

Control Number: 43585



Item Number: 23

Addendum StartPage: 0

House Bill (HB) 1600 and Senate Bill (SB) 567 83<sup>rd</sup>  
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  
TCEQ DOCKET NOS. 2002-0189-UCR and 2000-0112-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

APPLICATION OF HORNSBY  
BEND UTILITY COMPANY  
TO AMEND CERTIFICATE  
OF CONVENIENCE AND  
NECESSITY NO. 11978

§ BEFORE THE STATE OFFICE

§ OF

§ ADMINISTRATIVE HEARINGS

§ BEFORE THE STATE OFFICE

§ OF

§ ADMINISTRATIVE HEARINGS

§ BEFORE THE STATE OFFICE

§ OF

§ ADMINISTRATIVE HEARINGS

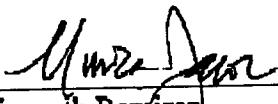
**CITY OF AUSTIN'S RESPONSE TO  
EXECUTIVE DIRECTOR'S REQUESTS FOR  
DISCLOSURE, INTERROGATORIES AND PRODUCTION**

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

The City of Austin ("City") serves the attached Responses to the Executive Director's ("ED") Requests for Disclosure, Interrogatories and Production.

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 pleading has been sent by Facsimile and Regular U.S. Mail, on this 20th day of November, 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  
Legal Services Division  
Texas Commission on Environmental  
Quality  
P.O. Box 13087, MC-173  
Austin, TX 78711-3087

Representing: The Executive Director

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

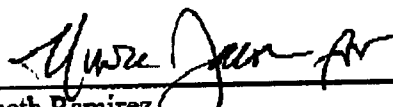
Representing: Lower Colorado River  
Authority

Ronald J. Freeman  
Freeman & Corbett, LLP  
2304 Hancock, Suite 6  
Austin, Texas 78756

Representing: Lower Colorado River  
Authority

Scott Humphrey  
Public Interest Counsel  
Texas Commission on Environmental  
Quality  
P.O. Box 13087, MC-103  
Austin, Texas 78711-3087

Representing: Office of Public Interest  
Counsel

  
\_\_\_\_\_  
Kenneth Ramirez

**RESPONSE TO REQUEST FOR DISCLOSURE**

- a. The correct names of the parties to the lawsuit.

**RESPONSE:**

The City of Austin is the correct name of this applicant. The City believes, but cannot verify, that the correct names of the other parties are as follows: AquaSource Development Company, AquaSource Utility, Inc., Creedmoor-Maha Water Supply Corporation, Hornsby Bend Utility Company, the Executive Director (Texas Commission on Environmental Quality), Office of Public Interest Counsel (Texas Commission on Environmental Quality), and the Lower Colorado River Authority.

- b. The name, address, and telephone number of any potential parties.

**RESPONSE:**

No other potential parties are known at this time.

- c. The legal theories and, in general, the factual bases of the responding party's claims or defenses.

**RESPONSE:**

The City possesses the financial, managerial, and technical capability to provide continuous and adequate water and sewer utility service in the proposed area, has access to an adequate water supply, and is capable of providing water and sewer utility service that meets the requirements of Chapter 13 of the Water Code and the Rules of the Commission. The City's water and sewer CCN application is for a proposed area located contiguous to its corporate limits and totally within the City's extraterritorial jurisdiction (ETJ). The City has multiple regional water and sewer facilities serving approximately 176,000 water connections and 161,000 sewer connections in portions of Travis, Williamson, and Hays counties. Currently, the City provides water and sewer utility service to virtually all land within its corporate limits. More specifically, the City provides retail service to approximately 10,581 water connections in the proposed area, and 4,164 sewer connections in the proposed area. The City has already received a total of 56 water service extension requests (SERs), covering approximately 7,715 acres for tracts in the proposed area, and a total of 81 wastewater SERs covering approximately 5,964 acres, for tracts in the proposed area. Recent growth projections confirm that significant urban and suburban growth will occur in the proposed area in the future. According to information provided to the City, many of the proposed developments in the proposed area are projects of a suburban nature, i.e. single family residential areas with gross densities of more than two units per acre, extensive multi-family tracts, and large amounts of commercial and other non-residential uses. These proposed developments require urban level water and wastewater utility service, which the City will provide to its customers in the proposed area.

Single certification of the proposed area to the City will result in its customers benefiting from lower rates, cost-effective infrastructure planning and placement, and a greater level of service arising from economies of scale available to the City. In addition, the proposed area is

completely within the City's Desired Development Zone, which is a preferred growth area where the City has established incentives for development that provide for its participation in the costs of building infrastructure that benefits the customers in the proposed area. As the City's service history and its financial, managerial, and technical resources indicate, the City is uniquely positioned to best undertake this responsibility and meet customer needs in the proposed area.

The water and sewer certificate requested by the City are necessary for the service, accommodation, convenience, and safety of the public. The water and sewer certificate requested by the City should be granted after consideration by the Commission of the adequacy of service currently provided to the requested area, the need for additional service in the requested area, the effect of the granting of a certificate on the City and on any retail public utility of the same kind already serving the proximate area, the ability of the City to provide adequate service, the feasibility of obtaining service from an adjacent retail public utility, the financial stability of the City, environmental integrity, and the probable improvements of service or lowering of cost to consumers in the proposed area resulting from the granting of the certificates.

The factual basis of the responding party's claims or defenses are unknown at this time.

- e. The name, address, and telephone number of persons having knowledge of relevant facts, and a brief statement of each identified person's connection with the case.

**RESPONSE:**

Michelle Abrams  
Acting Team Leader  
Utilities & Districts Section  
Water Supply Division  
12100 Park 35 Circle, Bldg. F  
Austin, TX 78753  
512/ 239-1000  
Familiar with review of CCN applications at TCEQ.

Kamal Adhikari  
Engineer Specialist  
Utilities & Districts Section  
Water Supply Division  
12100 Park 35 Circle, Bldg. F  
Austin, TX 78753  
512/ 239-1000  
Familiar with review of CCN applications at TCEQ.

Kathleen Adkins  
5519 Tupper Lake  
Houston, TX 77056  
713/623-4126  
Familiar with need for service in portions of the City's proposed service areas.

Randy Alexis  
Water and Wastewater Utility  
Waller Creek Center  
625 E. 10<sup>th</sup> Street  
Austin, TX 78701  
512/ 974-2000  
Familiar with the preparation of the City's CCN application maps.

Barry Allison  
10701 Pinehurst Drive  
Austin, TX 78747  
512/ 282-1910  
Familiar with the need for service in portions of the City's proposed service areas.

David Anders  
Water and Wastewater Utility  
Waller Creek Center  
625 E. 10<sup>th</sup> Street  
Austin, TX 78701  
512/ 974-2000  
Familiar with the Utility's financial resources.

Craig Bell  
Water and Wastewater Utility  
Waller Creek Center  
625 E. 10<sup>th</sup> Street  
Austin, TX 78701  
512/ 974-2000  
Familiar with water resources and water planning issues.

Raj Bhattarai  
Water and Wastewater Utility  
Waller Creek Center  
625 E. 10<sup>th</sup> Street  
Austin, TX 78701  
512/ 974-2000  
Familiar with environmental and regulatory issues that affect the Utility.

Judge Samuel T. Biscoe  
Travis County Administration Building  
P.O. Box 1748  
Austin, TX 78767  
512/ 854-9555  
Familiar with Thoroughbred Farms.

Mike Boyle  
Water and Wastewater Utility  
Waller Creek Center  
625 E. 10<sup>th</sup> Street  
Austin, TX 78701  
512/974-2000  
Familiar with the Utility's technical ability.

Gary Bradley  
1111 West 11<sup>th</sup> Street  
Austin, Texas 78703  
Familiar with need for service in portions of the City's proposed service areas.

Jane Burazer  
Water and Wastewater Utility  
Waller Creek Center  
625 E. 10<sup>th</sup> Street  
Austin, TX 78701  
512/974-2000  
Familiar with the City's water treatment plant operations.

Reynaldo Cantu  
Water and Wastewater Utility  
Waller Creek Center  
625 E. 10<sup>th</sup> Street  
Austin, TX 78701  
512/974-2000  
Familiar with the Utility's technical ability.

Andy Covar  
Water and Wastewater Utility  
Waller Creek Center  
625 E. 10<sup>th</sup> Street  
Austin, TX 78701  
512/974-2000  
Familiar with the Utility's managerial ability.

Dale Fisseler, P.E.  
Director, Water Department  
1000 Throckmorton Street  
Fort Worth, TX 76102  
817/871-8220  
Familiar with the need for water and sewer utility service from its Municipal Utility.



