

1 JUDGE NORMAN: You can ask that. I'll  
2 permit you to ask that.

3 Q (BY MR. CARLTON) So is it your understanding  
4 that the ordinance requires that regardless of  
5 distance a six-inch line is the minimum size that has  
6 to be constructed by somebody who wants service  
7 outside the city limits?

8 A Based on this reading right here, it would  
9 appear six inches is the smallest size, but there  
10 could always be a variance granted if you had a  
11 property owner wanting water to his home located on  
12 our -- right outside of our city limits and all he  
13 needs is a one-inch waterline run over to him.

14 Q But that would require a variance from the  
15 ordinance?

16 A I would think so.

17 Q And could you get a variance for having to  
18 pay the maintenance costs for the waterlines that's  
19 set forth a little bit further down in that ordinance  
20 in that section where it says "such water pipe and  
21 meter shall be kept at all times in a good condition  
22 of repair at the cost of the person using the water"?

23 A I would think that it's always a possibility  
24 that a variance can be granted. Whether or not the  
25 P&Z would do it or the council would agree with it, I

1 can't speak for them.

2 Q Does this section of the ordinance that I  
3 just quoted mean regardless of whether the city owns  
4 the line or not, the person who is receiving service  
5 is responsible for the cost of repair?

6 MR. RODRIGUEZ: Once again, I'll object  
7 on the best evidence rule, Your Honor.

8 JUDGE NORMAN: Overruled.

9 A Yes.

10 Q (BY MR. CARLTON) While you've been on the  
11 planning and zoning commission or the city council  
12 have you received or been responsible for reviewing  
13 any requests for service under this policy?

14 A No.

15 Q So nobody outside the city limits has come to  
16 the city and asked for service?

17 A Not that I'm aware of.

18 Q Is there anybody that would be more familiar  
19 with that than you?

20 A The city secretary would probably be the best  
21 source. She's at city hall during the week. I'm not.

22 Q Do requests for service come before the city  
23 council?

24 A For within the city?

25 Q Outside the city.

1           A     I would think it would come before the  
2 council, yes.

3           Q     But you haven't had any of those --

4           A     No.

5           Q     -- kinds of requests to approve at council?

6           A     No.

7           Q     Have you reviewed the letters that are a part  
8 of Exhibit DLM-10?

9           A     Yes.

10          Q     And would you look at the first letter in  
11 that packet that is -- I'll use APP-0351 as a page  
12 number.

13          A     All right, I have it.

14          Q     Who is Weldon Bezner?

15          A     He's a gentleman who lives in the -- he lives  
16 in the southwest part of the city and has property  
17 outside of our city limits to both his south and west.

18          Q     And what does he do on that property?

19          A     I believe it's all farm or ranch.

20          Q     He has a house on that property?

21          A     He has a house on that property.

22          Q     Has the city taken any steps to extend  
23 service to his house?

24          A     Well, not in my brief time on the council.

25          Q     He's not a customer of the city. Right?

1           A       Well, I may have to defer that to the city  
2       secretary. I don't know our whole customer list.

3           Q       Do you know about how much property  
4       Mr. Bezner owns?

5           A       No, I really don't.

6           Q       Do you know what kind of utility service he's  
7       interested in having?

8           A       Well, based on his statement here is all I  
9       have to go on, water and sewer.

10          Q       But you don't have any idea of when he wants  
11       it or how much he wants or what his plans are?

12          A       No, I do not.

13          Q       Would that same -- those same answers apply  
14       to every one of those letters that's attached to  
15       Exhbit DLM-10?

16          A       Yes.

17          Q       So you don't know how much water or what  
18       these folks intend to do with their land for any of  
19       the service requestors?

20          A       Yes, that's correct.

21                   JUDGE NORMAN: You're very precise,  
22       Mr. Metzler. Most people answer that question no, but  
23       the correct answer is yes, you don't know.

24          Q       (BY MR. CARLTON) Would you take a look at --

25                   MR. CARLTON: And, Your Honor, let me

1 get some clarification.

2 JUDGE NORMAN: Sure.

3 MR. CARLTON: DLM-11 was the map that  
4 shows all the service requests.

5 JUDGE NORMAN: Yes, and that was --  
6 that's included within my ruling.

7 MR. CARLTON: I just want to make sure  
8 before I start delving into it.

9 JUDGE NORMAN: Okay. All right.

10 Q (BY MR. CARLTON) Would you pull out this map  
11 that is DLM-11?

12 A I have it.

13 Q Okay. And could you tell me how many of the  
14 pieces of property on here that are identified as  
15 being service requests are actually already within the  
16 town of Lindsay's CCN based upon Exhibit DLM-17, the  
17 new CCN map that's been issued?

18 JUDGE NORMAN: You want him to count  
19 them? Is that what you're asking him to do?

20 MR. CARLTON: I'm asking how many of  
21 them are within that area or within their existing CCN  
22 based on DLM-17.

23 JUDGE NORMAN: Right, right, and so  
24 you're asking for a count?

25 MR. CARLTON: Yes.

1 JUDGE NORMAN: Okay. It might be easier  
2 to count the ones that are outside and subtract.

3 MR. CARLTON: And where I'm trying to  
4 go, Your Honor, just so we can try to short circuit  
5 it, there's no reason to keep this long if we don't  
6 have to, I want to find out of the 55 letters --

7 JUDGE NORMAN: 53, right.

8 MR. CARLTON: 53, we'll get into that a  
9 little bit, too -- but how many are actually --

10 JUDGE NORMAN: Outside the CCN.

11 MR. CARLTON: -- are from people who are  
12 outside the CCN that want service.

13 JUDGE NORMAN: Right.

14 MR. CARLTON: So it's -- and I think  
15 there's some clarification that needs to be made there  
16 because I don't think all 55 of them or 53, or however  
17 many it is, are really within that area.

18 JUDGE NORMAN: Right.

19 MR. RODRIGUEZ: Your Honor, I think -- I  
20 mean, the 55 or 53, however you want to characterize  
21 it, was basically counted prior to the September --

22 JUDGE NORMAN: Right.

23 MR. RODRIGUEZ: -- September 30th.

24 JUDGE NORMAN: I understand.

25 MR. RODRIGUEZ: So if the point he's

1     trying to make is that not all of them now, the 55 or  
2     53, are included in the requested service area as it  
3     existed prior to September 30th, we can stipulate to  
4     that fact.

