

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

- 3) The general substance of the expert's mental impressions and a brief summary of the basis for them, or if the expert is not retained by you, employed by you, or otherwise subject to your control, documents reflecting such information.

RESPONSE:

See the prefiled testimony and deposition testimony of Jim Myrick taken in this matter.

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

- 4) If the expert is retained by, employed by, or otherwise subject to the control of the responding party:
- (a) All documents, tangible things, reports, models or data compilations that have been provided to, reviewed by, or prepared by or for the expert in anticipation of the expert's testimony; and
 - (b) The expert's current resume and bibliography.

RESPONSE:

Mr. Myrick did not create a report, but was deposed by The City of Lindsay. Documents reviewed by Mr. Myrick were referenced in his deposition and have been previously produced. Mr. Myrick testified regarding his resume in his prefiled testimony.

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

**ATTORNEY FOR LINDSAY PURE WATER
COMPANY**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been sent by Facsimile and/or First Class Mail on this 26th day of September, 2008, to the following:

Arturo D. Rodriguez, Jr.
Russell & Rodriguez, L.L.P.
1633 Williams Drive
Building 2, Suite 200
Georgetown, Texas 78628
Phone: (512) 930-1317
Facsimile: (866) 929-1641

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

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

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

CHIEF CLERKS OFFICE

2008 SEP 26 PM 1:38

TEXAS
COMMISSION ON
ENVIRONMENTAL
QUALITY


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: September 26, 2008

NAME:	COMPANY:	FACSIMILE NO.:	TELEPHONE NO.:
Arturo D. Rodriguez	Russell & Rodriguez, L.L.P.	(866) 929-1641	(512) 930-1317
Brian MacLeod	Texas Commission on Environmental Quality	(512) 239-0606	(512) 239-0750
Blas J. Coy, Jr.	Office of Public Interest Counsel	(512) 239-6377	(512) 239-6363
Docket Clerk	Texas Commission on Environmental Quality	(512) 239-3311	(512) 239-3311

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

From: John J. Carlton	Telephone No.: (512) 435-2375
Client/Matter No.: 52515.0101	Total No. of Pages Sent: 4

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 Second Supplemental Response to the City of Lindsay's Request for Disclosure.

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 MESSAGE IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE (COLLECT), AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U. S. POSTAL SERVICE. THANK YOU.

252890-1 03/24/2008

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

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

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

TEXAS
COMMISSION ON
ENVIRONMENTAL
QUALITY
CHIEF CLERKS OFFICE
2008 SEP 26 PM 1:33

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

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

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

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

- 1) The expert's name, address, and telephone number.

RESPONSE:

Jim Myrick, Lindsay Pure Water Company, P.O. Box 1338, Gainesville, Texas 76241. Mr. Myrick may be contacted through LPWC's attorney, John J. Carlton, at 435-2308.

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

- 2) The subject matter on which the expert will testify.

RESPONSE:

Mr. Myrick will testify regarding Lindsay Pure Water Company, its inception, construction, capacity - now and in the future, service area, costs to serve its customers, and issues related to the City of Lindsay's CCN application as it relates to its impact on LPWC.

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

- 3) The general substance of the expert's mental impressions and a brief summary of the basis for them, or if the expert is not retained by you, employed by you, or otherwise subject to your control, documents reflecting such information.

RESPONSE:

See the prefiled testimony and deposition testimony of Jim Myrick taken in this matter.

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

- 4) If the expert is retained by, employed by, or otherwise subject to the control of the responding party:
- (a) All documents, tangible things, reports, models or data compilations that have been provided to, reviewed by, or prepared by or for the expert in anticipation of the expert's testimony; and
 - (b) The expert's current resume and bibliography.

RESPONSE:

Mr. Myrick did not create a report, but was deposed by The City of Lindsay. Documents reviewed by Mr. Myrick were referenced in his deposition and have been previously produced. Mr. Myrick testified regarding his resume in his prefiled testimony.

Respectfully submitted,



JOHN J. CARLTON

State Bar No. 03817600

ARMBRUST & BROWN, L.L.P.

