

Interrogatory No. 10: Please describe in detail your position regarding the probable improvement in service or lowering of cost to consumers in the areas requested in your CCN applications, should your applications be granted, including the rates you plan to charge those consumers. In your response, please include a description of historical water service reliability and historical water quality data in The Town of Lindsay's proposed service areas, and describe current and projected costs to consumers in The Town of Lindsay's proposed service areas. Also, please distinguish between water and sewer in your response.

RESPONSE: Customers in the area are not currently being served. The City plans to charge the same out of city rate to all customers in the requested area.

Interrogatory No. 11: Please describe the proximity of the proposed areas sought your (sic) CCN to any existing facilities currently operated by The Town of Lindsay and any other retail public utility, if knows, and to any water and/or sewer facilities The Town of Lindsay proposed to construct. Please distinguish between water and sewer in your response.

RESPONSE: See spreadsheet attached to this response which details all lines and their proximity to the proposed area.

WATER SYSTEM INVENTORY

FACILITY

CAPACITY

WATER SYSTEM STANDARDS

FACILITY CAPACITY

TCEQ

LINDSAY

EXCESS CAPACITY

| | | | | | | | |
|-----------------------|----------------------------|--------------|----------|-----------------------------|---------------------|----------|------|
| Well #1 | Depth 799 vt Antlers Sand | Avg. 120 gpm | Peak gpm | Total Well Capacity | 0.6 gpm/ connection | 394 | 306 |
| Well #2 | Depth 786 vt Antlers Sand | Avg. 100 gpm | Peak gpm | Total Storage | 200 gal./connection | 394 | 1056 |
| Well #3 | Depth 800 vt Antlers Sand | Avg. 200 gpm | Peak gpm | Elevated Storage | 100 gal./connection | 394 | 1106 |
| Ground Storage | 30,000 gallons | | | No. Of Sources of water=3 | Ground Water | ?? | |
| Ground Storage | 30,000 gallons | | | Minimal Residual Pressure | 20 psi | 35 to 37 | |
| Ground Storage | 40,000 gallons | | | Normal Residual Pressure | 35 psi | | |
| Ground Storage | 40,000 gallons | | | No. "C" Certified Operators | 1 | | |
| Elevated Storage Tank | 150,000 gallons | | | | | | |
| Distribution Lines | Approx No. of miles = 3.14 | 4" diameter | | | | | |
| Distribution Lines | Approx No. of miles = 3.98 | 6" diameter | | | | | |
| Distribution Lines | Approx No. of miles = .48 | 8" diameter | | | | | |
| Distribution Lines | Approx No. of miles = 3.41 | 10" diameter | | | | | |
| Distribution Lines | Approx No. of miles = .25 | 3" diameter | | | | | |
| Booster Pumps | Pump Capacity 1,008 MGD | | | | | | |

WASTEWATER SYSTEM INVENTORY

FACILITY

WWTP DESIGN CAP

TCEQ DESIGN CAPACITY

AVG DAILY FLOW (MGD)

DESIGN POPULATION

LINDSAY EXCESS CAPACITY

| | | | | | | | |
|--|----------------------------|--------------|--|--|--|--|--|
| Wastewater Treatment Plant-Oxidation Ditch | .08 MGD | | | | | | |
| Lift station | | | | | | | |
| Collection lines | Approx No. of miles = 5.16 | 6" diameter | | | | | |
| Collection lines | Approx No. of miles = 3.71 | 8" diameter | | | | | |
| Collection lines | Approx No. of miles = .11 | 10" diameter | | | | | |

Interrogatory No. 12: Please identify and describe, including amount and type, any and all of costs that will be passed to potential customers in the proposed The (sic) Town of Lindsay water and sewer CCN areas if The Town of Lindsay becomes the water and/or sewer utility service provider for those areas, including, but not limited to, any and all initial and long-term facility costs. Please distinguish between water and sewer in your response.

RESPONSE: The Town has a line extension policy which details the responsibilities of each potential customer.

