supply Corp  
SOAH Docket 582-07-0520  
TCEQ Docket 2006-1339-UCR

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

Blas J. Coy, Jr.  
Texas Commission on Environmental Quality  
Office of Public Interest Council, MC 103  
P.O. Box 13087  
Austin, Texas 78711-3087

Kerry E. Russell  
Russell, Moorman & Rodriguez, LLP  
102 West Morrow Street, Suite 103  
Georgetown, Texas 78626

Patricia Coy  
Attorney  
P.O. Box 547  
Clifton, Texas 76634

Jeffrey Martin Hewlett  
Rancher  
10370 Highway 6  
Meridian, Texas 76665

SOAH DOCKET NO. 582-07-0520  
TCEQ DOCKET NO. 2006-1339-UCR

IN THE MATTER OF AN APPLICATION  
OF MUSTANG VALLEY WATER  
SUPPLY CORPORATION (WSC) TO  
AMEND A CERTIFICATE OF  
CONVENIENCE AND NECESSITY  
(CCN) NO. 11175 IN BOSQUE AND  
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APPLICATION NO. 35384-C

§ BEFORE THE STATE OFFICE  
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**EXECUTIVE DIRECTOR'S DISCLOSURES INTERROGATORIES,  
REQUESTS FOR PRODUCTION AND REQUESTS FOR ADMISSION TO  
APPLICANT MUSTANG VALLEY WSC**

*To: Applicant, by and through its attorney of record, Patricia Coy, P.O. Box 547, Clifton, Texas 76634.*

The Executive Director serves these Interrogatories, Requests for Production and Requests for Admission on the Protestant, as allowed by Texas Rules of Civil Procedure 196-198. Pursuant to the Texas Government Code §§ 2001.001 *et seq.*, 30 Texas Administrative Code § 80.151, and 1 Texas Administrative Code § 155.23, the Protestant must respond to each interrogatory under oath in writing, produce the responsive documents to each request, and respond to the requests for admission within 30 days after service of these discovery requests. Please deliver your responses to Spencer Marks, Staff Attorney, Environmental Law Division, Texas Commission on Environmental Quality, MC-173, P.O. Box 13087, Austin, Texas 78711-3087. All other parties are also to be provided copies of Protestants responses.

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  - (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;
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    - (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
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- (h) any discoverable settlement agreements; and
- (i) any discoverable witness statements.

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Interrogatory No.1. Please describe in detail the adequacy of water and sewer services currently provided by you to the requested area.

**RESPONSE:**

Interrogatory No. 2. Please identify if there are any other entities providing the similar services in the proposed area.

**RESPONSE:**

Interrogatory No. 3. Please describe in detail the need for service in the proposed area.

**RESPONSE:**

Interrogatory No. 4. Please describe how the need for service is met by you and/or your application.

**RESPONSE:**

Interrogatory No. 5. Please describe in detail the effect that granting of a certificate will have on the recipient of the certificate and on any other retail public utility of the same kind already serving the proximate area.

**RESPONSE:**

Interrogatory No. 6. Please describe your ability to provide continuous and adequate water and sewer services in the proposed area.

**RESPONSE:**

Interrogatory No. 7. Please describe the feasibility of obtaining service from an adjacent retail public utility.

**RESPONSE:**

Interrogatory No. 8. Please describe your financial, managerial and technical capabilities to provide continuous and adequate water and sewer services in the proposed area.

**RESPONSE:**

Interrogatory No. 9. Please describe in detail the effects on environmental integrity if your application is granted.

**RESPONSE:**

Interrogatory No. 10. Please describe in detail the effects on land to be included in the certificated area.

**RESPONSE:**

Interrogatory No. 11. Please describe in detail how the water and sewer services will be provided in the proposed area.

**RESPONSE:**

Interrogatory No. 12. Please describe in detail whether you plan to use your existing water and wastewater systems to serve the new proposed area.

**RESPONSE:**

Interrogatory No. 13. Please identify the current water rates for your current customers.

**RESPONSE:**

Interrogatory No. 14. Please indicate whether you have received any written request for service in the proposed area.

**RESPONSE:**

Interrogatory No. 15. Please describe in detail the timeline by when you can provide the service to the farthest point of your proposed area.

**RESPONSE:**

Interrogatory No. 16. If you become a service provider, please describe in detail how you can provide service in the entire proposed area faster and cheaper than other adjacent retail public utilities.

**RESPONSE:**

Interrogatory No. 17. Please describe in detail, if you contend that your application should be granted as requested, the basis for granting the areas outside your current ETJ.

**RESPONSE:**

Interrogatory No. 18. Because you are providing water utility service outside your currently certificated area, please explain in detail how long you have been doing so, under what authority you are authorized to do so, and identify the number of people that you are currently serving.

**RESPONSE:**

## **V. REQUEST FOR PRODUCTION**

Request for Production No. 1. Please provide an engineering report describing, in detail, the existing capacity of your water system (including all components such as the number of wells, tanks, lines, pumps with size, and capacity), the number of connections currently served, the total number of potential customers in the proposed area, how much capacity of your existing water system is in use and how much is in the reserve, how



much total capacity you need to serve entire proposed area, and how you will get the required capacity.

Request for Production No. 2. Please provide the copies of written request for service, if you have any.

Request for Production No. 3. Please provide the map showing the existing water and wastewater facilities with respect to the proposed area.

Request for Production No. 4. Please provide copies of all documents that support or otherwise relate to your answers to Interrogatory Nos. 1 through 18 above not already provided in Request for Production Nos. 1-3.

## **VI. REQUEST FOR ADMISSION**

Request for Admission No. 1. Admit that you did not receive any written request for service in the proposed area.

**ADMIT/DENY**

Request for Admission No. 2. Admit that you are providing water utility service outside your currently certificated area.

**ADMIT/DENY**

Request for Admission No. 3. Admit that you have already constructed water facilities with the intension to serve this new proposed area.

**ADMIT/DENY**

Request for Admission No. 4. Admit that you have not submitted any engineering plans and technical specifications to TCEQ for review and approval for any new system that you intend to use for the proposed area.

**ADMIT/DENY**

Request for Admission No. 5. Admit that you did not receive requests for service for all the proposed area.

**ADMIT/DENY**

Request for Admission No. 6. Admit that you do not have any enforcement action pending with TCEQ as of this date.

**ADMIT/DENY**

Request for Admission No. 7. Admit that another retail public utility is providing service in a portion of your proposed area.

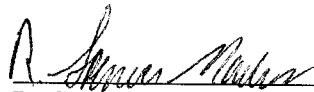
**ADMIT/DENY**

Respectfully submitted,  
Robert Martinez, Director  
Environmental Law Division

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R. Spencer Marks, Staff Attorney  
Environmental Law Division  
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P.O. Box 13087; MC-173  
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**CERTIFICATE OF SERVICE**

I hereby certify that on this 10th day of January, 2007 a true and correct copy of the foregoing document was delivered via facsimile, hand delivery, interagency mail, or by deposit in the U.S. Mail to all persons on the attached mailing list.

  
\_\_\_\_\_  
R. Spencer Marks  
Staff Attorney  
Environmental Law Division

CLERK'S OFFICE

JAN 10 2007

RECEIVED

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Mustang Valley Water Supply Corp  
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TCEQ Docket 2006-1339-UCR

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