

cannot identify documents responsive to this request at this time.

Request for Production No. 9: Copies of all documentation that demonstrates that any DDU proposed rate or return on any component of its capital structure is inappropriate for water utility ratemaking purposes in this Proceeding.

Response: This request is a repeat of Request for Production No. 8. Please see the ED's response to that request.

Request for Production No. 10: Copies of all documentation that demonstrates that any component of DDU's proposed rate design is inappropriate for water utility ratemaking purposes in this Proceeding.

Response: The ED objects to this request for production to the extent that it asks the ED to present his case prior to the filing of his prefiled testimony and exhibits in violation to title 30, section 291.25(f) of the Texas Administrative Code and because it asks the ED to present drafts of his prefiled testimony through discovery in violation of title 30, section 80.151 of the Texas Administrative Code. To the extent that the ED does not object, due to the ongoing nature of his review of the application during the discovery and prefiled testimony periods, the ED has not developed a final position with regard to the appropriateness of DDU's proposed rate design and, therefore, cannot identify any documents responsive to this request at this time.

Request for Production No. 11: Copies of all documentation that demonstrates that any component or provision of DDU's proposed water utility tariff should not be approved in this Proceeding.

Response: The ED objects to this request for production to the extent that it asks the ED to present his case prior to the filing of his prefiled testimony and exhibits in violation to title 30, section 291.25(f) of the Texas Administrative Code and because it asks the ED to present drafts of his prefiled testimony through discovery in violation of title 30, section 80.151 of the Texas Administrative Code. To the extent that the ED does not object, due to the ongoing nature of his review of the application during the discovery and prefiled testimony periods, the ED has not developed a final position with regard to the appropriateness of DDU's proposed tariff components and, therefore, cannot identify any documents responsive to this request at this time.

Request for Production No. 12: Copies of all documents that demonstrate that DDU has facilities used to provide water service to the public that do not meet the public health or service standards of the TCEQ found in 30 TAC Chapter 290 or Chapter 317.

Response: The ED objects to this request for production to the extent that it asks the ED to present his case prior to the filing of his prefiled testimony and exhibits in violation to title 30, section 291.25(f) of the Texas Administrative Code and because it asks the ED to present drafts of his prefiled testimony through discovery in violation of title 30, section 80.151 of the Texas Administrative Code. Furthermore, the ED is unaware of a chapter 317 in title 30 of the Texas Administrative Code. To the extent that the ED does not object, due to the ongoing nature of his

review of the application during the discovery and prefiled testimony periods, the ED has not developed a final position with regard to the state of DDU's facilities and, therefore, cannot identify any documents responsive to this request at this time. The ED also assumes that chapter 317 refers to the former chapter 317, which has been replaced by chapter 217.

Request for Production No. 13: Copies of all documentation that demonstrates that any individual or entity has received poor quality or inadequate water service from DDU in the certificated service areas subject to this ratemaking Proceeding during or since the test year.

Response: The ED objects to this request for production to the extent that it asks the ED to present his case prior to the filing of his prefiled testimony and exhibits in violation to title 30, section 291.25(f) of the Texas Administrative Code and because it asks the ED to present drafts of his prefiled testimony through discovery in violation of title 30, section 80.151 of the Texas Administrative Code. To the extent that the ED does not object, due to the ongoing nature of his review of the application during the discovery and prefiled testimony periods, the ED has not completed his analysis of the quality and adequacy of DDU's service and, therefore, cannot identify any documents responsive to this request at this time.

Request for Production No. 14: Copies of all documentation that demonstrates that any individual or entity in the certificated service areas subject to this ratemaking Proceeding has received poor customer service from DDU during or since the test year.