**Jerry Fontaine, P.E.**

**Manville WSC**

**Spur 277**

**P.O. Box 248**

**Coupland, TX 78615**

**512/272-4044**

**Familiar with water service in portions of the City's proposed service areas**

**Deborah Gernes**

**WCID #17**

**3812 Eck Lane**

**Austin, TX 78734**

**512/266-1111**

**Familiar with the need for sewer utility service in portions of Travis County, Texas**

**Crespin Guzman**

**Water and Wastewater Utility**

**Waller Creek Center**

**625 E. 10<sup>th</sup> Street**

**Austin, TX 78701**

**512/974-2000**

**Familiar with the City's environmental conservation programs**

**Gail Hamrick-Pigg**

**5300 Bee Caves Road**

**Building 1, Suite 100**

**Austin, TX 78746**

**512/651-7100**

**Familiar with the Utility's service plans for its Northeast Service Area.**

**Steve Hake**

**1306 Guadalupe**

**Austin, TX 78701**

**512/320-8807**

**Familiar with the need for sewer utility service in the portions of the City's proposed service area.**

**Nico Hauwert**

**City of Austin Watershed Protection Department**

**206 E. 9<sup>th</sup> Street, Suite 16.100**

**Austin, TX 78767**

**512/974-2000**

**Familiar with groundwater supply issues in Hays and Travis County, Texas .**

Doug Holcomb  
TCEQ  
Utilities and Districts Section, MC-153  
P.O. Box 13087  
Austin, TX 78767  
512/239-1000  
Familiar with TCEQ processing and evaluation of the City's CCN applications.

Mike Howell  
TCEQ  
Utilities and Districts Section, MC-153  
P.O. Box 13087  
Austin, TX 78767  
512/239-1000  
Familiar with TCEQ processing and evaluation of the City's CCN applications.

Ron Humphrey  
Water and Wastewater Utility  
Waller Creek Center  
625 E. 10<sup>th</sup> Street  
Austin, TX 78701  
512/974-2000  
Familiar with TCEQ's Design Criteria for Water and Sewer Plants, the Austin City Code, and the City's Utilities Criteria Manual.

Burgess Jackson  
P.O. Box 12548  
Austin, TX 78711-2548  
512/463-2100  
Familiar with Thoroughbred Farms and the City's involvement with same.

Phillip Jaeger  
Water and Wastewater Utility  
Waller Creek Center  
625 E. 10<sup>th</sup> Street  
Austin, TX 78701  
512/ 974-2000  
Familiar with the Utility's service extension request process.

Suzanne Jaster  
Water Permits and Resource Management Division, MC-153  
P.O. Box 13087  
Austin, TX 78767  
512/239-1000  
Familiar with TCEQ's Master CCN map and existing CCN boundaries.

Bart Jennings  
Water and Wastewater Utility  
Waller Creek Center  
625 E. 10<sup>th</sup> Street  
Austin, TX 78701  
512/974-2000  
Familiar with the City's wholesale services and CCN applications.

Steve Jones  
City Manager  
100 East Main Street, Suite 300  
P.O. Box 589  
Pflugerville, TX 78691  
512/990-4363  
Familiar with the need for water and sewer utility service from its municipal utility.

David Johns  
City of Austin Watershed Protection Department  
206 E. 9<sup>th</sup> Street, Suite 16.100  
Austin, TX 73767  
512/974-2000  
Familiar with environmental integrity and related issues regarding water quality.

Barney Knight  
City Attorney, Manor  
223 West Anderson Lane, Suite A-105  
Austin, TX 78752  
512/323-5778  
Familiar with the water and sewer CCN application filed by the City of Manor.

Joe Linger  
Water and Wastewater Utility  
Waller Creek Center  
625 E. 10<sup>th</sup> Street  
Austin, TX 78701  
512/974-2000  
Familiar with the operation and maintenance of the City's water and sewer plants.

Chris Lippe  
Water and Wastewater Utility  
Waller Creek Center  
625 E. 10<sup>th</sup> Street  
Austin, TX 78701  
512/974-2000  
Familiar with the Utility's managerial ability.

Ben Lukens  
P.O. Box 1088  
Austin, TX 78767  
512/974-2000  
Familiar with City annexation issues.

Teresa Lutes  
Water and Wastewater Utility  
Waller Creek Center  
625 E. 10<sup>th</sup> Street  
Austin, TX 78701  
512/974-2000  
Familiar with water resources and water planning issues.

Barry McBee  
111 Congress, Suite 2300  
Austin, TX 78701  
512/494-3600  
Familiar with TCEQ water and sewer utility policy during his employment at TCEQ.

Teri McManus  
P.O. Box 1088  
Austin, TX 78707  
512/974-2000  
Familiar with City planning, demographics, and annexation issues.

Terry Mitchell  
12554 Riata Vista Circle  
Austin, TX 78727  
512/345-4663  
Familiar with development in areas of the City's ETJ.

Perwez Moheet  
Water and Wastewater Utility  
Waller Creek Center  
625 E. 10<sup>th</sup> Street  
Austin, TX 78701  
512/974-2000  
Familiar with the Utility's finances.

Pat Murphy  
City of Austin - Watershed Protection Department  
206 E. 9<sup>th</sup> Street, Suite 16.100  
Austin, TX 78767  
512/974-2000

Familiar with Utility's ability to provide water and wastewater service in an environmentally responsible manner.

Jim Nuse, P.E.  
Director of Public Works  
2008 Enterprise Drive  
Round Rock, TX 78664  
512/218-5555

Familiar with the need for water and sewer utility service in areas near the City's proposed service areas.

Dick Rathgeber  
2711 Hillview Green Lane  
Austin, TX 78703  
512/472-0590  
Familiar with development in portions of the City's ETJ.

A. H. Robinson, III  
P.O. Box 9556  
Austin, TX 78766  
512/255-3646  
Familiar with development and land ownership issues in portions of the City's ETJ.

Ryan Robinson  
P.O. Box 1088  
Austin, TX 78767  
512/974-2000  
Familiar with City planning, demographics, and annexation issues.

Harriet Heep Shaffer  
12184 South IH-35  
Austin, TX 78747  
Familiar with the need for service and land ownership issues in portions of the City's proposed service areas.

Craig Smith  
1124 Regal Row  
Austin, TX 78748  
512/282-8441  
Familiar with the permitting process of the Barton Springs Edward's Aquifer Conservation District

Kay Trostle  
Difuentes, Drummond & Smith, L.L.P.  
1002 West Avenue, Suite 200  
Austin, TX 78701  
512/469-9933  
Familiar with sewer utility service in portions of the City's proposed service area.

Paul Urbanek  
Water and Wastewater Utility  
Waller Creek Center  
625 E. 10<sup>th</sup> Street  
Austin, TX 78701  
512/ 974-2000  
Familiar with the Utility's service extension requests process.

Clint Walker  
Malcolm Pirnie, Inc.  
210 Barton Springs Road  
Austin, TX 78707  
512/494-0058  
Familiar with the City's annexation program.

Susan Zachos  
301 Congress Avenue  
Austin, TX 78701  
512/495-6405  
Familiar with municipal utility's CCN issues.

Please note: The list of persons having knowledge of relevant facts disclosed by the City herein will be further developed as discovery regarding the above-referenced matters is obtained.

- f. For any testifying expert:
- (1) the expert's name, address, and telephone number;
  - (2) the subject matter on which the expert will testify;
  - (3) the general substance of the expert's mental impressions and opinions and a brief summary of the basis for them, or if the expert is not retained by, employed by, or otherwise subject to the control of the responding party, documents reflecting such information;
  - (4) If the expert is retained by, employed by, or otherwise subject to the control of the responding party;

- (A) all documents, tangible things, reports, models, or data compilations that have been provided to, reviewed by, or prepared by or for the expert in anticipation of the expert's testimony; and
- (B) the expert's current resume and bibliography.

**RESPONSE:**

David Anders  
City of Austin, Water and Wastewater Utility  
625 E. 10<sup>th</sup> Street  
Austin, TX 78701  
512/974-2000

Subject Matter: The Utility's financial capabilities and resources.  
General substance of expert opinion:

The Water and Wastewater Utility is financially capable and has the financial resources to provide water and wastewater service to the proposed CCN area as it develops. The Utility has and will continue to ensure that our financial condition remains strong. Our current customer base of approximately 180,000 provides service and other revenues of over \$260 million annually. The average customer water and wastewater bills are extremely competitive, if not generally lower than surrounding cities and smaller utilities. The Utility has access to bond markets including a strong bond rating. Our debt service coverage continues to be well above the bond covenant requirements. When rate increases have been needed in the past to fund required increases in operating and capital spending, the City Council has supported our rate requests. The Utility expects this support to continue in the future. The Utility has a strong record of funding capital improvements needed to serve new development areas through our service extension request process and annexation improvements.

My expert impressions and opinions regarding the financial capabilities of the Water and Wastewater Utility to serve the proposed CCN areas are based upon my 14½ years financial experience with the Utility and my expert knowledge, management and participation in the development of the Utility's operating and capital budgets, development of short and long-range financial planning strategies, updates of cost of service methodologies and calculations, development of customer class rate designs, forecasting of service revenues, preparation of financial analyses and reports, and development of debt management strategies. This experience and knowledge of the Utility's financial condition and planning strategies has provided me with a strong basis for rendering an expert impression or opinion regarding the financial capabilities of the Water and Wastewater Utility.

Craig Bell, AICP  
City of Austin, Water and Wastewater Utility  
625 E. 10<sup>th</sup> Street  
Austin, TX 78701  
512/974-2000

**Subject Matter:** The Utility's water resource planning.  
**General substance of expert opinion:**

The Austin area will continue to experience strong growth in the future. Much of this new growth will occur within the City of Austin's ("City") extraterritorial jurisdiction ("ETJ") and within its Desired Development Zone, both of which contain the City's proposed certificate of convenience and necessity ("CCN") areas. Areas that remain rural in nature generally do not require high levels of water and wastewater service. However, land that converts to urban and suburban land use intensities requires higher levels of service, including water flows sufficient for fire protection.

