

Control Number: 43535



Item Number: 42

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.

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PUBLIC UTILITY COMMISSION
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SOAH DOCKET NOS. 582-04-0253 & 582-04-1268
TCEQ DOCKET NOS. 2003-0737-UCR, 2003-0738-UCR, & 2003-1289-UCR

APPLICATION OF THE CITY OF ROYSE CITY TO AMEND WATER CCN AND TO OBTAIN SEWER CCN IN COLLIN, ROCKWALL, AND HUNT COUNTIES

BEFORE THE STATE OFFICE

APPLICATION OF VERANDAHI COMMUNITIES, LP TO OBTAIN SEWER CCN IN HUNT AND ROCKWALL COUNTIES

OF

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

ADMINISTRATIVE HEARINGS

CITY OF ROYSE CITY'S SECOND SET OF INTERROGATORIES AND SECOND SET OF REQUESTS FOR PRODUCTION TO PARKER CREEK ESTATES, L.P.

TO: Parker Creek Estates, L.P., by and through its attorney of record, Mr. Mark H. Zeppa, Law Offices of Mark Zeppa, PC, 4833 Spicewood Springs Road #202, Austin, Texas, 78759-8436.

The City of Royse City ("Royse City"), serves this, its Second Set of Interrogatories and Second Set of Requests for Production, on Parker Creek Estates, L.P. ("Parker Creek L.P.") through its attorney of record, Mr. Mark H. Zeppa, pursuant to Chapter 2001 of the Texas Government Code, the Texas Rules of Civil Procedure, and applicable rules and regulations of the Texas Commission on Environmental Quality (the "Commission" or "TCEQ") and the State Office of Administrative Hearings ("SOAH"). Within twenty (20) days of service of this request, Parker Creek L.P. must answer each of the following written interrogatories separately, fully, in writing, and under oath, and serve a signed copy of the answers and any objections to these interrogatories, as well as provide the documentation requested in the requests for

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production, upon counsel for Royse City, Mr. Kerry E. Russell or Ms. Angela K. Moorman, at the following address: Russell, Moorman & Rodriguez, L.L.P., 102 West Morrow Street, Suite 103, Georgetown, Texas, 78626.

A. DEFINITIONS

The following paragraphs state definitions that apply to this Second Set of Interrogatories and Second Set of Requests for Production in its entirety, including the Instructions noted below:

- (1) "Royse City" refers to the City of Royse 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 Royse City.
- (2) "You," "your," and "Parker Creek L.P." mean Parker Creek Estates, L.P., its 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 Parker Creek L.P.
- (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 Parker Creek L.P.
- (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;

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- (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
 - (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) "Describe" or "identify," when used in reference to an entity, means you must state, to the fullest extent possible, the following:
- (a) The entity's full and correct legal name;
 - (b) The nature of the entity's structure and/or organization;
 - (c) The address, telephone number, and facsimile number of the entity's principle offices;
 - (d) The principle line(s) of the entity's business or activity; and
 - (e) The officer, employee, or agent most closely connected with the subject matter of the request, and the officer who is responsible for supervising that officer, employee, or agent.

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- (7) "Communication" means any oral or written communication of which Parker Creek L.P. has knowledge, information, or belief.
- (8) "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.
- (9) "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.
- (10) "Entity" means any partnership, association, corporation, joint venture, firm, proprietorship, agency, board, authority, commission, governmental body, trust, contractor, or any other organization, legal or business entity, and all other predecessors or successors in interest.
- (11) "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.
- (12) "Date" means the exact day, month, and year, if ascertainable or, if not, the best approximation.
- (13) The word "and" means "and/or."
- (14) The word "or" means "or/and."
- (15) "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.
- (16) "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.

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- (17) "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.
- (18) "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.
- (19) "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.
- (20) All definitions found in Texas Administrative Code title 30, chapter 291 and Texas Water Code chapters 11 and 13 are incorporated herein, verbatim.

