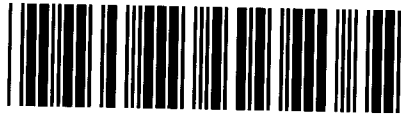


Control Number: 43585



Item Number: 13

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.

**LAW OFFICES OF
RONALD J. FREEMAN**

PHONE (512) 451-6689
FAX (512) 453-0865

2304 Hancock, Suite 6
Austin, Texas 78701

43585
e-mail TXWATERRES@aol.com
(512) 797-6649 MOBILE

September 20, 2002

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SEP 23 2002

TEXAS NATURAL RESOURCE
CONSERVATION COMMISSION
UTILITIES AND DISTRICTS

Ms. LaDonna Castañuela
Chief Clerk
TCEQ
PO Box 13087
Austin TX 78711-3087

Re: SOAH Docket No. 582-02-3056; TCEQ Docket No. 2002-0189-UCR; Application from City of Austin to Obtain a Water Certificate of Convenience and Necessity (CCN) in Travis, Hays and Williamson Counties; Application No. 33562-C

SOAH Docket No. 582-02-3056; TCEQ Docket No. 2002-0189 UCR; Application from City of Austin to Obtain a Sewer Certificate of Convenience and Necessity (CCN) in Travis, Hays and Williamson Counties; Application No. 33563-C

Dear Ms. Castañuela:

Enclosed for filing in the above-referenced matter is the Lower Colorado River Authority's Response to the City of Austin's Request for Disclosure in the above-referenced docket. Copies are being sent to all parties of record as per the attached Certificate of Service.

Very truly yours,



Ronald J. Freeman

RJF/jjs
Enclosure

cc: All parties of record per attached Certificate of Service

2002 OCT 29 AM 11:03
TCEQ
CLERK

**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-S)	§ § § § § § § §	BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS
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**THE LOWER COLORADO RIVER AUTHORITY'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 Lower Colorado River Authority, by and through its undersigned attorney, and files this First Response to City of Austin's Request for Disclosure to the Lower Colorado River Authority, as follows:

DISCLOSURES

Pursuant to Texas Rule of Civil Procedure 194, the Lower Colorado River Authority discloses the following information described in Rule 194.2:

- a) The names of the parties are correct to the extent that the Lower Colorado River Authority is aware.
- b) The Lower Colorado River Authority is aware of no other potential parties at this time.
- c) The Lower Colorado River Authority has been negotiating an agreement with the Creedmoor-Maha Water Supply Corporation to acquire a portion of the certificated water service area of the Creedmoor-Maha WSC. Some of the areas that LCRA has been negotiating to acquire from CMWSC are areas for which CMWSC has requested a water CCN, which request Austin has disputed. A decision on CMWSC's request is pending in TNRCC Docket No. 2000-0018-UCR (SOAH Docket No. 582-00-0546). In the meantime, Austin has submitted an application for those same areas to be included in its water CCN in this docket. In addition to its interest in this dispute over proposed water CCN

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**TEXAS NATURAL RESOURCE
CONSERVATION COMMISSION
UTILITIES AND DISTRICTS**

areas, LCRA also is opposed to the City of Austin receiving a wastewater CCN in the same water service areas that LCRA intends to acquire from CMWSC. LCRA is equally if not more qualified to provide wastewater services in these areas and has been requested to do so by CMWSC. In the event LCRA acquires the water service areas from CMWSC, utility customers in these areas will be better served by receiving water and wastewater utility services in combination from a single provider or from a wastewater provider which has an agreement with the water service provider to co-ordinate those services.

