

RUSSELL & RODRIGUEZ, L.L.P.

Attorneys at Law

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

Phone (512) 930-1317

E-mail: arodriguez@txadminlaw.com

Fax (512) 930-7742

FACSIMILE COVER PAGE

May 19, 2008

Please Deliver the Following page(s) to:

Mr. John Carlton, Attorney

Mr. Blas Coy, Attorney

Mr. Brian MacLeod

TCEQ Chief Clerk

Fax Number: (512) 435-2360

Fax Number: (512) 239-6377

Fax Number: (512) 239-0606

Fax Number: (512) 239-3311

Client Number: 1140-00

From: Arturo D. Rodriguez, Jr.

Direct Phone: (512) 930-1317

Pages: 12 (Including Cover Sheet)

Re:

Comments: City of Lindsay's 1st Supp. Responses to ED's RFD

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2008 MAY 19 PM 4:25
CHIEF CLERKS OFFICE

**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

**THE TOWN OF LINDSAY'S RESPONSES TO THE EXECUTIVE DIRECTOR'S
SECOND REQUESTS FOR ADMISSION, 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 Second Requests for Admission, 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").

A. REQUESTS FOR ADMISSION

Admission No. 1: Admit or deny that the Town of Lindsay is currently providing retail water service to customers in the requested area.

RESPONSE: Admit.

Admission No. 2: Admit or deny that the Town of Lindsay is currently providing retail sewer service to customers in the requested area.

RESPONSE: Admit.

Admission No. 3: Admit or deny that the Town of Lindsay has water facility lines and/or infrastructure currently available to provide service in the requested area.

RESPONSE: Admit.

Admission No. 4: Admit or deny that the Town of Lindsay has sewer facility lines and/or infrastructure currently available to provide adequate sewer service in the requested area.

RESPONSE: Admit.

Admission No. 5: Admit or deny that the Town of Lindsay has received additional requests for retail water service in the requested area during the time the application has been in abatement.

RESPONSE: Admit.

Admission No. 6: Admit or deny that the Town of Lindsay has received additional requests for retail sewer service during the time the application has been in abatement.

RESPONSE: Admit

B. INTERROGATORIES

Interrogatory No. 1: For each request for service received, please identify the type of retail water service being requested (i.e., water, sewer, or both) from the Town of Lindsay in the requested area.

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. 2: Please indicate whether the 362 customers currently receiving service from the Town of Lindsay, as indicated in the application, are located in the requested area.

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. 3: Please discuss and describe in detail whether the Town of Lindsay has received additional requests for retail water or sewer service in the requested area. Distinguish between water or sewer service 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. 4: Please discuss and describe in detail whether the Town of Lindsay has begun providing additional requests for retail water or sewer service in the requested area. Distinguish between water or sewer service 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. 5: Please discuss and describe in detail why the Town of Lindsay's contends that it is infeasible for another retail water and/or sewer utility to provide retail water and/or sewer service to the requested area.

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. 6: The Town of Lindsay's response to the Executive Director's first Interrogatory No. 11 included an attached spreadsheet which detailed all lines and their proximity to the proposed area. Please distinguish whether or not each of the Town of Lindsay's facilities identified in the response is an existing facility and which is a proposed facility.

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 Town of Lindsay's annual financial report for the years ending October 31, 2005, and October 31, 2006.

RESPONSE: See documents Bates labeled as APP0248-APP0289, previously provided to the TCEQ on March 25, 2008.

Request for Production No. 2: Please provide a copy of the report from the most recent water comprehensive compliance investigation for the Town of Lindsay's water system.

RESPONSE: See attached documents.

Request for Production No. 3: Please provide a copy of the report from the most recent wastewater comprehensive compliance investigation for the Town of Lindsay's wastewater system.

RESPONSE: See documents Bates labeled as APP0415-APP0434, previously provided to the TCEQ on March 25, 2008.

Request for Production No. 4: Please provide a copy of any notice of violation letters received from TCEQ and any responses to address these violations regarding the Town of Lindsay's water system for the past 2 years.

RESPONSE: See documents Bates labeled as APP0435-APP0455, previously provided to the TCEQ on March 25, 2008.

Request for Production No. 5: Please provide a copy of any notice of violation letters received from TCEQ and any responses to address these violations regarding the Town of Lindsay's wastewater system for the past 2 years.

RESPONSE: There are no documents responsive to this request.

Request for Production No. 6: On a map showing the proposed water service area, please mark the location(s) of those persons already receiving retail water service from the Town of Lindsay and also those requesting retail water service from the Town of Lindsay.

RESPONSE: OBJECTION:

The City objects to this request as the request asks the City to create a document. To be subject to discovery, the things or document must be in the custody, control, or possession of a party on whom the request is served. *See In re Colonial Pipeline Co.*, 968 S.W.2d 938 (Tex. 1998); *see also Smith v. O'Neal*, 850 S.W.2d 797 (Tex.App.-Houston [14th Dist.] 1993, no writ).

Request for Production No. 7: On a map showing the proposed wastewater service area, please mark the location(s) of those persons already receiving retail sewer service from the Town of Lindsay and also those requesting retail water service from the Town of Lindsay.

RESPONSE: OBJECTION:

The City objects to this request as the request asks the City to create a document. To be subject to discovery, the things or document must be in the custody, control, or possession of a party on whom the request is served. *See In re Colonial Pipeline Co.*, 968 S.W.2d 938 (Tex. 1998); *see also Smith v. O'Neal*, 850 S.W.2d 797 (Tex.App.-Houston [14th Dist.] 1993, no writ).

Request for Production No. 8: Please provide a copy of the resume or curriculum vitae for each expert the Town of Lindsay expects to call in this proceeding.

