

1 Q. Okay. And which application was that?

2 A. The Bulverde application was for a large
3 area.

4 Q. How large was that?

5 A. It was the western portion of Comal County.

6 Q. What was the outcome of that case?

7 A. We're still waiting on a response from the
8 SOAH judge, and we're also waiting for a response
9 from the SOAH judge on the Bexar Met application.

10 Q. And those two were combined?

11 A. Yes.

12 Q. What do you -- what is your opinion
13 regarding planning for proposed facilities? Do you
14 regard that as a -- as a good thing?

15 A. Yes.

16 Q. Okay. Would you agree with me that
17 developing long-term plans regarding the sizing and
18 placement of infrastructure is important for optimum
19 service on an area?

20 A. Yes.

21 Q. Okay. Do you agree that that is a
22 responsibility -- that -- that planning for the --
23 the health, safety and welfare of its citizens is a
24 responsibility of the municipality with respect to
25 its ETJ?

1 A. Repeat the question, please.

2 Q. Would you agree with me that a municipality
3 has a responsibility with respect to its citizens
4 and its surrounding ETJ to plan adequately for the
5 health, safety and welfare of the citizens in those
6 areas?

7 A. Yes.

8 Q. Okay. Let me ask you about -- do you want
9 another break?

10 A. No.

11 Q. Okay. Were you involved at all in the City
12 of Fort Worth case?

13 A. No, I was not.

14 Q. Okay. Have you discussed that case with
15 anyone?

16 A. I talked to Victoria a little bit about it.
17 She was the person processing the application.

18 Q. Okay. What, if anything, did she tell you
19 about that case?

20 A. The agency protested that application
21 because it was a huge area and they did not
22 demonstrate need for service in large portions of
23 the proposed area, so the agency and Fort Worth came
24 to an agreement to reduce the -- the area that Fort
25 Worth proposed to serve.

1 Q. Okay. What kind of evidence -- do you know
2 what kind of evidence of need Fort Worth put forth
3 in that case?

4 A. I believe they had request for service from
5 potential customers, request for service from
6 developers.

7 Q. Uh-huh.

8 A. And I can't recall the other items.

9 Q. Okay. Okay. How did you -- in reaching
10 that -- I shouldn't say "you."

11 Are you aware of how Victoria Harkins
12 and -- well, are you aware of how she made the
13 determination regarding which areas should be
14 eliminated from Fort Worth's application? Like
15 what?

16 A. I do not know how she did that.

17 Q. Okay. Are you -- is it correct that you
18 have to leave at noon?

19 A. Yes.

20 Q. Okay.

21 MR. JENNINGS: You have to be
22 somewhere at noon or you have to leave at noon.

23 THE WITNESS: I have to leave at noon.

24 MS. JACOBS: I was going to say,
25 you're in trouble.

1 Q. (BY MS. JACOBS) Okay. Are you aware of
2 the case involving Creedmore-Maha and the City of
3 Austin that was tried a couple years ago?

4 A. Yes.

5 Q. Okay. Have you discussed that case with
6 anyone?

7 A. Victoria and I had talked about it when I
8 went to the hearing a couple of years ago.

9 Q. Okay. And I'm sorry. You already said
10 that you attended that hearing?

11 A. Uh-huh.

12 Q. And what was the nature of your discussions
13 about that?

14 A. I can't recall --

15 Q. Okay.

16 A. -- what was said.

17 Q. Are you aware that a proposal for decision
18 has been released in -- from the judge in that case?

19 A. I did not realize there was a final
20 decision.

21 Q. Okay. Well, there's a proposal for
22 decision from the judge.

23 A. Uh-huh.

24 Q. Okay. But you did not -- you weren't aware
25 of that?

1 A. No.

2 Q. Okay. So you haven't reviewed that --

3 A. No.

4 Q. -- proposal for decision? Okay. All
5 right. I'm going to ask you -- I'm going to read a
6 few statements to you, and I'd like you just to tell
7 me whether you agree or disagree or don't know
8 regarding these statements. Okay?