Response: The ED objects to this request for production to the extent that it asks the ED to present his case prior to the filing of his prefiled testimony and exhibits in violation to title 30, section 291.25(f) of the Texas Administrative Code and because it asks the ED to present drafts of his prefiled testimony through discovery in violation of title 30, section 80.151 of the Texas Administrative Code. To the extent that the ED does not object, due to the ongoing nature of his review of the application during the discovery and prefiled testimony periods, the ED has not completed his analysis of the quality of DDU's customer service and, therefore, cannot identify any documents responsive to this request at this time.

Request for Production No. 15: Copies of all documentation that demonstrate how you determined the interest rate for DDU's loan transactions in this Application.

Response: The ED objects to this request for production to the extent that it asks the ED to present his case prior to the filing of his prefiled testimony and exhibits in violation to title 30, section 291.25(f) of the Texas Administrative Code and because it asks the ED to present drafts of his prefiled testimony through discovery in violation of title 30, section 80.151 of the Texas Administrative Code. To the extent that the ED does not object, due to the ongoing nature of his review of the application during the discovery and prefiled testimony periods, the ED has not developed a final position with regard to the interest rate of DDU's loans and, therefore, cannot identify documents responsive to this request at this time.

Request for Production No. 16: Copies of all documentation that were generated as a result of site

visits to any of the facilities subject to this Proceeding.

Response: The ED objects to this request for production to the extent that it is overbroad by not being restricted in time and by not specifying the scope of "copies of all documentation that were generated." The ED also objects to this request for production to the extent that it asks the ED to present his case prior to the filing of his prefiled testimony and exhibits in violation to title 30, section 291.25(f) of the Texas Administrative Code and because it asks the ED to present drafts of his prefiled testimony through discovery in violation of title 30, section 80.151 of the Texas Administrative Code. To the extent that the ED does not object, due to the ongoing nature of his review of the application during the discovery and prefiled testimony periods, the ED has not yet conducted a site visit in response to the filing of this application and, therefore, cannot identify documents responsive to this request at this time.

Request for Production No. 17: Copies of all documentation that relate to your recommendation as to the reasonable cost of service or revenue requirement for this Proceeding.

Response: The ED objects to this request for production to the extent that it is overbroad by asking for "all documentation that relate" to the ED's recommendation. The ED also objects to this request for production to the extent that it asks the ED to present his case prior to the filing of his prefiled testimony and exhibits in violation to title 30, section 291.25(f) of the Texas Administrative Code and because it asks the ED to present drafts of his prefiled testimony through discovery in violation of title 30, section 80.151 of the Texas Administrative Code. To the extent that the ED does not object, due to the ongoing nature of his review of the application during the discovery and prefiled testimony periods, the ED has not developed a final position with regard to DDU's cost of service or revenue requirement and, therefore, cannot identify documents responsive to this request at this time.

Request for Production No. 18: Copies of all invoices or other documents, as those terms are used in the TCEQ regulations and the application for a rate/tariff change, that you relied upon in determining the cost of service in this Proceeding.

Response: The ED objects to this request for production to the extent that it asks the ED to present his case prior to the filing of his prefiled testimony and exhibits in violation to title 30, section 291.25(f) of the Texas Administrative Code and because it asks the ED to present drafts of his prefiled testimony through discovery in violation of title 30, section 80.151 of the Texas Administrative Code. To the extent that the ED does not object, due to the ongoing nature of his review of the application during the discovery and prefiled testimony periods, the ED has not developed a final position with regard to the cost of service and, therefore, cannot identify documents responsive to this request at this time.

Request for Production No. 19: Copies of all documentation that demonstrate how rate case expenses incurred by DDU should be recovered through rates.

Response: The ED objects to this request for production to the extent that it asks the ED to present his case prior to the filing of his prefiled testimony and exhibits in violation to title 30, section

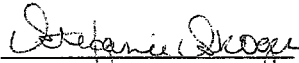
291.25(f) of the Texas Administrative Code and because it asks the ED to present drafts of his prefiled testimony through discovery in violation of title 30, section 80.151 of the Texas Administrative Code. To the extent that the ED does not object, due to the ongoing nature of his review of the application during the discovery and prefiled testimony periods, the ED has not developed a final position with regard to rate case expenses and, therefore, cannot identify documents responsive to this request at this time.