Growth in the proposed CCN areas will be predominantly urban and suburban in nature. Because of its resources, the City Water and Wastewater Utility is best suited to fulfill the need for water and wastewater service that will materialize as this urban and suburban development occurs in the proposed CCN areas.

My opinions are based upon the systems planning work that I have done for the City, as well as my educational background and professional experience, which is summarized in my attached resume.

Mike Boyle, P.E.  
City of Austin, Water and Wastewater Utility  
625 E. 10<sup>th</sup> Street  
Austin, TX 78701  
512/974-2000

**Subject Matter:** The Utility's technical ability to provide water and wastewater service.  
**General substance of expert opinion:**

The focus of my testimony will be on the City of Austin's Water and Wastewater Utility's ("Utility") technical ability to provide water and wastewater service to the City of Austin's ("City") proposed service areas.

My impressions and opinions are primarily based on my 20+ years in Public Works design and construction, working with both large and small municipal utilities. (See attached resume.)

The Utility has a demonstrated ability to deliver water and wastewater service to its customers in a timely fashion. Two examples are as follows:



1. **Samsung** – The Utility, in cooperation with Samsung's engineers, designed and had constructed within a matter of months system extensions to the proposed site that provide water and wastewater service for the immediate needs of three million gallons per day ("MGD") capacity with the ability to provide nine MGD when needed. This work included approximately 2,000' of 24" water line, 15,000' of 48" water line and 10,500' of 36" and 48" wastewater line.
2. **1997 Annexation Program** – In 1997, the City annexed 22 ½ square miles of land. Water and wastewater improvements were designed and construction began within two years to serve this area. Improvements were constructed within the 4-½ year legal mandate. This work included 28.7 million dollars of construction.

There are many other examples, similar in kind, but smaller in scope, that demonstrate the Utility's ability to respond to customer requirements in a timely fashion.

Reynaldo Cantu, P.E.  
City of Austin, Water and Wastewater Utility  
625 E. 10<sup>th</sup> Street  
Austin, TX 78701  
512/974-2000

Subject Matter: The Utility's technical ability to provide water and wastewater service.  
General substance of expert opinion:

In my position as Assistant Director of Engineering for the City of Austin's Water and Wastewater Utility ("Utility"), I manage the Capital Improvement Program and ensure that design and construction schedules are established for all necessary improvements to the Utility's water and wastewater treatment facilities, collection and distribution infrastructure, and all other ancillary appurtenances. I am also responsible for the review and recommendations on water and wastewater utility extension plans and applications for City of Austin ("City") service; the negotiation of contracts with developers and other entities regarding cost reimbursement for water and wastewater projects; the review and determination of necessary utility improvements for subdivision plats, planned unit developments, zoning cases, site plans and other requests for service; and for providing public contact in response to questions and information requests related to proposed and planned City utility projects, status of utility system, development process, availability of service, requirements for utility service, design criteria and fees.

I believe that the Utility has the technical ability to provide continuous and adequate service to the proposed service areas contained in the City's water and wastewater applications for certificates of convenience and necessity.

This opinion is based upon my experience as a professional engineer, and more specifically, on my work for the City. See attached resume.

Charles Heimsath  
Capitol Market Research, Inc.  
605 Brazos Street, Suite 300  
Austin, TX 78701  
512/476-5000

Subject Matter: Demographic projections in the Utility's proposed service areas.  
General substance of expert opinion:

The City of Austin ("City") has prepared population forecasts at the census tract and traffic analysis zone level for the areas covered by the City's applications for certificates of convenience and necessity (CCN). These forecasts were prepared by the City for the purpose of determining where growth is likely to occur and, consequently, where future infrastructure improvements may be required.

I have reviewed the City forecasts for areas covered by the City's applications and find the forecasts to be reasonable and supportable by growth that has occurred since 1996, and that which is likely to occur in the near future. In most of the census tracts that correspond to areas covered by the CCN applications, the City forecasts appear to be reasonable, based on the development that has occurred or is planned. In some census tracts, the City forecasts actually understate the growth potential.

My opinions are based upon my review of the City's population forecasts and my expert analysis of the same, as well as my educational and professional experience, which is detailed in my resume.

Chris Lippe  
City of Austin, Water and Wastewater Utility  
625 E. 10<sup>th</sup> Street  
Austin, TX 78701  
512/974-2000

Subject Matter: The Utility's managerial capability.  
General substance of expert opinion:

The City of Austin's Water and Wastewater Utility ("Utility") has the financial and managerial capability to provide continuous and adequate water and wastewater service to the City's proposed certificate of convenience and necessity ("CCN") service areas. The Proposed areas are located contiguous to the City corporate limits and totally within the City's extraterritorial jurisdiction (ETJ). The City has multiple regional water and sewer facilities serving approximately 176,000 water connection and 161,000 sewer connections in portions of Travis, Williamson and Hays counties. Currently, the City provides water and sewer service to virtually all land within its corporate limits. More specifically, the City provides retail service to approximately 10,581 water connections and 4,164 wastewater connections in the proposed area. The City has already received a total of 56 water service extension requests (SERs), covering approximately 7,715 acres,

for tracts in the proposed area, and a total of 81 wastewater SERs, covering approximately 5,964 acres, for tracts in the proposed area. Most importantly, single certification of these proposed areas to the City will result in its customers benefiting from lower rates, cost-effective infrastructure planning and placement, and a greater level of service arising from economies of scale available to the City. It is important for the Utility to be able to engage in effective, long-term planning in its ETJ; the Utility is committed to such planning. In addition, the Utility's CCN application reflects the Utility's commitment to the City's Desired Development Zone Policy.

I base my expert impressions and opinions upon my experience as Director of the City's Water and Wastewater Utility, as well as the educational and professional experience that is detailed in my resume.

Barry McBee  
Bracewell & Patterson, L.L.P.  
111 Congress Avenue, Suite 2300  
Austin, TX 78701  
512/472-7800

Subject Matter: TCEQ policy regarding the evaluation of CCN applications.  
General substance of expert opinion:

In considering its decision whether to grant a certificate of convenience and necessity (CCN), the Texas Commission on Environmental Quality (TCEQ) must assess the need for additional service in the proposed service area. A showing of need, in order to best fulfill the overriding statutory obligation of the commission in issuing CCNs, must not be too narrowly restricted. Under the governing statutes, the commission may approve applications for CCNs when it is necessary for the service, accommodation, convenience or safety of the consuming public. To best meet and accommodate the important long-term needs of consumers in an area, so that they are as well served as is possible and obtain the most convenient and safe water and sewer services, the better policy is for service providers to plan well in advance of the actual demands for service, rather than taking a position of merely responding to a short-term perspective.

Such planning is best accomplished by reviewing demographic and growth trends and statistics in order to foresee, as reasonably as is possible, where future needs will arise. Additional persuasive evidence of future demands can be seen in generalized indications of likely needs coming from nearby municipalities or developers, who have the greatest stake in accurately tracking such trends and often have a better and more refined sense of future demands. To limit the showing of need that must be made in order to obtain a CCN to an actual request for immediate service would, in my opinion, unduly and imprudently undercut the commission's charge to anticipate what service capabilities will be required to serve and accommodate the consuming public in a convenient and safe manner.

My opinion is based primarily on my experience as chairman of the Texas Natural Resource Conservation Commission, the forerunner of the TCEQ. See attached resume.

Please note: The list of the City's experts and the general substance of the mental impressions and opinions of the experts disclosed by the City herein will be further developed as discovery regarding the above-referenced matters is obtained, and the lists of documents reviewed by the City's experts will be supplemented as discovery regarding the above-referenced matters is obtained. The list of documents reviewed by the City's experts at this time will be produced at a time agreed to by the parties.

- h. Any settlement agreements described in Rule 192.3(g).

**RESPONSE:**

The City has entered into settlement agreements regarding water and sewer utility service issues related to the above-referenced matters with Manville Water Supply Corporation, Dessau Utilities, Inc., the City of Round Rock, and Gary Bradley. Other individual or entities have also filed letters with the TCEQ to withdraw their protest and request for a public hearing concerning the City's CCN applications. Relevant information regarding the settlement agreements and letters will be produce at a time agreed to by the parties.

- i. Any witness statements described in Rule 192.3(g).

**RESPONSE:**

Not applicable.

**ANSWERS TO INTERROGATORIES****INTERROGATORY NO. 1:**

For each person Austin expects to call as a fact witness at the evidentiary hearing in this matter, please provide: (a) the person's name and business address and telephone number; and (b) a brief description of the testimony Austin expects that person to provide.

**ANSWER:**

The City has not yet chosen fact witnesses. When these witnesses are chosen, the City will supplement this answer.

**INTERROGATORY NO. 2:**

For each expert not listed in the response to the Request for Disclosure whom Austin has consulted and whose mental impressions and opinions have been reviewed by an expert Austin expects to testify in this matter, please provide: (a) the consulting expert's name and business address and telephone number; (b) the facts known by the expert that relate to or form the basis of the expert's mental impressions and opinions formed or made in connection with this matter, regardless of when and how the factual information was acquired; (c) the expert's mental impressions and opinions formed or made in connection with this matter and any methods used to derive them; and (d) a curriculum vitae or other detailed description of the expert's qualifications.

