

**THE EXECUTIVE DIRECTOR'S REQUEST
FOR DISCLOSURE, INTERROGATORIES
AND REQUEST FOR PRODUCTION TO
FISH TRAP PROPERTIES, L.L.P.
PAGE 6**

Request for Production No. 2. Please provide copies of all documents you have identified, that support, or otherwise relate to your answers to Interrogatory Nos. 3 through 11 above.

Request for Production No. 3. Please provide copies of any letters of intent between you and any retail public utility to provide sewer service to your property.

Request for Production No. 4. Please provide copies of documents containing any historical data concerning sewer service reliability and historical sewer service quality to consumers in the Town of Prosper's proposed service area.

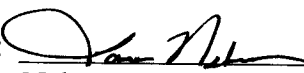
Request for Production No. 5. Please provide a map illustrating the location of Fishtrap Properties, L.L.P. in respect to the Town of Prosper's proposed applications.

Respectfully submitted,

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

Margaret Hoffman
Executive Director

Stephanie Bergeron, Director
Environmental Law Division

By: 
Lara Nehman, State Bar Number 00794358
Staff Attorney, Environmental Law Division

**THE EXECUTIVE DIRECTOR'S REQUEST
FOR DISCLOSURE, INTERROGATORIES
AND REQUEST FOR PRODUCTION TO
FISH TRAP PROPERTIES, L.L.P.
PAGE 7**

CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of May, 2003, a true and correct copy of the foregoing document in SOAH Docket No. 582-03-1994 was delivered by mail, hand delivered, faxed, or sent by interagency mail to all persons on the attached mailing list.



Lara Nehman
Staff Attorney
Environmental Law Division

Mailing List
The Town of Prosper
SOAH Docket No. 582-03-1994
TCEQ Docket No. 2002-1250-UCR

Kerry E. Russell
Russell, Moorman & Rodriguez, L.L.P.
102 West Morrow, Suite 103
Georgetown, Texas 78626
Tel 512/930-1317
Fax 512/864-7744

Representing Town of Prosper

Mark Zeppa
4833 Spicewood Springs Road, Suite 202
Austin, Texas 78759-8436
Tel. 512/346-4011
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Representing Denton County Fresh Water Supply;
District No. 10 Binary Investments, Inc.;
Huffines Communities, Inc.

Tom Leonard
1524 South IH-35, Suite 234
Austin, Texas 78704
Tel. 512/477-7161
Fax 512/476-1676

Representing Fish Trap Properties, L.L.P. and
Glenbrook Water Supply

Sal Levatino
816 Congress Ave, Suite 1280
Austin, Texas 78704
Tel. 512/474-4462
Fax 512/482-0051

Representing Fish Trap Properties, L.L.P. and
Glenbrook Water Supply

Lara Nehman, Staff Attorney
Sheridan Gilkerson, Staff Attorney
Texas Commission on
Environmental Quality - MC 173
P.O. Box 13087
Austin, Texas 78711-3087
Tel. 512/239-1121
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Representing the Executive Director of the Texas
Commission on Environmental Quality

TOWN OF PROSPER
SOAH DOCKET NUMBER: 582-03-1994
TCEQ DOCKET NUMBER: 2002-1250-UCR

PAGE 2

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Docket Clerk
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SOAH DOCKET NO. 582-03-1994
TCEQ DOCKET NO. 2002-1250-UCR

1350

APPLICATION OF THE TOWN OF PROSPER TO AMEND SEWER CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) NO. 20888 IN DENTON COUNTY, APPLICATION NO. 34004-C	§ § § § § §	BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS
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**TOWN OF PROSPER'S FIRST SET OF INTERROGATORIES
 AND FIRST REQUEST FOR PRODUCTION
TO FISHTRAP PROPERTIES, LTD.**

TO: Fishtrap Properties, Ltd., by and through its attorney of record, Sal Levatino,
 1524 South IH 35, Suite 234, Austin, TX 78746.

The Town of Prosper ("Prosper"), serves this, its First Set of Interrogatories and First Request for Production, on Fishtrap Properties, Ltd. ("Fishtrap") through its attorney of record, Sal Levatino, pursuant to Chapter 2001 of the Texas Government Code, the Texas Rules of Civil Procedure, and applicable rules and regulations of the Texas Commission on Environmental Quality and the State Office of Administrative Hearings. Within twenty (20) days of service of this request, Fishtrap must serve a signed copy of the responses to these requests upon counsel for Prosper, Kerry E. Russell or Arturo D. Rodriguez, Jr., at the following address: Russell, Moorman & Rodriguez, L.L.P., 102 West Morrow, Suite 103, Georgetown, Texas 78626.

A. DEFINITIONS

The following paragraphs state definitions that apply to this First Set of Interrogatories and First Set of Requests for Production in its entirety, including the Instructions noted below:

1. "Applicant" and "Prosper" refer to the Town of Prosper, and each of its officers, employees, agents, representatives, attorneys, and all other natural persons, business or legal entities, presently or formerly acting in concert with, under their direct or indirect control of, or on behalf of Prosper.
2. "You," "your," "Fishtrap," and "Protestant" means Fishtrap Properties, Ltd., its officers, employees, agents, representatives, attorneys, and all other natural persons, businesses or

legal entities, presently or formerly, acting in concert with, under the direct or indirect control of, or on behalf of Fishtrap Properties, Ltd.

3. "Document(s)" means all written, typed, or printed matters, and all magnetic or other records, papers, or documentation of any kind or description (including, without limitation, letters, correspondence, telegrams, memoranda, notes, minutes, contracts, agreements, notations of telephone or in-person conversations, conferences, inter-office communications, e-mail, microfilm, bulletins, circulars, accounts, writings, drawings, graphs, charts, pamphlets, books, facsimiles, invoices, tape recordings, video recordings, photographs, computer printouts and work sheets), including all originals and all drafts and copies not identical to the originals, all photographs and graphic matter, however produced or reproduced, and all compilations of data from which information can be obtained, and any and all writings or recordings of any type or nature, whether or not prepared by you, in your actual possession, custody, or control, including those in the possession, custody, or control of any and all present or former directors, officers, employees, representatives, consultants, accountants, attorneys, agents, other natural persons, business or legal entities, presently or formerly acting in concert with, under their direct or indirect control of, or on behalf of Protestant.
4. "Describe" or "identify," when used in reference to a document, means you must state, to the fullest extent possible, the following:
 - a) The nature (e.g., letter, handwritten note) of the document;
 - b) The title or heading that appears on the document;
 - c) The date of the document and the date of each addendum, supplement, or other addition or change;
 - d) The identity of: the author of the document; any signatory(ies) of the document; and the person on whose behalf or at whose request or direction the document was prepared or delivered; and
 - e) The present location of the document, and the name, address, position or title, and telephone number(s) of the person(s) having custody of the document.
5. "Describe" or "identify," when used in reference to a natural person, means you must state, to the fullest extent possible, the following:
 - a) The full name;
 - b) The present or last known residential address, including zip code;
 - c) The present or last known residential and office telephone number(s);
 - d) The present or last known occupation, job title, employer, and employer's address, including zip code;

