

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.

RESPONSE: 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.

RESPONSE: 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.

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


JOHN J. CARLTON

ARMBRUST & BROWN, L.L.P.
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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: 11 |

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 Response to the Executive Director's First Request for Disclosure. Interrogatories and Requests for Production

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
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512-435-2300

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

October 6, 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 Request for Disclosure to the Executive Director.

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

Sincerely,

ARMBRUST & BROWN, L.L.P.


John J. Carlton
Attorney for Lindsay Pure Water Company

Enclosure

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

**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**

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

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

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

REQUEST FOR DISCLOSURE 194.2(e):The name, address, and telephone number of persons having knowledge of relevant facts, and a brief statement of each identified person's connection with the case.

RESPONSE:

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

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

RESPONSE:

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

RESPONSE:

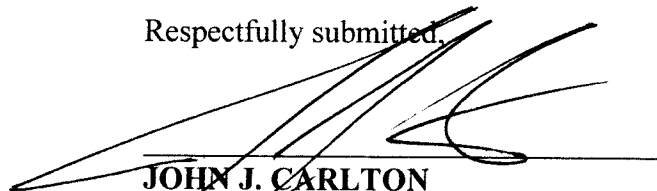
REQUEST FOR DISCLOSURE 194.2(h):Any settlement agreements described in Rule 192.3(g).

RESPONSE:

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

RESPONSE:

Respectfully submitted,



JOHN J. CARLTON
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Austin, Texas 78701-2744
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**ATTORNEYS FOR LINDSAY PURE
WATER COMPANY**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Lindsay Pure Water Company's Request for Disclosure to the Executive Director has been sent by Facsimile and/or First Class Mail on this 6th day of October, 2006, to the following:

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ARMBRUST & BROWN, L.L.P.

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October 6, 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 Request for Interrogatories and Requests for Production to the Town of Lindsay.

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 REQUEST FOR INTERROGATORIES
AND REQUESTS FOR PRODUCTION TO THE TOWN OF LINDSAY**

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

COMES NOW, Lindsay Pure Water Company, Protestant herein, and files its First Request for Interrogatories and Requests for Production pursuant to Chapter 2001 of the Texas Government Code, the Texas Rules of Civil Procedure, and applicable rules and regulations of the Texas Commission on Environmental Quality and the State Office of Administrative Hearings. Within thirty (30) days of service of this request, the Town of Lindsay must serve a signed copy of the responses to these requests upon counsel for Lindsay Pure Water Company, John Carlton, at the following address: Armbrust & Brown, L.L.P., 100 Congress Avenue, Suite 1300, Austin, Texas 78701.

INSTRUCTIONS

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

DEFINITIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

FIRST SET OF INTERROGATORIES

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

REQUEST FOR PRODUCTION

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

Respectfully submitted,



JOHN J. CARLTON

State Bar No. 03817600

ARMBRUST & BROWN, L.L.P.

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Austin, Texas 78701-2744

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October 2, 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:

Enclosed are Lindsay Pure Water Company's Responses to the City of Lindsay's Request for Disclosure and First Set of 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 / aB.

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

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| 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 CITY OF LINDSAY'S
REQUEST FOR DISCLOSURE AND FIRST SET OF REQUESTS FOR PRODUCTION**

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 Response to the City of Lindsay's Request for Disclosure and First Set of Requests for Production.

REQUEST FOR DISCLOSURE

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

RESPONSE: Lindsay Pure Water Company is not seeking monetary damages at this time.

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.

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.

RESPONSE: No testifying expert has been retained at this time.

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

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

RESPONSE: A testifying expert for Lindsay Pure Water Company will testify regarding the application filed by the City of Lindsay, including any financial issues raised by the application. When a testifying expert is retained, this response will be supplemented.

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

- 3) The general substance of the expert's mental impressions and opinions and a brief summary of the basis for them, or if the expert is not retained by you, employed by you, or otherwise subject to your control, documents reflecting such information.

RESPONSE: None at this time.

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

- 4) If the expert is retained by, employed by, or otherwise subject to the control of the responding party:
 - (a) All documents, tangible things, reports, models or data compilations that have been provided to, reviewed by, or prepared by or for the expert in anticipation of the expert's testimony; and
 - (b) The expert's current resume and bibliography.

