

Control Number: 43551



Item Number: 64

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.

2014 OCT 27
PUBLIC UTILITY COMMISSION
FILING CLERK

TCEQ DOCKETS NO. 2002-0189-UCR and 2000-0112-UCR

CHIEF CLERK'S OFFICE

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COMMISSION ON ENVIRONMENTAL QUALITY

APPLICATIONS BY THE CITY OF	§	BEFORE THE STATE
AUSTIN TO OBTAIN WATER AND	§	OFFICE
SEWER CCN AND APPLICATIONS OF	§	OF
HORNSBY BEND UTILITY COMPANY	§	ADMINISTRATIVE
TO AMEND WATER AND SEWER CCN	§	HEARINGS

ALIGNED PARTIES' FIRST INTERROGATORIES, REQUESTS FOR PRODUCTION & ADMISSIONS TO THE CITY OF AUSTIN

TO: THE CITY OF AUSTIN, BY AND THROUGH ITS ATTORNEYS, KENNETH RAMIREZ AND MONICA JACOBS, BRACEWELL & PATTERSON, LLP, 111 CONGRESS AVE., SUITE 2300, AUSTIN, TEXAS 78701-4043.

Pursuant to §2001 et seq. of the Administrative Procedure Act ("APA"), GOVERNMENT CODE (Vernon), Rules 190-197 of the Texas Rules of Civil Procedure and 30 Texas Administrative Code ("TAC") § 80.151, and TAC Title 1, Part VII, § 155.23, you are required to answer in complete detail and in writing each of the following interrogatories, requests to produce documents and for admissions, as the case may be. You are required to sign your answers to the questions or requests, to swear to the truth of your responses before a Notary Public or other judicial officer, and to deliver a complete, signed, and notarized copy of your answers to Mark H. Zeppa, Law Offices of Mark H. Zeppa, P. C., 4833 Spicewood Springs Road, Suite 202, Austin, Texas 78759-8436, 30 days after service of this request, in accordance with the Administrative Law Judge's directive. Should there be additional parties to these proceedings, you are to provide copies to such additional parties in the same manner and at the same time as set forth previously. If you fail to comply with the requirements above, the Commission may order you to do so and you will be subject to those sanctions authorized by statute and by the rules of the Commission and SOAH for failure to comply.

I.

DEFINITIONS

As used herein, the terms "you," "your," or "yourself," refer to the City of Austin, the party to whom these requests are addressed, as well as to each of its public officials, each of its present and former officers, employees, agents, representatives and attorneys, and each person acting or purporting to act on its behalf.

REPRESENTATIVE

As used herein, the term "representative" means any and all elected and appointed officials, agents, employees, servants, officers, directors, attorneys, or other persons acting or purporting to act on your behalf.

PERSON

As used herein, the term "person" means any natural individual in any capacity whatsoever or any entity or organization, including divisions, departments and other units therein, and shall include, but not be limited to, a public or private corporation, partnership, joint venture, voluntary or unincorporated association, organization, proprietorship, trust, estate, governmental agency, commission, bureau, municipality or department.

DOCUMENT

As used herein, the term "document" means any medium upon which information can be recorded or retrieved, and includes, without limitation, the original and each copy, regardless of origin and location, of any book, pamphlet, periodical, letter, memorandum (including any memorandum or report of a meeting or conversation), invoice, bill, order form, receipt, financial statement, accounting entry, diary, calendar, telex, telegram, cable, facsimile transmission, report, record, contract, agreement, study, handwritten note, draft, working paper, chart, paper, print, laboratory record, drawing, sketch, graph, index, list, tape, photograph, microfilm, data sheet or data processing card, computer tape or disk, or any other written, recorded, transcribed, punched, taped, filmed or graphic matter, however produced or reproduced, which is in your possession, custody or control, or which has been, but is no longer, in your possession, custody, or control. The term "document" further means a copy of any document, as referred to above, if such copy contains notes, writings or is in any way different from or an alteration of the original document.

COMMUNICATION

As used herein, the term "communication" means any oral or written utterance, notation or statement of any nature whatsoever, by and to whomsoever made,

including, but not limited to, correspondence, conversations, dialogues, discussions, interviews, consultations, agreements and other understandings between or among two or more persons.

