



Control Number: 43945



Item Number: 10

Addendum StartPage: 0

House Bill (HB) 1600 and Senate Bill (SB) 567 83rd
Legislature, Regular Session, transferred the functions
relating to the economic regulation of water and sewer
utilities from the TCEQ to the PUC effective
September 1, 2014

RECEIVED

SOAH DOCKET NO. 582-06-2023 2014 DEC 11 PM 2:01
TCEQ DOCKET NO. 2006-0272-UCR

PUBLIC UTILITY COMMISSION
FILING CLERK

BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

APPLICATION OF THE TOWN OF
LINDSAY TO AMEND WATER AND
SEWER CERTIFICATES OF
CONVENIENCE AND NECESSITY NOS.
10325 AND 20927, APPLICATION NOS.
35096-C & 35097-C

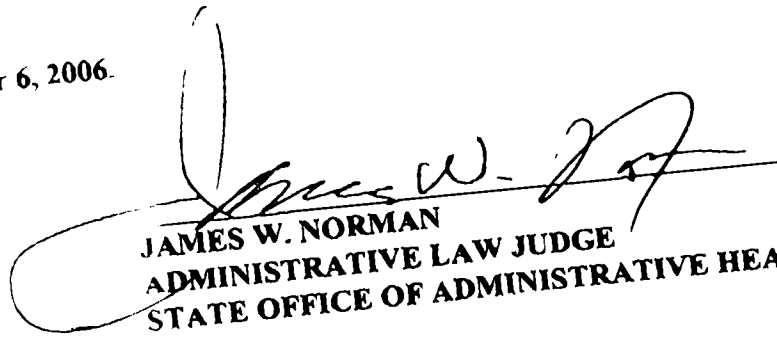
§
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ORDER NO. 2
ABATING CASE

On November 3, 2006, the parties to this case filed a joint motion to abate this case until January 8, 2007, based on their representation that they have begun settlement negotiations and need time to complete the negotiations and develop a settlement agreement.

The motion is **granted**. On or before January 8, 2007, the parties shall file a report on the status of this case

ISSUED November 6, 2006.


JAMES W. NORMAN
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS

STATE OFFICE OF ADMINISTRATIVE HEARINGS
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Facsimile (512) 475-4994

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Environmental Quality, Texas Commission on (TCEQ)

AGENCY:

TOWN OF LINDSAY

STYLE/CASE:

582-06-2023

SOAH DOCKET NUMBER:

2006-0272-UCR

REFERRING AGENCY CASE:

**STATE OFFICE OF ADMINISTRATIVE
HEARINGS**

ADMINISTRATIVE LAW JUDGE
ALJ JAMES W. NORMAN

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DATE:

NUMBER OF PAGES INCLUDING THIS COVER SHEET:

ORDER NO. 2 - ABATING CASE

REGARDING:

582-06-2023

DOCKET NUMBER:

JUDGE JAMES NORMAN

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NOV - 6 PM 3:29

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

SOAH DOCKET NO. 582-06-2023
TCEQ DOCKET NO. 2006-0272-UCR

APPLICATION OF THE TOWN OF
LINDSAY TO AMEND WATER AND
SEWER CERTIFICATES OF
CONVENIENCE AND NECESSITY NOS.
10325 AND 20927, APPLICATION NOS.
35096-C & 35097-C

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BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

CHIEF CLERK'S OFFICE

NOV - 6 PM 3:12

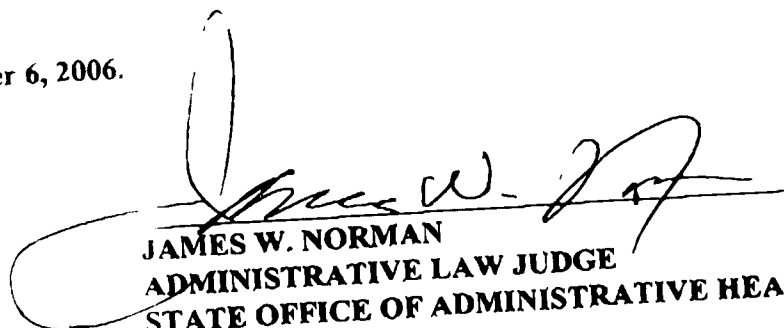
TOWN OF LINDSAY
CONVENIENCE
AND NECESSITY
CERTIFICATES

**ORDER NO. 2
ABATING CASE**

On November 3, 2006, the parties to this case filed a joint motion to abate this case until January 8, 2007, based on their representation that they have begun settlement negotiations and need time to complete the negotiations and develop a settlement agreement.

The motion is granted. On or before January 8, 2007, the parties shall file a report on the status of this case.

ISSUED November 6, 2006.



JAMES W. NORMAN
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS

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11/06/2006

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DATE

NUMBER OF PAGES INCLUDING THIS COVER SHEET:

ORDER NO. 2 - ABATING CASE

REGARDING:

582-06-2023

DOCKET NUMBER:

JUDGE JAMES NORMAN

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ON ENVIRONMENTAL

SOAH DOCKET NO. 582-06-2023
TCEQ DOCKET NO. 2006-0272-UCR

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
JAN 11 PM 3:15
CHIEF CLERK'S OFFICE

APPLICATION OF THE TOWN OF §
LINDSAY TO AMEND WATER AND §
SEWER CERTIFICATES OF §
CONVENIENCE AND NECESSITY NOS. §
10325 AND 20927, APPLICATION NOS. §
35096-C & 35097-C

BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

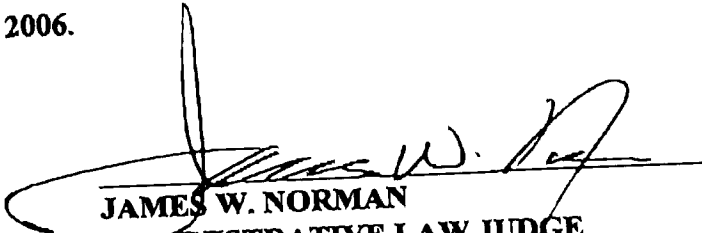
ORDER NO. 3

CONTINUING ABATEMENT

On January 10, 2007, the City of Lindsay submitted a status report on this case stating that it is continuing to negotiate with Lindsay Pure Water Company in an attempt to resolve this case. It said a settlement has not been reached, but the parties are continuing their efforts to settle. The City of Lindsay asked that the abatement be continued for 60 days to permit the parties an opportunity to settle the case.

The request is **granted**. The case continues to be abated. On or before March 12, 2007, the parties shall file a report on the status of this case.

ISSUED January 11, 2006.