B. INSTRUCTIONS

1. Parker Creek L.P. is required to answer each of the following requests for production separately by listing the documents and by describing them as defined herein. If documents are numbered for production, in each response provide both the information that identifies the document and the number of the document.
2. As to any interrogatory or requests for production to which you refuse to respond or are unable to respond to in whole or in part, for any reason, please state the grounds for your refusal or inability to respond. When you believe that a complete answer to a particular interrogatory or request for production or part thereof is not possible, please answer each interrogatory or request for production to the extent possible and furnish a statement explaining: (a) the reason for your inability to respond further, and (b) all information or knowledge you have concerning the non-responsive portion.
3. For each document or other requested information that you assert is privileged or is not discoverable, identify that document or other requested information, and state the specific

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- grounds for the claim of privilege or other ground for exclusion. Also, for each document you assert is privileged or otherwise not discoverable: (a) state the date of the document; (b) state the name, job title, and address of the person who prepared it; (c) state the name, address, and job title of the person to whom it was addressed, circulated, or who saw it; (d) state the name, job title, and address of the person now in possession of the document; (e) describe the subject matter of the document; and (f) state the present location and the custodian for the document.
4. For every document that no longer exists or cannot be located: (a) identify the document; (b) state how and when the document passed out of existence, or when it could no longer be located; (c) state the reason(s) for the disappearance; (d) identify each person having knowledge about the disposition or loss of the document; and (e) identify each document evidencing the existence or nonexistence of each document that cannot be located.
 5. 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 Verandah 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.
 6. Furnish all information and requested documents available to you and known by you, in your possession or in the possession of your agents and attorneys, or appearing in your records.
 7. In those instances when requested information or 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 and/or documents in a finished usable form that includes all necessary glossaries, keys, and indices for interpretation of the material.
 8. Please respond to each written interrogatory or request for production in the space provided. If you need additional space within which to respond to a written interrogatory or request for production, please add pages as necessary, and indicate clearly the written interrogatory or request for production to which each response is responsive. When a written interrogatory or request for production contains subparts, indicate in your answer the subpart to which each particular part of your response is in response.
 9. You are under a duty to supplement your responses to these interrogatories and requests for production that are incomplete or incorrect when made. Furthermore, you are under a duty to timely supplement and/or amend your responses if you receive, obtain, or generate information within the scope of any interrogatory or request for production between the time of the original responses and the conclusion of this proceeding on the basis of which you know that a response either: (a) was incorrect or incomplete when made; or


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(b) although correct and complete when made, is no longer correct and complete and the circumstances are such that failure to amend the response is in substance misleading.

10. Unless otherwise indicated, the discovery requested in this, Royse City's First Set of Interrogatories and First Set of Requests for Production, relates to the time period from January 1, 1997 through the present. All requested documents, data compilations, and recordings whenever actually prepared or generated that relate to this time period are to be produced.

Respectfully submitted,

RUSSELL, MOORMAN & RODRIGUEZ, L.L.P.
102 West Morrow Street, Suite 103
Georgetown, Texas 78626
(512) 930-1317
(512) 864-7744 (Fax)


KERRY E. RUSSELL
State Bar No. 17417820

ANGELA K. MOORMAN
State Bar No. 24007700

ATTORNEYS FOR THE CITY OF ROYSE CITY,
TEXAS

SOAB DOCKET NOS. 582-04-0253 & 582-04-1268
TCEQ DOCKET NOS. 2003-0737-UCR, 2003-0738-UCR, & 2003-1289-UCR

CERTIFICATE OF SERVICE

I hereby certify that on this the 10th day of May, 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

SOAH DOCKET NOS. 582-04-0253 & 582-04-1268
TCEQ DOCKET NOS. 2003-0737-UCR, 2003-0738-UCR, & 2003-1289-UCR

C. INTERROGATORIES

INTERROGATORY NO. 1:

With respect to all investigations of any kind, which Parker Creek L.P. has knowledge of, conducted by or for Parker Creek L.P., any other person, or entity, concerning or relating to any of the Applications in this proceeding, please identify the person who initially requested that the investigation be undertaken and give the date when each investigation was initiated and completed.

ANSWER:

INTERROGATORY NO. 2:

Provide all information, including the name and location of the person making the request, regarding requests for water and/or sewer service within the areas described in the Parker Creek L.P. Sewer CCN Application and the Parker Creek L.P. Water CCN Application.

ANSWER:

INTERROGATORY NO. 3:

Identify the members, owners, or employees of Bellaire Oaks, Inc., and describe their relationship with Parker Creek L.P.