RESPONSE: The City of Lindsay has not engaged any expert witnesses at this time.

Request for Production No. 9: Please produce a copy of the Town of Lindsay's line extension policies for water and/or sewer service to customers.

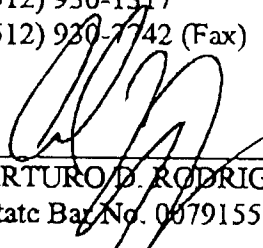
RESPONSE: See attached documents.

Request for Production No. 10: Please produce copies of any and all documents identified in your responses to Interrogatory Nos. one (1) through six (6) listed above or used to assist you in responding to Interrogatory Nos. one (1) through six (6) listed above.

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

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**

CHIEF CLERK'S OFFICE

23 MAY -7 AM 8:44

TEXAS
JAMES
COUNTY
CLERK'S
OFFICE

CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of May, 2008, a true and correct copy of the foregoing document has been sent via facsimile, first class mail, or hand-delivered to the following counsel or party representatives of record:

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

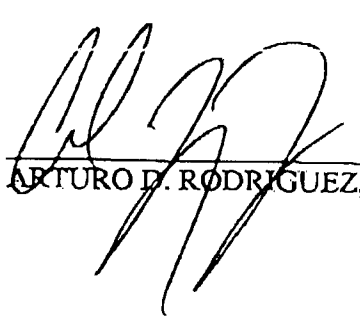
Mr. Blas Coy, Attorney
Office of Public Interest Counsel
TCEQ - MC 103
P.O. Box 13087
Austin, Texas 78711-3087
Fax: 239-6377

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

CHIEF CLERKS OFFICE

MAY - 7 AM 8:53

TEXAS
COMMISSION ON
ENVIRONMENTAL
QUALITY
ARTURO D. RODRIGUEZ, JR.

MAY-07-2008(WED) 08:41

Received:
Russell & Rodriguez, LLP

May 7 2008 08:49am
(FAX) 512 930 7742

P. 015/024

**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

RFP NO. 2

APR-14-2008 09:20 From: CITY OF LINDSAY

940 665 4910

To: 9726800003

P.3/5

NO3
ANNUAL

Public Water System Water Analysis

PWS / 0490003 / AC

TCEQ SAMPLE ID #: 0707312

BILL TO:

REPORT TO:

CITY OF LINDSAY
Name: STEVEN ZWINGGER MAYOR
Address 1: PO BOX 183
Address 2: LINDSAY, TX 76250-0183
City, State, Zip: (Use Field Report for address changes)

CITY OF LINDSAY
Name: PO BOX 183
Address 1: LINDSAY, TX 76250-0183
Address 2: LINDSAY, TX 76250-0183
City, State, Zip: (Use Field Report for address changes)

(List each T.P. & corresponding TCEQ ID # in this sample in the box below)

EP 002 0707312	EP	EP	EP	EP
TCEQ SAMPLE ID #	TCEQ SAMPLE ID #	TCEQ SAMPLE ID #	TCEQ SAMPLE ID #	TCEQ SAMPLE ID #

Water analyses are required by law (36 TAC 290). I acknowledge that the sampling technician has been accompanied during sampling and that the sample has been collected from the correct location indicated on this form. Water systems are responsible for all laboratory fees.

Signature (Water System Representative)

First Name

Instructions for sample collection and submission are available on request from the Public Drinking Water Section of the Texas Commission on Environmental Quality (D-1) (504-4801) or (http://www.tceq.state.tx.us)

WATER SYSTEM ID #: 0490003

DATE/TIME COLLECTED: 11/9/07 16:05
Month Day Year Military TimeSAMPLES: ☒ Routine ☐ Quarterly ☐ Priority (2 wks) ☐ Emergency 24 hr / 40 hrWATER SOURCE: ☒ Ground ☐ Surface ☐ QUI ☐ Blended ☐ New Source

SAMPLING LOCATION:

☐ SOURCE (WELL): Source Code:

Source Location:

☐ DISTRIBUTION: Location:☒ ENTRY POINT(S): Plant: CITY HALL PS

Tap Location: SAMPLE TAP

REGION #: 4 CHLORINE RESIDUAL: 0.30X Free ☐ Total

TAP FLUSHING: 15:57 START 16:05 END 16:22 TEMP:

FILTRATED: START END AIR TEMP H2O TEMP

pH TURBIDITY LAST RAINFALL

Signature (Sampling Technician)

Print Name

EACH BLOCK REQUIRES SEPARATE CONTAINERS AND FORM (Check only one test)

1 | ALL MINERALS 1 QT PLASTIC 160.1, 300.0
Cl, F, NO₃, SO₄, pH Cond. T+ (Al, HCO₃, CO₃, TOC) 0.4 mg/L, 0.4 mg/L, 0.4 mg/L
Send, 7 Day Hold Time

1A | NITRATE / NITRITE 100 mL PLASTIC 053.2, 300.0
Send, 48 Hour Hold Time, 0.5 mg/L nitrite, 0.5 mg/L nitrate

1D | NITRATE 100 mL PLASTIC 300.0
Send, 14 Day Hold Time, 0.5 mg/L nitrate

2 | ALL METALS 1 QT PLASTIC 200.0, 200.7, 246.1
No Field Preservation, 14 Day Hold Time

3A | METALS 14 GROUP (COP) 1 QT PLASTIC 200.0, 200.7
Al, Ba, Be, Cd, Cr, Cu, Fe, Hg, Mn, Ni, Pb, Se, Si, Zn, Ag, As, B, Br, Ca, Co, Cs, K, Li, Mg, Mo, Na, S, Sr, Tl, U, V, W, Y, Zn, Zn, Zn
No Field Preservation, 14 Day Hold Time