RESPONSE: None at this time.

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

RESPONSE: None known at this time.

REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1: Produce all documents and tangible things including, but not limited to, all reports, working papers, notes, calculations, diagrams, photographs, physical models, exhibits, compilations of data, drafts, treatises, rules, regulations, guidelines, statutes, policies, procedures, authoritative materials, or other materials prepared by or reviewed by each fact witness and expert you expect to call to testify during the Hearing on the Merits regarding Lindsay's Application, and by each consulting expert whose work has been reviewed by a testifying expert.

RESPONSE: Lindsay Pure Water Company objects to this request to the extent it seeks documents protected by the attorney-client privilege. Subject thereto, responsive documents will be produced.

REQUEST FOR PRODUCTION NO. 2: For each expert you expect to testify during the Hearing on the Merits regarding Lindsay's Application, and for each consulting expert whose opinions or observations a testifying expert will review or has reviewed, produce a curriculum vitae, a list of all cases in which the expert has testified either by deposition or live at trial or hearing, and a list of all articles or publications by the expert.

RESPONSE: Lindsay Pure Water Company objects to this request to the extent it requests or requires the Company or its experts to create documentation regarding the expert's previous testimony and lists of articles. If the expert has such information in written form, it will be produced; otherwise, the expert can be deposed and the issues explored at that time. Subject to this objection, none at this time.

REQUEST FOR PRODUCTION NO. 3: Produce all billing and fee related documents including, but not limited to, all invoices, bills, or other billing materials for each expert you expect to testify during the Hearing on the Merits regarding Lindsay's Application, and for each consulting expert whose opinions or observations a testifying expert will review or has reviewed.

RESPONSE: None at this time.

REQUEST FOR PRODUCTION NO. 4: For each person you expect to call as a fact witness during the Hearing on the Merits regarding Lindsay's Application, please produce each and every document that has been reviewed by the witness regarding Lindsay's Application.

RESPONSE: Responsive documents, other than attorney-client privileged documents, will be produced.

REQUEST FOR PRODUCTION NO. 5: Produce all agreements for settlement, indemnification, compromise, guarantee, or any other kind of agreement, which you have entered into with any party, or non-party, as a result of, concerning, or relating to Lindsay's Application.

RESPONSE: To the extent they exist, responsive documents will be produced.

REQUEST FOR PRODUCTION NO. 6: Produce all documents and tangible things including, but not limited to, all reports, working papers, notes, calculations, diagrams, photographs, physical models, exhibits, compilations of data, drafts, treatises, rules, regulations, guidelines, statutes, policies, procedures, authoritative materials, or other materials prepared by you or for you, submitted by you, for you, or to you, or reviewed by you or for you relating to or concerning Lindsay's Application.

RESPONSE: Lindsay Pure Water Company objects to this request to the extent it seeks attorney-client privileged documents. Subject thereto, responsive documents will be produced.

REQUEST FOR PRODUCTION NO. 7: Produce all documents relating to or concerning any and all investigations made by or for you regarding Lindsay's Application including, but not limited to, documents identifying the person who initially requested that the investigation be undertaken, the dates on which the investigation was initiated and completed, all persons who were responsible for conducting the investigation, all persons who did any work whatsoever in connection with the investigation, and every person interviewed or contacted in any manner with regard to the investigation; the current custodian(s) of any written statement or recording; and the date and substance of any oral communication.

RESPONSE: Lindsay Pure Water Company objects to this request to the extent it seeks attorney-client privileged documents. Subject thereto, responsive documents will be produced.

REQUEST FOR PRODUCTION NO. 8: Produce all documents relating to or concerning Lindsay's Application including, but not limited to, all correspondence, notes of telephone conferences or other oral communications, meeting notes, agendas, notices, letters, statements, or any other documents evidencing or relating to communications, whether written or oral, between you and any of the following entities:

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

RESPONSE: Lindsay Pure Water Company objects to this request to the extent it seeks attorney-client privileged documents. Subject thereto, responsive documents will be produced.

REQUEST FOR PRODUCTION NO. 9: Produce all documents relating to or concerning your position against Lindsay's Application prepared by you or for you, submitted by you or for you or to you, or reviewed by you or for you.