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**ATTORNEYS FOR LINDSAY PURE
WATER COMPANY**

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CHIEF CLERK'S OFFICE

2008 SEP 26 PM 1:33

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ATTORNEYS AND COUNSELORS100 CONGRESS AVENUE, SUITE 1300
AUSTIN, TEXAS 78701-2744
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FACSIMILE 512-435-2360

FACSIMILE COVER PAGE

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- ☐ 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*

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252890-1 03/24/2008

TCEQ-CLOSED FILES

please complete the information listed below and attach to closed file.

SOAH DOCKET #582-06-2023

TCEQ DOCKET # 2006-0272-UCR

OF PLEADING FILES 1

OF BRIEF FILES 0

Disk 0

OF TESTIMONY FILES 0

Disk 0

OF DISCOVERY FILES 0

Disk 0

CASSETTE TAPES 1 DATE 7/11/2006

EXECUTIVE DIRECTOR(ED)

EXHIBITS- 0 e.g.: (#1-4)

OTHER EXHIBITS 0 e.g.: (#1-4)

of Maps

Volumes of Transcript(s)(date) 0 Disk 0

RECEIVED

MAY 29 2009

CM

TCEQ
CENTRAL FILE ROOM

To...

Cc...

CCN/13025/SO

Subject: Docket Change

Case Name: * Town of Lindsay
Docket Number: * 582-06-2023
ALJ: * Marshall
Date: * Wed 04/08/2009

Type of Action:

* Dismissed/Withdrawn (Without Setting)

Asterisk denotes a required field.

Setting Date and Time

On/To Date and Time: None None
From Date and Time: None None
Duration: 0 hours

Disposition of Case/File

Date Order Signed: Wed 04/08/2009 8:18 AM
Disposition of case file: * Return to TCEQ/PUC
Assigned to ALJ:

Special Instructions:

Measures Reporting

Notice of Hearing: None
Hearing on Merits: None
Record Closed: None
PFD/FQ/DO Issued: None
Was this an Admin. Penalty Case?
Was a Fine Recommended?
Amount of fine (\$) : \$0.00

Amended PFD Issued: None
Remand Dismissed: None
Remand Hearing: None
Remand Record Closed: None
Remand PFD Issued: None
Amended Remand PFD Issued: None
PFD Changed by Referring Agency: None
PFD Overturned/
Remanded by a Court: None
PFD Due Date: None

Mediation (MSC) / ADR Information

Date Mediation Requested: None
Who Initiated:
Date Mediation Granted\Ordered: None
Type of Mediator:
Date Mediation Denied: None
Date Mediation Referral Withdrawn: None
Date Mediation Successful: None
Date Mediation Unsuccessful: None
Date For Telephonic Mediation: None

DOCKET FILE INDEX**FILE 1****582-06-2023**

ITEM NO.	DATE FILED OR ISSUED	DOCUMENT FILED/ISSUED	BY WHOM FILED OR ISSUED
21	09/29/2008	ORDER NO. 7 - (CHANGING TIME OF PREHEARING CONFERENCE	J. NORMAN
22	10/03/2008	JOINT MOTION TO SEVER AND REMAND TO THE EXECUTIVE DIRECTOR	A. RODRIGUEZ
23	10/06/2008	ORDER NO. 8 - GRANTING JOINT MOTION TO SEVER	J. NORMAN
24	10/17/2008	AGREED DEADLINES	A. RODRIGUEZ
25	10/24/2008	ORDER NO. 9 - SETTING POST HEARING SCHEDULE	J. NORMAN
26	09/26/2008	INDEXED OUT OF DATE ORDER : EXECUTIVE DIRECTORS RESPONSE TO LINDSAY PURE WATER COMPANYS OBJECTIONS TO THE PREFILED TESTIMONY AND EXHIBITS OF THE EXECUTIVE DIRECTOR.	B. MACLEOD
27	11/14/2008	JOINT MOTION FOR CONTINUANCE	A. RODRIGUEZ
28	11/19/2008	ORDER NO. 10 - GRANTING REQUEST FOR CONTINUANCE OF CLOSING ARGUMENT DEADLINE	J. NORMAN
29	01/05/2009	STATUS REPORT FROM CITY OF LINDSAYS	A. RODRIGUEZ
30	03/20/2009	STATUS REPORT - AGREED SETTLEMENT	A. RODRIGUEZ
31	04/02/2009	MOTION TO DISMISS AND REMAND	A. RODRIGUEZ
32	04/08/2009	ORDER NO. 11 - DISMISSING CASE AND REMANDING TO THE EXECUTIVE DIRECTOR	S. MARSHALL

