

Control Number: 43535



Item Number: 35

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.

43535

SOAH DOCKET NOS. 582-04-0253, 582-04-1268 and 582-04-2730  
TCEQ DOCKET NOS. 2003-0737-UCR,  
2003-0738-UCR, 2003-1289-UCR AND 2003-1491-UCR

RECEIVED  
2014 OCT 13 PM 2:11  
PUBLIC UTILITY COMMISSION  
FILING CLERK  
2014 OCT 2 PM 2:46  
CHIEF CLERK'S OFFICE  
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

APPLICATIONS OF THE CITY OF ROYSE CITY TO AMEND WATER CCN NO. 12827 AND TO OBTAIN A SEWER CCN IN COLLIN, ROCKWALL, AND HUNT COUNTIES, TEXAS; APPLICATION NOS. 34270-C and 34277-C,

APPLICATION OF VERANDAH COMMUNITIES, L.P. TO OBTAIN A SEWER CCN IN HUNT AND ROCKWALL COUNTIES, TEXAS; APPLICATION NO. 34267-C,

APPLICATIONS OF PARKER CREEK ESTATES, L.P. TO OBTAIN A WATER AND A SEWER CCN IN ROCKWALL COUNTY, TEXAS; APPLICATION NOS. 34297-C AND 34301-C,

APPLICATIONS OF THE CITY OF FATE TO AMEND WATER CCN NO. 12889 AND TO AMEND SEWER CCN NO. 20856 IN ROCKWALL COUNTY, TEXAS; APPLICATION NOS. 34361-C AND 34362-C.

BEFORE THE STATE OFFICE  
OF  
ADMINISTRATIVE HEARINGS

**PROTESTANT HONORABLE DEAN GANDY'S RESPONSES TO THE EXECUTIVE DIRECTOR'S REQUEST FOR DISCLOSURE, FIRST SET OF INTERROGATORIES, AND FIRST SET OF REQUESTS FOR PRODUCTION**

TO: The Executive Director of the Texas Commission on Environmental Quality (TCEQ), by and through its counsels of record, Mr. Geoffrey P. Kirshbaum, TCEQ, Environmental Law Division, MC-173, P.O. Box 13087, MC 173 Austin, Texas 78711-3087.

Pursuant to Rules 190-197 of the Texas Rules of Civil Procedure, 30 Texas Administrative Code § 80.151, and SOAH Procedural Rule 155.23, Protestant Honorable Dean Gandy (hereinafter "Protestant"), serves this his Responses to the Executive Director's Requests for Disclosure, First Set of Interrogatories and First Set of Requests for Production to the Executive Director of the Texas

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Commission on Environmental Quality, and would show the following:

**REQUESTS FOR DISCLOSURE**

**REQUEST 1: You are requested to disclose the correct names of the parties to the lawsuit as required by Rule 194.2(a).**

Honorable Dean M. Gandy; City of Royse City; Parker Creek Estates, L.P. ("Parker Creek"); Verandah Communities, L.P.; Verandah Freshwater Supply District, City of Fate, and the Executive Director of the Texas Commission on Environmental Quality.

**REQUEST 2: You are requested to disclose the name, address, and telephone number of any potential parties as required by Rule 194.2(b).**

Protestant is not aware of any other potential parties at this time.

**REQUEST 3: You are requested to disclose the legal theories and, in general, the factual bases of the responding party's claims or defenses as required by Rule 194.2(c).**

Protestant opposes Parker Creek's application for a sewer CCN, No. 34297-C, on the basis that he is an affected person. It is Protestant's position that the area should be served by a regional facility and not a proliferation of small systems, such as Parker Creek. Additionally, Protestant contends that it is not feasible for Parker Creek to provide continuous and adequate service to its proposed sewer service area where (1) Parker Creek plans to provide sewer service by building its treatment facility, the permit of which is not yet granted by the TCEQ and (2) this proposed treatment facility will discharge directly onto an indentation on Protestant's property which contains

no water, no pools of water, is not a source of water. Further, this service would cause flooding to Protestant's property and diminish his property value. Protestant does not have an immediate need for sewer service, and believes that a regional solution can be economically feasible by the time he has a need for sewer service.