JAMES W. NORMAN
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS

STATE OFFICE OF ADMINISTRATIVE HEARINGS**WILLIAM P. CLEMENTS BUILDING, Jr.****300 West Fifteenth Street****Austin, Texas 78701****Phone (512) 475-4993****Facsimile (512) 475-4994****SERVICE LIST**

AGENCY: Environmental Quality, Texas Commission on (TCEQ)
STYLE/CASE: TOWN OF LINDSAY
SOAH DOCKET NUMBER: 582-06-2023
REFERRING AGENCY CASE: 2006-0272-UCR

**STATE OFFICE OF ADMINISTRATIVE
HEARINGS**

ADMINISTRATIVE LAW JUDGE
ALJ JAMES W. NORMAN

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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NUMBER OF PAGES INCLUDING THIS COVER SHEET:

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REGARDING:

ORDER NO. 3 - CONTINUING ABATEMENT

DOCKET NUMBER:

582-06-2023

FROM:

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CHIEF CLERKS OFFICE

JAN 11 PM 3:15

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

CHIEF CLERK'S OFFICE
APR 16 2007 2:15

**SOAH DOCKET NO. 582-06-2023
TCEQ DOCKET NO. 2006-0272-UCR**

**APPLICATION OF THE TOWN OF § BEFORE THE STATE OFFICE
LINDSAY TO AMEND WATER AND §
SEWER CERTIFICATES OF § OF
CONVENIENCE AND NECESSITY NOS. §
10325 AND 20927, APPLICATION NOS. § ADMINISTRATIVE HEARINGS
35096-C & 35097-C**

ORDER NO. 4

CONTINUING ABATEMENT

On April 13, 2007, the City of Lindsay submitted a status report on this case stating that it is continuing to negotiate with Lindsay Pure Water Company in an attempt to resolve this case. It said a settlement has not been reached, but the parties are continuing their efforts to settle. The City of Lindsay asked that the abatement be continued for 60 days to permit the parties an opportunity to settle the case.

The request is granted. The case continues to be abated. On or before June 18, 2007, the parties shall file a report on the status of this case.

Issued April 16, 2007.

STATE OFFICE OF ADMINISTRATIVE HEARINGS


JAMES W. NORMAN

Administrative Law Judge

STATE OFFICE OF ADMINISTRATIVE HEARINGS

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SERVICE LIST

AGENCY: Environmental Quality, Texas Commission on (TCEQ)

STYLE/CASE: TOWN OF LINDSAY

SOAH DOCKET NUMBER: 582-06-2023

REFERRING AGENCY CASE: 2006-0272-UCR

**STATE OFFICE OF ADMINISTRATIVE
HEARINGS**

**ADMINISTRATIVE LAW JUDGE
ALJ JAMES W. NORMAN**

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

xc: Docket Clerk, State Office of Administrative Hearings

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04/16/2007

NUMBER OF PAGES INCLUDING THIS COVER SHEET:

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REGARDING:

ORDER NO. 4 - CONTINUING ABATEMENT

DOCKET NUMBER:

582-06-2023

FROM:

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CHIEF OF STAFF'S OFFICE

APR 16 2007

**SOAH DOCKET NO. 582-06-2023
TCEQ DOCKET NO. 2006-0272-UCR**

**APPLICATION OF THE TOWN OF
LINDSAY TO AMEND WATER AND
SEWER CERTIFICATES OF
CONVENIENCE AND NECESSITY
(CCN) NOS. 13025 AND 20927 IN
COOKE COUNTY, TEXAS
APPLICATION NOS. 35096-C & 35097-C**

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BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

**CITY OF LINDSAY'S
STATUS REPORT**

Pursuant to Order No. 3, Your Honor requested a status report from the parties. The City of Lindsay ("City") inadvertently failed to file the requested Status Report. As such, the City hereby provides the following status report.

The City continues to negotiate with Lindsay Pure Water Company in an attempt to resolve the issues in this proceeding. A settlement has not been reached yet. The City feels both parties are continuing with their efforts to settle. As such, the City respectfully requests a continued abatement for sixty (60) days in order to allow the Parties to continue with such settlement negotiations.

Respectfully submitted,

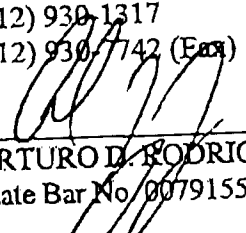
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(512) 930-7742 (Fax)


ARTURO D. RODRIGUEZ, JR.

State Bar No. 00791551

ATTORNEY FOR THE CITY OF LINDSAY,
TEXAS

CERTIFICATE OF SERVICE

I hereby certify that on this 13th of April 2007, a true and correct copy of the foregoing document has been sent via facsimile, first class mail, or hand-delivered to the following counsel or party representatives of record:


Mr. James W. Norman
Administrative Law Judge
300 West 15th Street
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Environmental Law Division
TCEQ - MC 173
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Mr. Blas Coy, Attorney
Office of Public Interest Counsel
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Docket Clerk
Office of the Chief Clerk - MC 105
Texas Commission on Environmental Quality
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Fax: 239-3311



ARTURO B. RODRIGUEZ, JR.

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FACSIMILE COVER PAGE

April 13, 2007

Please Deliver the Following page(s) to:

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Mr. John Carlton, Attorney
Mr. Blas Coy, Attorney
Mr. Brian MacLeod
TCEQ Chief Clerk
Mr. Pat Dillon

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Fax Number: (972) 680-0003

Client Number: 1140-00

From: Arturo D. Rodriguez, Jr.

Direct Phone: (512) 930-1317

Pages: 3 (Including Cover Sheet)

Re:

Comments: Status Report

CHIEF CLERK'S OFFICE

SOAH DOCKET NO. 582-06-2023
TCEQ DOCKET NO. 2006-0272-UCR

APPLICATION OF THE TOWN OF
LINDSAY TO AMEND WATER AND
SEWER CERTIFICATES OF
CONVENIENCE AND NECESSITY NOS.
10325 AND 20927, APPLICATION NOS.
35096-C & 35097-C

BEFORE THE STATE OFFICE
OF
ADMINISTRATIVE HEARINGS

ORDER NO. 5

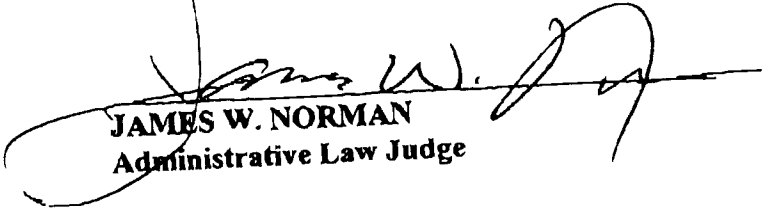
LIFTING ABATEMENT

On January 25, 2008, the City of Lindsay submitted a status report on this case requesting that the abatement be lifted because the parties have not been able to reach a settlement. The City of Lindsay stated that the parties will attempt to agree on a hearing schedule and submit it by February 8, 2008. There has been no opposition to the request that the abatement be lifted.

The City of Lindsay's request to lift the abatement is **granted**. On or before February 8, 2008, the parties shall submit a proposed hearing schedule.

Issued February 4, 2008.

