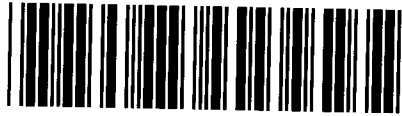


Control Number: 43585



Item Number: 10

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.

43585

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)

APPLICATION OF HORNSBY
BEND UTILITY COMPANY
TO AMEND CERTIFICATE
OF CONVENIENCE AND
NECESSITY NO. 20650

§ BEFORE THE STATE OFFICE
§
§
§ OF
§
§ ADMINISTRATIVE HEARINGS
§
§ BEFORE THE STATE OFFICE
§
§ OF
§ ADMINISTRATIVE HEARINGS

**CITY OF AUSTIN'S FIRST SET OF
INTERROGATORIES TO EXECUTIVE DIRECTOR, TEXAS
NATURAL RESOURCE CONSERVATION COMMISSION**

TO: Executive Director, Texas Natural Resource Conservation Commission, by and through its designated representatives, John Deering and Geoffrey Kirshbaum, Office of Legal Services, P.O. Box 13087 (MC 173), Austin, Texas 78711-3087

Pursuant to Rule 197 of the Texas Rules of Civil Procedure and 1 TAC § 155.31, the City of Austin ("City") requests that the Executive Director of the Texas Natural Resource Conservation Commission ("Executive Director") answer the following Interrogatories, separately and fully, in writing and under oath, and serve the answers on the undersigned counsel within 30 days from the date of service hereof.

FILED
AUG 29 2002
CLERK
TNRCC

DEFINITIONS

1. Document: The term "document" includes, but is not limited to, any papers, books, accounts, personal notes, internal memoranda, emails, notebooks, drawings, graphs, charts, photographs, calendar, report, study, invoice, electronic or video tape recordings, data and data compilations in the possession, custody or control of the Executive Director or which has been, but is no longer, in the Executive Director's possession, custody or control(?). The term "document" also includes data or information in electronic or magnetic form, which is to be produced on IBM formatted diskettes. "Documents" includes drafts, copies (including non-identical copies), reproductions, and marginal or other comments on any document in the possession, custody or control of the Executive Director.

2. Person: The words "person" or "persons" means all natural persons and all entities, including, but not limited to, corporations, associations, companies, partnerships, municipalities, departments, banks, joint ventures, federal, state and local governmental bodies, voluntary or unincorporated associations, ; or any other business or legal entity and all others acting or purporting to act on behalf of such person or entity.

3. You: "You," "your" or "yourself" means the Executive Director and any past or present officers, directors, employees, members, agents, representatives, contractors, experts, consultants or attorneys of the Executive Director and any other person acting on that party's behalf or under that party's control or direction.

4. TNRCC: The terms "TNRCC" and "Commission" refer to the Texas Natural Resource Conservation Commission and its predecessor agencies.

5. Identification: The words "Identify," "Identification," "Identity," "Describe," and "Description" mean:

a. when used with respect to documents, require you to: (a) describe the nature of the document (e.g., letter, memorandum, report, handwritten notes, published book, monograph or article, deed, contract, etc.); (b) provide the full name of its author and all addressees and recipients; (c) provide the date of the document; and (d) state the name, address and telephone number of the custodian of the original of said document, or if a copy is relied upon, then of the custodian of the copy upon which the Executive Director relies;

b. when used with respect to an individual or natural person, require you to state: (a) the name and present or last known business and personal address of such person; (b) the position(s) of employment held by the person at the time to which the question relates and at the present time; (c) the name and address of his or her employer at the time to which the question relates and at the present time; and (d) the present or last known telephone number at which the person may be reached;

c. when used with respect to a corporation or non-natural person, require you to state: (a) its full legal name; its physical address and the address of all its officers; (b) its organizational and legal form; (c) its principal place of business and state of incorporation; (d) its mailing address; and (e) its principal executive official by name and business address;

d. when used in reference to any act, occurrence, communication, occasion, meeting, transaction, or conduct, require you to state: its location, date, the persons participating, present or involved, the substance of any discussion which took place and to identify any document that refers to or evidences the act, occurrence, etc.;

6. Relating to: The term "relating to" means discussing, describing, referring to, reflecting, containing, comprising, constituting, setting forth or concerning, in whole or in part.