- e) The occupation, job title, employer, and employer's address at the time of the event or period referred to in each particular interrogatory; and
 - d) In the case of any person other than an individual, identify the officer, employee, or agent most closely connected with the subject matter of the interrogatory, and the officer who is responsible for supervising that officer or employee.
- 6. "Communication" means any oral or written communication of which the Protestant has knowledge, information, or belief.
 - 7. "File" means any collection or group of documents maintained held, stored, or used together, including, without limitation, all collections of documents maintained, held, or stored in folders, notebooks, or other devices for separating or organizing documents.
 - 8. "Person(s)" means any natural person, corporation, firm, association, partnership, joint venture, proprietorship, governmental body, or any other organization, business, or legal entity, and all other predecessors or successors in interest.
 - 9. "Concerning" means, in whole or in part, directly or indirectly, referring to, relating to, being connected with, commenting on, responding to, showing, describing, analyzing, reflecting, embodying, mentioning, or constituting the subject matter identified in the request.
 - 10. "Date" means the exact day, month, and year, if ascertainable or, if not, the best approximation.
 - 11. The word "and" means "and/or."
 - 12. The word "or" means "or/and."
 - 13. "Application" refers to Application of the Town of Prosper to Amend Sewer Certificate of Convenience and Necessity No. 20888 in Denton County, Application No. 34004-C, TCEQ Docket No. 2002-1250-UCR, SOAH Docket No. 582-03-1994, pending before the Texas Commission on Environmental Quality ("TCEQ") and/or the State Office of Administrative Hearings ("SOAH") and any and all information gathered, generated, compiled, or submitted to any other state or federal agency by or on behalf of Fishtrap Properties, Ltd., related to TCEQ Application No. 340004-C.
 - 14. "Affected property" refers to any real property owned, leased, or managed by you, in whole or in part, that you allege may suffer injury or damage, including but not limited to current or future actual injury or economic damage, as a result of the proposed Prosper application.
 - 15. All definitions found in 30 TEX. ADMIN. CODE Ch. 291 and Tex. Water Code Ch. 13 are incorporated herein, verbatim.

B. INSTRUCTIONS

1. Protestants are required to answer each of the following requests for documents separately by listing the documents and by describing them as defined herein. If documents are numbered for production, in each response provide both the information that identifies the document and the document's number.
2. As to any interrogatory or requests for production to which you refuse to respond or are unable to respond to in whole or in part, for any reason, please state the grounds for your refusal or inability to respond. When you believe that a complete answer to a particular request for production or part thereof is not possible, please answer each request for production to the extent possible and furnish a statement explaining: 1) the reason for your inability to respond further; and 2) whatever information or knowledge you have concerning the non-responsive portion.
3. For each document or other requested information that you assert is privileged or is not discoverable, identify that document or other requested information, and state the specific grounds for the claim of privilege or other ground for exclusion. Also, for each document you assert is not discoverable, state the date of the document; state the name, job title, and address of the person who prepared it; state the name, address, and job title of the person to whom it was addressed, circulated, or who saw it; state the name, job title, and address of the person now in possession of the document; describe the subject matter of the document; and state the present location and the custodian for the document.
4. For every document that no longer exists or cannot be located: identify the document; state how and when the document passed out of existence, or when it could no longer be located; and state the reason(s) for the disappearance; identify each person having knowledge about the disposition or loss of the document; and identify each document evidencing the existence or nonexistence of each document that cannot be located.
5. It is requested that all documents that might impact on the subject matter of Prosper's Application be preserved and that any ongoing process of document destruction involving such documents cease.
6. Furnish all requested documents available to you and known by you, or in your possession or that of your agents and attorneys, or requested in your records.
7. In those instances when requested documents are stored only on software, computer based information, or other data compilations, you should either produce the raw data along with all codes and programs for translating it into usable form, or produce the documents in a finished usable form that includes all necessary glossaries, keys, and indices for interpretation of the material.
8. Please respond to each interrogatory or request for production in the space provided. If you need additional space within which to respond to a request, please add pages as necessary, and indicate clearly the request for production to which each response is responsive. When requests for production contain subparts, indicate in your answer the subpart to which each particular part of your response is in response.

9. You are under a duty to supplement your responses to these interrogatories and requests for production that are incomplete or incorrect when made. Furthermore, you are under a duty to timely supplement and/or amend your responses if you receive, obtain, or generate information within the scope of any interrogatory or request for production between the time of the original responses and the conclusion of this proceeding.
10. Unless otherwise indicated, the discovery requested herein Prosper's First Set of Interrogatories and First Set of Requests for Production relates to the time period from January 1, 1997 through the present. All requested documents, data compilations, and recordings whenever actually prepared or generated that relate to this time period are to be produced.

Respectfully submitted,

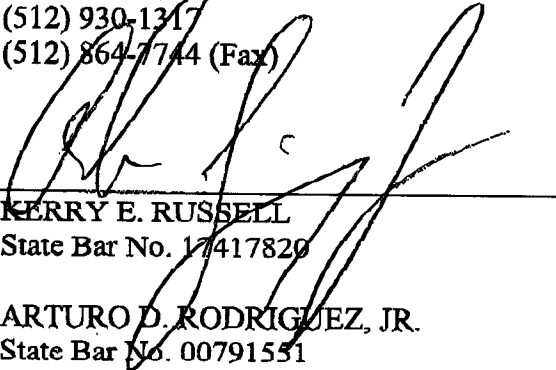
Russell, Moorman & Rodriguez, L.L.P.

102 West Morrow Street, Suite 103

Georgetown, Texas 78626

(512) 930-1317

(512) 864-7744 (Fax)



KERRY E. RUSSELL

State Bar No. 17417820

ARTURO D. RODRIGUEZ, JR.

State Bar No. 00791551

ATTORNEYS FOR THE TOWN OF PROSPER

CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of May, 2003, a true and correct copy of the foregoing document has been sent via facsimile, first class mail, or hand-delivered to the following counsel of record:

Mr. Sal Levatino
1524 S. IH 35, Suite 234
Austin, Texas 78746
Fax: 512/ 482-0051

Mr. Mark Zeppa
4833 Spicewood Springs Road, Suite 202
Austin, Texas 78759-8436

Mr. Blas Coy, Attorney
Office of Public Interest Counsel
TCEQ - MC 103
P.O. Box 13087
Austin, Texas 78711-3087
Fax: 239-6377

Ms. Lara Nehman, Attorney
Environmental Law Division
TCEQ - MC 173
P.O. Box 13087
Austin, Texas 78711-3087
Fax: 239-0606

Docket Clerk
Office of the Chief Clerk - MC 105
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
Fax: 239-3311


ARTURO D. RODRIGUEZ, JR.

C. INTERROGATORIES**INTERROGATORY NO. 1:**

Identify each person(s) answering these interrogatories, supplying information, assisting in any way with the preparation of the answers to these interrogatories, whether or not such answer, information, or assistance was used, and state with specificity the particular interrogatory and, where possible, the particular portion of the answer to which such person(s) answered, informed, or assisted.

ANSWER:**INTERROGATORY NO. 2**

With respect to all investigations of any kind conducted by or for you, any other person, or entity, concerning or relating to Prosper's Application, please identify the person who initially requested that the investigation be undertaken and give the date when each investigation was initiated and completed.

ANSWER:**INTERROGATORY NO. 3:**

Identify each current and former member, stockholder, partner, or proprietor of Fishtrap Properties, Ltd.

ANSWER:**INTERROGATORY NO. 4:**

Identify current and former employees, officers, Board of Directors, and ad hoc Advisors of Fishtrap Properties, Ltd.

ANSWER:**INTERROGATORY NO. 5:**

Identify the date that Fishtrap became aware of Prosper's corporate limits. If a specific date cannot be identified, provide the month and the year.

ANSWER:

INTERROGATORY NO. 6:

Identify when Fishtrap first became aware of Prosper's master plan for its sewer and water service.

ANSWER:**INTERROGATORY NO. 7:**

Identify when and with whom communications were conducted with the Upper Trinity Regional Water District ("Upper Trinity") for Upper Trinity to provide Fishtrap with wastewater service.