**REQUEST 4: You are requested to disclose 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 as required by Rule 194.2(e).**

Honorable Dean Gandy  
P.O. Box 2045  
Kerrville, Texas 78029-2045  
(830) 792-5846  
Protestant

Ms. Maydene Kuehne  
946 N. Munson Rd.  
Royse City, Texas 75189  
(972) 635-9036  
Monitors Protestant's land

Susan E. Potts  
401 W. 15<sup>th</sup> St., Ste. 850  
Austin, Texas 78701  
(512) 469-7474  
Attorney for Honorable Dean Gandy

David J. Klein  
401 W. 15<sup>th</sup> St., Ste. 850  
Austin, Texas 78701  
(512) 469-7474  
Attorney for Honorable Dean Gandy

**REQUEST 5: 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.**

Protestant has not identified at this time any testifying experts. Protestant will supplement his discovery responses when his expert witnesses, if any, are known.

**REQUEST 6: You are requested to disclose any settlement agreements described in Rule 192.3(g) as required by Rule 194.2(h).**

Protestant has not entered into any settlement agreements at this time. Protestant will supplement his discovery responses as necessary.

**REQUEST 7: You are requested to disclose a list of any witness statements described in Rule**

192.3(h).

There are no witness statements at this time. Protestant will supplement his discovery responses as necessary.

### **RESPONSES TO INTERROGATORIES**

**Interrogatory No. 1:** For any person, if any, you expect to call as a fact witness at the evidentiary hearing in this matter, please provide: (a) the person's name and business address and telephone number; and (b) a brief description of the testimony you expect that person to provide.

Protestant has not determined who he expects to call as a fact witness at this time. Protestant will supplement his discovery responses as necessary.

**Interrogatory No. 2:** For each expert not listed in the response to the Request for Disclosure whom you have consulted and whose mental impressions and opinions have been reviewed by an expert you expect to testify in this matter, please provide: (a) the consulting expert's name and business address and telephone number; (b) the facts known by the expert that relate to or form the basis of the expert's mental impressions and opinions formed or made in connection with this matter, regardless of when and how the factual information was acquired; (c) the expert's mental impressions and opinions formed or made in connection with this matter and any methods used to derive them; and (d) a curriculum vitae or other detailed description of the expert's qualifications.

No such consulting experts exist. Protestant will supplement his discovery responses as necessary.

**Interrogatory No. 3: Please describe in detail your position regarding the adequacy of water and sewer utility service currently provided to the areas requested by City of Royse City, City of Fate, Parker Creek Estates, L.P., and Verandah Communities, L.P. in their respective water and sewer Certificate of Convenience and Necessity (“CCN”) applications, including, if known, a description of whether people currently reside in the requested areas that receive water and/or sewer utility service, identification of each of those people, and identification of the water and/or sewer utility service provider for each of those people. Please distinguish between water and sewer in your response.**

Protestant does not have a position at this time as to the adequacy of water and sewer utilities currently provided, but will supplement as necessary. Protestant is not aware of any individuals specifically or whether those people are served water or sewer water service from the above-mentioned entities. However, upon information and belief, Protestant suspects that some individuals in the vicinity of Protestant’s land are supplied water from Cash Water Supply Corporation and Blackland Water Supply Company.

**Interrogatory No. 4: Please describe in detail your position regarding the need for additional water and/or sewer utility service to the areas requested by City of Royse City, City of Fate, Parker Creek Estates, L.P. and Verandah Communities, L.P., including, but not limited to,**

identification of any person or entity who has requested service from each entity in its requested area(s), identification of the name(s), address(es), and phone number(s) of each such person or entity, description of the population in the proposed area(s) sought by each entity in its application(s), and description of the water and sewer utility service currently available to the identified persons. Please distinguish between water and sewer in your response.

Protestant does not have a position regarding the need for additional water and/or sewer service at this time. Protestant will supplement when he has determined a position. Protestant himself has never requested water or sewer service any of the above-listed entities. Further, Protestant is not aware of any other individuals or entities who have requested water or sewer service from any of the above-listed entities.

**Interrogatory No. 5: Please describe in detail your position regarding the effect of the proposed water and sewer CCNs and amended CCNs requested by City of Royse City, City of Fate, Parker Creek Estates, L.P., and Verandah Communities, L.P. on the water and sewer CCN applicants in this matter, or on any retail public utility of the same kind already serving the areas proximate to those areas requested to be served by the water and sewer CCN applicants in this matter. Please distinguish between water and sewer in your response.**

Protestant takes the position that only the City of Royse City or City of Fate's sewer CCN applications would have a positive effect. If either city obtains its proposed sewer CCN permit, then it is likely there would be a regional sewer treatment service provider. Parker Creek's proposed sewer CCN would have a devastating effect, since Parker Creek would be highly unlikely to provide continuous and adequate service because its proposed sewer treatment facility's discharge route



would cross Protestant's land, which is and would be opposed by Protestant. Protestant does not have a position at this time as to water utility service, but will supplement his responses upon taking a position.