STATE OFFICE OF ADMINISTRATIVE HEARINGS


JAMES W. NORMAN
Administrative Law Judge

TEXAS
COMMISSION
ON
JULY 11 11:11:12
FEB - 4
CHIEF CLERK'S OFFICE

STATE OFFICE OF ADMINISTRATIVE HEARINGS

AUSTIN OFFICE
300 West 15th Street Suite 502
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SERVICE LIST

AGENCY: Environmental Quality, Texas Commission on (TCEQ)
STYLE/CASE: TOWN OF LINDSAY
SOAH DOCKET NUMBER: 582-06-2023
REFERRING AGENCY CASE: 2006-0272-UCR

**STATE OFFICE OF ADMINISTRATIVE
HEARINGS**

**ADMINISTRATIVE LAW JUDGE
ALJ JAMES W. NORMAN**

REPRESENTATIVE / ADDRESS

PARTIES

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TOWN OF LINDSAY

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LINDSAY PURE WATER COMPANY

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

cc: Docket Clerk, State Office of Administrative Hearings

STATE OFFICE OF ADMINISTRATIVE HEARINGS

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CHIEF CLERKS OFFICE

02/04/2008

0012004

TEXAS
COMMISSION
ON
ENVIRONMENTAL
QUALITY

DATE:

NUMBER OF PAGES INCLUDING THIS COVER SHEET:

4

REGARDING:

ORDER NO. 5 - LIFTING ABATEMENT

DOCKET NUMBER:

582-06-2 123JUDGE JAMES W NORMANFAX TO:FAX TO:

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TCEQ Docket Clerk, Fax Number 512/239-3311

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SOAH DOCKET NO. 582-06-2023
TCEQ DOCKET NO. 2006-0272-UCR

APPLICATION OF THE TOWN OF
LINDSAY TO AMEND WATER AND
SEWER CERTIFICATES OF
CONVENIENCE AND NECESSITY
(CCN) NOS. 13025 AND 20927 IN
COOKE COUNTY, TEXAS
APPLICATION NOS. 35096-C & 35097-C

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BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

CHIEF CLERKS OFFICE

JAN 25 AM 8:42

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

**CITY OF LINDSAY'S
STATUS REPORT**

The City of Lindsay last filed a Status Report on June 21, 2007. During the abatement, the City has continued to negotiate with Lindsay Pure Water Company ("Lindsay PWC") in an attempt to resolve the issues in this proceeding. A settlement was not accomplished. As such, the City respectfully requests that the abatement be lifted. The City will work with Lindsay PWC, counsel for the Executive Director, and counsel for the Office of Public Interest to agree to a procedural schedule by February 8, 2008. The City will notify your Honor on or before February 8, 2008, of the proposed schedule or will request a preliminary hearing with your Honor to determine a schedule if one cannot be agreed upon.

Respectfully submitted,

Russell & Rodriguez, L.L.P.

102 West Morrow, Suite 103

Georgetown, Texas 78626

(512) 930-1317

(512) 930-7742 (Fax)

Arturo D. Rodriguez, Jr.

ARTURO D. RODRIGUEZ, JR.

State Bar No. 00791551

ATTORNEY FOR THE CITY OF LINDSAY,
TEXAS

CERTIFICATE OF SERVICE

I hereby certify that on this 25th of January 2008, a true and correct copy of the foregoing document has been sent via facsimile, first class mail, or hand-delivered to the following counsel or party representatives of record:

Mr. James W. Norman
Administrative Law Judge
300 West 15th Street
Austin, Texas 78701
Fax: 475-4994

Mr. Brian MacLeod, Attorney
Environmental Law Division
TCEQ - MC 173
P.O. Box 13087
Austin, Texas 78711-3087
Fax: 239-0606

John Carlton
Armbrust & Brown, L.L.P.
100 Congress Avenue, Suite 1300
Austin, Texas 78701
Fax: 435-2360

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

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 & RODRIGUEZ, L.L.P.

Attorneys at Law

Texas Heritage Plaza, 102 West Morrow Street, Suite 103, Georgetown, Texas 78626

Phone (512) 930-1317

E-mail: arodriguez@txadminlaw.com

Fax (512) 930-7742

FACSIMILE COVER PAGE

January 25, 2008

Please Deliver the Following page(s) to:

Mr. James W. Norman
Mr. John Carlton, Attorney
Mr. Blas Coy, Attorney
Mr. Brian MacLeod
TCEQ Chief Clerk
Mr. Pat Dillon

Fax Number: (512) 475-4994
Fax Number: (512) 435-2360
Fax Number: (512) 239-6377
Fax Number: (512) 239-0606
Fax Number: (512) 239-3311
Fax Number: (972) 680-0003

Client Number: 1140-00

From: Arturo D. Rodriguez, Jr.

Direct Phone: (512) 930-1317

Pages: 3 (Including Cover Sheet)

Re:

Comments: City of Lindsay's Status Report

CHIEF CLERKS OFFICE

2008 JAN 25 AM 8:42

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

**SOAH DOCKET NO. 582-06-2023
TCEQ DOCKET NO. 2006-0272-UCR**

**APPLICATION OF THE TOWN OF
LINDSAY TO AMEND WATER AND
SEWER CERTIFICATES OF
CONVENIENCE AND NECESSITY
(CCN) NOS. 13025 AND 20927 IN
COOKE COUNTY, TEXAS
APPLICATION NOS. 35096-C & 35097-C**

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BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

**CITY OF LINDSAY'S
STATUS REPORT**

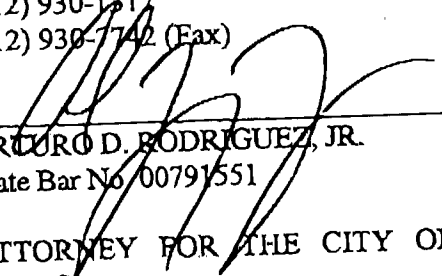
Pursuant to Order No. 4, Your Honor requested a status report from the parties. The City of Lindsay ("City") inadvertently failed to file the requested Status Report. As such, the City hereby provides the following status report.

The City continues to negotiate with Lindsay Pure Water Company in an attempt to resolve the issues in this proceeding. A settlement has not been reached yet. The City feels both parties are continuing with their efforts to settle. As such, the City respectfully requests a continued abatement for thirty (30) days in order to allow the Parties to continue with such settlement negotiations.

Respectfully submitted,

Russell & Rodriguez, L.L.P.

102 West Morrow, Suite 103
Georgetown, Texas 78626
(512) 930-1317
(512) 930-7742 (Fax)


ARTURO D. RODRIGUEZ, JR.
State Bar No. 00791551

ATTORNEY FOR THE CITY OF LINDSAY,
TEXAS

CERTIFICATE OF SERVICE

I hereby certify that on this 21st of June 2007, a true and correct copy of the foregoing document has been sent via facsimile, first class mail, or hand-delivered to the following counsel or party representatives of record:

Mr. James W. Norman
Administrative Law Judge
300 West 15th Street
Austin, Texas 78701
Fax: 475-4994

Mr. Brian MacLeod, Attorney
Environmental Law Division
TCEQ - MC 173
P.O. Box 13087
Austin, Texas 78711-3087
Fax: 239-0606

John Carlton
Armbrust & Brown, L.L.P.
100 Congress Avenue, Suite 1300
Austin, Texas 78701
Fax: 435-2360

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

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 & RODRIGUEZ, L.L.P.

Attorneys at Law

Texas Heritage Plaza, 102 West Morrow Street, Suite 103, Georgetown, Texas 78626

Phone (512) 930-1317

E-mail: arodriguez@txadminlaw.com

Fax (512) 930-7742

FACSIMILE COVER PAGE

June 21, 2007

Please Deliver the Following page(s) to:

Mr. James W. Norman
Mr. John Carlton, Attorney
Mr. Blas Coy, Attorney
Mr. Brian MacLeod
TCEQ Chief Clerk
Mr. Pat Dillon

Fax Number: (512) 475-4994
Fax Number: (512) 435-2360
Fax Number: (512) 239-6377
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Fax Number: (512) 239-3311
Fax Number: (972) 680-0003

Client Number: 1140-00

From: Arturo D. Rodriguez, Jr.