9 A. Okay.

10 Q. (As read) It is generally in the public's
11 best interest to have a single reliable water or
12 sewer supplier certificated to an area.

13 A. Repeat the question, please.

14 Q. It is generally in the public's best
15 interest to have a single reliable water or sewer
16 supplier certificated to an area.

17 A. Some areas are dually certificated and that
18 works also --

19 Q. Okay.

20 A. -- as far as providing service.

21 Q. Okay. Have you processed any applications
22 for dual certification?

23 A. Yes.

24 Q. Okay. Generally, how does that work?

25 A. Two parties, two utilities, will come to an

1 agreement to dually certificate and serve a certain
2 area.

3 Q. So in all of the cases that you've dealt
4 with, it's been agreed upon by the parties?

5 A. Yes.

6 Q. In other words --

7 A. So far.

8 Q. -- they haven't -- they haven't been --
9 there hasn't been someone coming in and wanting to
10 serve an area and the other utility doesn't want
11 that entity to -- to come in and serve the area?

12 A. Not on an application I processed has that
13 happened yet.

14 Q. Are you aware of any applications like
15 that?

16 A. Well, that application that I'm working on
17 in Medina County, that's what's happening.

18 Q. All right. And you stated -- did you --
19 did you -- you told me before that, okay, if you
20 receive an application and there are no protests for
21 that application, you personally are still going to
22 require requests for service or some other
23 indication of need?

24 A. Yes.

25 Q. Okay. But not necessarily request for

1 service?

2 A. It's usually request for service. I will
3 review whatever the applicant submits.

4 Q. It doesn't have to be request for service?

5 A. Right.

6 Q. Okay. Okay. Here's another statement.

7 (As read) An anticipated urban level of growth in a
8 primarily rural area establishes a need for
9 additional service.

10 A. Repeat the question, please.

11 Q. An anticipated urban level of growth in a
12 primarily rural area establishes a need for
13 additional service.

14 A. It's one of the factors that we would -- I
15 would consider when reviewing a demonstration and
16 need for service.

17 Q. Okay. In other words, if an area is rural
18 and there are strong indications that that area is
19 going to become urban, you -- that -- that would be
20 a factor that would indicate to you that there might
21 be a need for service?

22 A. Yes.

23 Q. For additional service?

24 A. Yes.

25 Q. Okay. Speaking -- going back to the

1 first -- just a moment to the -- the layers of
2 factors that we were talking about on the map that
3 contribute to the overall picture of a need for
4 service --

5 A. Uh-huh.

6 Q. -- are there any of those factors or are
7 there any of those factors that you give more weight
8 to than others, or are they all pretty much of equal
9 weight in your mind?

10 A. I would review each of the items and...

11 Q. Okay. And I guess what I'm saying
12 specifically is, you have growth projections and you
13 have outside City retail customers, existing outside
14 City retail customers, you have SERs, you've got
15 wholesale service, you've got a transportation map,
16 you've got all these different elements. Are there
17 any one of those that you give more weight to or are
18 they all pretty much just a part of the overall
19 combination of a need for service?

20 A. They all contribute, but I'd like to see an
21 applicant submit plans and specifications for a
22 facility within the proposed area.

23 Q. Okay. I missed that one. You're right.
24 Okay. And is -- is -- now, is that getting back to
25 the discovery that you drafted that you recently

1 sent to the City? You recall -- you recall that?

2 A. Yes.

3 Q. Okay. Is that what -- or let me ask you
4 this: What is it that you're hoping to see as a
5 result of that discovery? I noticed that -- that it
6 pretty much went through a lot of the different
7 factors. Was this -- is -- was your intent behind
8 that -- well, what was your intent behind that?

