

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.

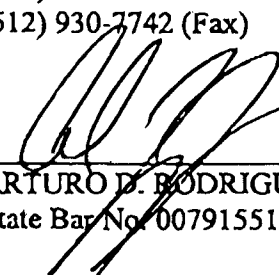
RESPONSE:

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.

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

October 27, 2006

Please Deliver the Following page(s) to:

Mr. John Carlton, Attorney

Mr. Blas Coy, Attorney

Mr. Brian MacLeod

TCEQ Chief Clerk

Mr. Pat Dillon

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: 12 (Including Cover Sheet)

Re:

Comments: City of Lindsay's 2ND Request for Production and 1st Set of Interrogatories to Lindsay PWC

CHIEF CLERKS OFFICE

OCT 27 PM 12:41

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

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

ARMBRUST & BROWN, L.L.P.

ATTORNEYS AND COUNSELORS

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

FACSIMILE 512-435-2360

AMY BARRERA
(512) 435-2375
jcarlton@abaustin.com

October 19, 2006

VIA FACSIMILE (512) 475-4994 &
FIRST CLASS MAIL

James W. Norman
Administrative Law Judge
State Office of Administrative Hearings
300 West 15th 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, Lindsay Pure Water Company and the Executive Director have entered into a Rule 11 Agreement regarding discovery. 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.



Amy L. Barrera

Legal Secretary to John J. Carlton

Enclosure

cc: Arturo D. Rodriguez
Blas J. Coy)
Brian MacLeod
Christiaan Siano)
TCEQ Docket Clerk

ARMBRUST & BROWN, L.L.P.

ATTORNEYS AND COUNSELORS

100 CONGRESS AVENUE, SUITE 1300
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512-435-2300

FACSIMILE 512-435-2360

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

October 18, 2006

VIA FACSIMILE: (512) 930-7742

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

VIA FACSIMILE: (512) 239-0606

Brian MacLeod
TCEQ - MC 173
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 Art and Brian:

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

Sincerely,

ARMBRUST & BROWN, L.L.P.

John J. Carlton / with permission AB.
John J. Carlton
Attorney for Lindsay Pure Water Company

AGREED:

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

Brian MacLeod, for the Executive Director

Oct-18-06 08:54am

From-ARMBRUST & BROWN, L.L.P.

5124352360

T-488 P.02/02 F-582

ARMBRUST & BROWN, L.L.P.

ATTORNEYS AND COUNSELORS

100 CONGRESS AVENUE, SUITE 1300
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October 18, 2006

VIA FACSIMILE: (512) 930-7742

VIA FACSIMILE: (512) 239-0606

Arturo D. Rodriguez, Jr.
Russell & Rodriguez, L.L.P.
102 West Morrow Street, Suite 103
Georgetown, Texas 78626Brian MacLeod
TCEQ - MC 173
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

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Sincerely,

ARMBRUST & BROWN, L.L.P.

John J. Carlton / with permission RB.
John J. Carlton
Attorney for Lindsay Pure Water Company

AGREED:

[Signature]
Arturo D. Rodriguez, Jr., for the Town of Lindsay

Brian MacLeod, for the Executive Director

Oct-18-06 08:55am From-ARMBRUST & BROWN, L.L.P.

5124352360

T-490 P.02/02 F-593

ARMBRUST & BROWN, L.L.P.

ATTORNEYS AND COUNSELORS

100 CONGRESS AVENUE, SUITE 1300
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JOHN J. CARLTON
(512) 435-2308
jcarlton@abnarrin.com

October 18, 2006

VIA FACSIMILE: (512) 930-7742

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Arturo D. Rodriguez, Jr.
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102 West Morrow Street, Suite 103
Georgetown, Texas 78626Brian MacLeod
TCEQ - MC 173
P.O. Box 13087
Austin, Texas 78711-3087Re: 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*

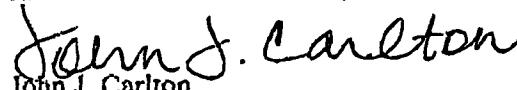
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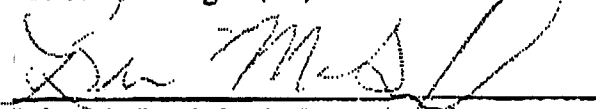
Sincerely,

ARMBRUST & BROWN, L.L.P.


John J. Carlton *with permission AB*
Attorney for Lindsay Pure Water Company

AGREED:

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


Brian MacLeod, for the Executive Director

ARMBRUST & BROWN, L.L.P.

ATTORNEYS AND COUNSELORS

100 CONGRESS AVENUE, SUITE 1300
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AMY BARRERA
(512) 435-2375
jcarlton@abaustin.com

October 19, 2006

VIA FACSIMILE (512) 475-4994 &
FIRST CLASS MAILJames W Norman
Administrative Law Judge
State Office of Administrative Hearings
300 West 15th Street
Austin, Texas 78701Re: 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

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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.



Amy L. Barrera

Legal Secretary to John J. Carlton

Enclosure

cc: Arturo D. Rodriguez
Blas J. Coy
Brian MacLeod
Christiaan Siano,
TCEQ Docket Clerk

ARMBRUST & BROWN, L.L.P.

ATTORNEYS AND COUNSELORS

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October 18, 2006

VIA FACSIMILE: (512) 930-7742

Arturo D. Rodriguez, Jr.
Russell & Rodriguez, L.L.P.
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Georgetown, Texas 78626

VIA FACSIMILE: (512) 239-0606

Brian MacLeod
TCEQ - MC 173
P.O. Box 13087
Austin, Texas 78711-3087Re: 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


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Sincerely,

ARMBRUST & BROWN, L.L.P.


John J. Carlton
Attorney for Lindsay Pure Water Company

AGREED:

Arturo D. Rodriguez, Jr., for the Town of Lindsay_____
Brian MacLeod, for the Executive Director

10-19-06

16:18

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

512 435 2360

T-388 P 004/005 F-708

Oct-18-06 08:54am

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

5124352360

T-488 P.02/02 F-592

ARMBRUST & BROWN, L.L.P.

ATTORNEYS AND COUNSELORS

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JOHN J. CARLTON
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October 18, 2006

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Arturo D. Rodriguez, Jr.
Russell & Rodriguez, L.L.P.
102 West Marrow Street, Suite 103
Georgetown, Texas 78626Brian MacLeod
TCEQ - MC 173
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 Cooks County, Texas; Application Nos. 35096-C & 35097-C*

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Sincerely,

ARMBRUST & BROWN, L.L.P.