Respectfully submitted,

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

Mark R. Vickery, P.G., Executive Director

Robert Martinez, Director
Environmental Law Division

By: 
Stefanie Skogen
Staff Attorney
State Bar of Texas No. 24046858
Environmental Law Division
P.O. Box 13087, MC-173
Austin, Texas 78711
Phone: (512) 239-0575
Fax: (512) 239-0606

For interrogatory responses:

VERIFICATION

THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

BEFORE ME, the undersigned authority, on this day personally appeared Brian Dickey, known to me to be the person whose name is subscribed below and after having been duly sworn, on his oath stated the following: that the information set forth in the foregoing responses to interrogatories were assembled by the Executive Director's attorney of record, that he has personal knowledge of the factual information contained within the foregoing responses to interrogatories, and that this information is true and correct.

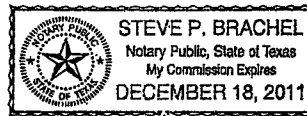
Brian Dickey

Brian Dickey

SUBSCRIBED AND SWORN TO BEFORE ME on this the 20th day of October, 2009, to certify which, witness my hand and seal of office.

Steve P. Brachel

NOTARY PUBLIC
STATE OF TEXAS



Notary without Bond

BRIAN D. DICKEY
Utilities and Districts Section (MC 153)
Water Supply Division
Texas Commission on Environmental Quality
P O Box 13087
Austin, Texas 78711-3087
email: BDICKEY@tceq.state.tx.us
(512) 239-4691 Fax: (512) 239-6972

Education:

October 2000 NARUC Utility Rate School Clearwater Beach, Florida

1988-1994. Texas Tech University School of Engineering
 Lubbock, Texas - B.S. Mechanical Engineering

1986-1988: South Plains College Levelland, Texas

Professional Experience:

Dec 05 to Present **Engineering Specialist IV, Texas Commission On Environmental Quality, Austin, Texas**
• Review applications and prepare Certificates of Convenience and Necessity (CCNs)
• Review applications and prepare rate designs for retail public utilities
• Attend and participate in resolution of contested cases concerning CCNs, appeals, and rates
• Provide utility and consumer assistance
• Review plans and specifications for water system modifications

Dec 04 to Dec 05 **General Engineering Specialist III, Texas Commission On Environmental Quality, Austin, Texas**
• Review applications and prepare Certificates of Convenience and Necessity (CCNs)
• Review applications and prepare rate designs for retail public utilities
• Attend and participate in resolution of contested cases concerning CCNs, appeals, and rates
• Provide utility and consumer assistance
• Review plans and specifications for water system modifications

BDickey(cont.)

- Feb 02 to Dec 04 **General Engineering Specialist II, Texas Commission On Environmental Quality, Austin, Texas**
- Review applications and prepare Certificates of Convenience and Necessity (CCNs)
 - Review applications and prepare rate designs for retail public utilities
 - Attend and participate in resolution of contested cases concerning CCNs and rates
 - Provide utility and consumer assistance
 - Review plans and specifications for water system modifications
- Dec 00 to Feb 02 **Engineering Assistant III, Texas Natural Resource Conservation Commission, Austin, Texas**
- Review applications and prepare Certificates of Convenience and Necessity (CCNs)
 - Review applications and prepare rate designs for retail public utilities
 - Attend and participate in resolution of contested cases concerning CCNs and rates
 - Provide utility and consumer assistance
 - Review plans and specifications for water system modifications
- Nov 99 to Dec 00 **Engineering Assistant II, Texas Natural Resource Conservation Commission, Austin, Texas**
- Review applications and prepare Certificates of Convenience and Necessity (CCNs)
 - Review applications and prepare rate designs for retail public utilities
 - Attend and participate in resolution of contested cases concerning CCNs and rates
 - Provide utility and consumer assistance
 - Review plans and specifications for water system modifications
- Jan 99 to Nov 99 Part time HPD Medical Inc. Amarillo, Texas
- Jan 99 to Nov 99 Jimmie Dickey Housemoving Lubbock, Texas
- Sept 97 to Jan 99 HPD Medical Inc. Amarillo, Texas
- Worked on developing an implantable medical device\

BDickey(cont.)