IDENTIFICATION

As used herein, the terms "identification", "identify" or "identity," when used in reference to: (a) a natural individual - require you to state his or her full name and residential and business address; (b) a corporation - require you to state its full corporate name and any names under which it does business, its state of incorporation, the address of its principal place of business, and the addresses of all of its offices; (c) a business -require you to state the full name or style under which the business is conducted, its business address or addresses, the types of businesses in which it is engaged, the geographic areas in which it conducts those business, and the identity of the person or persons who own, operate, and control the business; (d) a document - require you to state the number of pages and the nature of the document (e.g., letter or memorandum), its title, its date, the name or names of its authors and recipients, and its present location and custodian; (e) a communication - require you, if any part of the communication was written, to identify the document or documents which refer to or evidence the communication, and, to the extent that the communication was non-written, to identify the persons participating in the communication and to state the date, manner, place and substance of the communication.

PROPOSED AREA

As used herein, the terms "proposed area," "Austin area" or "area" means the retail water and the retail sewer utility service areas requested by the City of Austin in which the City of Austin requests authorization to provide potable water service and/or retail public sewer utility service to the public for compensation.

ALIGNED PARTIES AREA

As used herein, the term "Aligned Parties area" means: (1) the current certificated retail water and sewer utility service areas of AquaSource Utility, Inc. identified on the TCEQ Travis County master certification maps served on all parties by Mark Zeppa on August 9, 2002 pursuant to Judge Sullivan's July 9th prehearing directive, (2) current certificated the retail water and sewer utility service areas of AquaSource Development Company identified on the TCEQ Travis County master certification maps served on all parties by Mark Zeppa on August 9, 2002 pursuant to Judge Sullivan's July 9th prehearing directive, (c) the current certificated retail water utility service area of Creedmoor-Maha Water Supply Corporation plus the areas sought to be added by Creedmoor in pending SOAH Docket No. 582-00-0546, TNRCC Docket No. 2000-0018-UCR; Application of Creedmoor-Maha Water Supply Corporation to Amend CCN No. 11029 in Travis and Hays Counties and (4) the corporate limits of the City of Mustang Ridge.

II.

INSTRUCTIONS

IDENTIFICATION OF DOCUMENTS

With respect to each request, in addition to supplying the information requested, you are to identify all documents that support, refer to or evidence the subject matter of each request and your answer thereto.

If any or all documents identified herein are no longer in your possession, custody or control because of destruction, loss or any other reason, then do the following with respect to each and every such document: (a) describe the nature of the document (e.g., letter or memorandum); (b) state the date of the document; (c) identify the persons who sent and received the original and a copy of the document; (d) state in as much detail as possible the contents of the document; and (e) state the manner and date of disposition of the document.

If you contend that any material or information responsive to any of the interrogatories is privileged, state in response that: (a) the information or material responsive to the interrogatories has been withheld; (b) the interrogatory to which the information or material relates; and (c) the privilege or privileges asserted.

CONTENTION REQUESTS

When a request requires you to "state the basis of" a particular claim, contention, or allegation, state in your answer the identity of each and every communication and each and every legal theory that you think supports, refers to, or evidences such claim, contention, or allegation.

CONTINUING REQUESTS

These requests are to be considered continuing in nature and you are under a duty to timely supplement any response given to such request(s) as required by Rule 166(b) of the Texas Rules of Civil Procedure.

III.

INTERROGATORIES

1. For each person the City of Austin expects 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 City of Austin expects that person to provide.

2. For each expert not listed in the response to the Request for Disclosure heretofore propounded upon the City of Austin whom the City of Austin has consulted and whose mental impressions and opinions have been reviewed by an expert the City of Austin expects 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.

3. Does the City of Austin submit that the provision of fire flows or firefighting services is a function of water utility service? If so, please state the legal theory upon which the City bases this assertion.

4. Please describe whether City of Austin has written requests for service from potential customers each privately- or publicly-owned property in the proposed area. If so, please identify each and every one of those requests.

