

Control Number: 43535



Item Number: 44

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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43535

SOAH DOCKET NOS. 582-04-0253 & 582-04-1268
TCEQ DOCKET NOS. 2003-0737-UCR,
2003-0738-UCR & 2003-1289-UCR
2004 MAY 11 AM 11:07
CHIEF CLERKS OFFICE

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,

BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

RECEIVED
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PROTESTANT HONORABLE DEAN GANDY'S FIRST SET OF INTERROGATORIES AND FIRST 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, P.C., 4833 Spicewood Springs Road, Suite 202, Austin, Texas 78759.

Pursuant to § 2001 et seq. of the Administrative Procedure Act ("APA"), Texas Government Code, Rules 190-197 of the Texas Rules of Civil Procedure, 30 Texas Administrative Code ("TAC") § 80.151, and TAC Title 1, Part VII, Section 155.23, Protestant Honorable Dean Gandy (hereinafter "Protestant"), serves this his First Set of Interrogatories and First Set of Requests for Production to Parker Creek Estates, L.P. ("*Parker Creek*"). You are required to answer each interrogatory in complete detail and in writing, and to produce documents responsive to the request for production. You are required to deliver your responses to David J. Klein, Potts & Reilly, L.L.P., 401 W. 15th St., Suite 850, Austin, Texas 78701 within 20 days after service of this request, in accordance with 1

Handwritten initials or mark.

TAC 155.31 and the scheduling orders issued on January 6, 2004 and February 24, 2004 by the Administrative Law Judge in this matter.

I. DEFINITIONS

The following definitions shall apply to these requests.

1. The term "document" or "documents" is intended to be comprehensive and to include, without limitation, each of the following that is in the possession, custody or control of Parker Creek or that can be obtained by Parker Creek through the exercise of a superior right to compel production from a third person:
 - (a) The original (or a duplicate if the original is not available) and each non-identical copy (whether different from the original or another copy by virtue of written notes or "post-it" notes or otherwise), regardless of origin or location, of any handwritten, typewritten, printed, recorded, transcribed, punched, taped, photocopied, photostatic, telecopied, filmed, microfilmed or otherwise prepared matter, including without limitation drafts, however produced or reproduced, and further including without limitation any letters, correspondence, reports, papers, books, lists, instruction summaries, memoranda, notes, manuals, analyses, statistical records, accounts, studies, drawings, diagrams, maps, forms, graphs, charts, photographs, blueprints, data sheets, notebooks, diaries, publications, phone records, plans, invoices, accounting statements, contracts, plant records, books, allocation statements, agency bulletins, minutes, summaries, notices, permits, bills, reconciliation statements, blueprints, telexes, telegrams, all other writings of any kind or character whatsoever, electronic or videotaped or mechanical recordings, magnetic impulses or any other data compilation from which information can be obtained or translated into reasonably usable form.
 - (b) Any data or information that is, has been or is suitable of being kept, located or stored in, with or in the vicinity of a computer, e-mail, computer records or of computer-related instrumentalities, whether kept, located or stored on print-out paper or other paper, or on floppy discs, on the software, on or in the memory banks of the computer itself or elsewhere.
2. "Parker Creek" means Parker Creek Estates, L.P., the Party to whom these requests are addressed, as well as its board, each of its present and former Board members, employees, agents, representatives, consultants, and attorneys, and each person acting or purporting to act on its behalf.
3. "Protestant" means Honorable Dean Gandy, the Party propounding these discovery requests as well as his representatives and attorneys, and each person acting on its behalf.
4. The term "TCEQ" means the Texas Commission on Environmental Quality ("TCEQ"), all its predecessor agencies and successor agencies (including the Texas Natural Resource Conservation Commission ("TNRCC")) and any commissioner, staff member or employee thereof.