Interrogatory No. 13: If The Town of Lindsay proposes to construct a new stand alone water and/or sewer system to serve any of its areas requested in its applications, please provide a detailed analysis of all the costs necessary for the first five years to construct, operate, and maintain those facilities.

RESPONSE: Lindsay does not propose to construct a new stand alone water or sewer system.

Interrogatory No. 14: Is it your position that The Town of Lindsay has a water treatment and distribution system and/or wastewater treatment system in place that is adequate to provide utility service to the areas The Town of Lindsay proposes to serve in its applications? If so, please describe any potable water treatment and delivery system that you believe is in place and adequate to provide water utility service to the proposed areas sought in The Town of Lindsay's water CCN amendment application, as well as any wastewater treatment system. Please describe the capacities of each component of any such systems, including, but not limited to: well capacities (including a description of wash well's depth aquifer, and gallons per minute production during average and peak drought conditions); feet of distribution lines in the systems and the diameter of those lines; pumps and their rated capacities; and treatment plants and their capacities not already used to meet peak demands of existing The Town of Lindsay customers and/or customers The Town of Lindsay is already committed to serve. Please distinguish between water and sewer in your response.

RESPONSE: Yes. The City of Lindsay has excess capacity in both the water and sewer systems at this time and additional infrastructure improvements will be constructed over time, as demand dictates. The improvements needed to support the growth will include new water wells, ground storage tanks, elevated storage, booster pumps, transmission and distribution mains, new wastewater treatment plant, trunk lines, lift stations, force mains, and related appurtenances. It is anticipated that the facilities will be financed by various funding methods including impact fees, developer facility agreements, water and sewer revenue bonds, economic development incentives, and grants. The timing of improvements will be based on demand and will be based on an "as needed basis" within the framework of an overall facilities plan.

Interrogatory No. 15: Please describe the financial stability of The Town of Lindsay, including, of applicable, the adequacy of The Town of Lindsay's debt-equity ration and cash flow for debt service coverage.

RESPONSE: OBJECTION:

Lindsay objects to this request because it exceeds the permissible amount of Interrogatories allowed under 30 Tex. Admin. Code § 80.152(c).

Interrogatory No. 16: Please estimate the time it would take for The Town of Lindsay to provide water and sewer utility service to The Town of Lindsay's proposed water and or sewer service areas in compliance with all applicable Commission rules and statutes, and please describe the time it would take The Town of Lindsay to provide water and sewer utility service to any person requesting service in any outlying portions of the areas requested by The Town of Lindsay in its applications. Please distinguish between water and sewer in your response..

RESPONSE: OBJECTION:

Lindsay objects to this request because it exceeds the permissible amount of Interrogatories allowed under 30 Tex. Admin. Code § 80.152(c).

Interrogatory No. 17: On large scale copies of the service areas maps submitted with The Town of Lindsay's original applications, please identify, to the best of your knowledge, all The Town of Lindsay's existing and proposed water and/or sewer connection(s) located outside the corporate limits of The Town of Lindsay. Please distinguish between water and sewer in your response.

RESPONSE: OBJECTION:

Lindsay objects to this request because it exceeds the permissible amount of Interrogatories allowed under 30 Tex. Admin. Code § 80.152(c).

Interrogatory No. 18: Please describe whether granting The Town of Lindsay's water and/or sewer CCN applications would promote the Commission's policy goal of regionalization.

RESPONSE: OBJECTION:

Lindsay objects to this request because it exceeds the permissible amount of Interrogatories allowed under 30 Tex. Admin. Code § 80.152(c).

C. REQUESTS FOR PRODUCTION

Request for Production No. 1: Please provide a copy of the report from the most recent inspection by the TCEQ region office on any The (sic) Town of Lindsay public water system facility that may be used to provide water utility service to the area The Town of Lindsay requests to serve in its water CCN amendment application and a copy of any notice of violation issued to The Town of Lindsay and The Town of Lindsay's response to the notice of violation.

RESPONSE: The Applicant has and will produce the documents responsive to this Request at the Georgetown offices of the Applicant's counsel at a mutually agreeable time.