5. If there are no requests for service in the proposed area, please describe in detail the need for water utility service for each privately- or publicly-owned property in the Austin area.

6. If there are no requests for service in the proposed area, please describe in detail the need for sewer utility service for each privately- or publicly-owned property in the Austin area.

7. Identify each violation of a TCEQ regulation committed by the City of Austin Water & Wastewater Department, excluding air or waste violations committed by that municipal department, within two (2) miles of the Austin area during the preceding two (2) years that were self reported to the TCEQ.

8. Please describe how the people and/or business enterprises currently located in the Proposed Area are currently receiving water and/or sewer retail public utility service and identify the service provider(s) for each property(ies).

9. Please describe in detail the ability of City of Austin to provide adequate water and sewer service to Proposed Area on the date of the answer of these interrogatories and at six-month intervals for the next five (5) years thereafter.

10. Please describe the approximate time frame in which City of Austin could provide water service in compliance with all applicable Commission rules and statutes to all points throughout the Proposed Area including the outer boundaries of the Proposed Area.

11. Please describe the approximate time frame in which City of Austin could provide sewer service in compliance with all applicable Commission rules and statutes to all points throughout the Proposed Area including the outer boundaries of the Proposed Area.
12. Please describe in detail how Austin will finance the construction of a retail water utility that could provide water service in compliance with all applicable Commission rules and statutes to all points throughout the Proposed Area including the outer boundaries of the Proposed Area.
13. Please describe in detail how Austin will finance the construction of a retail sewer utility that could provide sewer service in compliance with all applicable Commission rules and statutes to all points throughout the Proposed Area including the outer boundaries of the Proposed Area.
14. Please state the legal theory why Austin believes it has a superior right to serve the Proposed Area over other retail public utilities under the Texas Water Code.
15. Identify in detail all water utility plant the City of Austin will construct for the benefit of the Proposed Area, including without limitation, water treatment plants, water wells and well fields, ground storage tanks, elevated storage tanks, pump stations, chemical treatment facilities, booster pumps, transmission lines, distribution lines, flush valves and cut off valves. This information may be provided in the form of maps with appropriate legends listing quantities of facilities/plant and their capacities.
16. Identify in detail all wastewater utility plant the City of Austin will construct for the benefit of the Proposed Area, including without limitation, wastewater treatment plants, collection lines, transmission mains, lift stations, well wells, man holes, pump stations, holding ponds, sludge racks or drying beds and sludge disposal sites. This information may be provided in the form of maps with appropriate legends listing quantities of facilities/plant and their capacities.
17. If the City of Austin believes that surface water is a superior water supply source for retail public water utilities than groundwater, state every legal theory held by the City of Austin that supports this position.
18. If the City of Austin believes that public policy prohibits the proliferation of "packaged" wastewater treatment plants, state every legal theory held by the City of Austin that supports this position.
19. Describe what the City of Austin means by a "packaged" wastewater treatment plant.
20. Explain all reasons why the City of Austin believes that cement tankage

wastewater treatment plants are superior to steel tankage plants. If the City does not hold this opinion, so state instead.

21. Explain all reasons why the City of Austin believes it is better to transport water borne waste long distances to treat it at a few centralized plants than to treat it a closer state-approved wastewater treatment plants thereby avoiding the possibility of spills and environmental condemnation during transport.

IV.

REQUEST FOR PRODUCTION

1. Please provide a Preliminary Engineering Report prepared by a registered engineer for City of Austin for all portions of the water components of the retail public utility system the City of Austin intends to design, construct and operate in the Proposed Area: (1) production, (2) treatment, (3) storage, (4) pressure, (5) transmission, (6) distribution and (7) metering. If the City of Austin intends to provide fire flows through its public drinking water system, indicate what capacities of these systems are dedicated to public utility service and which are dedicated to fire fighting capacity.

2. Please provide a Preliminary Engineering Report prepared by a registered engineer for City of Austin for all portions of the sewer components of the retail public utility system the City of Austin intends to design, construct and operate in the Proposed Area: (1) treatment plants [permanent or interim], (2) lift stations, (3) man holes, (4) wet wells, (5) transmission, (6) collection lines and (7) pumps.