7. State: The term "State" refers to the State of Texas and its governmental agencies and representatives including the State Office of Administrative Hearings ("SOAH").

INSTRUCTIONS

a. These requests cover all information and documents in the possession, control, or custody of the Executive Director and any elected officials, officers, directors, employees, agents, representatives, contractors, consultants or attorneys of the Executive Director.

b. If you currently lack information to answer any Interrogatory completely, state:

i the responsive information currently available;

ii the responsive information currently unavailable;

iii the efforts which you intend to make to secure the information currently unavailable; and

iv when you anticipate receiving the information currently unavailable.

c. If anything is deleted from a document produced in response to an Interrogatory, state the reason for the deletion and the subject matter of the deletion.

d. When these Interrogatories call for a document which was, but is no longer, in the possession of the Executive Director, state (1) what disposition was made of such document; (2) the date such disposition was made; (3) who made the decision to so dispose of such documents; (4) the basis for such decision; (5) the identification and description of such document's contents; (6) the present location and custodian of the document; (7) its author; (8) its date; and (9) the purpose for which the document was prepared.

e. If the Executive Director believes that information requested by any of the following Interrogatories is privileged, identify such information, state the privilege asserted, and state the grounds for such privilege, and otherwise comply with Order No. __ in this proceeding.

f. Words used in the plural shall also be taken to mean and include the singular.
Words used in the singular shall also be taken to mean and include the plural.

g. "And" and "or" shall be construed both disjunctively and conjunctively as necessary to make the request inclusive rather than exclusive.

h. "Each" shall be construed to include the word "every," and "every" shall be construed to include the word "each."

i. "Any" shall be construed to include "all," and "all" shall be construed to include "any."

j. The present tense shall be construed to include the past tense, and the past tense shall be construed to include the present tense.

k. These Interrogatories are continuing in nature and must be supplemented pursuant to Rule 193.5 of the Texas Rules of Civil Procedure.

INTERROGATORIES

Interrogatory No. 1:

In the ED's Response to the City of Austin's Motions to Define the Scope of the Hearing and to Consolidate (July 8, 2002), the ED stated that it "agrees with the City of Austin's argument . . . that service extension requests may not be the only legitimate method for demonstrating need for service in the area for which it is requesting a water and a sewer Certificate of Convenience and Necessity ("CCN")." Please describe all methods that the ED considers to be legitimate for demonstrating need for service.

Interrogatory No. 2:

According to the ED's analysis to date, please describe, using easily discernable landmarks such as roads, the areas within the City's requested water service area for which the ED believes that the City has not demonstrated a need for service.

Interrogatory No. 3:

According to the ED's analysis to date, please describe, using easily discernable landmarks such as roads, the areas within the City's requested sewer service area for which the ED believes that the City has not demonstrated a need for service.

Interrogatory No. 4:

Please list the statutes, rules, and/or regulations upon which the ED relies in determining which methods are legitimate methods for demonstrating need for service.

Interrogatory No. 5:

Please explain the reasons why the ED believes that the City has not shown a need for service in the areas listed in the ED's answer to Interrogatory No. 2.

Interrogatory No. 6:

Please explain the reasons why the ED believes that the City has not shown a need for service in the areas listed in the ED's answer to Interrogatory No. 3.

Interrogatory No. 7:

Please list the documents or materials that the ED reviewed to arrive at the opinion expressed in Interrogatory No. 2.

Interrogatory No. 8:

Please list the documents or materials that the ED reviewed to arrive at the opinion expressed in Interrogatory No. 3.

Interrogatory No. 9:

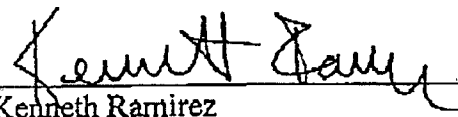
Please list all the specific reason(s), in addition to those expressed in your answers to the above Interrogatories, why the Executive Director opposes the City's water CCN application.

Interrogatory No. 10:

Please list all the specific reason(s), in addition to those expressed in your answers to the above Interrogatories, why the Executive Director opposes the City's sewer CCN application.

