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**ARMBRUST & BROWN, L.L.P.**  
ATTORNEYS AND COUNSELORS100 CONGRESS AVENUE, SUITE 1300  
AUSTIN, TEXAS 78701-2744  
512-435-2300

FACSIMILE 512-435-2360

**FACSIMILE COVER PAGE**

Date: March 24, 2008

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ENVIRONMENTAL  
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2008 MAR 24 PM 4:17  
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

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From: John J. Carlton	Telephone No.: (512) 435-2375
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 ☐ For Your Review
 ☐ Reply ASAP
 ☐ Please Comment
- ☐ Original To Follow Via:
 ☐ Hand Delivery
 ☐ Federal Express
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**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

**AMBRUST & BROWN, L.L.P.**

ATTORNEYS AND COUNSELORS

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MAR 17 PM 2:53

CHIEF CLERKS OFFICE

AMY L. BARRERA  
(512) 435-2375  
abarrera@abaustin.com

March 14, 2008

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

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

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

Dear Arturo:

Enclosed please find Lindsay Pure Water Company's Response to the City of Lindsay's Interrogatories and Second Set of Requests for Production.

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

Sincerely,

**AMBRUST & BROWN, L.L.P.**



Amy L. Barrera  
Legal Secretary to John J. Carlton

Enclosures

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

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

MAR 17 PM 2:53

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

**LINDSAY PURE WATER COMPANY'S RESPONSE TO THE CITY OF LINDSAY'S  
INTERROGATORIES AND 2<sup>ND</sup> SET OF REQUESTS FOR PRODUCTION**

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

COMES NOW, Lindsay Pure Water Company, Protestant herein, and files its Response to the City of Lindsay's Interrogatories and 2<sup>nd</sup> Set of Requests for Production.

**INTERROGATORIES**

**INTERROGATORY NO. 1:** Please describe in detail the Company's existing water transmission lines, if any, capable of providing water service to any area in which the City has requested in its Application.

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

**INTERROGATORY NO. 2:** Please describe in detail the Company's existing booster stations, if any, capable of providing water service to any area in which the City has requested in its Application.

**RESPONSE:** The Company currently has one high-pressure pump, one high-volume pump, a 1,000 gallon pressure tank and a liquid chlorination system serving its existing CCN.

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

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

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

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

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

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

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

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

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

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

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

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

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

**RESPONSE:** The Company has received no such requests at this time.

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

**RESPONSE:** The Company asserts that there is not a need for service within the City's requested area at this time.

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

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

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

**RESPONSE:** No such actions have been taken at this time as there are no pending service requests and no need for service at the current time.

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

**RESPONSE:** No such violations exist.

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

**RESPONSE:** No such violations exist.

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

**RESPONSE:** The Company did not file for a CCN because there was not a need for service at the time that would have justified the application.

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

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

## REQUEST FOR PRODUCTION

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

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

**REQUEST FOR PRODUCTION NO. 2:** Please produce any and all documents or tangible things in your actual or constructive possession concerning the Company's financial plans or intentions to supply water service to any area in which the City has requested in its Application.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**REQUEST FOR PRODUCTION NO. 15:** Please produce any and all documents or tangible things in your actual or constructive possession concerning your answer to Interrogatory No. 2.

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

**REQUEST FOR PRODUCTION NO. 16:** Please produce any and all documents or tangible things in your actual or constructive possession concerning your answer to Interrogatory No. 3.

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

**REQUEST FOR PRODUCTION NO. 17:** Please produce any and all documents or tangible things in your actual or constructive possession concerning your answer to Interrogatory No. 4.

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

**REQUEST FOR PRODUCTION NO. 25:** Please produce any and all documents or tangible things in your actual or constructive possession concerning your answer to Interrogatory No. 12.