5                     JUDGE NORMAN:   And then your CCN has  
6     been expanded since then.

7                     MR. RODRIGUEZ:   And our CCN has been  
8     expanded.   So some of those people are actually  
9     included in the expanded CCN portion.

10                    JUDGE NORMAN:   Right.

11                    MR. RODRIGUEZ:   And so we can -- if the  
12     clarification that needs to be made is some of these  
13     that now are in DLM-10 have property in the area where  
14     there's the expansion area, we can stipulate to that,  
15     Your Honor.

16                    JUDGE NORMAN:   Okay.   And I think that's  
17     probably understood, but what he wants right now is  
18     for the purpose of the application as it exists right  
19     now how many people are outside the CCN area.   Is that  
20     right?

21                    MR. CARLTON:   And I believe that's  
22     right, and ultimately what I'm going to have to end up  
23     doing is going through all these letters now because  
24     there are more duplicates than what's been identified.

25                    JUDGE NORMAN:   I see.   All right.

1 MR. CARLTON: It may speed us up if we  
2 take a break and get through that process --

3 JUDGE NORMAN: Okay.

4 MR. CARLTON: -- and then come back.

5 JUDGE NORMAN: Just tell him what you  
6 want.

7 MR. CARLTON: Exactly.

8 JUDGE NORMAN: Why don't you do that.

9 MR. CARLTON: Okay. So if we can go off  
10 the record --

11 JUDGE NORMAN: We're going to go off the  
12 record.

13 (Recess: 12:26 p.m. to 1:55 p.m.)  
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## 1 AFTERNOON SESSION

2 TUESDAY, OCTOBER 7, 2008

3 (1:55 p.m.)

4 JUDGE NORMAN: We're back on the record.

5 MR. CARLTON: All right. Thank you.

6 PRESENTATION ON BEHALF OF THE CITY OF LINDSAY

7 (CONTINUED)

8 DONALD METZLER,

9 having been previously sworn, continued to testify as  
10 follows:

11 FURTHER RECROSS-EXAMINATION (CONTINUED)

12 BY MR. CARLTON:

13 Q Mr. Metzler, while we were on break, did you  
14 have an opportunity to review the letters that are  
15 part of DLM-5?

16 A Yes, sir.

17 Q And compare those to the revised DLM-11 map?

18 A Yes, sir.

19 JUDGE NORMAN: And so that would be  
20 DLM-10 actually that he reviewed. Correct?

21 MR. CARLTON: Excuse me. I apologize.

22 JUDGE NORMAN: Okay. Just make the  
23 record right.

24 MR. CARLTON: DLM-10.

25 Q (BY MR. CARLTON) The letters that are DLM-10

1 to the map, that's DLM-11?

2 A Yes.

3 Q And after making that review, how many of  
4 those letters are still requests for service, in the  
5 city's opinion, for areas that are outside of the town  
6 of Lindsay's existing CCN?

7 A Forty-one.

8 Q Forty-one, okay. And since there are more of  
9 them that are still in, can you tell me which ones are  
10 not?

11 A Yes. Do you want names, or do you want page  
12 numbers? It would be quicker for me with page  
13 numbers.

14 Q Let's do page numbers then. That's fine.

15 A All right. Are you ready?

16 Q Yes.

17 A These are the ones that are in. What was  
18 your question?

19 Q I was going to ask you the ones that are  
20 not --

21 A Okay.

22 Q -- because there are a few -- a number of  
23 them as opposed to the 41.

24 A There are fewer number that are in.

25 Q Oh, okay. All right. Well, then let's go

1 that way.

2 MR. RODRIGUEZ: In the CCN area?

3 Q (BY MR. CARLTON) All right. Let's be clear  
4 what we're talking about.

5 A Okay.

6 Q There are 41 that are within the requested  
7 CCN area. There are, whatever the difference is --

8 A Thirteen.

9 Q -- in the CCN area that the city already has?

10 A Just received last week.

11 Q And so you're going to tell us the 13 that  
12 are in the city's --

13 A In the CCN.

14 Q -- existing CCN?

15 A Numbers 356, 368, 370, 372, 375, 381, 386,  
16 389, 399, 402, 404, 407, 408.

17 JUDGE NORMAN: Mr. Metzler, the map is  
18 Exhibit 17 of your -- attached to your testimony. Is  
19 it that the dotted portions, the red dotted portions  
20 are the requested area? Is that right? Am I looking  
21 at the right map?

22 MR. RODRIGUEZ: That's 11.

23 JUDGE NORMAN: I'm sorry?

24 MR. RODRIGUEZ: That's 11.

25 JUDGE NORMAN: 11, okay.

1           A       The map you were just looking at, Judge, I  
2       don't think it has any markings on it --

3                   JUDGE NORMAN:   Okay.

4           A       -- identifying any of the 54.  He asked if  
5       they were marked.

6                   JUDGE NORMAN:   Okay.  This is DLM-17.  
7       Correct?

8           A       Yes.

9                   JUDGE NORMAN:   All right.  Does DLM-17  
10      show the existing CCN?

11          A       As of today, yes.

12                  JUDGE NORMAN:   Right, okay.  And 14 of  
13      the requested service area, if you want to use that  
14      terminology, are within that --

15          A       Thirteen are inside of that, 13.

16                  JUDGE NORMAN:   Thirteen are in there.  
17      And the rest are outside?

18          A       Yes, sir.

19                  JUDGE NORMAN:   Okay.  The ones that are  
20      outside of it, are they in the requested service area,  
21      all of them?

22          A       There would be two or three that are --  
23      actually one or two of them are in the contested area  
24      between Gainesville and Lindsay, that little --

25                  JUDGE NORMAN:   Uh-huh.

1           A       -- spot. And there is one or two others that  
2       were right north of there, but not inside our  
3       requested area. It would have been in Gainesville's  
4       totally.

5                   JUDGE NORMAN: Okay. So all but those  
6       few are in your requested service area. Is that  
7       right?

8           A       Yes.

9                   JUDGE NORMAN: Okay.

10                  MR. RODRIGUEZ: Can I just make a  
11       clarification?

12                  JUDGE NORMAN: Sure.

13                  MR. RODRIGUEZ: And he can testify to  
14       this if you want him to, but some --

15                  JUDGE NORMAN: You need to speak up a  
16       little bit.

17                  MR. RODRIGUEZ: Some of them also have  
18       property that are both inside and outside the  
19       requested service territory. So some of these  
20       property owners would have property in the requested  
21       service territory as well as in the existing CCN area.