ANSWER:

INTERROGATORY NO. 4:

Identify the members, owners, or employees of Meadowbrook Investments, Inc. and describe their relationship with Parker Creek L.P.

ANSWER:

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INTERROGATORY NO. 5:

Identify the projected retail rates, for both water and sewer services, anticipated to be charged by Parker Creek L.P. for the area identified in the Parker Creek L.P. Sewer CCN Application and the Parker Creek L.P. Water CCN Application.

ANSWER:

INTERROGATORY NO. 6:

Identify the number of residents, if any, who actually reside within the areas described in the Parker Creek L.P. Sewer CCN Application and the Parker Creek L.P. Water CCN Application.

ANSWER:

INTERROGATORY NO. 7:

Identify when Parker Creek L.P. anticipates that the first houses will be constructed within the areas identified in the Parker Creek L.P. Sewer CCN Application and the Parker Creek L.P. Water CCN Application.

ANSWER:

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D. REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1:

Produce all documents relating to or concerning any and all investigations made by or for you regarding any of the Applications that are the subject of this proceeding.

RESPONSE:

REQUEST FOR PRODUCTION NO. 2:

Produce all documents relating to or concerning any and all investigations made by or for you regarding the need for sewer service in the areas identified in the Parker Creek L.P. Sewer CCN Application and the Parker Creek L.P. Water CCN Application and the development of regional sewer service sources in those same areas.

RESPONSE:

REQUEST FOR PRODUCTION NO. 3:

Produce all documents relating to or concerning your position against the Royse City Sewer CCN Application and the Royse City Water CCN Application prepared by you or for you, submitted by you or for you or to you, or reviewed by you or for you.

RESPONSE:

REQUEST FOR PRODUCTION NO. 4:

Produce all documents concerning or relating to Parker Creek L.P.'s development structure, organization, and operation, including, but not limited to, by-laws, rules, regulations, declarations, and qualifications for membership.

RESPONSE:

REQUEST FOR PRODUCTION NO. 5:

Produce all documents identifying how Parker Creek L.P. anticipates providing wastewater collection treatment services to the area identified in the Parker Creek L.P. Sewer CCN Application. If your response remains that this question has been previously answered, please identify the specific request for which a responsive answer has been provided, as well as all responsive documents.

RESPONSE:

CITY OF ROYSE CITY'S SECOND SET OF INTERROGATORIES AND SECOND SET OF REQUESTS FOR PRODUCTION TO PARKER CREEK ESTATES, L.P.

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REQUEST FOR PRODUCTION NO. 6:

Produce all documents identifying how Parker Creek L.P. anticipates providing potable water services to the area identified in the Parker Creek L.P. Water CCN Application. If your response remains that this question has been previously answered, please identify the specific request for which a responsive answer has been provided, as well as all responsive documents.

RESPONSE:

REQUEST FOR PRODUCTION NO. 7:

Produce all documents identifying and/or supporting the schedules pursuant to which Parker Creek L.P. anticipates being able to provide water service within the area identified in the Parker Creek L.P. Water CCN Application. If your response remains that this question has been previously answered, please identify the specific request for which a responsive answer has been provided, as well as all responsive documents.

RESPONSE:

REQUEST FOR PRODUCTION NO. 8:

Produce all documents identifying and/or supporting the schedules pursuant to which Parker Creek L.P. anticipates being able to provide wastewater treatment services within the area identified in the Parker Creek L.P. Sewer CCN Application. If your response remains that this question has been previously answered, please identify the specific request for which a responsive answer has been provided, as well as all responsive documents..

RESPONSE:

REQUEST FOR PRODUCTION NO. 9:

Produce all requests for service that Parker Creek L.P. has received for sewer service within the area described in the Parker Creek L.P. Sewer CCN Application.

RESPONSE:

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REQUEST FOR PRODUCTION NO. 10:

Produce all requests for service that Parker Creek L.P. has received for water service within the area described in the Parker Creek L.P. Water CCN Application.

RESPONSE:

REQUEST FOR PRODUCTION NO. 11:

Produce all documents that describe or confirm the "plan" that was described in Parker Creek L.P.'s response to Roysse City's First Set of Requests for Production No. 26, as it relates to the plan for the proposed Parker Creek Municipal Utility District to provide water and/or sewer services within the areas identified in the Parker Creek L.P. Sewer CCN Application and the Parker Creek L.P. Water CCN Application.