3 | SINGLE METAL 1 QT PLASTIC 200.0, 200.7, 246.1
Al, Ba, Be, Cd, Cr, Cu, Fe, Hg, Mn, Ni, Pb, Se, Si, Zn, Ag, As, B, Br, Ca, Co, Cs, K, Li, Mg, Mo, Na, S, Sr, Tl, U, V, W, Y, Zn, Zn, Zn
No Field Preservation, 14 Day Hold Time

4 | BORONATE (BOC) 1 QT GLASS 200.0
Send, 14 Day Hold Time

13 | VOC 2-40 mL GLASS 504.2
A Field Blank
Acetone, n-Hex, n-Pent, 14 Day Hold Time

14 | TRICHALOMETHANES 2-40 mL GLASS 504.2
Boilerm, Trichloroethene, 14 Day Hold Time

15 | HALOACETIC ACIDS (HAA) 2-40 mL GLASS 504.2
Ammonium Chloride, 14 Day Hold Time

16 | RADIOCHEMICAL GRAB 1 GAL PLASTIC 500.0, 500.0, 500.1
0.4 mg/L, 0.4 mg/L, 0.4 mg/L
No Field Preservation, 14 Day Hold Time

18 | RADIOCHEMICAL COMPOSITE 500.0, 500.0, 500.1
0.4 mg/L, 0.4 mg/L, 0.4 mg/L
No Field Preservation, 14 Day Hold Time

1 OF 4 12 OF 4 10 OF 4 1 OF 4
1 QT PLASTIC 1 QT PLASTIC 1 QT PLASTIC 1 QT PLASTIC

OTHER: ☐ Name ☐ Location ☐ Date ☐ Other

COMMENTS: NO3 <2

LABORATORY USE ONLY

LAB NAME:

LAB ID #:

DATE RECEIVED:

DATE REPORTED:

WHITE - Lab

YELLOW - Sampler

PINK - Composite

GOLDENROD - Water System

APP0462

MAY-07-2008(WED) 08:42

Received:

Russell & Rodriguez, LLP

May 7 2008 08:50am

(FAX) 512 930 7742

P 018/024

APR-14-2008 09:20 From: CITY OF LINDSAY

940 665 4910

To: 9726800003

P. 4/5



Texas Department of State Health Services

1100 WEST 49TH STREET
AUSTIN, TEXAS 78758-3184
(512) 460-7310

LABORATORY SERVICES SECTION
CLIA #45D0880844

CONFIDENTIAL LABORATORY REPORT

***NITRATE**

Analysis Report

Submitter Identification Number: 0490003

CITY OF LINDSAY
PO BOX 183
LINDSAY, TX 78250-0183

Date Reported: 11/13/2007

Report ID#: 20071113114538AA42734

Lab Sample ID#: AA42734
Sample Priority: Routine
TCEQ ID#: 0707311

Water Source: Ground
Entry Point(s): 001

Date Collected: 10/30/2007 10:18
Date Received: 11/01/2007

Analyte	Result	Unit	Method	Date Analyzed	Analyst
Nitrate as N	<.01	mg/L	EPA 553.2	11/01/2007	AO

Comments:

Approved By: LMOELHANEY Approval Date: 11/06/2007

MAY-07-2008(WED) 08:42

Received:

Russell & Rodriguez, LLP

May 7 2008 08:50am

(FAX) 512 930 7742

P 019/024

APR-14-2008 09:20 From: CITY OF LINDSAY

940 665 4910

To: 9726800003

P.5/5



Texas Department of State Health Services

1100 WEST 10TH STREET
AUSTIN, TEXAS 78758-3104
(512) 458-7318

LABORATORY SERVICES SECTION
CLIA #46D0660644

CONFIDENTIAL LABORATORY REPORT

*NITRATE

Analysis Report

Submitter Identification Number: 0480003

CITY OF LINDSAY
PO BOX 183
LINDSAY, TX 76250-0183

Date Reported: 11/13/2007

Report ID#: 20071113114536AA42736

Lab Sample ID#: A442736
Sample Priority: Routine
TCEQ ID#: 0707312

Water Source: Ground
Entry Point(s): 002

Date Collected: 10/30/2007 16:05
Date Received: 11/01/2007

Analyte	Result	Unit	Method	Date Analyzed	Analyst
Nitrate as N	0.03	mg/L	EPA 383.2	11/01/2007	AO

Comments:

Approved By: LMCELHANEY Approval Date: 11/06/2007

MAY-07-2008(WED) 08:43

Received:
Russell & Rodriguez, LLP

May 7 2008 08:50am
(FAX) 512 930 7742

P. 020/024

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

RFP NO. 9

CITY OF LINDSAY, TEXAS**ORDINANCE NO. 0805-3**

AN ORDINANCE OF THE CITY OF LINDSAY, TEXAS, ESTABLISHING REGULATIONS FOR PROVIDING UTILITY SERVICE OUTSIDE THE CORPORATE LIMITS; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND DOLLARS FOR EACH INSTANCE OF VIOLATION OF THE ORDINANCE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Lindsay is providing for the supply and distribution of water and the treatment of wastewater, to promote the health, safety, and convenience of its citizens and for the safeguarding of water resources common to all residents of the community and adjacent areas; and,

WHEREAS, for the protection of its citizens, there is a need for establishing regulations for providing utility service outside the corporate limits of the City of Lindsay; now therefore

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LINDSAY THAT:

SECTION 1: UTILITY SERVICE OUTSIDE CITY

(A) Any person desiring utility services furnished by the city to property which is outside the limits of the city shall, prior to the furnishing of utility service by the city, including water and sewer, file a petition for annexation which shall be in the form prescribed by Texas Local Government Code, Section 43.028 and execute a written agreement providing minimum requirements as follows:

- (1) The furnishing of utility services shall not be construed to compel the city to furnish consumers beyond the corporate limits or to continue such supply once begun.
- (2) The city reserves the right to furnish such customers it deems advisable, and to, at any time, wholly or partially discontinue the utility service.
- (3) Any utility main constructed outside of the corporate limits shall be entirely at the owner's expense and it, as and when incorporated within the city, shall become the property of the city without reimbursement to the owner; and, the city assumes no responsibility or liability for satisfactory service maintenance, pressure or wastage until it acquires sole ownership as a part of its utility system.
- (4) In the event of a relocation or the construction of a permanent line or main, the property owner shall pay the pro rata cost on his or her property at the then applicable rates, and connect his or her service to said permanent line or main.
- (5) Exception: In no event shall sewer service be furnished beyond the corporate limits unless the persons desiring sewer utility service are currently receiving

water from the water utility of the City of Lindsay, Cooke County, Texas, or an agreement consistent with the provisions of this Ordinance to provide city water utility service to the petitioners property has been reached.

(B) The City Council may, if in their judgment it is deemed advisable, render water or sewer services to premises situated outside of the corporate limits of the city upon complying with this section, and in addition, subject to the following conditions and rules.

(1) WATER—application; construction and materials requirements: Any person desiring to use the water shall, when an extension of a main is necessary to render such service, make application to the Public Works Department requesting service, and shall state in such application the exact location of the premises to be served and the purpose for which the water is to be used. Such application shall also contain an agreement signed by the owner of the property to be served which will render the owner liable for all water rates or charges accruing under such service. In the event such application is granted, such person so applying shall, at his or her own cost and expense, lay the kind and character of water pipe prescribed by the city, the minimum size of which shall be six inches (6"), before connection with the city water main; furthermore, any such person shall, at his or her own cost and expense, purchase a meter together with a meter box and necessary fittings, all of which shall be of the kind and character prescribed by the Public Works Department, for the purpose of measuring water so petitioned for by the person, and such water pipe and meter shall be kept at all times in a good condition of repair at the cost of such person using the water and such water connections so made, and all pipes laid by such person shall be in accordance with the regulations governing connections and the laying of water pipes within the city.

(2) SEWER—application; construction and materials requirements: Subject to Section 1, (A), (S) above, any person desiring sewer service shall, when an extension of a main is necessary to render such service, make application to the Public Works Department, requesting service, and shall state in such application the exact location of the premises to be served and the purpose for which wastewater treatment is required. Such application shall also contain an agreement signed by the owner of the property to be served which will render the owner liable for all sewer rates or charges accruing under such service. In the event such application is granted, such person so applying shall, at his or her own cost and expense, engineer the proposed sewers and provide detailed plans and specifications for review by the city's engineer. Furthermore, any such person shall, at his or her own cost and expense, construct the sewer pipe, manholes, or lift station, and related appurtenances, all of which shall be of the kind and character prescribed by the Public Works Department, for the purpose of wastewater treatment so petitioned for by the person, and such sewer collection system shall be kept at all times in a good condition of repair at the cost of such person using the collection system so made, and all materials laid by such person shall be in accordance with the regulations governing the construction of sewer mains within the city.

State Law reference-Authority to operate utilities and prescribe rates, V.T.C.A., Local Government Code, § 402.017; City has exclusive jurisdiction over all water and sewer utility rates, operations, and services provided by a water and sewer utility, V.T.C.A., Water Code, § 13.042; Authority to control and regulate waste discharges and require pretreatment, V.T.C.A., Water Code, § 26.176 and § 26.177.

- (2) **Written Permission to Connect:** When such extension of water or sewer mains or service pipes have been installed outside of the corporate limits and application for additional service is made to connect with such extension or service pipe, such applicant shall present with his or her application written permission to connect with such extension of the main or service, signed by the original applicant who paid the original cost thereof or by his or her assigns.
- (3) **City Not Liable For Maintenance of Pipe; Discontinuance:** The city shall not be liable for the maintenance of any water or sewer main or service pipe lying outside of the corporate limits of the city and the right is reserved to discontinue water or sewer service through any such main or service line which causes a waste or leakage of water or sewer.
- (4) **City Not Liable For Defective Condition of Pipe or Ditches:** The city shall in no case be liable on account of any defective condition in any water or sewer pipe, or in any trench or ditch dug for the purpose of laying water or sewer pipe by any person desiring to make connection with any of the city's mains, and it shall always be expressly understood that the person using said water or sewer shall, at all times, keep the pipes, related appurtenances, and other connections in good condition of repair, and shall be liable for all damages occasioned to any person or property by reason of any defective condition arising through the want of repair, or otherwise, to the water or sewer pipe or the ditches in which the same are laid.
- (5) **City May Revoke Permission:** It is further understood that in no event will the city, under the terms of this section, be obligated to continue to furnish water or sewer service to any person outside of the corporate limits, but may ~~revoke the permission at any time without notice.~~
- (6) **Regulations:** All such service outside the corporate limits shall, in all respects not otherwise provided herein, be subject to the same regulations for service and the manner of paying the compensation, as provided for service inside of the corporate limits.
- (7) **Placing of Meters:** All meters serving premises outside of the corporate limits shall be set inside (or as near as practicable) the corporate limits, and the city shall not be responsible for the condition of any mains, pipes or services outside of the corporate limits or beyond the meter serving such premises.
- (8) **If approval is granted to locate the meter beyond the corporate limits, an in-line valve shall be installed at the corporate limits in its place.**

SECTION 2: PENALTY PROVISION

Any person, firm or corporation violating any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon final conviction thereof fined in an amount not exceeding two thousand dollars (\$2,000.00) for violations of all provisions that govern fire safety, public health, and sanitation, and not exceeding five hundred dollars (\$500.00) for all other violations, provided, however, that no penalty shall be greater or less than the penalty provided for the same or similar offense under the laws of the State of Texas. Each and every day any such violation continues shall constitute a separate offense punishable hereunder.