DOCKET FILE INDEX**FILE 1****582-06-2023**

ITEM NO.	DATE FILED OR ISSUED	DOCUMENT FILED/ISSUED	BY WHOM FILED OR ISSUED
1	04/17/2006	REQUEST TO DOCKET CASE	S. BRACHEL
2	06/13/2006	CERTIFIED COPIES OF DOCUMENTS (RED ROPE)	S. BRACHEL
3	01/11/2006	ORDER NO. 3 - CONTINUING ABATEMENT	J. NORMAN
3	07/11/2006	EXHIBITS (RED ROPE) ED EXHIBITS A, B, C, AND D	S. BRACHEL
4	07/11/2006	PROPOSED SCHEDULE	S. BRACHEL
5	07/12/2006	ORDER NO. 1 - CONFIRMING ACTION TAKEN AT PRELIMINARY HEARING AND SETTING PROCEDURAL SCHEDULE	J. NORMAN
6	11/03/2006	JOINT MOTION FOR ABATEMENT	A. RODRIGUEZ
7	10/11/2006	RULE 11 AGREEMENT ON EXECUTIVE DIRECTORS FIRST REQUESTS FOR DISCLOSURE, INTERROGATORIES AND REQUESTS FOR PRODUCTION	B. MACLEOD
8	10/19/2006	RULE 11 AGREEMENT REGARDING DISCOVERY	J. CARLTON
9	11/01/2006	RULE 11 AGREEMENT TO EXTEND LINDSAY PURE WATER COMPANYS DEADLINE TO PROPOUND DISCOVERY AND POSTPONE THE OBLIGATION TO FILE ANY MOTIONS TO COMPEL DISCOVERY TO NOVEMBER 10	J. CARLTON
10	11/06/2006	ORDER NO. 2 - ABATING CASE	J. NORMAN
11	01/10/2007	STATUS REPORT	A. RODRIGUEZ, JR.
12	01/10/2007	STATUS REPORT	B. MCLEOD
13	01/11/2006	ORDER NO. 3 - CONTINUING ABATEMENT	J. NORMAN
14	04/13/2007	STATUS REPORT	A. RODRIGUEZ
15	04/16/2007	ORDER NO. 4 - CONTINUING ABATEMENT	J. NORMAN
16	01/25/2008	STATUS REPORT - CITY OF LINDSAY	A. RODRIGUEZ
17	02/04/2008	ORDER NO. 5 - LIFTING ABATEMENT	J. NORMAN
18	02/08/2008	PROCEDURAL SCHEDULE	A. RODRIGUEZ
19	02/12/2008	ORDER NO. 6 - SETTING PROCEDURAL SCHEDULE	J. NORMAN
20	08/11/2008	LETTER REGARDING CHANGE OF ADDRESS	A. RODRIGUEZ

To...

Cc...

Subject: Docket Change

Case Name: * TOWN OF LINDSAY

Docket Number: * 582-06-2023

ALJ: * NORMAN

Date: * Wed 11/19/2008

Type of Action:

* Record Closed

Asterisk denotes a required field.

Setting Date and Time

On/To Date and Time: None None

From Date and Time: None None

Duration: 0 hours

Special Instructions:

Disposition of Case/File

Date Order Signed: None

Disposition of case file:

Assigned to ALJ:

Measures Reporting

Notice of Hearing: None

Hearing on Merits: None

Record Closed: * Sat 01/05/2008

PFD/FO/DO Issued: None

Was this an Admin. Penalty Case?

