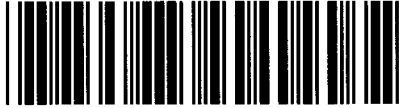


Control Number: 43551



Item Number: 65

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.

Robert J. Huston, *Chairman*
R. B. "Ralph" Marquez, *Commissioner*
Kathleen Hartnett White, *Commissioner*
Jeffrey A. Saitas, *Executive Director*



RECEIVED

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

Protecting Texas by Reducing and Preventing Pollution

2002 OCT 27 AM 10:55
PUBLIC UTILITY COMMISSION
FILING CLERK

September 9, 2002

Kenneth Ramirez
Bracewell & Patterson, LLP
111 Congress, Suite 2300
Austin, Texas 78701

Re: Applications from City of Austin to Obtain a Sewer and Water Certificate of Convenience and Necessity in Travis, Hays & Williamson Counties;
SOAH Docket No. 582-02-3056; TNRCC Docket No. 2002-0189-UCR

2002 SEP -7 PM 4:06
CHIEF CLERKS OFFICE
TEXAS COMMISSION
ON ENVIRONMENTAL
QUALITY

Dear Mr. Ramirez:

Enclosed for filing is the Executive Director's First Response to Requests For Disclosure. Should you have any questions, please feel free to contact me at 512-239-3512.

Sincerely yours,

John E. Deering
Staff Attorney

Enclosures

Mailing List

65

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

IN THE MATTER OF THE
APPLICATIONS OF THE CITY OF
AUSTIN FOR A WATER
CERTIFICATE OF CONVENIENCE
AND NECESSITY (NO. 33562-C) AND
A WASTEWATER CERTIFICATE OF
CONVENIENCE AND NECESSITY
(NO. 33563-C)

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§

BEFORE THE STATE OFFICE
OF
ADMINISTRATIVE HEARINGS

CHIEF CLERKS OFFICE

SEP 11 4:06 PM

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

**THE EXECUTIVE DIRECTOR'S FIRST RESPONSE
TO REQUESTS FOR DISCLOSURE**

TO: CITY OF AUSTIN, BY AND THROUGH ITS ATTORNEY, KENNETH RAMIREZ,
BRACEWELL & PATTERSON L.L.P., 111 CONGRESS, SUITE 2300, AUSTIN,
TEXAS 78701

Comes now, the Executive Director of the Texas Commission on Environmental Quality (the "Executive Director"), by and through a representative of the Commission's Environmental Law Division, and files this First Response to Request for Disclosure to City of Austin ("Austin"), as follows:

I.

REQUEST FOR DISCLOSURE

Pursuant to Texas Rule of Civil Procedure 194, you are requested to disclose the information or material described in Rule 194.2.

- a. The names of the parties are correct to the extent that the Executive Director is aware.
- b. The Executive Director is aware of no other potential parties at this time.
- c. City of Austin and Hornsby Bend seek to amend their respective Certificates of Convenience & Necessity in Travis, Hays and Comal Counties. These applications will be reviewed based upon criteria set forth in the Texas Water Code and the rules in the Texas Administrative Code as promulgated by the TNRCC. According to these criteria, the applicants must meet each of the eight criteria along with a showing that the public will be continually served and accommodated in a convenient and safe manner. The applicants must demonstrate that the certificates are necessary for the service, accommodation, convenience, or safety of the public.

d. Not applicable, as damages are not sought.

e. John E. Deering
Staff Attorney on Case
12100 Park 35 Circle, Bldg. A
Austin, Texas 78753
512-239-1000

Geoffrey P. Kirshbaum
Staff Attorney on Case
12100 Park 35 Circle, Bldg. A
Austin, Texas 78753
512-239-1000

Angela Stepherson
Sr. Attorney for Water Utilities
12100 Park 35 Circle, Bldg. A
Austin, Texas 78753
512-239-1000

Michelle Abrams
Acting Team Leader
Utilities & Districts Section,

Water Supply Division
12100 Park 35 Circle, Bldg. F
Austin, Texas 78753
512-239-1000

Joe Strouse
Team Leader
Utilities & Districts Section,
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12100 Park 35 Circle, Bldg. F
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Mike Howell
Engineer Specialist II
Utilities & Districts Section,
Water Supply Division
12100 Park 35 Circle, Bldg. F
Austin, Texas 78753
512-239-1000

Kamal Adhikari
Engineer Specialist
Utilities & Districts Section,
Water Supply Division
12100 Park 35 Circle, Bldg. F
Austin, Texas 78753
512-239-1000

Doug Holcomb
Section Manager
Utilities & Districts Section,
Water Supply Division
12100 Park 35 Circle, Bldg. F
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Dan Smith
Utilities & Districts Section,
Water Supply Division
12100 Park 35 Circle, Bldg. F
Austin, Texas 78753
512-239-1000

- f. Mr. Mike Howell and Mr. Kamal Adhikari, Engineer Specialists, Utility Certification & Rate Analysis Team, Utilities & Districts Section, Water Supply Division.

The subject matter on which the experts will testify:

The applications by City of Austin and Hornsby Bend Utility Company seek to amend water their respective Certificates of Convenience and Necessity in Travis, Hays and Comal Counties, Texas.

The general substance of the expert's mental impressions and opinions and a brief summary of the basis for them:

City of Austin and Hornsby Bend Utility Company seek to amend their respective Certificates of Convenience & Necessity in Travis, Hays and Comal Counties. Mr. Howell and Mr. Adhikari have reviewed these applications in accordance with the set forth in the Texas Water Code and the rules in the Texas Administrative Code as promulgated by the TNRCC. However, as discovery is on going, a final recommendation can not be made at this time

According to these criteria, the applicants must meet each of the eight criteria along with a showing that the public will be continually served and accommodated in a convenient and safe manner. The applicants must demonstrate that the certificate is necessary for the service, accommodation, convenience, or safety of the public.

- g. None.
- h. The Executive Director has not participated nor is aware of any settlement agreements.
- i. The Executive Director is not aware of any witness statements.
- j. None.

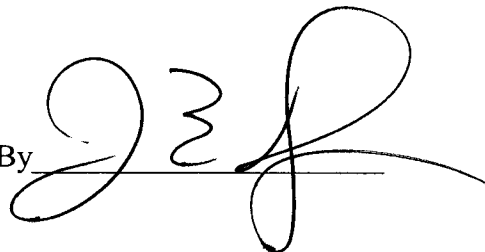
Respectfully Submitted,

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

Jeffrey A. Saitas, P.E.
Executive Director

Stephanie Bergeron, Director
Environmental Law Division

By

A handwritten signature in black ink, appearing to read 'JED', written over a horizontal line.

John E. Deering
Staff Attorney
Environmental Law Division
State Bar of Texas No. 00787347

Geoffrey P. Kirshbaum
Staff Attorney
Environmental Law Division
State Bar of Texas No. 24029665

P.O. Box 13087; MC-173
Austin, Texas 78711-3087
Phone: (512) 239-0600
Fax: (512) 239-0606

CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of August, 2002, a true and correct copy of the foregoing The Executive Director's First Response to Requests For Disclosure was sent by first class mail, agency mail and/or facsimile to all persons on the attached mailing list.



John E. Deering

Mike L. Howell
Utilities & Districts Section
Water Supply Division
Texas Commission on Environmental Quality

Education:

- December 1997 **M.S., Environmental Engineering**
Oklahoma State University, Stillwater, Oklahoma
- December 1989 **B.S., Microbiology**
Oklahoma State University, Stillwater, Oklahoma

Work Experience:

- July 2000-Present **Engineering Specialist**, Texas Commission on Environmental Quality
- Review applications and prepare Certificates of Convenience and Necessity (CCNs)
 - Verify the applicant meets the criteria set forth in the Texas Water Code and the rules in the Texas Administrative Code as promulgated by the TNRCC.
 - Review applications and prepare rate designs for retail public utilities
 - Attend and participate in resolution of contested cases concerning CCNs and rates
 - Provide utility and consumer assistance
- 1998-2000 **Engineering Assistant**, Texas Commission on Environmental Quality
- Perform entry-level engineering work in the field of Public Water Supply regulatory matters
 - Provide technical assistance to the regulated community, Commission staff and the public
 - Reply to exception requests to Public Water Supply design standards
 - Perform quality control of sanitary survey reports submitted by TNRCC Regional field staff
 - Review the technical capability of public water systems that apply for "Superior" status
- 1994-1995 **Field Services Driver**, Accurate Environmental & Laboratory Services, Inc., Stillwater, Oklahoma
- Setup automatic samplers to collect wastewater and sludge samples from industrial and municipal wastewater facilities
 - Inoculated then incubated total coliform plates
- 1993 **Wastewater Treatment Plant Operator**, Stover & Associates (subcontractor for Hoffman LaRoche), Freeport, Texas
- Maintained aerobic biological treatment reactors
 - Collected then analyzed wastewater samples

Kamal Adhikari
Utilities & Districts Section
Water Supply Division
Texas Commission on Environmental Quality

Education:

August 1998

B.S., Mechanical Engineering

Kathmandu University, Dhulikhel, Nepal

Work Experience:

Nov. 1998 - Aug. 2001

Operation & Maintenance Engineer, Manakaman Darshan Pvt. Ltd., (Cable Car Company), Nepal

Nov. 2001- present

Engineering Assistant, Texas Commission on Environmental Quality, Austin, Texas

- Review plans and specifications regarding Public Water System projects
- Review applications and prepare Certificates of Convenience and Necessity (CCNs)
- Verify the applicant meets the criteria set forth in the Texas Water Code and the rules in the Texas Administrative Code as promulgated by the TNRCC.
- Review applications and prepare rate designs for retail public utilities
- Attend and participate in resolution of contested cases concerning CCNs and rates

MAILING LIST
EXECUTIVE DIRECTOR'S FIRST RESPONSE TO
REQUEST FOR DISCLOSURE
SOAH DOCKET NO. 582-02-3056
TNRCC DOCKET NO. 2002-0189-UCR

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111 Congress Avenue, Suite 2300
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Fax: (512) 472-9123

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Assistant City Attorney
City of Austin
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Austin, Texas 78767-1546
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Fax: (512) 974-2912

Representing: City of Austin

Mark Zeppa
Law Offices of Mark H. Zeppa, P.C.
4833 Spicewood Springs Road, Suite 202
Austin, Texas 78759-8436
Fax: (512) 346-6847

Representing: AquaSource Utility, Inc.,
AquaSource Development Company,
Creedmoor-Maha WSC, and City of
Mustang Ridge

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Representing: Hornsby Bend Utility
Company, Inc.

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Bradley Development
The Castle
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Austin, Texas 78703
Fax: (512) 474-6919

Madison Jechow
Lower Colorado River Authority
P.O. Box 220
Austin, Texas 78767-0220
Fax: (512) 473-4010

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Geoffrey P. Kirshbaum, Staff Attorney
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Fax: (512) 239-3311

Representing: Lower Colorado River
Authority

Representing the Executive Director of the
Texas Commission on Environmental
Quality

Representing the Public Interest Counsel of
the Texas Natural Resource
Conservation Commission