3. Please provide plats, maps or drawings showing the location of where the City of Austin plans to install its water production, treatment, storage and transmission facilities.

4. Please provide plats, maps or drawings showing the location of where the City of Austin plans to install its wastewater treatment, collection lines, lift stations and transmission facilities.

5. Please provide maps indicating where the City of Austin anticipates residential growth to occur inside the proposed area in two-year increments during the next ten years.

6. Please provide all incremental and/or overall estimates of the capital costs for City of Austin to create or increase its water utility plant capacity to provide continuous and adequate service to the proposed area under applicable TCEQ Chapter 291 rules.

7. Please provide all incremental and/or overall estimates of the capital costs for City of Austin to create or increase its sewer utility plant capacity to provide continuous and adequate service to the proposed area under applicable TCEQ Chapter 291 rules.

8. Please provide all capital asset acquisition budgets of the City of Austin Water and Wastewater Department for the next ten (10) years. If the water and sewer utility budgets are separate, provide each one.

9. Please provide all capital estimates or budgets costs for line extensions and distribution systems to provide potable water service to the requested area. If separate budgets exist for extensions or distribution systems to be constructed by developers or other third parties, provide those budgets as well.

10. Please provide all capital estimates or budgets costs for line extensions and collection systems to provide sewer service to the requested area. If separate budgets exist for extensions or collection systems to be constructed by developers or other third parties, provide those budgets as well.

11. Please provide copies or any written record or all requests for service from any person or entity in the Proposed Area identified in Interrogatory No. 4.

12. Please provide maps showing the location or locations of all persons, businesses or other entities requesting retail public water utility service from the City of Austin inside the Proposed Area.

13. Please provide maps showing the location or locations of all persons, businesses or other entities requesting retail public sewer utility service from the City of Austin inside the Proposed Area.

14. Please provide maps that show where City of Austin is currently serving inside and/or outside of its Proposed Area. If the City of Austin is also providing fire flows in addition to public water utility service, indicate where this additional municipal service is being provided.

15. Provide copies of your CCN application that is the subject of these consolidated dockets, all amendments thereto to date and all documents filed with the TCEQ not previously served on Aligned Parties through its counsel Mark H. Zeppa.

16. Provide copies of all documents provided by the City of Austin to any other party to these consolidated dockets relating in any way to water or sewer utility service in and around the City of Austin or portions of Travis

County not previously served on Aligned Parties through its counsel Mark H. Zeppa.

17. Please produce copies of any and all documents identified in your responses to Interrogatories Nos. 1 through 21 or used to assist you in responding to Interrogatories or Requests for Admissions Nos. 1 through 33.

VI.

REQUEST FOR ADMISSIONS

1. As a general law municipality, the City of Austin is not required to have a certificate of convenience and necessity own or operate a public drinking water system providing potable domestic retail water utility service to the public for compensation.

Admit _____ Deny _____

Cannot admit or deny because: _____

2. As a general law municipality, the City of Austin is not required to have a certificate of convenience and necessity own or operate a public sewage collection, treatment and disposal system providing retail sewer utility service to the public for compensation.

Admit _____ Deny _____

Cannot admit or deny because: _____

3. The City of Austin currently owns and operates a public drinking water system providing potable domestic retail water utility service to the public for compensation.

Admit _____ Deny _____

Cannot admit or deny because: _____

4. The City of Austin does not currently own or operate a public drinking water well or wells sufficient to provide a reliable supply of potable water to serve the proposed area.

Admit _____ Deny _____

Cannot admit or deny because: _____

5. The City of Austin does not currently own sufficient land upon which to construct a public drinking water well or wells sufficient to provide a reliable supply of potable water to serve the proposed area.

Admit _____ Deny _____

Cannot admit or deny because: _____

6. The City of Austin does not own sufficient surface water rights to provide a reliable supply of potable water to serve the proposed area.

Admit _____ Deny _____

Cannot admit or deny because: _____

7. The City of Austin's water treatment plants do not have the capacity to treat surface water sufficient to provide a reliable supply of potable water to serve the Proposed Area.