**ANSWER:**

The City has no such consulting witnesses. If such witnesses are chosen, the City will supplement this answer.

**INTERROGATORY NO. 3:**

Please describe in detail Austin's position regarding the adequacy of service currently provided to the area requested by the City.

**ANSWER:**

As far as the City is aware, there is no retail public utility service in the City's proposed service areas except for outside City retail service. The City is currently providing retail water service to approximately 10,500 customers and retail sewer service to approximately 4160 customers in its proposed service areas. Other existing residents in the areas rely on groundwater wells and septic systems. With respect to the above retail customers, the City is providing adequate service in conformance with its service extension policies and long range plans. As the proposed areas become urbanized, however, service will be inadequate for those residents not receiving service from the City. In the Harris Branch and Gilleland Creek watersheds, for example, planned and proposed development in the area has increased the demands for sewer service beyond what the limited existing wastewater infrastructure or environment can support.

**INTERROGATORY NO. 4:**

Please describe in detail Austin's position regarding the need for additional service to the area requested by the City.

**ANSWER:**

A combination of factors show the need for urban and suburban service in the City's proposed water and sewer service areas. Specifically, these factors include:

- Written service extension requests for service from the City (RFI Response);
- Contracts for wholesale service from the City (RFI Response);
- The City's existing outside City retail customers (RFI Response);
- Subdivision activity as evidenced by preliminary plat applications (RFI Response);
- Demographic and growth projection data and analysis (Applications);
- Letters of support for the City's applications and cooperation from surrounding municipalities and utilities (RFI Response);
- Effects of Desired Development Zone policies and incentives (Applications);
- Public roadway investment and planned arterials (Applications);
- Developer partnering groups (will be supplemented);
- Master planning and engineering studies (Applications and produced documents);
- Annexation growth and the utility's responsiveness to infrastructure construction (Applications); and
- Letters of intent from major landowners and developers (RFI Response).

These factors, taken in their totality, evidence a true need for service in the City's proposed water and sewer service areas.

**INTERROGATORY NO. 5:**

Please describe in detail Austin's position regarding the effect of the CCN amendment on the City of Austin or on any retail public utility of the same kind already serving the proximate area to that requested by the City.

**ANSWER:**

The potential negative effect on other utilities if the City is granted certificates of convenience and necessity ("CCN") is limited. Assuming that other utilities are financially, managerially, and technically capable of serving portions of the City's proposed service areas, which has not been shown, these utilities might, in the event that the City was granted its requested CCNs, lose a potential business opportunity of increasing their service areas and number of customers. In the case of Hornsby Bend Utility, it could also lose the cost of preparing and filing its competing CCN applications.

In contrast, if the City is not granted its requested CCNs, it stands to lose a great deal. First, it and its ratepayers will continue to spend public funds on infrastructure retrofitting costs. Past experience shows that when the City annexes or otherwise begins serving an area, it is often forced to bear significant retrofitting expense incurred in bringing pre-existing facilities and infrastructure up to City standards. If the City is granted the requested CCNs, future costs of this nature will be greatly reduced. Second, as a municipality, it is the City's responsibility to engage in long-term planning in its extra-territorial jurisdiction ("ETJ"). Long-term utility planning efforts are made more difficult and less effective by the ability of other utilities to, for example, lay down two and four inch lines in the planned path of one of the City's 36-inch mains. In such a situation, the City's existing planning efforts must be changed and the optimum placement of long term infrastructure is prevented. Finally, the City has, to date, invested a great deal in preparing to serve the proposed areas. Costs incurred include investments in infrastructure, planning, water supply, acquisition of facilities, and application preparation. Serving these areas will allow the City and its ratepayers to recoup these costs.

#### **INTERROGATORY NO. 6:**

Please describe in detail Austin's position regarding its ability to provide adequate service to the area requested by the City.

#### **ANSWER:**

TCEQ has already determined that the City is financially and managerially capable of providing water and sewer service to the City's proposed service areas. The City's demonstrated technical ability to serve these areas is similarly solid. As noted in the City's response to Interrogatory No. 3 above, the City already provides retail water and wastewater service to thousands of customers in the City's proposed service areas. The City's water and wastewater utility is a full-service utility staffed with highly-trained, experienced, full-time employees. The Utility has a proven track record of capable management of significant growth in its customer base as well as the ability to provide fast and cost-effective service to large urban and suburban developments. The City's provision of service also brings with it a wide array of conservation, environmental protection, and consumer services.

#### **INTERROGATORY NO. 7:**

Please describe in detail Austin's position regarding the feasibility of obtaining service from another adjacent retail public utility.

#### **ANSWER:**

For the majority of the City's proposed service areas, it is not feasible for adjacent utilities to provide continuous and adequate service at an urban and suburban level. Adjacent utilities are not equipped to handle the type of growth that is and will be occurring in these areas and to provide the level of service that is expected in urban and suburban areas.

**INTERROGATORY NO. 8:**

Please describe in detail Austin's position regarding the environmental integrity of the area requested by the City should Austin's application be granted.

**ANSWER:**

The City is best able to provide continuous and adequate service to its proposed service areas while at the same time maintaining the areas' environmental integrity. City service ensures coordination with existing and future City environmental programs and policies and associated conservation services, as well as the full input of the knowledge and expertise of the City's Watershed Protection Department. In addition, service by the City will minimize the future need for dual lines and retrofitting, thereby greatly reducing ongoing environmental disturbances caused by such activities. Also, the City's reliance on a sustainable water supply best fits the conservation and environmental policy concerns elucidated by the Region K Planning Group.

**INTERROGATORY NO. 9:**

Please describe in detail Austin's position regarding the probable improvement in service or lowering of cost to consumers in the area requested by the City.

**ANSWER:**

As growth occurs in the City's proposed service areas, there will be a need for urban and suburban-level service in these areas. In other words, private wells and septic systems will not be adequate; service by a utility will be necessary. The City can offer such service at lower rates than other utilities. In addition, the City's cost-reimbursement and cost-participation programs allow developers to provide homes and business sites at a lower cost to consumers. At the same time, the City offers the benefits of centralized service, which includes fewer on-the-ground facilities in residential neighborhoods, and 24-hour, seven-day-a-week staffing by trained personnel. Finally, City service ensures adequate fire flow for these areas, which is important in urban and suburban areas.

**INTERROGATORY NO. 10:**

Please describe in detail how Austin believes that it can provide water or wastewater service to the requested service area faster or cheaper than any other retail public utility.

**ANSWER:**

In many parts of the City's proposed service areas, the City has existing facilities and infrastructure that will allow the City to provide service faster than other utilities. Because the City's water and wastewater utility is large, the City's customers also enjoy the benefits of economies of scale. In addition, as stated above, the City can offer service at lower rates than other utilities, and the City's cost-reimbursement and cost-participation programs allow developers to provide homes and business sites at a lower cost to consumers.



The City has a proven track record of providing service to developments in a fast and cost-effective manner. One example is the Avery Ranch development. The Avery Ranch development is on a 1700-acre tract that consists mostly of single family homes. Avery Ranch requested water capacity of 12,000 gallons per minute, for a total of 18 million gallons per day. The City processed the service extension request, which included a request for developer reimbursement for over \$15 million, within eight months, despite the complicated negotiation process. The work includes 14,000 feet of 24" lines, 3700 feet of 30" lines and 4000 feet of 36" lines, with more to be constructed. Phase 1 of the project was completed in one year.

**INTERROGATORY NO. 11:**

Please describe in detail the time it would take Austin to provide water or sewer service to any person requesting service in the outlying portions of the area requested by City of Austin in this application.

**ANSWER:**

There are numerous factors that impact the timing of the provision of service—for example, timing is always developer-dependent and often depends on the location of existing facilities. All utilities face these challenges. That said, however, the City's record shows its ability to provide fast service to customers in the outlying portions of the areas requested by the City in its applications. For example, the Avery Ranch service project, which is described above in the City's answer to Interrogatory No. 10, is located adjacent to Cedar Park in the far northern portion of the City's requested areas. Another example is the negotiation and execution of the contract providing for the Manor Plant, which is located at the eastern edge of the City's ETJ, and was accomplished in only six months in 2002; the plant will be operational by September 2004.

**INTERROGATORY NO. 12:**

Please identify those persons living in the proposed area sought by the City of Austin in this application, and describe the water and/or wastewater service currently available to those identified persons.

**ANSWER:**

To the City's knowledge, other than those people provided service by the City (see Attachments 4 and 5 to the City's response to TCEQ's request for information), all other residents in the proposed areas use groundwater wells and septic systems. Also, please see the City's answer to Interrogatory No. 3 above.

**INTERROGATORY NO. 13:**

Please identify and describe any and all contracts, agreements or memoranda of understanding that allow the City of Austin to overlap its proposed CCN boundary with any district boundaries.

**ANSWER:**

The City is not aware of any such contracts, agreements or memoranda of understanding. As is stated in the City's applications, the City does not intend to overlap the existing CCN areas of other service providers or the ETJs of neighboring municipalities. In addition, the City responded in detail to an inquiry from Victoria Harkins (former staff member at TCEQ) regarding possible overlaps in a September 19, 2001 letter to Ms. Harkins in which the City and TCEQ resolved any initial concerns regarding possible overlapping issues. This letter will be provided in response to Request for Production No. 5.

**INTERROGATORY NO. 14:**

Please identify and describe, including the amount, any and all costs that will be passed to potential customers in the proposed Austin amendment area.