22                  JUDGE NORMAN: Okay.

23                  MR. RODRIGUEZ: So the 13 he's referring  
24       to are the ones that were solely within the  
25       existing --

1 JUDGE NORMAN: Okay. And, Mr. Metzler,  
2 is that accurate what he just said?

3 A Yes.

4 JUDGE NORMAN: Okay.

5 MR. RODRIGUEZ: With the exception of  
6 the ones that are in the Gainesville area like he  
7 testified to.

8 JUDGE NORMAN: True, Mr. Metzler?

9 A Yes.

10 JUDGE NORMAN: Okay. Go ahead.

11 Q (BY MR. CARLTON) Let's keep working off  
12 those page numbers, Mr. Metzler, if that's all right  
13 with you. Would you take a look at Bates 363?

14 A I have it.

15 Q And then turn also and look at Page 351.

16 A Yes, I have it.

17 Q Are those duplicates?

18 A Yes, they are.

19 Q And Page 364?

20 A I have it.

21 Q And Page 352, are those also duplicates?

22 A Yes, sir.

23 Q On Page 405 and 357, are those duplicates as  
24 well?

25 A Yes, sir.

1 Q Okay. Page 406 and 356, duplicates?

2 A Yes, sir.

3 Q Page 409 and 355, are those duplicates?

4 A Yes, they are.

5 Q Okay. And finally Page 411 and 359, are  
6 those also duplicates?

7 A Yes, it is.

8 Q Okay. So those duplicates shouldn't be  
9 included in the total number of requests as well?

10 A Correct.

11 Q Okay. Are you familiar at all with the  
12 city's building permit process?

13 A Somewhat.

14 Q Do you know how many building permits the  
15 city has been issuing for new homes in the last -- on  
16 average over the last five or six years?

17 A No, I don't. I don't know that for the last  
18 five or six years.

19 Q Do you know that for any particular period of  
20 time?

21 A Well, I can probably go back to '86 to '90  
22 when I was mayor and we gave out three or four a year.

23 Q Okay.

24 A But we've got -- we received a report July or  
25 August, an update on building permits, and at that

1 time, seven -- six, seven for 2008 for home  
2 construction.

3 Q And you only issue building permits for areas  
4 within the city limits. Correct?

5 A Correct. At least that's all we've done to  
6 date.

7 MR. CARLTON: This is going to be  
8 LPWC-9.

9 (Exhibit LPWC No. 9 marked)

10 MR. CARLTON: Your Honor, this was part  
11 of the documents that were produced by the applicant.  
12 The Bates numbers from the applicant's productions are  
13 at the bottom of the page.

14 JUDGE NORMAN: Okay. And this is LPW  
15 what?

16 MR. CARLTON: LPWC-9.

17 JUDGE NORMAN: 9, okay.

18 Q (BY MR. CARLTON) Mr. Metzler, can you take a  
19 look at what's been marked as LPWC-9 and tell the  
20 Judge what that is?

21 A Well, the top page is a list of 2002 building  
22 permits from the beginning of the year until  
23 August 28, 2002.

24 Q And does this look like a document that's  
25 generated by the City of Lindsay?



1 A Yes.

2 Q And could you confirm that this has the list  
3 of building permits that have been issued by the City  
4 of Lindsay from January 1, 2002 through approximately  
5 April 30, 2008?

6 A I can speak for 2002 -- 2007 and 2008. Prior  
7 to that, I wouldn't be as comfortable. I wasn't on  
8 the council. And prior to 2005, I wasn't involved at  
9 P&Z or council.

10 Q Let's turn to 2008, the last page. How many  
11 permits were issued for new home construction from  
12 January 1, 2008 through April 30, 2008?

13 A Four.

14 Q And how can you tell that on the list?

15 A Underneath Type, "new home."

16 Q So if we wanted to determine how many new  
17 homes had had building permits issued between 2002 and  
18 2008, we'd just use this list and add up all the ones  
19 that said "new home." Right?

20 A Well, I can't speak from experience 2002  
21 through 2005, but from '7 and '8, yes, that's one way  
22 you could look at it.

23 MR. CARLTON: I offer LPWC-9.

24 JUDGE NORMAN: Any objection?

25 MR. MacLEOD: No objection.

1 JUDGE NORMAN: It's admitted.

2 (Exhibit LPWC No. 9 admitted)

3 Q (BY MR. CARLTON) Would you take a look at  
4 the revised DLM-11? That's the map.

5 A I have it out.

6 Q Do you see just south of the green area on  
7 that map where it says South Ridge?

8 A Yes.

9 Q The property owned by A. Hess?

10 A Yes.

11 Q If A. Hess wanted service from the City of  
12 Lindsay, how would they go about obtaining that  
13 service?

14 A They would come to city hall and start the  
15 process for making application for whatever the  
16 service is they're asking. Are you talking about  
17 water or sewer?

18 Q Water.

19 A Okay, water. They would certainly come and  
20 could make that application to us, that request.

21 Q And how would the city provide water service  
22 to the Hess tracts?

23 A That's hard to figure out right now. I don't  
24 know what the majority of the council would want to  
25 do.

1 Q Okay. Does the city have facilities in that  
2 area?

3 A No, we do not.

4 Q So would the city have to extend lines to  
5 serve that tract?

6 A Yes, they would.

7 Q And would the city pay for the cost of that  
8 extension?

9 A That's a good question. I don't think they  
10 would pay the full cost.

11 Q So the owner would have to pay the cost of  
12 that extension?

13 A It might be negotiated.

14 Q Under what circumstances would the city pay  
15 part of the cost?

16 A For that particular property in that  
17 particular location?

18 Q Yes.

19 A Given that we don't have the CCN to that  
20 territory right now, I don't know that the city  
21 council would want to invest any money in an  
22 infrastructure down to that location right now. We  
23 have no way to guarantee that we wouldn't have to deal  
24 with some competition down the road.

25 Q So is your answer that the city wouldn't pay

1 a portion of the costs for that tract now?

2 A I don't think at this point in time they  
3 would pay anything from wherever our closest water  
4 service line would be inside of our territory to that  
5 point.

6 JUDGE NORMAN: And you said that given  
7 this you don't have the CCN. Right?

8 A Right.

9 JUDGE NORMAN: Okay.

10 Q (BY MR. CARLTON) Now, if you had the CCN,  
11 would the city pay for the cost of that extension?

12 A Well, it would certainly be in a better  
13 position to go ahead and start formulating a plan for  
14 dealing with how to extend our water and sewer  
15 services anywhere inside of our CCN.