RESPONSE:

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APPLICATION OF THE CITY OF ROYSE CITY TO AMEND WATER CCN AND TO OBTAIN SEWER CCN IN COLLIN, ROCKWALL, AND HUNT COUNTIES § BEFORE THE STATE OFFICE
APPLICATION OF VERANDAH COMMUNITIES, LP TO OBTAIN SEWER CCN IN HUNT AND ROCKWALL COUNTIES § OF
APPLICATION OF PARKER CREEK ESTATES, L.P. TO OBTAIN A WATER AND SEWER CCN IN ROCKWALL COUNTY, TEXAS, APPLICATION NOS. 34297-C AND 34301-C § ADMINISTRATIVE HEARINGS

CITY OF ROYSE CITY'S SECOND SET OF INTERROGATORIES AND SECOND SET OF REQUESTS FOR PRODUCTION TO VERANDAH FRESHWATER SUPPLY DISTRICT

TO: Verandah Freshwater Supply District, by and through its attorney of record, Mr. Mark H. Zeppa, Law Offices of Mark Zeppa, PC, 4833 Spicewood Springs Road #202, Austin, Texas, 78759-8436.

The City of Royse City ("Royse City"), serves this, its Second Set of Interrogatories and Second Set of Requests for Production, on Verandah Freshwater Supply District ("Verandah FWSD") through its attorney of record, Mr. Mark H. Zeppa, pursuant to Chapter 2001 of the Texas Government Code, the Texas Rules of Civil Procedure, and applicable rules and regulations of the Texas Commission on Environmental Quality (the "Commission" or "TCEQ") and the State Office of Administrative Hearings ("SOAH"). Within twenty (20) days of service of this request, Verandah FWSD must answer each of the following written interrogatories separately, fully, in writing, and under oath, and serve a signed copy of the answers and any objections to these interrogatories, as well as provide the documentation requested in the requests

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for production, upon counsel for Roysc City, Mr. Kerry E. Russell or Ms. Angela K. Moorman, at the following address: Russell, Moorman & Rodriguez, L.L.P., 102 West Morrow Street, Suite 103, Georgetown, Texas, 78626.

A. DEFINITIONS

The following paragraphs state definitions that apply to this Second Set of Interrogatories and Second Set of Requests for Production 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," "your," and "Verandah FWSD" mean Verandah Freshwater Supply District, its 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 Verandah FWSD.
- (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 Verandah FWSD.
- (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;

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- (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
 - (c) 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;
 - (c) 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) "Describe" or "identify," when used in reference to an entity, means you must state, to the fullest extent possible, the following:
- (a) The entity's full and correct legal name;
 - (b) The nature of the entity's structure and/or organization;
 - (c) The address, telephone number, and facsimile number of the entity's principle offices;
 - (d) The principle line(s) of the entity's business or activity; and
 - (c) The officer, employee, or agent most closely connected with the subject matter of the request, and the officer who is responsible for supervising that officer, employee, or agent.

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- (7) "Communication" means any oral or written communication of which Verandah FWSD has knowledge, information, or belief.
- (8) "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.
- (9) "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.
- (10) "Entity" means any partnership, association, corporation, joint venture, firm, proprietorship, agency, board, authority, commission, governmental body, trust, contractor, or any other organization, legal or business entity, and all other predecessors or successors in interest.
- (11) "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.
- (12) "Date" means the exact day, month, and year, if ascertainable or, if not, the best approximation.
- (13) The word "and" means "and/or."
- (14) The word "or" means "or/and."
- (15) "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.
- (16) "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.

SOAH DOCKET NOS. 582-04-0253 & 582-04-1268
TCEQ DOCKET NOS. 2003-0737-UCR, 2003-0738-UCR, & 2003-1289-UCR

- (17) "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.
- (18) "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.
- (19) "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.
- (20) All definitions found in Texas Administrative Code title 30, chapter 291 and Texas Water Code chapters 11 and 13 are incorporated herein, verbatim.