RESPONSE: Lindsay Pure Water Company objects to this request to the extent it seeks attorney-client privileged documents. Subject thereto, responsive documents will be produced.

REQUEST FOR PRODUCTION NO. 10: Produce all documents that you will or may use or introduce as exhibits during the Hearing on the Merits regarding Lindsay's Application.

RESPONSE: Responsive documents will be produced.

REQUEST FOR PRODUCTION NO. 11: Produce all documents relating to or concerning the agreement under which you have engaged the services of your fact witnesses, consultants and expert witnesses regarding Lindsay's Application.

RESPONSE: Lindsay Pure Water Company objects to this request as irrelevant and overbroad. Subject thereto, to the extent there is a written agreement between the Company and its testifying expert(s), those agreements will be produced.

REQUEST FOR PRODUCTION NO. 12: Produce all documents relating to or concerning each and every meeting held by or for Lindsay PWC, including, but not limited to, meeting notices, agendas, minutes, and sign-in sheets in which Lindsay's Application was discussed.

RESPONSE: Lindsay Pure Water Company objects to this request as overbroad and burdensome.

REQUEST FOR PRODUCTION NO. 13: Produce all documents created by, received by, or distributed by you relating to or concerning Lindsay's Application including, but not limited to, any press release, public relation document, letter to the editor, newspaper article, flyer, information sheet, or background material.

RESPONSE: To the extent they exist, responsive documents will be produced.

REQUEST FOR PRODUCTION NO. 14: Produce all documents concerning or relating to Lindsay PWC's corporate structure, organization, and operation, including, but not limited to, by-laws, rules, regulations, declarations, articles of incorporation, articles of amendment, and qualifications for membership.

RESPONSE: To the extent they exist, responsive documents will be produced.

REQUEST FOR PRODUCTION NO. 15: With respect to all preliminary, final, or other written reports of any kind prepared by or for you, any other person, or entity, concerning or relating to Lindsay's Application, please identify the person who currently has custody of each report along with the date and author of each report.

RESPONSE: Lindsay Pure Water Company objects to this request as it is actually an interrogatory seeking the identification of individuals. The Company is under no obligation under the rules of discovery to create documentation in response to a request for production.

REQUEST FOR PRODUCTION NO. 16: Produce any and all documents purporting to give you authority to participate in this proceeding.

RESPONSE: To the extent they exist, such documents will be produced.

REQUEST FOR PRODUCTION NO. 17: Produce any and all documents between you and the Texas Commission on Environmental Quality purporting to give you authority to provide water in the area requested in Lindsay's Application.

RESPONSE: Responsive documents will be produced.

REQUEST FOR PRODUCTION NO. 18: Produce a copy of your current CCN.

RESPONSE: Responsive documents will be produced.

REQUEST FOR PRODUCTION NO. 19: Produce any and all documents related to any loans sought or received by you from the United States Department of Agriculture Rural Development Agency or any other federal agency.

RESPONSE: To the extent they exist, responsive documents will be produced.


REQUEST FOR PRODUCTION NO. 20: Produce any and all documents related to any grants sought or received by you from the United States Department of Agriculture Rural Development Agency or any other federal agency.

RESPONSE: To the extent they exist, responsive documents will be produced.

REQUEST FOR PRODUCTION NO. 21: Produce any and all documents related to receiving or purchasing water from any entity or person.

RESPONSE: To the extent they exist, responsive documents 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 City of Lindsay's Request for Disclosure and First Set of Requests for Production has been sent by Facsimile and/or First Class Mail on this 2nd 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
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Docket Clerk
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
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JOHN J. CARLTON

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

October 6, 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 Request for Interrogatories and Requests for Production to the Town of Lindsay.

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**

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BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

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

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

COMES NOW, Lindsay Pure Water Company, Protestant herein, and files its First Request for Interrogatories and Requests for Production pursuant to Chapter 2001 of the Texas Government Code, the Texas Rules of Civil Procedure, and applicable rules and regulations of the Texas Commission on Environmental Quality and the State Office of Administrative Hearings. Within thirty (30) days of service of this request, the Town of Lindsay must serve a signed copy of the responses to these requests upon counsel for Lindsay Pure Water Company, John Carlton, at the following address Armbrust & Brown, L.L.P., 100 Congress Avenue, Suite 1300, Austin, Texas 78701

INSTRUCTIONS

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

DEFINITIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

FIRST SET OF INTERROGATORIES

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

REQUEST FOR PRODUCTION

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

Respectfully submitted,


JOHN J. CARLTON

State Bar No. 03817600

ARMBRUST & BROWN, L.L.P.