- d) Not applicable, as damages are not sought.
- e) Joe Beal, P.E., General Manager, LCRA, P.O. Box 220 mail stop H107, Austin, TX 78767-0220, 512-473-3200

Jesus Garza, Deputy General Manager, LCRA, P.O. Box 220 mail stop H107, Austin, TX 78767-0220, 512-473-3200

Randy J. Goss, P.E., Executive Manager, LCRA Water and Wastewater Utility Services, P.O. Box 220, mail stop H200, Austin, TX 78767-0220, 512-473-3200

Brent Covert, Utility Development Coordinator, LCRA Water and Wastewater Utility Services, P.O. Box 220, mail stop H200, Austin, TX 78767-0220, 512-473-3200, representative generally involved in dealings with Creedmoor-Maha Water Supply Corporation

Janet Stephenson, Customer Rates/Financial Analysis, LCRA, P.O. Box 220, mail stop H200, Austin, TX 78767-0220, 512-473-3200

Madison Jechow, Associate General Counsel, LCRA, P.O. Box 220, mail stop H424, Austin, TX 78767-0220, 512-473-3200, attorney generally representing LCRA Water and Wastewater Utility Services

Ronald J. Freeman, Freeman & Corbett, L.L.P., 2304 Hancock, Suite 6, Austin, Texas 78756, 512-451-6689, attorney representing LCRA in this matter and in dealings with Creedmoor-Maha Water Supply Corporation

Bill West, Fred Blumberg, and Debbie Magin, Guadalupe-Blanco River Authority, 933 E. Court Street, Seguin, TX 78155, 830 379-5822, applicants for wastewater plant permit in area subject of this dispute

Gary Bradley, Bradley Development, 1111 West 11th, Austin, TX 78703, 480-9821, owner of property interests in area subject of this dispute

W.P. Stromberg, Alton B. Laws, and Charles Laws, Creedmore-Maha Water Supply Corporation, 1699 Laws Road, Buda, TX 78610, water service provider in area subject of this dispute

- f) David Malisch, P.E., Murfee Engineering Co., 1101 Capital of Texas Highway, South, Building D, Austin, TX 78746; 512-327-9204. Mr. Malisch will testify regarding engineering options for provision of water and wastewater service in certain areas lying within the existing and proposed water CCN of the Creedmoor-Maha WSC, and how options for service by the LCRA compare to options for service from City of Austin. The general substance of Mr. Malisch's mental impressions and opinions will be developed as discovery regarding Austin's plans for providing service in the area is obtained. Mr. Malisch has been retained by the LCRA. Documents reviewed by Mr. Malisch include: application for wastewater discharge permit no. 14377-001, filed by the Guadalupe-Blanco River Authority with the Texas Natural Resource Conservation Commission and declared to be administratively complete on July 31, 2002; this list will be supplemented as discovery regarding Austin's plans for providing wastewater service in the area is obtained. A copy of Mr. Malisch's resume is attached.

Randy J. Goss, P.E., Executive Manager, LCRA Water and Wastewater Utility Services, P.O. Box 220, mail stop H200, Austin, TX 78767-0220, 512-473-3200. Mr. Goss will testify regarding engineering options for provision of water and wastewater service in certain areas lying within the existing and proposed water CCN of the Creedmoor-Maha WSC, and how options for service by the LCRA compare to options for service from City of Austin. The general substance of Mr. Goss' mental impressions and opinions will be developed as discovery regarding Austin's plans for providing service in the area is obtained. Mr. Goss is employed by the LCRA. A list of documents reviewed by Mr. Goss will be supplemented as discovery regarding Austin's plans for providing service in the area is obtained. A copy of Mr. Goss' resume is attached.

Janet Stephenson, Customer Rates/Financial Analysis, LCRA, P.O. Box 220, mail stop H200, Austin, TX 78767-0220, 512-473-3200. Ms. Stephenson will testify regarding financing options for provision of water and wastewater service in certain areas lying within the existing and proposed water CCN of the Creedmoor-Maha WSC, and how options for service by the LCRA compare to options for service from City of Austin. The general substance of Ms. Stephenson's mental impressions and opinions will be developed as discovery regarding Austin's plans for providing service in the area is obtained. Ms. Stephenson is employed by the LCRA. A list of documents reviewed by Ms. Stephenson will be supplemented as discovery regarding Austin's plans for providing service in the area is obtained. A copy of Ms. Stephenson's resume is attached.

g) None.

h) None.

- i) The LCRA is not aware of any witness statements.
- j) Not applicable.
- k) Not applicable.