**ANSWER:**

Any costs that the City incurs in serving its proposed areas will be distributed throughout its entire customer base of over 180,000 users or will be absorbed by the City and developers.

**INTERROGATORY NO. 15:**

Please identify and describe the method for determining water rates for the City of Austin.

**ANSWER:**

In general, the City commissions a cost of service and rate study, evaluates the recommendations in the study, adopts a final methodology, and formulates its rates. Documents further describing the methodology used by the City to determine rates will be produced in response to Request for Production No. 5.

**INTERROGATORY NO. 16:**

Please provide all costs and rates for water service for a typical single family dwelling requesting new service in the requested area, including tap fees, billing for 7,500 gallons of water per month, and all other identifiable fees.

**ANSWER:****Water Service Rates:**

Monthly Customer Charge (5/8" meter) = \$3.32 ( ? )

PAGE WITH  
CORRECTION

Volume Unit Charge:

Single Family Residential Unit in New Subdivision

0 - 2,000 gallons \$0.70 per 1,000 gallons

2,001 to 9,000 gallons \$2.00 per 1,000 gallons

9,001 to 15,000 gallons \$3.50 per 1,000 gallons

15,000 – Over gallons \$6.02 per 1,000 gallons

RECEIVED document  
AT BRACEWELL  
PATTERSON

Monthly Water Service Charge @ 7,500 gallons = \$15.72

Fees typically paid by the developer:

Water Tap Fees (Drop-In):

The fee for water connections performed by contractors in accordance with City connection procedures:

5/8" meter \$110

Water Inspection (Cost per inspection):

Water meter sizes 2" or less \$50

Water Capital Recovery Fee:

\$1,300 in the proposed service area for a single service unit (the fee decreases to \$700 to \$500 in portions of the City's corporate limits).

**INTERROGATORY NO. 17:**

Please identify and describe the potable water treatment and delivery system which will serve the area requested by the City of Austin, including capacity of each component, feet of line for each given diameter of line, pumps with corresponding rated capacities, treatment plants with identified capacity that is currently not being used, and any other necessary component for a water treatment and delivery system.

**ANSWER:**

Major planned water facilities that will be constructed or improved for the benefit of the Proposed Areas are depicted in the City of Austin Water & Wastewater Utility Strategic Water Resources Plan, dated June 5, 2002 – Version 1.0. (This Plan will be produced in response to Requests for Production Nos. 3 and 5.) This Plan identifies major water treatment plant improvements, large storage tanks (both ground and elevated), major pump stations, and transmission mains that are planned in the future to serve the City's expanding water service area. The facilities are depicted on maps and are listed in tables of attribute data. The table for

Volume Unit Charge:

## Single Family Residential Unit in New Subdivision

0 - 2,000 gallons \$0.70 per 1,000 gallons

2,001 to 9,000 gallons	\$2.00 per 1,000 gallons
9,001 to 15,000 gallons	\$3.50 per 1,000 gallons
15,000 - Over gallons	\$6.02 per 1,000 gallons

Monthly Water Service Charge @ 7,500 gallons = \$15.72

Fees typically paid by the developer:

## Water Tap Fees (Drop-In):

The fee for water connections performed by contractors in accordance with City connection procedures:

5/8" meter \$110 (TAP FEE)

Water Inspection (Cost per inspection):

Water meter sizes 2" or less \$50 (METER)

Water Capital Recovery Fee:

~~\$11,300~~ in the proposed service area for a single service unit (the fee decreases to \$700 to \$500 in portions of the City's corporate limits).

INTERROGATORY NO. 17:

Please identify and describe the potable water treatment and delivery system which will serve the area requested by the City of Austin, including capacity of each component, feet of line for each given diameter of line, pumps with corresponding rated capacities, treatment plants with identified capacity that is currently not being used, and any other necessary component for a water treatment and delivery system.

ANSWER:

Major planned water facilities that will be constructed or improved for the benefit of the Proposed Areas are depicted in the City of Austin Water & Wastewater Utility Strategic Water Resources Plan, dated June 5, 2002 - Version 1.0. (This Plan will be produced in response to Requests for Production Nos. 3 and 5.) This Plan identifies major water treatment plant improvements, large storage tanks (both ground and elevated), major pump stations, and transmission mains that are planned in the future to serve the City's expanding water service area. The facilities are depicted on maps and are listed in tables of attribute data. The table for

water facilities lists each facility name for proposed projects, plus the associated map index number.

The projects depicted in the Strategic Water Resources Plan will provide water capacity to the general area for decades in the future. However, it is not a comprehensive listing of all water facilities that are likely to be constructed in the Proposed Areas. Some facilities will be identified at future times in conjunction with new development as it is proposed.

**INTERROGATORY NO. 18:**

Please describe in detail why the City of Austin objects and/or protests the various applications by Hornsby Bend Utility Company.

**ANSWER:**

The City objects to and protests Hornsby Bend's applications because they overlap portions of the areas contained in the City's CCN applications. Areas included in Hornsby Bend's applications are included in the City's long and short range plans. For example, the majority of Hornsby Bend's application area is within the area that is the subject of the City's Northeast Service Area Wastewater Master Plan. These areas are included in the areas for which the City spent \$100 million to secure a long-term water supply. In addition, the areas requested by Hornsby Bend are within the City's designated impact fee area. Finally, Hornsby Bend has not shown that it possess an adequate water supply to serve its proposed areas and that it will be able to provide urban level water and sewer service in a cost-effective manner to these areas.

**INTERROGATORY NO. 19:**

Please describe in detail Austin's position regarding the adequacy of service currently provided to the area requested by Hornsby Bend in the three applications that are to be consolidated in this case.

**ANSWER:**

Please see the answer to Interrogatory No. 3.

**INTERROGATORY NO. 20:**

Please describe in detail Austin's position regarding the need for additional service to the area requested by Hornsby Bend in the three applications that are to be consolidated in this case.

**ANSWER:**

As the City has shown in its CCN applications and RFI response, there will be a need for urban and suburban service in the City's proposed areas, which includes the areas that are included in Hornsby Bend's applications.

**INTERROGATORY NO. 21:**

Please describe in detail Austin's position regarding the effect of Hornsby Bend's CCN amendment on any retail public utility of the same kind already serving the proximate area to that requested by Hornsby Bend in the three applications that are to be consolidated in this case.

**ANSWER:**

As was explained in the City's answer to Interrogatory No. 5, the City will lose a great deal if it is not granted CCNs for its proposed service areas, which Hornsby Bend's applications overlap. Please see the answer to Interrogatory No. 5 for a description of the types of losses that will be sustained by the City as compared to the losses that may be incurred by other utilities in the area.

**INTERROGATORY NO. 22:**

Please describe in detail Austin's position regarding the ability of the Hornsby Bend to provide adequate service to the area requested by Hornsby Bend in the three applications that are to be consolidated in this case.

**ANSWER:**

In general, Hornsby Bend has not shown that it possesses the financial, technical or managerial ability to serve this area. For example, Hornsby Bend has not shown that it has a sustainable and adequate water supply sufficient to serve the area as it grows.

**INTERROGATORY NO. 23:**

Please describe in detail Austin's position regarding the feasibility of obtaining service from any adjacent retail public utility to serve in the area requested by Hornsby Bend in the three applications that are to be consolidated in this case.

**ANSWER:**

It is feasible to obtain service from the City to serve the areas requested by Hornsby Bend in its applications. The Northeast Service Area Wastewater Master Plan outlines a phased approach to serving the area that involves an interim wastewater treatment plant near Manor (see answer to Interrogatory No. 11), a plant to serve the Wild Horse Ranch development, and a new regional wastewater treatment plant. In addition, the City's Strategic Water Resources Plan, described in the City's response to Interrogatory No. 17, shows planned infrastructure for water and wastewater service to the area. In contrast, adjacent utilities have not shown that it is feasible for them to provide urban and suburban service to these areas.

**INTERROGATORY NO. 24:**

Please describe in detail Austin's position regarding the effect on environmental integrity of the area requested by Hornsby Bend in the three applications that are to be consolidated in this case if the Hornsby Bend applications are granted.

**ANSWER:**

Unlike the City, Hornsby Bend relies on a non-sustainable water supply, i.e., groundwater. In addition, it does not have the resources described in the City's answer to Interrogatory No. 8, such as the City's environmental programs, expertise, and conservation services. Hornsby Bend has not shown that it will be able to provide service in a manner that is protective of the area's environmental integrity.

**INTERROGATORY NO. 25:**

Please describe in detail Austin's position regarding the probable improvement in service or lowering of cost to consumers in the area requested by Hornsby Bend in the three applications that are to be consolidated in this case.

**ANSWER:**

If Hornsby were to serve the area, customers would have to pay more money and yet receive a lower level of service than they would if the City served the area.

**REQUESTS FOR PRODUCTION****REQUEST FOR PRODUCTION NO. 1:**

Please provide hardcopy maps of the area requested in Hays County.

**RESPONSE:**

Responsive documents will be produced.

**REQUEST FOR PRODUCTION NO. 2:**

Please provide any and all documents relating to your answer to Interrogatory No. 13.

**RESPONSE:**

Responsive documents will be produced.

**REQUEST FOR PRODUCTION NO. 3:**

Please provide maps of all water facilities currently in place within two miles of the area requested by Austin.