ANSWER:**INTERROGATORY NO. 8:**

Identify when and with whom communications were conducted with Mustang Water Supply Corporation for the provision of wastewater service to Fishtrap or its property.

ANSWER:**INTERROGATORY NO. 9:**

Identify the amount of volume and capacity Fishtrap has committed to or reserved from the Upper Trinity Regional Water District for water and/or wastewater service.

ANSWER:**INTERROGATORY NO. 10:**

Identify the amount of volume and capacity Fishtrap has committed to or reserved from the Mustang Water Supply Corporation for water and/or wastewater service.

ANSWER:

INTERROGATORY NO. 11:

Identify the property development schedule for Fishtrap and the Upper Trinity Regional Water District.

ANSWER:

INTERROGATORY NO. 12:

Identify the property development schedule for Fishtrap and the Mustang Water Supply Corporation.

ANSWER:

INTERROGATORY NO. 13:

Identify if Fishtrap has prepared an urbanized stormwater drainage flow study for Doe Creek. If not, explain why not.

ANSWER:

INTERROGATORY NO. 14:

Identify the results of the study referenced in Request No. 13.

ANSWER:

INTERROGATORY NO. 13:

Identify the projected utility rate anticipated per customer for wastewater treatment services for retail customers anticipated to be served in land owned by Fishtrap.

ANSWER:

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

Produce all documents identified in Protestant's answers to Prosper's First Set of Interrogatories.

RESPONSE:

REQUEST FOR PRODUCTION NO. 2:

Produce all documents and tangible things including, but not limited to, all reports, working papers, notes, calculations, diagrams, photographs, physical models, exhibits, compilations of data, drafts, treatises, rules, regulations, guidelines, statutes, policies, procedures, authoritative materials, or other materials prepared by or reviewed by each facts witness and expert you expect to call to testify during the Hearing on the Merits regarding Prosper's Application, and by each consulting expert whose work has been reviewed by a testifying expert.

RESPONSE:

REQUEST FOR PRODUCTION NO. 3:

For each expert you expect to testify during the Hearing on the Merits regarding Prosper's Application, and for each consulting expert whose opinions or observations a testifying expert will review or has reviewed, produce a curriculum vitae, a list of all cases in which the expert has testified either by deposition or live at trial or hearing, and a list of all articles or publications by the expert.

RESPONSE:

REQUEST FOR PRODUCTION NO. 4:

Produce all billing and fee related documents including, but not limited to, all invoices, bills, or other billing materials for each expert you expect to testify during the Hearing on the Merits regarding Prosper's Application, and for each consulting expert whose opinions or observations a testifying expert will review or has reviewed.

RESPONSE:

REQUEST FOR PRODUCTION NO. 5:

For each person you expect to call as a fact witness during the Hearing on the Merits regarding Prosper's Application, please produce each and every document that has been reviewed by the witness regarding Prosper's Application.

RESPONSE:

REQUEST FOR PRODUCTION NO. 6:

Produce all agreements for settlement, indemnification, compromise, guarantee, or any other kind of agreement, which you have entered into with any party, or non-party, as a result of, concerning, or relating to Prosper's Application.

RESPONSE:

REQUEST FOR PRODUCTION NO. 7:

Produce all documents and tangible things including, but not limited to, all reports, working papers, notes, calculations, diagrams, photographs, physical models, exhibits, compilations of data, drafts, treatises, rules, regulations, guidelines, statutes, policies, procedures, authoritative materials, or other materials prepared by you or for you, submitted by you, for you, or to you, or reviewed by you or for you relating to or concerning Prosper's Application.

RESPONSE:

REQUEST FOR PRODUCTION NO. 8:

Produce all documents relating to or concerning any and all investigations made by or for you regarding Prosper's Application including, but not limited to, documents identifying the person who initially requested that the investigation be undertaken, the dates on which the investigation was initiated and completed, all persons who were responsible for conducting the investigation, all persons who did any work whatsoever in connection with the investigation, and every person interviewed or contacted in any manner with regard to the investigation; the current custodian(s) of any written statement or recording; and the date and substance of any oral communication.

RESPONSE:

REQUEST FOR PRODUCTION NO. 9:

Produce all documents relating to or concerning the Prosper's Application including, but not limited to, all correspondence, notes of telephone conferences or other oral communications, meeting notes, agendas, notices, letters, statements, or any other documents evidencing or relating to communications, whether written or oral, between you and any of the following entities:

- (a) any municipal agency;
- (b) any county agency;
- (c) any state agency;
- (d) any federal agency;
- (e) any testifying or consulting expert;
- (f) any party to this proceeding;
- (g) any elected official;
- (h) any representative(s), agent, or affiliate of any individual or business entity that provides any type of wastewater services; or
- (i) any representative(s), agent, or affiliate of any individual or business entity that provides any type of water services.

RESPONSE:

REQUEST FOR PRODUCTION NO. 10:

Produce all documents relating to or concerning your position against Prosper's Application prepared by you or for you, submitted by you or for you or to you, or reviewed by you or for you.

RESPONSE:

REQUEST FOR PRODUCTION NO. 11:

Produce all documents that you will or may use or introduce as exhibits during the Hearing on the Merits regarding Prosper's Application.

RESPONSE:

REQUEST FOR PRODUCTION NO. 12:

Produce all documents relating to or concerning the agreement under which you have engaged the services of your fact witnesses, consultants and expert witnesses regarding Prosper's Application.

RESPONSE:

REQUEST FOR PRODUCTION NO. 13:

Produce all documents relating to or concerning each and every meeting held by or for Fishtrap Properties, Ltd., including, but not limited to, meeting notices, agendas, minutes, and sign-in sheets.

RESPONSE:

REQUEST FOR PRODUCTION NO. 14:

Produce all documents created by, received by, or distributed by you relating to or concerning the Prosper's Application including, but not limited to, any press release, public relation document, letter to the editor, newspaper article, flyer, information sheet, or background material.

RESPONSE:

REQUEST FOR PRODUCTION NO. 15:

Produce all documents concerning or relating to Fishtrap Properties, Ltd., corporate structure, organization, and operation, including, but not limited to, by-laws, rules, regulations, declarations, articles of incorporation, articles of amendment, and qualifications for membership.

RESPONSE:

REQUEST FOR PRODUCTION NO. 16:

With respect to all preliminary, final, or other written reports of any kind prepared by or for you, any other person, or entity, concerning or relating to Prosper's Application, please identify the person who currently has custody of each report along with the date and author of each report.

ANSWER:

REQUEST FOR PRODUCTION NO. 17:

Produce any and all documents purporting to give you authority to participate in this proceeding.

ANSWER:**REQUEST FOR PRODUCTION NO. 18:**

Produce any and all documents between you and the Upper Trinity Regional Water District regarding the provision of water and/or wastewater services.

ANSWER:**REQUEST FOR PRODUCTION NO. 19:**

Produce any and all documents between you and the Mustang Water Supply Corporation regarding the provision of water and/or wastewater services.

ANSWER:**REQUEST FOR PRODUCTION NO. 20:**

Produce any and all documents between you and the Glenbrook Water Supply Corporation regarding the provision of water and/or wastewater services.

ANSWER:**REQUEST FOR PRODUCTION NO. 21:**

Produce any and all documents related to the delivery, by purchase or dedication, with the Upper Trinity Regional Water District, of any easements.

ANSWER:

REQUEST FOR PRODUCTION NO. 22:

Produce any and all documents related to the delivery, by purchase or dedication, with the Mustang Water Supply Corporation, of any easements.