**Interrogatory No. 6: Please describe in detail your position regarding the ability of City of Royse City, City of Fate, Parker Creek Estates, L.P., and Verandah Communities, L.P. to provide continuous and adequate water and/or sewer utility service to the areas requested by each of those entities in their respective CCN applications. Please distinguish between water and sewer in your response.**

Protestant takes the position that either the City of Royse City or City of Fate would be better able to provide continuous and adequate sewer service to Protestant than Parker Creek. For basis of position, see answer to Interrogatory No. 6 and Request for Disclosure 3, above. Protestant does not have a position at this time as to water utility service, but will supplement his responses upon taking a position.

**Interrogatory No. 7: Please describe in detail your position regarding the feasibility of obtaining water or sewer utility service from another retail public utility adjacent to the areas City of Royse City, City of Fate, Parker Creek Estates, L.P., and Verandah Communities, L.P. propose to serve in their respective CCN applications. Please distinguish between water and sewer in your response.**

See answer to Interrogatory No. 6 and Request for Disclosure 3, above. Protestant does not

have a position at this time as to water utility service, but will supplement upon taking a position.

**Interrogatory No. 8: Please describe in detail your position regarding the effect granting City of Royse City, City of Fate, Parker Creek Estates, L.P., and Verandah Communities, L.P. their respective CCN applications would have on the environmental integrity of the service areas requested by those entities. Please distinguish between water and sewer in your response.**

Protestant takes the position that if Parker Creek is granted a sewer CCN application, the environmental integrity of that area would be negatively impacted. Again, Protestant contends that to provide the sewer service, Parker Creek would have construct a new treatment facility, the permit for which is currently in question. This proposed facility currently has a proposed discharge route that would unnecessarily flood land Protestant's land, which is not water of the State. Additionally, there is a negative environmental impact from the construction of said facility. While any construction operation disrupts the environment, it is Protestant's position that ultimately the construction or expansion of a single regional facility will not impact the environment to the extent of building numerous smaller plants. Protestant will supplement with other positions as necessary.

**Interrogatory No. 9: Please describe in detail your position regarding the probable improvement in service or lowering of cost to consumers in the areas requested by City of Royse City, the City of Fate, Parker Creek Estates, L.P., and Verandah Communities, L.P. should their applications be granted, including the rates they plan to charge those consumers. Please distinguish between water and sewer in your response.**

Protestant does not take a position as to rates at this time, and will supplement his responses upon taking a position.

**Interrogatory No. 10: Please describe the proximity of the proposed areas sought in the applications filed by City of Royse City, City of Fate, Parker Creek Estates, L.P., and Verandah Communities, L.P. to any existing facilities currently operated by any other retail public utility, if known. Please distinguish between water and sewer in your response.**

Upon information and belief, Protestant contends that the area sought by Parker Creek's sewer CCN application is within 3 miles of an existing sewer treatment facility and within 2 miles of a proposed sewer treatment facility.

**Interrogatory No. 11: Do you contend that the City of Royse City, City of Fate, Parker Creek Estates, L.P., and Verandah Communities, L.P. water and/or sewer CCN applications should not be granted by the Texas Commission on Environmental Quality? Please state the basis for your contention. Please distinguish between water and sewer in your response.**

Protestant contends that the TCEQ (1) should grant either the City of Fate or the City of Royse City's sewer CCN application and (2) should not grant Parker Creek's sewer CCN application. For the basis of Protestant's position, see answers to Interrogatories No. 6 and Request for Disclosure 3. Protestant does not have a position at this time as to the water CCN applications, but will supplement his responses upon taking a position.

**Interrogatory No. 12: Please describe any financial effect or any other effect the granting of the City of Royse City, City of Fate, Parker Creek Estates, L.P., and Verandah Communities, L.P. water and/or sewer CCN applications would have on you. Please distinguish between water and sewer in your response.**

The granting of Parker Creek's sewer CCN application would have a negative financial impact on Protestant. Upon information and belief, to provide sewer service under that CCN, Parker Creek has filed an application to operate a sewer treatment facility which has a discharge route that would trespass the Protestant's land. This would negatively impact the Protestant's property value, environmental integrity and right to use and enjoy his land.