Was a Fine Recommended?

Amount of fine (\$): \$0.00

Amended PFD Issued: None

Remand Dismissed: None

Remand Hearing: None

Remand Record Closed: None

Remand PFD Issued: None

Amended Remand PFD Issued: None

PFD Changed by Referring Agency: None

PFD Overturned/
Remanded by a Court: None

PFD Due Date: None

Mediation (MSC) / ADR Information

Date Mediation Requested: None

Who Initiated:

Date Mediation Granted/Ordered: None

Type of Mediator:

Date Mediation Denied: None

Date Mediation Referral Withdrawn: None

Date Mediation Successful: None

Date Mediation Unsuccessful: None

Date For Telephonic Mediation: None

To...

Cc...

Subject: Docket Change

Case Name: * TOWN OF LINDSEY

Docket Number: * 582-06-2023

ALJ: * NORMAN

Date: * Fri 10/24/2008

Type of Action:

* Record Closed

Asterisk denotes a required field.

Setting Date and Time

On/To Date and Time: None None

From Date and Time: None None

Duration: 0 hours

Special Instructions:

Disposition of Case/File

Date Order Signed: None

Disposition of case file:

Assigned to ALJ:

Measures Reporting

Notice of Hearing: None

Hearing on Merits: None

Record Closed: Mon 12/29/2008

PFD/FO/DO Issued: None

Was this an Admin. Penalty Case?

Was a Fine Recommended?

Amount of fine (\$): \$0.00

Amended PFD Issued: None

Remand Dismissed: None

Remand Hearing: None

Remand Record Closed: None

Remand PFD Issued: None

Amended Remand PFD Issued: None

PFD Changed by Referring Agency: None

PFD Overturned/
Remanded by a Court: None

PFD Due Date: None

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Who Initiated:

Date Mediation Granted/Ordered: None

Type of Mediator:

Date Mediation Denied: None

Date Mediation Referral Withdrawn: None

Date Mediation Successful: None

Date Mediation Unsuccessful: None

Date For Telephonic Mediation: None

To...

Cc...

Subject: Docket Change

Case Name: * TOWN OF LINDSAY

Docket Number: * 582-06-2023

ALJ: * NORMAN

Date: * Mon 09/29/2008

Type of Action:

* Prehearing Continued to Specific Date

Asterisk denotes a required field.

Setting Date and Time

On/To Date and Time: * Thu 10/02/2008 9:00 AM

From Date and Time: * Thu 10/02/2008 10:00 AM

Duration: * 3 hours

Disposition of Case/File

Date Order Signed: Mon 09/29/2008 10:57 AM

Disposition of case file: * Assign to ALJ

Assigned to ALJ:

Special Instructions:

TIME OF PHG ONLY IS CHANGED.

Measures Reporting

Notice of Hearing: None

Hearing on Merits: None

Record Closed: None

PFD/FO/DO Issued: None

Was this an Admin. Penalty Case?

Was a Fine Recommended?

Amount of fine (\$) \$0.00

Amended PFD Issued:

Remand Dismissed:

Remand Hearing:

Remand Record Closed:

Remand PFD Issued:

Amended Remand PFD Issued:

PFD Changed by Referring Agency:

PFD Overturned/
Remanded by a Court:

PFD Due Date

None

None

None

None

None

None

None

None

None

Mediation (MSC) / ADR Information

Date Mediation Requested: None

Who Initiated:

Date Mediation Granted/Ordered: None

Type of Mediator:

Date Mediation Denied: None

Date Mediation Referral Withdrawn: None

Date Mediation Successful: None

Date Mediation Unsuccessful: None

Date For Telephonic Mediation: None

To...

Cc...

Subject: Docket Change

Case Name: * TOWN OF LINDSAY

Docket Number: * 582-06-2023

ALJ: * NORMAN

Date: * Tue 02/12/2008

Type of Action:

* Hearing Set

Asterisk denotes a required field.