Request for Production No. 2: Please provide any and all documents relating to TCEQ, County and/or all regulatory agency approvals required for The Town of Lindsay's existing and proposed water and sewer utility service facilities. Please distinguish between water and sewer in your response.

RESPONSE: The Applicant has and will produce the documents responsive to this Request at the Georgetown offices of the Applicant's counsel at a mutually agreeable time.

Request for Production No. 3: Please provide The Town of Lindsay's latest audit report or financial information for the past fiscal year and current balance sheet information.

RESPONSE: The Applicant has and will produce the documents responsive to this Request at the Georgetown offices of the Applicant's counsel at a mutually agreeable time.

Request for Production No. 4: Please provide any and all documents from any person or entity requesting service from you in the proposed areas sought in the Town of Lindsay applications and your response. Please distinguish between water and sewer in your response.

RESPONSE: The Applicant has and will produce the documents responsive to this Request at the Georgetown offices of the Applicant's counsel at a mutually agreeable time.

Request for Production No. 5: Please provide any and all maps showing the location or locations of those persons already receiving service and those requesting service in the proposed area sought in the Town of Lindsay CCN applications. Please distinguish between water and sewer in your response.

RESPONSE: The Applicant has and will produce the documents responsive to this Request at the Georgetown offices of the Applicant's counsel at a mutually agreeable time.

Request for Production No. 6: Please provide any and all estimates of the capital costs for The Town of Lindsay to provide water and sewer utility service to the proposed areas sought in the Town of Lindsay CCN applications. Please distinguish between water and sewer in your response.

RESPONSE: See the response provided to the Commission on November 9, 2005, addressed to Karen Blaschke, which should be a part of the application file.

Request for Production No. 7: Please provide any and all existing capital asset acquisition budgets for The Town of Lindsay. Please distinguish between water and sewer in your response.

RESPONSE: After a diligent search, there are no records responsive to this request.

Request for Production No. 8: Please provide any and all maps that illustrate the location of all water and sewer treatment facilities currently in place in or within two miles of the proposed water and sewer utility service areas in the Town of Lindsay CCN applications. Please distinguish between water and sewer in your response.

RESPONSE: See maps produced in response to Request for Production No. 5.

Request for Production No. 9: Please provide any and all maps that illustrate the location(s) within the water and/or sewer service areas requested in The Town of Lindsay's CCN applications where The Town of Lindsay currently provides water and/or sewer service.

RESPONSE: See maps produced in response to Request for Production No. 5.

Request for Production No. 10: Please provide a copy of any and all complaints The Town of Lindsay has received in the past five years related to The Town of Lindsay's water or sewer utility service, operations, or management. Please distinguish between water and sewer in your response.

RESPONSE: After a diligent search, there are no records responsive to this request.

Request for Production No. 11: Please provide any and all requests or applications for loans or grants made by The Town of Lindsay.

RESPONSE: After a diligent search, there are no records responsive to this request.

Request for Production No. 12: Please produce copies of any and all water and/or sewer service agreements, either wholesale and/or retail, between The Town of Lindsay and any other utility to provide water and sewer service.

RESPONSE: After a diligent search, there are no records responsive to this request.

Request for Production No. 13: Please produce copies of any and all documents identified in your responses to Interrogatory Nos. one (1) through eighteen (18) listed above.

RESPONSE: After a diligent search, there are no records responsive to this request.

Request for Production No. 14: Please produce a hard copy map and digital data with metadata to illustrate the requested water service area, the city limits and the extraterritorial jurisdiction boundary of the Town of Lindsay.

RESPONSE: See the maps and CD-Rom transmitted to Ms. Tuyet Truong on March 7, 2006, which should be a part of the application file.

Request for Production No. 15: Please produce a hard copy map and digital data with metadata to illustrate the requested sewer service area, the city limits and the extraterritorial jurisdiction boundary of the Town of Lindsay.

RESPONSE: See the maps and CD-Rom transmitted to Ms. Tuyet Truong on March 7, 2006, which should be a part of this application file.