9 A. Behind requesting the items from the
10 criteria to the City of Austin?

11 Q. Right. For -- for example, and the reason
12 I'm asking this is because, for example, we've
13 already established that the City is financially
14 capable. Well, that's one of the factors. We've
15 already established you don't have any problem with
16 the environmental integrity factor. Why, then, are
17 you asking about each of the factors? Are you just
18 doing that just to get every possible piece of
19 information?

20 A. Well, eventually I'll be asked for a
21 recommendation, and I would like to -- to have
22 documentation validating those points.

23 Q. Okay. I understand that. Okay. Okay.
24 Here's -- here's another statement. (As read)
25 Providing service outside territory boundaries --

1 I'm talking about CCN territory boundaries --
2 without protection from encroachment by neighboring
3 utilities is not a prudent and reasonable long-term
4 investment of utility capital. Agree or disagree?

5 A. I agree.

6 Q. Okay. Okay. (As read) An urban utility
7 system should be capable of supplying a sufficient
8 quantity of water at an adequate pressure to provide
9 fire protection. Agree or disagree?

10 A. The TCEQ rules don't address fire
11 protection.

12 Q. Okay.

13 A. I know that's not an answer to your
14 question.

15 Q. Do you believe that -- well, let's put it
16 this way. Do you believe that -- do you believe
17 that in some situations, a sufficient quantity of
18 water at an adequate pressure to provide fire
19 protection may be a component to adequate service?
20 And those situations I'm talking about are urban
21 situations. Do you believe that fire protection,
22 fire flow, may be a component of adequate service?

23 A. It's well above the minimum requirements.

24 Q. Okay. So is your answer to that that you
25 don't think that fire-fighting capability --

1 actually, no, I shouldn't say fire-fighting
2 capability -- fire flow, adequate fire flow, can be
3 part of adequate service in a particular area?

4 A. I don't understand the question.

5 Q. Let me rephrase and ask you this. Do you
6 think that having adequate fire flow available in an
7 urban, suburban area --

8 A. Uh-huh.

9 Q. -- is of benefit to the customers in that
10 area?

11 A. Yes, I think that would benefit the
12 customers.

13 Q. Okay. Do you remember when we spoke before
14 about if you're considering two utilities that meet
15 minimum requirements and then you look above and
16 beyond what -- in comparing those utilities which
17 utility is going to be the best provider --

18 A. Uh-huh.

19 Q. -- and best for the customers? Is fire
20 flow -- could fire flow be a consideration in that
21 situation in terms of who is going to be the better
22 service provider?

23 A. It may play a part, but I think providing
24 service faster and cheaper plays a bigger part.

25 Q. Okay. But it may play a part?

1 A. Yes.

2 Q. Is there anything in the rules that you
3 know of that would prevent you from considering fire
4 flow as a benefit to the customer?

5 A. No.

6 Q. Okay. Agree or disagree. (As read) It is
7 not prudent, desirable or realistic to expect to
8 meet long-term demands of high-density, mixed-use
9 urban development with ground water alone.

10 A. There are benefits to ground water systems.
11 There are, I think, disadvantages. There are
12 benefits and disadvantages to surface water
13 treatment systems and benefits to a combination of
14 the two. So I can't really say one is better than
15 the other.

16 Q. Okay. You don't have an opinion regarding
17 whether it's a good idea when there -- when you need
18 large quantities of water to rely solely on a ground
19 water source versus surface water?

20 A. I -- I -- once again, I think there are
21 situations where each would play its part --

22 Q. Uh-huh.

23 A. -- and...

24 Q. And I guess I'm -- I'm probably not being
25 clear to you, but I'm asking about sustainable use,

1 the concept of sustainable use, which you -- you
2 know, I don't know if you're familiar -- I don't
3 know what portions of the Region K Plan that you've
4 read, but that's something that -- that is addressed
5 in that plan.