Direct Phone: (512) 930-1317

Pages: 3 (Including Cover Sheet)

Re:

Comments: Status Report

**SOAH DOCKET NO. 582-06-2023
TCEQ DOCKET NO. 2006-0272-UCR**

**APPLICATION FROM THE TOWN OF
LINDSAY TO AMEND A WATER
CERTIFICATE OF CONVENIENCE
AND NECESSITY (CCN) NO. 13025 IN
COOKE COUNTY; APPLICATION NO.
35096-C; and APPLICATION TO
AMEND A SEWER CERTIFICATE OF
CONVENIENCE AND NECESSITY
(CCN) IN COOKE COUNTY, TEXAS;
APPLICATION NO. 35097-C**

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**BEFORE THE STATE OFFICE
OF
ADMINISTRATIVE HEARINGS**

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
FEB 12 PM 4:34
CHIEF CLERK'S OFFICE

**ORDER NO. 6
SETTING HEARING SCHEDULE**

Jurisdictional, party status, and procedural issues have already been addressed in Order No. 1, dated July 12, 2006. This order revises the hearing schedule originally ordered and sets a hearing to begin on October 7, 2008. The parties have submitted the following agreed procedural schedule, which is adopted for this proceeding:

<u>Date</u>	<u>Action</u>
February 8, 2008	Discovery begins
May 2, 2008	Discovery ends; All discovery must be served on or before April 2, 2008 (30 days for response)
June 9, 2008	Applicant testimony due
July 7, 2008	Protestant and OPIC Testimony due
August 8, 2008	ED Testimony due
August 29, 2008	Depositions end
September 12, 2008	Written objections to all testimony due
September 26, 2008	Responses to written objections to all testimony due
October 2, 2008	Prehearing telephone conference at 10:00 a.m. ¹

¹ The Administrative Law Judge may conclude that a live pre-hearing conference is needed.

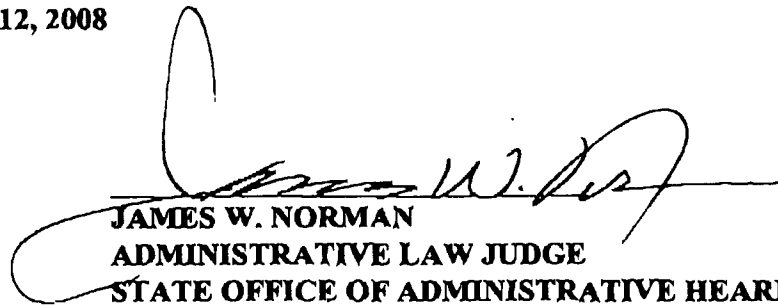
SOAH Docket No. 582-06-2023
TNRCC Docket No. 2006-0272-UCR

ORDER NO. 6

Page 2

October 7-9, 2008 Hearing on the Merits (HOM)

SIGNED February 12, 2008



JAMES W. NORMAN
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS

STATE OFFICE OF ADMINISTRATIVE HEARINGS**AUSTIN OFFICE****300 West 15th Street Suite 502****Austin, Texas 78701****Phone: (512) 475-4993****Fax: (512) 475-4994****SERVICE LIST****AGENCY:** Environmental Quality, Texas Commission on (TCEQ)**STYLE/CASE:** TOWN OF LINDSAY**SOAH DOCKET NUMBER:** 582-06-2023**REFERRING AGENCY CASE:** 2006-0272-UCR**STATE OFFICE OF ADMINISTRATIVE
HEARINGS****ADMINISTRATIVE LAW JUDGE****ALJ JAMES W. NORMAN****REPRESENTATIVE / ADDRESS****PARTIES**

BLAS J. COY, JR.
OFFICE OF THE PUBLIC INTEREST COUNSEL
MC-103 P.O. BOX 13087
AUSTIN, TX 78711-3087
(512) 239-6363 (PH)
(512) 239-6377 (FAX)

OFFICE OF PUBLIC INTEREST COUNSEL

ARTURO D. RODRIGUEZ, JR.
RUSSELL, MOORMAN AND RODRIGUEZ, L.L.P.
102 WEST MORROW, SUITE 103
GEORGETOWN, TX 78626
(512) 930-1317 (PH)
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TOWN OF LINDSAY

JOHN J CARLTON
ATTORNEY AT LAW
ARMBRUST & BROWN, LLP
100 CONGRESS AVENUE, SUITE 1300
AUSTIN, TX 78701-2744
(512) 435-2308 (PH)
(512) 435-2360 (FAX)
(512) 785-8355 (CELL)

LINDSAY PURE WATER COMPANY

BRIAN MACLEOD
STAFF ATTORNEY
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
MC-175 P.O. BOX 13087
AUSTIN, TX 78711-3087
(512) 239-0750 (PH)
(512) 239-0606 (FAX)

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

xc: Docket Clerk, State Office of Administrative Hearings

STATE OFFICE OF ADMINISTRATIVE HEARINGS

AUSTIN OFFICE

300 West 15th Street Suite 502

Austin, Texas 78701

Phone: (512) 475-4993

Fax: (512) 475-4994

DATE:

02/12/2008

NUMBER OF PAGES INCLUDING THIS COVER SHEET:

5

REGARDING:

ORDER NO. 6 - SETTING PROCEDURAL SCHEDULE

DOCKET NUMBER:

582-06-2023JUDGE JAMES W NORMANFAX TO:FAX TO:

BLAS J. COY, JR.

(512) 239-6377

JOHN J CARLTON

(512) 435-2360

ARTURO D. RODRIGUEZ, JR. (RUSSELL, MOORMAN
AND RODRIGUEZ, L.L.P.)

(512) 930-7742

BRIAN MACLEOD (TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY)

(512) 239-0606

KX & Associates

(214) 630-9200

Kennedy Court Reporting Services

(512) 474-6704

TCEQ Docket Clerk, Fax Number 512/239-3311

NOTE: IF ALL PAGES ARE NOT RECEIVED, PLEASE CONTACT SUSAN BRYSON(sbr) (512) 475-4993

The information contained in this facsimile message is privileged and confidential information intended only for the use of the above-named recipient(s) or the individual or agent responsible to deliver it to the intended recipient. You are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone, and return the original message to us at the address via the U.S. Postal Service. Thank you.

CHIEF CLERK'S OFFICE

FEB 12 PM 4:34

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

2008 FEB 12 PM 3:01

CHIEF CLERKS OFFICE

ARMBRUST & BROWN, L.L.P.