ANSWER:

REQUEST FOR PRODUCTION NO. 23:

Produce any and all documents related to the delivery, by purchase or dedication, with the Glenbrook Water Supply Corporation, of any easements.

ANSWER:

**SOAH DOCKET NO. 582-03-1994
TCEQ DOCKET NO. 2002-1250-UCR**

APPLICATION OF THE TOWN OF PROSPER TO AMEND SEWER CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) NO. 20888 IN DENTON COUNTY, APPLICATION NO. 34004-C	§ § § § § §	BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS
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**TOWN OF PROSPER'S FIRST SET OF INTERROGATORIES
AND FIRST REQUEST FOR PRODUCTION
TO GLENBROOK WATER SUPPLY CORPORATION**

TO: Glenbrook Water Supply Corporation, by and through its attorney of record, Sal Levatino, 1524 South IH 35, Suite 234, Austin, TX 78746.

The Town of Prosper ("Prosper"), serves this, its First Set of Interrogatories and First Request for Production, on Glenbrook Water Supply Corporation ("Glenbrook") through its attorney of record, Sal Levatino, pursuant to Chapter 2001 of the Texas Government Code, the Texas Rules of Civil Procedure, and applicable rules and regulations of the Texas Commission on Environmental Quality and the State Office of Administrative Hearings. Within twenty (20) days of service of this request, Glenbrook must serve a signed copy of the responses to these requests upon counsel for Prosper, Kerry E. Russell or Arturo D. Rodriguez, Jr., at the following address: Russell, Moorman & Rodriguez, L.L.P., 102 West Morrow, Suite 103, Georgetown, Texas 78626.

A. DEFINITIONS

The following paragraphs state definitions that apply to this First Set of Interrogatories and First Set of Requests for Production in its entirety, including the Instructions noted below:

1. "Applicant" and "Prosper" refer to the Town of Prosper, and each of its officers, employees, agents, representatives, attorneys, and all other natural persons, business or legal entities, presently or formerly acting in concert with, under their direct or indirect control of, or on behalf of Prosper.

2. "You," "your," "Glenbrook," and "Protestant" means Glenbrook Water Supply Corporation, its officers, employees, agents, representatives, attorneys, and all other natural persons, businesses or legal entities, presently or formerly, acting in concert with, under the direct or indirect control of, or on behalf of Glenbrook Water Supply Corporation.
3. "Document(s)" means all written, typed, or printed matters, and all magnetic or other records, papers, or documentation of any kind or description (including, without limitation, letters, correspondence, telegrams, memoranda, notes, minutes, contracts, agreements, notations of telephone or in-person conversations, conferences, inter-office communications, e-mail, microfilm, bulletins, circulars, accounts, writings, drawings, graphs, charts, pamphlets, books, facsimiles, invoices, tape recordings, video recordings, photographs, computer printouts and work sheets), including all originals and all drafts and copies not identical to the originals, all photographs and graphic matter, however produced or reproduced, and all compilations of data from which information can be obtained, and any and all writings or recordings of any type or nature, whether or not prepared by you, in your actual possession, custody, or control, including those in the possession, custody, or control of any and all present or former directors, officers, employees, representatives, consultants, accountants, attorneys, agents, other natural persons, business or legal entities, presently or formerly acting in concert with, under their direct or indirect control of, or on behalf of Protestant.
4. "Describe" or "identify," when used in reference to a document, means you must state, to the fullest extent possible, the following:
 - a) The nature (e.g., letter, handwritten note) of the document;
 - b) The title or heading that appears on the document;
 - c) The date of the document and the date of each addendum, supplement, or other addition or change;
 - d) The identity of: the author of the document; any signatory(ies) of the document; and the person on whose behalf or at whose request or direction the document was prepared or delivered; and
 - e) The present location of the document, and the name, address, position or title, and telephone number(s) of the person(s) having custody of the document.
5. "Describe" or "identify," when used in reference to a natural person, means you must state, to the fullest extent possible, the following:
 - a) The full name;
 - b) The present or last known residential address, including zip code;
 - c) The present or last known residential and office telephone number(s);

- e) The occupation, job title, employer, and employer's address at the time of the event or period referred to in each particular interrogatory; and
 - d) In the case of any person other than an individual, identify the officer, employee, or agent most closely connected with the subject matter of the interrogatory, and the officer who is responsible for supervising that officer or employee.
- 6. "Communication" means any oral or written communication of which the Protestant has knowledge, information, or belief.
 - 7. "File" means any collection or group of documents maintained held, stored, or used together, including, without limitation, all collections of documents maintained, held, or stored in folders, notebooks, or other devices for separating or organizing documents.
 - 8. "Person(s)" means any natural person, corporation, firm, association, partnership, joint venture, proprietorship, governmental body, or any other organization, business, or legal entity, and all other predecessors or successors in interest.
 - 9. "Concerning" means, in whole or in part, directly or indirectly, referring to, relating to, being connected with, commenting on, responding to, showing, describing, analyzing, reflecting, embodying, mentioning, or constituting the subject matter identified in the request.
 - 10. "Date" means the exact day, month, and year, if ascertainable or, if not, the best approximation.
 - 11. The word "and" means "and/or."
 - 12. The word "or" means "or/and."
 - 13. "Application" refers to Application of the Town of Prosper to Amend Sewer Certificate of Convenience and Necessity No. 20888 in Denton County, Application No. 34004-C, TCEQ Docket No. 2002-1250-UCR, SOAH Docket No. 582-03-1994, pending before the Texas Commission on Environmental Quality ("TCEQ") and/or the State Office of Administrative Hearings ("SOAH") and any and all information gathered, generated, compiled, or submitted to any other state or federal agency by or on behalf of Glenbrook Water Supply Corporation, related to TCEQ Application No. 340004-C.
 - 14. "Affected property" refers to any real property owned, leased, or managed by you, in whole or in part, that you allege may suffer injury or damage, including but not limited to current or future actual injury or economic damage, as a result of the proposed Prosper application.
 - 15. All definitions found in 30 TEX. ADMIN. CODE Ch. 291 and Tex. Water Code Ch. 13 are incorporated herein, verbatim.

B. INSTRUCTIONS

1. Protestants are required to answer each of the following requests for documents separately by listing the documents and by describing them as defined herein. If documents are numbered for production, in each response provide both the information that identifies the document and the document's number.
2. As to any interrogatory or requests for production to which you refuse to respond or are unable to respond to in whole or in part, for any reason, please state the grounds for your refusal or inability to respond. When you believe that a complete answer to a particular request for production or part thereof is not possible, please answer each request for production to the extent possible and furnish a statement explaining: 1) the reason for your inability to respond further; and 2) whatever information or knowledge you have concerning the non-responsive portion.
3. For each document or other requested information that you assert is privileged or is not discoverable, identify that document or other requested information, and state the specific grounds for the claim of privilege or other ground for exclusion. Also, for each document you assert is not discoverable, state the date of the document; state the name, job title, and address of the person who prepared it; state the name, address, and job title of the person to whom it was addressed, circulated, or who saw it; state the name, job title, and address of the person now in possession of the document; describe the subject matter of the document; and state the present location and the custodian for the document.
4. For every document that no longer exists or cannot be located: identify the document; state how and when the document passed out of existence, or when it could no longer be located; and state the reason(s) for the disappearance; identify each person having knowledge about the disposition or loss of the document; and identify each document evidencing the existence or nonexistence of each document that cannot be located.
5. It is requested that all documents that might impact on the subject matter of Prosper's Application be preserved and that any ongoing process of document destruction involving such documents cease.
6. Furnish all requested documents available to you and known by you, or in your possession or that of your agents and attorneys, or requested in your records.
7. In those instances when requested documents are stored only on software, computer based information, or other data compilations, you should either produce the raw data along with all codes and programs for translating it into usable form, or produce the documents in a finished usable form that includes all necessary glossaries, keys, and indices for interpretation of the material.
8. Please respond to each interrogatory or request for production in the space provided. If you need additional space within which to respond to a request, please add pages as necessary, and indicate clearly the request for production to which each response is responsive. When requests for production contain subparts, indicate in your answer the subpart to which each particular part of your response is in response.