100 Congress Avenue, Suite 1300

Austin, Texas 78701-2744

(512) 435-2300 – Telephone

(512) 436-2360 – Telecopy

**ATTORNEYS FOR LINDSAY PURE
WATER COMPANY**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Lindsay Pure Water Company's First Request for Interrogatories and Requests for Production to the Town of Lindsay, Inc. has been sent by Facsimile and/or First Class Mail on this 6th day of October, 2006, to the following

Arturo D Rodriguez, Jr
Russell & Rodriguez, L.L.P.
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Facsimile: (512) 239-0606

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Facsimile: (512) 239-3311


--JOHN J. CARLTON

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

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AUSTIN, TEXAS 78701-2744
512-435-2300

FACSIMILE 512-435-2360

FACSIMILE COVER PAGE

Date: October 6, 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 |

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| From: Amy Barrera | Telephone No : (512) 435-2375 |
| Client/Matter No.: 52515 0101 | Total No. of Pages Sent: 10 |

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 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

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@abawm.com

October 6, 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 Request for Disclosure to the Executive Director

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

Sincerely,

ARMBRUST & BROWN, L.L.P.


John J. Carlton
Attorney for Lindsay Pure Water Company

Enclosure

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

**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 REQUEST FOR DISCLOSURE
TO THE EXECUTIVE DIRECTOR**

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

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

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

REQUEST FOR DISCLOSURE 194.2(e): The name, address, and telephone number of persons having knowledge of relevant facts, and a brief statement of each identified person's connection with the case

RESPONSE:

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

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

RESPONSE:

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

RESPONSE:

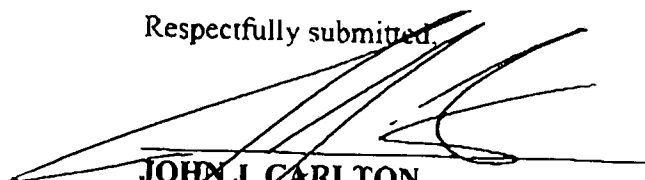
REQUEST FOR DISCLOSURE 194.2(h): Any settlement agreements described in Rule 192.3(g)

RESPONSE:

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

RESPONSE:

Respectfully submitted,



JOHN J. CARLTON

State Bar No. 03817600

ARMBRUST & BROWN, L.L.P.

100 Congress Avenue, Suite 1300

Austin, Texas 78701-2744

(512) 435-2300 – Telephone

(512) 436-2360 – Telecopy

**ATTORNEYS FOR LINDSAY PURE
WATER COMPANY**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Lindsay Pure Water Company's Request for Disclosure to the Executive Director has been sent by Facsimile and/or First Class Mail on this 6th 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 COUNSELORS

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

FACSIMILE 512-435-2360

FACSIMILE COVER PAGE

Date: October 6, 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 |

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

REMARKS:

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

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

ATTACHMENTS: Lindsay Pure Water Company's Request for Disclosure to the Executive Director

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252890-1 08/23/2006

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

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

2006 OCT -3 11 12

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 THE TOWN OF LINDSAY'S RESPONSES TO THE EXECUTIVE
DIRECTOR'S FIRST REQUEST FOR DISCLOSURE, INTERROGATORIES
AND REQUESTS FOR PRODUCTION**

TO: The Executive Director of the Texas Commission on Environmental Quality, by and through his attorney, Mr. Brian MacLeod, P.O. Box 13087, MC 173, Austin, TX 78711-3087.