Respectfully Submitted,

LOWER COLORADO RIVER AUTHORITY

By: Ronald J. Freeman

Ronald J. Freeman
Freeman & Corbett, L.L.P.
2304 Hancock, Suite 6
Austin, Texas 78756
Ph: (512) 451-6689
Fax: (512) 453-0865
State Bar No. 07430500

Madison Jechow
Associate General Counsel
Lower Colorado River Authority
P.O. Box 220 – H424
Austin, Texas 78767-0220
Ph: (512) 473-4067
Fax: (512) 473-4010
State Bar No. 007843333

CERTIFICATE OF SERVICE
Mailing List
SOAH DOCKET NO. 582-02-3056
TNRCC DOCKET NO. 2002-0189-UCR

I hereby certify that a true and correct copy of the above and foregoing instrument was served via fax and U.S. Mail on this the 20th day of September, 2002, to the following:

Monica Jacobs
Barry R. McBee
Bracewell & Patterson, L.L.P.
111 Congress Ave., Suite 2300
Austin, Texas 78701-4043

Representing the City of Austin

Chris Lippe, P.E., Director
Bart Jennings
City of Austin
Assistant City Attorney
P.O. Box 1546
Austin, Texas 78767-1546

Ronnie Jones
City of Austin
Assistant City Attorney
P.O. Box 1546
Austin, Texas 78767-1546

Mark Zeppa
Attorney at Law
4833 Spicewood Springs Road
Suite 202
Austin, Texas 78759

Representing Aquasource, Inc.,
Aquasource Development Company, and
Creedmoor-Maha Water Supply
Corporation

John J. Carlton
Armbrust, Brown & Davis, L.L.P.
100 Congress
Suite 1300
Austin, Texas 78701-2744

Representing Hornsby Bend

Gary Bradley
Bradley Development
The Castle
1111 West 11th Street
Austin, Texas 78703

Natural Resources Docket Clerk
State Office of Administrative Hearings
P.O. Box 13025
Austin, Texas 78711-3025

John Deering, Staff Attorney
Office of Legal Services (MC 173)

Geoffrey P. Kirshbaum, Staff Attorney
Office of Legal Services (MC 173)
TCEQ
P.O. Box 13087
Austin, Texas 78711-3087

Texas Commission on Environmental
Quality
P.O. Box 13087
Austin, Texas 78711-3087

Mike Howell, Staff Engineer
Utility Rates and Services (MC 153)

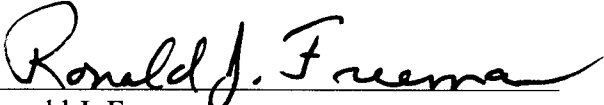
Isaac Jackson, Intergovernmental Relations
(MC 119)

Blas Coy
Office of Public Interest Counsel (MC 103)

Andy Saenz, Agency Communications
Media Relations (MC 118)

Casey Vise, Office of Public Assistance
(MC 108)

Dell Sites, Support Services
Telecommunications (MC 217)


Ronald J. Freeman

DAVID MALISH, P.E.**EDUCATION:**

Bachelor of Science, Civil Engineering (1973)
University of Texas at Austin

Master of Science, Environmental health Engineering (1975)
University of Texas at Austin

REGISTRATIONS:

Registered Professional Engineer – Texas #47577
Registered Professional Engineer – New Mexico #13018
Registered Professional Engineer – Mississippi #15012
Registered Professional Engineer – Colorado #36007
Registered Professional Engineer – Georgia #027249

PROFESSIONAL AFFILIATIONS:

Member, National Society of Professional Engineers
Member, American Society of Civil Engineers
Water Environment Federation
American Water Works Association
Member, Association of Water Board Directors
Member, Central Texas Association of Utility Districts
City of Austin Water and Wastewater Commission (1990-1994)

RELEVANT U.S. GOVERNMENT ASSIGNMENTS:

Researched corrosion experienced in potable water systems for U.S. Environmental Protection Agency and co-authored Corrosion Prevention and Control in Water Treatment & Supply Systems, Pollution Technology Review No. 122, Noyes Publications, 1985.