9. You are under a duty to supplement your responses to these interrogatories and requests for production that are incomplete or incorrect when made. Furthermore, you are under a duty to timely supplement and/or amend your responses if you receive, obtain, or generate information within the scope of any interrogatory or request for production between the time of the original responses and the conclusion of this proceeding.
10. Unless otherwise indicated, the discovery requested herein Prosper's First Set of Interrogatories and First Set of Requests for Production relates to the time period from January 1, 1997 through the present. All requested documents, data compilations, and recordings whenever actually prepared or generated that relate to this time period are to be produced.

Respectfully submitted,

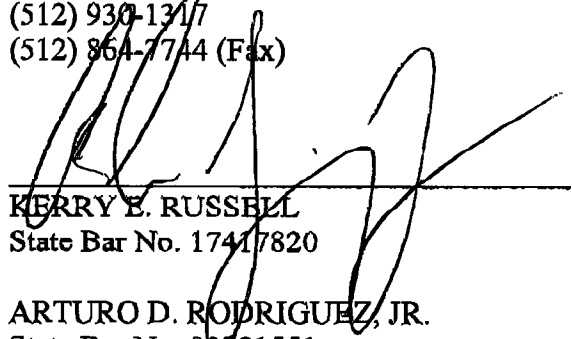
Russell, Moorman & Rodriguez, L.L.P.

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(512) 930-1317

(512) 864-7744 (Fax)



KERRY E. RUSSELL

State Bar No. 17417820

ARTURO D. RODRIGUEZ, JR.

State Bar No. 00791551

ATTORNEYS FOR THE TOWN OF PROSPER

CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of May, 2003, a true and correct copy of the foregoing document has been sent via facsimile, first class mail, or hand-delivered to the following counsel of record:

Mr. Sal Levatino
1524 S. IH 35, Suite 234
Austin, Texas 78746
Fax: 512/482-0051

Mr. Mark Zeppa
4833 Spicewood Springs Road, Suite 202
Austin, Texas 78759-8436

Mr. Blas Coy, Attorney
Office of Public Interest Counsel
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P.O. Box 13087
Austin, Texas 78711-3087
Fax: 239-6377

Ms. Lara Nehman, Attorney
Environmental Law Division
TCEQ - MC 173
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Docket Clerk
Office of the Chief Clerk - MC 105
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
Fax: 239-3311


ARTURO D. RODRIGUEZ, JR.

C. INTERROGATORIES**INTERROGATORY NO. 1:**

Identify each person(s) answering these interrogatories, supplying information, assisting in any way with the preparation of the answers to these interrogatories, whether or not such answer, information, or assistance was used, and state with specificity the particular interrogatory and, where possible, the particular portion of the answer to which such person(s) answered, informed, or assisted.

ANSWER:**INTERROGATORY NO. 2**

With respect to all investigations of any kind conducted by or for you, any other person, or entity, concerning or relating to Prosper's Application, please identify the person who initially requested that the investigation be undertaken and give the date when each investigation was initiated and completed.

ANSWER:**INTERROGATORY NO. 3:**

Identify each current and former member, stockholder, partner, or proprietor of Glenbrook Water Supply Corporation.

ANSWER:**INTERROGATORY NO. 4:**

Identify current and former employees, officers, Board of Directors, and ad hoc Advisors of Glenbrook Water Supply Corporation.

ANSWER:**INTERROGATORY NO. 5:**

Identify the date that Glenbrook became aware of Prosper's corporate limits. If a specific date cannot be identified, provide the month and the year.

ANSWER:

INTERROGATORY NO. 6:

Identify when Glenbrook first became aware of Prosper's master plan for its sewer and water service.

ANSWER:

INTERROGATORY NO. 7:

Identify when and with whom communications were conducted with the Upper Trinity Regional Water District ("Upper Trinity") for Upper Trinity to provide Glenbrook with wastewater service.

ANSWER:

INTERROGATORY NO. 8:

Identify when and with whom communications were conducted with the Upper Trinity Regional Water District ("Upper Trinity") for Upper Trinity to provide Glenbrook with water service.

ANSWER:

INTERROGATORY NO. 9:

Identify when and with whom communications were conducted with Mustang Water Supply Corporation for the provision of wastewater service to Glenbrook or its property.

ANSWER:

INTERROGATORY NO. 10:

Identify when and with whom communications were conducted with Mustang Water Supply Corporation for the provision of water service to Glenbrook or its property.

ANSWER:

INTERROGATORY NO. 11:

Identify the amount of volume and capacity Glenbrook has committed to or reserved from the Upper Trinity Regional Water District for water and/or wastewater service.

ANSWER:

INTERROGATORY NO. 12:

Identify the amount of volume and capacity Glenbrook has committed to or reserved from the Mustang Water Supply Corporation for water and/or wastewater service.

ANSWER:

INTERROGATORY NO. 13:

Identify the property development schedule for Glenbrook and the Upper Trinity Regional Water District.

ANSWER:

INTERROGATORY NO. 14:

Identify the property development schedule for Glenbrook and the Mustang Water Supply Corporation.

ANSWER:

INTERROGATORY NO. 15:

Identify if Glenbrook has prepared an urbanized stormwater drainage flow study for Doe Creek. If not, explain why not.

ANSWER:

INTERROGATORY NO. 16:

Identify the results of the study referenced in Request No. 13.

ANSWER:

INTERROGATORY NO. 17:

Identify the projected utility rate anticipated per customer for wastewater treatment services for retail customers anticipated to be served in land owned by Glenbrook.

ANSWER:

INTERROGATORY NO. 18:

Identify the entities with whom Glenbrook has discussed receiving water and/or wastewater services from.

ANSWER:

INTERROGATORY NO. 19:

Identify all sources of potable fresh water for Glenbrook.

ANSWER:

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

Produce all documents identified in Protestant's answers to Prosper's First Set of Interrogatories.

RESPONSE:

REQUEST FOR PRODUCTION NO. 2:

Produce all documents and tangible things including, but not limited to, all reports, working papers, notes, calculations, diagrams, photographs, physical models, exhibits, compilations of data, drafts, treatises, rules, regulations, guidelines, statutes, policies, procedures, authoritative materials, or other materials prepared by or reviewed by each facts witness and expert you expect to call to testify during the Hearing on the Merits regarding Prosper's Application, and by each consulting expert whose work has been reviewed by a testifying expert.

RESPONSE:

REQUEST FOR PRODUCTION NO. 3:

For each expert you expect to testify during the Hearing on the Merits regarding Prosper's Application, and for each consulting expert whose opinions or observations a testifying expert will review or has reviewed, produce a curriculum vitae, a list of all cases in which the expert has testified either by deposition or live at trial or hearing, and a list of all articles or publications by the expert.

RESPONSE:

REQUEST FOR PRODUCTION NO. 4:

Produce all billing and fee related documents including, but not limited to, all invoices, bills, or other billing materials for each expert you expect to testify during the Hearing on the Merits regarding Prosper's Application, and for each consulting expert whose opinions or observations a testifying expert will review or has reviewed.