Admit _____ Deny _____

Cannot admit or deny because: _____

8. The City of Austin's wastewater treatment plants do not have the capacity to treat domestic waste sufficient to provide continuous and adequate sewer service under TCEQ rules and within the parameters of Austin's current TPDES's to serve the Proposed Area.

Admit _____ Deny _____

Cannot admit or deny because: _____

9. Creedmoor-Maha Water Supply Corporation already provides retail water utility service in or within 1/4 mile of the Proposed Area.

Admit _____ Deny _____

Cannot admit or deny because: _____

10. Creedmoor-Maha Water Supply Corporation is capable of expanding its public utility service into additional portions of the Proposed Area upon the request of a qualified service applicant assuming the TCEQ were to grant the necessary CCN amendment and all tariff conditions precedent were met.

Admit _____ Deny _____

Cannot admit or deny because: _____

11. AquaSource Development Company already provides retail water and/or sewer utility service in or within 1/4-mile of the proposed service area.

Admit _____ Deny _____

Cannot admit or deny because: _____

12. AquaSource Development Company is capable of expanding its public utility service into additional portions of the Proposed Area upon the request of a qualified service applicant assuming the TCEQ were to grant the necessary CCN amendment and all tariff conditions precedent were met.

Admit _____ Deny _____

Cannot admit or deny because: _____

13. AquaSource Utility, Inc. already provides retail water utility service in or within 1/4 mile of the Proposed Area.

Admit _____ Deny _____

Cannot admit or deny because: _____

14. AquaSource Utility, Inc. is capable of expanding its public utility service into additional portions of the Proposed Area upon the request of a qualified service applicant assuming the TCEQ were to grant the necessary CCN amendment and all tariff conditions precedent were met.

Admit _____ Deny _____

Cannot admit or deny because: _____

15. Hornsby Bend Utility Company already provides retail water and/or sewer utility service in or within 1/4-mile of the proposed service area.

Admit _____ Deny _____

Cannot admit or deny because: _____

16. Hornsby Bend Utility Company is capable of expanding its public utility service into additional portions of the Proposed Area upon the request of a qualified service applicant assuming the TCEQ were to grant the necessary CCN amendment and all tariff conditions precedent were met.

Admit _____ Deny _____

Cannot admit or deny because: _____

17. Other retail public utilities are capable of providing retail public water utility service under the standards of the TCEQ's Public Drinking Water Hygiene Rules to portions of the Proposed Service Area.

Admit _____ Deny _____

Cannot admit or deny because: _____

18. Other retail public utilities have been providing retail public water utility service under the standards of the TCEQ's Public Drinking Water Hygiene Rules to portions of the Proposed Service Area.

Admit _____ Deny _____

Cannot admit or deny because: _____

19. Other retail public utilities are capable of providing retail public sewer utility service under the standards of the TCEQ's sewer service rules to portions of the Proposed Service Area.

Admit _____ Deny _____

Cannot admit or deny because: _____

20. Other retail public utilities have been providing retail public water utility service under the standards of the TCEQ's Public Drinking Water Hygiene Rules to portions of the Proposed Service Area as the term "service" is defined in Texas Water Code §13.002(21) -"Service" means any act performed, anything furnished or supplied, and any facilities or lines committed or used by a retail public utility in the performance of its duties under this chapter to its patrons, employees, other retail public utilities, and the public, as well as the interchange of facilities between two or more retail public utilities.

Admit _____ Deny _____

Cannot admit or deny because: _____

21. Other retail public utilities have been providing retail public sewer utility service under the standards of the TCEQ's sewer service rules to portions of the Proposed Service Area as the term "service" is defined in Texas Water Code §13.002(21) -"Service" means any act performed, anything furnished or supplied, and any facilities or lines committed or used by a retail public utility in the performance of its duties under this chapter to its patrons, employees, other retail public utilities, and the public, as well as the interchange of facilities between two or more retail public utilities.

Admit _____ Deny _____

Cannot admit or deny because: _____

22. AquaSource Utility, Inc. is a "regional" retail public water utility as defined on page three of the public policy statements set forth in TCEQ's *The Feasibility of Regionalization*, Water Utilities Programs, Final Draft, August 3, 1999.