**Interrogatory No. 13: Have you ever requested water or sewer utility service to your property from any of the CCN applicants in this matter or another retail water or sewer utility service provider? If so, please identify which retail water and/or sewer utility service providers you have requested service from, whether service has been provided, and distinguish between water and sewer in your response.**

Protestant has never requested water service from any of the CCN applicants in this matter but has requested water service from Cash Water Supply Corporation. Protestant has never requested sewer utility service from any of the CCN applicants in this matter or another retail sewer utility service provider.

**Interrogatory No. 14: On a large scale map, please identify the location of your property, the water and sewer CCN areas requested in the City of Royse City, City of Fate, Parker Creek**

**Estates, L.P, and Verandah Communities, L.P. water and sewer CCN applications, and, if known, the current water and sewer service areas of the CCN applicants in this matter. Please identify the name of the service provider and certificate number for each CCN area and service area identified on the map. Also, please distinguish between water and sewer CCNs in your response.**

Objection. This question calls for the Protestant to create a document. Additionally, Executive Director is already in possession of such documentation, as this agency is required to maintain such information and that all parties to this matter who have CCN applications have filed such materials with the Texas Commission on Environmental Quality. Subject to this objection, a general map outlining Protestant and Parker Creek land's will be attached to Protestant's Responses to the Executive Director's Requests for Production.

**Interrogatory No. 15: Please describe in detail any requests for service, proposals, plans, proposed agreements or contracts you have made and/or any discussions you have had relating to the provision of water and/or sewer utility service to your property or proposed development, and identify any letters of intent between any potential service providers and yourself. Please distinguish between water and sewer in your response.**

Protestant has granted an Easement for Right-of-Way Parker Creek Interceptor Sewer Pipeline to North Texas Municipal Water District ("NTMWD") on March 19, 2004.

**Interrogatory No. 16: Please describe the approximate time frame in which you require water and/or sewer utility service to your property and the necessity for service within that time frame. Please distinguish between water and sewer in your response.**

While Protestant ultimately desires sewer service, he also wants the service to be provided by the entity best able to provide continuous and adequate service with minimal negative effects to his land and the environment of the same. Thus, Protestant's timeline can accommodate the time required for a regional provider, such as NTMWD, to establish service to his property. Protestant has no time frame for water service.

**RESPONSES TO REQUEST FOR PRODUCTION**

**Request for Production No. 1: Please produce copies of any and all documents identified in your responses to Interrogatories Nos. one (1) through sixteen (16) listed above or used to assist you in responding to Interrogatories one (1) through sixteen (16).**

See attachments hereto.

Respectfully submitted,

By: \_\_\_\_\_



David J. Klein  
State Bar No. 24041257

**POTTS & REILLY, L.L.P.**  
Susan E. Potts  
State Bar No. 16182600

401 West 15<sup>th</sup> Street, Suite 850  
Austin, Texas 78701  
512/469-7474  
512/469-7480 - Facsimile

**ATTORNEYS FOR HONORABLE DEAN  
GANDY**

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of Protestant Honorable Dean Gandy's Responses to the Executive Director's Request for Disclosure, First Set of Interrogatories and First Set of Requests for Production has been delivered via facsimile and/or first class mail to the following parties on this the 1<sup>st</sup> day of April, 2004:

City of Royse City  
Mr. Kerry Russell  
Angela K. Moorman  
Russell, Moorman & Rodriguez, LLP  
Texas Heritage Plaza  
102 West Morrow Street, Suite 103  
Georgetown, TX 78626  
Ph: 512/930-1317  
Fax: 512/864-7744

Mr. Blas J. Coy, Jr., Public Interest Counsel  
TCEQ Office of the Public Interest Counsel  
MC-103, P.O. Box 13087  
Austin, TX 78711-3087  
Ph: 512/239-6361  
Fax: 512/239-6377

Verandah Communities, L.P./Verandah  
Freshwater Supply District/Parker Creek  
Estates, LP  
Mr. Mark H. Zeppa  
Law Offices of Mark H. Zeppa, PC  
4833 Spicewood Springs Road, Suite 202  
Austin, TX 78759-8436  
Ph: 512/346-4011  
Fax: 512/346-6847

Ms. Amy Cortinas  
Utility Rates and Services Section  
Water Utilities Division - MC153  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, TX 78711-3087  
Ph: 512/239-6960  
Fax: 512/239-6972

Office of the Chief Clerk  
Texas Commission on Environmental Quality  
MC105, P.O. Box 13087  
Austin, TX 78711-3087  
Fax: 512/239-3311

