

**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  
§  
§  
§ OF  
§  
§  
§ ADMINISTRATIVE HEARINGS**

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

**CHIEF CLERK'S OFFICE**

**2008 FEB 11 PM 12:54**

**TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY**

**TO:** The Executive Directory, by and through its 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:**

**ARMBRUST & BROWN, L.L.P.**  
ATTORNEYS AND COUNSELORS

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

FACSIMILE 512-435-2360

CHIEF CLERKS OFFICE

2008 FEB 11 PM 1:16

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

**FACSIMILE COVER PAGE**

Date: February 11, 2008

| 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: 14   |

**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, Request for Interrogatories and Requests for Production to the Town of Lindsay

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

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

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY  
7:00 FEB 11 PM 1:11  
CHIEF CLERKS OFFICE

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

**RESPONSE:**

**R&R**  
RUSSELL & RODRIGUEZ, L.L.P.  
ATTORNEYS AT LAW

TEXAS HERITAGE PLAZA  
102 W. MORROW STREET, SUITE 103  
GEORGETOWN, TEXAS 78626

Email: [arodriguez@txadminlaw.com](mailto:arodriguez@txadminlaw.com)

PHONE (512) 930-1317  
FAX (512) 930-7742  
WWW.TXADMINLAW.COM

February 8, 2008

**VIA FACSIMILE**

Mr. James W. Norman  
Administrative Law Judge  
300 West 15<sup>th</sup> Street  
Austin, Texas 78701

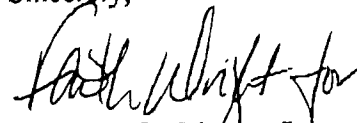
*Re: Application from the Town of Lindsay to Amend Certificate of Convenience and Necessity (CCN) No. 13025 in Cooke County; Application No. 35096-C and Application from the Town of Lindsay to Amend CCN No. 20927 in Cooke County; Application No. 35097-C; SOAH Docket No. 582-06-2023, TCEQ Docket No. 2006-0272-UCR*

Dear Judge Newchurch,

This firm represents the Town of Lindsay ("Town"). Pursuant to Order No. 5, the Town hereby submits the attached procedural schedule which has been agreed to by counsel for the Executive Director and counsel for Lindsay Pure Water Company.

Thank you very much for your attention to this matter.

Sincerely,



Arturo D. Rodriguez, Jr.

Attachment as stated in letter

cc: Service List  
Mr. Pat Dillon

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

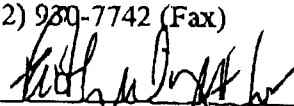
**APPLICATION OF THE TOWN OF § BEFORE THE STATE OFFICE  
LINDSAY TO AMEND WATER AND §  
SEWER CERTIFICATES OF §  
CONVENIENCE AND NECESSITY § OF  
(CCN) NOS. 13025 AND 20927 IN §  
COOKE COUNTY, TEXAS §  
APPLICATION NOS. 35096-C & 35097-C § ADMINISTRATIVE HEARINGS**

**CITY OF LINDSAY'S  
PROPOSED SCHEDULE FOR HEARING**

| DATE               | ACTIVITY   |
|--------------------|--|
| 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    | Pre-hearing Telephone Conference at 10:00 a.m.   |
| October 7-9, 2008  | Hearing on the Merits (HOM)  |

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

## RUSSELL &amp; 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

February 8, 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 Letter and Procedural Schedule

CHIEF CLERKS OFFICE

7PM FEB - 8 PM 2:01

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

**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 §**  
**CONVENIENCE AND NECESSITY § OF**  
**(CCN) NOS. 13025 AND 20927 IN §**  
**COOKE COUNTY, TEXAS §**  
**APPLICATION NOS. 35096-C & 35097-C § ADMINISTRATIVE HEARINGS**

**CITY OF LINDSAY'S  
STATUS REPORT**

Pursuant to Order No. 2, Your Honor requested a status report from the parties. The City of Lindsay ("City") 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,

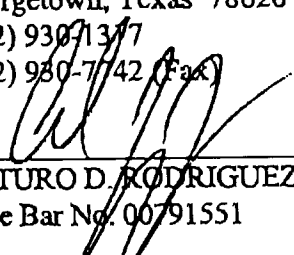
**Russell & Rodriguez, L.L.P.**

102 West Morrow, Suite 103

Georgetown, Texas 78626

(512) 930-7377

(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 10<sup>th</sup> day of January 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 15<sup>th</sup> 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 &amp; 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 10, 2007

*Please Deliver the Following page(s) to:*

Mr. James W. Norman

Fax Number: (512) 475-4994

Mr. John Carlton, Attorney

Fax Number: (512) 435-2360

Mr. Blas Coy, Attorney

Fax Number: (512) 239-6377

Mr. Brian MacLeod

Fax Number: (512) 239-0606

TCEQ Chief Clerk

Fax Number: (512) 239-3311

Mr. Pat Dillon

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

TEXAS  
COMMISSION  
ON  
LAWYER REGULATION

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

CHIEF CLERKS OFFICE

JAN 10 PM 5:00

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

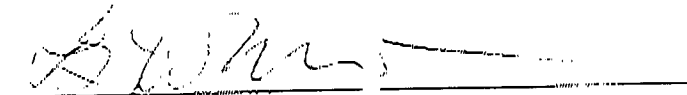
APPLICATION OF THE TOWN OF § BEFORE THE STATE OFFICE  
LINDSAY TO AMEND WATER AND §  
SEWER CERTIFICATES OF §  
CONVENIENCE AND NECESSITY § OF  
(CCN) NOS. 13025 AND 20927 IN §  
COOKE COUNTY, TEXAS §  
APPLICATION NOS. 35096-C & 35097-C § ADMINIS' RATIVE HEARINGS

THE EXECUTIVE DIRECTOR'S STATUS REPORT

TO THE HONORABLE ADMINISTRATIVE LAW JUDGE:

The Executive Director concurs with the status report filed by Applicant the City of Lindsay, and agrees that the case should be abated for an additional 60 days.

Texas Commission on Environmental Quality  
Mr. Brian MacLeod  
STATE BAR NO. 12783500 Environmental Law  
Division  
TCEQ - MC 173  
P.O. Box 13087  
Austin, TX 78711-3087



ATTORNEY FOR THE EXECUTIVE  
DIRECTOR

**CERTIFICATE OF SERVICE**

I hereby certify that on this 10th of January 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:

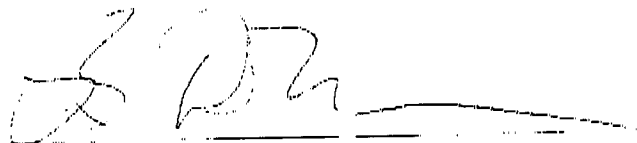
Mr. James W. Norman  
Administrative Law Judge  
300 West 15<sup>th</sup> Street  
Austin, Texas 78701  
Fax: 475-4994

Mr. Arturo Rodriguez  
Russell and Rodriguez, L.L.P.  
102 West Morrow, Suite 103  
Georgetown, Texas 78626  
Fax: (512) 930-7742

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

  
Brian MacLeod

**TCEQ**Protecting Texas  
by Reducing and  
Preventing Pollution

# FAX TRANSMITTAL

DATE: 1/7/07 NUMBER OF PAGES (including this cover sheet): 3

TO: Name Docke - Clerk  
Organization TCEQ  
FAX Number 239-331

FROM: TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
Name Brian MacLeod  
Division/Region Environmental aw  
Telephone Number (512) 239-0600 0250  
FAX Number (512) 239-0606

NOTES:

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY  
JAN 10 PM 5:00  
CHIEF CLERKS OFFICE

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

|   |          |                                |
|---|----------|--------------------------------|
| <b>APPLICATION OF THE TOWN OF</b>             | <b>§</b> | <b>BEFORE THE STATE OFFICE</b> |
| <b>LINDSAY TO AMEND WATER AND</b>             | <b>§</b> |                                |
| <b>SEWER CERTIFICATES OF</b>                  | <b>§</b> |                                |
| <b>CONVENIENCE AND NECESSITY</b>              | <b>§</b> | <b>OF</b>                      |
| <b>(CCN) NOS. 13025 AND 20927 IN</b>          | <b>§</b> |                                |
| <b>COOKE COUNTY, TEXAS</b>                    | <b>§</b> |                                |
| <b>APPLICATION NOS. 35096-C &amp; 35097-C</b> | <b>§</b> | <b>ADMINISTRATIVE HEARINGS</b> |

**JOINT MOTION FOR ABATEMENT**

TO THE HONORABLE ADMINISTRATIVE LAW JUDGE:

COMES NOW, the City of Lindsay, Lindsay Pure Water, and the Executive Director ("ED") of the Texas Commission on Environmental Quality ("TCEQ") and files this Joint Motion for Abatement, and respectfully shows the Administrative Law Judge ("ALJ") the following:

1. The Parties have begun settlement negotiations and would like the opportunity to memorialize a settlement in writing, if settlement occurs.
2. All Parties jointly request an abatement of this proceeding until January 8, 2007, to allow the Parties time to develop a settlement agreement and to allow the ED time to review such agreement. A Status Report will be filed on or before January 8, 2007, updating Your Honor regarding the need for continued scheduling of the hearing or the status of the case.
3. The Office of Public Interest Counsel ("OPIC") has not participated in this proceeding, therefore no attempts were made to determine if OPIC was agreeable to such abatement.
4. This Motion is not for delay, but so justice may be served.

CHIEF CLERK'S OFFICE

NOV 03 2006

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

Respectfully submitted,

**RUSSELL & RODRIGUEZ, L.L.P.**

102 W. Morrow Street, Suite 103

Georgetown, Texas 78626

(512) 930-1317

(512) 930-7742 (Fax)



---

ARTURO D. RODRIGUEZ, JR.

State Bar No. 00791551

**ATTORNEY FOR LINDSAY**

**Armbrust & Brown, L.L.P.**

100 Congress Avenue, Suite 1300

Austin, Texas 78701

---

JOHN CARLTON

State Bar No.

**ATTORNEY FOR LINDSAY PURE WATER  
COMPANY**

**Texas Commission on Environmental Quality**

Environmental Law Division

TCEQ - MC 173

P.O. Box 13087

Austin, TX 78711-3087

---

Mr. Brian MacLeod

State Bar No. 12783500

**ATTORNEY FOR THE EXECUTIVE  
DIRECTOR**

Respectfully submitted,

**RUSSELL & RODRIGUEZ, L.L.P.**

102 W. Morrow Street, Suite 103

Georgetown, Texas 78626

(512) 930-1317

(512) 930-7742 (Fax)

---

**ARTURO D. RODRIGUEZ, JR.**

State Bar No. 00791551

**ATTORNEY FOR LINDSAY**

**Armbrust & Brown, L.L.P.**

100 Congress Avenue, Suite 1300

Austin, Texas 78701



---

**JOHN CARLTON**

State Bar No.

**ATTORNEY FOR LINDSAY PURE WATER  
COMPANY**

**Texas Commission on Environmental Quality**

Environmental Law Division

TCEQ - MC 173

P.O. Box 13087

Austin, TX 78711-3087

---

**Mr. Brian MacLeod**

State Bar No. 12783500

**ATTORNEY FOR THE EXECUTIVE  
DIRECTOR**

11/03/2006 13:16 FAX 5122380800

TCEQ Legal Services

003/004

Respectfully submitted,

**RUSSELL & RODRIGUEZ, L.L.P.**  
102 W. Morrow Street, Suite 103  
Georgetown, Texas 78626  
(512) 930-1317  
(512) 930-7742 (Fax)

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

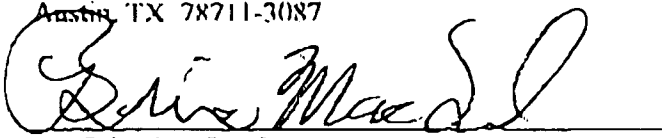
**ATTORNEY FOR LINDSAY**

**Armbrust & Brown, L.L.P.**  
100 Congress Avenue, Suite 1300  
Austin, Texas 78701

**JOHN CARLTON**  
State Bar No.

**ATTORNEY FOR LINDSAY PURE WATER  
COMPANY**

**Texas Commission on Environmental Quality**  
Environmental Law Division  
TCEQ - MC 173  
P.O. Box 13087  
Austin, TX 78711-3087

  
Mr. Brian MacLeod  
State Bar No. 12783500

**ATTORNEY FOR THE EXECUTIVE  
DIRECTOR**



**CERTIFICATE OF SERVICE**

I hereby certify that on this 3<sup>d</sup> day of November, 2006, 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 15<sup>th</sup> 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](mailto:arodriguez@txadminlaw.com)

Fax (512) 930-7742

FACSIMILE COVER PAGE

November 3, 2006

*Please Deliver the Following page(s) to:*

Mr. James W. Norman

Fax Number: (512) 475-4994

Mr. John Carlton, Attorney

Fax Number: (512) 435-2360

Mr. Blas Coy, Attorney

Fax Number: (512) 239-6377

Mr. Brian MacLeod

Fax Number: (512) 239-0606

TCEQ Chief Clerk

Fax Number: (512) 239-3311

Mr. Pat Dillon

Fax Number: (972) 680-0003

Client Number: 1140-00

From: Arturo D. Rodriguez, Jr.

Direct Phone: (512) 930-1311

Pages: 6 (Including Cover Sheet)

Re:

Comments: Joint Motion to Abate

Kathleen Hartnett White, *Chairman*  
Larry R. Soward, *Commissioner*  
Martin A. Hubert, *Commissioner*  
Glenn Shankle, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

November 2, 2006

**TO: THE TOWN OF LINDSAY**  
c/o John J. Carleton, Attorney at Law  
Armbrust & Brown, L.L.P.  
100 Congress Avenue, suite 1300  
Austin, Texas 78701-2744  
TEL.: (512) 436-2308  
FAX: (512) 435-2360

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY  
NOV 2 2 PM 4:24  
CHIEF CLERK'S OFFICE

Re: The Executive Director's Response to Lindsay Pure Water Company's  
Requests For Disclosure;  
TCEQ Docket No. 2006-0272-UCR;  
SOAH Docket No. 582-06-2023

Dear Mr. Carleton:

Enclosed please find the Executive Director's Response to Lindsay Pure Water Company's Request For Disclosure.

If you have any questions or comments, please call me at (512) 239-0750.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian MacLeod", with a long horizontal flourish extending to the right.

Brian MacLeod  
Staff Attorney  
Environmental Law Division

cc: Mailing List

Enclosures

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

APPLICATION OF 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)  
NO. 20927 IN COOKE COUNTY, TEXAS;  
APPLCIATION NO. 35097-C

§  
§  
§  
§  
§  
§  
§  
§  
§  
§  
§

BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY  
NOV - 2 PM 4:34  
CHIEF CLERK'S OFFICE

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

**TO: LINDSAY PURE WATER COMPANY**

c/o John J. Carleton  
Attorney at Law  
Armrust & Brown, L.L.P.  
100 Congress Avenue, Suite 1300  
Austin, Texas 78701-2744  
Tel.: (512) 435-2308  
Fax: (512) 435-2360

**Request for Disclosure 194.2(a):** The correct names of the parties of the contested case hearing.

**Response:** The following are designated as parties to the Town of Lindsay's contested case hearing:

- The Applicant, Town of Lindsay
- The Executive Director (ED) of the TCEQ
- Lindsay Pure Water Company
- Office of the Public Interest Counsel

**Request for Disclosure 194.2(b):** The name, address and telephone number of any potential parties.

**Response:** The Executive Director is not aware of any potential parties to this proceeding.

**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:** The ED reviews applications to amend a Certificate of Convenience and Necessity (CCN) to determine if the applicant has the financial, managerial and technical capability to provide continuous and adequate service to the requested area pursuant to *Title 30, Texas Administrative Code, Chapter 291.102*.