RESPONSE:

REQUEST FOR PRODUCTION NO. 5:

For each person you expect to call as a fact witness during the Hearing on the Merits regarding Prosper's Application, please produce each and every document that has been reviewed by the witness regarding Prosper's Application.

RESPONSE:

REQUEST FOR PRODUCTION NO. 6:

Produce all agreements for settlement, indemnification, compromise, guarantee, or any other kind of agreement, which you have entered into with any party, or non-party, as a result of, concerning, or relating to Prosper's Application.

RESPONSE:

REQUEST FOR PRODUCTION NO. 7:

Produce all documents and tangible things including, but not limited to, all reports, working papers, notes, calculations, diagrams, photographs, physical models, exhibits, compilations of data, drafts, treatises, rules, regulations, guidelines, statutes, policies, procedures, authoritative materials, or other materials prepared by you or for you, submitted by you, for you, or to you, or reviewed by you or for you relating to or concerning Prosper's Application.

RESPONSE:

REQUEST FOR PRODUCTION NO. 8:

Produce all documents relating to or concerning any and all investigations made by or for you regarding Prosper's Application including, but not limited to, documents identifying the person who initially requested that the investigation be undertaken, the dates on which the investigation was initiated and completed, all persons who were responsible for conducting the investigation, all persons who did any work whatsoever in connection with the investigation, and every person interviewed or contacted in any manner with regard to the investigation; the current custodian(s) of any written statement or recording; and the date and substance of any oral communication.

RESPONSE:

REQUEST FOR PRODUCTION NO. 9:

Produce all documents relating to or concerning the Prosper's Application including, but not limited to, all correspondence, notes of telephone conferences or other oral communications, meeting notes, agendas, notices, letters, statements, or any other documents evidencing or relating to communications, whether written or oral, between you and any of the following entities:

- (a) any municipal agency;
- (b) any county agency;
- (c) any state agency;
- (d) any federal agency;
- (e) any testifying or consulting expert;
- (f) any party to this proceeding;
- (g) any elected official;
- (h) any representative(s), agent, or affiliate of any individual or business entity that provides any type of wastewater services; or
- (i) any representative(s), agent, or affiliate of any individual or business entity that provides any type of water services.

RESPONSE:

REQUEST FOR PRODUCTION NO. 10:

Produce all documents relating to or concerning your position against Prosper's Application prepared by you or for you, submitted by you or for you or to you, or reviewed by you or for you.

RESPONSE:

REQUEST FOR PRODUCTION NO. 11:

Produce all documents that you will or may use or introduce as exhibits during the Hearing on the Merits regarding Prosper's Application.

RESPONSE:

REQUEST FOR PRODUCTION NO. 12:

Produce all documents relating to or concerning the agreement under which you have engaged the services of your fact witnesses, consultants and expert witnesses regarding Prosper's Application.

RESPONSE:

REQUEST FOR PRODUCTION NO. 13:

Produce all documents relating to or concerning each and every meeting held by or for Glenbrook Water Supply Corporation, including, but not limited to, meeting notices, agendas, minutes, and sign-in sheets.

RESPONSE:

REQUEST FOR PRODUCTION NO. 14:

Produce all documents created by, received by, or distributed by you relating to or concerning the Prosper's Application including, but not limited to, any press release, public relation document, letter to the editor, newspaper article, flyer, information sheet, or background material.

RESPONSE:

REQUEST FOR PRODUCTION NO. 15:

Produce all documents concerning or relating to Glenbrook Water Supply Corporation's corporate structure, organization, and operation, including, but not limited to, by-laws, rules, regulations, declarations, articles of incorporation, articles of amendment, and qualifications for membership.

RESPONSE:

REQUEST FOR PRODUCTION NO. 16:

With respect to all preliminary, final, or other written reports of any kind prepared by or for you, any other person, or entity, concerning or relating to Prosper's Application, please identify the person who currently has custody of each report along with the date and author of each report.

ANSWER:

REQUEST FOR PRODUCTION NO. 17:

Produce any and all documents purporting to give you authority to participate in this proceeding.

ANSWER:**REQUEST FOR PRODUCTION NO. 18:**

Produce any and all documents between you and the Upper Trinity Regional Water District regarding the provision of water and/or wastewater services.

ANSWER:**REQUEST FOR PRODUCTION NO. 19:**

Produce any and all documents between you and the Mustang Water Supply Corporation regarding the provision of water and/or wastewater services.

ANSWER:**REQUEST FOR PRODUCTION NO. 20:**

Produce any and all documents between you and the Fishtrap Properties, Ltd., regarding the provision of water and/or wastewater services.

ANSWER:**REQUEST FOR PRODUCTION NO. 21:**

Produce any and all documents related to the delivery, by purchase or dedication, with the Upper Trinity Regional Water District, of any easements.

ANSWER:

REQUEST FOR PRODUCTION NO. 22:

Produce any and all documents related to the delivery, by purchase or dedication, with the Mustang Water Supply Corporation, of any easements.

ANSWER:**REQUEST FOR PRODUCTION NO. 23:**

Produce any and all documents related to the delivery, by purchase or dedication, with the Fishtrap Properties, Ltd., of any easements.

ANSWER:**REQUEST FOR PRODUCTION NO. 24:**

Produce any and all documents related to any loans sought or received by you from the United States Department of Agriculture Rural Development Agency or any other federal agency.

ANSWER:**REQUEST FOR PRODUCTION NO. 25:**

Produce any and all documents related to any grants sought or received by you from the United States Department of Agriculture Rural Development Agency or any other federal agency.

ANSWER:**REQUEST FOR PRODUCTION NO. 26:**

Produce any and all documents related to receiving or purchasing water from any entity or person.

ANSWER:

REQUEST FOR PRODUCTION NO. 27:

Produce any and all documents related to receiving or purchasing wastewater service from any entity or person.

ANSWER:

RUSSELL, MOORMAN & RODRIGUEZ, L.L.P.

Attorneys at Law

102 Morrow, Suite 103

Georgetown, Texas 78626

Phone (512) 930-1317

E-mail: arodriguez@rmrlawfirm.com

Fax (512) 864-7744

FAX COVER SHEET

Date: May 23, 2003

Sal Levatino

Fax: (512) 482-0051

Docket Clerk, TCEQ

Fax: (512) 239-3311

Client Number: 190-00

FROM: Kerry Russell/ Art Rodriguez

Direct Phone: (512) 930-1317

PAGES: 32 PAGES (INCLUDING COVER PAGE)

Comments:

1. Interrogatories and Request for Production to Fishtrap Properties
2. Interrogatories and Request for Production to Glenbrook WSC

Notice: The following material is intended for the use of the individual or entity to which it is addressed. The material may contain information that is attorney-client privileged, or otherwise confidential and exempt from disclosure under law. If you are not the specified recipient, do not read this material. Any use, dissemination or copying of this material is strictly prohibited. If you have received this material in error, please notify us by telephone at the above number and return the material to us by U.S. Mail.

SOAH DOCKET NO. 582-03-1994
TCEQ DOCKET NO. 2002-1256-UCR
1250

**APPLICATION OF THE TOWN OF
PROSPER TO AMEND SEWER
CERTIFICATE OF CONVENIENCE
AND NECESSITY (CCN) NO. 20888
IN DENTON COUNTY. APPLICATION
NO. 34004-C**

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§
§

**BEFORE THE STATE OFFICE
OF
ADMINISTRATIVE HEARINGS**

CHIEF CLERK'S OFFICE

2003 MAY 3 11 55 AM

FILED
TCEQ
DENTON COUNTY

**TOWN OF PROSPER'S REQUEST FOR DISCLOSURE TO
THE OFFICE OF PUBLIC INTEREST COUNSEL**

TO: The Office of Public Interest Counsel of the Texas Commission on Environmental Quality, by and through its attorney of record, Blas Coy, P.O. Box 13087, MC-103, Austin, Texas 78711-3087.

