

**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.

**REPSONSE:** 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.

**REPSONSE:** 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.

**REPSONSE:** 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.

**REPSONSE:** 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.

**REPSONSE:** 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.

**REPSONSE:** 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.

**REPSONSE:** 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.

**REPSONSE:** 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.

**REPSONSE:** 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.

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

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

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

**REPSONSE:** To date, there are none.

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

**REPSONSE:** Documents responsive to this request have been previously produced.

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

**REPSONSE:** Documents responsive to this request have been previously produced.

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

**REPSONSE:** To the date, there are none.

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

**REPSONSE:** To date, there are none.

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

**REPSONSE:** To date, there are none.

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 Lindsay Pure Water Company's First Supplemental Response to City of Lindsay's Request for Disclosure and First Set of Requests for Production has been sent by Facsimile and/or First Class Mail on this 30<sup>th</sup> 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

TEXAS  
COMMISSION ON  
ENVIRONMENTAL QUALITY  
2008 APR 30 PM 4:39  
CHIEF CLERK'S OFFICE

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

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

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

**LINDSAY PURE WATER COMPANY'S FIRST AMENDED RESPONSE TO THE CITY OF LINDSAY'S INTERROGATORIES AND 2<sup>ND</sup> 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 Interrogatories and 2<sup>nd</sup> 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.

**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.

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

**RESPONSE:** See the response to Interrogatory No. 1.

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

**RESPONSE:** The Company currently has one 100,000 gallon vertical water storage tank, which is approximately 99 feet tall.

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

**RESPONSE:** The Company's existing well is approximately 890 feet deep and produces water at approximately 100 gallons per minute from the Upper and Lower Trinity Aquifer.

**INTERROGATORY NO. 6:** Please identify any partially or fully conducted, or partially or fully prepared, plans, reports, or studies, including, but not limited to, land-use assumptions, capital improvement plans, impact fee studies, and capital asset acquisition budgets, which concern or address water service by the Company to any area in which the City has requested in its Application.

**RESPONSE:** No such plans exist at this time.

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

**RESPONSE:** The Company has not made any analysis of the time frame in which it is capable of providing water service to any points throughout the City's entire requested area. However, the Company is capable of providing water service in close proximity to the Company's existing water system within 90 days.

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

**RESPONSE:** The Company would extend additional transmission and distribution lines from its existing system to the location where service is needed in accordance with its Commission approved Tariff.

**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.

**INTERROGATORY NO. 10:** Please explain the basis for the Company's assertion that the City has not demonstrated a need for water service within the City's requested area.

**RESPONSE:** The Company believes there is not a need for service within the City's requested area at this time because there is no evidence accompanying the service requests that the City has provided that demonstrate any pending development plans or imminent need for service and there are portions of the requested area for which there is no request for service.

**INTERROGATORY NO. 11:** Please describe the physical characteristics and location of any and all existing water facilities, including, but not limited to, utility lines, storage tanks, pump stations, booster stations, and treatment facilities now existing, either complete or partially complete, that could be used to provide water or wastewater service by the Company to any area in which the City has requested in its Application.

**RESPONSE:** See responses to Interrogatories 1, 2, 3, 4 and 5 above.

**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 at the current time.

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

**RESPONSE:** There was a compliance evaluation investigation in 2005 and alleged violations regarding a monitoring plan, service agreements, a casing vent and sealing electrical wiring were all resolved.

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

**RESPONSE:** No such violations exist.

**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.

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

**RESPONSE:** The owners of the Company include: Jim Myrick, Joe Odell, Ken Hesse, Patrick Fuhrmann, Steve Zimmerer, Patrick T. Stelzer, Bernard Hesse, and Mark Fuhrmann.

## REQUEST FOR PRODUCTION

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

**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. 2:** Please produce any and all documents or tangible things in your actual or constructive possession concerning the Company's financial plans or intentions to supply water service to any area in which the City has requested in its Application.

**REPSONSE:** To date, there are none.

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

**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. 4:** Please produce any and all documents or tangible things in your actual or constructive possession concerning your rate schedules and tariffs for water service for the previous 5 years.

**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. 5:** Please produce any and all documents or tangible things in your actual or constructive possession concerning your long-range water service plan.

**REPSONSE:** To date, there are none.

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

**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. 7:** Please produce any and all documents or tangible things in your actual or constructive possession concerning your financial statements and budgets for the previous 5 years.

**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. 8:** Please produce any and all documents or tangible things in your actual or constructive possession concerning your monitoring procedures, emergency response procedures, and emergency response times for water service issues for the previous 5 years.

**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. 9:** Please produce any and all documents or tangible things in your actual or constructive possession concerning the individuals who operate your water and wastewater facilities and their level(s) and type(s) of training.

**REPSONSE:** Lindsay Pure Water Company objects to this request as overbroad as it is not limited in time. Subject thereto, to date, there are none.

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

**REPSONSE:** Lindsay Pure Water Company objects to this request to the extent it seeks documents protected by the attorney-client privilege. Subject thereto, to date, there are none.

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

**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. 12:** Please produce any and all maps in your actual or constructive possession concerning the Company's current CCN.

**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. 13:** Please produce any and all maps in your actual or constructive possession concerning the Company's CCN at the time the City's Application was filed.

**REPSONSE:** See Response to RFP No. 12.

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

**RESPONSE:** Documents responsive to this request, to the extent they exist, 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. 15:** Please produce any and all documents or tangible things in your actual or constructive possession concerning your answer to Interrogatory No. 2.

**RESPONSE:** Documents responsive to this request, to the extent they exist, 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. 16:** Please produce any and all documents or tangible things in your actual or constructive possession concerning your answer to Interrogatory No. 3.

**RESPONSE:** Documents responsive to this request, to the extent they exist, 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. 17:** Please produce any and all documents or tangible things in your actual or constructive possession concerning your answer to Interrogatory No. 4.

**RESPONSE:** 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. 18:** Please produce any and all documents or tangible things in your actual or constructive possession concerning your answer to Interrogatory No. 5.

**RESPONSE:** 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. 19:** Please produce any and all documents or tangible things in your actual or constructive possession concerning your answer to Interrogatory No. 6.

**RESPONSE:** To date, there are none.

**REQUEST FOR PRODUCTION NO. 20:** Please produce any and all documents or tangible things in your actual or constructive possession concerning your answer to Interrogatory No. 7.

**RESPONSE:** To date, there are none.

**REQUEST FOR PRODUCTION NO. 21:** Please produce any and all documents or tangible things in your actual or constructive possession concerning your answer to Interrogatory No. 8.

**RESPONSE:** 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. 22:** Please produce any and all documents or tangible things in your actual or constructive possession concerning your answer to Interrogatory No. 9.

**RESPONSE:** 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. 23:** Please produce any and all documents or tangible things in your actual or constructive possession concerning your answer to Interrogatory No. 10.

**REPSONSE:** To date, there are none.

**REQUEST FOR PRODUCTION NO. 24:** Please produce any and all documents or tangible things in your actual or constructive possession concerning your answer to Interrogatory No. 11.

**REPSONSE:** Documents responsive to this request were produced in response to RFPs 14-18 above and 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. 25:** Please produce any and all documents or tangible things in your actual or constructive possession concerning your answer to Interrogatory No. 12.

**REPSONSE:** Lindsay Pure Water Company objects to this request to the extent it seeks documents protected by the attorney-client privilege. Subject thereto, to date, there are none.

**REQUEST FOR PRODUCTION NO. 26:** Please produce any and all documents or tangible things in your actual or constructive possession concerning your answer to Interrogatory No. 13.

**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. 27:** Please produce any and all documents or tangible things in your actual or constructive possession concerning your answer to Interrogatory No. 14.

**REPSONSE:** There are none.

**REQUEST FOR PRODUCTION NO. 28:** Please produce any and all documents or tangible things in your actual or constructive possession concerning your answer to Interrogatory No. 15.

**REPSONSE:** To date, there are none.

**REQUEST FOR PRODUCTION NO. 29:** Please produce any and all documents or tangible things in your actual or constructive possession concerning your answer to Interrogatory No. 16.

**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. 30:** Please produce any and all documents in your actual or constructive possession concerning any agreements between the Company and any entity that provides water utility service, relating to service area boundaries or adjustments in service area boundaries. Please include in your response any documents concerning agreements relating to areas certificated by TCEQ.

**RESPONSE:** To date, there are none.

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

**RESPONSE:** The Company has no "Members," and therefore no responsive documents exist.

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

**RESPONSE:** The Company has no "Members," and therefore no responsive documents exist.

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 Lindsay Pure Water Company's First Amended Response to City of Lindsay's Interrogatories and Second Set of Requests for Production has been sent by Facsimile and/or First Class Mail on this 30<sup>th</sup> 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

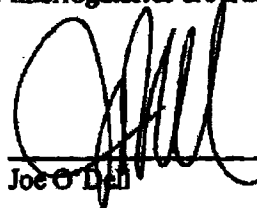
CHIEF CLERKS OFFICE

200 APR 30 PM 4:39

RECEIVED  
OFFICE OF THE CHIEF CLERK  
TCEQ

## 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.

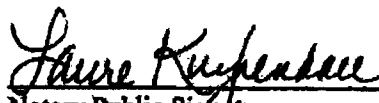
  
\_\_\_\_\_  
Joe O'Dell

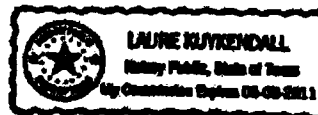
STATE OF TEXAS

COUNTY OF

Cooke§  
§  
§

This instrument was acknowledged before me on the 29<sup>th</sup> 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



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

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

**LINDSAY PURE WATER COMPANY'S RESPONSE TO  
CITY OF LINDSAY'S 3<sup>RD</sup> SET OF REQUESTS FOR PRODUCTION**

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

COMES NOW, Lindsay Pure Water Company, Protestant herein, and files its Response to City of Lindsay's 3<sup>rd</sup> Set of Requests for Production.

**REQUEST FOR PRODUCTION**

**REQUEST FOR PRODUCTION NO. 3-1:** Please produce a copy of the Company's most recent rate application filed with the TCEQ or its predecessor agency(ies).

**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. 3-2:** Please produce a copy of the Company's most recent rate order issued by TCEQ or its predecessor agency(ies).

**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. 3-3:** Please produce a copy of the last three annual reports filed by the Company with the TCEQ.

**RESPONSE:** The Company is looking for the documents responsive to this request. Additionally, responsive documents may be obtained from the TCEQ Chief Clerk's office.

**REQUEST FOR PRODUCTION NO. 3-4:** Please produce a list of all Company employees as well as their job classification and licenses held, if any.

**RESPONSE:** Objection, the request requires the Company to create a document to respond to a request for production, and as such, the request is improper. Subject to this objection, there is no such list.

**REQUEST FOR PRODUCTION NO. 3-5:** Please produce a detailed description of any outstanding debt of the Company including the type, amount, date issued, terms and conditions, and repayment schedule.

**RESPONSE:** Objection, the request requires the Company to create a document to respond to a request for production, and as such, the request is improper. Subject thereto, 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. 3-6:** Please produce any and all contracts with any third party in which the Company has entered into.

**RESPONSE:** Objection, the request is overbroad, as it is not limited in time or scope. Subject thereto, no such documents exist at this time.

**REQUEST FOR PRODUCTION NO. 3-7:** Please produce the Company's annual audited financial statements for the fiscal year 2005 through 2007.

**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. 3-8:** Please produce any and all documents tangible in your actual or constructive possession concerning your monitoring procedures, emergency response procedures and emergency response time for water service issues for the previous 5 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. Additional responsive documents may be obtained from the TCEQ Chief Clerk's office.

**REQUEST FOR PRODUCTION NO. 3-9:** Please produce any and all correspondence between the Company and TCEQ, including notices of violations and responses to notices of violations, for the last 3 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.

**REQUEST FOR PRODUCTION NO. 3-10:** Please produce any and all cost of service and/or rate studies performed by the Company or for the Company.

**RESPONSE:** Objection, overbroad and burdensome, as the request is not limited as to time. Subject thereto, no such documents exist at this time.

**REQUEST FOR PRODUCTION NO. 3-11:** Please produce any and all engineering studies and/or plans conducted by or for the Company for their system.

**RESPONSE:** Objection, overbroad and burdensome, as the request is not limited as to time. Subject thereto, no such documents exist at this time.



Respectfully submitted,

**JOHN J. CARLTON**

State Bar No. 03817600

**ARMERUST & 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 Lindsay Pure Water Company's Response to City of Lindsay's 3<sup>rd</sup> Set of Requests for Production has been sent by Facsimile and/or First Class Mail on this 30<sup>th</sup> 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

CHIEF CLERKS OFFICE  
2008 APR 30 PM 4:33

ON  
COURT  
CLERK

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

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

FACSIMILE 512-435-2360

**FACSIMILE COVER PAGE**

Date: April 30, 2008

CHIEF CLERKS OFFICE

APR 30 PM 4:39

CONFIDENTIAL

NAME:	COMPANY:	FACSIMILE NO.:	TELEPHONE NO.:
Arturo D. Rodriguez	Russell & Rodriguez, L.L.P.	(512) 930-7742	(512) 930-1317
Brian MacLeod	Texas Commission on Environmental Quality	(512) 239-0606	(512) 239-0750
Blas J. Coy, Jr.	Office of Public Interest Counsel	(512) 239-6377	(512) 239-6363
Docket Clerk	Texas Commission on Environmental Quality	(512) 239-3311	(512) 239-3311

Please call us immediately if the document you receive is incomplete or illegible.

From: John J. Carlton	Telephone No.: (512) 435-2375
Client/Matter No.: 52515.0101	Total No. of Pages Sent: 23

**REMARKS:**

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

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

**ATTACHMENTS:**

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

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE (COLLECT), AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U. S. POSTAL SERVICE. THANK YOU.  
252890-1 03/24/2008

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

ATTORNEYS AND COUNSELORS

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

FACSIMILE 512-435-2380

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

TEXAS  
COMMISSION ON  
ENVIRONMENTAL  
QUALITY  
2008 APR 30 AM 11:10  
CHIEF CLERKS OFFICE

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

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

**§ 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.

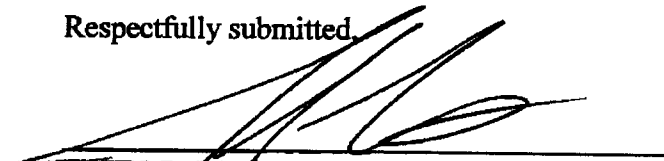
**REQUEST FOR PRODUCTION NO. 7:** Please produce a copy of Lindsay Pure Water Company's latest approved tariff.

**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**

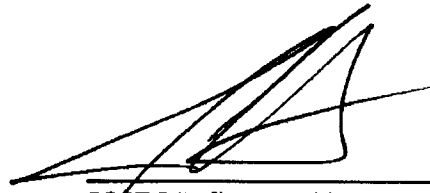
I hereby certify that a true and correct copy of the foregoing Lindsay Pure Water Company's Response to the Executive Director's First Request for Disclosure, Interrogatories and Requests for Production has been sent by Facsimile and/or First Class Mail on this 30<sup>th</sup> day of April, 2008, to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

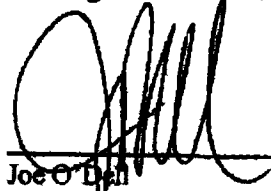
Docket Clerk  
Office of the Chief Clerk – MC 105  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087  
Phone: (512) 239-3300  
Facsimile: (512) 239-3311

  
\_\_\_\_\_  
JOHN J. CARLTON



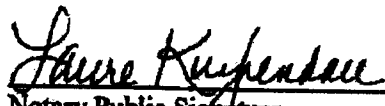
**VERIFICATION**

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 24<sup>th</sup> 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 COUNSELORS100 CONGRESS AVENUE, SUITE 1300  
AUSTIN, TEXAS 78701-2744  
512-435-2300

FACSIMILE 512-435-2360

**FACSIMILE COVER PAGE**

Date: April 30, 2008

2008 APR 30 AM 11:10  
CHIEF CLERKS OFFICETEXAS  
COMMISSION ON  
ENVIRONMENTAL  
QUALITY

NAME:	COMPANY:	FACSIMILE NO.:	TELEPHONE NO.:
Brian MacLeod	Texas Commission on Environmental Quality	(512) 239-0606	(512) 239-0750
Arturo D. Rodriguez	Russell & Rodriguez, L.L.P.	(512) 930-7742	(512) 930-1317
Blas J. Coy, Jr.	Office of Public Interest Counsel	(512) 239-6377	(512) 239-6363
Docket Clerk	Texas Commission on Environmental Quality	(512) 239-3311	(512) 239-3311

Please call us immediately if the document you receive is incomplete or illegible.

From: John J. Carlton	Telephone No.: (512) 435-2375
Client/Matter No.: 52515.0101	Total No. of Pages Sent: 8

**REMARKS:**☐ Urgent ☐ For Your Review ☐ Reply ASAP ☐ Please Comment☐ Original To Follow Via: ☐ Hand Delivery ☐ Federal Express ☐ First Class Mail**RE:** SOAH Docket No. 582-06-0203; TCEQ Docket No. 2006-0272-UCR; *Application of the Town of Lindsay to Amend Water and Sewer Certificates of Convenience and Necessity (CCN) Nos. 13025 and 20927 in Cooke County, Texas; Application Nos. 35096-C & 35097-C***ATTACHMENTS:** Lindsay Pure Water Company's Response to the Executive Director's Second Request for Admissions, Disclosure, Interrogatories and Requests for Production

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE (COLLECT), AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U. S. POSTAL SERVICE. THANK YOU.

252890-1 03/24/2008

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

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

§  
§  
§  
§  
§  
§  
§

**BEFORE THE STATE OFFICE  
OF  
ADMINISTRATIVE HEARINGS**

**CHIEF CLERK'S OFFICE  
TCEQ APR - 2 2008 3:23**

**OFFICE OF  
ENVIRONMENTAL  
QUALITY**

**CITY OF LINDSAY'S 3<sup>RD</sup> SET OF REQUESTS  
FOR PRODUCTION TO LINDSAY PURE WATER COMPANY**

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

The City of Lindsay ("City" or "Lindsay") serves this, its 3<sup>rd</sup> Set of Requests for Production, on Lindsay Pure Water Company ("Lindsay PWC"), by and through its attorney, Mr. John Carlton, pursuant to Chapter 2001 of the Texas Government Code, the Texas Rules of Civil Procedure, and applicable rules and regulations of the Texas Commission on Environmental Quality and the State Office of Administrative Hearings. Within thirty (30) days of service of this request, Lindsay PWC must serve a signed copy of the responses to these requests upon counsel for City, Arturo D. Rodriguez, Jr., at the following address: Russell & Rodriguez, L.L.P., 102 West Morrow, Suite 103, Georgetown, Texas 78626.

**A. DEFINITIONS**

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

1. "City" or "Lindsay" refers to the City of Lindsay, and each of its officers, employees, agents, representatives, attorneys, and all other natural persons, business or legal entities, presently or formerly acting in concert with, under their direct or indirect control of, or on behalf of City.
2. "You," "your," "Company", and "Lindsay PWC" means Lindsay Pure Water Company, its officers, employees, agents, representatives, attorneys, and all other natural persons, businesses or legal entities, presently or formerly, acting in concert with, under the direct or indirect control of, or on behalf of Lindsay Pure Water Company.

3. "Document(s)" means all written, typed, or printed matters, and all magnetic or other records, papers, or documentation of any kind or description (including, without limitation, letters, correspondence, telegrams, memoranda, notes, minutes, contracts, agreements, notations of telephone or in-person conversations, conferences, inter-office communications, e-mail, microfilm, bulletins, circulars, accounts, writings, drawings, graphs, charts, pamphlets, books, facsimiles, invoices, tape recordings, video recordings, photographs, computer printouts and work sheets), including all originals and all drafts and copies not identical to the originals, all photographs and graphic matter, however produced or reproduced, and all compilations of data from which information can be obtained, and any and all writings or recordings of any type or nature, whether or not prepared by you, in your actual possession, custody, or control, including those in the possession, custody, or control of any and all present or former directors, officers, employees, representatives, consultants, accountants, attorneys, agents, other natural persons, business or legal entities, presently or formerly acting in concert with, under their direct or indirect control of, or on behalf of Lindsay PWC.
4. "Describe" or "identify," when used in reference to a document, means you must state, to the fullest extent possible, the following:
- a) The nature (e.g., letter, handwritten note) of the document;
  - b) The title or heading that appears on the document;
  - c) The date of the document and the date of each addendum, supplement, or other addition or change;
  - d) The identity of: the author of the document; any signatory(ies) to the document; and the person on whose behalf or at whose request or direction the document was prepared or delivered; and
  - e) The present location of the document, and the name, address, position or title, and telephone number(s) of the person(s) having custody of the document.
5. "Describe" or "identify," when used in reference to a natural person, means you must state, to the fullest extent possible, the following:
- a) The full name;
  - b) The present or last known residential address, including zip code;
  - c) The present or last known residential and office telephone number(s);
  - d) The present or last known occupation, job title, employer, and employer's address, including zip code;
  - e) The occupation, job title, employer, and employer's address at the time of the event or period referred to in each particular interrogatory; and

- d) In the case of any person other than an individual, identify the officer, employee, or agent most closely connected with the subject matter of the interrogatory, and the officer who is responsible for supervising that officer or employee.
6. "Communication" means any oral or written communication of which Lindsay PWC has knowledge, information, or belief.
7. "File" means any collection or group of documents maintained held, stored, or used together, including, without limitation, all collections of documents maintained, held, or stored in folders, notebooks, or other devices for separating or organizing documents.
8. "Person(s)" means any natural person, corporation, firm, association, partnership, joint venture, proprietorship, governmental body, or any other organization, business, or legal entity, and all other predecessors or successors in interest.
9. "Concerning" means, in whole or in part, directly or indirectly, referring to, relating to, being connected with, commenting on, responding to, showing, describing, analyzing, reflecting, embodying, mentioning, or constituting the subject matter identified in the request.
10. "Date" means the exact day, month, and year, if ascertainable or, if not, the best approximation.
11. The word "and" means "and/or."
12. The word "or" means "or/and."
13. "Application" refers to Application of the City of Lindsay to Amend its Water and Sewer Certificates of Convenience and Necessity No. 13025 and 20927 in Cooke County, Application Nos. 35096-C and 35097-C, TCEQ Docket No. 2006-02729-UCR, SOAH Docket No. 582-06-1367, pending before the Texas Commission on Environmental Quality ("TCEQ") and/or the State Office of Administrative Hearings ("SOAH") and any and all information gathered, generated, compiled, or submitted to any other state or federal agency by or on behalf of Lindsay PWC related to Application Nos. 35096-C and 35097-C.
14. All definitions found in 30 TEX. ADMIN. CODE Ch. 291 and Texas Water Code Ch. 11 and Ch. 13 are incorporated herein, verbatim.

### **B. INSTRUCTIONS**

1. You are required to answer each of the following requests for documents separately by listing the documents and by describing them as defined herein. If documents are numbered for production, in each response provide both the information that identifies the document and the document's number.
2. As to any interrogatory or requests for production to which you refuse to respond or are unable to respond to in whole or in part, for any reason, please state the grounds for your refusal or inability to respond. When you believe that a complete answer to a particular

request for production or part thereof is not possible, please answer each request for production to the extent possible and furnish a statement explaining: 1) the reason for your inability to respond further; and 2) whatever information or knowledge you have concerning the non-responsive portion.

3. For each document or other requested information that you assert is privileged or is not discoverable, identify that document or other requested information, and state the specific grounds for the claim of privilege or other ground for exclusion. Also, for each document you assert is not discoverable, state the date of the document; state the name, job title, and address of the person who prepared it; state the name, address, and job title of the person to whom it was addressed, circulated, or who saw it; state the name, job title, and address of the person now in possession of the document; describe the subject matter of the document; and state the present location and the custodian for the document.
4. For every document that no longer exists or cannot be located, or for any requested information about a document that no longer exists or cannot be located: identify the document; state how and when the document passed out of existence, or when it could no longer be located; and state the reason(s) for the disappearance; identify each person having knowledge about the disposition or loss of the document; and identify each document evidencing the existence or nonexistence of each document that cannot be located.
5. It is requested that all documents that might impact on the subject matter of the Application be preserved and that any ongoing process of document destruction involving such documents cease.
6. Furnish all information available to you and known by you, or in your possession or that of your agents and attorneys, or appearing in your records.
7. In those instances when requested information or requested documents are stored only on software, computer based information, or other data compilations, you should either produce the raw data along with all codes and programs for translating it into usable form, or produce the information in a finished usable form that includes all necessary glossaries, keys, and indices for interpretation of the material.
8. You are under a duty to supplement your answers to these requests for disclosure that are incomplete or incorrect when made. Furthermore, you are under a duty to timely amend your answers if you obtain information on the basis of which you know that an answer either: 1) was incorrect or incomplete when made; or 2) although correct and complete when made, is no longer true and complete and the circumstances are such that failure to amend the answer is in substance misleading.
9. Unless otherwise indicated, the discovery requested herein Lindsay's First Set of Requests for Production relates to the time period from January 1, 1997 through the present. All requested documents, data compilations, and recordings whenever actually prepared or generated that relate to this time period are to be produced.

**C. REQUEST FOR PRODUCTION****REQUEST FOR PRODUCTION 3-1:**

Please produce a copy of the Company's most recent rate application filed with the TCEQ or its predecessor agency(ies).

**RESPONSE:****REQUEST FOR PRODUCTION 3-2:**

Please produce a copy of the Company's most recent rate order issued by TCEQ or its predecessor agency(ies).

**RESPONSE:****REQUEST FOR PRODUCTION 3-3:**

Please produce a copy of the last three annual reports filed by the Company with the TCEQ.

**RESPONSE:****REQUEST FOR PRODUCTION 3-4:**

Please produce a list of all Company employees as well as their job classification and licenses held, if any.

**RESPONSE:****REQUEST FOR PRODUCTION 3-5:**

Please produce a detailed description of any outstanding debt of the Company including the type, amount, date issued, terms and conditions, and repayment schedule.

**RESPONSE:****REQUEST FOR PRODUCTION 3-6:**

Please produce any and all contracts with any third party in which the Company has entered into.

**RESPONSE:****REQUEST FOR PRODUCTION 3-7:**

Please produce the Company's annual audited financial statements for the fiscal year 2005 through 2007.