Request for Production No. 16: Please produce copies of all written requests for service to include landowner requests, application for service, letters from developers, etc.

RESPONSE: See documents produced in response to Request for Production No. 4.

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 THE TOWN
OF LINDSAY**

CERTIFICATE OF SERVICE

I hereby certify that on this 2nd 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 or party representatives of record:

Mr. John Carlton, Attorney
Armbrust & Brown, LLP
100 Congress Avenue, Suite 1300
Austin, Texas 78701
Fax: 512/ 435-2360

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

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

Docket Clerk
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
Fax: 239-3311



ARTURO D. RODRIGUEZ, JR.

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

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

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

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

The City of Lindsay ("City" or "Lindsay"), serves this, its Responses to Lindsay Pure Water Company's Request for Disclosure by and through its attorney, Mr. John Carlton, 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 "the Commission") and the State Office of Administrative Hearings ("SOAH").

A. REQUEST FOR DISCLOSURE

Rule 194.2(a) The correct names of the parties to the contested case hearing.

RESPONSE: Lindsay believes the correct parties to the contested case are the parties admitted by the judge in Order No. 1, issued on July 12, 2006.

Rule 194.2 (b) the name, address and telephone number of any potential parties;

RESPONSE: Lindsay is not aware of any potential parties.

TEXAS
COMMISSION
ON ENVIRONMENTAL QUALITY
CHIEF CLEER'S OFFICE
7/27/2006 12:12

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

RESPONSE: The City contends that the application it filed in the above referenced matter for an amendment to its existing water and sewer Certificates of Convenience and Necessity should be granted as the applications demonstrate that the City has met all statutory and regulatory requirements.

Rule 194.2(d) The amount and any method of calculating economic damages.

RESPONSE: Rule 194.2(d) is not applicable to this proceeding.

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 an alderwoman 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(g) Any indemnifying and insuring agreements described in Rule 193.2(f).

RESPONSE: None.

Rule 194.2(h) Any settlement agreements described in Rule 193.2(g).

RESPONSE: None.

Rule 194.2(i)

Any witness statements described in Rule 192.3(h).

RESPONSE:

None.

Respectfully submitted,

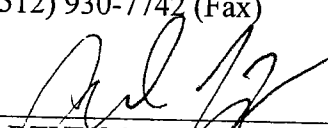
Russell & Rodriguez, L.L.P.

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 2nd day of October, 2006, a true and correct copy of the foregoing document has been sent via facsimile, first class mail, or hand-delivered to the following counsel of record:

Mr. John Carlton, Attorney
Armbrust & Brown, LLP
100 Congress Avenue, Suite 1300
Austin, Texas 78701
Fax: 512/ 435-2360

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

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

Docket Clerk
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
Fax: 239-3311



ARTURO D. RODRIGUEZ, JR.

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

**APPLICATION OF THE TOWN OF § 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(c) 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 Spacth
P.O. Box 153
Lindsay, Texas 76250
(940) 665-4455
Mr. Spacth is an alderman for the City of Lindsay.

Ms. Betsy Fleitman
City Secretary
P.O. Box 153
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(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
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Mr. Arturo D. Rodriguez, Jr.
Ms. Faith M. Wright
102 West Morrow Street, Suite 103
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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.

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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 area(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.

Interrogatory No. 10: Please describe in detail your position regarding the probable improvement in service or lowering of cost to consumers in the areas requested in your CCN applications, should your applications be granted, including the rates you plan to charge those consumers. In your response, please include a description of historical water service reliability and historical water quality data in The Town of Lindsay's proposed service areas, and describe current and projected costs to consumers in The Town of Lindsay's proposed service areas. Also, please distinguish between water and sewer in your response.

RESPONSE: Customers in the area are not currently being served. The City plans to charge the same out of city rate to all customers in the requested area.

Interrogatory No. 11: Please describe the proximity of the proposed areas sought your (sic) CCN to any existing facilities currently operated by The Town of Lindsay and any other retail public utility, if known, and to any water and/or sewer facilities The Town of Lindsay proposed to construct. Please distinguish between water and sewer in your response.

