

SOAH DOCKET NOS. 582-04-0 & 582-04-1268
TCEQ DOCKET NOS. 2003-0737-UCR, 2003-0738-UCR, & 2003-1289-UCR

A. DEFINITIONS

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

- (1) "Roysc City" refers to the City of Roysc City, 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 the direct or indirect control of, or on behalf of Roysc City.
- (2) "You" and "your" means the Executive Director of the Commission, her officers, employees, agents, representatives, attorneys, 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 the Executive Director.
- (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 the direct or indirect control of, or on behalf of the Executive Director.
- (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

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- (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
 - (f) 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 the Executive Director 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."

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- (13) "Royse City Sewer CCN Application" refers to the Application of the City of Royse City to Obtain a Sewer Certificate of Convenience and Necessity ("CCN") in Collin, Rockwall, and Hunt counties, Application No. 34277-C, Consolidated SOAH Docket Nos. 582-04-0253 and 582-04-1268, Consolidated TCEQ Docket Nos. 2003-0737-UCR, 2003-0738-UCR, and 2003-1289-UCR, pending before the Commission and/or SOAH and any and all information gathered, generated, compiled, or submitted to any other state or federal agency by or on behalf of Royse City related to Application No. 34277-C.
- (14) "Royse City Water CCN Application" refers to the Application of the City of Royse City to Amend Water CCN No. 12827 in Rockwall and Hunt counties, Application No. 34270-C, Consolidated SOAH Docket Nos. 582-04-0253 and 582-04-1268, Consolidated TCEQ Docket Nos. 2003-0737-UCR, 2003-0738-UCR, and 2003-1289-UCR, pending before the Commission and/or SOAH and any and all information gathered, generated, compiled, or submitted to any other state or federal agency by or on behalf of Royse City related to Application No. 34270-C.
- (15) "Verandah LP Sewer CCN Application" refers to the Application of Verandah Communities, LP to Obtain a Sewer CCN in Hunt and Rockwall counties, Application No. 34267-C, Consolidated SOAH Docket Nos. 582-04-0253 and 582-04-1268, Consolidated TCEQ Docket Nos. 2003-0737-UCR, 2003-0738-UCR, and 2003-1289-UCR, pending before the Commission and/or SOAH and any and all information gathered, generated, compiled, or submitted to any other state or federal agency by or on behalf of Verandah LP related to Application No. 34267-C.
- (16) "Parker Creek L.P. Sewer CCN Application" refers to the Application of Parker Creek Estates, L.P. to Obtain a Sewer CCN in Rockwall County, Application No. 34297-C, Consolidated SOAH Docket Nos. 582-04-0253 and 582-04-1268, Consolidated TCEQ Docket Nos. 2003-0737-UCR, 2003-0738-UCR, and 2003-1289-UCR, pending before the Commission and/or SOAH and any and all information gathered, generated, compiled, or submitted to any other state or federal agency by or on behalf of Parker Creek Estates, L.P. related to Application No. 34297-C.
- (17) "Parker Creek L.P. Water CCN Application" refers to the Application of Parker Creek Estates, L.P. to Obtain a Water CCN in Rockwall County, Application No. 34301-C, Consolidated SOAH Docket Nos. 582-04-0253 and 582-04-1268, Consolidated TCEQ Docket Nos. 2003-0737-UCR, 2003-0738-UCR, and 2003-1289-UCR, pending before the Commission and/or SOAH and any and all information gathered, generated, compiled, or submitted to any other state or federal agency by or on behalf of Parker Creek Estates, L.P. related to Application No. 34301-C.
- (18) All definitions found in Texas Administrative Code title 30, chapter 291 and Texas Water Code chapters 11 and 13 are incorporated herein, verbatim.

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B. INSTRUCTIONS

- (1) You may not object to requests for disclosure.
- (2) 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; 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.
- (3) It is requested that all documents that might impact on the subject matter of the Royse City Sewer CCN Application, the Royse City Water CCN Application, the Vcrandah LP Sewer CCN Application, the Parker Creek L.P. Sewer CCN Application, and/or the Parker Creek L.P. Water CCN Application be preserved and that any ongoing process of document destruction involving such documents cease.
- (4) 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.
- (5) 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.
- (6) You are under a duty to supplement your answers to these requests for disclosure that are incomplete or incorrect when made. Furthermore, you are under a duty to timely amend your answers if you obtain information on the basis of which you know that an answer either: (1) was incorrect or incomplete when made; or (2) although correct and complete when made, is no longer true and complete and the circumstances are such that failure to amend the answer is in substance misleading.

C. REQUESTS FOR DISCLOSURE

Pursuant to TEX. R. CIV. P. 194, the Executive Director is requested to disclose, within twenty (20) days of service of this request, the information or material described in Rule 194.2.

Rule 194.2(a) The correct names of the parties to the lawsuit.