16 Q Wouldn't that be inconsistent with the  
17 ordinance that the city has adopted regarding service  
18 outside the city limits?

19 A That ordinance is -- are we talking about  
20 LW --

21 Q LPWC-8.

22 A The one that we passed in '05?

23 Q Yes.

24 A That deals with utility service outside our  
25 city?

1 Q Yes.

2 A Well, this one says, you know, we're not  
3 going to pay beyond our corporate limits, and this is  
4 still outside of our corporate limits.

5 Q Yes.

6 A So I would think that we're not going to pay  
7 for that.

8 Q So even if it's within your CCN, you wouldn't  
9 pay for it? Even if the service is within your CCN,  
10 the city would not pay for the line extension?

11 A Well, I can't answer what the council would  
12 do. I mean, this is going to be an issue that will  
13 have to be addressed by the full council and look at  
14 the changing dynamics of just receiving that newest  
15 water CCN and how it impacts some of these previous  
16 ordinances passed. And we haven't had a chance to do  
17 that in a week.

18 Q Has the city ever paid for service extensions  
19 outside the city limits in the past, to your  
20 knowledge?

21 A I'm not aware of any.

22 Q Hasn't it been the city's policy not to pay  
23 for service extensions outside the city limits?

24 A That's usually been our practice.

25 JUDGE NORMAN: Tell me on Exhibit DLM-11

1 the dotted -- the red dotted area is the requested  
2 area. Is that right, Mr. Metzler?

3 A DLM-11?

4 JUDGE NORMAN: The one you've been  
5 looking at.

6 A Oh, this?

7 JUDGE NORMAN: Yeah.

8 A Yes, Your Honor.

9 JUDGE NORMAN: Okay.

10 A The section is right south and then again  
11 north.

12 JUDGE NORMAN: And you may have gone  
13 over this, and I just may not have quite gotten it,  
14 but I'm just going to ask you. And then the diagonal  
15 line area, is that the existing CCN?

16 A As of today, yes.

17 JUDGE NORMAN: As of today?

18 A As of the 30th of September.

19 JUDGE NORMAN: Okay. Now, is the  
20 yellowed area, is that the area that's also part of  
21 the Gainesville CCN?

22 A The yellowed area?

23 JUDGE NORMAN: The yellow within the  
24 existing CCN.

25 A No, I believe that to represent the city

1 limit, the boundaries of the city limits of Lindsay.

2 JUDGE NORMAN: I see. Okay. And then  
3 we talked about that ten-foot area that went north. I  
4 thought there was one that went south, too, but went  
5 north.

6 A Yes, there is.

7 JUDGE NORMAN: Okay. Is that looking to  
8 the northeast there, if the map is like other maps, is  
9 that ten-foot area that you have annexed going up  
10 northeast there up to that factory building looking  
11 thing that you talked about?

12 A Well, no, it wouldn't include that factory.  
13 It actually goes back to the -- to the west and then  
14 north and comes back east to FM or State Highway 1200.  
15 I guess that's State Highway 1200, but it wouldn't  
16 include that little factory-shaped piece.

17 JUDGE NORMAN: Okay. But it does  
18 include that long vertical piece. Is that right? Or  
19 it might just -- you know, I want to make sure I  
20 understand this really.

21 A Okay.

22 JUDGE NORMAN: So I'm not trying to get  
23 you to say something.

24 What is -- that yellowed area then is  
25 what has been annexed. Right? All of the yellow area

1 is either part of the present city or has been  
2 annexed. Is that right?

3 A That's my understanding, yes.

4 JUDGE NORMAN: Okay. Including that  
5 factory-looking area. Right?

6 A Yes.

7 JUDGE NORMAN: Okay.

8 A I just pulled it out of this pile. Which  
9 exhibit was this?

10 JUDGE NORMAN: I'm looking at DLM-11. I  
11 think you've got it spread out right in front of you.

12 MR. RODRIGUEZ: That's 13.

13 A DLM-13 shows in green --

14 JUDGE NORMAN: Uh-huh.

15 A -- the south and the north --

16 JUDGE NORMAN: Okay.

17 A -- strip.

18 JUDGE NORMAN: Ten-foot strip?

19 A Right.

20 JUDGE NORMAN: That's been annexed.  
21 Right?

22 A Yes.

23 JUDGE NORMAN: All right.

24 A That's a better depiction of it.

25 JUDGE NORMAN: Okay. Good. Go ahead.



1 Q (BY MR. CARLTON) And I think we talked about  
2 this before the break, but I want to clarify. On this  
3 map that shows all the names, there's obviously more  
4 circles of names than 41.

5 A Right.

6 Q And is that because each tract that is owned  
7 by that particular individual is separately outlined?

8 A I didn't design this, but looking at it, it  
9 does appear that each individual property is outlined  
10 and a name is attached to it.

11 Q So where there are multiple tracts with the  
12 same name, is it the city's position that the letter  
13 that's in DLM-10 serves as a request for service to  
14 all of those tracts?

15 A That wouldn't be my understanding of it. I  
16 would think an individual is requesting service, and  
17 unless they chose to list multiple locations or  
18 properties on their application, then I myself  
19 personally would look at it and say it's going to the  
20 home place or wherever the gentleman or lady is living  
21 at the time.

22 Q So you wouldn't necessarily construe these  
23 letters to be a request for service to an entire farm,  
24 just the homestead that's at that location?

25 A That would be how I would read them myself.

1           Q       Let me just focus your attention on the area  
2 south of Highway 82.

3                   JUDGE NORMAN:   And what map are you  
4 looking on?

5                   MR. CARLTON:    On DLM-11.

6                   JUDGE NORMAN:   Okay.

7           Q       (BY MR. CARLTON)   Within the requested  
8 service area.

9           A       Okay.

10                   JUDGE NORMAN:   Okay.   Now, where is  
11 Highway 82?

12                   MR. CARLTON:    I'm sorry, Your Honor.

13           A       Just right below the center crease.

14                   JUDGE NORMAN:   Okay.   I see it.

15                   MR. CARLTON:    You can barely see it.

16                   It's a thicker line that runs right through the  
17 middle --

18                   JUDGE NORMAN:   All right.

19                   MR. CARLTON:    -- of the map from east to  
20 west.

21                   JUDGE NORMAN:   Oh, I see it.   Okay.

22                   MR. CARLTON:    It forms the southern  
23 boundary of the existing city CCN on the west side.

24                   JUDGE NORMAN:   I don't see that.

25                   MR. CARLTON:    Okay.   Highway 82 as it

1 comes west out of town runs right along the edge of  
2 that new CCN boundary, the yellow and red hashed area.