**RESPONSE:**

Responsive documents will be produced.

**REQUEST FOR PRODUCTION NO. 4:**

Please provide any and all preliminary engineering reports or studies prepared by or on behalf of the City of Austin.

**RESPONSE:**

Responsive documents will be produced.

**REQUEST FOR PRODUCTION NO. 5:**

Please produce copies of any and all documents identified in your responses to Interrogatories Nos. one (1) through twenty-five (25) listed above or used to assist you in responding to Interrogatories one (1) through twenty-five (25).

**RESPONSE:**

Responsive documents will be produced.



VERIFICATION

STATE OF TEXAS §

§

COUNTY OF TRAVIS §

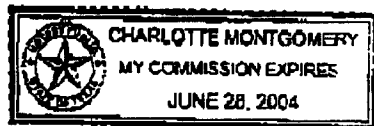
§

BEFORE ME, the undersigned authority, on this day personally appeared, Bart Jennings, who on his oath did state as follows:

My name is Bart Jennings. I am a representative of the City of Austin Water and Wastewater Utility. Because of the size of the City of Austin, all of the information requested in the foregoing interrogatories is not known by any one person and in order to answer the questions, it was necessary that I attempt to gather the information from many sources. At this time, I believe all of the information given to be true and correct to the best of my knowledge.

  
Bart Jennings11/20/02  
Date

SUBSCRIBED AND SWORN TO before me, the undersigned authority, on this the 20<sup>th</sup> day of November, 2002.

  
Notary PublicMy Commission Expires: 6-28-04

**David A. Anders**

12315 Marogot Run

Austin, Texas 78758

H - (512) 834-9643 W - (512) 972-0323

**Objective:**

Further enhance the Water and Wastewater Utility by utilizing my financial and management experience and abilities in a position that provides a challenging environment.

**Experience:**

January 2000  
to Present

**City of Austin, Water and Wastewater Utility*****Manager, Utilities Finance***

Manage, plan, direct, and evaluate the tasks and responsibilities for all sections within the Financial Management Division including Financial Planning and Analysis, Rates and Charges, CIP Budgeting and Accounting, Debt Management, Fleet Management, Facilities Management, and Finance information technology support staff.

- Provide management direction, technical guidance, and evaluation of tasks and responsibilities of the Financial Planning and Analysis section of the division including short and long-term financial management strategies, capital financing requirements, CIP budgeting and accounting, debt management, financial feasibility analysis for system projects, acquisitions, and annexations, cost benefit analysis, fleet management, inventory management, and facility management.
- Provide management direction, technical guidance, and evaluation of tasks and responsibilities of the Rates and Charges Section including completion of operating budget fund summary financial forecasts, service revenue forecasts, development of cost of service strategies and techniques, development of customer class rate design methodologies and proposals, and performance of cost of service reviews of Utility fees and charges.
- Provide management direction, technical guidance, and evaluation of tasks and responsibilities of the Fleet Management staff including budget development, acquisition coordination, inventory management, database management, and project management of the Fleet Utilization Study.
- Provide management direction, technical guidance, and evaluation of tasks and responsibilities of the Facility Management section including facility maintenance and repairs, and project management of construction and rehabilitation projects.
- Provide management direction, technical guidance, and evaluation of tasks and responsibilities of the information technology support staff including bar code system implementation, CIS query development and reporting, and fixed asset and fleet database support.

November 1999  
to January 2000

**City of Austin, Water and Wastewater Utility*****Acting Manager Utilities Finance***

On an Acting basis, manage, plan, direct, and evaluate the tasks and responsibilities for all sections within the Financial Management Division including Financial Planning and Analysis, Rates and Charges, CIP Budgeting and Accounting, Debt Management, Fleet Management, Facilities Management, and Finance information technology support staff.

July 1995  
to November 1999

**City of Austin, Water and Wastewater Utility*****Rates and Charges Manager***

Manage, plan, direct, and evaluate tasks and responsibilities of the Rates and Charges section including completion of operating budget fund summary financial forecasts, development of system-wide rate forecasts, development of cost of service rate strategies and techniques, development of customer class rate design methodologies and proposals, financial analyses, projections, and reporting, fee reviews, development, implementation, and management of section's strategic business plan, develop and monitor section operating budget, develop, monitor, and report on section's performance measures, and staff supervision and evaluation.

**Operating Budget:**

- Manage, plan, direct, and evaluate the completion of the annual operating budget fund summary short and long-term financial forecasts and system-wide water and wastewater rate projections including compilation, analysis, and review of revenue forecasts, operating budget costs, debt service costs, and other budget requirements.

- Coordinate with Budget and Accounting Division in submittal of annual operating budget fund summary to the Budget Office staff including responses to requests for information.
- Manage and direct the completion of 10 year water and wastewater service revenue projections
- Develop and present operating budget fund summary information briefings to Utility management, City management, Boards and Commissions, Council members, and customer class representatives

#### **Cost of Service and Rate Design:**

- Manage, plan, direct, and evaluate the completion of Utility's annual water and wastewater cost of service rate updates including development of revenue requirements, cost allocations, rate design strategies and proposals, and Utility management proposals and recommendations
- Manage completion of Utility cost of service rate study including project management, scope development, consultant direction, contract compliance, payment authorizations, staff coordination, responses to requests for information, coordination of public involvement activities, and acceptance and review of project deliverables
- Develop and present cost of service, rate design, and rate impact information briefings to Utility management, City management, Boards and Commissions, Council members, and customer class representatives
- Manage completion of cost of service analyses of the Utility's miscellaneous fees and charges including recommendations and coordination with Budget Office staff to incorporate into Utility's proposed fee schedule

#### **Financial / Rate Analysis and Reporting:**

- Manage, plan, direct, and evaluate development of complex financial spreadsheet models using varying assumptions and financial conditions to analyze financial impacts of short and long-term financial management strategies and decisions
- Perform reviews and analyses of financial and accounting conditions of the Utility including development of financial and accounting recommendations, reports, and summaries
- Completion of water and wastewater rate impact analyses of annexations, various City and Utility policies, proposed Utility projects, and long term water supply agreements
- Review, analyze, and monitor the Utility's annual financial statements and reports

#### **Debt Management:**

- Review and analyze the Utility's outstanding debt including revenue bonds, commercial paper, contract revenue bonds, assumed water district bonds, contractual obligations, and certificates of participation
- Provide management assistance, evaluation, and development of analysis and recommendations for Utility revenue bond issuance timings and revenue bond defeasance opportunities through coordination with City's financial advisors and Treasurer, analysis of financial conditions to determine needs and available funds for debt defeasance, develop defeasance sources of funds and multiyear debt service reduction targets, and analysis of financial and rate impacts of various timing options

March 1988  
To July 1995

#### **City of Austin, Water and Wastewater Utility *Financial Analyst III***

- Coordinate completion of the annual operating budget fund summary short and long-term financial forecasts and system-wide water and wastewater rate projections including compilation, analysis, and review of revenue forecasts, operating budget costs, debt service costs, and other budget requirements
- Coordinate completion of Utility's annual water and wastewater cost of service rate updates including development of revenue requirements, cost allocations, rate design strategies and proposals, and Utility management proposals and recommendations
- Provide management assistance, evaluation, and development of analysis and recommendations for Utility revenue bond issuance timings and revenue bond defeasance opportunities through coordination with City's financial advisors and Treasurer, analysis of financial conditions to determine needs and available funds for debt defeasance, develop defeasance sources of funds and multiyear debt service reduction targets, and analysis of financial and rate impacts of various timing options
- Monitor and maintain debt service schedules for Utility's outstanding debt instruments

March 1984  
to March 1988

#### **Les Price Construction *Construction Estimator***

- Completion of construction estimates and bid proposals for general contractor specializing in remodeling and fire damage reconstruction.
- Manage and direct project construction including scheduling, subcontractor management, financial monitoring and reporting, job cost analysis, and customer relations.

**Education:**

1978 - 1982

**University of Texas at Austin****Bachelor of Business Administration - General, Finance****Computer:****Windows: 3.1, 3.11, 95, NT****Microsoft: Excel, Word, Access, Powerpoint, Outlook****Mainframe: City LGFS/AFS2, CIS, 20/20, All-In-1****References:****Available upon request**

**Stephen Craig Bell, AICP**

**Address:** 4118 Edwards Mountain Drive, Austin, Texas, 78731  
**Home Phone:** (512) 474-2029 **Office Phone:** (512) 322-3610  
**FAX:** (512) 322-2810 **E-mail:** [craig.bell@ci.austin.tx.us](mailto:craig.bell@ci.austin.tx.us)

**Academic Summary:**

Bachelor of Arts with major in Economics, University of Texas at Austin, 1970.  
Master of Science in Community and Regional Planning, UT at Austin, 1980.  
Phi Kappa Phi Honor Society.

**Professional Summary:**

City of Austin Planning Department (1971-1985). Social Research Analyst, Planner I, II, & III, Planning Coordinator, and Principal Planner.

Numerous reports and papers, major area studies, population and land use projections, demographic analysis, master planning (1 of 2 City staff co-recipients of Texas Chapter of APA Merit Award in 1979 for Austin Tomorrow Comprehensive Plan), City's coordinator for MUD review, processing & negotiations.

City of Austin Water and Wastewater Utility (1985-present). Principal Planner, Division Manager, twice acting Assistant Director.