John J. Carlton / with permission RB
John J. Carlton
Attorney for Lindsay Pure Water Company

AGREED:

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

Brian MacLeod, for the Executive Director

10-18-06

16:18

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

512 435 2360

T-388

P 005/005

F-708

Oct 18-06

08:55am

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

5124352360

T-490

P. 02/02

F-583

ARMBRUST & BROWN, L.L.P.

ATTORNEYS AND COUNSELORS

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October 18, 2006

VIA FACSIMILE: (512) 930-7742

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

VIA FACSIMILE: (512) 239-0606

Brian MacLeod
TCEQ - MC 175
P.O. Box 13087
Austin, Texas 78711-5087

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

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ARMBRUST & BROWN, L.L.P.

John J. Carlton / with permission
John J. Carlton
Attorney for Lindsay Pure Water Company
AB

AGREED.

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


Brian MacLeod, for the Executive Director

258583-1 10/18/2006

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: October 19, 2006

NAME:	COMPANY:	FACSIMILE NO.:	TELEPHONE NO.:
James W. Norman, ALJ	State Office of Administrative Hearings	(512) 476-4994	
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 Christiaan Siano	Texas Commission on Environmental Quality	(512) 239-0606	(512) 239-0750 (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: 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: 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

10-09-06 14:19

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

512 435 2360

T-122 P 002/005 F-363

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

October 9, 2006

VIA FACSIMILE. (512) 930-7742 &
FIRST CLASS MAILArturo 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,

Enclosed are Lindsay Pure Water Company's First Supplemental Responses to the City of Lindsay's Request for Disclosure

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: Mr. Blas Coy
Mr. Brian MacLeod
Mr. Christaan Siano
TCEQ Docket Clerk

**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 FIRST SUPPLEMENTAL RESPONSE TO
THE CITY OF LINDSAY'S REQUEST FOR DISCLOSURE**

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 First Supplemental Response to the City of Lindsay's Request for Disclosure.

REQUEST FOR DISCLOSURE

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:

Joe O'Dell, Lindsay Pure Water Company, P.O. Box 1338, Gainesville, Texas 76241. Mr. O'Dell may be contacted through Lindsay Pure Water Company's attorney, John J. Carlton, at 435-2308. Mr. O'Dell has knowledge of the Town of Lindsay's CCN application.

Jim Myrick, Lindsay Pure Water Company, P.O. Box 1338, Gainesville, Texas 76241. Mr. Myrick may be contacted through Lindsay Pure Water Company's attorney, John J. Carlton, at 435-2308. Mr. Myrick has knowledge of the Town of Lindsay's CCN application and the operation of Lindsay Pure Water Company.

Mark Furhman, Lindsay Pure Water Company, P.O. Box 1338, Gainesville, Texas 76241. Mr. Furhman may be contacted through Lindsay Pure Water Company's attorney, John J. Carlton, at 435-2308. Mr. Furhman has knowledge of the Town of Lindsay's CCN application and the operation of Lindsay Pure Water Company.

Pat Furhman, Lindsay Pure Water Company, P.O. Box 1338, Gainesville, Texas 76241. Ms. Furhman may be contacted through Lindsay Pure Water Company's attorney, John J. Carlton, at 435-2308. Ms. Furhman has knowledge of the Town of Lindsay's CCN application and the operation of Lindsay Pure Water Company.

Steve Zimmerer, Lindsay Pure Water Company, P.O. Box 1338, Gainesville, Texas 76241. Mr. Zimmerer may be contacted through Lindsay Pure Water Company's attorney, John J. Carlton, at 435-2308. Mr. Zimmerer has knowledge of the Town of Lindsay's CCN application and the operation of Lindsay Pure Water Company.

10-09-06 14:20

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

512 435 2360

T-122 P 004/005 F-363

Pat Stelzer, Lindsay Pure Water Company, P.O. Box 1338, Gainesville, Texas 76241. Ms. Stelzer may be contacted through Lindsay Pure Water Company's attorney, John J. Carlton, at 435-2308. Ms. Stelzer has knowledge of the Town of Lindsay's CCN application and the operation of Lindsay Pure Water Company.

Bernard Hesse, Lindsay Pure Water Company, P.O. Box 1338, Gainesville, Texas 76241. Mr. Hesse may be contacted through Lindsay Pure Water Company's attorney, John J. Carlton, at 435-2308. Mr. Hesse has knowledge of the Town of Lindsay's CCN application and the operation of Lindsay Pure Water Company.

John Carlton, Armbrust & Brown, L.L.P., 100 Congress, Suite 1300, Austin, Texas 78701, 435-2308. Mr. Carlton has knowledge of facts provided by his client and obtained through discovery from other parties, as well as knowledge regarding reasonable and necessary attorney's fees and costs for water and wastewater rate cases.

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 First Supplemental Response to City of Lindsay's Request for Disclosure has been sent by Facsimile and/or First Class Mail on this 9th day of October, 2006, 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
Austin, Texas 78711-3087
Phone: (512) 239-0750
Facsimile: (512) 239-0606

Christiaan Siano, Attorney
TCEQ - MC-173
P.O. Box 13087
Austin, Texas 78711-3087
Phone: (512) 239-0600
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

ARMBRUST & BROWN, L.L.P.
ATTORNEYS AND COUNSELORS100 CONGRESS AVENUE, SUITE 1300
AUSTIN, TEXAS 78701-2744
512-435-2300

FACSIMILE 512-435-2360

FACSIMILE COVER PAGE

Date: October 9, 2006

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 Christiaan Siano	Texas Commission on Environmental Quality	(512) 239-0606	(512) 239-0750 (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: 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 First Supplemental Response to the City of Lindsay's Request for Disclosure

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

ARMBRUST & BROWN, L.L.P.

ATTORNEYS AND COUNSELORS

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

FACSIMILE 512-435-2380

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

October 13, 2006

VIA FACSIMILE. (512) 239-0606

Brian MacLeod
Christiaan Siano
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 Counselors:

Enclosed is the verification page for Lindsay Pure Water Company's Response to the Executive Director's First Request for Disclosure, Interrogatories and Requests for Production.

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

Sincerely,

ARMBRUST & BROWN, L.L.P.