Setting Date and Time

On/To Date and Time: * Tue 10/07/2008 9:00 AM

From Date and Time: None None

Duration: * 3 days

Special Instructions:

Disposition of Case/File

Date Order Signed: Tue 02/12/2008 3:48 PM

Disposition of case file: * Assign to ALJ

Assigned to ALJ:

Measures Reporting

Notice of Hearing: None

Hearing on Merits: None

Record Closed: None

PFD/EO/DO Issued: None

Was this an Admin. Penalty Case? ☐

Was a Fine Recommended? ☐

Amount of fine (\$): \$0.00

Amended PFD Issued: None

Remand Dismissed: None

Remand Hearing: None

Remand Record Closed: None

Remand PFD Issued: None

Amended Remand PFD Issued: None

PFD Changed by Referring Agency: None

PFD Overturned/
Remanded by a Court: None

PFD Due Date: None

Mediation (MSC) / ADR Information

Date Mediation Requested: None

Who Initiated: ☐

Date Mediation Granted/Ordered: None

Type of Mediator: ☐

Date Mediation Denied: None

Date Mediation Referral Withdrawn: None

Date Mediation Successful: None

Date Mediation Unsuccessful: None

Date For Telephonic Mediation: None

To...

Cc...

Subject: Docket Change

Case Name: * TOWN OF LINDSAY
Docket Number: * 582-06-2023
ALJ: * NORMAN
Date: * Mon 11/06/2006

Type of Action:

* Prehearing Continued to Date to be Determined

Asterisk denotes a required field.

Setting Date and Time

On/To Date and Time: None None
From Date and Time: * Sat 04/21/2007 10:00 AM
Duration: * 2 hours

Disposition of Case/File

Date Order Signed: Mon 11/06/2006 2:56 PM

Disposition of case file: * Assign to ALJ

Assigned to ALJ:

Special Instructions:

Measures Reporting

Notice of Hearing: None
Hearing on Merits: None
Record Closed: None
PFD/FQ/DO Issued: None
Was this an Admin. Penalty Case? ☐
Was a Fine Recommended? ☐
Amount of fine (\$) : \$0.00

Amended PFD Issued:

None

Remand Dismissed:

None

Remand Hearing:

None

Remand Record Closed:

None

Remand PFD Issued:

None

Amended Remand PFD Issued:

None

PFD Changed by Referring Agency:

None

PFD Overturned/
Remanded by a Court:

None

PFD Due Date:

None

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Type of Mediator: ☐
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Date Mediation Referral Withdrawn: None
Date Mediation Successful: None
Date Mediation Unsuccessful: None
Date For Telephonic Mediation: None

Susan Bryson

To: Jim Norman
Subject: 582-06-2023; Town of Lindsay

Norma says that we will not copy the court reporting company since Order No. 1 does not have the language regarding reporting. So, if after talking to the parties about a court reporter it is decided to use one, we will send a copy the order to the court reporters. Hope that was clear.

To...

Cc...

Subject: Docket Change

Case Name: * TOWN OF LINDSAY

Docket Number: * 582-06-2023

ALJ: * NORMAN

Date: * Wed 07/12/2006

Type of Action:

* Prehearing Set

Asterisk denotes a required field.

Setting Date and Time

On/To Date and Time: * Mon 05/21/2007 6:00AM

From Date and Time: None None

Duration: * 2 hours

Special Instructions:

Disposition of Case/File

Date Order Signed: Wed 07/12/2006 3:12 PM

Disposition of case file: * Assign to ALJ

Assigned to ALJ:

Measures Reporting

Notice of Hearing: None

Hearing on Merits: None

Record Closed: None

PFD/FQ/DO Issued: None

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Date Mediation Unsuccessful: None

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Date Referred to TCEQ: None

Date For Telephonic Mediation: None

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Cc...

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Case Name: * TOWN OF LINDSAY

Docket Number: * 582-06-2023

ALJ: * NORMAN

Date: * Wed 07/12/2006

Type of Action:

* Hearing Set

Asterisk denotes a required field.