City of Fate  
Mr. Skip Newsom  
Fisher & Newsom, P.C.  
3724 Jefferson St., Suite 210  
Austin, TX 78731-6222  
Ph: 512/477-4121  
Fax: 512/477-2860

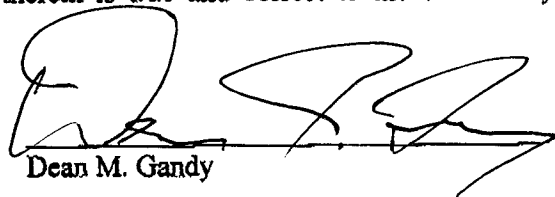
Mr. Geoffrey P. Kirshbaum, Staff Attorney  
James D. Parker, Staff Attorney  
TCEQ Environmental Law Division  
MC-173, P.O. Box 13087  
Austin, TX 78711-3087  
Ph: 512/239-6257  
Fax: 512/239-0606



STATE OF TEXAS §  
COUNTY OF Kerr §

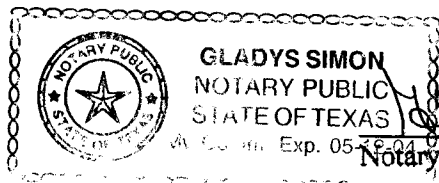
ATTESTATION

I, Dean M. Gandy, swear and attest that I participated in the preparation of the foregoing answers to discovery in consultations with and in reliance on information provided by the individuals indicated therein and the information contained therein is true and correct to the best of my knowledge and belief.

  
Dean M. Gandy

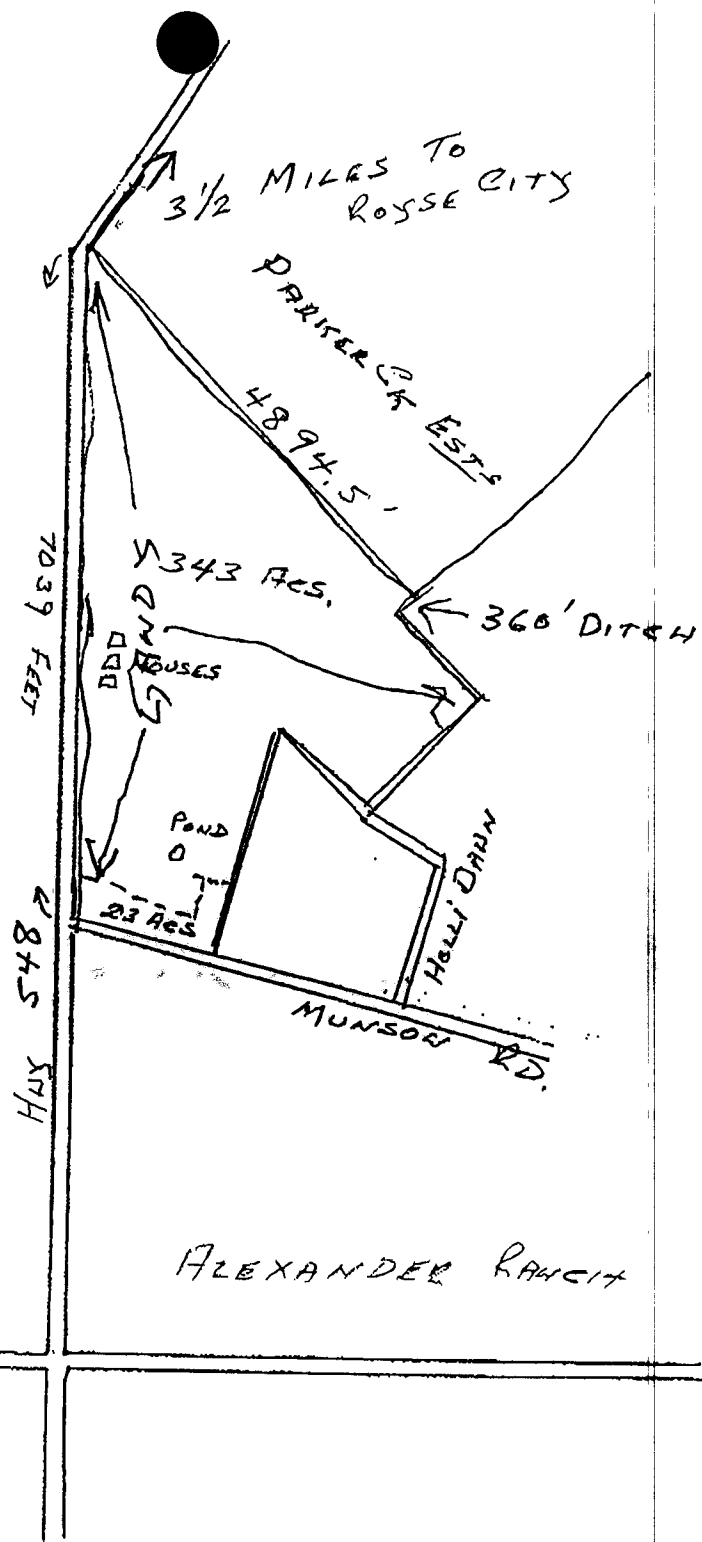
SWORN AND SUBSCRIBED TO under oath by Dean M. Gandy on March 30  
2004 before the undersigned Notary Public.