RESPONSE: See spreadsheet attached to this response which details all lines and their proximity to the proposed area.

9/22/2006

2:54 PM

WATER SYSTEM INVENTORY

WATER SYSTEM STANDARDS

| FACILITY | CAPACITY | | FACILITY CAPACITY | | TCEQ | | LINDSAY | | EXCESS CAPACITY | |
|-----------------------|---------------------------|--------------|---------------------|--------------------|--------------------|--------------------|--------------|--------|-----------------|---|
| | Depth | Avg | Total Well Capacity | 0.6 gpm/connection | 200 gal/connection | 100 gal/connection | Ground Water | 20 psi | 35 psi | 1 |
| Well #1 | Depth 799 w/ Arters Sand | Avg 120 gpm | Peak gpm | | | | | | | |
| Well #2 | Depth 786 w/ Arters Sand | Avg 100 gpm | Peak gpm | | | | | | | |
| Well #3 | Depth 800 w/ Arters Sand | Avg 200 gpm | Peak gpm | | | | | | | |
| Ground Storage | 30,000 gallons | | | | | | | | | |
| Ground Storage | 30,000 gallons | | | | | | | | | |
| Ground Storage | 40,000 gallons | | | | | | | | | |
| Ground Storage | 40,000 gallons | | | | | | | | | |
| Elevated Storage Tank | 150,000 gallons | | | | | | | | | |
| Distribution Lines | Approx No of miles = 3.14 | 4" diameter | | | | | | | | |
| Distribution Lines | Approx No of miles = 3.98 | 6" diameter | | | | | | | | |
| Distribution Lines | Approx No of miles = 48 | 6" diameter | | | | | | | | |
| Distribution Lines | Approx No of miles = 3.41 | 10" diameter | | | | | | | | |
| Distribution Lines | Approx No of miles = .25 | 3" diameter | | | | | | | | |
| Booster Pumps | Pump Capacity 1,008 MGD | | | | | | | | | |

WASTEWATER SYSTEM INVENTORY

| FACILITY | WWT DESIGN CAP | TCEQ DESIGN CAPACITY | AVG DAILY FLOW (MGD) | DESIGN POPULATION | LINDSAY EXCESS CAPACITY |
|--|---------------------------|----------------------|----------------------|-------------------|-------------------------|
| Wastewater Treatment Plant-Oxidation Ditch | .08 MGD | 066 MGD | 0.03 MGD | 800 | 394 |
| Lift station | | | | | 406 |
| Collection Lines | Approx No of miles = 5.16 | 6" diameter | | | |
| Collection Lines | Approx No of miles = 3.71 | 8" diameter | | | |
| Collection Lines | Approx No of miles = 11 | 10" diameter | | | |

Interrogatory No. 12: Please identify and describe, including amount and type, any and all of costs that will be passed to potential customers in the proposed The (sic) Town of Lindsay water and sewer CCN areas if The Town of Lindsay becomes the water and/or sewer utility service provider for those areas, including, but not limited to, any and all initial and long-term facility costs. Please distinguish between water and sewer in your response.

RESPONSE: The Town has a line extension policy which details the responsibilities of each potential customer.

Interrogatory No. 13: If The Town of Lindsay proposes to construct a new stand alone water and/or sewer system to serve any of its areas requested in its applications, please provide a detailed analysis of all the costs necessary for the first five years to construct, operate, and maintain those facilities.

RESPONSE: Lindsay does not propose to construct a new stand alone water or sewer system.

Interrogatory No. 14: Is it your position that The Town of Lindsay has a water treatment and distribution system and/or wastewater treatment system in place that is adequate to provide utility service to the areas The Town of Lindsay proposes to serve in its applications? If so, please describe any potable water treatment and delivery system that you believe is in place and adequate to provide water utility service to the proposed areas sought in The Town of Lindsay's water CCN amendment application, as well as any wastewater treatment system. Please describe the capacities of each component of any such systems, including, but not limited to: well capacities (including a description of wash well's depth aquifer, and gallons per minute production during average and peak drought conditions); feet of distribution lines in the systems and the diameter of those lines; pumps and their rated capacities; and treatment plants and their capacities not already used to meet peak demands of existing The Town of Lindsay customers and/or customers The Town of Lindsay is already committed to serve. Please distinguish between water and sewer in your response.