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

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

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

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

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

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

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

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

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

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

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

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

**RESPONSE:** The Company has no "Members".

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

**RESPONSE:** The Company has no "Members".

Respectfully submitted,

*John J. Carlton*  
**JOHN J. CARLTON** *upelmarin@b*

State Bar No. 03817600

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

100 Congress Avenue, Suite 1300

Austin, Texas 78701-2744

(512) 435-2300 – Telephone

(512) 436-2360 – Telecopy

**ATTORNEYS FOR LINDSAY PURE  
WATER COMPANY**

**CERTIFICATE OF SERVICE**

By my signature above, I hereby certify that a true and correct copy of the foregoing Lindsay Pure Water Company's Response to City of Lindsay's Request for Disclosure and First Set of Requests for Production has been sent by Facsimile and/or First Class Mail on this 14 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

Christiaan Siano, Attorney  
TCEQ – MC-173  
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Austin, Texas 78711-3087  
Phone: (512) 239-0600  
Facsimile: (512) 239-0606

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

CHIEF CLERKS OFFICE

MAR 17 PM 2:54

TEXAS  
COMMISSION  
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QUALITY

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

ATTORNEYS AND COUNSELORS

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AMY L. BARRERA  
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abarrera@ablawstin.com2008 MAR 14 PM 2:54  
CHIEF CLERKS OFFICETEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

March 14, 2008


**VIA FACSIMILE: (512) 930-7742 &  
FIRST CLASS MAIL**Arturo D. Rodriguez, Jr.  
Russell & Rodriguez, L.L.P.  
102 West Morrow Street, Suite 103  
Georgetown, Texas 78626Re: SOAH Docket No. 582-06-0203; TCEQ Docket No. 2006-0272-UCR;  
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**ARMBRUST & BROWN, L.L.P.**Amy L. Barrera  
Legal Secretary to John J. Carlton

Enclosures

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

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

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

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

**LINDSAY PURE WATER COMPANY'S RESPONSE TO THE CITY OF LINDSAY'S  
INTERROGATORIES AND 2<sup>ND</sup> SET OF REQUESTS FOR PRODUCTION**

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

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

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

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

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**RESPONSE:** The Company has received no such requests at this time.

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**RESPONSE:** No such actions have been taken at this time as there are no pending service requests and no need for service at the current time.

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

**RESPONSE:** No such violations exist.

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

**RESPONSE:** No such violations exist.

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

**RESPONSE:** The Company did not file for a CCN because there was not a need for service at the time that would have justified the application.

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

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

## REQUEST FOR PRODUCTION

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

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

**REQUEST FOR PRODUCTION NO. 2:** Please produce any and all documents or tangible things in your actual or constructive possession concerning the Company's financial plans or intentions to supply water service to any area in which the City has requested in its Application.

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**REQUEST FOR PRODUCTION NO. 15:** Please produce any and all documents or tangible things in your actual or constructive possession concerning your answer to Interrogatory No. 2.

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

**REQUEST FOR PRODUCTION NO. 16:** Please produce any and all documents or tangible things in your actual or constructive possession concerning your answer to Interrogatory No. 3.

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

**REQUEST FOR PRODUCTION NO. 17:** Please produce any and all documents or tangible things in your actual or constructive possession concerning your answer to Interrogatory No. 4.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**REQUEST FOR PRODUCTION NO. 25:** Please produce any and all documents or tangible things in your actual or constructive possession concerning your answer to Interrogatory No. 12.

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

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

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

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

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

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

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

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

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

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

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

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

**RESPONSE:** The Company has no "Members".

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

**RESPONSE:** The Company has no "Members".

Respectfully submitted,

*John J. Carlton*  
**JOHN J. CARLTON** *upelmsrns#6*

State Bar No. 03817600

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

100 Congress Avenue, Suite 1300

Austin, Texas 78701-2744

(512) 435-2300 – Telephone

(512) 436-2360 – Telecopy

**ATTORNEYS FOR LINDSAY PURE  
WATER COMPANY****CERTIFICATE OF SERVICE**

By my signature above, I hereby certify that a true and correct copy of the foregoing Lindsay Pure Water Company's Response to City of Lindsay's Request for Disclosure and First Set of Requests for Production has been sent by Facsimile and/or First Class Mail on this 14 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

Christiaan Siano, Attorney  
TCEQ – MC-173  
P.O. Box 13087  
Austin, Texas 78711-3087  
Phone: (512) 239-0600  
Facsimile: (512) 239-0606

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

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**ARMBRUST & BROWN, L.L.P.**  
ATTORNEYS AND COUNSELORS100 CONGRESS AVENUE, SUITE 1300  
AUSTIN, TEXAS 78701-2744  
512-435-2300

FACSIMILE 512-435-2360

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY  
2008 MAR 14 PM 2:54  
CHIEF CLERKS OFFICE**FACSIMILE COVER PAGE**

Date: March 14, 2008

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

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From: Amy Barrera	Telephone No.: (512) 435-2375
Client/Matter No.: 52515.0101	Total No. of Pages Sent: 11

**REMARKS:**

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

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

**ATTACHMENTS:** Lindsay Pure Water Company's Response to the City of Lindsay's Interrogatories and Second Set of Requests for Production

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

252890-1 08/23/2006

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

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

THE CITY OF LINDSAY'S RESPONSES TO LINDSAY PURE WATER COMPANY'S  
REQUEST FOR DISCLOSURE, INTERROGATORIES  
AND REQUESTS FOR PRODUCTION

TO: Lindsay Pure Water Company, by and through their attorney, Mr. John Carlton, 100 Congress Avenue, Austin, TX 78701-2744.

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

A. REQUEST FOR DISCLOSURE

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

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

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

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

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

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

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

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

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

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



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

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

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

Mr. W.D. Welch  
P.O. Box 127  
Whitesboro, Texas 76273  
(903) 564-3592  
Mr. Welch is the City Attorney for the City of Lindsay.

Mr. Larry Schumacher  
P.O. Box 153  
Lindsay, Texas 76250  
(940) 665-4455  
Mr. Schumacher is the chairman for the City of Lindsay's Planning and Zoning Commission.

Mr. Norbert Mages  
P.O. Box 153  
Lindsay, Texas 76250  
(940) 665-4455  
Mr. Mages is the Public Works Director for the City of Lindsay.

Mr. Charles Young  
P.O. Box 153  
Lindsay, Texas 76250  
(940) 665-4455  
Mr. Young is a contract employee who operates the sewer system for the City of Lindsay.

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

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

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

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

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

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

Mr. Pat Dillon  
Southwest Consultants  
P.O. 830634  
Richardson, Texas 75083  
(972) 680-3717  
Mr. Dillon is a planning consultant for the City.

Mr. Maurice Schwanke  
1209 Southwood Blvd.  
Arlington, Texas 76013  
(817) 469-9927  
Mr. Schwanke is a former planning consultant for the City.

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

Members of Lindsay Pure Water Company's Board.

Employees of Lindsay Pure Water Company.

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

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

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

**Rule 194.2(f) For any testifying expert:**

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

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

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

Response: None.

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

Response: None.

**B. REQUEST FOR INTERROGATORIES**

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

**RESPONSE:** The City presently does not have transmission lines that service the entire proposed CCN area. The City believes that with its excess capacity and its financial, managerial, and technical capabilities, it can provide services to the entire proposed CCN area as demand requires.

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

**RESPONSE:** The City has four booster pumps with a pumping capacity of 1.008 MGD. Two of the booster pumps are rated at 10 hp and two are rated at 7.5 hp. The City believes that with its excess capacity and its financial, managerial, and technical capabilities, it can provide services to the entire proposed CCN area as demand requires.

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

**RESPONSE:** The City currently has approximately .25 miles of 3" distribution lines, 3.14 miles of 4" distribution lines, 3.98 miles of 6" distribution lines, 0.48 miles of 8" distribution lines, and 3.41 miles of 10" distribution lines. The City believes that with its excess capacity and its financial, managerial, and technical capabilities, it can provide services to the entire proposed CCN area as demand requires.

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

**RESPONSE:** The City currently has two ground storage tanks that are 30,000 gallons in size and two ground storage tanks that are 40,000 gallons in size. Additionally, the City has a 150,000 gallon elevated storage tank. The City believes that with its excess capacity and its financial, managerial, and technical capabilities, it can provide services to the entire proposed CCN area as demand requires.

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

**RESPONSE:** The City currently has three groundwater wells.

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

**RESPONSE:** No such plans, reports, or studies have been conducted at this time.

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

**RESPONSE: OBJECTION**

The City objects to this interrogatory because it requests that the City speculate as to the type, level, and extent of water service being requested without any limitation as to service area; it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence; it is unduly burdensome, and brought for the sole purpose of harassment or annoyance; and a response to this Interrogatory would require the City to marshal its evidence, in violation of Rule 197 of the Texas Rules of Civil Procedure. Subject to the objection and without waiving same, the City provides the following response:

The City currently has enough excess groundwater capacity from its wells to serve 306 additional connections. The City currently has enough excess ground storage capacity to serve an additional 1,056 connections. The City currently has enough elevated storage capacity to serve an additional 1,106 connections.

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

**RESPONSE: OBJECTION**

The City objects to this interrogatory because it requests that the City speculate as to the type, level, and extent of water service being requested without any limitation as to service area; it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence; it is unduly burdensome, and brought for the sole purpose of harassment or annoyance; and a response to this Interrogatory would require the City to marshal its evidence, in violation of Rule 197 of the Texas Rules of Civil Procedure.

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

**RESPONSE:** See documents provided in response to Request for Production No. 24.

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

**RESPONSE:** See requests for service provided in response to Request for Production No. 24. Additionally, the City has expanded its ETJ to include a greater area.



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

**RESPONSE:** See responses to Interrogatory Nos. 2, 3, 4, and 5.

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

**RESPONSE:** The City is in the process of preparing a capital improvements plan to plan for water services in the future.

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

**RESPONSE:** See documents provided in response to Request for Production No. 28.

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

**RESPONSE:** The City is unaware of any such alleged violations.

**REQUEST FOR PRODUCTION**

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

**RESPONSE:** The City will produce the documents responsive to this request at the Georgetown office of the City's counsel at a mutually agreeable time.

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

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

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

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

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

**RESPONSE:** The City will produce the documents responsive to this request at the Georgetown office of the City's counsel at a mutually agreeable time.

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

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

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

**RESPONSE:** The City will produce the documents responsive to this request at the Georgetown office of the City's counsel at a mutually agreeable time.

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

**RESPONSE:** See documents produced in Response to Request for Production No. 6.

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

**RESPONSE:** The City will produce the documents responsive to this request at the Georgetown office of the City's counsel at a mutually agreeable time.

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

**RESPONSE:** The City will produce the documents responsive to this request at the Georgetown office of the City's counsel at a mutually agreeable time.

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

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

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

**RESPONSE:** See documents produced by Lindsay in response to the Executive Director's Request for Production No. 5.

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

**RESPONSE:** The City will produce the documents responsive to this request at the Georgetown office of the City's counsel at a mutually agreeable time.



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

**RESPONSE:** See the maps and CD-Rom transmitted to Ms. Tuyet Truong with the Texas Commission on Environmental Quality on March 7, 2006.

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

**RESPONSE:** See documents produced in Response to Request for Production No. 12.

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

**RESPONSE:** See the maps and CD-Rom transmitted to Ms. Tuyet Truong with the Texas Commission on Environmental Quality on March 7, 2006.

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

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

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

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

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

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

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

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

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

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

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

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

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

**RESPONSE: OBJECTION**

The City objects to this request for production because it requests that the City speculate as to the type, level, and extent of water service being requested without any limitation as to service area; it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence; it is unduly burdensome, and brought for the sole purpose of harassment or annoyance; and a response to this Interrogatory would require the City to marshal its evidence, in violation of Rule 197 of the Texas Rules of Civil Procedure.

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

**RESPONSE: OBJECTION**

The City objects to this request for production because it requests that the City speculate as to the type, level, and extent of water service being requested without any limitation as to service area; it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence; it is unduly burdensome, and brought for the sole purpose of harassment or annoyance; and a response to this Interrogatory would require the City to marshal its evidence, in violation of Rule 197 of the Texas Rules of Civil Procedure.

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

**RESPONSE:** The City will produce the documents responsive to this request at the Georgetown office of the City's counsel at a mutually agreeable time.

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

**RESPONSE:** See documents produced in response to Request for Production No. 24.

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

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

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

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

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

**RESPONSE:** The City will produce the documents responsive to this request at the Georgetown office of the City's counsel at a mutually agreeable time.



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

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

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

**RESPONSE:** The City will produce the documents responsive to this request at the Georgetown office of the City's counsel at a mutually agreeable time.

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

**RESPONSE:** The City will produce the documents responsive to this request at the Georgetown office of the City's counsel at a mutually agreeable time.

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

**RESPONSE:** The City will produce the documents responsive to this request at the Georgetown office of the City's counsel at a mutually agreeable time.

Respectfully submitted,

**Russell & Rodriguez, L.L.P.**

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**ATTORNEY FOR THE CITY OF LINDSAY**