Setting Date and Time

On/To Date and Time: * Wed 05/23/2007 6:00AM

From Date and Time: None None

Duration: * 3 days

Special Instructions:

Disposition of Case/File

Date Order Signed: Wed 07/12/2006 4:15 PM

Disposition of case file: * Assign to ALJ

Assigned to ALJ:

Measures Reporting

Notice of Hearing: None

Hearing on Merits: None

Record Closed: None

PFD/FQ/DO Issued: None

Was this an Admin. Penalty Case? ☐

Was a Fine Recommended? ☐

Amount of fine (\$) : \$0.00

Amended PFD Issued: None

Remand Dismissed: None

Remand Hearing: None

Remand Record Closed: None

Remand PFD Issued: None

Amended Remand PFD Issued: None

PFD Changed by Referring Agency: None

PFD Overturned/
Remanded by a Court: None

PFD Due Date: None

Mediation (MSC) / ADR Information

Date Mediation Requested: None

Date Mediation Granted/Ordered: None

Date Mediation Denied: None

Date Mediation Successful: None

Date Mediation Unsuccessful: None

Date For Mediation Withdrawn: None

Date Referred to TCEQ: None

Date For Telephonic Mediation: None

STATE OFFICE OF ADMINISTRATIVE HEARINGS

WILLIAM P. CLEMENTS BUILDING, Jr.

300 West Fifteenth Street

Austin, Texas 78701

Phone (512) 475-4993

Facsimile (512) 475-4994

SERVICE LIST

AGENCY: Environmental Quality, Texas Commission on (TCEQ)

STYLE/CASE: TOWN OF LINDSAY

SOAH DOCKET NUMBER: 582-06-2023

REFERRING AGENCY CASE: 2006-0272-UCR

**STATE OFFICE OF ADMINISTRATIVE
HEARINGS**

ADMINISTRATIVE LAW JUDGE

ALJ JAMES W. NORMAN

REPRESENTATIVE / ADDRESS

PARTIES

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(512) 435-2360 (FAX)

LINDSAY PURE WATER COMPANY

xc: Docket Clerk, State Office of Administrative Hearings

R&R

RUSSELL & RODRIGUEZ, LLP

Arturo D. Rodriguez, Jr.

Attorney

STATE OF ADMINISTRATIVE HEARINGS
HEARING REGISTRATION

ATTENDANCE ARE REQUESTED TO COMPLETE
PLEASE PRINT CLEARLY

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arodriguez@txadminlaw.com
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Fax (512) 930-7742
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Representing: ☐ Self ☒ Other (specify): Lindsay

Title of matter being considered:

SOAH Docket No. (if known): 582 06-2023

Your position regarding the matter being considered: ☒ In Favor ☐ Opposed ☐ Undecided ☐ Observer

JOHN J. CARLTON

(512) 435-2308
Cell (512) 785-8355
jcarlton@abaustin.com

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ATTORNEYS AND COUNSELORS

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**STATE OF ADMINISTRATIVE HEARINGS
HEARING REGISTRATION**

ATTENDANCE ARE REQUESTED TO COMPLETE
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6
Occupation: Atty

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Representing: ☐ Self ☒ Other (specify): Lindsay Pure Water Co.

Title of matter being considered:

SOAH Docket No. (if known): 582-06-2023

Your position regarding the matter being considered: ☐ In Favor ☒ Opposed ☐ Undecided ☐ Observer



STATE OFFICE OF ADMINISTRATIVE HEARINGS
PUBLIC HEARING REGISTRATION

ALL PERSONS IN ATTENDANCE ARE REQUESTED TO COMPLETE
PLEASE PRINT CLEARLY

Date:

7/11/06

Name:

Brian MacLeod

Occupation:

Staff Attorney

Mailing Address:

P.O. Box 13087 Austin, TX 78753

Street or P.O. Box

City

State

Zip

Daytime Phone: (

512) 239-0750

Fax #: (

512) 239-0606

E-Mail address (if available):

bmacleod@tceq.state.tx.us

Representing:

☐ Self

☒ Other (specify):

ED of TEEG

Title of matter being considered:

Town of Lindsay

SOAH Docket No. (if known):

Your position regarding the matter being considered:

☐ In Favor

☐ Opposed

☒ Undecided

☐ Observer



STATE OFFICE OF ADMINISTRATIVE HEARINGS
PUBLIC HEARING REGISTRATION

ALL PERSONS IN ATTENDANCE ARE REQUESTED TO COMPLETE
PLEASE PRINT CLEARLY

Date: 7/11/06

Name: SIANO, CHRISTIAAN Occupation: Attorney

Mailing Address: MC-173 PoBox 13087 Austin TX 78711-3087
Street or P.O. Box City State Zip

Daytime Phone: (512) 239-6743 Fax #: (512) 239-0606

E-Mail address (if available): CSiano@tceq.state.tx.us

Representing: ☐ Self ☒ Other (specify): ED, TCEQ

Title of matter being considered:

SOAH Docket No. (if known): 582-06-2023

Your position regarding the matter being considered: ☐ In Favor ☐ Opposed ☒ Undecided ☐ Observer

(Revised - 03/25/04)	FOR SOAH USE ONLY	(req. title)
Date complete request received by SOAH	Proceeding date set by SOAH	SOAH Docket Number & type of case
	7/11/06 1:00	582-06-2023

REQUEST TO DOCKET CASE (Please type or print)**PLEASE CHECK ACTION(S) REQUESTED:**

☒ **SETTING OF HEARING** ☐ **ASSIGNMENT OF ALJ *** ☐ **ALTERNATIVE DISPUTE RESOLUTION (ADR) ***

REFERRING AGENCY NAME: TCEQ AGENCY NO.: _____ AGENCY'S FILE/CASE NO 2006-0272-UCR

NAME/STYLE OF THE CASE Town of Lindsay

DATE APPLICATION FILED AT AGENCY _____ DOCKET NO. SUFFIX, if applicable: UCR

PROCEEDING DATE(S) REQUESTED (Include range of dates if possible): July 11, 2006

EXPECTED NUMBER OF HOURS (if less than a day) OR DAYS NEEDED FOR PROCEEDING _____ HOURS 1 DAYS

☐ **ADMIN FINE** ☐ **GRIEVANCE** ☐ **ENFORCEMENT** ☐ **CONTRACT CLAIM (Gov't Code 2260)** ☐ **OTHER** _____

SPECIAL NEEDS OR ACCOMMODATIONS: Hearing in Austin, Seating for 30 people **PLEASE SET HEARING TIME FOR 1:00 P.M.**

IF ADR REQUESTED PLEASE DESCRIBE PROCESS NEEDED: _____

☐ **PREHEARING CONFERENCE REQUESTED**

☐ **CASE FILE** and/or ☐ **HEARING IS CONFIDENTIAL** (Specify applicable statute) _____

NAME OF INDIVIDUAL SENDING REQUEST FORM Steve Brachel PHONE NO. 239-2207 FAX NO.: 239-3311

PARTIES AND REPRESENTATIVES

PARTY REPRESENTED BY ☐ **SELF** ☒ **ATTORNEY**

☐ **OTHER**, if so, relationship: _____

REPRESENTATIVE'S

NAME Brian MacLeod

PARTY'S NAME: _____

ADDRESS _____

PHONE No. (512) 239-0750
(Direct Phone Number Please)

FAX No. _____

PARTY REPRESENTED BY ☐ **SELF** ☐ **ATTORNEY**

☐ **OTHER**, if so, relationship: _____

REPRESENTATIVE'S

NAME: _____

PARTY'S NAME _____

ADDRESS: _____

PHONE No. _____
(Direct Phone Number Please)

FAX No. _____

PLEASE LIST ADDITIONAL PARTIES AND/OR REPRESENTATIVES ON EXTRA FORM PROVIDED.