SEAL

 Gladys Simon  
Notary Public in and for the State of Texas

Name: Gladys Simon  
Commission expires: 5-12-04

# **ATTACHMENTS**



GANDY PROP  
 343 ACES. (EXCLUDI  
 23 AC, SUBD.

OWNER: Dean M. Gandy  
Parcel No. 3

**EASEMENT FOR RIGHT-OF-WAY  
PARKER CREEK INTERCEPTOR SEWER PIPELINE**

STATE OF TEXAS §  
COUNTY OF ROCKWALL §

KNOW ALL MEN BY THESE PRESENTS:

THAT, Dean M. Gandy, (hereinafter called "Grantor") for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) cash in hand paid by the NORTH TEXAS MUNICIPAL WATER DISTRICT (hereinafter called "Grantee") the receipt of which is hereby acknowledged and confessed, have granted, sold and conveyed, and by these presents, do grant, sell, and convey unto the NORTH TEXAS MUNICIPAL WATER DISTRICT an easement and right-of-way in, over, across and through those certain premises owned by Grantors to construct, operate, reconstruct, perpetually maintain and remove a pipeline for the transportation of sewer, with all incidental equipment, and appurtenances, on, over, under and through the following described lands situated in Rockwall County, Texas, to wit:

PART OF the S. C. Wright Survey, Abstract No. 218, situated in Rockwall County, Texas, embracing a portion of a tract of land described as Tract I in the deed to Dean M. Gandy recorded in Volume 688, Page 258 of the Deed Records of Rockwall County, Texas, and being more particularly described by metes and bounds as follows:

SEE ATTACHED EXHIBIT "A" FOR DESCRIPTION.

The conveyance includes a temporary construction easement for the purpose of excavation, construction, and laying of said pipeline. The said Temporary Construction Easement granted herein and described will terminate and cease upon completion of the construction and testing of said pipeline. Said temporary construction easement described in Exhibit "A".

The Grantee herein, its successors and assigns, shall have, and it is hereby granted the right of ingress and egress for all purposes incidental to said grant. The Grantee shall utilize the easement for a sewer pipeline and appurtenances including above ground appurtenances.

The said Grantor herein, his heirs and assigns, shall have the right fully to use and enjoy the said premises covered by said above described easement including the right to lay out and construct streets, alleys, parking lots, fences, and utilities across said easement area provided that any utilities shall cross the easement at not less than a 45 degree angle to said pipeline and that any such streets and utilities do not endanger or interfere with the normal operation of Grantee's pipeline. Grantor shall provide Grantee with plans for said construction thirty (30) days prior to construction of said improvements on and over said right-of-way. Grantor may not erect buildings and walls over said right-of-way. In addition to consideration above recited for the use



OWNER: Dean M. Gandy  
Parcel No. 3

of said easement, the Grantee will restore to a condition as good or better said property including but not limited to fences, driveways, drainage channels, terraces, and other improvements damaged through the use of said easement.

**TO HAVE AND TO HOLD** unto the said **NORTH TEXAS MUNICIPAL WATER DISTRICT**, its successors and assigns, the above described easement and right-of-way, and I do hereby bind myself, my heirs, executors, and administrators to warrant and forever defend all and singular the said premises to the **NORTH TEXAS MUNICIPAL WATER DISTRICT**, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof herein.