Respectfully submitted,

BRACEWELL & PATTERSON, L.L.P.
111 Congress Avenue, Suite 2300
Austin, Texas 78701-4043
Telephone: (512) 472-7800
Facsimile: (512) 472-9123


Kenneth Ramirez
State Bar No. 16502200
Monica Jacobs
State Bar No. 24007433

-and-

Ronnie Jones
State Bar No. 00786003
Assistant City Attorney
City of Austin
P.O. Box 1546
Austin, Texas 78767-1546
Telephone: (512) 974-2568
Facsimile: (512) 974-2912

ATTORNEYS FOR THE CITY OF AUSTIN

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Request has been sent by Facsimile and Regular U.S. Mail, on this 21st day of August, 2002, to the following:

Mark Zeppa
Law Offices of Mark H. Zeppa, P.C.
4833 Spicewood Springs Road, Suite 202
Austin, Texas 78759-8436

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

John J. Carlton
Ambrust, Brown, & Davis, L.L.P.
100 Congress Avenue, Suite 1300
Austin, Texas 78701-3087

Representing: Hornsby Bend Utility
Company, Inc.

John Deering
Geoffrey Kirshbaum
Texas Natural Resource Conservation Commission
P.O. Box 13087, MC-173
Austin, TX 78711-3087

Representing: The Executive Director

Capital Pacific Holdings, LLC
c/o Gary Bradley
Bradley Development
The Castle
1111 West 11th Street
Austin, Texas 78703

Madison Jechow
Lower Colorado River Authority
P.O. Box 220
Austin, Texas 78767-0220

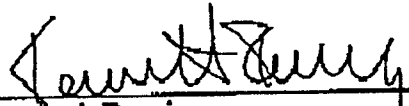
Representing: Lower Colorado River
Authority

Ronald Freeman
Law Offices of Ronald Freeman
2304 Hancock, Suite 6
Austin, Texas 78756

Representing: Lower Colorado River
Authority

Scott Humphrey
Public Interest Counsel
Texas Natural Resource Conservation
Commission
P.O. Box 13087, MC-103
Austin, Texas 78711-3087

Representing: Office of Public Interest
Counsel


Kenneth Ramirez

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)

§ BEFORE THE STATE OFFICE
§
§
§ OF
§
§ ADMINISTRATIVE HEARINGS
§
§
§ BEFORE THE STATE OFFICE
§
§ OF
§ ADMINISTRATIVE HEARINGS

APPLICATION OF HORNSBY
BEND UTILITY COMPANY
TO AMEND CERTIFICATE
OF CONVENIENCE AND
NECESSITY NO. 20650

**CITY OF AUSTIN'S REQUEST FOR PRODUCTION AND REQUEST FOR
ADMISSIONS TO EXECUTIVE DIRECTOR, TEXAS
NATURAL RESOURCE CONSERVATION COMMISSION**

TO: Executive Director, Texas Natural Resource Conservation Commission, by and through its designated representatives, John Deering and Geoffrey Kirshbaum, Office of Legal Services, P.O. Box 13087 (MC 173), Austin, Texas 78711-3087

Pursuant to Rules 196 and 198 of the Texas Rules of Civil Procedure and 1 TAC § 155.31, the City of Austin ("City") submits this Request for Production and Request for Admissions to the Executive Director of the Texas Natural Resource Conservation Commission ("Executive Director"), and requests that the Executive Director produce and permit the City to inspect and copy each of the documents, records, materials, and tangible things designated below. The City requests that production be made at the law offices of Bracewell & Patterson, L.L.P., 111 Congress Avenue, Suite 2300, Austin, Texas 78701, within 30 days of service of this request, or at such other reasonable time, place, and manner agreed to by the parties and/or their respective attorneys in advance of the time for production. Additionally, the City requests that the ED answer the following admissions in writing, under oath, and serve the answers on the undersigned counsel within 30 days from the date of service hereof.

