



Control Number: 43945



Item Number: 11

Addendum StartPage: 0

House Bill (HB) 1600 and Senate Bill (SB) 567 83rd
Legislature, Regular Session, transferred the functions
relating to the economic regulation of water and sewer
utilities from the TCEQ to the PUC effective
September 1, 2014

RECEIVED

SOAH DOCKET NO. 582-06-2023

TCEQ DOCKET NO. 2006-0272-UCR 2014 DEC 11 PM 4:20

PUBLIC UTILITY COMMISSION
FILING CLERK CHIEF CLERKS OFFICE

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

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

TO: Lindsay Pure Water Company, c/o John J. Carlton, Attorney at Law, Armbrust & Brown, LLP; 100 Congress Avenue, Suite 1300, Austin, Texas 78701-2744.

Pursuant to §2001 et seq. of the Administrative Procedure Act ("APA"), GOVERNMENT CODE (Vernon), Rules 190-197 of the Texas Rules of Civil Procedure and 30 Texas Administrative Code ("TAC") § 80.151, and TAC Title 1, Part VII, Section 155.23, you are required to answer in complete detail and in writing each of the following requests for disclosure, interrogatories, and requests for production. You are required to sign your answers to the questions or requests, to swear to the truth of your responses before a Notary Public or other judicial officer, and to deliver a complete, signed, and notarized copy of your answers to Brian MacLeod, Staff Attorney, Environmental Law Division, MC 173, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087 in accordance with the Administrative Law Judge's directive and the Rules of the Texas Commission on Environmental Quality.

I. DEFINITIONS

As used herein, the terms "you," "your," or "yourself," refer to **Lindsay Pure Water Company**, the party to whom these requests are addressed, as well as to each of its parents, predecessors, subsidiaries and affiliates, each of its present and former officers, employees, agents, representatives and attorneys acting on its behalf.

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

REPRESENTATIVE

As used herein, the term "representative" means any and all agents, employees, servants, officers, directors, attorneys, or other persons acting or purporting to act on your behalf.

PERSON

As used herein, the term "person" means any natural individual in any capacity whatsoever or any entity or organization, including divisions, departments and other units therein, and shall include, but not be limited to, a public or private corporation, partnership, joint venture, voluntary or unincorporated association, organization, proprietorship, trust, estate, governmental agency, commission, bureau, municipality, or department.

DOCUMENT

As used herein, the term "document" means any medium upon which information can be recorded or retrieved, and includes, without limitation, the original and each copy, regardless of origin and location, of any book, pamphlet, periodical, letter, memorandum (including any memorandum or report of a meeting or conversation), invoice, bill, order form, receipt, financial statement, accounting entry, diary, calendar, telex, telegram, cable, facsimile transmission, report, record, contract, agreement, study, handwritten note, draft, working paper, chart, paper, print, laboratory record, drawing, sketch, graph, index, list, tape, photograph, microfilm, data sheet or data processing card, computer tape or disk, or any other written, recorded, transcribed, punched, taped, filmed, or graphic matter, however produced or reproduced, which is in your possession, custody, or control. The term "document" further means a copy of any document, as referred to above, if such copy contains notes, writings or is in any way different from or an alteration of the original document.

COMMUNICATION

As used herein, the term "communication" means any oral or written utterance, notation or statement of any nature whatsoever, by and to whomsoever made, including, but not limited to, correspondence, conversations, dialogues, discussions, interviews, consultations, agreements and other understandings between or among two or more persons.

IDENTIFICATION

As used herein, the terms "identification," "identify," or "identity," when used in reference to: (a) a natural individual - require you to state his or her full name and business address; (b) a corporation

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

- require you to state its full corporate name and any names under which it does business, its state of incorporation, the address of its principal place of business, and the addresses of all of its offices; (c) a business -require you to state the full name or style under which the business is conducted, its business address or addresses, the types of businesses in which it is engaged, the geographic areas in which it conducts those business, and the identity of the person or persons who own, operate, and control the business; (d) a document - require you to state the number of pages and the nature of the document (e.g., letter or memorandum), its title, its date, the name or names of its authors and recipients, and its present location and custodian; (e) a communication - require you, if any part of the communication was written, to identify the document or documents which refer to or evidence the communication, and, to the extent that the communication was non-written, to identify the persons participating in the communication and to state the date, manner, place and substance of the communication.

II. INSTRUCTIONS

IDENTIFICATION OF DOCUMENTS

With respect to each request, in addition to supplying the information requested, you are to identify all documents that support, refer to or evidence the subject matter of each request and your answer thereto.

If any or all documents identified herein are no longer in your possession, custody or control because of destruction, loss or any other reason, then do the following with respect to each and every such document: (a) describe the nature of the document (e.g., letter or memorandum); (b) state the date of the document; (c) identify the persons who sent and received the original and a copy of the document; (d) state in as much detail as possible the contents of the document; and (e) state the manner and date of disposition of the document.

If you contend that any material or information responsive to any of the interrogatories is privileged, state in response that: (a) the information or material responsive to the interrogatories has been withheld; (b) the interrogatory to which the information or material relates; and (c) the privilege or privileges asserted.

CONTENTION REQUESTS

When a request requires you to "state the basis of" a particular claim, contention, or allegation, state in your answer the identity of each and every communication and each and every legal theory that you think supports, refers to, or evidences such claim, contention, or allegation.

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

CONTINUING REQUESTS

These requests are to be considered continuing in nature and you are under a duty to timely supplement any response given to such request(s) as required by Rule 193.5 of the Texas Rules of Civil Procedure.

III. 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.

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.

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 proceeding.

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.

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.

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.

IV. 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 for certification.

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

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

discuss and describe in detail why Lindsay Pure Water Company has not submitted a CCN application to request certification for the requested area.

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.

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.

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 the Town of Lindsay in its applications at a lower cost to consumers.

V. REQUESTS FOR 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.

Request for Production No. 2: Please produce one 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.

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.

Request for Production No. 4: Please produce a copy of the 2002 agreement between Lindsay Pure Water Company and the Town of Lindsay for service area.

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 systems for the past 2 years.

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.

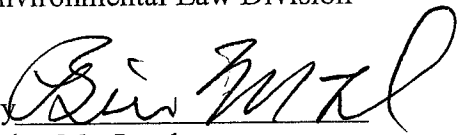
THE EXECUTIVE DIRECTOR'S SECOND REQUESTS
FOR DISCLOSURE, INTERROGATORIES AND
REQUESTS FOR PRODUCTION TO THE LINDSAY PURE WATER COMPANY

Request for Production No. 9: Please produce a copy of Lindsay Pure Water Company's latest approved tariff.

Request for Production No. 10: 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.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

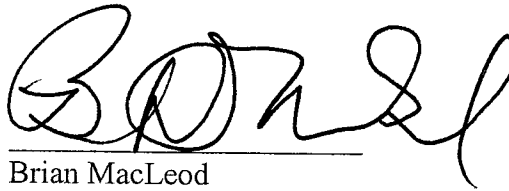
Robert Martinez, Director
Environmental Law Division

By 

Brian MacLeod
Staff Attorney
Environmental Law Division
State Bar of Texas No.
P.O. Box 13087; MC 173
Austin, Texas 78711-3087
Phone: (512) 239-0750
Fax: (512) 239-0606

CERTIFICATE OF SERVICE

I hereby certify that on this 31st day of March, 2008, a true and correct copy of the foregoing document was delivered via facsimile, hand delivery, interagency mail, or by deposit in the U.S. Mail to all persons on the attached mailing list.



Brian MacLeod
Staff Attorney
Environmental Law Division

CHIEF CLERKS OFFICE

31 MAR 31 PM 4:20

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

**Mailing List
Town of Lindsay
SOAH Docket 582-06-2023
TCEQ Docket No. 2006-0272-UCR**

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



2008-0272-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. Arturo D. Rodriguez, Jr.
Russell & Rodriguez, LLP
Texas Heritage Plaza
102 West Morrow Street, Suite 103
Georgetown, Texas 78626.

Re: Application from the Town of Lindsay, Certificate of Convenience and Necessity (CCN) No. 13025 in Cooke County; Application No. 35096-C

Application from the Town of Lindsay, to Amend CCN No. 20927 in Cooke County;
Application No. 35097-C

CN: 601118607; RN: 104296488 (water) and 104375569 (sewer)

Dear Mr. Rodriguez:

Thank you also for providing additional information in response to the Executive Director's requests for production issued during the first round of discovery. The additional information was received in our office on March 25, 2008.

As you recall, during our telephone conversation on March 24, 2008, we discussed that sufficient information in response to Interrogatories 15-18 of the Executive Director's first round of discovery. This information is needed to determine whether or not a CCN should be granted to the Town of Lindsay in the proposed area. Thus, a response to the following interrogatories would help us in reviewing the referenced applications:

- **Interrogatory No. 15:** Please describe the financial stability of the Town of Lindsay, including, if applicable, the adequacy of the Town of Lindsay's debt-equity ratio and available cash flow for debt service coverage.
- **Interrogatory No. 16:** Please estimate the time it would take the Town of Lindsay to provide water and sewer utility service to the Town of Lindsay's proposed water and/or sewer service areas in compliance with all applicable Commission rules and statutes, and please describe the time it would take the Town of Lindsay to provide water and sewer

utility service to any person requesting service in any outlying portions of the areas requested by the Town of Lindsay in its applications. Please distinguish between water and sewer in your response.

- **Interrogatory No. 17:** On a large scale copy of the service area maps submitted with the Town of Lindsay's original applications; please identify, to the best of your knowledge, all the Town of Lindsay's existing and proposed water and/or sewer in your response.
- **Interrogatory No. 18:** Please describe whether granting the Town of Lindsay's water and/or sewer CCN applications would promote the Commission's policy goal of regionalization.

Thank you in advance for agreeing to respond to these questions. We look forward to reviewing the additional information soon.

If you have any questions, please contact me directly at (512) 239-0750, or if by correspondence, include MC 173 in the letterhead address.

Sincerely,

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

Brian MacLeod, Attorney
Environmental Law Division

TB/BD/

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

MAR 31 PM 4:20

CHIEF CLERKS OFFICE

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

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BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

**THE EXECUTIVE DIRECTOR'S SECOND REQUESTS FOR DISCLOSURE,
INTERROGATORIES, AND REQUESTS FOR PRODUCTION TO RIO WATER
SUPPLY CORPORATION**

TO: The Town of Lindsay, by and through its attorney, Mr. Arturo D. Rodriguez, Jr.; Russell & Rodriguez, LLP; Texas Heritage Plaza, 102 West Morrow Street, Suite 103; Georgetown, Texas 78626.

Pursuant to §2001 *et seq.* of the Administrative Procedure Act ("APA"), GOVERNMENT CODE (Vernon), Rules 190-197 of the Texas Rules of Civil Procedure and 30 Texas Administrative Code ("TAC") § 80.151, and TAC Title 1, Part VII, Section 155.23, you are required to answer in complete detail and in writing each of the following requests for disclosure, interrogatories, and requests for production. You are required to sign your answers to the questions or requests, to swear to the truth of your responses before a Notary Public or other judicial officer, and to deliver a complete, signed, and notarized copy of your answers to Brian MacLeod, Staff Attorney, Environmental Law Division, MC 173, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087 in accordance with the Administrative Law Judge's directive and the Rules of the Texas Commission on Environmental Quality.

I. DEFINITIONS

As used herein, the terms "you," "your," or "yourself," refer to **Town of Lindsay**, the party to whom these requests are addressed, as well as to each of its parents, predecessors, subsidiaries and affiliates, each of its present and former officers, employees, agents, representatives and attorneys acting on its behalf.

REPRESENTATIVE

As used herein, the term "representative" means any and all agents, employees, servants, officers, directors, attorneys, or other persons acting or purporting to act on your behalf.

PERSON

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IDENTIFICATION

THE EXECUTIVE DIRECTOR'S SECOND REQUESTS
FOR DISCLOSURE, INTERROGATORIES AND
REQUESTS FOR PRODUCTION TO THE TOWN OF LINDSAY

As used herein, the terms "identification," "identify," or "identity," when used in reference to: (a) a natural individual - require you to state his or her full name and business address; (b) a corporation - require you to state its full corporate name and any names under which it does business, its state of incorporation, the address of its principal place of business, and the addresses of all of its offices; (c) a business -require you to state the full name or style under which the business is conducted, its business address or addresses, the types of businesses in which it is engaged, the geographic areas in which it conducts those business, and the identity of the person or persons who own, operate, and control the business; (d) a document - require you to state the number of pages and the nature of the document (e.g., letter or memorandum), its title, its date, the name or names of its authors and recipients, and its present location and custodian; (e) a communication - require you, if any part of the communication was written, to identify the document or documents which refer to or evidence the communication, and, to the extent that the communication was non-written, to identify the persons participating in the communication and to state the date, manner, place and substance of the communication.

II. INSTRUCTIONS

IDENTIFICATION OF DOCUMENTS

With respect to each request, in addition to supplying the information requested, you are to identify all documents that support, refer to or evidence the subject matter of each request and your answer thereto.

If any or all documents identified herein are no longer in your possession, custody or control because of destruction, loss or any other reason, then do the following with respect to each and every such document: (a) describe the nature of the document (e.g., letter or memorandum); (b) state the date of the document; (c) identify the persons who sent and received the original and a copy of the document; (d) state in as much detail as possible the contents of the document; and (e) state the manner and date of disposition of the document.

If you contend that any material or information responsive to any of the interrogatories is privileged, state in response that: (a) the information or material responsive to the interrogatories has been withheld; (b) the interrogatory to which the information or material relates; and (c) the privilege or privileges asserted.

CONTENTION REQUESTS

When a request requires you to "state the basis of" a particular claim, contention, or allegation, state in your answer the identity of each and every communication and each and every legal theory that you think supports, refers to, or evidences such claim, contention, or allegation.

THE EXECUTIVE DIRECTOR'S SECOND REQUESTS
FOR DISCLOSURE, INTERROGATORIES AND
REQUESTS FOR PRODUCTION TO THE TOWN OF LINDSAY

CONTINUING REQUESTS

These requests are to be considered continuing in nature and you are under a duty to timely supplement any response given to such request(s) as required by Rule 193.5 of the Texas Rules of Civil Procedure.

IV. ADMISSIONS

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

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

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.

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.

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.

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.

V. 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.

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.

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.

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

THE EXECUTIVE DIRECTOR'S SECOND REQUESTS
FOR DISCLOSURE, INTERROGATORIES AND
REQUESTS FOR PRODUCTION TO THE TOWN OF LINDSAY

between water or sewer service in your response.

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.

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.

V. 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.

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.

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.

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.

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.

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.

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.

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.

THE EXECUTIVE DIRECTOR'S SECOND REQUESTS
FOR DISCLOSURE, INTERROGATORIES AND
REQUESTS FOR PRODUCTION TO THE TOWN OF LINDSAY

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.

Request for Production No. 13: 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.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Robert Martinez, Director
Environmental Law Division

By 

Brian MacLeod
Staff Attorney
Environmental Law Division
State Bar of Texas No.
P.O. Box 13087; MC 173
Austin, Texas 78711-3087
Phone: (512) 239-0144
Fax: (512) 239-0606

CERTIFICATE OF SERVICE

I hereby certify that on this 31st day of March, 2008, a true and correct copy of the foregoing document was delivered via facsimile, hand delivery, interagency mail, or by deposit in the U.S. Mail to all persons on the attached mailing list.



Brian MacLeod
Staff Attorney
Environmental Law Division

CHIEF CLERKS OFFICE

MAR 31 PM 4:20

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

Mailing List
Town of Lindsay
SOAH Docket 582-06-2023
TCEQ Docket No. 2006-0272-UCR

Mr. John Carlton, Attorney

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Mr. Arturo D. Rodriguez, Jr.

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Fax (512) 239-6377

Brian MacLeod, Staff Attorney

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Fax (512) 239-0606

ARMBRUST & BROWN, L.L.P.

ATTORNEYS AND COUNSELORS

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512-435-2300

FACSIMILE 512-435-2360

JOHN J. CARLTON
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jcarlton@abaustin.com

March 24, 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

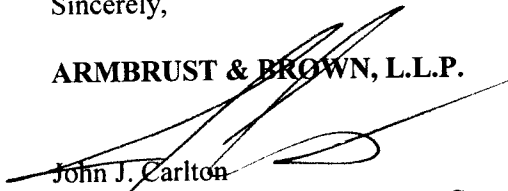
Dear Brian:

Enclosed is Lindsay Pure Water Company's Response to the Executive Director's 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

MAR 25 AM 10:07

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

CHIEF CLERKS OFFICE

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

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

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

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

REQUEST FOR DISCLOSURE

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

RESPONSE: None are known at this time.

REQUEST FOR DISCLOSURE 194.2(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 321249-1 02/25/2008

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.

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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. 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 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 has requests for water service from landowners within its CCN and the area designated for it to serve under the 2002 settlement agreement, and additional information regarding these requests will be supplemented. 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 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. The Company has no information on sewer service, as sewer service is not an issue in this matter. The Company will supplement with additional information as this matter progresses.

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

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

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

RESPONSE: Lindsay Pure Water Company has an existing water CCN adjacent to the proposed area and the Company has plans and requests to serve the landowners within its CCN and the area designated for it to serve under the 2002 settlement agreement. 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 sewer service is not an issue in this matter. The Company will supplement with additional information as this matter progresses.

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

RESPONSE: Lindsay Pure Water Company has an existing water CCN adjacent to the proposed area and the Company has plans and requests to serve the landowners within its CCN and the area designated for it to serve under the 2002 settlement agreement. The Company is better situated, 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 sewer service is not an issue in this matter. The Company will supplement with additional information as this matter progresses.

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

RESPONSE: Lindsay Pure Water Company has an existing water CCN and utility adjacent to, 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 sewer service is not an issue in this matter. The Company will supplement with additional information as this matter progresses.

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

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

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

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

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

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

REQUESTS FOR PRODUCTION

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

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

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

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

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

REPSONSE: To the extent they exist, responsive documents, except those covered by the attorney-client privilege, will be produced.

Respectfully submitted,



JOHN J. CARLTON

State Bar No. 03817600

ARMBRUST & BROWN, L.L.P.

100 Congress Avenue, Suite 1300

Austin, Texas 78701-2744

(512) 435-2300 – Telephone

(512) 436-2360 – Telecopy

**ATTORNEYS FOR LINDSAY PURE
WATER COMPANY**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Lindsay Pure Water Company's Response to the Executive Director's First Request for Disclosure, Interrogatories and Requests for Production has been sent by Facsimile and/or First Class Mail on this 24th day of March, 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
MAR 25 AM 10:07
CHIEF CLERKS OFFICE


JOHN J. CARLTON

ARMBRUST & BROWN, L.L.P.

ATTORNEYS AND COUNSELORS

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

FACSIMILE 512-435-2360

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

March 24, 2008

VIA FACSIMILE: (512) 239-0606 &
FIRST CLASS MAILBrian MacLeod
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087Re: SOAH Docket No. 582-06-0203; TCEQ Docket No. 2006-0272-UCR; *Application of the Town of Lindsay to Amend Water and Sewer Certificates of Convenience and Necessity (CCN) Nos. 13025 and 20927 in Cooke County, Texas*; Application Nos. 35096-C & 35097-C

Dear Brian:

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

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

Sincerely,

ARMBRUST & BROWN, L.L.P.

John J. Carlton

Attorney for Lindsay Pure Water Company

Enclosure

cc: Arturo Rodriguez, Jr.
Mr. Blas Coy
TCEQ Docket ClerkTEXAS
COMMISSION ON
ENVIRONMENTAL
QUALITY
2008 MAR 24 PM 4:28
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**

TEXAS
COMMISSION ON
ENVIRONMENTAL
QUALITY
2008 MAR 24 PM 4:28
CHIEF CLERK'S OFFICE

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

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

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

REQUEST FOR DISCLOSURE

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

RESPONSE: None are known at this time.

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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:

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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. 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 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 has requests for water service from landowners within its CCN and the area designated for it to serve under the 2002 settlement agreement, and additional information regarding these requests will be supplemented. 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 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. The Company has no information on sewer service, as sewer service is not an issue in this matter. The Company will supplement with additional information as this matter progresses.

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

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

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

RESPONSE: Lindsay Pure Water Company has an existing water CCN adjacent to the proposed area and the Company has plans and requests to serve the landowners within its CCN and the area designated for it to serve under the 2002 settlement agreement. 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 sewer service is not an issue in this matter. The Company will supplement with additional information as this matter progresses.

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

RESPONSE: Lindsay Pure Water Company has an existing water CCN adjacent to the proposed area and the Company has plans and requests to serve the landowners within its CCN and the area designated for it to serve under the 2002 settlement agreement. The Company is better situated, 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 sewer service is not an issue in this matter. The Company will supplement with additional information as this matter progresses.

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

RESPONSE: Lindsay Pure Water Company has an existing water CCN and utility adjacent to, 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 sewer service is not an issue in this matter. The Company will supplement with additional information as this matter progresses.

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

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

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

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

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

03-24-08 15:28

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

Mar 24 2008 04:23pm

5124352360

T-008 P.08/11 F-643

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

REQUESTS FOR PRODUCTION

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

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

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

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

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

RESPONSE: To the extent they exist, responsive documents, except those covered by the attorney-client privilege, will be produced.

Respectfully submitted,



JOHN J. CARLTON

State Bar No. 03817600

ARMBRUST & BROWN, L.L.P.

100 Congress Avenue, Suite 1300

Austin, Texas 78701-2744

(512) 435-2300 – Telephone

(512) 436-2360 – Telecopy

**ATTORNEYS FOR LINDSAY PURE
WATER COMPANY**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Lindsay Pure Water Company's Response to the Executive Director's First Request for Disclosure, Interrogatories and Requests for Production has been sent by Facsimile and/or First Class Mail on this 24th day of March, 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

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: March 24, 2008

TEXAS
COMMISSION ON
ENVIRONMENTAL
QUALITY
2008 MAR 24 PM 4:28
CHIEF CLERKS OFFICE

NAME:	COMPANY:	FACSIMILE NO.:	TELEPHONE NO.:
Arturo D. Rodriguez	Russell & Rodriguez, L.L.P.	(512) 930-7742 ✓	(512) 930-1317
Blas J. Coy, Jr.	Office of Public Interest Counsel	(512) 239-6377 ✓	(512) 239-6363
Brian MacLeod	Texas Commission on Environmental Quality	(512) 239-0606 ✓	(512) 239-0750
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: 11

REMARKS:

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

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

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

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

252890-1 03/24/2008

ARMBRUST & BROWN, L.L.P.

ATTORNEYS AND COUNSELORS

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

FACSIMILE 512-435-2360

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

March 24, 2008

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

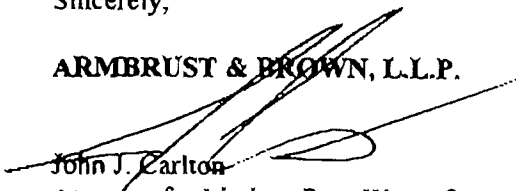
Dear Brian:

Enclosed is Lindsay Pure Water Company's Response to the Executive Director's 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

TEXAS
COMMISSION ON
ENVIRONMENTAL
QUALITY
2008 MAR 24 PM 4:17
CHIEF CLERKS OFFICE

EX-101
ENVIRONMENTAL
QUALITY
2008 MAR 24 PM 4:17
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

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

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

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

REQUEST FOR DISCLOSURE

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

RESPONSE: None are known at this time.

REQUEST FOR DISCLOSURE 194.2(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

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. 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 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 has requests for water service from landowners within its CCN and the area designated for it to serve under the 2002 settlement agreement, and additional information regarding these requests will be supplemented. 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 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. The Company has no information on sewer service, as sewer service is not an issue in this matter. The Company will supplement with additional information as this matter progresses.

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

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

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

RESPONSE: Lindsay Pure Water Company has an existing water CCN adjacent to the proposed area and the Company has plans and requests to serve the landowners within its CCN and the area designated for it to serve under the 2002 settlement agreement. 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 sewer service is not an issue in this matter. The Company will supplement with additional information as this matter progresses.

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

RESPONSE: Lindsay Pure Water Company has an existing water CCN adjacent to the proposed area and the Company has plans and requests to serve the landowners within its CCN and the area designated for it to serve under the 2002 settlement agreement. The Company is better situated, 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 sewer service is not an issue in this matter. The Company will supplement with additional information as this matter progresses.

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

RESPONSE: Lindsay Pure Water Company has an existing water CCN and utility adjacent to, 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 sewer service is not an issue in this matter. The Company will supplement with additional information as this matter progresses.

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

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

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

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

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

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

REQUESTS FOR PRODUCTION

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

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

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

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

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

RESPONSE: To the extent they exist, responsive documents, except those covered by the attorney-client privilege, will be produced.

Respectfully submitted,



JOHN J. CARLTON

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ATTORNEYS FOR LINDSAY PURE

WATER COMPANY

CERTIFICATE OF SERVICE

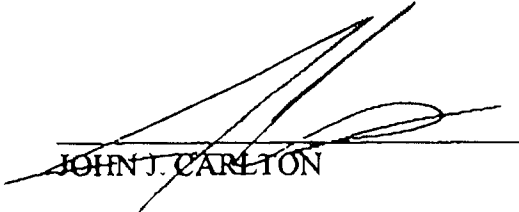
I hereby certify that a true and correct copy of the foregoing Lindsay Pure Water Company's Response to the Executive Director's First Request for Disclosure, Interrogatories and Requests for Production has been sent by Facsimile and/or First Class Mail on this 24th day of March, 2008, to the following:

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