SEND TO

STATE OFFICE OF ADMINISTRATIVE HEARINGS

ATTN: Deputy Clerk

William P. Clements Building

300 West 15th Street Suite 504

Austin, Texas 78701

OR

Post Office Box 13025

Austin Texas 78711-3025

Docket Phone No (512) 475-3445

Fax No (512) 475-4994

***PLEASE FORWARD A COPY OF THE APPLICATION, APPEAL, OR COMPLAINT WITH THIS REQUEST FORM, AS WELL AS ANY OTHER PLEADINGS FILED IN THE CASE TO DATE IF REQUESTING ASSIGNMENT OF ALJ or ALTERNATIVE DISPUTE RESOLUTION (ADR). A COPY OF THE NOTICE OF PROCEEDING MUST BE FORWARDED TO SOAH AT THE SAME TIME IT IS MAILED TO THE PARTIES.**

OCC Faxed On: 04/17/2006

04/17/06 MON 08:09 [TX/RX NO 5213]

*** TX REPORT ***

TRANSMISSION OK

TX/RX NO 3289
RECIPIENT ADDRESS 92393311
DESTINATION ID
ST. TIME 04/17 12:30
TIME USE 00'15
PAGES SENT 1
RESULT OK

**STATE OFFICE OF ADMINISTRATIVE HEARINGS
300 WEST 15TH STREET, STE. 502
AUSTIN, TEXAS 78701
(512) 475-4993
FAX (512) 475-4994
DOCKET (512) 475-3445**

CONFIRMATION OF REQUEST TO DOCKET CASE

TO: STEVE BRACHEL
TX COMM ON ENVIRONMENTAL QUALITY VIA FACSIMILE 239-3311

FROM: NATALIE HOWARD
DEPUTY CLERK

DATE: April 17, 2006

RE: SETTINGS OF HEARING(S)

At your request, the following hearing(s) have been set:

<u>Docket Number</u>	<u>Case</u>	<u>Date</u>	<u>Time</u>	<u>Hearing Location</u>
582-06-2022 2006-0045-UCR	City of Kemp	07/11/06	10:00 am	<u>William P. Clements Bldg</u> <u>300 West 15th Street</u> <u>4th Floor Street</u> <u>Austin, TX 78701</u>
582-06-2023 2006-0272-UCR	Town of Lindsay	07/11/06	1:00 pm	<u>same as above</u>
582-06-2024 2006-0004-UCR	City of Valley View	07/11/06	10:00 am	<u>same as above</u>

Administrative law judge(s) will be assigned at a later date.

All parties will be notified in the event of a change of location of the hearing

**STATE OFFICE OF ADMINISTRATIVE HEARINGS
300 WEST 15TH STREET, STE. 502
AUSTIN, TEXAS 78701
(512) 475-4993
FAX (512) 475-4994
DOCKET (512) 475-3445**

CONFIRMATION OF REQUEST TO DOCKET CASE

TO: STEVE BRACHEL
TX COMM ON ENVIRONMENTAL QUALITY VIA FACSIMILE 239-3311

FROM: NATALIE HOWARD
DEPUTY CLERK

DATE: April 17, 2006

RE: SETTINGS OF HEARING(S)

At your request, the following hearing(s) have been set:

<u>Docket Number</u>	<u>Case</u>	<u>Date</u>	<u>Time</u>	<u>Hearing Location</u>
582-06-2022 2006-0045-UCR	City of Kemp	07/11/06	10:00 am	<u>William P. Clements Bldg 300 West 15th Street 4th Floor Street Austin, TX 78701</u>
582-06-2023 2006-0272-UCR	Town of Lindsay	07/11/06	1:00 pm	<u>same as above</u>
582-06-2024 2006-0004-UCR	City of Valley View	07/11/06	10:00 am	<u>same as above</u>

Administrative law judge(s) will be assigned at a later date.

All parties will be notified in the event of a change of location of the hearing.

Please remember that you are responsible for providing the court reporter as required by your agency.

If you have any questions regarding any of the information herein, please call.