DEFINITIONS

1. Document: The term "document" includes, but is not limited to, any papers, books, accounts, personal notes, internal memoranda, emails, notebooks, drawings, graphs, charts, photographs, calendar, report, study, invoice, electronic or video tape recordings, data and data compilations in the possession, custody or control of the Executive Director or which has been, but is no longer, in the Executive Director's possession, custody or control(?). The term "document" also includes data or information in electronic or magnetic form, which is to be produced on IBM formatted diskettes. "Documents" includes drafts, copies (including non-identical copies), reproductions, and marginal or other comments on any document in the possession, custody or control of the Executive Director.

2. Person: The words "person" or "persons" means all natural persons and all entities, including, but not limited to, corporations, associations, companies, partnerships, municipalities, departments, banks, joint ventures, federal, state and local governmental bodies, voluntary or unincorporated associations, ; or any other business or legal entity and all others acting or purporting to act on behalf of such person or entity.

3. You: "You," "your" or "yourself" means the Executive Director and any past or present officers, directors, employees, members, agents, representatives, contractors, experts, consultants or attorneys of the Executive Director and any other person acting on that party's behalf or under that party's control or direction.

4. TNRCC: The terms "TNRCC" and "Commission" refer to the Texas Natural Resource Conservation Commission and its predecessor agencies.

5. Identification: The words "Identify," "Identification," "Identity," "Describe," and "Description" mean:

a. when used with respect to documents, require you to: (a) describe the nature of the document (e.g., letter, memorandum, report, handwritten notes, published book, monograph or article, deed, contract, etc.); (b) provide the full name of its author and all addressees and recipients; (c) provide the date of the document; and (d) state the name, address and telephone number of the custodian of the original of said document, or if a copy is relied upon, then of the custodian of the copy upon which the Executive Director relies;

b. when used with respect to an individual or natural person, require you to state: (a) the name and present or last known business and personal address of such person; (b) the position(s) of employment held by the person at the time to which the question relates and at the present time; (c) the name and address of his or her employer at the time to which the question relates and at the present time; and (d) the present or last known telephone number at which the person may be reached;

c. when used with respect to a corporation or non-natural person, require you to state: (a) its full legal name; its physical address and the address of all its officers; (b) its organizational and legal form; (c) its principal place of business and state of incorporation; (d) its mailing address; and (e) its principal executive official by name and business address;

d. when used in reference to any act, occurrence, communication, occasion, meeting, transaction, or conduct, require you to state: its location, date, the persons participating, present or involved, the substance of any discussion which took place and to identify any document that refers to or evidences the act, occurrence, etc.;

6. Relating to: The term "relating to" means discussing, describing, referring to, reflecting, containing, comprising, constituting, setting forth or concerning, in whole or in part.

7. State: The term "State" refers to the State of Texas and its governmental agencies and representatives including the State Office of Administrative Hearings ("SOAH").

INSTRUCTIONS

a. These requests cover all information and documents in the possession, control, or custody of the Executive Director and any elected officials, officers, directors, employees, agents, representatives, contractors, consultants or attorneys of the Executive Director.

b. A document with handwritten notes, editing marks, or any other mark that differentiates one otherwise identical copy from another shall not be deemed identical to one without such modifications.

c. Whenever, for purposes of responding to this request for production, a document or group of documents is taken out of a file folder, file drawer, file box, notebook, or other identifiable storage facility or container, please attach thereto a copy of the label on the file folder, file box, notebook, or other identifiable storage facility from which the document or group of documents was removed, or state the text of such label verbatim, and otherwise fully identify each such storage facility by including the date of its creation, the function(s) it serves, the location in which it is maintained, and the manner and frequency with which documents are added thereto. Documents which, when regularly maintained, are stapled, clipped, or otherwise physically attached to other documents are to be produced in their stapled, clipped, or otherwise physically attached form.

d. This request for production and request for admission are to be deemed as continuing requests. If, after your response pursuant to these requests, you later change your answer to an admission or learn of or otherwise come into possession, custody, or control of additional documents called for by this request for production, all such documents are to be

produced and such admission answers amended in accordance with Rule 193.5 of the Texas Rules of Civil Procedure.

e. Document requests containing subparts are to be construed to request all documents that are called for by any one or more subpart.

f. As used herein, the singular includes the plural, and vice versa. The masculine includes the feminine and neuter genders. The past tense includes the present tense where the clear meaning is not distorted by change of tense.