- Worked with various type of urethane and adhesives
- Supervised employees
- Maintained and modified equipment
- Helped to maintain the Cleanroom

May 86 to Sept 97

- Jimmie Dickey Housemoving Lubbock, Texas
- Supervised five to seven employees in moving houses, demolition work, and working on equipment
 - Worked on diesel trucks and equipment
 - Worked on gasoline engines
 - Operated heavy machinery

May 84 to Dec 85

- Hydra-Tech, Lubbock, Texas
- Repaired hydraulic equipment

ELSIE N. PASCUA
 315 Tomahawk Drive
 Harker Heights, Texas 76548
 (254) 699-5004 (H) (512) 239-5367 (W)

PROFESSIONAL EXPERIENCE:

- ▶ *Texas Commission on Environmental Quality, 1997-present*
 - **Auditor, Utilities & Districts Section, Water Supply Division**
 - Conduct desk and field audit to verify accuracy of the cost of service of the rate change applications, rate appeals for Water Supply Corporation (WSC), Districts, and Cities serving outside city limits.
 - Review water and sewer utility rate change applications, rate appeals and cost of obtaining service.
 - Develop cost of service and rate of return (ROR) analysis to ensure rates are justified, reasonable and necessary to provide continuous and adequate service to customers.
 - Perform special or management audits for both water and sewer utilities (i.e. receivership). Provide audit report to the Office of the Attorney General for utilities in receivership.
 - Evaluate utility's record keeping to ensure water and sewer utilities maintain adequate record keeping in accordance with rules and regulations.
 - Gather, compile and summarize information, prepare audit exhibits, schedules, and working papers.
 - Prepare pre filed testimony and exhibits to pre filed testimony.
 - Prepare discovery requests and responses to all parties for contested cases.
 - Participate and prepare technical assistance in public meetings, mediation or settlement negotiations, and preliminary hearings.
 - Testify during evidentiary hearing and Commissioner's public agenda.
 - Review and process Certificate of Convenience and Necessity (CCN) applications for sale, transfer and merger (STM), amend or obtain utility certificates and stock transfers.
 - Review utility's notice to all affected parties and affidavits to ensure compliance to establish jurisdiction by the Administrative Law Judge (ALJ) of the State Office of Administrative Hearings (SOAH) for contested cases.
 - Review CCN maps, affidavits, notice to all neighboring utilities, landowners and affected parties.
 - Prepare staff recommendation, orders and utility tariff for the Executive Director's signature.
 - Prepare memorandums and letters for hearing referral.
 - Update Standard Operating Procedures (SOP) for water and sewer rates.
 - Perform risk assessment for Investor Owned Utilities (IOUs).
 - Task, as Financial Manager, for the Contract Management Plan with the Texas Rural Water Association for the Source Water Protection and Sampling Programs.
 - Give presentation for TCEQ and other utility sponsored training. Prepare slide and presentation materials.
- ▶ *Texas Commission on Environmental Quality, 1995-1997*
 - **Program Auditor/Specialist, Waste Tire Recycling Program (WTRP), Municipal Solid Waste Division (MSW)**
 - Reviewed the internal record keeping procedures of the TCEQ waste tire program to ensure conformance with generally accepted accounting and auditing principles and standards.
 - Developed and implemented an auditing procedure to ensure TCEQ waste tire program is in compliance with agency goals and objectives.
 - Analyzed the operating practices of the regulated WTRP processors and generators to ensure compliance with the Commission rules and regulations.
 - Provided solution to improve documentation and record keeping.
 - Conducted special investigation into questionable record keeping and reporting practices of the WTRP processors and generators.
 - Prepared audit working papers, exhibits, and recommendation to audit findings.
 - Coordinated with the enforcement coordinator for violations of the WTRP processors.
 - Testified during evidentiary hearings.
 - Checked the accuracy of the monthly reimbursement request from the WTRP processors for payment by the Office of the State Comptroller.
 - Conducted field training for the tire processors to assist them in establishing appropriate record keeping.