The Town of Lindsay ("Town" or "Lindsay"), serves this, its Responses to the Executive Director's Request for Disclosure, Interrogatories, and Requests for Production by and through his attorney, Mr. Brian MacLeod, pursuant to Rules 196, 197, and 198 and other applicable rules of the Texas Rules of Civil Procedure, Chapter 2001 of the Texas Government Code, and applicable rules and regulations of the Texas Commission on Environmental Quality ("TCEQ" or "Commission") and the State Office of Administrative Hearings ("SOAH"). Because the responsive documents are voluminous, as they total more than 100 pages, the documents are available for inspection and copying at the requestor's expense in the offices of the undersigned counsel at the office of Russell and Rodriguez, 102 West Morrow, Suite 103, Georgetown, Texas 78626, at a time mutually agreeable to both parties. Please telephone the undersigned counsel to arrange a date and time.

A. REQUEST FOR DISCLOSURE

Rule 194.2(b) The name, address, and telephone number of any potential parties.

RESPONSE: Lindsay does not know of any potential parties to this proceeding.

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

RESPONSE: The Town contends that its application to amend the Town's water and sewer certificates of convenience and necessity which is the subject of this proceeding should be granted as the applications demonstrate that the City has met all statutory and regulatory requirements.

Rule 194.2(e) The name, address, and telephone number of persons having knowledge of relevant facts, and a brief statement of each identified person's connection with the case.

RESPONSE: The following individuals have knowledge of relevant facts of this proceeding:

Mr. Steven Zwinggi
Mayor
P.O. Box 153
Lindsay, Texas 76250
(940) 665-4455
Mr. Zwinggi is the mayor for the City of Lindsay.

Mr. Glenn "Tic" Block
P.O. Box 153
Lindsay, Texas 76250
(940) 665-4455
Mr. Block is an alderman for the City of Lindsay.

Mr. Robert Fuller
P.O. Box 153
Lindsay, Texas 76250
(940) 665-4455
Mr. Fuller is an alderman for the City of Lindsay.

Ms. Robin Rose
P.O. Box 153
Lindsay, Texas 76250
(940) 665-4455
Ms. Rose is the Mayor Pro Tempore for the City of Lindsay.

Mr. Jeff Neu
P.O. Box 153
Lindsay, Texas 76250
(940) 665-4455
Mr. Neu is an alderman for the City of Lindsay.

Mr. David Spaeth
P.O. Box 153
Lindsay, Texas 76250
(940) 665-4455

Mr. Spaeth is an alderman for the City of Lindsay.

Ms. Betsy Fleitman
City Secretary
P.O. Box 153
Lindsay, Texas 76250
(940) 665-4455

Ms. Fleitman is the City Secretary for the City of Lindsay.

Mr. W.D. Welch
P.O. Box 127
Whitesboro, Texas 76273
(903) 564-3592

Mr. Welch is the City Attorney for the City of Lindsay.

Mr. Larry Schumacher
P.O. Box 153
Lindsay, Texas 76250
(940) 665-4455

Mr. Schumacher is the chairman for the City of Lindsay's Planning and Zoning Commission.

Mr. Norbert Mages
P.O. Box 153
Lindsay, Texas 76250
(940) 665-4455

Mr. Mages is the Public Works Director for the City of Lindsay.

Mr. Charles Young
P.O. Box 153
Lindsay, Texas 76250
(940) 665-4455

Mr. Young is a contract employee who operates the sewer system for the City of Lindsay.

Mr. Claude Tamplin
P.O. Box 153
Lindsay, Texas 76250
(940) 665-4455

Mr. Tamplin is a contract employee who operates the lift station for the City of Lindsay.

Mr. Robert Walterscheid
P.O. Box 153
Lindsay, Texas 76250
(940) 665-4455

Mr. Walterscheid is a contract employee who operates the water system for the City of Lindsay.

Mr. Arturo D. Rodriguez, Jr.
Ms. Faith M. Wright
102 West Morrow Street, Suite 103
Georgetown, Texas 78626
(512) 930-1317

Mr. Rodriguez is counsel for the City of Lindsay. Ms. Wright is Mr. Rodriguez's legal assistant.

Mr. Pat Dillon
Southwest Consultants
P.O. 830634
Richardson, Texas 75083
(972) 680-3717

Mr. Dillon is a planning consultant for the City.

Mr. Maurice Schwanke
1209 Southwood Blvd.
Arlington, Texas 76013
(817) 469-9927

Mr. Schwanke is a planning consultant for the City.

Additionally, the following people may have knowledge of relevant information:

Members of Lindsay Pure Water Company's Board.

Employees of Lindsay Pure Water Company.