3 JUDGE NORMAN: I see a double line in  
4 the center of the page, and I see 80 --

5 MR. CARLTON: That's it.

6 A That's it.

7 JUDGE NORMAN: -- 82. Yeah, okay.

8 Q (BY MR. CARLTON) Now, I want you to focus  
9 your attention on the area to the south. I'm not  
10 particularly concerned with the things to the north.

11 A Okay.

12 Q Would you confirm for me that none of the  
13 property owners that are shown or identified on this  
14 map to the south have actually filed an application  
15 for water service from the city?

16 A To the best of my knowledge, none of them  
17 have.

18 Q And would you also confirm for me that none  
19 of these property owners identified have filed  
20 subdivision plats with the city?

21 A On the property south --

22 Q Correct.

23 A -- or any property that they might own?

24 Q On the property south.

25 A Okay. Because we do have a developer,

1 Michael Hermes, down in this area, but his development  
2 is on the north side of 82.

3 Q Correct, correct.

4 A We have property owner T. Zimmerer who has  
5 some development in the south -- central southeastern  
6 part of the City of Lindsay; J. Bezner I'm assuming  
7 could be Jacob Bezner, and if I'm not mistaken -- he  
8 hasn't filed for subdivision, but I know he owns  
9 property that -- he has talked to us about the street  
10 that leads into it being wide enough for access into  
11 his property on the south -- right south central,  
12 south of 1st street.

13 Q And the area --

14 A To answer your original question, I'm not  
15 seeing a name that I'm familiar with having some kind  
16 of a development starting, other than what I've  
17 mentioned, and most of those are somewhere other than  
18 south where we're looking at.

19 Q Okay. So when we talk about J. Bezner, the  
20 area that he's come in and asked about is actually  
21 within the city limits?

22 A Yes.

23 Q Okay. And is the same thing true with  
24 Zimmerer?

25 A Tommy Zimmerer?

1 Q Yes.

2 A I think most of his is inside the city limits  
3 also.

4 Q Okay. So it's south of 82, but in the city  
5 limits?

6 A Right.

7 JUDGE NORMAN: And his name is Zimmerer,  
8 isn't it?

9 A Well, us poor Germans pronounce it Zimmer.  
10 We couldn't afford both double E-Rs.

11 JUDGE NORMAN: Okay. Okay.

12 Q (BY MR. CARLTON) It's spelled Zimmerer?

13 A Yes, it is spelled Zimmerer.

14 MR. CARLTON: Thank you, Your Honor. I  
15 appreciate your patience. Thank you, Mr. Metzler.

16 THE WITNESS: You're welcome.

17 MR. CARLTON: Pass the witness.

18 JUDGE NORMAN: Okay.

19 MR. CARLTON: Oh, before I do real  
20 quick, I want to confirm LPWC-8 and LPWC-9 have been  
21 admitted. Correct?

22 JUDGE NORMAN: Yes.

23 MR. CARLTON: Thank you.

24 JUDGE NORMAN: Okay. Yes, go ahead,  
25 Mr. Rodriguez.

## 1 FURTHER REDIRECT EXAMINATION

2 BY MR. RODRIGUEZ:

3 Q I'm going to ask you some questions, first  
4 off, Mr. Metzler, regarding the service requests that  
5 are DLM-10 and attached -- or in Exhibit APP-2 and  
6 just to kind of -- really kind of clarify some of the  
7 confusion that there might have been on that.

8 Now, if you look at the very first page  
9 of that, which is Bates Page No. 0351 --

10 A I'm at that.

11 Q Okay. And you would agree, wouldn't you,  
12 that all the letters are sequentially numbered from  
13 there?

14 A Yes.

15 JUDGE NORMAN: You're looking at 03?

16 MR. RODRIGUEZ: 51, APP -- Bates Page  
17 No. APP0351.

18 JUDGE NORMAN: You know, somehow I'm  
19 lost. APP -- okay.

20 MR. CARLTON: It's in Exhibit DLM-10.

21 JUDGE NORMAN: DLM-10?

22 MR. RODRIGUEZ: Exhibit 2.

23 JUDGE NORMAN: All right. DLM-10,  
24 sorry.

25 MR. RODRIGUEZ: DLM-10.

1 JUDGE NORMAN: Okay.

2 A Yes, sequentially numbered.

3 Q (BY MR. RODRIGUEZ) Now, if you look at the  
4 very last page of that, it's at APP0414. Right?

5 A Correct.

6 Q And the very first page is APP0351?

7 A Correct.

8 Q I'm assuming because you're an educator you  
9 can perform simple subtraction for me. How many  
10 requests if you just did that simple subtraction would  
11 you get?

12 A Sixty-three.

13 Q Sixty-three? So when you take out the  
14 duplicates that you and Mr. Carlton went through  
15 earlier, that's where you came up with the 54 that you  
16 spoke about earlier. Correct?

17 A Yes.

18 Q Okay. I just wanted to make clear that it's  
19 not 54 and then you take away the duplicates. It  
20 was 63 and you took away the duplicates?

21 A Yes.

22 Q Mr. Metzler, I'm going to ask you to go back  
23 to the LPWC-8 exhibit, which is the ordinance that you  
24 and Mr. Carlton spoke about extensively before lunch.  
25 I'm going to ask you when was that ordinance passed?

1 A August 8, 2005.

2 Q What is your understanding of what the city's  
3 CCN was at the time that this ordinance was approved  
4 by the city?

5 A Our CCN was basically the same as our city  
6 limits around the city.

7 Q And we're talking water specifically?

8 A Water specific.

9 Q Okay. Now, Mr. Metzler, do you understand  
10 that the water -- your CCN obligates you to provide  
11 service?

12 A Yes.

13 Q Okay. Now, this ordinance here, LPWC-8,  
14 actually talks about areas that are outside the city's  
15 corporate limits. Is that correct?

16 A That's correct.

17 Q And those would also be areas that are  
18 outside -- would have been outside the CCN at the time  
19 that it was approved. Right?