B. INSTRUCTIONS

1. Verandah FWSO is required to answer each of the following requests for production separately by listing the documents and by describing them as defined herein. If documents are numbered for production, in each response provide both the information that identifies the document and the number of the document.
2. As to any interrogatory or requests for production to which you refuse to respond or are unable to respond to in whole or in part, for any reason, please state the grounds for your refusal or inability to respond. When you believe that a complete answer to a particular interrogatory or request for production or part thereof is not possible, please answer each interrogatory or request for production to the extent possible and furnish a statement explaining: (a) the reason for your inability to respond further; and (b) all information or knowledge you have concerning the non-responsive portion.
3. For each document or other requested information that you assert is privileged or is not discoverable, identify that document or other requested information, and state the specific

CITY OF ROYSE CITY'S SECOND SET OF INTERROGATORIES AND SECOND SET OF REQUESTS FOR PRODUCTION TO VERANDAH FRESHWATER SUPPLY DISTRICT

SOAH DOCKET NOS. 582-04-0253 & 582-04-1268
TCEQ DOCKET NOS. 2003-0737-UCR, 2003-0738-UCR, & 2003-1289-UCR

- grounds for the claim of privilege or other ground for exclusion. Also, for each document you assert is privileged or otherwise not discoverable: (a) state the date of the document; (b) state the name, job title, and address of the person who prepared it; (c) state the name, address, and job title of the person to whom it was addressed, circulated, or who saw it; (d) state the name, job title, and address of the person now in possession of the document; (e) describe the subject matter of the document; and (f) state the present location and the custodian for the document.
4. For every document that no longer exists or cannot be located: (a) identify the document; (b) state how and when the document passed out of existence, or when it could no longer be located; (c) state the reason(s) for the disappearance; (d) identify each person having knowledge about the disposition or loss of the document; and (e) identify each document evidencing the existence or nonexistence of each document that cannot be located.
 5. 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 Verandah 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.
 6. Furnish all information and requested documents available to you and known by you, in your possession or in the possession of your agents and attorneys, or appearing in your records.
 7. In those instances when requested information or 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 and/or documents in a finished usable form that includes all necessary glossaries, keys, and indices for interpretation of the material.
 8. Please respond to each written interrogatory or request for production in the space provided. If you need additional space within which to respond to a written interrogatory or request for production, please add pages as necessary, and indicate clearly the written interrogatory or request for production to which each response is responsive. When a written interrogatory or request for production contains subparts, indicate in your answer the subpart to which each particular part of your response is in response.
 9. You are under a duty to supplement your responses to these interrogatories and requests for production that are incomplete or incorrect when made. Furthermore, you are under a duty to timely supplement and/or amend your responses if you receive, obtain, or generate information within the scope of any interrogatory or request for production between the time of the original responses and the conclusion of this proceeding on the basis of which you know that a response either: (a) was incorrect or incomplete when made; or

SOAH DOCKET NOS. 582-04-0253 & 582-04-1268

TCEQ DOCKET NOS. 2003-0737-UCR, 2003-0738-UCR, & 2003-1289-UCR

CERTIFICATE OF SERVICE

I hereby certify that on this the 10th day of May, 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>

SOAF DOCKET NOS. 582-04-0253 & 582-04-1268

TCEQ DOCKET NOS. 2003-0737-UCR, 2003-0738-UCR, & 2003-1289-UCR

<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

SOAH DOCKET NOS. 582-04-0253 & 582-04-1268
TCEQ DOCKET NOS. 2003-0737-UCR, 2003-0738-UCR, & 2003-1289-UCR

C. INTERROGATORIES

INTERROGATORY NO. 1:

Identify all persons or entities that have requested sewer service within the area described in the Verandah LP Sewer CCN Application or within the boundaries of Verandah FWSD.

RESPONSE:

INTERROGATORY NO. 2:

Identify the person(s) who initiated any investigation or study that Verandah FWSD has knowledge of regarding any of the applications that are the subject of this consolidated docket.

RESPONSE:

INTERROGATORY NO. 3:

Identify the number of residents, if any, who actually reside within the area described in the Verandah LP Sewer CCN Application or within the boundaries of the Verandah FWSD.

RESPONSE:

INTERROGATORY NO. 4:

Identify the specific date that Verandah FWSD was formed as a district pursuant to Article XVI, Section 59 of the Texas Constitution.