ELSIE N. PASCUA

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Resume

- ▶ *Texas Commission on Environmental Quality, 1994-1995*
 - **Auditor**, Financial Administrative Audit Division
 - Responsible for conducting field and internal audits of the financial statements and reports of the WTRP processors to include:
 - Performing preliminary analytical procedures.
 - Examination of the paid vouchers, tire inventories, shredded tire logs, weigh calibration logs, tire manifests, and other supporting documentation.
 - Interviewing management and employees of the WTRP processors and generators.
 - Gathering and summarizing of information, prepared audit exhibits, schedules, and working papers.
 - Performing inspections of the WTRP facilities to include truck weigh scale, shredding machines, tire shreds pile, municipal solid waste where tires are disposed, tire generators, tire end users (i.e. cement factories).
 - Conducting pre and exit interviews.
 - Preparation of the audit report and recommendation.
- ▶ *Texas Commission on Environmental Quality, 1993-1994*
 - **Accountant**, Financial Administration Division
 - Verified accuracy of procurement forms submitted by various division/program areas.
 - Checked availability of funds. Released USAS daily batches for payment by the Office of the State Comptroller.
 - Verified accuracy of purchase orders and contracts, invoices, etc.
 - Monitored USAS daily batches for holds and errors.
 - Prepared corrections and adjustments to the TCEQ's financial records, when necessary.
- ▶ *Dept. of the Army, VII Corps Finance, Germany, 1987-92*
 - **Budget Analyst/Fund Certification Officer**
 - Directed and planned the VII Corps Finance Group (FG) and Regional Finance & Accounting Office (RFAO) budget operation.
 - Supervised employees performing daily budget activities.
 - Managed and administered staffing of manpower allocation.
 - Responsible in the development and formulation of current and a long range budget requirements.
 - Reviewed budget request for completeness and compliance with Dept. of the Army and Office of Management and Budget (OMB) regulations.
 - Justified Un-Financed Requirements (UFRs) for additional funding for mission essential project using economic cost analysis, cost comparison and tradeoffs.
 - Certified fund availability and approved distribution of funds to FG's 13 Battalions and RFAO.
 - Prepared weekly and monthly budget briefings to Commanders, VII Corps Chief of Staff Resource Managers and Staff.
 - Responsible for the consolidation of budget requests from FG's 13 Battalions and RFAO.
- ▶ **Corporate Accountant**, *GD Paoli Corp., Salinas, California, 1981-85*
- ▶ **Full Charge Bookkeeper (Part Time)** *Bullwackers Restaurant, Monterey, California, 1982-1985*
- ▶ **Bookkeeper (Part Time)**, *Monterey Institute of International Studies, Monterey, California*
- ▶ **Junior Accountant**, *Rainer Mortgage Corp., Monterey, California, 1/80-12/80*
- ▶ **Accountant/Internal Auditor**, *Fema Trading Corp./FCR Business Machines, Makati, Philippines, 1974-79*
- ▶ **Bookkeeper**, *Philippine Scout Veterans Security Intelligence Agency, Quezon City, Philippines, 1971-73*

EDUCATION:

- ▶ Completed a year of graduate studies, MLQ University, Philippines, 1976
- ▶ BSBA, Major in Accounting, *Phil. School of Business Administration, Philippines, 1971*
- ▶ Associate in Commercial Science (ACS), *Phil. College of Commerce, Philippines, 1969*