Manager of Utility's planning functions, involving (at various times) hydraulic computer modeling, systems analysis & trouble shooting, demand forecasting, capital facilities planning, CIP program management, master planning (1995 Texas Chapter APA award for in-house plans), service extensions & development review, records and mapping, GIS, annexations, water supply, reclaimed water program, alternative wastewater treatment program, some stakeholder and intergovernmental negotiations.

**Current Professional Associations:**

- American Institute of Certified Planners (AICP); charter member
- American Planning Association (APA); have held various Central Texas Section offices, including Director, Associate Director, & Treasurer
- City Planners Association of Texas (CPAT)
- American Water Works Association (AWWA)

**Special Related Interest:**

Volunteer Mediator for Dispute Resolution Center of Austin with more than 120 hours of mediation training.

**Michael G. Boyle, P.E.**  
1005 Timber Bend Drive  
Pflugerville, Texas 78660  
(512) 251-2935

### **EDUCATIONAL HISTORY**

UNIVERSITY OF NEW ORLEANS  
Lakefront Campus  
College of Engineering  
August 1980 to May 1985

Degree : B.S. in Civil Engineering  
Honors : Dean's List Fall 1984, Spring 1981

### **PERTINENT WORK EXPERIENCE**

1993 to Present

City of Austin  
Water and Wastewater Utility  
625 E. 10th Street, Suite 300  
Austin, Texas 78701  
(512) 322-2995

Position: Supervising Engineer

Duties : My duties include supervising a team in the Pipeline Design division and, plan review of all private development and City of Austin CIP projects. My team designs and manages contracts for the rehabilitation, expansion and replacement of water and wastewater lines. I also serve on the Standards Products Committee that reviews and maintains the Qualified Products List. Recently completed assignment as the chair of committee that revised City of Austin Utility Design Criteria Manual for Water and Wastewater.

1991 to 1993

Coneway and Associates  
3103 Bee Cave Road  
Austin, Texas 78746  
(512) 327-2946

Position: Project Engineer

Duties : I designed and managed the construction of a variety of projects for both public and private clients including : Street reconstruction for the City of West Lake Hills, wastewater line rehabilitation for Lost Creek MUD, SSES of San Jacinto Monument Park for Texas Parks and Wildlife Department, Pleasant Valley Road Design for the City of Austin, various civil site plans.

1988 to 1991

City of Gulfport  
Water and Sewer Department  
P.O. Box 1780  
Gulfport, MS 39502  
(601) 868-5792

Position: Superintendent of Waterworks

Duties : Managed a staff of fifty personnel with budget of \$5 million. I was responsible for water treatment, water distribution, meter reading, sewage collection, rate calculation, budget development, planning of Utility facilities and associated administrative functions. Served on the Harrison County Wastewater Management District technical committee, a countywide organization responsible for wastewater treatment.

1985 to 1988

Sewerage and Water Board of  
New Orleans  
2900 Peoples Avenue  
New Orleans, LA 70122  
(504) 942-3880

Position: Civil Engineer

Duties: Assistant to Gravity Superintendent in charge of a staff of 250 personnel with a budget of \$15 million. Wrote and administrated contracts for Sewer line rehabilitation through trenchless technology and direct bury, Drainage Canal reconstruction, herbicide spraying, and television inspection. Member of the committee that rewrote the "*General Specifications for Street Paving*."

1980 to 1985

City of New Orleans  
Department of Streets  
1300 Perdido Street  
New Orleans, LA 70129

Position: Engineering Assistant

Duties : Inspector on Capitol Improvement Projects, and instrument operator on survey crew, and finally supervised a crew of inspectors.

**PERSONAL INFORMATION**

Licensed as Civil Engineer (LA 23826) (TX 70288)

Member American Water Works Association, American Society of Civil Engineers  
Chairman of AWWA Standards Committee #262 Polyolefin Pressure Pipe and Fittings,  
Member of ASCE Standards Committee for Standard Guidelines for Design and  
Construction through Microtunneling worked on planning aspects section.



**Reynaldo Cantu**

6636 W. William Cannon Drive #1514  
Austin, Texas 78735  
(512) 358-0846

**OBJECTIVE:** *To be part of an executive team with an organization that will provide opportunity for personal growth and advancement; utilizing high energy, results-oriented, take charge personality with strong managerial and organizational skills.*

**EDUCATION:** Stanford University, Stanford, California. B.S. in Civil Engineering, June 1985.  
Texas Professional Engineer License, 1990.

**EXPERIENCE:**

- **Nov. 1999 – Present. Asst. Director of Engineering/Planning – City of Austin, Water/Wastewater Utility**  
Responsible for negotiating contracts with developers and other entities regarding cost reimbursements for water and wastewater projects. Establish design and construction schedules for improvements to correct all identified areas with low pressure and develop timelines for completion. Establish schedule and funding for improvements to the Utility's wastewater system related to the EPA Administrative Order regarding sanitary sewer overflows. Complete design of necessary improvements and award construction contracts for annexation projects. Manage Capital Improvement Program committee and prioritize CIP projects. Maintain Operation and Maintenance expenditures for the budgeted year without exceeding the fiscal year objectives. Monitor all reimbursements to ensure that all requirements are within the limits and conditions established by City Council. Actively participate in assigned internal committees; remain involved with community activities and professional organizations; attend W/WW Commission and City Council meetings. Conduct performance appraisals on all direct reports.
- **Jul 1997 – Nov 1999. Asst. Dir. of Operations & Maintenance – City of Austin, Water/Wastewater Utility**  
Responsible for directing the daily operations of the Operations and Maintenance program area comprised of water and wastewater (w/ww) pipeline maintenance and repair; valves and hydrants maintenance and repair; new w/ww tap connections; industrial waste pretreatment inspection, water protection and cross connection; emergency dispatch office; equipment repair shop; management services; and maintenance management database system. Maintain Operation and Maintenance expenditures for the budgeted year without exceeding the fiscal year objectives. Monitor all reimbursements to ensure that all requirements are within the limits and conditions established by City Council. Actively participate in assigned internal committees; remain involved with community activities and professional organizations; attend W/WW Commission and City Council meetings. Conduct performance appraisals on all direct reports.
- **Feb 1996 – Jul 1997. Director – City of Austin, Department of Small and Minority Business Resources**  
Responsible for all phases of the City's Minority and Women Owned Business Enterprise (M/WBE) Program, formulating and directing outreach, certification and compliance programs promoting maximum M/WBE firm participation in City procurement and contracting opportunities. Identify and formulate solutions to barriers faced by small, minority and woman-owned business enterprises in conducting business with the City. Develop operating budget and monitor expenditures. Manage and coordinate SMBR staff activities; select, train, direct and conduct performance appraisals on all direct reports. Prepare management reports and analysis. Coordinate M/WBE activities, programs and procedures across City departments and in the community. Communicate with City Staff, vendors, contractors, and government agencies to provide assistance, information, and awareness of opportunities. Attend M/WBE Committee and City Council meetings.
- **Aug 1990 – Feb 1996. Senior Construction Engineer – City of Austin, Public Works & Transportation**  
Responsible for managing construction inspection field offices to accomplish the inspection of the construction of streets, drainage, water, wastewater, utilities, bridges and structures ensuring conformance with requirements. Review and approve in-progress and completed projects to ensure conformance with plans, specifications and applicable City ordinances and to ensure good engineer/construction practices. Recommend acceptance of completed projects and render requested inspection functions to ensure that budget limits maintained. Manage the resolution of complaints, claims, arbitration, litigation and similar matters on the City's behalf. Conduct performance appraisals on all direct reports.

## CHARLES H. HEIMSATH QUALIFICATIONS

Charles H. Heimsath graduated from The University of Texas in 1976 with a Master of Science degree in City Planning. He has been active in the real estate market since 1976 in the areas of commercial and residential brokerage, market and feasibility studies, and real estate research. Prior to his association with Capitol Market Research, Mr. Heimsath was a senior project manager in charge of feasibility/market research with an appraisal firm, R. Robinson & Associates, Inc., Austin, Texas. Between 1980 and 1983 he was responsible for managing the real estate research division at the Rice Center in Houston.

Since moving to Austin in February 1984, Mr. Heimsath has conducted or managed over 300 market research and feasibility projects covering a range of property types from residential and mixed-use subdivisions through office/warehouse and service center space to downtown office buildings. His work has also included population forecasting for several cities, consultation to the General Land Office, The University of Texas System, and an assessment of the economic and land use impacts of closing Bergstrom Air Force Base.