6 A. Uh-huh.

7 Q. Do you have any opinion regarding
8 sustainable use of water resources?

9 A. Not really.

10 Q. Okay.

11 MS. JACOBS: It's 11:57. Do we want
12 to stop and then come back?

13 MR. DEERING: How much more do you
14 have?

15 MS. JACOBS: I have a little bit more.
16 I have a bit more. And then I'm assuming that Mark
17 and Carl here --

18 MR. ZEPPA: I'll have just a little
19 bit.

20 THE WITNESS: We can keep on going.

21 MS. JACOBS: Do you want to keep on
22 going? Okay.

23 Q. (BY MS. JACOBS) Okay. With respect to a
24 utility -- we talked about before like, you know,
25 what would you think that the -- we talked before

1 about effects on neighboring utilities and what they
2 would need to show in order to show those effects.
3 And you said that you would like to see an
4 application or you'd like to see, you know, what --
5 what other things would you like to see from them
6 showing that that they're going to be affected other
7 than just a basic statement that, "We have some plan
8 to serve this area" --

9 A. Well --

10 Q. -- "in the future"?

11 A. -- most importantly, I would like for them
12 to protest the application.

13 Q. Right.

14 A. And if they did submit the application,
15 show that the -- that the existing utility would
16 like to -- to amend their service area boundaries.

17 Q. Uh-huh.

18 A. That's pretty much it.

19 Q. So it's not enough, in your opinion, that a
20 utility protest an application and just say, "We
21 want to serve. We plan on expanding. We want to
22 serve this area" without further support?

23 A. They don't have to submit the application
24 to them in their area at that time. If they just
25 protest the application, then they have my

1 attention.

2 Q. Okay. But that's enough of a -- of a --
3 that's enough in your mind to qualify as showing you
4 why they're going to be affected? I mean, that's --
5 is that --

6 A. It shows me they're concerned about that
7 other utility boxing them in --

8 Q. Right.

9 A. -- or...

10 Q. But how, then, are you -- are you going to
11 analyze the effects on that neighboring utility
12 without more information?

13 A. Well, I'll create discovery. I'll review
14 discovery. I'll create prefile testimony, review
15 prefile testimony --

16 Q. Okay.

17 A. -- and form an opinion.

18 Q. Okay. I understand that. Okay. You refer
19 to -- referred a number of times to the concept of
20 faster and cheaper service as being a very important
21 criteria to you.

22 A. Uh-huh.

23 Q. What -- what criteria are you using to
24 determine who is faster and who is cheaper? Like,
25 from what perspective are you looking at? Are you

1 looking at it from --

2 A. Distance.

3 Q. -- the customer's perspective?

4 A. Well, the --

5 Q. Are you looking at it from the developer's
6 perspective?

7 A. Where is the applicant, where is the
8 existing utility and where is the proposed person
9 requesting service in relation to those utilities.

10 Q. Uh-huh. Are you looking at this in a
11 short-term sense or are you looking at it in a
12 long-term sense?

13 A. I think both.

14 Q. Both. Okay. Are you looking at that --
15 does capacity factor into that, existing capacity --

16 A. The --

17 Q. -- planned capacity?

18 A. The -- the existing utility that would like
19 to provide service to that customer would have to
20 have capacity to serve that customer or --

21 Q. Or planned capacity?

22 A. -- or plans to -- to expand their -- the
23 volume of their plant.

24 Q. Okay. I've got another statement here.

25 (As read) Consumer demand characteristics in an

1 urban area could reasonably include the demand or
2 expectation, which people generally have in an urban
3 area, that enough water and pressure will be
4 available to provide fire protection.

5 A. Repeat that, please.

6 Q. Consumer demand characteristics in an urban
7 area could reasonably include the demand or
8 expectation, which people generally have in an urban
9 area, that enough water and pressure will be
10 available to provide fire protection. In other
11 words, each area is going to have a consumer demand.

12 A. Uh-huh.

13 Q. Some areas may be industrial, chip factory.

14 A. Uh-huh.

15 Q. Some areas may be neighborhoods, suburban
16 neighborhoods. Each area is going to have -- some
17 areas may be rural.