RESPONSE: Yes The City of Lindsay has excess capacity in both the water and sewer systems at this time and additional infrastructure improvements will be constructed over time, as demand dictates. The improvements needed to support the growth will include new water wells, ground storage tanks, elevated storage, booster pumps, transmission and distribution mains, new wastewater treatment plant, trunk lines, lift stations, force mains, and related appurtenances. It is anticipated that the facilities will be financed by various funding methods including impact fees, developer facility agreements, water and sewer revenue bonds, economic development incentives, and grants. The timing of improvements will be based on demand and will be based on an "as needed basis" within the framework of an overall facilities plan.

Interrogatory No. 15: Please describe the financial stability of The Town of Lindsay, including, of applicable, the adequacy of The Town of Lindsay's debt-equity ratio and cash flow for debt service coverage.

RESPONSE: OBJECTION:

Lindsay objects to this request because it exceeds the permissible amount of Interrogatories allowed under 30 Tex. Admin. Code § 80.152(c).

Interrogatory No. 16: Please estimate the time it would take for The Town of Lindsay to provide water and sewer utility service to The Town of Lindsay's proposed water and or sewer service areas in compliance with all applicable Commission rules and statutes, and please describe the time it would take The Town of Lindsay to provide water and sewer utility service to any person requesting service in any outlying portions of the areas requested by The Town of Lindsay in its applications. Please distinguish between water and sewer in your response..

RESPONSE: OBJECTION:

Lindsay objects to this request because it exceeds the permissible amount of Interrogatories allowed under 30 Tex. Admin. Code § 80.152(c).

Interrogatory No. 17: On large scale copies of the service areas maps submitted with The Town of Lindsay's original applications, please identify, to the best of your knowledge, all The Town of Lindsay's existing and proposed water and/or sewer connection(s) located outside the corporate limits of The Town of Lindsay. Please distinguish between water and sewer in your response.

RESPONSE: OBJECTION:

Lindsay objects to this request because it exceeds the permissible amount of Interrogatories allowed under 30 Tex. Admin. Code § 80.152(c).

Interrogatory No. 18: Please describe whether granting The Town of Lindsay's water and/or sewer CCN applications would promote the Commission's policy goal of regionalization.

RESPONSE: OBJECTION:

Lindsay objects to this request because it exceeds the permissible amount of Interrogatories allowed under 30 Tex. Admin. Code § 80.152(c).

C. REQUESTS FOR PRODUCTION

Request for Production No. 1: Please provide a copy of the report from the most recent inspection by the TCEQ region office on any The (sic) Town of Lindsay public water system facility that may be used to provide water utility service to the area The Town of Lindsay requests to serve in its water CCN amendment application and a copy of any notice of violation issued to The Town of Lindsay and The Town of Lindsay's response to the notice of violation.

RESPONSE: The Applicant has and will produce the documents responsive to this Request at the Georgetown offices of the Applicant's counsel at a mutually agreeable time.

Request for Production No. 2: Please provide any and all documents relating to TCEQ, County and/or all regulatory agency approvals required for The Town of Lindsay's existing and proposed water and sewer utility service facilities. Please distinguish between water and sewer in your response.

RESPONSE: The Applicant has and will produce the documents responsive to this Request at the Georgetown offices of the Applicant's counsel at a mutually agreeable time.

Request for Production No. 3: Please provide The Town of Lindsay's latest audit report or financial information for the past fiscal year and current balance sheet information.

RESPONSE: The Applicant has and will produce the documents responsive to this Request at the Georgetown offices of the Applicant's counsel at a mutually agreeable time.