SECTION 3: REPEAL CLAUSE

All parts of any ordinance in conflict with the provisions of this ordinance are to the extent of such conflict hereby repealed.

SECTION 4: SAVINGS CLAUSE

If any provision of this ordinance shall be held to be invalid or unconstitutional, the remainder of such ordinance shall continue in full force and effect the same as if such invalid or unconstitutional provision had never been a part hereof.

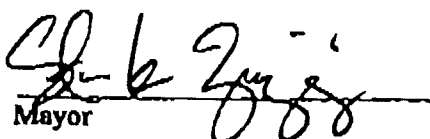
SECTION 5: EFFECTIVE DATE

This ordinance is declared to be an emergency measure necessary for the immediate preservation of the peace, health, safety and general welfare of the people of this municipality and shall be effective upon the posting and/or publication of its caption as required by law and the City Secretary is hereby directed to implement such posting and/or publication.

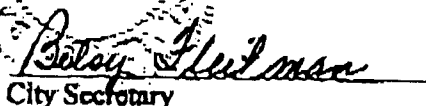
PASSED AND APPROVED by the City Council of the City of Lindsay, Texas, on this the 8 day of August 2008.

Ayes 4
Nays 0
Abstentions 0

APPROVED:


Mayor

ATTEST:


City Secretary

MAY-07-2008(WED) 08:31

Received:
Russell & Rodriguez, LLP

May 7 2008 08:39am
(FAX) 512 930 7742

P 001/024

RUSSELL & RODRIGUEZ, L.L.P.

Attorneys at Law

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

Phone (512) 930-1317

E-mail: arodriguez@txadminlaw.com

Fax (512) 930-7742

FACSIMILE COVER PAGE

May 7, 2008

Please Deliver the Following page(s) to:

Mr. John Carlton, Attorney

Mr. Blas Coy, Attorney

Mr. Brian MacLeod

TCEQ Chief Clerk

Fax Number:

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(512) 435-2360

(512) 239-6372

(512) 239-0606

(512) 238-3311

CHIEF CLERK

2:30 PM

TEXAS
COMMISSION
ON
JUDICIAL
ETHICS

Client Number: 1140-00

From: Arturo D. Rodriguez, Jr.

Direct Phone: (512) 930-1317

Pages: 24 (Including Cover Sheet)

Re:

Comments: City of Lindsay's Responses to ED's 2nd Set of Discovery

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

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

2008 MAY -1 AM 10:45

CHIEF CLERKS OFFICE

FACSIMILE 512-435-2360

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

April 30, 2008

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

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

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

Dear Brian:

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

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

Sincerely,

ARMBRUST & BROWN, L.L.P.


John J. Carlton
Attorney for Lindsay Pure Water Company

Enclosure

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

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

2008 MAY -1 AM 10:45

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

§ BEFORE THE STATE OFFICE
§
§
§ OF
§
§
§ ADMINISTRATIVE HEARINGS

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

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

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

ADMISSIONS

ADMISSION NO. 1: Admit or deny that Lindsay Pure Water Company is currently providing retail water service to customers in the area requested by the Town of Lindsay's applications which are the subject of this proceeding.

RESPONSE: Denied.

ADMISSION NO. 2: Admit or deny that Lindsay Pure Water Company is currently providing retail sewer service to customers in the area requested by the Town of Lindsay's applications which are the subject of this proceeding.

RESPONSE: Denied. Sewer service is not an issue in the matter.

ADMISSION NO. 3: Admit or deny that Lindsay Pure Water Company has water facility lines and/or infrastructure currently available to provide service in the area requested by the Town of Lindsay's applications which are the subject of this proceedings.

RESPONSE: Admitted as to the portion of the area near Lindsay Pure Water Company's certificated service area. Denied as to the remainder.

ADMISSION NO. 4: Admit or deny that Lindsay Pure Water Company has sewer facility lines and/or infrastructure currently available to provide adequate sewer service in the area requested by the Town of Lindsay's applications which are the subject of this proceeding.

RESPONSE: Denied. Lindsay Pure Water Company does not provide sewer service.

ADMISSION NO. 5: Admit or deny that Lindsay Pure Water Company has received requests for retail water service in the area requested by the Town of Lindsay's applications which are the subject of this proceeding.

RESPONSE: Admit.

ADMISSION NO. 6: Admit or deny that Lindsay Pure Water Company has received requests for retail sewer service in the area requested by the Town of Lindsay's applications which are the subject of this proceeding.

RESPONSE: Denied. Lindsay Pure Water Company does not provide sewer service.

INTERROGATORIES

INTERROGATORY NO. 1: Please identify the name(s), address(es), number of connection(s) requested and the type of service being requested (i.e., water, sewer or both) from all landowners or developers that have requested retail service from Lindsay Pure Water Company for the area that the Town of Lindsay seeks certification.

RESPONSE: Please see documents produced by Lindsay Pure Water Company in response to the Town of Lindsay's Request for Production No. 10 as documents LPWC 0028-0036.

INTERROGATORY NO. 2: If Lindsay Pure Water Company plans to provide retail water and/or sewer service to all or a portion of the area requested by the Town of Lindsay in its applications, please discuss and describe in detail why Lindsay Pure Water Company has not submitted a CCN application to request certification for the requested area.