General terms following items of specific description are not limited to the same class as those specifically described and are to be afforded their broadest definition.

REQUESTS FOR PRODUCTION

Request for Production No. 1:

Please provide all documents listed in your answer to Interrogatory No. 4.

Request for Production No. 2:

Please provide all documents listed in your answer to Interrogatory No. 7.

Request for Production No. 3:

Please provide all documents listed in your answer to Interrogatory No. 8.

Request for Production No. 4:

Please provide copies of all documents, reports, correspondence, e-mails, meeting notes, etc., created or reviewed by TNRCC staff regarding the City's CCN applications.

Request for Production No. 5:

Please provide any other documents that are related to your answers to Interrogatories Nos. 1 through 10.

REQUESTS FOR ADMISSION

Request for Admission No. 1:

There are no applicable statutes, rules, or regulations specifying the manner in which need for service must be demonstrated in order to obtain a certificate of convenience and necessity ("CCN").

Request for Admission No. 2:

The City may demonstrate need for service by either service extension requests or by a combination of service extension requests and population and growth projections in the proposed service areas.

Request for Admission No. 3:

The materials in the City's water and sewer CCN applications and its response to the ED's March 6, 2002 request for information demonstrate a need for service in the areas identified in the City's CCN applications.

Request for Admission No. 4:

The ED has no information that contradicts or negates the information provided by the City concerning the need for service in the proposed areas.

Request for Admission No. 5:

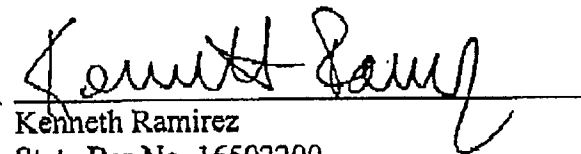
The ED's only basis for opposing the City's CCN applications is its assessment of the City's demonstration of the need for service in certain areas within the City's proposed service areas.

Request for Admission No. 6:

In the ED's opinion, the City has met all other statutory and regulatory criteria, other than the demonstration of the need for service in certain areas within the City's proposed service areas, for the granting of the requested CCNs to the City.

Respectfully submitted,

BRACEWELL & PATTERSON, L.L.P.
111 Congress Avenue, Suite 2300
Austin, Texas 78701-4043
Telephone: (512) 472-7800
Facsimile: (512) 472-9123


Kenneth Ramirez
State Bar No. 16502200
Monica Jacobs
State Bar No. 24007433

-and-

Ronnie Jones
State Bar No. 00786003
Assistant City Attorney
City of Austin
P.O. Box 1546
Austin, Texas 78767-1546
Telephone: (512) 974-2568
Facsimile: (512) 974-2912

ATTORNEYS FOR THE CITY OF AUSTIN

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Requests has been sent by Facsimile and Regular U.S. Mail, on this 21st day of August, 2002, to the following:

Mark Zeppa
Law Offices of Mark H. Zeppa, P.C.
4833 Spicewood Springs Road, Suite 202
Austin, Texas 78759-8436

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

John J. Carlton
Ambrust, Brown, & Davis, L.L.P.
100 Congress Avenue, Suite 1300
Austin, Texas 78701-3087

Representing: Hornsby Bend Utility
Company, Inc.

John Deering
Geoffrey Kirshbaum
Texas Natural Resource Conservation Commission
P.O. Box 13087, MC-173
Austin, TX 78711-3087

Representing: The Executive Director

Capital Pacific Holdings, LLC
c/o Gary Bradley
Bradley Development
The Castle
1111 West 11th Street
Austin, Texas 78703

Madison Jechow
Lower Colorado River Authority
P.O. Box 220
Austin, Texas 78767-0220

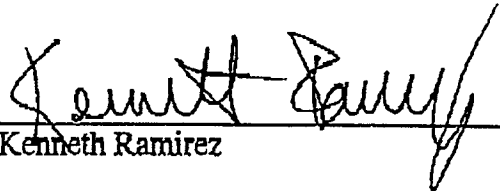
Representing: Lower Colorado River
Authority