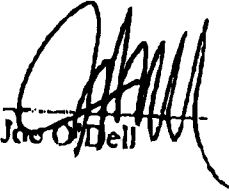

John J. Carlton
Attorney for Lindsay Pure Water Company

Enclosure

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

VERIFICATION

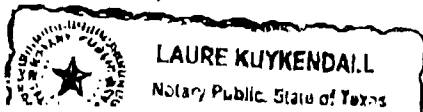
Before me, the undersigned authority personally appeared Joe O'Dell, who, after first being duly sworn, says that he is duly qualified and competent to sign this Verification; and states that the above and foregoing responses to interrogatories are true and correct to the best of his knowledge and belief

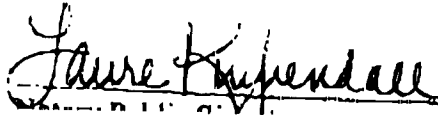

Joe O'Dell

STATE OF TEXAS

COUNTY OF Cooke

This instrument was acknowledged before me on the 10th day of October, 2006,
by Joe O'Dell, authorized representative of Lindsay Pure Water Company.




Laure Kuykendall

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: October 13, 2006

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 Christiaan Siano	Texas Commission on Environmental Quality	(512) 239-0606	(512) 239-0750 (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: Verification page for Lindsay Pure Water Company's Response to the Executive Director's Request for Disclosure, Interrogatories & Requests for Production

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252890-1 08/23/2006

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



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

October 11, 2006

The Honorable James W. Norman
Administrative Law Judge
State Office Administrative Hearings
300 West 15th Street, Room 502
Austin, Texas 78701

RE: SOAH Docket No. 582-06-2023; TCEQ Docket No. 2006-0272-UCR;
Applications of the Town of Lindsay amend a Water and Sewer Certificates of
Convenience and Necessity in Cooke County

Dear Judge Norman:

Enclosed please find the Rule 11 Agreement on the Executive Director's First Requests for Disclosure, Interrogatories, and Requests for Production to the Town of Lindsay. Should you have any questions or concerns, please do not hesitate to contact me at (512) 239-0750.

Sincerely,

A handwritten signature in black ink, appearing to read "B. D. MacLeod", written over a horizontal line.

Brian D. MacLeod
Staff Attorney
Environmental Law Division

Kathleen Barnett White, *Chairman*
Lucy R. Saeed, *Commissioner*
Martin A. Hubert, *Comptroller*
Glenn Shankle, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

October 10, 2006

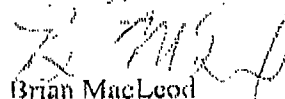
TO: THE TOWN OF LINDSAY
c/o Arturo D. Rodriguez, Jr.
Russell & Rodriguez, L.L.P.
102 West Morrow Street, Suite 103
Georgetown, Texas 78626
TEL.: (512) 930-1317
FAX: (512) 930-7742

Re: Rule 11 Agreement on The Executive Director's First Requests For Disclosure, Interrogatories, And Requests For Production To The Town Of Lindsay; TCEQ Docket No. 2006-0272-UCR; SOAH Docket No. 582-06-2023

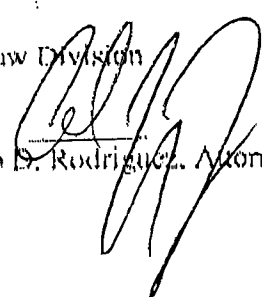
Dear Mr. Rodriguez:

Please sign below indicating that we agree that the ED can preserve responding to Lindsay's objections to the ED's discovery without lodging an objection within 10 days of when the objection was made. This agreement is being entered because it appears likely that the ED will be able to get the information requested without filing a motion to compel and to file such just to meet the deadline would be an inefficient way to proceed. The parties to this agreement confirm that the ED will have 30 days from the date of this letter to file a motion to compel on the referenced discovery should the parties be unable to solve any differences informally. If you have any questions or comments, please call me at (512) 239-0750.

Sincerely,


Brian MacLeod
Staff Attorney
Environmental Law Division

AGREED:


Arturo D. Rodriguez, Attorney for the City of Princeton

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
Armrust & Brown, LLP
100 Congress Avenue, Suite 1300
Austin, Texas 78701-2744
Tel: (512) 435-2308
Fax: (512) 435-2360

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

October 9, 2006

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

Brian MacLeod
Christiaan Siano
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

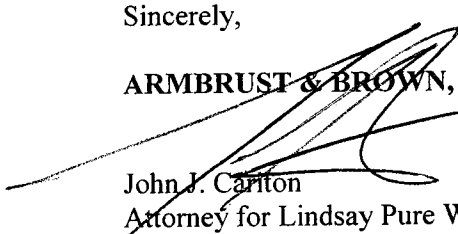
Dear Counselors:

Enclosed is Lindsay Pure Water Company's Response to the Executive Director's First Request for Disclosure, Interrogatories and Requests for Production.

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

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 RESPONSE TO THE EXECUTIVE
DIRECTOR'S FIRST REQUEST FOR DISCLOSURE, INTERROGATORIES AND
REQUESTS FOR PRODUCTION**

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

COMES NOW, Lindsay Pure Water Company, Protestant herein, and files its Response to the Executive Director's First Request for Disclosure, Interrogatories and Requests for Production.

REQUEST FOR DISCLOSURE

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

RESPONSE: None are known at this time.

REQUEST FOR DISCLOSURE 194.2(b): The legal theories and, in general, the factual bases of the responding party's claims or defenses.

RESPONSE: Lindsay Pure Water Company and the City of Lindsay reached a service area settlement in 2002. That settlement addressed portions of the area requested in the Town of Lindsay's current application and Lindsay Pure Water Company believed that all service area matters were addressed by the settlement agreement.

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:

Joe O'Dell, Lindsay Pure Water Company, P.O. Box 1338, Gainesville, Texas 76241. Mr. O'Dell may be contacted through Lindsay Pure Water Company's attorney, John J. Carlton, at 435-2308. Mr. O'Dell has knowledge of the Town of Lindsay's CCN application and the operation of Lindsay Pure Water Company.

Jim Myrick, Lindsay Pure Water Company, P.O. Box 1338, Gainesville, Texas 76241. Mr. Myrick may be contacted through Lindsay Pure Water Company's attorney, John J. Carlton, at 435-2308. Mr. Myrick has knowledge of the Town of Lindsay's CCN application and the operation of Lindsay Pure Water Company.