**Request for Disclosure 194.2(d):** The amount and any method of calculating economic damages.

**Response:** There is no issue regarding economic damages in this case.

**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:** Ms. Tammy Benter, Texas Commission on Environmental Quality, Utilities & Districts Section, Water Supply Division, P.O. Box 13087, MC-153, Austin, Texas 78711-13087, Phone: (512) 239-4691. Ms. Benter is the staff member assigned to as the expert witness to testify in this matter.

Ms. Tuyet Truong, Texas Commission on Environmental Quality, Utilities & Districts Section, Water Supply Division, P.O. Box 13087, MC-153, Austin, Texas 78711-13087  
Phone: (512) 239-4691. Ms. Truong was assigned to process this application prior to it being contested by Lindsay Pure Water Company.

Ms. Karen Blaschke, Texas Commission on Environmental Quality, Utilities & Districts Section, Water Supply Division, P.O. Box 13087, MC-153, Austin, Texas 78711-13087  
Phone: (512) 239-4691. Ms. Blaschke conducted the administrative review of this application.

Mr. Doug Holcomb, P.E., Texas Commission on Environmental Quality, Utilities & Districts Section, Water Supply Division, P.O. Box 13087, MC-153, Austin, Texas 78711-13087, Phone: (512) 239-4691, As Section Manager of the Utilities & Districts Section, Mr. Holcomb, staff keeps Mr. Holcomb informed of issues arising on contested applications.

Mr. Brian MacLeod, Texas Commission on Environmental Quality, Legal Services, Environmental Law Division, P.O. Box 13087, MC-173, Austin, Texas 78711-13087  
Phone: (512) 239-0681. Mr. MacLeod is the staff attorney assigned to represent the Executive Director of the TCEQ in this proceeding.

**Request for Disclosure 194.2(f):** For any testifying expert:

- (i) the expert's name, address and telephone number;

Response: Ms. Tammy Benter, Texas Commission on Environmental Quality, Utilities & Districts Section, Water Supply Division, P.O. Box 13087, MC-153, Austin, Texas 78711-13087. Phone: (512) 239-4691.

- (ii) the subject matter on which the expert will testify;

Response: Ms. Benter is the staff member assigned to as the expert witness to testify in this matter on the financial, managerial and technical capability of the applicant to provide continuous and adequate service to the requested pursuant to the criteria outlined in Chapter 13, Texas Water Code and Chapter 291 of the Texas Administrative Code.

- (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;

Response: In general, Ms. Benter has reviewed the application filed by the Town of Lindsay to amend water and sewer Certificates of Convenience and Necessity (CCN) Nos. 13025 and 20927 in Cooke County, Texas, pursuant to TWC, Chapter 13 and Title 30, Chapter 291.

- (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

Response: Ms. Benter has reviewed the CCN amendment application and the documents provided by the Town of Lindsay regarding the application. No other documents, tangible things, reports, models or data compilations have been provided to, reviewed by, or prepared by or for Ms. Benter in anticipation of her testimony.

- b. the expert's current resume and bibliography.

Response: Ms. Benter's current resume is attached to this document.

**Request for Disclosure 194.2(g):** Any indemnifying and insuring agreements in Rule 192.3(f).

Response: The Executive Director is not aware of any such agreements.

**Request for Disclosure 194.2(i):** Any witness statements described in Rule 192.3(h).

Response: The Executive Director is not aware of any such witness statements.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Robert Martinez, Director  
Environmental Law Division

By 

Brian D. MacLeod  
Staff Attorney  
Environmental Law Division  
State Bar of Texas No. 12783500  
P.O. Box 13087; MC 173  
Austin, Texas 78711-3087  
Phone: (512) 239-0750  
Fax: (512) 239-0606



**CERTIFICATE OF SERVICE**

This is to certify that all parties on the attached Mailing List have been sent a copy of the foregoing document in accordance with TCEQ and SOAH rules on November 2, 2006.



Brian D. MacLeod  
Staff Attorney  
Environmental Law Division

TEXAS  
COMMISSION ON ENVIRONMENTAL  
QUALITY  
7<sup>th</sup> NOV - 2 PM 4:35  
CHIEF CLERKS OFFICE

**Mailing List**  
**City of THE TOWN OF LINDSAY**  
**SOAH Docket Nos. 582-06-1641**  
**TCEQ Docket Nos. 2006-0044-UCR**

**The Town of Lindsay**

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

**TCEQ Public Interest Counsel**

Blas J. Coy, Jr.  
P.O. Box 13087 (MC 103)  
Austin, Texas 78711-3087  
Tel.: (512) 239-6361  
Fax: (512) 239-6377

**TCEQ Executive Director**

Brian MacLeod  
P.O. Box 13087 (MC 173)  
Austin, Texas 78711-3087  
Tel.: (512) 239-0750  
Fax: (512) 239-0606