Any of the residents in the requested area of the City's Application which received mailed notice.

Staff members of the Texas Commission on Environmental Quality that reviewed Lindsay's Application.

Office of Public Interest Counsel Staff members that reviewed Lindsay's Application.

Rule 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
- 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: At this time, Lindsay has not identified any experts that will be testifying on its behalf.

Rule 194.2(h) Any settlement agreements described in Rule 192.3(g).

Response: None.

Rule 194.2(i) Any witness statements described in Rule 192.3(h).

Response: None.

B. REQUEST FOR INTERROGATORIES

Interrogatory No. 1: For each person The Town of Lindsay expects 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 The Town of Lindsay expects that person to provide.

RESPONSE: Lindsay has not determined any witnesses at this time.

Interrogatory No. 2: For each expert not listed in the response to the Request for Disclosure whom The Town of Lindsay has consulted and whose mental impressions and opinions have been reviewed by an expert The Town of Lindsay 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 has not determined any witnesses at this time.

Interrogatory No. 3: Please describe in detail your position regarding the adequacy of water and sewer utility service currently provided to the areas requested in your 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 water and/or sewer utility service, identification of each of those people, and identification of the water and/or utility service provider for each of those people. Please distinguish between water and sewer in your response.

RESPONSE: There are no customers in the requested service area being served by a retail public utility at this time that the Town is aware of.

Interrogatory No. 4: Please describe in detail your position regarding the need for additional water and/or sewer utility service to the entire areas requested (18,230 acres) in your CCN applications, including, but not limited to, identification of any person or entity who has requested service in your 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 are(s) sought by each entity in its application(s), and description of the water and sewer utility service currently available to each identified person. Please distinguish between water and sewer in your response.

RESPONSE: The City of Lindsay has received numerous requests for water and sewer service within the requested area. The need for service in the area is demonstrated by the requests for service. The written requests for service have been produced in response to Request for Production No. 4.

Interrogatory No. 5: Please describe in detail your position regarding the effect of the proposed water and sewer CCNs requested by you, on any retail public utility of the same kind already serving the areas proximate to those areas you requested in your CCN applications. Please distinguish between water and sewer in your response.

RESPONSE: Lindsay's water and sewer application should have no impact on any neighbouring utilities as no other utility that Lindsay is aware of has legal authority to provide water or sewer service in Lindsay's proposed service area.

Interrogatory No. 6: Please describe in detail your ability to provide continuous and adequate water and/or sewer utility service to the areas requested in your CCN applications. Please distinguish between water and sewer in your response.

RESPONSE: The City's water meets or exceeds all minimum State standards for potability, capacity, and operations. The City has additional capacity to provide service to new customers. Regarding sewer service, the City operates its wastewater treatment plant in compliance with State regulations. There is existing capacity to service existing and new customers.

Interrogatory No. 7: Please describe in detail your managerial capability to provide continuous and adequate water and/or sewer utility service to the requested service areas and identify The Town of Lindsay employee and/or contractor who will be utilized for providing managerial functions and/or services. Please distinguish between water and sewer in your response.

RESPONSE: Lindsay has the managerial capability to provide continuous and adequate water and sewer utility services to the requested service areas. The City has one contract operator, Mr. Robert Walterscheid, who holds a Groundwater Treatment Operator Class C license. The City has a contract operator, Mr. Charles Young, who holds a Class B wastewater operators license. Mr. Norbert Mages is the Town's Public Works Director. Overall oversight is provided by the Town Council.

Interrogatory No. 8: Please describe in detail your position regarding the feasibility of obtaining water or sewer utility service from another retail public utility adjacent to the areas requested in your CCN applications. Please distinguish between water and sewer in your response.

RESPONSE: There are no other utilities in the proposed service area with the legal authority to provide service to the area. Thus, obtaining service from an adjacent retail public utility is infeasible.

Interrogatory No. 9: Please describe in detail the effect of granting your CCN application would have on the environmental integrity of the service areas requested in your CCN applications. Please distinguish between water and sewer in your response.

RESPONSE: Lindsay believes that providing sewer service to the requested area that currently relies on septic systems would enhance the environment integrity of the proposed service area. Providing water service that meets the State's potability standards also ensures that customers in the area will have a safe source of water.