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Pat Stelzer, Lindsay Pure Water Company, P.O. Box 1338, Gainesville, Texas 76241. Ms. Stelzer may be contacted through Lindsay Pure Water Company's attorney, John J. Carlton, at 435-2308. Ms. Stelzer has knowledge of the Town of Lindsay's CCN application and the operation of Lindsay Pure Water Company.

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John Carlton, Armbrust & Brown, L.L.P., 100 Congress, Suite 1300, Austin, Texas 78701, 435-2308. Mr. Carlton has knowledge of facts provided by his client and obtained through discovery from other parties, as well as knowledge regarding reasonable and necessary attorney's fees and costs for water and wastewater rate cases.

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

- (1) The expert's name, address, and telephone number;
- (2) The subject matter on which the expert will testify;
- (3) The general substance of the expert's mental impressions and opinions and a brief summary of the basis for them, or if the expert is not retained by you, employed by you, or otherwise subject to your control, documents reflecting such information;
- (4) If the expert is retained by, employed by, or otherwise subject to the control of the responding party:
 - (a) All documents, tangible things, reports, models or data compilations that have been provided to, reviewed by, or prepared by or for the expert in anticipation of the expert's testimony; and
 - (b) The expert's current resume and bibliography.

RESPONSE: No testifying expert has been retained at this time. This response will be supplemented after a testifying expert is retained.

INTERROGATORIES

INTERROGATORY NO. 1: For each person you expect to call as a fact witness at the evidentiary hearing in this matter, please provide: (a) the person's name and business address and telephone number; and (b) a brief description of the testimony you expect that person to provide.

RESPONSE: (a) Joe O'Dell, Lindsay Pure Water Company, P.O. Box 1338, Gainesville, Texas 76241. Mr. O'Dell may be contacted through Lindsay Pure Water Company's attorney, John J. Carlton, at 435-2308. (b) Mr. O'Dell may testify regarding the Town of Lindsay's CCN application, Lindsay Pure Water Company's water system and the settlement agreement entered into between Lindsay Pure Water Company and the Town of Lindsay in September 2002.

INTERROGATORY NO. 2: For each expert not listed in the response to the Request for Disclosure whom you have consulted and whose mental impressions and opinions have been reviewed by an expert City of Austin expects to testify in this matter, please provide: (a) the consulting expert's name and business address and telephone number; (b) the facts known by the expert that relate to or form the basis of the expert's mental impressions and opinions formed or made in connection with this matter, regardless of when and how the factual information was acquired; (c) the expert's mental impressions and opinions formed or made in connection with this matter and any methods used to derive them; and (d) a curriculum vitae or other detailed description of the expert's qualifications.

RESPONSE: Lindsay Pure Water Company has no knowledge of what the City of Austin may or may not do, and assumes this reference was a typographical error. The Company has not retained experts at this time, but will supplement if such experts are retained.

INTERROGATORY NO. 3: Please describe in detail why you oppose the CCNs requested by THE TOWN OF LINDSAY. Please distinguish between water and sewer in your response.

RESPONSE: Lindsay Pure Water Company and the Town of Lindsay reached a service area settlement in 2002. That settlement addressed portions of the area requested in the Town of Lindsay's current application and Lindsay Pure Water Company believed that all service area matters were addressed by the settlement agreement. In addition, the Company has received requests for service from Landowners within the area that the Town of Lindsay seeks for certification. To the Company's knowledge, there are no sewer issues in this matter.

INTERROGATORY NO. 4: Please state your position concerning the effect of the granting of water and sewer CCNs to THE TOWN OF LINDSAY in the proposed area. This should include the financial consequences, both current and projected, changes in customer base, potential changes in rates charged by THE TOWN OF LINDSAY.

RESPONSE: Lindsay Pure Water Company has an existing water CCN adjacent to the proposed area and the Company has plans and requests to serve the landowners within the area designated for certification to the Company under the 2002 settlement agreement and within the Town of Lindsay's proposed its CCN. No other CCN is needed, and granting the CCN to the Town of Lindsay would have an adverse effect on the Company's business by reducing customer base and revenue. The Company will supplement with additional information as the matter

progresses. The Company has no information on sewer service, as sewer service is not an issue in this matter.

INTERROGATORY NO. 5: Please describe in detail your position regarding the adequacy of water and sewer utility service currently provided to the areas requested by THE TOWN OF LINDSAY in its water and sewer Certificate of Convenience and Necessity ("CCN") applications, including, if known, a description of whether people currently reside in the requested areas that receive sewer utility service, identification of each of those people, and identification of the sewer utility service provider for each of those people.

RESPONSE: Lindsay Pure Water Company has a water CCN adjacent to the area the City proposes for certification. The Company has requests for water service from landowners within its CCN and the area designated for it to serve under the 2002 settlement agreement. The Company has no knowledge of sewer service, as sewer service is not an issue in this matter.

INTERROGATORY NO. 6: Please describe in detail your position regarding the need for additional water and/or sewer utility service to the areas requested by THE TOWN OF LINDSAY, including, but not limited to, identification of any person or entity who has requested service in its requested area(s), identification of the name(s), address(es), and phone number(s) of each person or entity, description of the population in the proposed area(s) sought by each entity in its application(s), and description of the sewer service currently available to each identified person. Please distinguish between water and sewer in your response.

RESPONSE: Lindsay Pure Water Company has a water CCN adjacent to the area the Town of Lindsay proposes to serve. The Company has requests for water service from landowners within its CCN and the area designated for it to serve under the 2002 settlement agreement, and additional information regarding these requests will be supplemented. The Company has no knowledge of sewer service, as sewer service is not an issue in this matter.

INTERROGATORY NO. 7: Please describe in detail your position regarding the effect of the proposed water and sewer CCNs requested by THE TOWN OF LINDSAY on any retail public utility of the same kind already serving the areas proximate to those areas requested to be served by the applicant.

RESPONSE: Lindsay Pure Water Company has an existing water CCN adjacent to the proposed area and the Company has plans and requests to serve the landowners within its CCN and the area designated for it to serve under the 2002 settlement agreement. No other CCN for those covered areas is needed, and an additional CCN would have an adverse effect on the Company's business by reducing customer base and revenue. The Company will supplement with additional information as the matter progresses. The Company has no information on sewer service, as sewer service is not an issue in this matter.

INTERROGATORY NO. 8: Please describe in detail your position regarding the ability of THE TOWN OF LINDSAY to provide continuous and adequate water and/or sewer utility service to the areas requested by THE TOWN OF LINDSAY in its CCN applications.

RESPONSE: Lindsay Pure Water Company has an existing water CCN adjacent to the proposed area and the Company has plans and requests to serve the landowners within its CCN and the area designated for it to serve under the 2002 settlement agreement. The Company has

no information on sewer service, as sewer service is not an issue in this matter. The Company will supplement with additional information as this matter progresses.

INTERROGATORY NO. 9: Please describe in detail your position regarding financial and managerial capability of THE TOWN OF LINDSAY to provide continuous and adequate water and/or sewer utility service to its requested service areas.

RESPONSE: Lindsay Pure Water Company has an existing water CCN adjacent to the proposed area and the Company has plans and requests to serve the landowners within its CCN and the area designated for it to serve under the 2002 settlement agreement. The Company has no information on sewer service, as sewer service is not an issue in this matter. The Company will supplement with additional information as this matter progresses.

INTERROGATORY NO. 10: Please describe in detail your position regarding the feasibility of obtaining water and/or sewer utility service from another retail public utility adjacent to the areas THE TOWN OF LINDSAY proposes to serve in its applications. Please distinguish between water and sewer in your response.

RESPONSE: Lindsay Pure Water Company has an existing water CCN adjacent to the proposed area and the Company has plans and requests to serve the landowners within its CCN and the area designated for it to serve under the 2002 settlement agreement. It is very feasible for water to be obtained from the Company within its certificated area. The Company has no information on sewer service, as sewer service is not an issue in this matter. The Company will supplement with additional information as this matter progresses.

INTERROGATORY NO. 11: Please describe in detail your position regarding the effect that granting of THE TOWN OF LINDSAY's CCN applications would have on the environmental integrity of the service areas requested by the applicant. Please distinguish between water and sewer in your response.

RESPONSE: Lindsay Pure Water Company has an existing water CCN adjacent to the proposed area and the Company has plans and requests to serve the landowners within its CCN and the area designated for it to serve under the 2002 settlement agreement. Duplication of walls and extensions of lines and to service the same area would adversely impact the environmental integrity of the area by increasing opportunities for pollution of the land and groundwater supplies. The Company has no information on sewer service, as sewer service is not an issue in this matter. The Company will supplement with additional information as this matter progresses.

INTERROGATORY NO. 12: Please describe in detail your position regarding the probable improvement in service or lowering of cost to consumers in the areas requested by THE TOWN OF LINDSAY, should its applications be granted. Please distinguish between water and sewer in your response.

RESPONSE: Lindsay Pure Water Company has an existing water CCN adjacent to the proposed area and the Company has plans and requests to serve the landowners within its CCN and the area designated for it to serve under the 2002 settlement agreement. The Company is better situated to serve areas adjacent to its service area than the Town of Lindsay. The Company has no information on sewer service, as sewer service is not an issue in this matter. The Company will supplement with additional information as this matter progresses.

INTERROGATORY NO. 13: Please describe the proximity of the proposed areas sought in the applications filed by THE TOWN OF LINDSAY to any existing facilities currently operated by you and/or any other retail public utility, if known, and to any water and/or sewer facilities you propose to construct. Please distinguish between water and sewer in your response.

RESPONSE: Lindsay Pure Water Company has an existing water CCN and utility adjacent to the proposed area and the Company has plans and requests to serve the landowners within its CCN and the area designated for it to serve under the 2002 settlement agreement. The Company has no information on sewer service, as sewer service is not an issue in this matter. The Company will supplement with additional information as this matter progresses.

INTERROGATORY NO. 14: Do you contend that THE TOWN OF LINDSAY's water and/or sewer CCN applications should not be granted by the Texas Commission on Environmental Quality? Please state the basis for your contention.

RESPONSE: Yes, at least as to those areas that are currently within the area designated for the Company on part of the 2002 settlement agreement. Lindsay Pure Water Company and the City of Lindsay reached a service area settlement in 2002. That settlement addressed portions of the area requested in the Town of Lindsay's current application and Lindsay Pure Water Company believed that all service area matters were addressed by the settlement agreement. The Company has no information on sewer service, as sewer service is not an issue in this matter.

INTERROGATORY NO. 15: On a large scale map, please identify the locations of your current and/or potential customers in the areas requested by THE TOWN OF LINDSAY in its applications. Please distinguish between water and sewer in your response.

RESPONSE: Lindsay Pure Water Company objects to this request as burdensome, as it requests the Company to create documentation in response to an interrogatory. To the extent such documentation exists, it would be produced in response to a request for production, or such information could be obtained through deposition. The Company has no information on sewer service, as sewer service is not an issue in this matter.

INTERROGATORY NO. 16: If you are to provide water and/or sewer service in THE TOWN OF LINDSAY requested areas, what cost would be passed to the developer and/or customers requesting service. Please distinguish between water and sewer in your response.

RESPONSE: Lindsay Pure Water Company has an existing water CCN adjacent to the proposed area. Costs would be passed on only in accordance with the Company's tariff, which has been approved by TCEQ. The Company has no information on sewer service, as sewer service is not an issue in this matter. This response will be supplemented as the matter progresses.

REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1: Please provide any and all maps that illustrate the location(s) within the sewer service areas requested in of THE TOWN OF LINDSAY's CCN application where you currently provide water and/or sewer service.

REPSONSE: Responsive documents will be produced.

REQUEST FOR PRODUCTION NO. 2: Please provide any and all maps that illustrate the location(s) of your existing water and/or sewer facilities/distribution lines/collection lines in the proximity of THE TOWN OF LINDSAY requested areas.

REPSONSE: Responsive documents will be produced.

REQUEST FOR PRODUCTION NO. 3: Please produce copies of any and all documents identified in your responses to Interrogatory Nos. one (1) through sixteen (16) listed above or used to assist you in responding to Interrogatory Nos. one (1) through sixteen (16) listed above.

REPSONSE: Responsive documents, except those covered by the attorney-client privilege, will be produced.

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 Response to the Executive Director's First Request for Disclosure, Interrogatories and Requests for Production has been sent by Facsimile and/or First Class Mail on this 9 day of October, 2006, 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
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Phone: (512) 239-6363
Facsimile: (512) 239-6377

Brian MacLeod, Attorney
TCEQ – MC-175
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Phone: (512) 239-0750
Facsimile: (512) 239-0606

Christiaan Siano, Attorney
TCEQ – MC-173
P.O. Box 13087
Austin, Texas 78711-3087
Phone: (512) 239-0600
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

ARMBRUST & BROWN, L.L.P.