**TCEQ Chief Clerk:**

Docket Clerk  
TCEQ Office of Chief Clerk  
P.O. Box 13087 (MC 105)  
Austin, Texas 78711-3087  
Fax: (512) 239-3311

**Protestant**

Lindsay Pure Water Company  
John J. Carleton  
Attorney at Law  
Armbrust & Brown, L.L.P.  
100 Congress Avenue, Suite 1300  
Austin, Texas 78701-2744  
Tel.: (512) 435-2308  
Fax: (512) 435-2360

**Tammy Lee Holguin-Benter**  
*Texas Commission on Environmental Quality*  
P.O. Box 13087  
Austin, Texas 78753  
(512) 239-6136 phone

---

**P R O F E S S I O N A L   E X P E R I E N C E**

---

**Texas Commission on Environmental Quality (TCEQ)** October 1998 to Present  
State of Texas (Agency Headquarters – Austin, Texas)

PROGRAM SPECIALIST I - IV. Project Management lead for all contested Rate change applications, Certificate of Convenience and Necessity (CCN) applications, and Sale, Transfer or Merger (STM) applications. Responsible for the mentoring, training and development of staff on contested cases. Tracking of contested case applications including coordination with staff and the Environmental Law Division to ensure cases and orders are completed in a timely manner. Participation in contested case hearings and providing of expert staff testimony in administrative hearings. Review, analysis and preparation of Bill Impact Statements from the Texas Legislature. Review and analysis of business plans, along with financial, managerial and technical information including annual reports, budgets, and pro forma projections for public drinking water systems and water/sewer utilities. Review and analysis of information for permit applications. Preparation of staff recommendations for approval of applications. Providing of assistance to public water systems and utilities in the development of business plans, understanding and compliance of financial/managerial/technical requirements, and responding to inquiries concerning utility service areas, rate regulation, and compliance with state standards and guidelines pursuant to State of Texas rules and statutes. Preparation of consolidation assistance assignments for EPA funded contract administered by TCEQ. Participate and assist with the capacity development program including writing and preparing Financial/Managerial/and Technical reports and working with the State Revolving Fund (SRF) program in partnership with the Texas Water Development Board. Also, previously assisted contract manger with the tracking of the on-site assistance contract, desk reviews of monthly deliverables, and preparation of contract reports for management.

**Keep San Antonio Beautiful, Inc. (KSAB)** May 1997 to July 1998  
San Antonio, Texas

EXECUTIVE DIRECTOR (NON-PROFIT AGENCY). Responsible for daily business operations and program supervision of a 501(c)(3), non-profit environmental enhancement organization. Managed staff, public relations, fund raising/business development, program services, and contract negotiations. Business development functions included financial/budget preparation & analysis, grant research & writing, annual campaigns, direct mail, special events, and membership drives. Program and service duties included educational & informational outreach in solid waste management, beautification, litter, and graffiti related issues. Public and media relations functions included public speaking, writing press releases, creating newsletters & brochures, website development & maintenance, and completing award applications for the organization. Created and implemented marketing plans & campaigns, annual outreach contests & activities, and established partnerships and contacts with the media. Reported and presented materials and information to the KSAB Board of Directors, corporate executives, city council, county commissioners, and other local entities.

**San Antonio Iguanas Hockey Club** October 1996 to May 1997  
San Antonio, Texas

ACCOUNT EXECUTIVE/PUBLIC RELATIONS REPRESENTATIVE OF GAME OPERATIONS. Established and recruited corporate sponsorships and trade agreements. Responsible for marketing of group and corporate ticket sales, creating flyers, mass mailings, promotions and generating of ticket sales. Utilized the Ticket Master ticketing system to generate single and group tickets and assisted with merchandise sales. Customer relations/service responsibilities to include daily cash balance/reconciliation and on-line purchases. Submitted press releases to media, partners, media relations, and public relations during game operations.

**San Antonio Spurs/SAOne**

San Antonio, Texas

December 1995 to June 1996

ADVERTISING/MARKETING PROMOTIONS (INTERNSHIP). Performed daily event coordination and sports administrative duties for professional NBA franchise. Assisted with media coordination, marketing, advertising, event coordination, public relations, customer service, and on/off court promotions for Spurs and SAOne events. Direct event responsibilities included: San Antonio Spurs (advertising and event coordination, general marketing, marketing research, in-arena media tracking and promotions, media relations, game operations, customer service and 1996 NBA All-Star Weekend staff assistant); 1996 NBA Jam Session (media relations, marketing, local NBA contact, crowd control, sponsor and partner relations, press conference/remote activities, and managed NBA Jam Session booth at Spurs games prior to event); SAOne (1995 Builders Square Alamo Bowl - assisted with merchandise licensee contracts and agreements, volunteer coordination for novelty sales, marketing, creating and editing ad drop-in summaries, media relations, merchandise inventory, sponsor/partner relations, and event wrap-up). Fulfilled mailing and phone merchandise requests, inspected orders, shipments, invoicing, collecting payment for orders, and reporting/closing of sales.

**Pacific Western Technology, Ltd.**

San Antonio, Texas

May 1994 to December 1995

SOCIOECONOMIST/MARKETING & ADMINISTRATIVE ASSISTANT. Social and economic research, analysis, and document writing/editing for environmental reports including Environmental Baseline Studies and other reports submitted under federal government for publication. Customer service, public relations, and outreach coordination. Extensive computer use to include word processing, spreadsheets, database, presentation preparation, graphics, and on-line applications. Office management and training course administrator (training site coordination, conferences, registration, travel accommodations, materials management). Provided marketing support, and special project support/coordination for projects under federal government contract.