5. The term "Executive Director" means the Executive Director of the TCEQ and any employees or members of his staff.
6. The term "application" means all components of the application for a Sewer Certificate of Conveniences and Necessity ("CCN") No. 34297-C filed by Parker Creek, Applicant.
7. Unless the context clearly indicates to the contrary, "or" means "and/or" and "and" means "and/or."
8. The singular form of a noun or pronoun shall be considered to include within its meaning the plural form of the noun or pronoun used, and vice versa; the use of the masculine form of a pronoun shall be considered to include within its meaning the feminine form of the pronoun used, and vice versa; and the use of any tense of any verb shall be considered to include also within its meaning all other tenses of the verb used.
9. The term "person" or "persons" shall include natural persons, state governments, local governments, governmental agencies, political subdivisions, professional or public organizations.
10. The term "you" or "your" shall include Parker Creek, the Party to whom these requests are addressed as well as each of its present and former Board members, employees, agents, representatives, consultants, and attorneys, and each person acting or purporting to act on its behalf.
11. To "identify" a document or state the "identity of" a document shall mean to state:
 - (a) The identity of the person who prepared it;
 - (b) The identity of the person who signed it or over whose signature it was or is issued;
 - (c) The identity of each person to whom it was addressed or distributed;
 - (d) The nature and substance of the document with sufficient particularity to enable it to be identified;
 - (e) The date, if any, which the document bears;
 - (f) The present location of the document, including the identity of its custodian or custodians; or in lieu thereof, attach a copy of said document to your response to these requests; and
 - (g) Documents to be identified shall include both documents in the possession, custody and control of the party and all other documents to which the party has knowledge.
12. To "identify" or to state the "identity of" a natural person shall mean to state:
 - (a) The person's full name;
 - (b) The person's title and business or professional affiliation, if any, as of the time to which the answer relates;
 - (c) The person's present title and business or professional and residential addresses;
 - (d) The relationship, business or otherwise, between such person and the person answering these requests; and
 - (e) The relationship, business or otherwise, between such person and Parker Creek and the Applicant.

IV. REQUEST FOR PRODUCTION

Request for Production No. 1: Please produce copies of any and all correspondence between Parker Creek and the potential sewer service providers listed in Interrogatory 5, above.

Request for Production No. 2: Please produce copies of any and all contracts with sewer service providers regarding the area specified in you sewer CCN applications.

Request for Production No. 3: Please produce copies of any and all documents which you used to provide support for your answers.

Respectfully submitted,

By 

David J. Klein
State Bar No. 24041257

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

401 West 15th Street, Suite 850

CERTIFICATE OF SERVICE

2004 MAY 11 AM 11:07

CHIEF CLERKS OFFICE

This is to certify that a true and correct copy of the attached corrected pages of ***Protestant Honorable Dean Gandy's 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 11th day of May, 2004:

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Russell, Moorman & Rodriguez, LLP
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Verandah Communities, L.P./Verandah
Freshwater Supply District/Parker Creek
Estates, LP

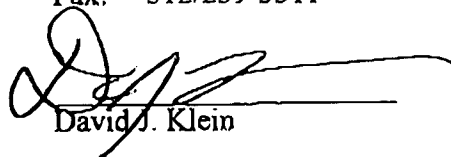
Mr. Mark H. Zeppa
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David J. Klein

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TO:	Name/Firm/Company	Fax #
	Mr. Geoffrey P. Kirshbaum	239-0606
	Mr. Kerry Russell	512/864-7744
	Ms. Angela K. Moorman	512/864-7744
	Mr Mark H. Zeppa	346-6847
	Mr. Skip Newsom	477-2860
	Mr. Blas J. Coy, Jr.	239-6377
	Ms. Amy Cortinas	239-6972
	Docket Clerk - TCEQ	239-3311

FROM: David J. Klein *DJK*

Date: May 11, 2004 Total # of pages including Cover: 6

Re: Gandy

If you do not receive all material being transmitted, please call. (512) 469-7474.

COMMENTS: _____

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