ATTORNEYS AND COUNSELORS

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512-435-2300

FACSIMILE 512-435-2360

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

October 9, 2006

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 Art:

Enclosed are Lindsay Pure Water Company's First Supplemental Responses to the City of Lindsay's Request for Disclosure.

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: Mr. Blas Coy
Mr. Brian MacLeod
Mr. Christaan Siano
TCEQ Docket Clerk

TEXAS
COUNTY CLERK
ON OCT 11 AM 9:20
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
(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

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

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 First Supplemental Response to the City of Lindsay's Request for Disclosure.

REQUEST FOR DISCLOSURE

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:

Joe O'Dell, Lindsay Pure Water Company, P.O. Box 1338, Gainesville, Texas 76241. Mr. O'Dell may be contacted through Lindsay Pure Water Company's attorney, John J. Carlton, at 435-2308. Mr. O'Dell has knowledge of the Town of Lindsay's CCN application.

Jim Myrick, Lindsay Pure Water Company, P.O. Box 1338, Gainesville, Texas 76241. Mr. Myrick may be contacted through Lindsay Pure Water Company's attorney, John J. Carlton, at 435-2308. Mr. Myrick has knowledge of the Town of Lindsay's CCN application and the operation of Lindsay Pure Water Company.

Mark Furhman, Lindsay Pure Water Company, P.O. Box 1338, Gainesville, Texas 76241. Mr. Furhman may be contacted through Lindsay Pure Water Company's attorney, John J. Carlton, at 435-2308. Mr. Furhman has knowledge of the Town of Lindsay's CCN application and the operation of Lindsay Pure Water Company.

Pat Furhman, Lindsay Pure Water Company, P.O. Box 1338, Gainesville, Texas 76241. Ms. Furhman may be contacted through Lindsay Pure Water Company's attorney, John J. Carlton, at 435-2308. Ms. Furhman has knowledge of the Town of Lindsay's CCN application and the operation of Lindsay Pure Water Company.

Steve Zimmerer, Lindsay Pure Water Company, P.O. Box 1338, Gainesville, Texas 76241. Mr. Zimmerer may be contacted through Lindsay Pure Water Company's attorney, John J. Carlton, at 435-2308. Mr. Zimmerer has knowledge of the Town of Lindsay's CCN application and the operation of Lindsay Pure Water Company.

Pat Stelzer, Lindsay Pure Water Company, P.O. Box 1338, Gainesville, Texas 76241. Ms. Stelzer may be contacted through Lindsay Pure Water Company's attorney, John J. Carlton, at 435-2308. Ms. Stelzer has knowledge of the Town of Lindsay's CCN application and the operation of Lindsay Pure Water Company.

Bernard Hesse, Lindsay Pure Water Company, P.O. Box 1338, Gainesville, Texas 76241. Mr. Hesse may be contacted through Lindsay Pure Water Company's attorney, John J. Carlton, at 435-2308. Mr. Hesse has knowledge of the Town of Lindsay's CCN application and the operation of Lindsay Pure Water Company.

John Carlton, Armbrust & Brown, L.L.P., 100 Congress, Suite 1300, Austin, Texas 78701, 435-2308. Mr. Carlton has knowledge of facts provided by his client and obtained through discovery from other parties, as well as knowledge regarding reasonable and necessary attorney's fees and costs for water and wastewater rate cases.

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 First Supplemental Response to City of Lindsay's Request for Disclosure has been sent by Facsimile and/or First Class Mail on this 9th day of October, 2006, to the following:

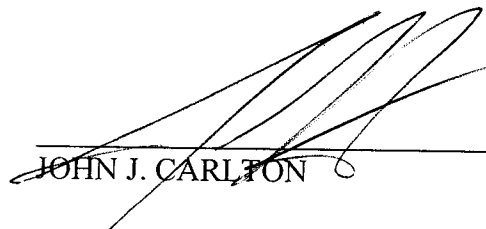
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Facsimile: (512) 239-0606

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JOHN J. CARLTON

ARMBRUST & BROWN, L.L.P.

ATTORNEYS AND COUNSELORS

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FACSIMILE 512-435-2360

JOHN J. CARLTON
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jcarlton@ablawstin.com

October 9, 2006

VIA FACSIMILE: (512) 239-0606 &
FIRST CLASS MAILBrian MacLeod
Christiaan Siano
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 Counselors:

Enclosed is Lindsay Pure Water Company's Response to the Executive Director's First Request for Disclosure, Interrogatories and Requests for Production.

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

**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

**LINDSAY PURE WATER COMPANY'S RESPONSE TO THE EXECUTIVE
DIRECTOR'S FIRST REQUEST FOR DISCLOSURE, INTERROGATORIES AND
REQUESTS FOR PRODUCTION**

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

COMES NOW, Lindsay Pure Water Company, Protestant herein, and files its Response to the Executive Director's First Request for Disclosure, Interrogatories and Requests for Production.

REQUEST FOR DISCLOSURE

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

RESPONSE: None are known at this time.

REQUEST FOR DISCLOSURE 194.2(b): The legal theories and, in general, the factual bases of the responding party's claims or defenses.

RESPONSE: Lindsay Pure Water Company and the City of Lindsay reached a service area settlement in 2002. That settlement addressed portions of the area requested in the Town of Lindsay's current application and Lindsay Pure Water Company believed that all service area matters were addressed by the settlement agreement.

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:

Joe O'Dell, Lindsay Pure Water Company, P.O. Box 1338, Gainesville, Texas 76241. Mr. O'Dell may be contacted through Lindsay Pure Water Company's attorney, John J. Carlton, at 435-2308. Mr. O'Dell has knowledge of the Town of Lindsay's CCN application and the operation of Lindsay Pure Water Company.

Jim Myrick, Lindsay Pure Water Company, P.O. Box 1338, Gainesville, Texas 76241. Mr. Myrick may be contacted through Lindsay Pure Water Company's attorney, John J. Carlton, at 435-2308. Mr. Myrick has knowledge of the Town of Lindsay's CCN application and the operation of Lindsay Pure Water Company.