---

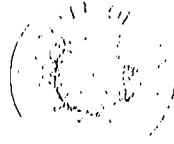
**E D U C A T I O N****Masters of Business Administration**UNIVERSITY OF THE INCARNATE WORD  
SAN ANTONIO, TEXAS**Bachelor of Science in Economics - Supporting Concentrations in Mathematics & Biology**ANGELO STATE UNIVERSITY  
SAN ANGELO, TEXAS

---

**R E F E R E N C E S**

References available upon request.

Kathleen Hartnett White, Commissioner  
Larry R. Sowa, General Counsel  
Martin A. Hubert, Deputy General Counsel  
Glenn Shanley, Executive Director



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protection is by Reducing and Preventing Pollution*

November 2, 2006

TO: THE TOWN OF LINDSAY  
c/o John A. Carlin, Attorney at Law  
Armbrust & Carlin, LLP  
100 Congress Avenue, Suite 130  
Austin, Texas 78701-2744  
TEL (512) 622-3308  
FAX (512) 622-2360

CHIEF CLEER'S OFFICE

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

NOV 2 11 09 21

Re: The Executive Director's response to Lindsay Pure Water Company's  
Request for Disclosure  
TCEQ Request No. 2006-072-UCR;  
SOA Request No. 582-02023

Dear Mr. Carlin:

Enclosed please find the Executive Director's Response to Lindsay Pure Water Company's Request for Disclosure.

If you have any questions or comments, please call me at (512) 239-0750.

Sincerely,

Brian MacLennan  
Staff Attorney  
Environmental Law Division

CERTIFICATE OF SERVICE

This is to certify that all parties on the attached Mailing List have been sent a copy of the foregoing document in accordance with TCEQ and SOAFL rules on November 2, 2006.



Brian D. MacLeod  
Staff Attorney  
Environmental Law Division

**Mailing List****City of THE TOWN OF LINDSAY****SOAH Docket Nos. 582-06-1641****TCEQ Docket Nos. 2006-0044-UCR****The Town of Lindsay**

Arturo Rodriguez Esq.,  
Russell & Rodriguez, L.P.  
102 West Morrow Street, Suite 103  
Georgetown, Texas 78626  
Tel: (512) 930-1777  
Fax: (512) 930-7772

**TCEQ Public Interest Counsel**

Blas J. Coy, Jr.  
P.O. Box 13087 (MC 173)  
Austin, Texas 78711-3087  
Tel: (512) 239-6366  
Fax: (512) 239-6366

**TCEQ Executive Director**

Brian MacLeod  
P.O. Box 13087 (MC 173)  
Austin, Texas 78711-3087  
Tel: (512) 239-0750  
Fax: (512) 239-0600

**TCEQ Chief Clerk**

Docket Clerk  
TCEQ Office of Chief Clerk  
P.O. Box 13087 (MC 105)  
Austin, Texas 78711-3087  
Fax: (512) 239-3200

**Protestant**

Lindsay Pure Water Company  
John J. Carleton  
Attorney at Law  
Armbrust & Brown, L.L.P.  
100 Congress Avenue, Suite 1300  
Austin, Texas 78701-2744  
Tel: (512) 435-2000  
Fax: (512) 435-2000



TCEQ

Protecting Texas  
by reducing air  
preventing pollution

# FAX TRANSMITTAL

Date: November 2, 2006 NUMBER OF PAGES (including this cover sheet):

11

To: Name: Arturo Rodriguez, Jr., for The Town of Lindsay  
Organization: Russell & Rodriguez, L.L.P.  
FAX Number: (512) 930-7742

## FROM: TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Name: Brian MacLeod  
Division: Environmental Law Division  
Telephone Number: (512) 239-0750  
FAX Number: (512) 239-0606

RE: S

RE:

The Town of Lindsay  
TCEQ Docket No. 2006 0272 UCR

CONTACT:

John J. Carleton for Lindsay Pure Water Company  
(512) 435-236

Docket Clerk  
TCEQ Office of the Chief Clerk  
(512) 239-331

Brian J. Coy Jr.  
TCEQ Office of the Public Interest Counsel  
(512) 239-637

CHIEF CLERK'S OFFICE

NOV 3 4 18:21

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY



**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 CARLTON  
(512) 435-2308  
jcarlton@ababrown.com

November 1, 2006

*Via Facsimile (512) 475-4994*

James W. Norman  
Administrative Law Judge  
State Office of Administrative Hearings  
300 West 15<sup>th</sup> Street  
Austin, Texas 78701

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 Judge Norman:

The Town of Lindsay and Lindsay Pure Water Company have entered into a Rule 11 Agreement to extend Lindsay Pure Water Company's deadline to propound discovery and postpone the obligation to file any Motions to Compel Discovery to November 10, 2006. A copy of the Rule 11 Agreement is attached for filing.

Thank you for your attention to this matter. If you have any questions, please do not hesitate to contact me.

Sincerely,

**ARMBRUST & BROWN, L.L.P.**

John J. Carlton  
Attorney for Lindsay Pure Water Company

Enclosure

cc: Arturo D. Rodriguez (via fax (512) 390-7742)  
Blas J. Coy (via fax (512) 239-6377)  
Brian MacLeod (via fax (512) 239-0646)  
Christiaan Siano (via fax (512) 239-6606)  
TCEQ Docket Clerk (via fax (512) 39-3311)

TEXAS COMMISSION  
ON ENVIRONMENTAL  
QUALITY  
NOV - 1 11:10:50  
CHIEF CLERK'S OFFICE

11-01-06

11:14

From: Armbrust &amp; Brown, L.L.P.

512 435 2360

T-574 P 003/003 F-024

Oct-27-06 04:13pm

From: ARMBRUST &amp; BROWN, L.L.P.

5124352380

T-524 P.02/02 F-831

**ARMBRUST & BROWN, L.L.P.**  
ATTORNEYS AND COUNSELORS

100 CONGRESS AVENUE, SUITE 1300  
AUSTIN, TEXAS 78701-2744  
512-435-2380

FACSIMILE 512-435-2380

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

October 27, 2006

VIA FACSIMILE: (512) 930-7742

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 Art:

This is an agreement pursuant to Texas Rules of Civil Procedure 11 and 191.1, TCEQ Rule 80.125, and Order No. 1, in this proceeding. This letter serves to extend Lindsay Pure Water Company's deadline to propound discovery from October 27, 2006, to November 10, 2006. This also serves to postpone the obligation to file any Motions to Compel Discovery to no sooner than November 10, 2006.

Upon your review and agreement to the proposal set forth in this letter, please memorialize this agreement by your signature below.

Sincerely,

ARMBRUST &amp; BROWN, L.L.P.

John J. Carlton  
Attorney for Lindsay Pure Water Company

AGREED:

Arturo D. Rodriguez, Jr., for the Town of Lindsay

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY  
NOV - 1 AM 10:50  
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

**FACSIMILE COVER PAGE**

Date: November 1, 2006

| NAME:                             | COMPANY:                                  | FACSIMILE NO.: | TELEPHONE NO.:                   |
|-----------------------------------|---|----------------|----------------------------------|
| James W. Norman, ALJ              | State Office of Administrative Hearings   | (512) 475-4994 |                                  |
| 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<br>Christiaan Siano | Texas Commission on Environmental Quality | (512) 239-0606 | (512) 239-0750<br>(512) 239-0600 |
| 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: 3    |

**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:** Rule 11 Agreement

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

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

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

SEP 20 11 17:40

CHIEF CLERKS OFFICE

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

**CITY OF LINDSAY'S INTERROGATORIES AND 2<sup>ND</sup> SET OF REQUESTS  
FOR PRODUCTION TO LINDSAY PURE WATER COMPANY**

TO: Lindsay Pure Water Company, by and through its attorney, Mr. John Carlton, Armbrust & Brown, LLP, 100 Congress Avenue, Suite 1300, Austin, Texas 78701.

The City of Lindsay ("City" or "Lindsay"), serves this, its Interrogatories and 2<sup>nd</sup> Set of Requests for Production, on Lindsay Pure Water Company ("Lindsay PWC"), by and through its attorney, Mr. John Carlton, 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, Lindsay PWC must serve a signed copy of the responses to these requests upon counsel for City, Arturo D. Rodriguez, Jr., at the following address: Russell & Rodriguez, L.L.P., 102 West Morrow, Suite 103, Georgetown, Texas 78626.

**A. DEFINITIONS**

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

1. "City" or "Lindsay" refers to the City of Lindsay, 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 City.
2. "You," "your," "Company", and "Lindsay PWC" means Lindsay Pure Water Company, 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 Lindsay Pure Water Company.

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 Lindsay PWC.
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 Lindsay PWC 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 City of Lindsay to Amend its Water and Sewer Certificates of Convenience and Necessity No. 13025 and 20927 in Cooke County, Application Nos. 35096-C and 35097-C, TCEQ Docket No. 2006-02729-UCR, SOAH Docket No. 582-06-1367, 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 Lindsay PWC related to Application Nos. 35096-C and 35097-C.
14. All definitions found in 30 TEX. ADMIN. CODE Ch. 291 and Texas Water Code Ch. 11 and Ch. 13 are incorporated herein, verbatim.

## **B. INSTRUCTIONS**

1. You may not object to requests for disclosure.
2. You 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.

3. 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.
4. 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.
5. 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.
6. 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.
7. 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.
8. 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.
9. 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.
10. Unless otherwise indicated, the discovery requested herein Lindsay's 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.

### **C. INTERROGATORIES**

**INTERROGATORY NO. 1:** Please describe in detail the Company's existing water transmission lines, if any, capable of providing water service to any area in which the City has requested in its Application.

**RESPONSE:**

**INTERROGATORY NO. 2:** Please describe in detail the Company's existing booster stations, if any, capable of providing water service to any area in which the City has requested in its Application.

**RESPONSE:**

**INTERROGATORY NO. 3:** Please describe in detail the Company's existing water distribution lines, if any, capable of providing water service to any area in which the City has requested in its Application.

**RESPONSE:**

**INTERROGATORY NO. 4:** Please describe in detail the Company's existing water storage tanks, if any, capable of providing water service to any area in which the City has requested in its Application.