20 A Correct.

21 Q Now, do you have an opinion based on what  
22 needs to be done to this ordinance now?

23 A In light of the TCEQ's recommendation on  
24 September 30th granting us additional water CCN  
25 territory on the north part of town, I would expect



1 the city needs to go back to this ordinance, revisit  
2 it, possibly do away with it and replace it with a new  
3 one. But the bottom line is we now have CCN water  
4 responsibilities that are outside of our city limits,  
5 and we're going to have to adjust the ordinances that  
6 we live by to recognize that fact.

7 Q So you recognize that if they were -- if you  
8 had a qualified applicant now outside your city limits  
9 but in your CCN, it's not can we provide service or do  
10 we choose to provide service, you understand that it's  
11 an obligation now?

12 A Yes.

13 Q Okay. Now, since your CCN was amended on  
14 September 30, 2008, have you had another city council  
15 meeting since that time to be able to reconsider what  
16 your service extension policies are going to be  
17 outside your corporate limits?

18 A No, we have not.

19 Q Mr. Metzler, you were a member of the city's  
20 planning and zoning commission. Is that right?

21 A That's correct.

22 Q Can you tell me basically what your duties  
23 were on the P&Z?

24 A A couple of primary duties. One is to help  
25 interpret current ordinances and regulations dealing

1 with planning and zoning that we have on the books.  
2 Another one is looking to the future and seeing how  
3 new ones need to be brought up or older ones adjusted  
4 to fit new circumstances.

5 Q Now, do you know what the city -- well, the  
6 city's planning and zoning commission, how far its  
7 jurisdiction extended?

8 A Well, we handle things inside the city  
9 limits, and then we could look at subdivision  
10 situations in the ETJ.

11 Q So if we look at DLM-13, which is attached to  
12 city's Exhibit APP-2, with respect to subdivisions,  
13 everything kind of within that little red area that's  
14 identified in the legend as City of Lindsay existing  
15 ETJ area, that would be the jurisdiction of the --  
16 that's as far as the jurisdiction of the P&Z would  
17 extend. Correct?

18 A Correct.

19 Q Okay. So you wouldn't necessarily -- or the  
20 city wouldn't see, for instance, if a plat or  
21 subdivision request was filed in any of the other  
22 areas outside that red-lined area?

23 A That wouldn't come to us.

24 Q Now, I want to clear up some -- I guess some  
25 confusion that there might have been before we broke

1 for lunch in questioning from Lindsay Pure Water. I  
2 believe that the question that was asked of you was  
3 whether someone that was requesting service needed to  
4 come to the city council to request service from the  
5 city. Is that what your understanding is?

6 A Of the question earlier?

7 Q Yes.

8 A Someone asking for water comes before the  
9 city council? Well, initially they're going to go  
10 to -- if they're inside our city limits?

11 Q No, outside the city.

12 A Outside the city limits, but inside of our  
13 CCN?

14 Q Well, let me go back. It was basically  
15 someone that was outside of your corporate limits, and  
16 then you-all were looking at LPWC-8.

17 A All right.

18 Q Okay? Anywhere in here does it provide for  
19 someone needing to go to the city council to request  
20 service from the city?

21 MR. CARLTON: Objection. I'll turn this  
22 around, the document is the best evidence of what it  
23 says.

24 MR. RODRIGUEZ: Your Honor, you allowed  
25 him to ask the questions about his interpretation of

1 the ordinance earlier.

2 MR. CARLTON: The question was just  
3 anywhere in here does the document say this.

4 Q (BY MR. RODRIGUEZ) Would someone need to  
5 come and request service from the city?

6 JUDGE NORMAN: Well, you know what, I'm  
7 just going to -- what I'm going to do is the document  
8 is the best evidence. It is, but I need -- I want to  
9 know that information, so --

10 MR. RODRIGUEZ: Well, let me rephrase  
11 it, Your Honor.

12 JUDGE NORMAN: All right.

13 MR. RODRIGUEZ: I'll see if I can do it.

14 Q (BY MR. RODRIGUEZ) Is it your understanding,  
15 Mr. Metzler, that after reviewing LPWC-8 that the only  
16 time one needs to come to the city council is when  
17 they're making application for water service or when  
18 they're requesting water service?

19 A Well, if requesting water service carries the  
20 higher degree, that will eventually end up before city  
21 council. If it doesn't, it will go to city staff or  
22 the city secretary first. But in either -- you know,  
23 for either situation of asking for water, it's going  
24 to start at city -- the city secretary. I mean,  
25 someone is not usually going to get on our agenda and

1 come in and ask for city water somewhere in the CCN.  
2 They're going to go through the city staff first, at  
3 least that's how typically it's been handled. They're  
4 not going to come directly to us asking if they can  
5 have permission to get some water.

6 Q Mr. Metzler, I'm going to ask you to go to  
7 Applicant's Exhibit No. 1 and turn to Page APP1006,  
8 and at the same time while you're looking at that ask  
9 you to look at DLM-13 in Applicant's Exhibit No. 2.

10 Now, what do you understand in DLM-13,  
11 the pink area to be, the hatched pink area?

12 A To be our additional requested water CCN  
13 territory.

14 Q And do you see kind of in the south area,  
15 Mr. Metzler, there's kind of a seven that's kind of  
16 redacted out of that area?

17 A Yes, I do.

18 Q Do you know what that is?

19 A It says South Ridge.

20 Q Okay. And do you understand that to  
21 be the --

22 A Lindsay Pure Water.

23 Q Their CCN area. Correct?

24 A Correct.

25 Q Okay. Now, when you look at --

1 JUDGE NORMAN: And where is that again?  
2 Okay. So ask the witness, too. Okay. Right there on  
3 that red line -- is that right -- right just south of  
4 that red line?

5 A Well, it's on the green line. Going back to  
6 your left is a white seven shaped piece of property.

7 JUDGE NORMAN: Okay. Oh, I see. All  
8 right.

9 Q (BY MR. RODRIGUEZ) Let me be clear with  
10 that. When you look at DLM-11 in conjunction with  
11 DLM-17 --

12 A Okay.

13 Q When you look at -- when you compare DLM-17  
14 with DLM-13 and you see the green area on DLM-17, what  
15 do you understand that green CCN to be?

16 A The CCN belonging to Lindsay Pure Water.

17 Q Okay. And in DLM-13, the area that's not  
18 being requested?

19 A Belonging to -- the CCN belonging to Lindsay  
20 Pure Water.

21 Q Okay. So when you look then back at the  
22 application, APP-1, on page -- and specifically Bates  
23 Page No. APP1006, there are no other -- the statement  
24 there, is that an incorrect statement?

25 A On what portion?

1 Q Under Subsection F.

2 A F, all right. Now looking at it, I would say  
3 that the answer is correct that's given under F.

4 Q And why would you say that the answer is  
5 correct under F on APP1006?

6 A The service area for a water company inside  
7 of the area we're asking for, it's a defined territory  
8 that we're not asking for any of it. They have their  
9 boundaries, they have their unique spot in the world  
10 to sell water.

11 Q Have you sought to certificate -- or has the  
12 City of Lindsay -- I have to be more specific --  
13 sought to certificate any territory within the Lindsay  
14 Pure Water CCN area?

15 A No.

16 MR. RODRIGUEZ: Your Honor, can I take  
17 about five minutes? I just need to organize some  
18 things.

19 JUDGE NORMAN: Sure.

20 MR. RODRIGUEZ: I don't have very much  
21 more for this witness.

22 JUDGE NORMAN: Yeah, let's go off the  
23 record.

24 (Recess: 2:45 p.m. to 2:48 p.m.)

25 MR. RODRIGUEZ: I think I'm ready, Your

1 Honor.

2 JUDGE NORMAN: I'm sorry?

3 MR. RODRIGUEZ: I think I'm ready.

4 JUDGE NORMAN: Okay. Go ahead.

5 Q (BY MR. RODRIGUEZ) Mr. Metzler, thank you  
6 again for indulging me as I needed to take my break.

7 I'm going to ask you some questions  
8 again regarding DLM No. 11 and DLM-10, which are both  
9 attached to your prefiled testimony, which is Lindsay  
10 Exhibit APP-2. And can you read just silently to  
11 yourself any of the requests that are in DLM-10, just  
12 to yourself?

13 A Okay.

14 Q Are most of the requests that are made in  
15 DLM-10 fairly similar?

16 A Yes, they are.

17 Q Okay. Do you read anywhere -- or what is  
18 your understanding with respect to what those people  
19 are requesting or how they're requesting service from  
20 the city?

21 A When looking back through and reading them,  
22 it would be very easy to think that any -- any one of  
23 them is asking to have water or sewer services brought  
24 to all the properties that they own or their property  
25 location. Quite a few of these people own multiple



1        acres of land. They're not just a single family out  
2        in the middle of nowhere. So I can see where they're  
3        asking to have water or sewer services brought to  
4        their entire property, whether it was a  
5        200-by-200-foot lot or 200 acres.

6            Q        Okay. And is it reasonable that many of  
7        those believe -- after looking at DLM-11 that many of  
8        those requestors own multiple pieces of property?

9            A        Yes, several of them do own multiple pieces.

10          Q        I believe Mr. Hess, which is south of the  
11        South Ridge development on DLM-10, was referred to by  
12        Mr. Carlton.

13          A        Yes, he has at least three.

14          Q        Three tracts. From your review of the  
15        service requests, would there be in your  
16        understanding -- or what would be your understanding  
17        as to which parcel of property he would be asking for  
18        service from? I direct your attention to APP373.

19          A        Okay. Well, it could be any one of the three  
20        or all three of them.

21          Q        Does he limit it in his request to any  
22        particular parcel?

23          A        No, he doesn't.

24          Q        In fact he says "my property." Right?

25          A        "My property" --

1 MR. CARLTON: Objection; leading.

2 JUDGE NORMAN: Sustained.

3 Q (BY MR. RODRIGUEZ) Well, what would be your  
4 understanding as to where he would want service to be  
5 provided?

6 A Well, it would be my understanding that he  
7 wants water and sewer brought to his property located  
8 near or on FM 3108, which is three different pieces of  
9 property that all appear to be touching FM 3108. So  
10 all three of them.

11 Q So is that your understanding for what other  
12 requestors that have multiple tracts might be  
13 requesting?

14 MR. CARLTON: Objection; leading.

15 JUDGE NORMAN: Sustained.

16 MR. RODRIGUEZ: I didn't suggest an  
17 answer, Your Honor. I didn't even assume any facts in  
18 evidence.

19 JUDGE NORMAN: I think you suggested an  
20 answer.

21 MR. RODRIGUEZ: Okay.

22 Q (BY MR. RODRIGUEZ) With respect to the  
23 others that have multiple tracts, Mr. Metzler, what  
24 would be your understanding with regard to what they  
25 were requesting?

1           A       My understanding is that these people  
2       requesting water and sewer service from the city as  
3       asking for that water and service to any and all of  
4       the properties they own.

5                   MR. RODRIGUEZ:   Your Honor, I pass the  
6       witness.

7                   JUDGE NORMAN:   Okay.   Mr. MacLeod.

8                   FURTHER RECROSS-EXAMINATION

9       BY MR. MacLEOD:

10           Q       I just want to clarify a little bit more on  
11       the city ordinance that was labeled and admitted into  
12       evidence as LPWC-8.   Is it your understanding that  
13       that ordinance without the CCN means the city could  
14       cut off service to anyone for any reason outside of  
15       the city limits under that ordinance?   Is that right?

16           A       This ordinance seems to deal with inside the  
17       city limits of Lindsay, Texas.

18           Q       Well, let me take a look at that again.

19                   MR. RODRIGUEZ:   Outside.

20           A       Oh, outside.   I mean -- well, it's --

21                   MR. CARLTON:   Object -- objection, Your  
22       Honor.   We're coaching the witness a whole lot down  
23       here, and I'd like to have the witness testify and not  
24       the attorney.

25                   JUDGE NORMAN:   Okay.   Just restate your

1 question.

2 MR. CARLTON: I'm not objecting to  
3 Mr. MacLeod.

4 JUDGE NORMAN: Okay. Sustained.

5 Q (BY MR. MacLEOD) Could you tell me what  
6 LPWC-8 is, an ordinance dealing with how the city is  
7 going to provide service to customers outside of the  
8 city limits? Is that correct?

9 A That's correct.

10 Q And that ordinance says that people that live  
11 outside the city could be cut off -- their services  
12 could be cut off for any reason if the city wanted to  
13 cut them off. Is that correct? I think you find that  
14 under like the second page, (B)(2) I think it is. I'm  
15 not sure if that's the right -- actually, it's on the  
16 first page. It's (A)(2). It's not (B). It's (A)(2).