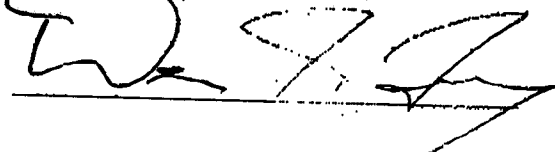
By executing this easement, the undersigned represents that he/she is duly authorized to execute this document on behalf of Grantor; that Grantor is the owner of fee simple title to the property across which the easement is being granted; and that Grantor is the sole party entitled to receive the consideration being paid for the easement.

WITNESS OUR HANDS, on this 19 day of March, 2004.

LANDOWNERS SIGNATURE

SIGNATURE:

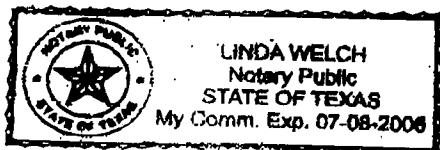
Dean M. Gandy



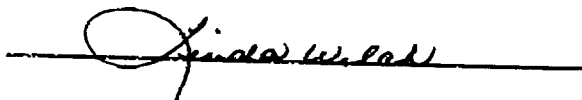
ACKNOWLEDGMENT

STATE OF TEXAS                   §  
  §  
COUNTY OF Tarrant                   §

This document was acknowledged before me by Dean M. Gandy  
the person whose name is subscribed to the foregoing document, on this 19th day of  
March, 2004.



NOTARY PUBLIC, STATE OF TEXAS



TO  
PARKER CREEK ESTATES, L.P.  
VOL. 2855, PG. 252  
D.R.R.C.T.

# S.B. WRIGHT SURVEY ABSTRACT NO. 218

**MATCHLINE**

**PARCEL 3  
4.094 ACRES**

N 45°37'08" W 3430.84  
S 45°37'08" E 3440.07

40' PERMANENT ESMT.  
80' TEMP. WORKING SPACE ESMT.

EX. ONCOR R.O.W.  
CONDEMNATION CAUSE# 185844  
VOL. 170, PG. 518  
D.R.R.C.T.



TO  
DEAN M. GANDY  
TRACT I  
VOL. 688, PG. 258  
D.R.R.C.T.



THE BASIS OF BEARING FOR THIS SURVEY WAS  
ESTABLISHED USING A STATIC GLOBAL POSITIONING  
SURVEY PERFORMED ON THE GROUND ON MAY 8, 2003.

PAGE 3 OF 4

APPROXIMATE LOCATION OF SURVEY LINE

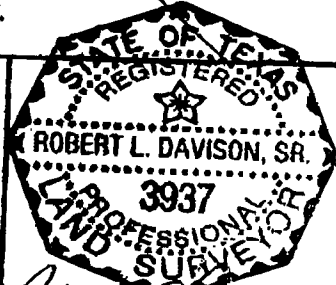
**P.O.B.**

S 43°47'20" W  
40.00

TO  
DEAN M. GANDY  
TRACT I  
VOL. 688, PG. 258  
D.R.R.C.T.

TO  
GEORGE H. CRENSHAW  
TRACT III  
VOL. 9708, PG. 887  
D.R.R.C.T.

A SKETCH SHOWING A 4.094 ACRE PERMANENT  
WASTEWATER BASEMENT, EMBRACING A PORTION OF A TRACT OF  
LAND DESCRIBED AS TRACT I IN THE DEED TO DEAN M.  
GANDY RECORDED IN VOLUME 688, PAGE 258 OF  
THE DEED RECORDS OF ROCKWALL COUNTY, TEXAS.



UNTER ASSOCIATES TEXAS, LTD., 8140 WALNUT HILL LANE, SUITE 925,  
DALLAS, TEXAS 75231, 214-234-0600, 214-234-0601 FAX

ROBERT L. DAVISON, SR., R.P.L.S. #3937  
DECEMBER 2, 2003, Revised 12/18/03

DWG FILE: 36948-EX02A.DWG

# S.D. WRIGHT SURVEY ABSTRACT NO. 213

**J.L.M. PARKER SURVEY  
ABSTRACT NO. 22**

APPROXIMATE LOCATION OF SURVEY LINE

TO  
PARKER CREEK ESTATES, L.P.  
VOL. 2855, PG. 252  
D.R.R.C.T.

TO  
DEE & BRENDA CLAYBROOK  
VOL. 189, PG. 468  
D.R.R.C.T.

EX. ONCOR R.O.W.  
CONDEMNATION CAUSE # 186844  
VOL. 170, PG. 516  
D.R.R.C.T.

N 01°08'32" W  
40.00

TO  
EDUARDO HERNANDEZ  
VOL. 2868, PG. 183  
D.R.R.C.T.