ATTORNEYS AND COUNSELORS

100 CONGRESS AVENUE, SUITE 1300
AUSTIN, TEXAS 78701-2744
512-435-2300

FACSIMILE 512-435-2360

JOHN J. CARLTON
(512) 435-2308
jcarlton@abaustin.com

February 11, 2008

**VIA FACSIMILE: (512) 239-0606 &
FIRST CLASS MAIL**

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

Re: SOAH Docket No. 582-06-0203; TCEQ Docket No. 2006-0272-UCR; *Application of the Town of Lindsay to Amend Water and Sewer Certificates of Convenience and Necessity (CCN) Nos. 13025 and 20927 in Cooke County, Texas*; Application Nos. 35096-C & 35097-C

Dear Brian:

Enclosed is Lindsay Pure Water Company's Request for Disclosure to the Executive Director.

If you have any questions or concerns, please contact me at your earliest convenience.

Sincerely,

ARMBRUST & BROWN, L.L.P.


John J. Carlton

Attorney for Lindsay Pure Water Company

Enclosure

cc: Arturo Rodriguez, Jr.
Mr. Blas Coy
TCEQ Docket Clerk

703 FEB 12 PM 3: 01

SOAH DOCKET NO. 582-06-2023
TCEQ DOCKET NO. 2006-0272-UCR

CHIEF CLERKS OFFICE

APPLICATION OF THE TOWN OF
LINDSAY TO AMEND WATER AND
SEWER CERTIFICATES OF
CONVENIENCE AND NECESSITY
(CCN) NOS. 13025 AND 20927 IN
COOKE COUNTY, TEXAS
APPLICATION NOS. 35096-C & 35097-C

§ BEFORE THE STATE OFFICE
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§ ADMINISTRATIVE HEARINGS

**LINDSAY PURE WATER COMPANY'S REQUEST FOR DISCLOSURE
TO THE EXECUTIVE DIRECTOR**

TO: The Executive Directory, by and through it attorney of record, Brian MacLeod, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711.

COMES NOW, Lindsay Pure Water Company, Protestant herein, and files its Request for Disclosure to the Executive Director. Pursuant to Rule 194, you are requested to disclose, within 30 days of service of this request, the information or material described in Rule 194.2.

REQUEST FOR DISCLOSURE 194.2(a): The correct names of the parties to the contested case hearing.

RESPONSE:

REQUEST FOR DISCLOSURE 194.2(b): The name, address, and telephone number of any potential parties.

RESPONSE:

REQUEST FOR DISCLOSURE 194.2(c): The legal theories and, in general, the factual bases of the responding party's claims or defenses (the responding party need not marshal all evidence that may be offered at trial).

RESPONSE:

REQUEST FOR DISCLOSURE 194.2(d): The amount and any method of calculating economic damages.

RESPONSE:

REQUEST FOR DISCLOSURE 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:

REQUEST FOR DISCLOSURE 194.2(f):For any testifying expert:

- (i) the expert's name, address and telephone number;
- (ii) the subject matter on which the expert will testify;
- (iii) the general substance of the expert's mental impressions and opinions and a brief summary of the basis for them, or if the expert is not retained by, employed by, or otherwise subject to the control of the responding party, documents reflecting such information;
- (iv) 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:

REQUEST FOR DISCLOSURE 194.2(g):Any indemnifying and insuring agreements described in Rule 192.3(f).

RESPONSE:

REQUEST FOR DISCLOSURE 194.2(h):Any settlement agreements described in Rule 192.3(g).

RESPONSE:

REQUEST FOR DISCLOSURE 194.2(i):Any witness statements described in Rule 192.3(h).

RESPONSE:

Respectfully submitted,



JOHN J. CARLTON

State Bar No. 03817600

ARMBRUST & BROWN, L.L.P.

100 Congress Avenue, Suite 1300

Austin, Texas 78701-2744

(512) 435-2300 – Telephone

(512) 436-2360 – Telecopy

**ATTORNEYS FOR LINDSAY PURE
WATER COMPANY**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Lindsay Pure Water Company's Request for Disclosure to the Executive Director has been sent by Facsimile and/or First Class Mail on this 11th day of February, 2008, to the following:

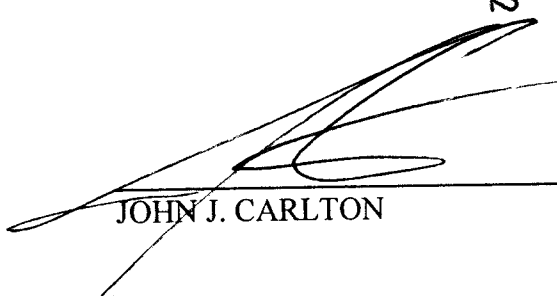
Arturo D. Rodriguez, Jr.
Russell & Rodriguez, L.L.P.
102 West Morrow Street, Suite 103
Georgetown, Texas 78626
Phone: (512) 930-1317
Facsimile: (512) 930-7742

Blas J. Coy, Jr.
Office of Public Interest Counsel
TCEQ – MC 103
P.O. Box 13087
Austin, Texas 78711-3087
Phone: (512) 239-6363
Facsimile: (512) 239-6377

Brian MacLeod, Attorney
TCEQ – MC-175
P.O. Box 13087
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Phone: (512) 239-0750
Facsimile: (512) 239-0606

Docket Clerk
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
Phone: (512) 239-3300
Facsimile: (512) 239-3311

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2008 FEB 12 PM 3:02
CHIEF CLERKS OFFICE


JOHN J. CARLTON

ARMBRUST & BROWN, L.L.P.

ATTORNEYS AND COUNSELORS

100 CONGRESS AVENUE, SUITE 1300
AUSTIN, TEXAS 78701-2744
512-435-2300

FACSIMILE 512-435-2360

2008 FEB 12 PM 3:01

CHIEF CLERKS OFFICE

JOHN J. CARLTON
(512) 435-2308
jcarlton@abaustin.com

February 11, 2008

**VIA FACSIMILE: (512) 930-7742 &
FIRST CLASS MAIL**

Arturo D. Rodriguez, Jr.
Russell & Rodriguez, L.L.P.
102 West Morrow Street, Suite 103
Georgetown, Texas 78626

Re: SOAH Docket No. 582-06-0203; TCEQ Docket No. 2006-0272-UCR;
*Application of the Town of Lindsay to Amend Water and Sewer Certificates of
Convenience and Necessity (CCN) Nos. 13025 and 20927 in Cooke County,
Texas; Application Nos. 35096-C & 35097-C*

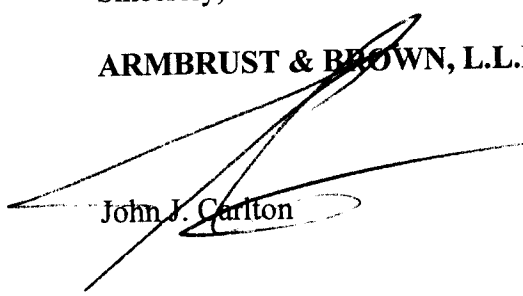
Dear Arturo:

Enclosed please find Lindsay Pure Water Company's Request for Disclosure, Request for Interrogatories and Requests for Production to the Town of Lindsay.

If you have any questions or concerns, please do not hesitate to contact our office.

Sincerely,

ARMBRUST & BROWN, L.L.P.


John J. Carlton

Enclosures

cc: Blas J. Coy, Jr. - OPIC
Brian MacLeod - TCEQ
TCEQ Docket Clerk

SOAH DOCKET NO. 582-06-2023
TCEQ DOCKET NO. 2006-0272-UCR

2008 FEB 12 PM 3: 01

APPLICATION OF THE TOWN OF
LINDSAY TO AMEND WATER AND
SEWER CERTIFICATES OF
CONVENIENCE AND NECESSITY
(CCN) NOS. 13025 AND 20927 IN
COOKE COUNTY, TEXAS
APPLICATION NOS. 35096-C & 35097-C

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BEFORE THE STATE CHIEF CLERKS OFFICE
OF
ADMINISTRATIVE HEARINGS

**LINDSAY PURE WATER COMPANY'S REQUEST FOR DISCLOSURE
TO THE CITY OF LINDSAY**

TO: The City of Lindsay, by and through its attorney of record, Arturo D. Rodriguez, Jr. of Russell & Rodriguez, L.L.P, 102 West Morrow Street, Suite 103, Georgetown, Texas 78626.

COMES NOW, Lindsay Pure Water Company, Protestant herein, and files its Request for Disclosure to the City of Lindsay. Pursuant to Rule 194, you are requested to disclose, within 30 days of service of this request, the information or material described in Rule 194.2.

REQUEST FOR DISCLOSURE 194.2(a): The correct names of the parties to the contested case hearing.

RESPONSE:

REQUEST FOR DISCLOSURE 194.2(b): The name, address, and telephone number of any potential parties.

RESPONSE:

REQUEST FOR DISCLOSURE 194.2(c): The legal theories and, in general, the factual bases of the responding party's claims or defenses (the responding party need not marshal all evidence that may be offered at trial).

RESPONSE:

REQUEST FOR DISCLOSURE 194.2(d): The amount and any method of calculating economic damages.

RESPONSE:

REQUEST FOR DISCLOSURE 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.

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REQUEST FOR DISCLOSURE 194.2(f):For any testifying expert:

- (i) the expert's name, address and telephone number;
- (ii) the subject matter on which the expert will testify;
- (iii) the general substance of the expert's mental impressions and opinions and a brief summary of the basis for them, or if the expert is not retained by, employed by, or otherwise subject to the control of the responding party, documents reflecting such information;
- (iv) 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:

REQUEST FOR DISCLOSURE 194.2(g):Any indemnifying and insuring agreements described in Rule 192.3(f).

RESPONSE:

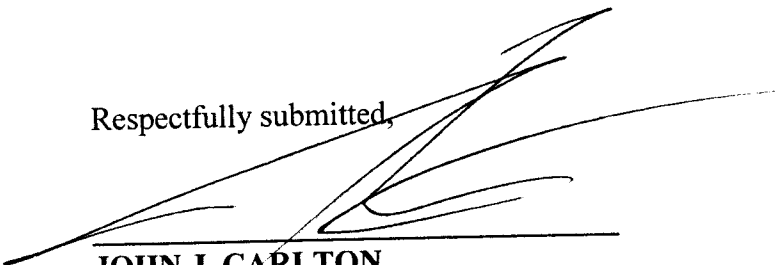
REQUEST FOR DISCLOSURE 194.2(h):Any settlement agreements described in Rule 192.3(g).

RESPONSE:

REQUEST FOR DISCLOSURE 194.2(i):Any witness statements described in Rule 192.3(h).

RESPONSE:

Respectfully submitted,


JOHN J. CARLTON
State Bar No. 03817600
ARMBRUST & BROWN, L.L.P.
100 Congress Avenue, Suite 1300
Austin, Texas 78701-2744
(512) 435-2300 – Telephone
(512) 436-2360 – Telecopy
**ATTORNEYS FOR LINDSAY PURE
WATER COMPANY**

CERTIFICATE OF SERVICE

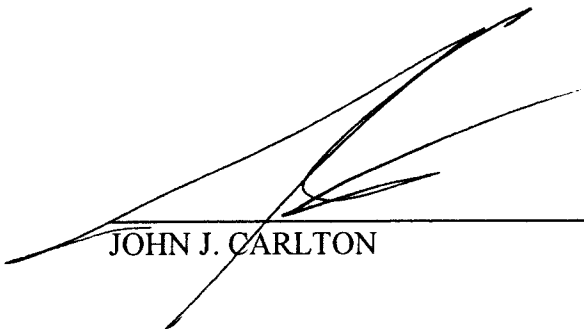
I hereby certify that a true and correct copy of the foregoing Lindsay Pure Water Company's Request for Disclosure to the City of Lindsay, Inc. has been sent by Facsimile and/or First Class Mail on this 11th day of February, 2008, to the following:

Arturo D. Rodriguez, Jr.
Russell & Rodriguez, L.L.P.
102 West Morrow Street, Suite 103
Georgetown, Texas 78626
Phone: (512) 930-1317
Facsimile: (512) 930-7742

Blas J. Coy, Jr.
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TCEQ – MC 103
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Brian MacLeod, Attorney
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Phone: (512) 239-0750
Facsimile: (512) 239-0606

Docket Clerk
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
Phone: (512) 239-3300
Facsimile: (512) 239-3311



JOHN J. CARLTON

SOAH DOCKET NO. 582-06-2023
TCEQ DOCKET NO. 2006-0272-UCR

APPLICATION OF THE TOWN OF
LINDSAY TO AMEND WATER AND
SEWER CERTIFICATES OF
CONVENIENCE AND NECESSITY
(CCN) NOS. 13025 AND 20927 IN
COOKE COUNTY, TEXAS
APPLICATION NOS. 35096-C & 35097-C

§ BEFORE THE STATE OFFICE
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§ ADMINISTRATIVE HEARINGS

**LINDSAY PURE WATER COMPANY'S FIRST REQUEST FOR INTERROGATORIES
AND REQUESTS FOR PRODUCTION TO THE TOWN OF LINDSAY**

TO: The Town of Lindsay, by and through its attorney of record, Arturo D. Rodriguez, Jr. of Russell & Rodriguez, L.L.P, 102 West Morrow Street, Suite 103, Georgetown, Texas 78626.

COMES NOW, Lindsay Pure Water Company, Protestant herein, and files its First Request for Interrogatories and Requests for Production 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 thirty (30) days of service of this request, the Town of Lindsay must serve a signed copy of the responses to these requests upon counsel for Lindsay Pure Water Company, John Carlton, at the following address: Armbrust & Brown, L.L.P., 100 Congress Avenue, Suite 1300, Austin, Texas 78701.

INSTRUCTIONS

For any requested information about a document that no longer exists or cannot be located, identify the document, state how and when it passed out of existence or when it could no longer be located, and give the reasons for the disappearance. Also, identify each person having knowledge about the disposition or loss, and identify each document evidencing the existence or nonexistence of each document that cannot be located.

DEFINITIONS

The term "**documents**" means and refers to any and all documents, files, correspondence, notes, memoranda, or records relating to, but not limited to any type of business records, office notes, invoices, investigations, reports, and any type of correspondence and anything else reduced to writing in your files, or from other sources in your possession, custody, or control, and every such record to which you may have access,

The term "**you,**" "**your,**" or "**City**" means and refers to the Town of Lindsay and its Water & Wastewater Department, however named.

The term "**communication**" means the transmittal of information (in the form of facts, ideas, inquiries and otherwise).

The term **"identify" (with Respect to Persons)** means to give to the extent known, the person's full name, present or last known address and, when referring to a natural person, additionally the present or last known place of employment. Once a person has been identified in accordance with this subparagraph, only the name of that person need be listed in response to subsequent discovery requesting the identification of that person.

The term **"identify" (with Respect to Documents)** means to give, to the extent known, the (i) type of document; (ii) general subject matter; (iii) date of the document; and (iv) author(s), addressee(s), and recipient(s).

The term **"person"** means any natural person or business, legal or governmental entity or association.

The term **"concerning"** means relating to, referring to, describing, evidencing or constituting, in whole or in part.

The term **"State"** means and refers to the State of Texas and its governmental agencies and representatives, including the State Office of Administrative Hearings ("SOAH").

The term **"CCN"** means and refers to a Certificate of Convenience and Necessity.

The term **"application" or "Application"** means and refers to an application for a CCN.

The term **"Applicants"** means and refers to the Town of Lindsay, as well as an applicant's party's full or abbreviated name or pronoun, and where applicable, its mayor, council members, officers, directors, employees, partners, corporate parent, subsidiaries, or affiliates.

The term **"any applicant"** means and refers to any applicant for a CCN.

The term **"TCEQ"** means and refers to the Texas Commission on Environmental Quality.

The term **"EPA"** means and refers to the Environmental Protection Agency of the federal government.

FIRST SET OF INTERROGATORIES

INTERROGATORY NO. 1: Please describe in detail the City's existing water transmission lines, if any, capable of providing water service to the City's entire proposed CCN area.

RESPONSE:

INTERROGATORY NO. 2: Please describe in detail the City's existing booster stations, if any, capable of providing water service to the City's entire proposed CCN area.

RESPONSE:

INTERROGATORY NO. 3: Please describe in detail the City's existing water distribution lines, if any, capable of providing water service to the City's entire proposed CCN area.

RESPONSE:

INTERROGATORY NO. 4: Please describe in detail the City's existing water storage tanks, if any, capable of providing water service to the City's entire proposed CCN area.

RESPONSE:

INTERROGATORY NO. 5: Please identify the City's sources of water, including ground water and surface water, and explain whether surface water sources are secured by contract or permit.

RESPONSE:

INTERROGATORY NO. 6: Please identify any partially or fully conducted, or partially or fully prepared, plans, reports, or studies, including, but not limited to, land-use assumptions, capital improvement plans, impact fee studies, and capital asset acquisition budgets, which concern or address water service to the City's entire proposed CCN area.

RESPONSE:

INTERROGATORY NO. 7: Please identify the shortest time frame in which the City is capable of providing water service, in compliance with all applicable rules and statutes, to all points throughout the City's entire proposed CCN area, in the event there is immediate demand for service.

RESPONSE:

INTERROGATORY NO. 8: Please explain in detail how the City would provide water service within the time frame identified in the City's answer to the previous Interrogatory.

RESPONSE:

INTERROGATORY NO. 9: Please identify any and all requests the City has received for water service within the City's entire proposed CCN area.

RESPONSE:

INTERROGATORY NO. 10: Please explain the basis for the City's assertion that the City has demonstrated a need for water service within the City's entire proposed CCN area.

RESPONSE:

INTERROGATORY NO. 11: Please describe the physical characteristics and location of any and all existing water facilities, including, but not limited to, utility lines, storage tanks, pump stations, booster stations, and treatment facilities now existing, either complete or partially complete, that could be used to provide water or wastewater service to the City's entire proposed CCN area.

RESPONSE:

INTERROGATORY NO. 12: Please explain whether and how the City has discussed, addressed, budgeted for, intended, or planned for the design, construction and/or extension of water facilities, including, but not limited to, permits, distribution and transmission lines, storage tanks, booster stations, wells, well fields, and water treatment facilities, with the capacity to provide continuous and adequate water service to the City's entire proposed CCN area.

RESPONSE:

INTERROGATORY NO. 13: Please identify any and all violations of any TCEQ regulation committed by or attributed to the City (which includes its Water & Wastewater Department) during the past three (3) years concerning any areas for which the City provides water or wastewater service.

RESPONSE:

INTERROGATORY NO. 14: Please identify any and all violations of any EPA regulation committed by or attributed to the City (which includes its Water & Wastewater Department) during the past three (3) years concerning any areas for which the City provides water or wastewater service.

RESPONSE:

REQUEST FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1: Please produce any and all documents in your actual or constructive possession, including, but not limited to, budgets, reports, projections, estimates, and supporting or underlying documentation, concerning the City's financial ability to provide water service to the City's entire proposed CCN area.

RESPONSE:

REQUEST FOR PRODUCTION NO. 2: Please produce any and all documents or tangible things in your actual or constructive possession concerning the City's financial plans or intentions to supply water service the City's entire proposed CCN area.

RESPONSE:

REQUEST FOR PRODUCTION NO. 3: Please produce any and all documents or tangible things in your actual or constructive possession concerning the City's anticipated residential or other growth or development in the City's entire proposed CCN area.

RESPONSE:

REQUEST FOR PRODUCTION NO. 4: Please produce any and all documents or tangible things in your actual or constructive possession concerning your rate schedules and tariffs for water service for the previous 5 years.

RESPONSE:

REQUEST FOR PRODUCTION NO. 5: Please produce any and all documents or tangible things in your actual or constructive possession concerning your long-range water service plan.

RESPONSE:

REQUEST FOR PRODUCTION NO. 6: Please produce any and all documents or tangible things in your actual or constructive possession concerning your annual operating budgets for water service for the previous five years.

RESPONSE:

REQUEST FOR PRODUCTION NO. 7: Please produce any and all documents or tangible things in your actual or constructive possession concerning your financial statements and budgets for the previous 5 years.

RESPONSE:

REQUEST FOR PRODUCTION NO. 8: Please produce any and all documents or tangible things in your actual or constructive possession concerning your monitoring procedures, emergency response procedures, and emergency response times for water service issues for the previous 5 years.

RESPONSE:

REQUEST FOR PRODUCTION NO. 9: Please produce any and all documents or tangible things in your actual or constructive possession concerning the individuals who operate your water and wastewater facilities and their level(s) and type(s) of training.

RESPONSE:

REQUEST FOR PRODUCTION NO. 10: Please produce any and all documents or tangible things in your actual or constructive possession concerning the quantities and types of operational and maintenance equipment used for City water services.

RESPONSE:

REQUEST FOR PRODUCTION NO. 11: Please produce any and all maps in your actual or constructive possession concerning the City's current and proposed water utility system(s).

RESPONSE:

REQUEST FOR PRODUCTION NO. 12: Please produce any and all maps in your actual or constructive possession concerning the City's current city limits.

RESPONSE:

REQUEST FOR PRODUCTION NO. 13: Please produce any and all maps in your actual or constructive possession concerning the City's city limits at the time the Application was filed.

RESPONSE:

REQUEST FOR PRODUCTION NO. 14: Please produce any and all maps in your actual or constructive possession concerning the City's current extraterritorial jurisdiction.

RESPONSE:

REQUEST FOR PRODUCTION NO. 15: Please provide any and all maps in your actual or constructive possession concerning the City's extraterritorial jurisdiction at the time the Application was filed.