18 A. Uh-huh.

19 Q. Each area is going to have a set of demand
20 characteristics particular to that area. Could for
21 an urban, suburban area consumer demand
22 characteristics include the expectation of adequate
23 fire flow?

24 A. I -- yes.

25 Q. Okay. Is that something that you would

1 consider?

2 A. The agency's minimum requirements do not
3 require fire flow, so that's not something that I
4 put a high priority on.

5 Q. Okay. But the agency's rules and
6 regulations do require that you consider what
7 adequate water flow is necessary to meet consumer
8 demands in specific areas, and so that's where I'm
9 getting that question from. And that's what I'm
10 asking you.

11 Given that the rules do require that,
12 and you've acknowledged that fire flow could be a
13 part of the consumer demand in an area, would you
14 then look at that in making that assessment as to
15 what adequate water is going to be for that area?

16 A. When plans and specifications are submitted
17 to the team members on the plans and specs team, I
18 would -- they may look at those items --

19 Q. Uh-huh.

20 A. -- the use and the -- the proposed
21 capacities.

22 Q. Uh-huh.

23 A. But I'm not on the plans review team, and
24 I'm not reviewing those plans for their water use.

25 Q. Okay. Do you -- but do you consider that

1 as part of your review process as -- as -- as a CCN
2 application reviewer that you're supposed to be
3 looking at what is going to be adequate water flow
4 for certain areas and is that applicant capable of
5 providing adequate water flow for certain areas? Do
6 you see what I'm saying?

7 A. Yes. The -- if -- but I still yet would
8 take plans and specifications to the plans review
9 team member and get them to review that information.

10 Q. Okay.

11 A. And then rely on their recommendation just
12 like I rely on Dan Smith's financial and
13 managerial --

14 Q. I understand what you're saying.

15 A. -- recommendation.

16 Q. I understand what you're saying. But
17 you're not saying that you -- wouldn't that --
18 consider that to be part of determining whether
19 there was adequate flow for a particular area?
20 You're just saying you wouldn't make that
21 determination?

22 A. Uh-huh.

23 Q. Is that correct?

24 A. Yes.

25 Q. Okay. Is there anything that you are aware

1 of in the water code or the rules that would prevent
2 you from considering fire flow as part of whether or
3 not there's adequate flow for certain areas
4 according to consumer demand? Is there anything
5 that would prevent you from doing that?

6 A. No.

7 Q. Do you believe that you have the discretion
8 to do that since there's nothing defining what
9 adequate flow is in those terms?

10 A. If the applicant could provide fire flow, I
11 think it would be a -- to their advantage and it
12 would be something that would be considered in a
13 recommendation.

14 Q. Okay. Let me look back through this. You
15 said that the City of Bulverde was the other big
16 case that you were working on that had a large
17 amount of area?

18 A. Yes.

19 Q. And that was for the western portion of
20 Comal County?

21 A. Uh-huh.

22 Q. Okay. And that's still in the PFD stage?

23 A. Right.

24 Q. Okay. Do you have your notes from that
25 case, from your review of that application?

1 A. Do I have my notes?

2 Q. Uh-huh.

3 A. Yes.

4 Q. Okay. Do you have them in your possession
5 or, you know, could you get the memos that were
6 written about that application?

7 A. The -- I could get Dan Smith's financial
8 managerial memo --

9 Q. Uh-huh.

10 A. -- where the agency or Dan did not feel
11 that the applicant had financial and managerial
12 capability because the financial and managerial
13 items submitted were not submitted by the City of
14 Bulverde. They were submitted by a water authority.