F.M. HIGHWAY 548  
(175' ROW)

END. MONUMENT  
END. MONUMENT

N 89°19'35" E  
41.14

30' TEMP. WORKING SPACE ESMT.

S 69°19'35" W  
34.50

40' PERMANENT ESMT.

30' TEMP. WORKING SPACE ESMT.

60' TEMP. WORKING SPACE ESMT.



SCALE IN FEET

PARCEL 3  
4.094 ACRES

TO  
DEAN M. GANDY  
TRACT I  
VOL. 688, PG. 258  
D.R.R.C.T.

**MATCHLINE**

THE BASIS OF BEARING FOR THIS SURVEY WAS  
ESTABLISHED USING A STATIC GLOBAL POSITIONING  
SURVEY PERFORMED ON THE GROUND ON MAY 8, 2003.

PAGE 4 OF 4

A SKETCH SHOWING A 4.094 ACRES PERMANENT  
WASTEWATER EASEMENT, EMBRACING A PORTION OF A TRACT OF  
LAND DESCRIBED AS TRACT I IN THE DEED TO DEAN M.  
GANDY RECORDED IN VOLUME 688, PAGE 258 OF  
THE DEED RECORDS OF ROCKWALL COUNTY, TEXAS.

ENTER ASSOCIATES TEXAS, LTD., 8140 WALNUT HILL LANE, SUITE 925,  
DALLAS, TEXAS 75231, 214-234-0600, 214-234-0601 FAX

ROBERT L. DAMSON, SR., R.P.L.S. #3937  
DECEMBER 2, 2003, Revised 12/15/03

DWG FILE: 36948-EX02B.DWG

**POTTS & REILLY, L.L.P.**

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Docket Clerk - TCEQ	239-3311

**FROM:** David J. Klein *DK*

**Date:** April 1, 2004 **Total # of pages including Cover:** 25

**Re:** *Gandy*

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SOAH DOCKET NOS. 582-04-0253, 582-04-1268 and 582-04-2730  
TCEQ DOCKET NOS. 2003-0737-UCR,  
2003-0738-UCR, 2003-1289-UCR AND 2003-1491-UCR

APPLICATIONS OF THE CITY OF ROYSE CITY TO AMEND WATER CCN NO. 12827 AND TO OBTAIN A SEWER CCN IN COLLIN, ROCKWALL, AND HUNT COUNTIES, TEXAS; APPLICATION NOS. 34270-C and 34277-C,

APPLICATION OF VERANDAH COMMUNITIES, L.P. TO OBTAIN A SEWER CCN IN HUNT AND ROCKWALL COUNTIES, TEXAS; APPLICATION NO. 34267-C,

APPLICATIONS OF PARKER CREEK ESTATES, L.P. TO OBTAIN A WATER AND A SEWER CCN IN ROCKWALL COUNTY, TEXAS; APPLICATION NOS. 34297-C AND 34301-C,

APPLICATIONS OF THE CITY OF FATE TO AMEND WATER CCN NO. 12889 AND TO AMEND SEWER CCN NO. 20856 IN ROCKWALL COUNTY, TEXAS; APPLICATION NOS. 34361-C AND 34362-C.

2003-0737-UCR 2003-0738-UCR 2003-1289-UCR 2003-1491-UCR

BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

PROTESTANT HONORABLE DEAN GANDY'S RESPONSES TO THE EXECUTIVE DIRECTOR'S REQUEST FOR DISCLOSURE, FIRST SET OF INTERROGATORIES, AND FIRST SET OF REQUESTS FOR PRODUCTION

TO: The Executive Director of the Texas Commission on Environmental Quality (TCEQ), by and through its counsels of record, Mr. Geoffrey P. Kirshbaum, TCEQ, Environmental Law Division, MC-173, P.O. Box 13087, MC 173 Austin, Texas 78711-3087.

Pursuant to Rules 190-197 of the Texas Rules of Civil Procedure, 30 Texas Administrative Code § 80.151, and SOAH Procedural Rule 155.23, Protestant Honorable Dean Gandy (hereinafter "Protestant"), serves this his Responses to the Executive Director's Requests for Disclosure, First Set of Interrogatories and First Set of Requests for Production to the Executive Director of the Texas

PROTESTANT HONORABLE DEAN GANDY'S RESPONSES TO THE EXECUTIVE DIRECTOR'S REQUESTS FOR DISCLOSURE, FIRST SET OF INTERROGATORIES AND FIRST SET OF REQUESTS FOR PRODUCTION