**RESPONSE:**

**INTERROGATORY NO. 5:** Please identify the Company'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 by the Company to any area in which the City has requested in its Application.

**RESPONSE:**

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

**RESPONSE:**



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

**RESPONSE:**

**INTERROGATORY NO. 9:** Please identify any and all requests the Company has received for water service within the City's requested area.

**RESPONSE:**

**INTERROGATORY NO. 10:** Please explain the basis for the Company's assertion that the City has not demonstrated a need for water service within the City's requested 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 by the Company to any area in which the City has requested in its Application.

**RESPONSE:**

**INTERROGATORY NO. 12:** Please explain whether and how the Company 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 any area in which the City has requested in its Application.

**RESPONSE:**

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

**RESPONSE:**

**INTERROGATORY NO. 15:** Please explain why the Company did not file an amended water and/or sewer CCN application after April 1, 2002.

**RESPONSE:**

**INTERROGATORY NO. 16:** Identify all owners, shareholders, partners, or interest holders of the Company that own a ten percent or greater interest in the Company.

**RESPONSE:**

**D. 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 Company's financial ability to provide water service to any area in which the City has requested in its Application.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 2:** Please produce any and all documents or tangible things in your actual or constructive possession concerning the Company's financial plans or intentions to supply water service to any area in which the City has requested in its Application.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 3:** Please produce any and all documents or tangible things in your actual or constructive possession concerning the Company's anticipated growth or development in the area in which the City has requested in its Application.

**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 by the Company for its water services.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 11:** Please produce any and all maps in your actual or constructive possession concerning the Company'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 Company's current CCN.

**RESPONSE:**

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

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 14:** Please produce any and all documents or tangible things in your actual or constructive possession concerning your answer to Interrogatory No.1.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 15:** Please produce any and all documents or tangible things in your actual or constructive possession concerning your answer to Interrogatory No. 2.

**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. 3.

**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. 4.

**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. 5.

**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. 6.

**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. 7.

**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. 8.

**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. 9.

**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. 10.

**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. 11.

**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. 12.

**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. 13.

**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. 14.

**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. 15.

**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. 16.

**RESPONSE:**

**REQUEST FOR PRODUCTION NO. 30:** Please produce any and all documents in your actual or constructive possession concerning any agreements between the Company 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 Company's members as of the date the City's Application was filed.

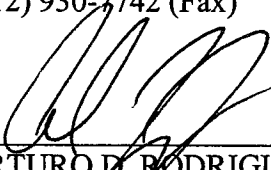
**RESPONSE:**

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

**RESPONSE:**

Respectfully submitted,

**Russell & Rodriguez, L.L.P.**  
102 West Morrow Street, 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**

## CERTIFICATE OF SERVICE


I hereby certify that on this 27th day of October, 2006, 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. John Carlton, Attorney  
Armbrust & Brown, LLP  
100 Congress Avenue, Suite 1300  
Austin, Texas 78701  
Fax: 512/ 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

Mr. Brian MacLeod, Attorney  
Mr. Christiaan Siano  
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.

**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  
OF  
ADMINISTRATIVE HEARINGS**

CHIEF CLERK'S OFFICE

2006 OCT 27 PM 12:41

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

**CITY OF LINDSAY'S INTERROGATORIES AND 2<sup>ND</sup> SET OF REQUESTS  
FOR PRODUCTION TO LINDSAY PURE WATER COMPANY**

TO: Lindsay Pure Water Company, by and through its attorney, Mr. John Carlton, Armbrust & Brown, LLP, 100 Congress Avenue, Suite 1300, Austin, Texas 78701.

The City of Lindsay ("City" or "Lindsay"), serves this, its Interrogatories and 2<sup>nd</sup> Set of Requests for Production, on Lindsay Pure Water Company ("Lindsay PWC"), by and through its attorney, Mr. John Carlton, 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, Lindsay PWC must serve a signed copy of the responses to these requests upon counsel for City, Arturo D. Rodriguez, Jr., at the following address: Russell & Rodriguez, L.L.P., 102 West Morrow, Suite 103, Georgetown, Texas 78626.

**A. DEFINITIONS**

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

1. "City" or "Lindsay" refers to the City of Lindsay, 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 City
2. "You," "your," "Company", and "Lindsay PWC" means Lindsay Pure Water Company, 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 Lindsay Pure Water Company.

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 Lindsay PWC.
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 Lindsay PWC 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 City of Lindsay to Amend its Water and Sewer Certificates of Convenience and Necessity No. 13025 and 20927 in Cooke County, Application Nos. 35096-C and 35097-C, TCEQ Docket No. 2006-02729-UCR, SOAH Docket No. 582-06-1367, 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 Lindsay PWC related to Application Nos. 35096-C and 35097-C.
14. All definitions found in 30 TEX. ADMIN. CODE Ch. 291 and Texas Water Code Ch. 11 and Ch. 13 are incorporated herein, verbatim.

## **B. INSTRUCTIONS**

1. You may not object to requests for disclosure.
2. You 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.

3. 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.
4. 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.
5. 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.
6. 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.
7. 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.
8. 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.
9. 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.
10. Unless otherwise indicated, the discovery requested herein Lindsay's First Set of Requests for Production relates to the time period from January 1, 1997 through the