Request for Production No. 4: Please provide any and all documents from any person or entity requesting service from you in the proposed areas sought in the Town of Lindsay applications and your response. Please distinguish between water and sewer in your response.

RESPONSE: The Applicant has and will produce the documents responsive to this Request at the Georgetown offices of the Applicant's counsel at a mutually agreeable time.

Request for Production No. 5: Please provide any and all maps showing the location or locations of those persons already receiving service and those requesting service in the proposed area sought in the Town of Lindsay CCN applications. Please distinguish between water and sewer in your response.

RESPONSE: The Applicant has and will produce the documents responsive to this Request at the Georgetown offices of the Applicant's counsel at a mutually agreeable time.

Request for Production No. 6: Please provide any and all estimates of the capital costs for The Town of Lindsay to provide water and sewer utility service to the proposed areas sought in the Town of Lindsay CCN applications. Please distinguish between water and sewer in your response.

RESPONSE: See the response provided to the Commission on November 9, 2005, addressed to Karen Blaschke, which should be a part of the application file.

Request for Production No. 7: Please provide any and all existing capital asset acquisition budgets for The Town of Lindsay. Please distinguish between water and sewer in your response.

RESPONSE: After a diligent search, there are no records responsive to this request.

Request for Production No. 8: Please provide any and all maps that illustrate the location of all water and sewer treatment facilities currently in place in or within two miles of the proposed water and sewer utility service areas in the Town of Lindsay CCN applications. Please distinguish between water and sewer in your response.

RESPONSE: See maps produced in response to Request for Production No. 5.

Request for Production No. 9: Please provide any and all maps that illustrate the location(s) within the water and/or sewer service areas requested in The Town of Lindsay's CCN applications where The Town of Lindsay currently provides water and/or sewer service.

RESPONSE: See maps produced in response to Request for Production No. 5.

Request for Production No. 10: Please provide a copy of any and all complaints The Town of Lindsay has received in the past five years related to The Town of Lindsay's water or sewer utility service, operations, or management. Please distinguish between water and sewer in your response.

RESPONSE: After a diligent search, there are no records responsive to this request.

Request for Production No. 11: Please provide any and all requests or applications for loans or grants made by The Town of Lindsay

RESPONSE: After a diligent search, there are no records responsive to this request.

Request for Production No. 12: Please produce copies of any and all water and/or sewer service agreements, either wholesale and/or retail, between The Town of Lindsay and any other utility to provide water and sewer service.

RESPONSE: After a diligent search, there are no records responsive to this request.

Request for Production No. 13: Please produce copies of any and all documents identified in your responses to Interrogatory Nos one (1) through eighteen (18) listed above.

RESPONSE: After a diligent search, there are no records responsive to this request.

Request for Production No. 14: Please produce a hard copy map and digital data with metadata to illustrate the requested water service area, the city limits and the extraterritorial jurisdiction boundary of the Town of Lindsay.

RESPONSE: See the maps and CD Rom transmitted to Ms. Tuyet Truong on March 7, 2006, which should be a part of the application file.

Request for Production No. 15: Please produce a hard copy map and digital data with metadata to illustrate the requested sewer service area, the city limits and the extraterritorial jurisdiction boundary of the Town of Lindsay.

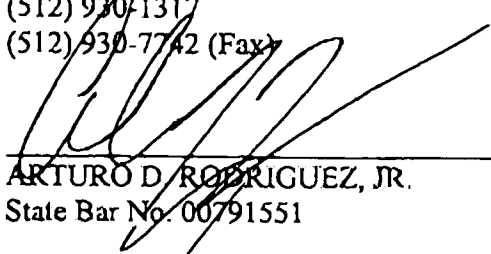
RESPONSE: See the maps and CD-Rom transmitted to Ms. Tuyet Truong on March 7, 2006, which should be a part of this application file.

Request for Production No. 16: Please produce copies of all written requests for service to include landowner requests, application for service, letters from developers, etc.

RESPONSE: See documents produced in response to Request for Production No. 4.