RESPONSE: In May 2002, Lindsay Pure Water Company hired Bill Boomer to apply for a CCN pursuant to the settlement agreement between the City and the Company. A CCN application was never filed because there was not a need for service at the time that would have justified the application.

INTERROGATORY NO. 3: Please discuss in detail if the 2002 agreement between Lindsay Pure Water Company and the Town of Lindsay for retail service area was approved by the Commission pursuant to Texas Water Code, Chapter 13.248.

RESPONSE: To the Company's knowledge, yes, as part of the Town of Lindsay's CCN Application No. 33338-C, which was approved by the Commission May 16, 2003.

INTERROGATORY NO. 4: Please discuss and describe in detail if Lindsay Pure Water Company has already or has plans to enforce the 2002 agreement between Lindsay Pure Water Company and the Town of Lindsay for retail service area which is included as part of the applications filed by the Town of Lindsay which are the subject of this proceeding.

RESPONSE: Yes, through this hearing.

INTERROGATORY NO. 5: Please discuss and describe in detail why Lindsay Pure Water Company contends that it can provide better retail water service to area requested by Town of Lindsay in its application at a lower cost to consumers.

RESPONSE: Much of the area at issue is closer to the Company's existing service lines and infrastructure, the Company's facilities are at a higher elevation, and there is no cost to bore under the Trinity River Elm Fork.

PRODUCTION

REQUEST FOR PRODUCTION NO. 1: Please produce copies of any and all requests for service that Lindsay Pure Water Company has received for retail water or sewer service in the area requested by the Town of Lindsay in the applications which are the subject of this proceeding.

RESPONSE: Responsive documents are available for copying at the office of Armbrust & Brown, L.L.P., 100 Congress Ave., Suite 1300, Austin, Texas 78701 during normal business hours.

REQUEST FOR PRODUCTION NO. 2: Please produce a map with the location of all existing water or sewer lines, current customers and requests for service from Lindsay Pure Water Company clearly marked on the map for area requested by the Town of Lindsay in the applications which are the subject of this proceeding.

RESPONSE: Responsive documents are available for copying at the office of Armbrust & Brown, L.L.P., 100 Congress Ave., Suite 1300, Austin, Texas 78701 during normal business hours.

REQUEST FOR PRODUCTION NO. 3: Please provide documentation to support Lindsay Pure Water Company's position that you can give better service to the area requested by the Town of Lindsay in its application at a lower cost to consumers.

RESPONSE: To the extent such documents exist, they will be made available for copying at the office of Armbrust & Brown, L.L.P., 100 Congress Ave., Suite 1300, Austin, Texas 78701 during normal business hours.

REQUEST FOR PRODUCTION NO. 4: Please produce a copy of the 2002 settlement agreement between Lindsay Pure Water Company and the Town of Lindsay for service area.

RESPONSE: Responsive documents are available for copying at the office of Armbrust & Brown, L.L.P., 100 Congress Ave., Suite 1300, Austin, Texas 78701 during normal business hours.

REQUEST FOR PRODUCTION NO. 5: Please provide a copy of any notice of violation letters received from TCEQ and any responses to address these violations regarding Lindsay Pure Water Company's water system for the past 2 years.

RESPONSE: Responsive documents are available for copying at the office of Armbrust & Brown, L.L.P., 100 Congress Ave., Suite 1300, Austin, Texas 78701 during normal business

hours. However, the Executive Director has equal, if not better access to this document in the Commission's official records.

REQUEST FOR PRODUCTION NO. 6: Please provide a copy of the resume or curriculum vitae for each expert the Town of Lindsay expects to call in this proceeding.

RESPONSE: Objection, the request is overbroad and burdensome, as it requests the Company to obtain documents on experts for the Town. Such documents are in the custody and control of the Town, not the Company.

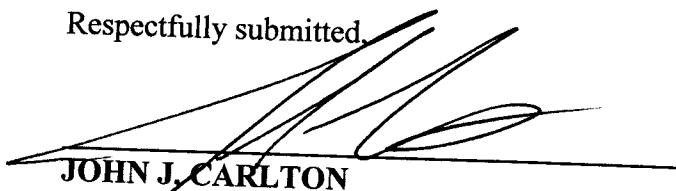
REQUEST FOR PRODUCTION NO. 7: Please produce a copy of Lindsay Pure Water Company's latest approved tariff.

RESPONSE: Responsive documents are available for copying at the office of Armbrust & Brown, L.L.P., 100 Congress Ave., Suite 1300, Austin, Texas 78701 during normal business hours. However, the Executive Director has equal, if not better access to this document in the Commission's official records.

REQUEST FOR PRODUCTION NO. 8: Please produce copies of any and all documents identified in your responses to Interrogatory Nos. one (1) through five (5) listed above or used to assist you in responding to Interrogatory Nos. one (1) through five (5) listed above.

RESPONSE: Responsive documents are available for copying at the office of Armbrust & Brown, L.L.P., 100 Congress Ave., Suite 1300, Austin, Texas 78701 during normal business hours.

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

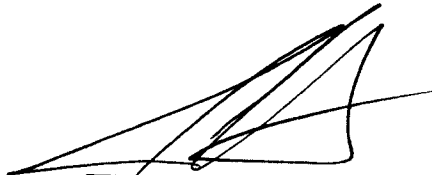
I hereby certify that a true and correct copy of the foregoing Lindsay Pure Water Company's Response to the Executive Director's First Request for Disclosure, Interrogatories and Requests for Production has been sent by Facsimile and/or First Class Mail on this 30th day of April, 2008, to the following:

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

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

Brian MacLeod, Attorney
TCEQ – MC-175
P.O. Box 13087
Austin, Texas 78711-3087
Phone: (512) 239-0750
Facsimile: (512) 239-0606

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


JOHN J. CARLTON

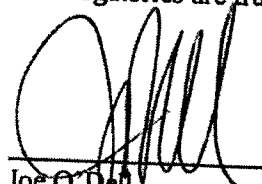
CHIEF CLERKS OFFICE

2008 MAY - 1 AM 10:45

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

VERIFICATION

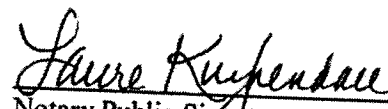
Before me, the undersigned authority personally appeared Joe O'Dell, who, after first being duly sworn, says that he is duly qualified and competent to sign this Verification; and states that the above and foregoing responses to interrogatories are true and correct to the best of his knowledge and belief.



Joe O'Dell

STATE OF TEXAS §
 §
COUNTY OF Cooke §

This instrument was acknowledged before me on the 29th day of April, 2008, by Joe O'Dell, authorized representative of Lindsay Pure Water Company.



Notary Public Signature
Notary Public in and for the State of Texas
My commission expires: 6-03-2011



ARMBRUST & BROWN, L.L.P.

ATTORNEYS AND COUNSELORS

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

FACSIMILE 512-435-2360

2008 MAY -1 AM 10:45

CHIEF CLERKS OFFICE

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

April 30, 2008

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

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

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

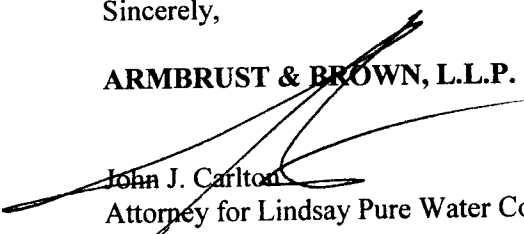
Dear Brian:

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

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

Sincerely,

ARMBRUST & BROWN, L.L.P.


John J. Carlton
Attorney for Lindsay Pure Water Company

Enclosure

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

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

208 MAY -1 AM 10: 45

CHIEF CLERKS OFFICE

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

§ BEFORE THE STATE OFFICE
§
§
§ OF
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§ ADMINISTRATIVE HEARINGS

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

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

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

REQUEST FOR DISCLOSURE

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

RESPONSE: None are known at this time.

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

RESPONSE:

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

Jim Myrick, Lindsay Pure Water Company, P.O. Box 1338, Gainesville, Texas 76241. Mr. Myrick may be contacted through Lindsay Pure Water Company's attorney, John J. Carlton, at 324450-1 03/31/2008

435-2308. Mr. Myrick has knowledge of the Town of Lindsay's CCN application and the operation of Lindsay Pure Water Company.

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

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

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

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

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

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

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

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

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

INTERROGATORIES

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

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

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

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

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

RESPONSE: Lindsay Pure Water Company and the Town of Lindsay reached a service area settlement in 2002. That settlement addressed portions of the area requested in the Town of Lindsay's current application and Lindsay Pure Water Company believed that all service area matters were addressed by the settlement agreement. In addition, the Company has received requests for service from Landowners within the area that the Town of Lindsay seeks for certification. Finally, the Company does not believe that the Town of Lindsay has requests for service sufficient to support its requested CCN amendment and that there is no need for service at the current time in large portions of the requested area. To the Company's knowledge, there are no sewer issues in this matter.

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

RESPONSE: Lindsay Pure Water Company has an existing water CCN adjacent to the proposed area and the Company has plans and requests to serve the landowners within the area designated for certification to the Company under the 2002 settlement agreement and within the Town of Lindsay's proposed its CCN. No other CCN is needed at this time, and granting the CCN to the Town of Lindsay would have an adverse effect on the Company's business by

reducing customer base and revenue both now and in the future when service is actually needed. The Company will supplement with additional information as the matter progresses. The Company has no information on sewer service, as sewer service is not an issue in this matter.

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

RESPONSE: Lindsay Pure Water Company has a water CCN adjacent to the area the City proposes for certification and provides continuous and adequate service within that area. The Company has requests for water service from landowners within its CCN and the area designated for it to serve under the 2002 settlement agreement. (See response to Interrogatory 6, below.) There is no current need for service to any additional areas surrounding the Company's CCN. The Company has no knowledge of sewer service, as sewer service is not an issue in this matter.

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

RESPONSE: Lindsay Pure Water Company has knowledge of the following service requests from landowners within its CCN and the area designated for it to serve under the 2002 settlement agreement:

Michael Kendall, 365 CR 352, Gainesville, TX 76240 (no phone number given);

David A. Spauft, 203 Elmview, Lindsay, TX (no phone number given);

Julius Hermes, Jr., P.O. Box 32, Lindsay, TX. 76250 (no phone number given);

John C. Benqfort Farm, Al Benqfort, 300 W. 4th Street, Lindsay, TX. 76250 (no phone number given);

Walter Lutkenhaus, 779 CR 438, Lindsay, TX 76250, 940-665-6328;

Ben Hermes Farm, Leonard Hermes, 1712 CR 438, Lindsay, TX. 76250, 940-668-8663;

Michael R. Hermes, P.O. Box 257; Lindsay, TX. 76250 (no phone number given); and

Jim Mynah (Myrah?), P.O. Box 5, Lindsay, TX. 76250, 940-736-4413. These requests are also Bates stamped as LPWC 00028-00036.