Ronald Freeman
Law Offices of Ronald Freeman
2304 Hancock, Suite 6
Austin, Texas 78756

Representing: Lower Colorado River
Authority

Scott Humphrey
Public Interest Counsel
Texas Natural Resource Conservation
Commission
P.O. Box 13087, MC-103
Austin, Texas 78711-3087

Representing: Office of Public Interest
Counsel


Kenneth Ramirez

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)

§ BEFORE THE STATE OFFICE
§
§
§ OF
§
§
§ ADMINISTRATIVE HEARINGS
§
§
§ BEFORE THE STATE OFFICE
§
§ OF
§
§ ADMINISTRATIVE HEARINGS

APPLICATION OF HORNSBY
BEND UTILITY COMPANY
TO AMEND CERTIFICATE
OF CONVENIENCE AND
NECESSITY NO. 20650

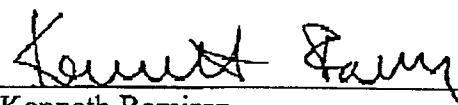
**CITY OF AUSTIN'S REQUEST FOR
DISCLOSURE TO THE ALIGNED PARTIES**

TO: The Aligned Parties, by and through their designated representative, Mark Zeppa, Law Offices of Mark Zeppa, P.C., 4833 Spicewood Springs Road, Suite 202, Austin, Texas 78759-8436

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

Respectfully submitted,

BRACEWELL & PATTERSON, L.L.P.
111 Congress Avenue, Suite 2300
Austin, Texas 78701-4043
Telephone: (512) 472-7800
Facsimile: (512) 472-9123



Kenneth Ramirez
State Bar No. 16502200
Monica Jacobs
State Bar No. 24007433

-and-

Ronnie Jones
State Bar No. 00786003
Assistant City Attorney
City of Austin
P.O. Box 1546
Austin, Texas 78767-1546
Telephone: (512) 974-2568
Facsimile: (512) 974-2912

ATTORNEYS FOR THE CITY OF AUSTIN

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Requests has been sent by Facsimile and Regular U.S. Mail, on this 21st day of August, 2002, to the following:

Mark Zeppa
Law Offices of Mark H. Zeppa, P.C.
4833 Spicewood Springs Road, Suite 202
Austin, Texas 78759-8436

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

John J. Carlton
Ambrust, Brown, & Davis, L.L.P.
100 Congress Avenue, Suite 1300
Austin, Texas 78701-3087

Representing: Hornsby Bend Utility
Company, Inc.

John Deering
Geoffrey Kirshbaum
Texas Natural Resource Conservation Commission
P.O. Box 13087, MC-173
Austin, TX 78711-3087

Representing: The Executive Director

Capital Pacific Holdings, LLC
c/o Gary Bradley
Bradley Development
The Castle
1111 West 11th Street
Austin, Texas 78703

Madison Jechow
Lower Colorado River Authority
P.O. Box 220
Austin, Texas 78767-0220

Representing: Lower Colorado River
Authority

Ronald Freeman
Law Offices of Ronald Freeman
2304 Hancock, Suite 6
Austin, Texas 78756

Representing: Lower Colorado River
Authority

Scott Humphrey
Public Interest Counsel
Texas Natural Resource Conservation
Commission
P.O. Box 13087, MC-103
Austin, Texas 78711-3087

Representing: Office of Public Interest
Counsel



Kenneth Ramirez

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	§	
CERTIFICATE OF CONVENIENCE	§	OF
AND NECESSITY (NO. 33562-C) AND	§	
A WASTEWATER CERTIFICATE OF	§	
CONVENIENCE AND NECESSITY	§	ADMINISTRATIVE HEARINGS
(NO. 33563-C)	§	
APPLICATION OF HORNSBY	§	
BEND UTILITY COMPANY	§	BEFORE THE STATE OFFICE
TO AMEND CERTIFICATE	§	
OF CONVENIENCE AND	§	OF
NECESSITY NO. 20650	§	ADMINISTRATIVE HEARINGS

**CITY OF AUSTIN'S REQUEST FOR
DISCLOSURE TO CAPITAL PACIFIC HOLDINGS, LLC**

TO: Capital Pacific Holdings, LLC, by and through its representative, Gary Bradley, Bradley Development, The Castle, 1111 West 11th Street, Austin, Texas 78703

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

Respectfully submitted,

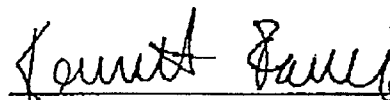
BRACEWELL & PATTERSON, L.L.P.