RESPONSE:

REQUEST FOR PRODUCTION NO. 16: Please produce any and all documents or tangible things in your actual or constructive possession concerning your answer to Interrogatory No.1. The Company does not expect you to produce documents excluded from discovery by a lawful privilege.

RESPONSE:

REQUEST FOR PRODUCTION NO. 17: Please produce any and all documents or tangible things in your actual or constructive possession concerning your answer to Interrogatory No. 2. The Company does not expect you to produce documents excluded from discovery by a lawful privilege.

RESPONSE:

REQUEST FOR PRODUCTION NO. 18: Please produce any and all documents or tangible things in your actual or constructive possession concerning your answer to Interrogatory No. 3. The Company does not expect you to produce documents excluded from discovery by a lawful privilege.

RESPONSE:

REQUEST FOR PRODUCTION NO. 19: Please produce any and all documents or tangible things in your actual or constructive possession concerning your answer to Interrogatory No. 4. The Company does not expect you to produce documents excluded from discovery by a lawful privilege.

RESPONSE:

REQUEST FOR PRODUCTION NO. 20: Please produce any and all documents or tangible things in your actual or constructive possession concerning your answer to Interrogatory No. 5. The Company does not expect you to produce documents excluded from discovery by a lawful privilege.

RESPONSE:

REQUEST FOR PRODUCTION NO. 21: Please produce any and all documents or tangible things in your actual or constructive possession concerning your answer to Interrogatory No. 6. The Company does not expect you to produce documents excluded from discovery by a lawful privilege.

RESPONSE:

REQUEST FOR PRODUCTION NO. 22: Please produce any and all documents or tangible things in your actual or constructive possession concerning your answer to Interrogatory No. 7. The Company does not expect you to produce documents excluded from discovery by a lawful privilege.

RESPONSE:

REQUEST FOR PRODUCTION NO. 23: Please produce any and all documents or tangible things in your actual or constructive possession concerning your answer to Interrogatory No. 8. The Company does not expect you to produce documents excluded from discovery by a lawful privilege.

RESPONSE:

REQUEST FOR PRODUCTION NO. 24: Please produce any and all documents or tangible things in your actual or constructive possession concerning your answer to Interrogatory No. 9. The Company does not expect you to produce documents excluded from discovery by a lawful privilege.

RESPONSE:

REQUEST FOR PRODUCTION NO. 25: Please produce any and all documents or tangible things in your actual or constructive possession concerning your answer to Interrogatory No. 10. The Company does not expect you to produce documents excluded from discovery by a lawful privilege.

RESPONSE:

REQUEST FOR PRODUCTION NO. 26: Please produce any and all documents or tangible things in your actual or constructive possession concerning your answer to Interrogatory No. 11. The Company does not expect you to produce documents excluded from discovery by a lawful privilege.

RESPONSE:

REQUEST FOR PRODUCTION NO. 27: Please produce any and all documents or tangible things in your actual or constructive possession concerning your answer to Interrogatory No. 12. The Company does not expect you to produce documents excluded from discovery by a lawful privilege.

RESPONSE:

REQUEST FOR PRODUCTION NO. 28: Please produce any and all documents or tangible things in your actual or constructive possession concerning your answer to Interrogatory No. 13. The Company does not expect you to produce documents excluded from discovery by a lawful privilege.

RESPONSE:

REQUEST FOR PRODUCTION NO. 29: Please produce any and all documents or tangible things in your actual or constructive possession concerning your answer to Interrogatory No. 14. The Company does not expect you to produce documents excluded from discovery by a lawful privilege.

RESPONSE:

REQUEST FOR PRODUCTION NO. 30: Please produce any and all documents in your actual or constructive possession concerning any agreements between the City and any entity that provides water utility service, relating to service area boundaries or adjustments in service area boundaries. Please include in your response any documents concerning agreements relating to areas certificated by TCEQ.

RESPONSE:

REQUEST FOR PRODUCTION NO. 31: Please produce any and all documents or tangible things in your actual or constructive possession regarding the City's population as of the date the Application was filed.

RESPONSE:

REQUEST FOR PRODUCTION NO. 32: Please produce any and all documents or tangible things in your actual or constructive possession regarding the City's current population.

RESPONSE:

Respectfully submitted,

John J. Carlton/w/peimdon
JOHN J. CARLTON

State Bar No. 03817600

ARMBRUST & BROWN, L.L.P.

100 Congress Avenue, Suite 1300

Austin, Texas 78701-2744

(512) 435-2300 – Telephone

(512) 436-2360 – Telecopy

**ATTORNEYS FOR LINDSAY PURE
WATER COMPANY**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Lindsay Pure Water Company's First Request for Interrogatories and Requests for Production to the Town of Lindsay, Inc. has been sent by Facsimile and/or First Class Mail on this 11th day of February, 2008, to the following:

Arturo D. Rodriguez, Jr.
Russell & Rodriguez, L.L.P.
102 West Morrow Street, Suite 103
Georgetown, Texas 78626
Phone: (512) 930-1317
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Blas J. Coy, Jr.
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Phone: (512) 239-6363
Facsimile: (512) 239-6377

Docket Clerk
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
Phone: (512) 239-3300
Facsimile: (512) 239-3311

John J. Carlton
JOHN J. CARLTON

CHIEF CLERKS OFFICE

2008 FEB 12 PM 3:01

**TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY**

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THE MCS GROUP INC

Feb 11 2008 12:39pm

001/005

ARMBRUST & BROWN, L.L.P.
ATTORNEYS AND COUNSELORS100 CONGRESS AVENUE, SUITE 1300
AUSTIN, TEXAS 78701-2744
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FACSIMILE 512-435-2360

FACSIMILE COVER PAGE

Date: February 11, 2008

CHIEF CLERKS OFFICE

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TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

NAME:	COMPANY:	FACSIMILE NO.:	TELEPHONE NO.:
Arturo D. Rodriguez	Russell & Rodriguez, L.L.P.	(512) 930-7742	(512) 930-1317
Blas J. Coy, Jr.	Office of Public Interest Counsel	(512) 239-6377	(512) 239-6363
Brian MacLeod	Texas Commission on Environmental Quality	(512) 239-0606	(512) 239-0750
Docket Clerk	Texas Commission on Environmental Quality	(512) 239-3311	(512) 239-3311

Please call us immediately if the document you receive is incomplete or illegible.

From: Amy Barrera	Telephone No.: (512) 435-2375
Client/Matter No.: 52515.0101	Total No. of Pages Sent: 5

REMARKS:

- ☐ Urgent ☐ For Your Review ☐ Reply ASAP ☐ Please Comment
- ☐ Original To Follow Via: ☐ Hand Delivery ☐ Federal Express ☐ First Class Mail

RE: SOAH Docket No. 582-06-0203; TCEQ Docket No. 2006-0272-UCR; *Application of the Town of Lindsay to Amend Water and Sewer Certificates of Convenience and Necessity (CCN) Nos. 13025 and 20927 in Cooke County, Texas*; Application Nos. 35096-C & 35097-C**ATTACHMENTS:** Lindsay Pure Water Company's Request for Disclosure to the Executive Director

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE (COLLECT), AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U. S. POSTAL SERVICE. THANK YOU.

252890-1 08/23/2006