The Town of Prosper ("Prosper"), serves this, its request for disclosure, on the Office of Public Interest Counsel ("OPIC") of the Texas Commission on Environmental Quality ("TCEQ") through its attorney of record, Blas Coy, pursuant to Chapter 2001 of the Texas Government Code, the Texas Rules of Civil Procedure, and applicable rules and regulations of the Texas Commission on Environmental Quality and the State Office of Administrative Hearings. Within twenty (20) days of service of this request, OPIC must serve a signed copy of the responses to these requests upon counsel for Prosper, Kerry E. Russell or Arturo D. Rodriguez, Jr., at the following address: Russell, Moorman & Rodriguez, L.L.P., 102 West Morrow, Suite 103, Georgetown, Texas 78626.

A. DEFINITIONS

The following paragraphs state definitions that apply to this Request for Disclosure in its entirety, including the Instructions noted below:

1. "Prosper" refers to the Town of Prosper, and each of its officers, employees, agents, representatives, attorneys, and all other natural persons, business or legal entities, presently or formerly acting in concert with, under their direct or indirect control of, or on behalf of Prosper.

2. "You," "your," and "OPIC" means the Office of Public Interest Counsel of the Texas Commission on Environmental Quality, its officers, employees, agents, representatives, attorneys, and all other natural persons, businesses or legal entities, presently or formerly, acting in concert with, under the direct or indirect control of, or on behalf of OPIC.
3. "Document(s)" means all written, typed, or printed matters, and all magnetic or other records, papers, or documentation of any kind or description (including, without limitation, letters, correspondence, telegrams, memoranda, notes, minutes, contracts, agreements, notations of telephone or in-person conversations, conferences, inter-office communications, e-mail, microfilm, bulletins, circulars, accounts, writings, drawings, graphs, charts, pamphlets, books, facsimiles, invoices, tape recordings, video recordings, photographs, computer printouts and work sheets), including all originals and all drafts and copies not identical to the originals, all photographs and graphic matter, however produced or reproduced, and all compilations of data from which information can be obtained, and any and all writings or recordings of any type or nature, whether or not prepared by you, in your actual possession, custody, or control, including those in the possession, custody, or control of any and all present or former directors, officers, employees, representatives, consultants, accountants, attorneys, agents, other natural persons, business or legal entities, presently or formerly acting in concert with, under their direct or indirect control of, or on behalf of OPIC.
4. "Describe" or "identify," when used in reference to a document, means you must state, to the fullest extent possible, the following:
 - a) The nature (e.g., letter, handwritten note) of the document;
 - b) The title or heading that appears on the document;
 - c) The date of the document and the date of each addendum, supplement, or other addition or change;
 - d) The identity of: the author of the document; any signatory(ies) to the document; and the person on whose behalf or at whose request or direction the document was prepared or delivered; and
 - e) The present location of the document, and the name, address, position or title, and telephone number(s) of the person(s) having custody of the document.
5. "Describe" or "identify," when used in reference to a natural person, means you must state, to the fullest extent possible, the following:
 - a) The full name;
 - b) The present or last known residential address, including zip code;
 - c) The present or last known residential and office telephone number(s);
 - d) The present or last known occupation, job title, employer, and employer's address, including zip code;

- e) The occupation, job title, employer, and employer's address at the time of the event or period referred to in each particular interrogatory; and
 - d) In the case of any person other than an individual, identify the officer, employee, or agent most closely connected with the subject matter of the interrogatory, and the officer who is responsible for supervising that officer or employee.
- 6. "Communication" means any oral or written communication of which OPIC has knowledge, information, or belief.
 - 7. "File" means any collection or group of documents maintained held, stored, or used together, including, without limitation, all collections of documents maintained, held, or stored in folders, notebooks, or other devices for separating or organizing documents.
 - 8. "Person(s)" means any natural person, corporation, firm, association, partnership, joint venture, proprietorship, governmental body, or any other organization, business, or legal entity, and all other predecessors or successors in interest.
 - 9. "Concerning" means, in whole or in part, directly or indirectly, referring to, relating to, being connected with, commenting on, responding to, showing, describing, analyzing, reflecting, embodying, mentioning, or constituting the subject matter identified in the request.
 - 10. "Date" means the exact day, month, and year, if ascertainable or, if not, the best approximation.
 - 11. The word "and" means "and/or."
 - 12. The word "or" means "or/and."
 - 13. "Application" refers to Application of the Town of Prosper to Amend Sewer Certificate of Convenience and Necessity No. 20888 in Denton County. Application No. 34004-C, TCEQ Docket No. 2002-1250-UCR, SOAH Docket No. 582-03-1994, pending before the Texas Commission on Environmental Quality ("TCEQ") and/or the State Office of Administrative Hearings ("SOAH") and any and all information gathered, generated, compiled, or submitted to any other state or federal agency by or on behalf of OPIC related to TCEQ Application No. 340004-C.
 - 14. All definitions found in 30 TEX. ADMIN. CODE Ch. 291 and Tex. Water Code Ch. 13 are incorporated herein, verbatim.

B. INSTRUCTIONS

- 1. You may not object to requests for disclosure.
- 2. For every document that no longer exists or cannot be located, or for any requested information about a document that no longer exists or cannot be located: identify the document; state how and when the document passed out of existence, or when it could no longer be located; and state the reason(s) for the disappearance; identify each person

having knowledge about the disposition or loss of the document; and identify each document evidencing the existence or nonexistence of each document that cannot be located.

3. It is requested that all documents that might impact on the subject matter of the Application be preserved and that any ongoing process of document destruction involving such documents cease.
4. Furnish all information available to you and known by you, or in your possession or that of your agents and attorneys, or appearing in your records.
5. In those instances when requested information or requested documents are stored only on software, computer based information, or other data compilations, you should either produce the raw data along with all codes and programs for translating it into usable form, or produce the information in a finished usable form that includes all necessary glossaries, keys, and indices for interpretation of the material.
6. You are under a duty to supplement your answers to these requests for disclosure that are incomplete or incorrect when made. Furthermore, you are under a duty to timely amend your answers if you obtain information on the basis of which you know that an answer either: 1) was incorrect or incomplete when made; or 2) although correct and complete when made, is no longer true and complete and the circumstances are such that failure to amend the answer is in substance misleading.

C. REQUESTS FOR DISCLOSURE

Pursuant to TEX. R. CIV. P. 194, OPIC is requested to disclose, within 20 days of service of this request, the information or material described in Rule 194.2.

Rule 194.2(c) The legal theories and, in general, the factual bases of the responding party's claims or defenses.

RESPONSE:

Rule 194.2(d) The amount and any method of calculating economic damages.

RESPONSE:

Rule 194.2(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:

Rule 194.2(f) For any testifying expert:

- 1) The expert's name, address, and telephone number.

RESPONSE:**Rule 194.2(f)** For any testifying expert:

- 2) The subject matter on which the expert will testify.

RESPONSE:**Rule 194.2(f)** For any testifying expert:

- 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 you, employed by you, or otherwise subject to your control, documents reflecting such information.

RESPONSE:**Rule 194.2(f)** For any testifying expert:

- 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:

Rule 194.2(i)

Any witness statements described in Rule 192.3(h).