15 Q. I see. Okay. Do you -- did you also draft
16 discovery in that case?

17 A. Yes.

18 Q. Okay. And you received discovery
19 responses?

20 A. Yes.

21 Q. Do you have copies of those?

22 A. Yes.

23 Q. Okay. Would you be willing to produce --

24 MS. JACOBS: Would you be willing to
25 produce information regarding that application?

1 MR. DEERING: We will look at it, but
2 I will have to tell you that the issues are not the
3 same.

4 MS. JACOBS: Okay.

5 MR. DEERING: We weren't as concerned
6 with the need for service as other things.

7 MS. JACOBS: Okay. But you don't
8 really have any objection to that, per se?

9 MR. DEERING: At this time, I don't.

10 MS. JACOBS: Okay. I understand.
11 We'll follow up.

12 MR. DEERING: Uh-huh.

13 MS. JACOBS: Okay.

14 Q. (BY MS. JACOBS) And the other
15 municipalities that you said that you had reviewed,
16 Wimberley, College Station, Bryan, were there any
17 similar issues in that -- those cases in terms of --
18 I realize they are all measured against the same
19 factors, but were there any -- you know, did the
20 need for service issue come up in those cases as
21 well?

22 A. Need for service is always reviewed.

23 Q. Right. But was that a point of concern for
24 you in those cases?

25 A. Sure. It's always a point of concern.

1 Q. Was it of particular concern to you in
2 those cases? Did you feel that they had established
3 need for service?

4 A. In -- in portions of their proposed area,
5 they had.

6 Q. Okay. Have you ever spoken regarding the
7 City's applications with anybody higher up in the
8 chain other than Doug Holcomb? Anyone like Mark
9 Vickery or Leigh Ing?

10 A. I attended a meeting one time with Angela
11 Stefferson (phonetic) and Victoria Harkins and Jeff
12 Saitus where City of Austin was present.

13 Q. Uh-huh. Okay. Any -- anyone else?

14 A. No.

15 Q. Okay.

16 MR. JENNINGS: Maybe after their
17 questions, we may ask some follow-up.

18 MS. JACOBS: Okay.

19 MR. JENNINGS: It's -- excuse me.
20 It's 13 after. I don't want to mess you up.

21 THE WITNESS: That's all right. We
22 can keep going.

23 MR. CARLTON: I've probably got at
24 least a half an hour, maybe more.

25 MR. ZEPPA: I've got 20, 30 minutes.

1 MR. JENNINGS: They're doing that
2 long, we're going to definitely have some time after
3 that.

4 THE WITNESS: Okay.

5 MR. DEERING: What's your latest you
6 need to go to class?

7 THE WITNESS: Well, I'd like to go
8 soon.

9 MR. JENNINGS: We can come back.

10 MR. ZEPPA: We can always come back
11 after Kamal if you want to leave and come back
12 later. I mean --

13 MS. JACOBS: I would probably have
14 to -- it's trick or treating. Sorry. I don't have
15 any kids but Bart does, though.

16 MR. ZEPPA: Well, I mean, I don't know
17 how long you're going to take with Kamal.

18 MS. JACOBS: Right. And I'm not real
19 sure either.

20 MR. JENNINGS: We better reschedule
21 for --

22 MS. JACOBS: We can do Friday.

23 MR. DEERING: Tomorrow?

24 MR. CARLTON: Do we want to go off the
25 record?

1 (Recess taken from 12:12 p.m. to
2 12:13 p.m.)

3 MR. CARLTON: Go back on. We're going
4 to continue the deposition until a time where --

5 MR. ZEPPA: Mutual, convenient time.

6 MR. CARLTON: -- we can all mutually
7 agree to it. Yes.

8 (Proceedings recessed at 12:13 p.m.)
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CHANGES AND SIGNATURE

PAGE LINE

CHANGE

REASON

1
2 I, MIKE HOWELL, have read the foregoing
3 deposition and hereby affix my signature that same
4 is true and correct, except as noted above.

5
6 MIKE HOWELL

7
8
9 THE STATE OF _____)
10 , COUNTY OF _____)
11

12 Before me, _____, on this day
13 personally appeared MIKE HOWELL, known to me (or
14 proved to me on the oath of _____ or
15 through _____ (description of
16 identity card or other document)) to be the person
17 whose name is subscribed to the foregoing instrument
18 and acknowledged to me that he executed the same for
19 the purposes and consideration therein expressed.