17 A Yes, the ordinance would give us, the city,  
18 the right to terminate services.

19 Q But if you had -- if the CCN were granted, do  
20 you understand that gives the city the duty to serve  
21 those people and they can't be cut off or otherwise  
22 come to the TCEQ and get an order requiring them to  
23 serve them if they're a qualified applicant. Is that  
24 your understanding?

25 A Yes, it is.

1           Q     Also, do you understand that outside the city  
2 limits if you were granted the CCN, the city couldn't  
3 force anyone to accept service, their water or sewer  
4 service outside the city limits even with the CCN? It  
5 doesn't give you a right to force service?

6           A     Correct. I understand that.

7           Q     You know, we've been talking about -- we're  
8 trying to get an idea of the total acreage of this  
9 request for a CCN, and the original CCN request was  
10 for like over 18,000 acres, but now there's been some  
11 changes because there was a nunc pro tunc, and I don't  
12 know how many acres are in that area that's doubling  
13 with Gainesville we want to take out. Can you make a  
14 gross estimate as to how many acres would still be in  
15 your CCN request after those two adjustments were  
16 made? If you can't, that's all right.

17          A     No, I would be uncomfortable trying to guess  
18 that one.

19          Q     It's possible maybe one of your other  
20 witnesses --

21          A     Mr. Maroney might be able to answer that.

22                   MR. MacLEOD: All right. Pass the  
23 witness.

24                   JUDGE NORMAN: Okay. Do you have a lot,  
25 Mr. Carlton, or not?

1 MR. CARLTON: Some of it depends on the  
2 answers.

3 JUDGE NORMAN: Right.

4 MR. CARLTON: I wouldn't say that I'm  
5 going to be going for a real long time, though.

6 JUDGE NORMAN: Okay.

7 MR. CARLTON: Do you --

8 JUDGE NORMAN: No, we're back to you,  
9 and this is your turn, but I'm going to limit redirect  
10 to what your recross is. And then if there's  
11 redirect, then I'll limit your cross to what the  
12 redirect was.

13 MR. CARLTON: Okay.

14 JUDGE NORMAN: Okay.

15 FURTHER RECROSS-EXAMINATION

16 BY MR. CARLTON:

17 Q Mr. Metzler, the ordinance that's attached,  
18 that is LPWC-8, was adopted in August of 2005.  
19 Correct?

20 A Correct.

21 Q The same month that the application for the  
22 CCN was filed. Correct?

23 A Prior to the application being made but to  
24 the same month.

25 Q Okay. What's confusing to me and I need some

1 help understanding is, why would the city adopt an  
2 ordinance restricting or setting out very strict  
3 guidelines for how it was going to be providing  
4 service outside the city limits when it had never  
5 provided that service in the past and was just then  
6 applying for a CCN to provide service outside of its  
7 city limits unless it intended to have that ordinance  
8 apply after it got its CCN?

9 A I can't really answer your question. I  
10 wasn't around for the debate or the discussion that  
11 took place in this process of adopting this particular  
12 ordinance.

13 Q Was the city council advised as to the  
14 restrictions and limitations on obtaining -- on  
15 holding a CCN prior to the time they filed for it?

16 A Well, I wasn't on the council. I can't  
17 answer that question.

18 Q So you don't know whether the council knew  
19 that they had to provide service to anybody who  
20 requested it within the CCN once they were issued the  
21 CCN?

22 A Well, once again, I'd be answering about a  
23 conversation I was never a part of in this particular  
24 situation.

25 Q And you didn't -- you don't know whether the

1 council was advised that if they were providing  
2 service to someone within a CCN they couldn't just  
3 terminate that service for no reason?

4 A Well, I wasn't at any of the meetings to be  
5 able to answer that one.

6 Q And when you talk about the council would  
7 need to take action to amend this ordinance, that's  
8 your own personal opinion --

9 A Yes, sir.

10 Q -- and you don't have the ability to speak  
11 for the council as a whole?

12 A It would be my opinion to take back, you  
13 know, a recommendation to look at this and how it  
14 applies to a whole new set of circumstances as of last  
15 September 30th.

16 Q You also testified and then I think tried to  
17 clarify your testimony that these service request  
18 letters that are -- these letters that are in DLM-10  
19 could be interpreted to be service for one small  
20 parcel or more of the parcels that are owned by that  
21 individual. Correct?

22 A Correct.

23 Q But then you later testified that you would  
24 then assume no, no, no, that means all the parcels.  
25 Right?



1           A       Well, I think I said that it would -- it  
2 would include all of the -- in other words, if one  
3 person owned -- his name is down there four different  
4 times on four pieces of property but he only sent us  
5 one letter, I interpret that to mean all four  
6 properties and not just the one.

7           Q       But that's in conflict with your earlier  
8 testimony that said it could mean just one of four?

9           A       Well, I --

10          Q       Why the difference?

11          A       I'm starting to see a bigger interpretation  
12 of what "property" means.

13          Q       Let's talk a little bit about Page 1006 of  
14 APP-1, Item F. I think Mr. Rodriguez asked you  
15 whether that answer was correct given your  
16 reevaluation of the fact that a utility only serves  
17 within its CCN. Correct?

18          A       That a utility only services -- yes.

19          Q       Are you aware that utilities can provide  
20 service outside their CCN?

21          A       Yes.

22          Q       And so the question -- well, the statement in  
23 here is there are no other utilities providing  
24 service.

25          A       Within the requested area?

1 Q Correct.

2 A And we have a requested area, and it  
3 surrounds Mr. -- or Lindsay Pure Water.

4 Q Do you know whether Lindsay Pure Water is  
5 providing service outside of its CCN?

6 A' No, I don't know for a fact if they are or  
7 not.

8 Q Did anyone go try to verify that when filling  
9 out the application?

10 A Well, I don't know about that. I didn't fill  
11 out the application.

12 Q So the statement could be incorrect if  
13 Lindsay is providing service outside of its CCN?

14 A I guess it could be incorrect.

15 MR. RODRIGUEZ: Objection, Your Honor.  
16 Did you say if Lindsay is providing service outside?

17 MR. CARLTON: If Lindsay Pure Water is  
18 providing service outside its CCN.

19 MR. RODRIGUEZ: Okay. I withdraw my  
20 objection, Your Honor.

21 Q (BY MR. RODRIGUEZ) You had an interesting  
22 conversation with Mr. Rodriguez also about the  
23 distinction between what someone has to do with the  
24 city when they are requesting water service versus  
25 making an application for water service. What did you