Admit _____ Deny _____

Cannot admit or deny because: _____

22. AquaSource Development Company is a "regional" retail public water utility as defined on page three of the public policy statements set forth in TCEQ's *The Feasibility of Regionalization*, Water Utilities Programs, Final Draft, August 3, 1999.

Admit _____ Deny _____

Cannot admit or deny because: _____

23. Hornsby Bend Utility Company, Inc. 22. AquaSource Utility, Inc. is a "regional" retail public water utility as defined on page three of the public policy statements set forth in TCEQ's *The Feasibility of Regionalization*, Water Utilities Programs, Final Draft, August 3, 1999.

Admit _____ Deny _____

Cannot admit or deny because: _____

24. Creedmoor-Maha Water Supply Corporation 22. AquaSource Utility, Inc. is a "regional" retail public water utility as defined on page three of the public policy statements set forth in TCEQ's *The Feasibility of Regionalization*, Water Utilities Programs, Final Draft, August 3, 1999.

Admit _____ Deny _____

Cannot admit or deny because: _____

25. The Lower Colorado River Authority 22. AquaSource Utility, Inc. is a "regional" retail public water utility as defined on page three of the public policy statements set forth in TCEQ's *The Feasibility of Regionalization*, Water Utilities Programs, Final Draft, August 3, 1999.

Admit _____ Deny _____

Cannot admit or deny because: _____

26. AquaSource Utility, Inc. is a "regional" retail public sewer utility as defined on page three of the public policy statements set forth in TCEQ's *The Feasibility of Regionalization*, Water Utilities Programs, Final Draft, August 3, 1999.

Admit _____ Deny _____

Cannot admit or deny because: _____

27. AquaSource Development Company is a "regional" retail public sewer utility as defined on page three of the public policy statements set forth in TCEQ's *The Feasibility of Regionalization*, Water Utilities Programs, Final Draft, August 3, 1999.

Admit _____ Deny _____

Cannot admit or deny because: _____

28. Hornsby Bend Utility Company, Inc. is a "regional" retail public sewer utility as defined on page three of the public policy statements set forth in TCEQ's *The Feasibility of Regionalization*, Water Utilities Programs, Final Draft, August 3, 1999.

Admit _____ Deny _____

Cannot admit or deny because: _____

29. The Lower Colorado River Authority is a "regional" retail public sewer utility as defined on page three of the public policy statements set forth in TCEQ's *The Feasibility of Regionalization*, Water Utilities Programs, Final Draft, August 3, 1999.

Admit _____ Deny _____

Cannot admit or deny because: _____

30. If granted its requested CCN amendment, the City of Austin will have to construct interim steel tankage wastewater treatment plants to serve the outer segments of its Proposed Area until approach mains are constructed to tie those areas to the existing integrated sewer system.

Admit _____ Deny _____

Cannot admit or deny because: _____

31. Assistant City Attorney stated to Creedmoor-Maha WSC General Manager Charles Laws and Aligned Parties' Counsel Mark Zeppa in the presence of City of Austin Water & Wastewater Department Employee Bart Jennings in Mr. Zeppa's law office conference room that, if granted its requested CCN amendment, the City of Austin will have to construct interim steel tankage wastewater treatment plants to serve the outer segments of its Proposed Area until approach mains are constructed to tie those areas to the existing integrated sewer system.

Admit _____ Deny _____

Cannot admit or deny because: _____

32. The City of Austin builds its water systems to industry standards and technologies, for example without limitation, ANSI standards, ASME standards, ASTM standards and AWWA standards.

Admit _____ Deny _____

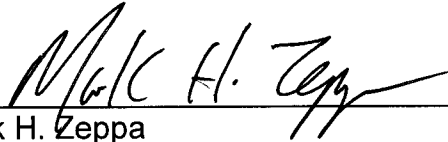
Cannot admit or deny because: _____

33. The City of Austin builds its sewer systems to industry standards and technologies, for example without limitation, ANSI standards, ASME standards, ASTM standards and AWWA standards.