### EDUCATION

B.S. in Economics, University of Vermont, Burlington, Vermont; June 1972

M.S. in Community and Regional Planning, The University of Texas, Austin, Texas; August 1976

Post Graduate Studies, Rice University, Houston, Texas; 1980, 1981

### PROFESSIONAL MEMBERSHIPS & CERTIFICATIONS

American Institute of Certified Planners, AICP

American Planning Association

Austin Real Estate Council

Texas Real Estate Broker #188355-13

Urban Land Institute

Downtown Austin Alliance, Boardmember

### PROFESSIONAL EXPERIENCE

Capitol Market Research, Inc., President: June 1986 - Present

R. Robinson & Associates, Project Manager: Real estate research, market and demographic studies, land-use forecasting: February 1984 - June 1986

South Main Center Assoc., Associate Director: Construction management, office administration, policy development, community outreach: February 1983 - February 1984

Rice Center, Senior Associate: Senior project manager responsible for real estate research, urban development and economic forecasting: October 1978 - February 1983

Mayor's Office, City of Houston, Urban Economist: Responsible for preparing the Overall Economic Development Plan (OEDP) for Houston: October 1976 - October 1978

**J. CHRIS LIPPE, P.E.**  
**Director**  
**Water and Wastewater Utility**  
**Austin, Texas**

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### ***EDUCATION***

B.S., Civil Engineering, 1974, The University of Texas at Austin

Post Graduate Course Work includes:

Mathematical Modeling of Natural Systems;

Environmental Engineering, and;

Computer Science Courses

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### **REGISTRATION**

Professional Engineer, Texas, 1981

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### **PROFESSIONAL HISTORY**

Director, Water and Wastewater Utility, December, 2000 - Present

Acting Director, Water and Wastewater Utility, March, 2000 - December, 2000

Assistant Director of Treatment, Water and Wastewater Utility, 1995 - 2000

Assistant Director of Engineering, Water and Wastewater Utility, 1989 - 1994

Engineering Manager, Water and Wastewater Utility, 1984 - 1989

Project Manager, Texas Water Commission, Austin, Texas, 1982 - 1984

Environmental Engineer, Radian Corporation, Austin, Texas, 1979 - 1982

Hydrologist, Texas Department of Water Resources, 1975 - 1979

Field Engineer, Chicago Bridge and Iron, Inc., 1974

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### **REPRESENTATIVE EXPERIENCE**

#### **City of Austin, Water and Wastewater Utility, Austin, Texas**

*Director*, responsible for management of Water and Wastewater Utility, including O&M Budget of \$247 million and a capital spending plan over \$100 million per year. Includes directing water treatment, wastewater treatment, distribution and collection operations, engineering and business support programs.

*Assistant Director*, responsible for managing the Treatment Program from 1995 through February 2000. This program which includes the operation and maintenance of three major water plants, three large wastewater plants, a centralized biosolids treatment facility, 114 lift stations and approximately 55 reservoirs and pump stations. Support groups include laboratories and process engineering. Responsible for preparation and management of a \$37 million budget and 400 employees.

**J. Chris Lippe, P.E.**

**Resume**

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*Assistant Director* over the Engineering Program of the Utility from 1989 through 1994. Responsible for the \$50 million per year Capital Improvements Program, including the planning, design and construction management of treatment plants, pumping stations, and pipeline projects in Austin. Responsible for negotiating developer contracts.

*Engineering Manager* directed the Wastewater Treatment division's Capital Improvements Program, Industrial Waste Pretreatment Program, discharge permitting, and wastewater treatment plant facility engineering. Treatment capacity more than doubled and treatment levels significantly improved. Coordinated 1986 Texas Water Commission permit renewals for all plants; Austin's Industrial Waste Pretreatment Program remains a model for state. Implemented innovative team approach to process and energy optimization.

### **Texas Water Commission, Austin Texas**

*Project Manager* at the Texas Water Commission's Superfund Unit. Managed two of the largest, oldest abandoned hazardous waste sites in Texas, the Sikes Pits and French Limited sites. Managed the remedial investigations and the remedial feasibility study phases of these projects. Studies included extensive environmental sampling, interpretation, alternative development and costing. Became manager of Superfund Unit in 1984.

### **Radian Corporation, Austin, Texas**

*Environmental Engineer.* Directed several industrial and municipal plant environmental audits. Solid waste and wastewater problem areas were identified, sampling was conducted, and waste treatment or disposal plans were prepared.

Conducted a project for the Environmental Protection Agency to determine the design, operation, and maintenance characteristics of small wastewater treatment plants in relation to the effectiveness of treatment. This study included the design, review, inspection, and sampling of a large number of sewage treatment plants in Missouri.

Performed numerous site suitability studies for major industrial clients in Texas and other states. Responsible for all surface water aspects of these investigations, including water availability, water quality impacts, flood hazards, and permitting constraints. Types of facilities included mines, solid waste disposal facilities, power plants, synthetic fuels plants, and refineries.

**J. Chris Lippe, P.E.**  
**Resume**  
**Page 3**

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**Texas Department of Water Resources (TDWR). Austin. Texas**

*Hydrologist*, responsible for mathematical modeling of water quality in streams, reservoirs, and estuaries of the State of Texas. This included the design and execution of water quality surveys, calibration/verification of water quality models, and utilization of these models to predict impacts of municipal and industrial discharges to receiving water bodies. In addition, the treatment levels required to maintain stream standards were determined using these models.

Performed water quality modeling studies for stream segments in the San Antonio, Corpus Christi, and Dallas/Fort Worth areas.

**Chicago Bridge and Iron (CBI). Chicago. Illinois**

*Field Engineer* on two oil storage tank construction projects. Duties included layout of materials from blueprints and inspection of welds using x-ray techniques.

***PROFESSIONAL AFFILIATIONS***

Water Environment Federation, Member of Competitiveness Committee  
American Water Works Association, Member of Joint AWWA/WEF Management  
Conference Program Committee

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**PAPERS AND PUBLICATIONS**

Susan Booth, C.B. Hagar, Chris Lippe, "Helping Operators Improve Plant Performance", published in the American Water Works Association Journal, May, 1999.

Chris Lippe, Gary Matson, "Energy as a Product of Biosolids Management", presented at Texas Renewable Energy Conference on Bio Energy Options for Municipalities, November, 1996.

Maria Raper, Chris Lippe, "Total Quality Management - The Austin Experience", Water Environment Association of Texas Annual Conference, May, 1995.

Chris Lippe, "South Austin Outfall", presented at Water Environment Association of Texas Meeting, May, 1994.

**J. Chris Lippe, P.E.****Resume****Page 4**

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Chris Lippe, Randal Pohren, Raj Bhattarai, "Used Water For Sale; Planning, Design and Implementation of Austin's Water Reuse Program", presented at 1988 National Water Pollution Control Federation Conference, October, 1988.

Horace L. Smith, Andrew Covar, Chris Lippe, "Controlled Interception and Diversion of Wastewater to meet State Requirements by baseloading the Austin, Texas Govalle WWTP", presented at 1987 National Water Pollution Control Federation Conference, October, 1987.

Alan Plummer, Jr., Chris Lippe, "Water Quality Modeling of the Colorado River for the Major Expansion and Treatment Level Upgrade of the Austin, Texas Wastewater Treatment System", presented at the 1986 National Water Pollution Control Federation Conference, October, 1986.

Andrew Covar, Chris Lippe, Horace Smith, "Response to Enforcement Actions at Williamson Creek Wastewater Treatment Plant, Austin, Texas", presented at the 1986 National Water Pollution Control Federation Conference, October, 1986.

Chris Lippe, James Treblay, "Remedial Investigations at Two Related Superfund Sites, French Limited and Sikes Disposal Pits, Houston, Texas", presented at 1984 National Conference and Exhibition on Hazardous Wastes and Environmental Emergencies, Houston, Texas.

Chris Lippe, James Treblay, "State of Texas Superfund Program and Review of Two Specific Sites", presented at the National Conference on Management of Uncontrolled Hazardous Waste Sites, November, 1983.

**Barry R. McBee**  
5000 Mission Oaks Boulevard #16  
Austin, Texas 78735  
(512) 899-0036

### **Professional Experience**

Executive Assistant to Governor Rick Perry, December 2000 to September 2001.  
Fulfilled responsibilities of chief of staff, overseeing all aspects of office and 200 person staff.

Executive Assistant to Lt. Governor Rick Perry, January 1999 to December 2000.  
Fulfilled responsibilities of chief of staff to presiding officer of Texas Senate, overseeing all aspects of office and 60 person staff.

Chairman, Texas Natural Resource Conservation Commission, August 1995 to December 1998. Appointed by Governor George W. Bush to chair three-person state environmental protection agency. Commission established policy, adopted rules and decided contested permitting air, water quality and solid waste matters.

Deputy Commissioner, Texas Department of Agriculture, January 1991 to August 1995.  
Chief operating and administrative officer for 250-person state agency charged with promoting Texas agriculture, overseeing plant quality and pesticide regulation.

Special Assistant to the Secretary to the Cabinet of President George H.W. Bush, September 1989 to January 1991. Principal White House liaison to Departments of Energy, Interior, Labor, Veterans Affairs and the Environmental Protection Agency.

Deputy General Counsel to Governor Williams P. Clements, Jr., June 1988 to August 1989. Served as chief civil legal counsel and advisor to Texas governor and his staff and as member of legislative team during 71<sup>st</sup> Session.

Chief Deputy Director of Governmental Appointments to Governor William P. Clements, Jr., February 1987 to June 1988. Assisted in evaluation and recommendation of appointees to Texas Governor, including judicial nominees.

Partner and Associate, Corporate Section, Thompson & Knight, June 1981 to February 1987. Participated in oil and gas and real estate private and publicly-traded limited partnership transactions and in corporate acquisition, liquidation and general matters.

### **Academic Background**

Southern Methodist University School of Law, *Juris Doctor* cum laude, May 1981.  
Order of the Coif, Editor-in-chief, *Journal of Air Law and Commerce*.

University of Oklahoma Bachelor of Arts with distinction, May 1978. Phi Beta Kappa.



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

## Fax Cover Letter

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