RESPONSE:

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Rule 194.2(c) The legal theories and, in general, the factual bases of the responding party's claims or defenses.

RESPONSE:

Rule 194.2(d) The amount and any method of calculating economic damages.

RESPONSE:

Rule 194.2(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.

RESPONSE:

Rule 194.2(f) For any testifying expert:

- (1) The expert's name, address, and telephone number.

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:

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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:

Respectfully submitted,

RUSSELL, MOORMAN & RODRIGUEZ, L.L.P.
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Georgetown, Texas 78626
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KERRY E. RUSSELL
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State Bar No. 24007700

**ATTORNEYS FOR THE CITY OF ROYSE CITY,
TEXAS**

CITY OF ROYSE CITY'S REQUEST FOR DISCLOSURE TO THE EXECUTIVE DIRECTOR OF THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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CERTIFICATE OF SERVICE

I hereby certify that on this the 12th day of January, 2004, a true and correct copy of the foregoing document has been sent via facsimile, first class mail, Federal Express overnight delivery, or hand delivery to the following:

<p>Mr. Geoffrey Kirshbaum Texas Commission on Environmental Quality MC-175 P.O. Box 13087 Austin, Texas 78711-3087 (mail) 12100 Park 35 Circle, Building F Austin, Texas 78753 (delivery) Telephone: (512) 239-0600 Fax: (512) 239-0606</p>	<p>Representing the Executive Director, Texas Commission on Environmental Quality</p>
<p>Mr. Blas Coy Office of the Public Interest Counsel Texas Commission on Environmental Quality MC-103 P.O. Box 13087 Austin, Texas 78711-3087 (mail) 12100 Park 35 Circle, Building F Austin, Texas 78753 (delivery) Telephone: (512) 239-6363 Fax: (512) 239-6377</p>	<p>Representing the Office of Public Interest Counsel, Texas Commission on Environmental Quality</p>
<p>Mr. Mark H. Zeppa Law Offices of Mark Zeppa, PC 4833 Spicewood Springs Road #202 Austin, Texas 78759-8436 Telephone: (512) 346-4011 Fax: (512) 346-6847</p>	<p>Representing:</p> <ul style="list-style-type: none"> ▪ Verandah Communities, LP ▪ Verandah Freshwater Supply District ▪ Parker Creek Estates, L.P.
<p>Ms. Susan E. Potts Mr. David Klein Potts & Reilly, L.L.P. Attorneys and Counselors 401 West 15th Street, Suite 850 Austin, Texas 78701-1665 Telephone: (512) 469-7474 Fax: (512) 469-7480</p>	<p>Representing Mr. Dean M. Gandy</p>

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<p>Mr. Skip Newsom Attorney 3724 Jefferson Street, Suite 200 Austin, Texas 78731 Telephone: (512) 477-4121 Fax: (512) 477-2860</p>	<p>Representing the City of Fate, Texas</p>
<p>Ms. Amy Cortinas Utility Rates and Services Section Water Utilities Division - MC-153 Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087 (mail) 12100 Park 35 Circle, Building F Austin, Texas 78753 (delivery) Telephone: (512) 239-6960 Fax: (512) 239-6972</p>	<p>Texas Commission on Environmental Quality</p>
<p>Docket Clerk TCEQ Office of Chief Clerk (MC-105) P.O. Box 13087 Austin, Texas 78711-3087 (mail) 12100 Park 35 Circle, Building F Austin, Texas 78753 (delivery) Fax: (512) 239-3311</p>	

By: 
ANGELA K. MOORMAN

CITY OF ROYSE CITY'S REQUEST FOR DISCLOSURE TO THE EXECUTIVE DIRECTOR OF THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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FAX COVER SHEET

Date: January 12, 2004

- Mr. Mark Zeppa Fax: (512) 346-6847
- Mr. Skip Newsom Fax: (512) 477-2860
- Mr. Geoffrey Kirshbaum Fax: (512) 239-0606
- Mr. Blas Coy Fax: (512) 239-6377
- Ms. Susan E. Potts Fax: (512) 469-7480
- Mr. David Klein
- Ms. Amy Cortinas Fax: (512) 239-6972
- Docket Clerk, TCEQ Fax: (512) 239-3311
- Mr. Connic Goodwin Fax: (972) 635-2434

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JAN 12 2004 4:08

FROM: Kerry Russell/Angela Moorman
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PAGES: 39 PAGES + COVER PAGE

Comments: City of Royse City's Request for Disclosure, *Application of the City of Royse City to Amend Water CCN and to Obtain Sewer CCN in Collin, Rockwall, and Hunt Counties*, Consolidated Docket, SOAH Docket Nos. 582-04-0253 & 582-04-1268, TCEQ Docket Nos. 2003-0737-UCR, 2003-0738-UCR, & 2003-1289-UCR.

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