111 Congress Avenue, Suite 2300

Austin, Texas 78701-4043

Telephone: (512) 472-7800

Facsimile: (512) 472-9123



Kenneth Ramirez

State Bar No. 16502200

Monica Jacobs

State Bar No. 24007433

-and-

Ronnie Jones

State Bar No. 00786003

Assistant City Attorney

City of Austin

P.O. Box 1546

Austin, Texas 78767-1546

Telephone: (512) 974-2568

Facsimile: (512) 974-2912

ATTORNEYS FOR THE CITY OF AUSTIN

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Request has been sent by Facsimile and Regular U.S. Mail, on this 21st day of August, 2002, to the following:

Mark Zeppa
Law Offices of Mark H. Zeppa, P.C.
4833 Spicewood Springs Road, Suite 202
Austin, Texas 78759-8436

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

John J. Carlton
Ambrust, Brown, & Davis, L.L.P.
100 Congress Avenue, Suite 1300
Austin, Texas 78701-3087

Representing: Hornsby Bend Utility
Company, Inc.

John Deering
Geoffrey Kirshbaum
Texas Natural Resource Conservation Commission
P.O. Box 13087, MC-173
Austin, TX 78711-3087

Representing: The Executive Director

Capital Pacific Holdings, LLC
c/o Gary Bradley
Bradley Development
The Castle
1111 West 11th Street
Austin, Texas 78703

Madison Jechow
Lower Colorado River Authority
P.O. Box 220
Austin, Texas 78767-0220

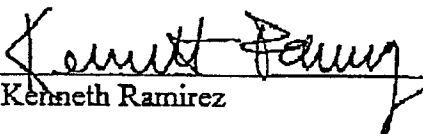
Representing: Lower Colorado River
Authority

Ronald Freeman
Law Offices of Ronald Freeman
2304 Hancock, Suite 6
Austin, Texas 78756

Representing: Lower Colorado River
Authority

Scott Humphrey
Public Interest Counsel
Texas Natural Resource Conservation
Commission
P.O. Box 13087, MC-103
Austin, Texas 78711-3087

Representing: Office of Public Interest
Counsel


Kenneth Ramirez

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	§	
CERTIFICATE OF CONVENIENCE	§	OF
AND NECESSITY (NO. 33562-C) AND	§	
A WASTEWATER CERTIFICATE OF	§	
CONVENIENCE AND NECESSITY	§	ADMINISTRATIVE HEARINGS
(NO. 33563-C)	§	
	§	
APPLICATION OF HORNSBY	§	BEFORE THE STATE OFFICE
BEND UTILITY COMPANY	§	
TO AMEND CERTIFICATE	§	OF
OF CONVENIENCE AND	§	
NECESSITY NO. 20650	§	ADMINISTRATIVE HEARINGS

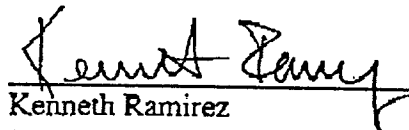
**CITY OF AUSTIN'S REQUEST FOR DISCLOSURE
TO THE LOWER COLORADO RIVER AUTHORITY**

TO: The Lower Colorado River Authority, by and through its designated representatives, Madison Jechow, Lower Colorado River Authority, P.O. Box 220, Austin, Texas 78767-0220 and Ronald Freeman, Law Offices of Ronald Freeman, 2304 Hancock, Suite 6, Austin, Texas 78756

Pursuant to Rule 194 of the Texas Rules of Civil Procedure, the Lower Colorado River Authority ("LCRA") is requested to disclose within thirty (30) days of service of this request, the information or material described in Rule 194.2.