**RESPONSE:**

**REQUEST FOR PRODUCTION 3-8:**

Please produce any and all documents or tangible things in your actual or constructive possession concerning your monitoring procedures, emergency response procedures, and emergency response times for water service issues for the previous 5 years.

**RESPONSE:****REQUEST FOR PRODUCTION 3-9:**

Please produce any and all correspondence between the Company and the TCEQ, including notices of violations and responses to notices of violation, for the last 3 years.

**RESPONSE:****REQUEST FOR PRODUCTION 3-10:**

Please produce any and all cost of service and/or rate studies performed by the Company or for the Company.

**RESPONSE:****REQUEST FOR PRODUCTION 3-11:**

Please produce any and all engineering studies and/or plans conducted by or for the Company for their system.

**RESPONSE:**



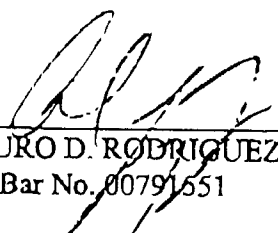
**REQUEST FOR PRODUCTION 3-12:**

Please produce any and all requests for service that the Company has received over the last ten years.

**RESPONSE:**

Respectfully submitted,

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

  
\_\_\_\_\_  
ARTURO D. RODRIGUEZ, JR.  
State Bar No. 00791551

**ATTORNEY FOR THE CITY OF LINDSAY**

**CERTIFICATE OF SERVICE**


I hereby certify that on this 2<sup>nd</sup> day of April, 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 of record:

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

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

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

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

  
\_\_\_\_\_  
ARTURO D. RODRIGUEZ, JR.

## RUSSELL &amp; RODRIGUEZ, L.L.P.

Attorneys at Law

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

Phone (512) 930-1317

E-mail: arodriguez@txadminlaw.com

Fax (512) 930-7742

## FACSIMILE COVER PAGE

April 2, 2008

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

Mr. John Carlton, Attorney

Fax Number: (512) 435-2360

Mr. Blas Coy, Attorney

Fax Number: (512) 239-6377

Mr. Brian MacLeod

Fax Number: (512) 239-0606

TCEQ Chief Clerk

Fax Number: (512) 239-3311

Client Number: 1140-00

From: Arturo D. Rodriguez, Jr.

Direct Phone: (512) 930-1317

Pages: 9 (Including Cover Sheet)

Re:

Comments: City of Lindsay's 3<sup>rd</sup> RFP to Lindsay PWC

CHIEF CLERKS OFFICE

APR - 2 PM 3:23

TEXAS  
COMMISSION OF  
OFFICIALS  
QUALITY

CCO

Buddy Garcia, *Chairman*  
Larry R. Soward, *Commissioner*  
Bryan W. Shaw, Ph.D., *Commissioner*  
Glenn Shankle, *Executive Director*



2006-0272-UCR

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

MAR 31 PM 4:20

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY CHIEF CLERKS OFFICE

*Protecting Texas by Reducing and Preventing Pollution*

March 31, 2008

Mr. John J. Carlton  
Attorney at Law  
Arnbrust & Brown, LLP  
100 Congress Avenue, Suite 1300  
Austin, Texas 78701-2744

Re: The Executive Director's Second Requests for Admissions, Disclosure, interrogatories, and Requests for Production to Lindsay Pure Water Company

Dear Mr. Carlton:

Enclosed please find one copy of the "Executive Director's Second Request for Admissions, Disclosure, Interrogatories, and Requests for Production to Lindsay Pure Water Company" and the "Executive Director's Second Requests for Disclosure, Interrogatories, and Requests for Production to Rio Water Supply Corporation." If you have any questions or comments, please call me at 512/239-0750.

Sincerely,

A handwritten signature in black ink, appearing to read "B. MacLeod", followed by a horizontal line.

Brian MacLeod  
Attorney  
Environmental Law Division

Enclosures