20 (Seal) Given under my hand and seal of office
21 this _____ day of _____, _____.

22 NOTARY PUBLIC IN AND FOR
23 THE STATE OF _____

24 JOB NO. 8901
25

SOAH DOCKET NO. 582-02-3056
TCEQ DOCKET NOS. 2002-0189-UCR and 2000-0112-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)
(NO. 33563-C)) ADMINISTRATIVE HEARINGS
APPLICATION OF HORNSBY) BEFORE THE STATE OFFICE
BEND UTILITY COMPANY TO)
AMEND CERTIFICATE OF) OF
CONVENIENCE AND NECESSITY)
NO. 20650) ADMINISTRATIVE HEARINGS
APPLICATION OF HORNSBY) BEFORE THE STATE OFFICE
BEND UTILITY COMPANY TO)
AMEND CERTIFICATE OF) OF
CONVENIENCE AND NECESSITY)
NO. 11978) ADMINISTRATIVE HEARINGS

REPORTER'S CERTIFICATION
ORAL DEPOSITION OF MIKE HOWELL
VOLUME 1
OCTOBER 31, 2002

I, Lorrie A. Schnoor, Certified Shorthand
Reporter in and for the State of Texas and
Registered Merit Reporter, hereby certify to the
following:

That the witness, MIKE HOWELL, was duly sworn by
the officer and that the transcript of the
deposition is a true record of the testimony given
by the witness;

That the deposition transcript was submitted on
Nov. 13, 2002 to the witness or to the attorney

1 for the witness for examination, signature, and
2 return to me by Dec. 3, 2002;

3 That pursuant to information given to the
4 deposition officer at the time said testimony was
5 taken, the following includes all parties of record
6 and the amount of time used by each party at the
7 deposition:

8 Ms. Monica Jacobs, Attorney for The City of
9 Austin, (2:48)

10 Mr. John J. Carlton, Attorney for Hornsby Bend
Utility Company, (0:0)

11 Mr. Mark H. Zeppa, Attorney for AquaSource
Utility, Inc., AquaSource Development Company,
12 Creedmore-Maha Water Supply Corporation and City of
Mustang Ridge, (0:0)

13 Mr. John E. Deering and Mr. Geoffrey P.
Kirshbaum, Attorneys for The Texas Commission on
14 Environmental Quality, (0:0)

15 I further certify that I am neither counsel for,
16 related to, nor employed by any of the parties in
17 the action in which this proceeding was taken, and
18 further that I am not financially or otherwise
19 interested in the outcome of this action.

20 Further certification requirements pursuant to
21 Rule 203 of TRCP will be complied with after they
22 have occurred.

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24
25

1 **FURTHER CERTIFICATION UNDER RULE 203 TRCP**

2 The original deposition was/was not returned to
3 the deposition officer on _____;

4 If returned, the attached Changes and Signature
5 page(s) contain(s) any changes and the reasons
6 therefor;

7 If returned, the original deposition was
8 delivered to Ms. Monica Jacobs, Custodial Attorney;

9 That \$_____ is the deposition officer's
10 charges to the City of Austin for preparing the
11 original deposition transcript and any copies of
12 exhibits;

13 That the deposition was delivered in accordance
14 with Rule 203.3, and that a copy of this certificate
15 was served on all parties shown herein and filed
16 with the Clerk.

17 Certified to by me this _____ day of
18 _____, 2002.

19
20 LORRIE A. SCHNOOR, RMR
21 Certified Shorthand Reporter
22 Certification Number 4642
23 Expiration Date: 12/31/03
24 FREDERICKS-CARROLL REPORTING & LITIGATION SERVICES
25 7719 Wood Hollow Drive, Suite 156
 Austin, Texas 78731
 Phone: (512) 477-9911
 Fax: (512) 345-1417
 JOB NO. 8901