ELSIE N. PASCUA

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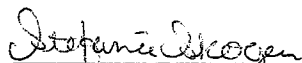
Resume

OTHER SCHOOL/TRAINING:

- ▶ **Michigan State University** – NARUC Utility Rate School, San Diego, California (May 2009)
- ▶ **Solutions Training Group** – various auditing courses (2009)
- ▶ **Executive Women in Texas Government** – Annual Professional Development Conferences (2007, 2008)
- ▶ **University of Texas, Austin** – various continuing education training (1998, 2000, 2006)
- ▶ **State Auditors Office** – various auditing and fraud investigation training courses, (2006-2008)
- ▶ **Association of Certified Fraud Examiners** – various fraud investigation training courses (2005)
- ▶ **Florida State University**- NARUC Utility Rate School, Clearwater Beach, Florida (October 1998)
- ▶ **TCEQ and its predecessor agencies**, various agency sponsored training (over 300 C/hrs)
- ▶ **University of Maryland, Stuttgart, Germany**, (40 hrs) *Computer training*
- ▶ **7th Army Training Command, Munich, Germany**, (180 hrs) *Programming and Budgeting, Fund Control, Tactical Resource Management, and Manpower Management.*
- ▶ **Office of Personnel Management, EUROPEAN Training Program** (32 hrs), *Position management for supervisors and managers, and Position classification for supervisors and managers*
- ▶ **United States Military Community Stuttgart Training Center, Germany**, (27hrs) *Technical Writing*
- ▶ **EUROPEAN Institute of Professional Development, Germany**, (40 hrs) *ASMC, EPDI VII*
- ▶ **United States Army Europe Force Development Training Center, Germany**, (40 hrs) *CRS FD91-2*
- ▶ **Judge Advocate General School, VA** (20 hrs) *USAREUR Contract Law.*
- ▶ **Monterey Peninsula College, California**: *Real Estate, Taxation and Data Processing* (12 cr. hrs)

CERTIFICATE OF SERVICE

I certify that on October 20, 2009, a copy of the foregoing document was sent by first class, agency mail, electronic mail, and/or facsimile to the persons on the attached Mailing List.


Stefanie Skogen, Staff Attorney
Environmental Law Division

Mailing List

**Double Diamond Utility Co., Inc.
SOAH Docket No. 582-09-4288
TCEQ Docket No. 2009-0505-UCR**

**REPRESENTING DOUBLE DIAMOND
UTILITY CO., INC.:**

Ali Abazari
Jackson Walker, L.L.P.
100 Congress Avenue, Suite 1100
Austin, Texas 78701
Phone: (512) 236-2239
Fax: (512) 391-2197

**REPRESENTING WHITE BLUFF
SUBDIVISION RATEPAYERS:**

Shari Heino
Matthews & Freeland, L.L.P.
327 Congress Avenue, Suite 300
Austin, Texas 78701
Phone: (512) 404-7800
Fax: (512) 703-2785

THE CLIFFS UTILITY COMMITTEE:

Phillip Day
90 Glen Abbey Drive South
Graford, Texas 76449
Phone: (940) 779-9296

**THE RETREAT HOMEOWNERS
GROUP:**

Jack D. McCartney and John T. Bell
6300 Annanhill Street
Cleburne, Texas 76033-8957
Phone: (817) 645-4392

**REPRESENTING THE OFFICE OF
PUBLIC INTEREST COUNSEL:**

James Murphy
Texas Commission on Environmental Quality
Office of Public Interest Counsel, MC-103
P. O. Box 13087
Austin, Texas 78711-3087
Phone: (512) 239-4014
Fax: (512) 239-6377

OFFICE OF THE CHIEF CLERK:

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Office of the Chief Clerk, MC-105
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Austin, Texas 78711-3087
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CHIEF CLERKS OFFICE

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