Admit _____ Deny _____

Cannot admit or deny because: _____

Respectfully submitted,

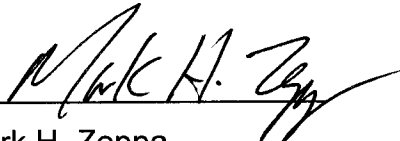


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ATTORNEY FOR AQUASOURCE
UTILITY COMPANY, AQUASOURCE
DEVELOPMENT COMPANY,
CREEDMOOR-MAHA WATER SUPPLY
CORPORATION AND THE CITY OF
MUSTANG RIDGE

CERTIFICATE OF SERVICE

I, Mark H. Zeppa, attorney for AquaSource Utility, Inc., AquaSource Development Company, Creedmoor-Maha WSC and the City of Mustang Ridge in the above-referenced dockets, certify that true and correct copies of the foregoing pleading have been served on the following persons by hand delivery, fax and/or 1st class USPS mail on the 6th day of September, 2002:


Mark H. Zeppa

Mailing List
SOAH Docket No. 582-02-3056
TNRCC Docket No. 2002-0189-UCR

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Representing: Lower Colorado River
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Fax: (512) 435-2360

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Company, Inc.

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Docket Clerk
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Texas On Environmental Quality
Commission
P.O. Box 13087, MC 105
Austin, Texas 78711-3087
Fax: (512) 239-3311

SOAH DOCKET NO. 582-02-3056
TNRCC DOCKET NO. 2002-0189-UCR

IN THE MATTER OF THE	§	BEFORE THE STATE OFFICE
APPLICATIONS OF THE CITY OF	§	
AUSTIN FOR A WATER	§	OF
CERTIFICATE OF CONVENIENCE	§	
AND NECESSITY (NO. 33562-C) AND	§	ADMINISTRATIVE HEARINGS
A WASTEWATER CERTIFICATE OF	§	
CONVENIENCE AND NECESSITY	§	
(NO. 33562-C)	§	
	§	
APPLICATION OF HORNSBY BEND	§	
UTILITY COMPANY TO AMEND	§	
CERTIFICATE OF CONVENIENCE	§	
AND NECESSITY NO. 20650	§	

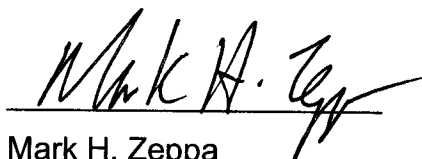
16 MAR 11
11:50 AM
COMMISSION
7/12 AUG 30 PM 4:13
CHIEF CLERK'S OFFICE

THE ALIGNED PARTIES' REQUEST FOR
DISCLOSURE TO THE CITY OF AUSTIN

TO: The City of Austin, by and through their designated representative, Kenneth Ramirez, Bracewell & Patterson, L.L.P., 111 Congress Avenue, Suite 2300, Austin, Texas 78701-4043

Pursuant to Rule 194 of the Texas Rules of Civil Procedure, The City of Austin is requested to disclose within thirty (30) days of service of this request, the information or material described in Rule 194.2.

Respectfully submitted,

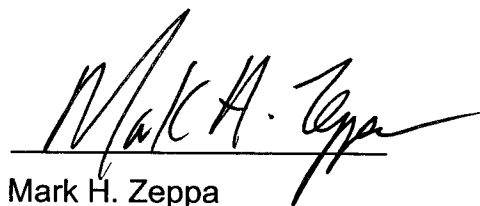


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UTILITY, INC., AQUASOURCE
DEVELOPMENT COMPANY,
CREEDMOOR-MAHA WSC, AND THE
CITY OF MUSTANG RIDGE

CERTIFICATE OF SERVICE

I, Mark H. Zeppa, attorney for AquaSource Utility, Inc., AquaSource Development Company, Creedmoor-Maha WSC and the City of Mustang Ridge in the above-referenced dockets, certify that true and correct copies of the foregoing pleading have been served on the following persons by hand delivery, fax and/or 1st class USPS mail on the 29th day of August, 2002:


Mark H. Zeppa

Mailing List
SOAH Docket No. 582-02-3056
TNRCC Docket No. 2002-0189-UCR

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SOAH Docket No. 582-02-3056
TNRCC Docket No. 2002-0189-UCR

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