Respectfully submitted,

BRACEWELL & PATTERSON, L.L.P.
111 Congress Avenue, Suite 2300
Austin, Texas 78701-4043
Telephone: (512) 472-7800
Facsimile: (512) 472-9123



Kenneth Ramirez
State Bar No. 16502200
Monica Jacobs
State Bar No. 24007433

-and-

Ronnie Jones
State Bar No. 00786003
Assistant City Attorney
City of Austin
P.O. Box 1546
Austin, Texas 78767-1546
Telephone: (512) 974-2568
Facsimile: (512) 974-2912

ATTORNEYS FOR THE CITY OF AUSTIN

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Request has been sent by Facsimile and Regular U.S. Mail, on this 21st day of August, 2002, to the following:

Mark Zeppa
Law Offices of Mark H. Zeppa, P.C.
4833 Spicewood Springs Road, Suite 202
Austin, Texas 78759-8436

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

John J. Carlton
Ambrust, Brown, & Davis, L.L.P.
100 Congress Avenue, Suite 1300
Austin, Texas 78701-3087

Representing: Hornsby Bend Utility
Company, Inc.

John Deering
Geoffrey Kirshbaum
Texas Natural Resource Conservation Commission
P.O. Box 13087, MC-173
Austin, TX 78711-3087

Representing: The Executive Director

Capital Pacific Holdings, LLC
c/o Gary Bradley
Bradley Development
The Castle
1111 West 11th Street
Austin, Texas 78703

Madison Jechow
Lower Colorado River Authority
P.O. Box 220
Austin, Texas 78767-0220

Representing: Lower Colorado River
Authority

Ronald Freeman
Law Offices of Ronald Freeman
2304 Hancock, Suite 6
Austin, Texas 78756

Representing: Lower Colorado River
Authority

Scott Humphrey
Public Interest Counsel
Texas Natural Resource Conservation
Commission
P.O. Box 13087, MC-103
Austin, Texas 78711-3087

Representing: Office of Public Interest
Counsel


Kenneth Ramirez



111 Congress Avenue, Suite 2300
Austin, Texas 78701-4043
Phone: 512.472.7800
Toll Free: 800.472.1401

Fax Cover Letter

Please deliver the following pages to	Mark Zeppa	346-6847
	John Carlton	435-2360
	Ronald Freeman	453-0865
	Gary Bradley	474-6919
	John Deering/Geoffrey Kirshbaum	239-0626
	Madison Jechow	473-4010
	Scott Humphrey	239-6377

This fax is from Kenneth Ramirez

and is being transmitted on August 21, 2002 at PM. The length of this fax, (including the cover letter), is pages. (Client/Matter #: 016928.000013)

The fax machine number is 512.472.9123. If you do not receive all pages, please call 512.472.7800.

Message

CONFIDENTIALITY NOTICE:

This fax from the law firm of Bracewell & Patterson, L.L.P. contains information that is confidential or privileged, or both. This information is intended only for the use of the individual or entity named on this fax cover letter. Any disclosure, copying, distribution or use of this information by any person other than the intended recipient is prohibited. If you have received this fax in error, please notify us by telephone immediately at 512.472.7800 so that we can arrange for the retrieval of the transmitted documents at no cost to you.



111 Congress Avenue, Suite 2300
Austin, Texas 78701-4043
Phone: 512.472.7800
Toll Free: 800.472.1401

Fax Cover Letter

Please deliver the following pages to	Chris Lippe/Bart Jennings	972-0111
	Andy Covar	972-0168
	Ronnie Jones	974-2912

This fax is from Kenneth Ramirez
and is being transmitted on August 21, 2002 at PM. The length of this fax, (including the cover letter),
is pages. (Client/Matter #: 016928.000013)

The fax machine number is 512.472.9123. If you do not receive all pages, please call 512.472.7800.

Message

CONFIDENTIALITY NOTICE:

This fax from the law firm of Bracewell & Patterson, L.L.P. contains information that is confidential or privileged, or both. This information is intended only for the use of the individual or entity named on this fax cover letter. Any disclosure, copying, distribution or use of this information by any person other than the intended recipient is prohibited. If you have received this fax in error, please notify us by telephone immediately at 512.472.7800 so that we can arrange for the retrieval of the transmitted documents at no cost to you.