RESPONSE:

INTERROGATORY NO. 5:

Identify when Verandah FWSD anticipates that the first houses will be constructed within the area identified in the Verandah LP Sewer CCN Application or within the boundaries of Verandah FWSD, requiring wastewater service to be available.

RESPONSE:

SOAB DOCKET NOS. 582-04-0253 & 582-04-1268
TCEQ DOCKET NOS. 2003-0737-UCR, 2003-0738-UCR, & 2003-1289-UCR

D. REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1:

Produce all documents concerning or relating to Verandah FWSD's organizational structure and operation, including, but not limited to, by-laws, rules, regulations, declarations, and qualifications for membership.

RESPONSE:

REQUEST FOR PRODUCTION NO. 2:

Produce all documents that describe or confirm the "plan" that was described in Verandah FWSD's response to Royse City's First Set of Requests for Production No. 25, as it relates to the plan for Verandah FWSD to provide water and/or sewer services within the boundaries of the Verandah FWSD and/or the area identified in the Verandah LP Sewer CCN Application.

RESPONSE:

REQUEST FOR PRODUCTION NO. 3:

Produce all reports, either draft or final, prepared by or for Dowdey, Anderson & Associates, Inc. for Verandah FWSD.

RESPONSE:

REQUEST FOR PRODUCTION NO. 4:

Produce all requests for service that Verandah FWSD has received for sewer service within the area described in the Verandah LP Sewer CCN Application or within the boundaries of Verandah FWSD.

RESPONSE:

**SOAH DOCKET NOS. 582-04-0253 & 582-04-1268
TCEQ DOCKET NOS. 2003-0737-UCR, 2003-0738-UCR, & 2003-1289-UCR**

APPLICATION OF THE CITY OF ROYSE CITY TO AMEND WATER CCN AND TO OBTAIN SEWER CCN IN COLLIN, ROCKWALL, AND HUNT COUNTIES	§	BEFORE THE STATE OFFICE
	§	
	§	
	§	
	§	
APPLICATION OF VERANDAH COMMUNITIES, LP TO OBTAIN SEWER CCN IN HUNT AND ROCKWALL COUNTIES	§	OF
	§	
	§	
	§	
	§	
APPLICATION OF PARKER CREEK ESTATES, L.P. TO OBTAIN A WATER AND SEWER CCN IN ROCKWALL COUNTY, TEXAS, APPLICATION NOS. 34297-C AND 34301-C	§	ADMINISTRATIVE HEARINGS

**CITY OF ROYSE CITY'S SECOND SET OF INTERROGATORIES
AND SECOND SET OF REQUESTS FOR PRODUCTION TO
VERANDAH COMMUNITIES, LP**

TO: Verandah Communities, LP, by and through its attorney of record, Mr. Mark H. Zeppa, Law Offices of Mark Zeppa, PC, 4833 Spicewood Springs Road #202, Austin, Texas, 78759-8436.

The City of Royse City ("Royse City"), serves this, its Second Set of Interrogatories and Second Set of Requests for Production, on Verandah Communities, LP ("Verandah LP") through its attorney of record, Mr. Mark H. Zeppa, pursuant to Chapter 2001 of the Texas Government Code, the Texas Rules of Civil Procedure, and applicable rules and regulations of the Texas Commission on Environmental Quality (the "Commission" or "TCEQ") and the State Office of Administrative Hearings ("SOAH"). Within twenty (20) days of service of this request, Verandah LP must answer each of the following written interrogatories separately, fully, in writing, and under oath, and serve a signed copy of the answers and any objections to these interrogatories, as well as provide the documentation requested in the requests for production,

SOAB DOCKET NOS. 582-04-0253 & 582-04-1268
TCEQ DOCKET NOS. 2003-0737-UCR, 2003-0738-UCR, & 2003-1289-UCR

upon counsel for Royse City, Mr. Kerry E. Russell or Ms. Angela K. Moorman, at the following address: Russell, Moorman & Rodriguez, L.L.P., 102 West Morrow Street, Suite 103, Georgetown, Texas, 78626.

A. DEFINITIONS

The following paragraphs state definitions that apply to this Second Set of Interrogatories and Second Set of Requests for Production in its entirety, including the Instructions noted below:

- (1) "Royse City" refers to the City of Royse 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 Royse City.
- (2) "You," "your," and "Verandah LP" mean Verandah Communities, LP, its 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 Verandah LP.
- (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 Verandah LP.
- (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;

SOAH DOCKET NOS. 582-04-0253 & 582-04-1268
TCEQ DOCKET NOS. 2003-0737-UCR, 2003-0738-UCR, & 2003-1289-UCR

- (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
 - (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) "Describe" or "identify," when used in reference to an entity, means you must state, to the fullest extent possible, the following:
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 - (b) The nature of the entity's structure and/or organization;
 - (c) The address, telephone number, and facsimile number of the entity's principle offices;
 - (d) The principle line(s) of the entity's business or activity; and
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**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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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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B. INSTRUCTIONS

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3. For each document or other requested information that you assert is privileged or is not discoverable, identify that document or other requested information, and state the specific

SOAH DOCKET NOS. 582-04-0253 & 582-04-1268
TCEQ DOCKET NOS. 2003-0737-UCR, 2003-0738-UCR, & 2003-1289-UCR

grounds for the claim of privilege or other ground for exclusion. Also, for each document you assert is privileged or otherwise not discoverable: (a) state the date of the document; (b) state the name, job title, and address of the person who prepared it; (c) state the name, address, and job title of the person to whom it was addressed, circulated, or who saw it; (d) state the name, job title, and address of the person now in possession of the document; (e) describe the subject matter of the document; and (f) state the present location and the custodian for the document.

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6. Furnish all information and requested documents available to you and known by you, in your possession or in the possession of your agents and attorneys, or appearing in your records.
7. In those instances when requested information or 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 and/or documents in a finished usable form that includes all necessary glossaries, keys, and indices for interpretation of the material.
8. Please respond to each written interrogatory or request for production in the space provided. If you need additional space within which to respond to a written interrogatory or request for production, please add pages as necessary, and indicate clearly the written interrogatory or request for production to which each response is responsive. When a written interrogatory or request for production contains subparts, indicate in your answer the subpart to which each particular part of your response is in response.
9. You are under a duty to supplement your responses to these interrogatories and requests for production that are incomplete or incorrect when made. Furthermore, you are under a duty to timely supplement and/or amend your responses if you receive, obtain, or generate information within the scope of any interrogatory or request for production between the time of the original responses and the conclusion of this proceeding on the basis of which you know that a response either: (a) was incorrect or incomplete when made; or

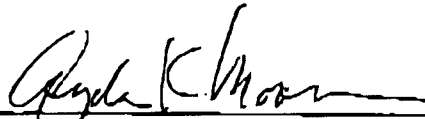
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(b) although correct and complete when made, is no longer correct and complete and the circumstances are such that failure to amend the response is in substance misleading.

10. Unless otherwise indicated, the discovery requested in this, Royse City's First Set of Interrogatories and First Set of Requests for Production, relates to the time period from January 1, 1997 through the present. All requested documents, data compilations, and recordings whenever actually prepared or generated that relate to this time period are to be produced.

Respectfully submitted,

RUSSELL, MOORMAN & RODRIGUEZ, L.L.P.
102 West Morrow Street, Suite 103
Georgetown, Texas 78626
(512) 930-1317
(512) 864-7744 (Fax)



KERRY E. RUSSELL
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ANGELA K. MOORMAN
State Bar No. 24007700

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

SOAB DOCKET NOS. 582-04-0253 & 582-04-1268
TCEQ DOCKET NOS. 2003-0737-UCR, 2003-0738-UCR, & 2003-1289-UCR

CERTIFICATE OF SERVICE

I hereby certify that on this the 10th day of May, 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>

SOAH DOCKET NOS. 582-04-0253 & 582-04-1268

TCEQ DOCKET NOS. 2003-0737-UCR, 2003-0738-UCR, & 2003-1289-UCR

<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 Fatec, 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

SOAH DOCKET NOS. 582-04-0253 & 582-04-1268
TCEQ DOCKET NOS. 2003-0737-UCR, 2003-0738-UCR, & 2003-1289-UCR

C. INTERROGATORIES

INTERROGATORY NO. 1:

With respect to all investigations of any kind, which Verandah LP has knowledge of, conducted by or for Verandah LP, any other person, or entity, concerning or relating to any of the Applications in this proceeding, please identify the person who initially requested that the investigation be undertaken and give the date when each investigation was initiated and completed.