RESPONSE:

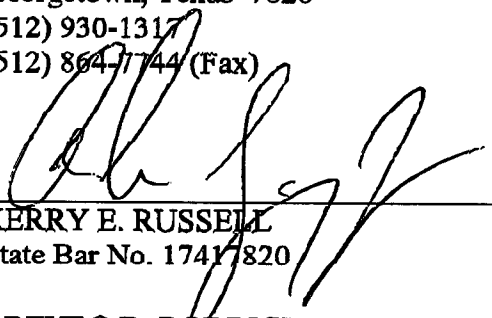
Russell, Moorman & Rodriguez, L.L.P.

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(512) 930-1317

(512) 864-7744 (Fax)



KERRY E. RUSSELL

State Bar No. 17417820

ARTURO D. RODRIGUEZ, JR.

State Bar No. 00791551

ATTORNEYS FOR THE TOWN OF PROSPER

CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of May, 2003, a true and correct copy of the foregoing document has been sent via facsimile, first class mail, or hand-delivered to the following counsel of record:

Mr. Blas Coy, Attorney
Office of Public Interest Counsel
TCEQ - MC 103
P.O. Box 13087
Austin, Texas 78711-3087
Fax: 239-6377

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Austin, Texas 78746
Fax: 512/ 482-0051

Mr. Mark Zeppa
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Austin, Texas 78759-8436

Ms. Lara Nehman, Attorney
Environmental Law Division
TCEQ - MC 173
P.O. Box 13087
Austin, Texas 78711-3087
Fax: 239-0606

Docket Clerk
Office of the Chief Clerk - MC 105
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
Fax: 239-3311



ARTURO D. RODRIGUEZ, JR.

RUSSELL, MOORMAN & RODRIGUEZ, L.L.P.

Attorneys at Law

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E-mail: arodriguez@rmrlawfirm.com

Fax (512) 864-7744

FAX COVER SHEET

Date: May 23, 2003

Blas Coy

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Docket Clerk, TCEQ

Fax: (512) 239-3311

Client Number: 190-00

FROM: Kerry Russell/ Art Rodriguez

Direct Phone: (512) 930-1317

PAGES: 1 PAGES (INCLUDING COVER PAGE)

Comments:

Requests for Disclosure to OPIC

Notice: The following material is intended for the use of the individual or entity to which it is addressed. The material may contain information that is attorney-client privileged, or otherwise confidential and exempt from disclosure under law. If you are not the specified recipient, do not read this material. Any use, dissemination or copying of this material is strictly prohibited. If you have received this material in error, please notify us by telephone at the above number and return the material to us by U.S. Mail.

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2003 MAY 23 AM 8:55
CHIEF CLERKS OFFICE

SOAH DOCKET NO. 582-03-1994
TCEQ DOCKET NO. 2002-1250-UCR

APPLICATION OF THE TOWN OF
PROSPER TO AMEND SEWER
CERTIFICATE OF CONVENIENCE
AND NECESSITY NO. 20888 IN
DENTON COUNTY, APPLICATION
NO. 34004-C

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

CHIEF CLERK'S OFFICE

2003 MAY 23 AM 9:13

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

**FISHTRAP PROPERTIES, LLP'S and GLENBROOK WATER
REQUESTS FOR DISCLOSURE TO THE EXECUTIVE DIRECTOR
OF THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

TO: The Executive Director of the Texas Commission on Environmental Quality, by
and through its attorney of record, Lara Nehman, P.O. Box 13087, MC-173,
Austin, Texas 78611-3087.

Pursuant to Texas Rules Civil Procedure 194.2, you are hereby directed to
disclose the information described in said rule within twenty (20) days after service
thereof, by serving the answers on and making documents available to Fishtrap
Properties, LLP's and Glenbrook Water Supply's attorney, Sal Levatino, 1524 South IH-
35, Suite 234, Austin, Texas 78704.

Dated and signed this 23rd day of May, 2003.

Respectfully submitted,

Law Office of Sal Levatino
1524 South IH-35, Suite 234
Austin, Texas 78704
(512)474-4462; (512)482-0051 (Fax)

By: Sal Levatino

Sal Levatino
State Bar #12245000

ATTORNEY FOR FISHTRAP
PROPERTIES, LLP AND GLENBROOK
WATER SUPPLY

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing pleading was served on the following persons by fax and/or 1st class USPS mail, RRR, on the 23rd day of May, 2003.

Judge James Norman
State Office of Administrative Hearings
P.O. Box 13025
Austin, Texas 78711-3025
FAX 475-4994

Mark H. Zappa
4833 Spicewood Springs #202
Austin, Texas 78759-8436
FAX 346-6847

Kerry Russel
Russell, Moorman & Rodriguez, LLP
102 W. Morrow, Suite 103
Georgetown, Texas 78626
Fax 1-512-864-7744

Lara Nehman
Sheridan Gilkerson
Environmental Law Division
TCEQ
P.O. Box 13087, MC 173
Austin, Texas 78711-3087
Fax 239-0606

Blas Coy, Jr.
Public Interest Counsel
TCEQ
P.O. Box 13087, MC 103
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FAX 239-6377

TCEQ Docket Clerk
Office of the Chief Clerk
TCEQ
P.O. Box 13087, MC 105
Austin, Texas 78711-3087
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Sal Levatino

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1524 S. IH-35, Suite 234
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512-474-4462

FACSIMILE COVER PAGE**To:** TCEQ Docket Clerk**From:** Sal Levatino**Fax #:** 2393311**Fax #:** 512-482-0051**Company:** TCEQ Office of the Chief Clerk**Tel #:** 512-474-4462**Subject:****Sent:** 5/23/03 at 9:57:04 AM**Pages:** 3 (including cover)**MESSAGE:**

Attached, please find Request for Disclosure to Executive Director, TCEQ

TEXAS
COMMISSION
OF ENVIRONMENTAL
QUALITY
2003 MAY 23 AM 10:13
CHIEF CLERKS OFFICE

SOAH DOCKET NO. 582-03-1994
TCEQ DOCKET NO. 2002-1256-UCR

APPLICATION OF THE TOWN OF
PROSPER TO AMEND SEWER
CERTIFICATE OF CONVENIENCE
AND NECESSITY NO. 20888 IN
DENTON COUNTY, APPLICATION
NO. 34004-C

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BEFORE THE STATE OFFICE
OF
ADMINISTRATIVE HEARINGS

CHIEF CLERKS OFFICE

703 MAY 23 AM 9:04

IT WAS
COMPLIES
OF ENVIRONMENTAL
QUALITY

**FISHTRAP PROPERTIES, LLP'S and GLENBROOK WATER
SUPPLY'S REQUESTS FOR DISCLOSURE TO TOWN OF PROSPER**

TO: CITY OF PROSPER, by and through its attorney of record, Kerry Russell, 102 West Morrow Street, Suite 103, Georgetown, Texas 78626.

Pursuant to Texas Rules Civil Procedure 194.2, you are hereby directed to disclose the information described in said rule within twenty (20) days after service thereof, by serving the answers on and making documents available to Fishtrap Properties, LLP's and Glenbrook Water Supply's attorney, Sal Levatino, 1524 South IH-35, Suite 234, Austin, Texas 78704.

Dated and signed this 23rd day of May, 2003.

Respectfully submitted,

Law Office of Sal Levatino
1524 South IH-35, Suite 234
Austin, Texas 78704
(512)474-4462; (512)482-0051 (Fax)

By:



Sal Levatino
State Bar #12245000

ATTORNEY FOR FISHTRAP
PROPERTIES AND GLENBROOK
WATER SUPPLY

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing pleading was served on the following persons by fax and/or 1st class USPS mail, R.R.R., on the 23RD day of May, 2003.

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Sal Levatino