Mark Furhman, Lindsay Pure Water Company, P.O. Box 1338, Gainesville, Texas 76241. Mr. Furhman may be contacted through Lindsay Pure Water Company's attorney, John J. Carlton, at 435-2308. Mr. Furhman has knowledge of the Town of Lindsay's CCN application and the operation of Lindsay Pure Water Company.

Pat Furhman, Lindsay Pure Water Company, P.O. Box 1338, Gainesville, Texas 76241. Ms. Furhman may be contacted through Lindsay Pure Water Company's attorney, John J. Carlton, at 435-2308. Ms. Furhman has knowledge of the Town of Lindsay's CCN application and the operation of Lindsay Pure Water Company.

Steve Zimmerer, Lindsay Pure Water Company, P.O. Box 1338, Gainesville, Texas 76241. Mr. Zimmerer may be contacted through Lindsay Pure Water Company's attorney, John J. Carlton, at 435-2308. Mr. Zimmerer has knowledge of the Town of Lindsay's CCN application and the operation of Lindsay Pure Water Company.

Pat Stelzer, Lindsay Pure Water Company, P.O. Box 1338, Gainesville, Texas 76241. Ms. Stelzer may be contacted through Lindsay Pure Water Company's attorney, John J. Carlton, at 435-2308. Ms. Stelzer has knowledge of the Town of Lindsay's CCN application and the operation of Lindsay Pure Water Company.

Bernard Hesse, Lindsay Pure Water Company, P.O. Box 1338, Gainesville, Texas 76241. Mr. Hesse may be contacted through Lindsay Pure Water Company's attorney, John J. Carlton, at 435-2308. Mr. Hesse has knowledge of the Town of Lindsay's CCN application and the operation of Lindsay Pure Water Company.

John Carlton, Armbrust & Brown, L.P., 100 Congress, Suite 1300, Austin, Texas 78701, 435-2308. Mr. Carlton has knowledge of facts provided by his client and obtained through discovery from other parties, as well as knowledge regarding reasonable and necessary attorney's fees and costs for water and wastewater rate cases.

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

- (1) The expert's name, address, and telephone number;
- (2) The subject matter on which the expert will testify;
- (3) The general substance of the expert's mental impressions and opinions and a brief summary of the basis for them, or if the expert is not retained by you, employed by you, or otherwise subject to your control, documents reflecting such information;
- (4) If the expert is retained by, employed by, or otherwise subject to the control of the responding party:
 - (a) All documents, tangible things, reports, models or data compilations that have been provided to, reviewed by, or prepared by or for the expert in anticipation of the expert's testimony, and
 - (b) The expert's current resume and bibliography.

RESPONSE: No testifying expert has been retained at this time. This response will be supplemented after a testifying expert is retained.

INTERROGATORIES

INTERROGATORY NO. 1: For each person you expect to call as a fact witness at the evidentiary hearing in this matter, please provide: (a) the person's name and business address and telephone number, and (b) a brief description of the testimony you expect that person to provide.

RESPONSE: (a) Joe O'Dell, Lindsay Pure Water Company, P.O. Box 1338, Gainesville, Texas 76241 Mr. O'Dell may be contacted through Lindsay Pure Water Company's attorney, John J. Carlton, at 435-2308. (b) Mr. O'Dell may testify regarding the Town of Lindsay's CCN application, Lindsay Pure Water Company's water system and the settlement agreement entered into between Lindsay Pure Water Company and the Town of Lindsay in September 2002.

INTERROGATORY NO. 2: For each expert not listed in the response to the Request for Disclosure whom you have consulted and whose mental impressions and opinions have been reviewed by an expert City of Austin expects to testify in this matter, please provide: (a) the consulting expert's name and business address and telephone number; (b) the facts known by the expert that relate to or form the basis of the expert's mental impressions and opinions formed or made in connection with this matter, regardless of when and how the factual information was acquired; (c) the expert's mental impressions and opinions formed or made in connection with this matter and any methods used to derive them; and (d) a curriculum vitae or other detailed description of the expert's qualifications.

RESPONSE: Lindsay Pure Water Company has no knowledge of what the City of Austin may or may not do, and assumes this reference was a typographical error. The Company has not retained experts at this time, but will supplement if such experts are retained.

INTERROGATORY NO. 3: Please describe in detail why you oppose the CCNs requested by THE TOWN OF LINDSAY. Please distinguish between water and sewer in your response.

RESPONSE: Lindsay Pure Water Company and the Town of Lindsay reached a service area settlement in 2002. That settlement addressed portions of the area requested in the Town of Lindsay's current application and Lindsay Pure Water Company believed that all service area matters were addressed by the settlement agreement. In addition, the Company has received requests for service from Landowners within the area that the Town of Lindsay seeks for certification. To the Company's knowledge, there are no sewer issues in this matter.

INTERROGATORY NO. 4: Please state your position concerning the effect of the granting of water and sewer CCNs to THE TOWN OF LINDSAY in the proposed area. This should include the financial consequences, both current and projected, changes in customer base, potential changes in rates charged by THE TOWN OF LINDSAY.

RESPONSE: Lindsay Pure Water Company has an existing water CCN adjacent to the proposed area and the Company has plans and requests to serve the landowners within the area designated for certification to the Company under the 2002 settlement agreement and within the Town of Lindsay's proposed its CCN. No other CCN is needed, and granting the CCN to the Town of Lindsay would have an adverse effect on the Company's business by reducing customer base and revenue. The Company will supplement with additional information as the matter

progresses. The Company has no information on sewer service, as sewer service is not an issue in this matter.

INTERROGATORY NO. 5: Please describe in detail your position regarding the adequacy of water and sewer utility service currently provided to the areas requested by THE TOWN OF LINDSAY in its water and sewer Certificate of Convenience and Necessity ("CCN") applications, including, if known, a description of whether people currently reside in the requested areas that receive sewer utility service, identification of each of those people, and identification of the sewer utility service provider for each of those people.

RESPONSE: Lindsay Pure Water Company has a water CCN adjacent to the area the City proposes for certification. The Company has requests for water service from landowners within its CCN and the area designated for it to serve under the 2002 settlement agreement. The Company has no knowledge of sewer service, as sewer service is not an issue in this matter.

INTERROGATORY NO. 6: Please describe in detail your position regarding the need for additional water and/or sewer utility service to the areas requested by THE TOWN OF LINDSAY, including, but not limited to, identification of any person or entity who has requested service in its requested area(s), identification of the name(s), address(es), and phone number(s) of each person or entity, description of the population in the proposed area(s) sought by each entity in its application(s), and description of the sewer service currently available to each identified person. Please distinguish between water and sewer in your response.