ANSWER:

INTERROGATORY NO. 2:

Provide all information, including the name and location of the person making the request, regarding requests for water and/or sewer service within the area described in the Verandah LP Sewer CCN Application.

ANSWER:

INTERROGATORY NO. 3:

Identify the members, owners, or employees of DBH Enterprises and describe their relationship with Verandah LP.

ANSWER:

INTERROGATORY NO. 4:

Identify the members, owners, or employees of Meadowbrook Investments, Inc. and describe their relationship with Verandah LP.

ANSWER:

INTERROGATORY NO. 5:

Identify the number of residents, if any, who actually reside within the area described in the Verandah LP Sewer CCN Application or within the boundaries of the Verandah FWSD.

ANSWER:

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INTERROGATORY NO. 6:

Identify when Verandah FWSD anticipates that the first houses will be constructed within the area identified in the Verandah LP Sewer CCN Application or within the boundaries of Verandah FWSD, requiring wastewater service to be available.

RESPONSE:

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D. REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1:

Produce all documents relating to or concerning any and all investigations made by or for you regarding any of the Applications that are the subject of this proceeding.

RESPONSE:

REQUEST FOR PRODUCTION NO. 2:

Produce all documents relating to or concerning any and all investigations made by or for you regarding the need for sewer service in the area identified in the Verandah LP Sewer CCN Application and the development of regional sewer service sources in the area identified in the Verandah LP Sewer CCN Application.

RESPONSE:

REQUEST FOR PRODUCTION NO. 3:

Produce all documents relating to or concerning your position against the Royse City Sewer CCN Application and the Royse City Water CCN Application prepared by you or for you, submitted by you or for you or to you, or reviewed by you or for you.

RESPONSE:

REQUEST FOR PRODUCTION NO. 4:

Produce all documents concerning or relating to Verandah LP's development structure, organization, and operation, including, but not limited to, by-laws, rules, regulations, declarations, and qualifications for membership.

RESPONSE:

REQUEST FOR PRODUCTION NO. 5:

Produce all documents identifying how Verandah LP anticipates providing wastewater collection treatment services to the area identified in the Verandah LP Sewer CCN Application. If your response remains that this question has been previously answered, please identify the specific request for which a responsive answer has been provided, as well as all responsive documents.

RESPONSE:

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REQUEST FOR PRODUCTION NO. 6:

Produce all documents identifying and/or supporting the schedules pursuant to which Verandah LP anticipates being able to provide water service within the area identified in the Verandah LP Sewer CCN Application. If your response remains that this question has been previously answered, please identify the specific request for which a responsive answer has been provided, as well as all responsive documents.

RESPONSE:

REQUEST FOR PRODUCTION NO. 7:

Produce all documents identifying and/or supporting the schedules pursuant to which Verandah LP anticipates being able to provide wastewater treatment services within the area identified in the Verandah LP Sewer CCN Application. If your response remains that this question has been previously answered, please identify the specific request for which a responsive answer has been provided, as well as all responsive documents.

RESPONSE:

REQUEST FOR PRODUCTION NO. 8:

Produce all requests for service that Verandah LP has received for sewer service within the area described in the Verandah LP Sewer CCN Application or within the boundaries of Verandah FWSD.

RESPONSE:

RUSSELL, MOORMAN & RODRIGUEZ, L.L.P.

Attorneys at Law

102 Morrow Street, Suite 103

Georgetown, Texas 78626

Phone (512) 930-1317

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FAX COVER SHEET

Date: May 10, 2004

Mr. Mark Zeppa	Fax: (512) 346-6847
Mr. Skip Newsom	Fax: (512) 477-2860
Mr. Geoffrey Kirshbaum	Fax: Hand Delivered (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. Connie Goodwin	Fax: (972) 635-2434

FROM: Kerry Russel/Angela Moorman

Direct Phone: (512) 930-1317

Client Number: 390-00

PAGES: 38 PAGES + COVER PAGE

Comments: Discovery Requests to Parker Creek Estates LP.;
Discovery Requests to Verandah FWSD; and
Discovery Requests to Verandah Communities, LP.

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