The Company has a water CCN adjacent to the area the Town of Lindsay proposes to serve and provides continuous and adequate service within that area. The Company does not believe additional water utility service is needed, as the Company can and does adequately serve the

customers within its CCN. There is no current need for service to any additional areas surrounding the Company's CCN. The Company has no knowledge of sewer service, as sewer service is not an issue in this matter.

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

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

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

RESPONSE: Lindsay Pure Water Company has an existing water CCN adjacent to the proposed area and provides continuous and adequate service within that area. The Company has plans and requests to serve the landowners within its CCN and the area designated for it to serve under the 2002 settlement agreement. There is no current need for service to any additional areas surrounding the Company's CCN, including areas requested by the Town. The Company has no information on sewer service, as sewer service is not an issue in this matter. The Company will supplement with additional information as this matter progresses.

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

RESPONSE: Lindsay Pure Water Company currently has no opinion on the Town's financial and managerial capability to provide utility service. Any such position or opinion will be more fully developed after discovery has been completed. However, there is no need for the Town to try to provide utility service. The Company has an existing water CCN adjacent to the proposed area and the Company has plans and requests to serve the landowners within its CCN and the area designated for it to serve under the 2002 settlement agreement. The Company has no information on sewer service, as the Company does not provide sewer service. The Company will supplement with additional information as this matter progresses.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

REQUESTS FOR PRODUCTION

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

REPSONSE: . Documents responsive to this request are available for copying at the office of Armbrust & Brown, L.L.P., 100 Congress Avenue, Suite 1300, Austin, Texas 78701 during normal business hours. See LPWC 00023, 00027-28, 00073, 00270-72.

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

REPSONSE: Documents responsive to this request are available for copying at the office of Armbrust & Brown, L.L.P., 100 Congress Avenue, Suite 1300, Austin, Texas 78701 during normal business hours.

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

REPSONSE: Documents responsive to this request are available for copying at the office of Armbrust & Brown, L.L.P., 100 Congress Avenue, Suite 1300, Austin, Texas 78701 during normal business hours.

Respectfully submitted,



JOHN J. CARLTON

State Bar No. 03817600

ARMBRUST & BROWN, L.L.P.

100 Congress Avenue, Suite 1300

Austin, Texas 78701-2744

(512) 435-2300 – Telephone

(512) 436-2360 – Telecopy

**ATTORNEYS FOR LINDSAY PURE
WATER COMPANY**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Lindsay Pure Water Company's First Supplemental Response to 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 30th day of April, 2008, to the following:

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

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

Brian MacLeod, Attorney
TCEQ – MC-175
P.O. Box 13087
Austin, Texas 78711-3087
Phone: (512) 239-0750
Facsimile: (512) 239-0606

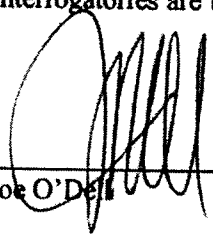
Docket Clerk
Office of the Chief Clerk – MC 105
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
Phone: (512) 239-3300
Facsimile: (512) 239-3311


JOHN J. CARLTON

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2008 MAY - 1 AM 10:46
CHIEF CLERKS OFFICE

VERIFICATION

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



Joe O'Dell

STATE OF TEXAS

COUNTY OF

Cooke

§
§
§

This instrument was acknowledged before me on the 29th day of April, 2008, by Joe O'Dell, authorized representative of Lindsay Pure Water Company.





Laure Kuykendall

Notary Public Signature

Notary Public in and for the State of Texas

My commission expires: 6-03-2011

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

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

FACSIMILE 512-435-2360

2008 MAY -1 AM 10: 46

CHIEF CLERKS OFFICE

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

April 30, 2008

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

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

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

Dear Arturo:

Enclosed please find the following:

- Lindsay Pure Water Company's First Supplemental Response to the City of Lindsay's Request for Disclosure and First Set of Requests for Production;
- Lindsay Pure Water Company's First Amended Response to the City of Lindsay's Interrogatories and Second Set of Requests for Production; and
- Lindsay Pure Water Company's Response to City of Lindsay's Third Set of Requests for Production.

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

327363-1 04/30/2008

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

2008 MAY -1 AM 10:46

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
CHIEF CLERKS OFFICE
OF
ADMINISTRATIVE HEARINGS

**LINDSAY PURE WATER COMPANY'S FIRST SUPPLEMENTAL 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 First Supplemental 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.

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

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

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

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

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

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

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

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 facts 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.

REPSONSE: Fact witnesses will likely review the documents previously produced to the parties in this matter prior to hearing. To the extent fact witnesses review documents protected by the attorney-client privilege, those documents will not be produced. Mr. Carlton's work product is privileged and will not be produced. To the extent attorneys' fees are in issue, redacted copied of billing invoices 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.

REPSONSE: 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.

REPSONSE: 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.

REPSONSE: 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.

REPSONSE: Documents responsive to this request have been previously 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, documents responsive to this request are available for copying at the office of Armbrust & Brown, L.L.P., 100 Congress Avenue, Suite 1300, Austin, Texas 78701 during normal business hours.

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, to date, there are none.

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, documents responsive to this request are available for copying at the office of Armbrust & Brown, L.L.P., 100 Congress Avenue, Suite 1300, Austin, Texas 78701 during normal business hours.

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, documents responsive to this request are available for copying at the office of Armbrust & Brown, L.L.P., 100 Congress Avenue, Suite 1300, Austin, Texas 78701 during normal business hours.

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: The Company has not made any decisions regarding which documents will be used or introduced at hearing at this time, but may use as exhibits any documents produced by any party to this matter.

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 date, there are none.

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: Documents responsive to this request have been previously produced. Additional documents are available for copying at the office of Armbrust & Brown, L.L.P., 100 Congress Avenue, Suite 1300, Austin, Texas 78701 during normal business hours.