RESPONSE: Lindsay Pure Water Company has a water CCN adjacent to the area the Town of Lindsay proposes to serve. The Company has requests for water service from landowners within its CCN and the area designated for it to serve under the 2002 settlement agreement, and additional information regarding these requests will be supplemented. The Company has no knowledge of sewer service, as sewer service is not an issue in this matter.

INTERROGATORY NO. 7: Please describe in detail your position regarding the effect of the proposed water and sewer CCNs requested by THE TOWN OF LINDSAY on any retail public utility of the same kind already serving the areas proximate to those areas requested to be served by the applicant.

RESPONSE: Lindsay Pure Water Company has an existing water CCN adjacent to the proposed area and the Company has plans and requests to serve the landowners within its CCN and the area designated for it to serve under the 2002 settlement agreement. No other CCN for those covered areas is needed, and an additional CCN would have an adverse effect on the Company's business by reducing customer base and revenue. The Company will supplement with additional information as the matter progresses. The Company has no information on sewer service, as sewer service is not an issue in this matter.

INTERROGATORY NO. 8: Please describe in detail your position regarding the ability of THE TOWN OF LINDSAY to provide continuous and adequate water and/or sewer utility service to the areas requested by THE TOWN OF LINDSAY in its CCN applications.

RESPONSE: Lindsay Pure Water Company has an existing water CCN adjacent to the proposed area and the Company has plans and requests to serve the landowners within its CCN and the area designated for it to serve under the 2002 settlement agreement. The Company has

no information on sewer service, as sewer service is not an issue in this matter. The Company will supplement with additional information as this matter progresses.

INTERROGATORY NO. 9: Please describe in detail your position regarding financial and managerial capability of THE TOWN OF LINDSAY to provide continuous and adequate water and/or sewer utility service to its requested service areas.

RESPONSE: Lindsay Pure Water Company has an existing water CCN adjacent to the proposed area and the Company has plans and requests to serve the landowners within its CCN and the area designated for it to serve under the 2002 settlement agreement. The Company has no information on sewer service, as sewer service is not an issue in this matter. The Company will supplement with additional information as this matter progresses.

INTERROGATORY NO. 10: Please describe in detail your position regarding the feasibility of obtaining water and/or sewer utility service from another retail public utility adjacent to the areas THE TOWN OF LINDSAY proposes to serve in its applications. Please distinguish between water and sewer in your response.

RESPONSE: Lindsay Pure Water Company has an existing water CCN adjacent to the proposed area and the Company has plans and requests to serve the landowners within its CCN and the area designated for it to serve under the 2002 settlement agreement. It is very feasible for water to be obtained from the Company within its certificated area. The Company has no information on sewer service, as sewer service is not an issue in this matter. The Company will supplement with additional information as this matter progresses.

INTERROGATORY NO. 11: Please describe in detail your position regarding the effect that granting of THE TOWN OF LINDSAY's CCN applications would have on the environmental integrity of the service areas requested by the applicant. Please distinguish between water and sewer in your response

RESPONSE: Lindsay Pure Water Company has an existing water CCN adjacent to the proposed area and the Company has plans and requests to serve the landowners within its CCN and the area designated for it to serve under the 2002 settlement agreement. Duplication of walls and extensions of lines and to service the same area would adversely impact the environmental integrity of the area by increasing opportunities for pollution of the land and groundwater supplies. The Company has no information on sewer service, as sewer service is not an issue in this matter. The Company will supplement with additional information as this matter progresses.

INTERROGATORY NO. 12: Please describe in detail your position regarding the probable improvement in service or lowering of cost to consumers in the areas requested by THE TOWN OF LINDSAY, should its applications be granted. Please distinguish between water and sewer in your response

RESPONSE: Lindsay Pure Water Company has an existing water CCN adjacent to the proposed area and the Company has plans and requests to serve the landowners within its CCN and the area designated for it to serve under the 2002 settlement agreement. The Company is better situated to serve areas adjacent to its service area than the Town of Lindsay. The Company has no information on sewer service, as sewer service is not an issue in this matter. The Company will supplement with additional information as this matter progresses.

INTERROGATORY NO. 13: Please describe the proximity of the proposed areas sought in the applications filed by THE TOWN OF LINDSAY to any existing facilities currently operated by you and/or any other retail public utility, if known, and to any water and/or sewer facilities you propose to construct. Please distinguish between water and sewer in your response.

RESPONSE: Lindsay Pure Water Company has an existing water CCN and utility adjacent to the proposed area and the Company has plans and requests to serve the landowners within its CCN and the area designated for it to serve under the 2002 settlement agreement. The Company has no information on sewer service, as sewer service is not an issue in this matter. The Company will supplement with additional information as this matter progresses.

INTERROGATORY NO. 14: Do you contend that THE TOWN OF LINDSAY's water and/or sewer CCN applications should not be granted by the Texas Commission on Environmental Quality? Please state the basis for your contention.

RESPONSE: Yes, at least as to those areas that are currently within the area designated for the Company on part of the 2002 settlement agreement. Lindsay Pure Water Company and the City of Lindsay reached a service area settlement in 2002. That settlement addressed portions of the area requested in the Town of Lindsay's current application and Lindsay Pure Water Company believed that all service area matters were addressed by the settlement agreement. The Company has no information on sewer service, as sewer service is not an issue in this matter.

INTERROGATORY NO. 15: On a large scale map, please identify the locations of your current and/or potential customers in the areas requested by THE TOWN OF LINDSAY in its applications. Please distinguish between water and sewer in your response.

RESPONSE: Lindsay Pure Water Company objects to this request as burdensome, as it requests the Company to create documentation in response to an interrogatory. To the extent such documentation exists, it would be produced in response to a request for production, or such information could be obtained through deposition. The Company has no information on sewer service, as sewer service is not an issue in this matter.

INTERROGATORY NO. 16: If you are to provide water and/or sewer service in THE TOWN OF LINDSAY requested areas, what cost would be passed to the developer and/or customers requesting service. Please distinguish between water and sewer in your response.

RESPONSE: Lindsay Pure Water Company has an existing water CCN adjacent to the proposed area. Costs would be passed on only in accordance with the Company's tariff, which has been approved by TCEQ. The Company has no information on sewer service, as sewer service is not an issue in this matter. This response will be supplemented as the matter progresses.