Served as technical ambassador on behalf of U.S. Environmental Protection Agency to visit and review wastewater treatment technology in northern Europe specifically for heavy metals removal for technology importation to U.S.

ENGINEERING WORK HISTORY:

1982- Present:	Murfee Engineering Company - Austin, Texas Vice President
1978-1982:	Sumx Corporation - Austin, Texas Partner/Design Engineer
1975 – 1978:	Radian Corporation - Austin, Texas Regional and Design Engineer Assistant
Summer 1973:	Freese & Nichols Consulting Engineers - Fort Worth, Texas Design Engineer in Training

RANDY J. GOSS

3901 Pebble Path
Austin, Texas 78731
Office: (512) 473-3589
Home: (512) 345-5144
randy.goss@lcra.org

**AREAS OF EXPERTISE****Professional/Technical**

Water/Wastewater Systems
Operation, Maintenance

Management

Executive Management
Strategic Planning
Performance Improvement

Financial

Water/Wastewater Rates Design
and Cost of Service
Retirement System Operations

PROFESSIONAL HIGHLIGHTS

More than 27 years of experience in managing aspects of water and wastewater operation, maintenance, planning, engineering, construction, rates and financing. Served as director of the City of Austin Water and Wastewater Utility for more than 10 years, where he successfully implemented a number of programs and plans to ensure protection of the public health and the environment. Successfully implemented the Strategic Business Planning Process and the Total Quality Management initiatives at the City of Austin utility.

RECOGNITIONS / APPOINTMENTS / HONORS / AWARDS

Registered Professional Engineer – State of Texas
Appointed to the Senate Bill 1 Lower Colorado River Authority Regional Water Planning Group Board –
representing municipalities
Recipient of the 1997 George W. Fuller Award from the American Water Works Association (AWWA)
Elected to represent the Texas Section of AWWA on the National AWWA Board of Directors (1996 – 1999)
Past President – Texas Association of Municipal Sewage Agencies (1992)
Distinguished Service Award – Texas Municipal Utilities Association
Appointed as Board Trustee – Austin Employee Retirement System (1995 – 2000)
Utility received Merit Award -- Austin Quality Forum (1993 and 1996)
Utility received state, regional and national EPA awards for environmental excellence in operation
and maintenance of water/wastewater systems.

AFFILIATIONS / COMMUNITY SERVICE

American Water Works Association
Water Environment Federation
Texas Water Utility Association

Texas Municipal Utility Association
Texas Water Conservation Association
Capitol Area Boy Scouts
Grace Covenant Church – Support Services

EDUCATION

SOUTHERN METHODIST UNIVERSITY
Master of Business Administration

SOUTHERN METHODIST UNIVERSITY
Bachelor of Science in Civil Engineering

CURRENT WORK PROFILE

- Executive manager of Water and Wastewater Utilities including management and direction of system operation and maintenance for 21 water and wastewater systems; planning, engineering design, construction oversight, and financial analysis and rate design for those systems; marketing of services; and acquisitions of new facilities including development of financial performas; and implementation of water conservation and reuse programs.
- Serve on corporatewide committee/boards including the Business and Information Technology Alignment Team, the Diversity Supplier Advisory Team, and the LCRA Retirement System Board.

ACCOMPLISHMENTS WITH LCRA SINCE 2000

- Implemented reorganization to transition the water and wastewater to a stand-alone line of business.
- Implemented customer service section within the Water and Wastewater Utility Services to accommodate the retail side of the business.
- Continuing to grow the utility business with increases in the number of systems acquired and the amount of assets.
- Initiated long-range planning process to develop plans for regional system growth and to provide adequate service for that growth, including meeting of future regulations.

WORK HISTORY

Lower Colorado River Authority	2000 – Present
Executive Manager of Water and Wastewater Utility Services	
City of Austin, Texas	1989 – 2000
Director of Water/Wastewater Utilities	
City of Dallas, Texas	1974 – 1989
Various positions in area of engineering, planning, construction, and operations for both water and wastewater systems.	