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 THE TOWN
OF LINDSAY**

CERTIFICATE OF SERVICE

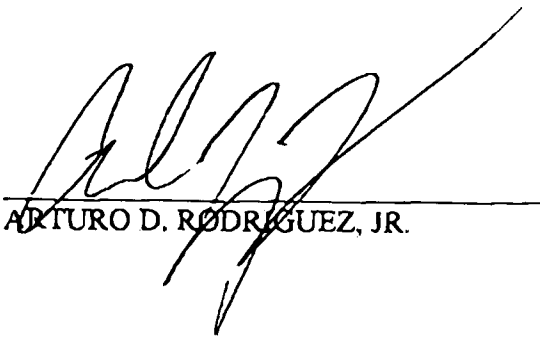
I hereby certify that on this 2nd day of October, 2006, a true and correct copy of the foregoing document has been sent via facsimile, first class mail, or hand-delivered to the following counsel or party representatives of record:

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
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Fax: 239-6377

Mr. Brian MacLeod, Attorney
Mr. Christiaan Siano
Environmental Law Division
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ARTURO D. RODRIGUEZ, JR.

RUSSELL & RODRIGUEZ, L.L.P.

Attorneys at Law

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

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FACSIMILE COVER PAGE

October 2, 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: 5 (Including Cover Sheet)

Re:

Comments: City of Lindsay's Discovery Responses to the ED's Requests

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

May 21, 2008

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

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

TEXAS
 COMMISSION
 ON ENVIRONMENTAL
 QUALITY
 2008 MAY 22 AM 10:23
 CHIEF CLERKS OFFICE

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

Dear Arturo:

Enclosed please find Lindsay Pure Water Company's First Supplement to First Amended Response to the City of Lindsay's Interrogatories and Second Set of Requests for Production. I have also enclosed a copy of our production index along with LPWC 00306-00307.

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

Sincerely,

ARMBRUST & BROWN, L.L.P.

 John J. Carlton

Enclosures

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

RECEIVED

MAY 29 2009

TCEQ
 CENTRAL FILE ROOM

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

2008 MAY 22 AM 10:00
CHIEF CLERK'S OFFICE

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

**LINDSAY PURE WATER COMPANY'S FIRST SUPPLEMENT TO FIRST AMENDED
RESPONSE TO THE CITY OF LINDSAY'S INTERROGATORIES AND 2ND 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 First Supplement to First Amended Response to the City of Lindsay's Interrogatories and 2nd Set of Requests for Production.

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: The Company's existing water system consists of approximately three miles of six-inch diameter C900 pipe, which serves the existing 26 homes within the Company's CCN and the South Ridge of Lindsay subdivision.

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: The Company currently has one high-pressure pump, one high-volume pump, a 1,000 gallon pressure tank and a liquid chlorination system serving its existing CCN and the South Ridge of Lindsay subdivision.

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

RESPONSE: The Company received the requests identified in response to RFP #10, Bates numbered documents LPWC 00028-00036. The Company is also planning and has constructed facilities to serve the entire South Ridge of Lindsay subdivision.

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: No such actions have been taken at this time as there is no need for service beyond the South Ridge of Lindsay subdivision at the current time.

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

RESPONSE: The Company did not file for a CCN because there was not a need for service at the time that would have justified the application and the Company was not aware that its CCN did not include all of the South Ridge of Lindsay subdivision.

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

By my signature above, I hereby certify that a true and correct copy of the foregoing has been sent by Facsimile and/or First Class Mail on this 21st day of May, 2008, to the following:

Arturo D. Rodriguez, Jr.
Russell & Rodriguez, L.L.P.
102 West Morrow Street, Suite 103
Georgetown, Texas 78626
Phone: (512) 930-1317
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Docket Clerk
Office of the Chief Clerk – MC 103
Texas Commission on Environmental
Quality
P.O. Box 13087
Austin, Texas 78711-3087
Phone: (512) 239-3300
Facsimile: (512) 239-331

CHIEF CLERKS OFFICE

2008 MAY 22 AM 10:25

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY