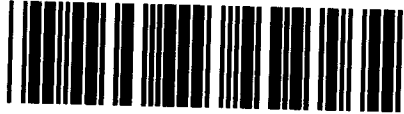


Control Number: 43945



Item Number: 8

Addendum StartPage: 0

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

RECEIVED

2014 DEC 11 AM 10:02

PUBLIC UTILITY COMMISSION
FILING 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

§
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§

BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

CITY OF LINDSAY'S RESPONSES TO
LINDSAY PURE WATER COMPANY'S REQUEST FOR DISCLOSURE

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

The City of Lindsay ("City" or "Lindsay"), serves this, its Responses to Lindsay Pure Water Company's Request for Disclosure by and through its 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 "the Commission") and the State Office of Administrative Hearings ("SOAH").

A. REQUEST FOR DISCLOSURE

Rule 194.2(a) The correct names of the parties to the contested case hearing.

RESPONSE:

Lindsay believes the correct parties to the contested case are the parties admitted by the judge in Order No. 1, issued on July 12, 2006.

Rule 194.2 (b) the name, address and telephone number of any potential parties;

RESPONSE:

Lindsay is not aware of any potential parties.

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MAY 29 2009

TCEQ
CENTRAL FILE ROOM

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 the application it filed in the above referenced matter for an amendment to its existing water and sewer Certificates of Convenience and Necessity should be granted as the applications demonstrate that the City has met all statutory and regulatory requirements.

Rule 194.2(d) The amount and any method of calculating economic damages.

RESPONSE: Rule 194.2(d) is not applicable to this proceeding.

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

RESPONSE: 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.

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

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

RUSSELL & RODRIGUEZ, L.L.P.
Attorneys at Law
Texas Heritage Plaza, 102 West Morrow Street, Suite 103, Georgetown, Texas 78626
Phone (512) 930-1317 E-mail: arodriguez@txadminlaw.com Fax (512) 930-7742

FACSIMILE COVER PAGE

October 2, 2006

Please Deliver the Following page(s) to:

Mr. John Carlton, Attorney
Mr. Blas Coy, Attorney
Mr. Brian MacLeod
TCEQ Chief Clerk
Mr. Pat Dillon

Fax Number: (512) 435-2360
Fax Number: (512) 239-6377
Fax Number: (512) 239-0606
Fax Number: (512) 239-3311
Fax Number: (972) 680-0003

Client Number: 1140-00

From: Arturo D. Rodriguez, Jr.

Direct Phone: (512) 930-1317

Pages: 8 (Including Cover Sheet)

Re:

Comments: City of Lindsay's Discovery Responses to Lindsay PWC

**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

**CITY OF LINDSAY'S RESPONSES TO
LINDSAY PURE WATER COMPANY'S REQUEST FOR DISCLOSURE**

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

The City of Lindsay ("City" or "Lindsay"), serves this, its Responses to Lindsay Pure Water Company's Request for Disclosure by and through its 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 "the Commission") and the State Office of Administrative Hearings ("SOAH").

A. REQUEST FOR DISCLOSURE

Rule 194.2(a) The correct names of the parties to the contested case hearing.

RESPONSE: Lindsay believes the correct parties to the contested case are the parties admitted by the judge in Order No. 1, issued on July 12, 2006.

Rule 194.2 (b) the name, address and telephone number of any potential parties;

RESPONSE: Lindsay is not aware of any potential parties.

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 the application it filed in the above referenced matter for an amendment to its existing water and sewer Certificates of Convenience and Necessity should be granted as the applications demonstrate that the City has met all statutory and regulatory requirements.

Rule 194.2(d) The amount and any method of calculating economic damages.

RESPONSE: Rule 194.2(d) is not applicable to this proceeding.

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

RESPONSE: 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.

Mr. Glenn "Tic" Block
P.O. Box 153
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Mr. Block is an alderman for the City of Lindsay.

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(940) 665-4455
Mr. Fuller is an alderman for the City of Lindsay.

Ms. Robin Rose
P.O. Box 153
Lindsay, Texas 76250
(940) 665-4455
Ms. Rose is an alderwoman 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 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(g) Any indemnifying and insuring agreements described in Rule 193.2(f).

RESPONSE: None.

Rule 194.2(h) Any settlement agreements described in Rule 193.2(g).

RESPONSE: None.

Rule 194.2(i)

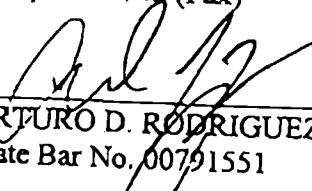
Any witness statements described in Rule 192.3(h).

RESPONSE:

None.

Respectfully submitted,

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


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

ATTORNEY FOR THE CITY OF LINDSAY

CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of October, 2006, a true and correct copy of the foregoing document has been sent via facsimile, first class mail, or hand-delivered to the following counsel of record.

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

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

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

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


ARTURO D. RODRIGUEZ, JR.

RUSSELL & RODRIGUEZ, L.L.P.

Attorneys at Law

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

Phone (512) 930-1317

E-mail: arodriguez@txadminlaw.com

Fax (512) 930-7742

FACSIMILE COVER PAGE

October 2, 2006

Please Deliver the Following page(s) to:

Mr. John Carlton, Attorney
Mr. Blas Coy, Attorney
Mr. Brian MacLeod
TCEQ Chief Clerk
Mr. Pat Dillon

Fax Number: (512) 435-2360
Fax Number: (512) 239-6377
Fax Number: (512) 239-0606
Fax Number: (512) 239-3311
Fax Number: (972) 680-0003

Client Number: 1140-00

From: Arturo D. Rodriguez, Jr.

Direct Phone: (512) 930-1317

Pages: 8 (Including Cover Sheet)

Re:

Comments: City of Lindsay's Discovery Responses to Lindsay PWC

ARMBRUST & BROWN, L.L.P.

ATTORNEYS AND COUNSELORS

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

FACSIMILE 512-435-2360

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

October 2, 2006

VIA FACSIMILE: (512) 930-7742

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 Art:

Enclosed are Lindsay Pure Water Company's Responses to the City of Lindsay's Request for Disclosure and First Set of Requests for Production.

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

Sincerely,

ARMBRUST & BROWN, L.L.P.

John J. Carlton /ab.

John J. Carlton

Attorney for Lindsay Pure Water Company

Enclosure

cc: Mr. Blas Coy
Mr. Brian MacLeod
Mr. Christaan Siano
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
§
§
§ ADMINISTRATIVE HEARINGS

**LINDSAY PURE WATER COMPANY'S RESPONSE TO THE CITY OF LINDSAY'S
REQUEST FOR DISCLOSURE AND FIRST 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 Request for Disclosure and First Set of Requests for Production.

REQUEST FOR DISCLOSURE

REQUEST FOR DISCLOSURE 194.2(c): The legal theories and, in general, the factual bases of the responding party's claims or defenses.

RESPONSE: Lindsay Pure Water Company and the City of Lindsay reached a service area settlement in 2002. That settlement addressed portions of the area requested in the Town of Lindsay's current application and Lindsay Pure Water Company believed that all service area matters were addressed by the settlement agreement.

REQUEST FOR DISCLOSURE 194.2(d): The amount and any method of calculating economic damages.

RESPONSE: Lindsay Pure Water Company is not seeking monetary damages at this time.

REQUEST FOR DISCLOSURE 194.2(e): The name, address, and telephone number of persons having knowledge of relevant facts, and a brief statement of each identified person's connection with the case.

RESPONSE:

Joe O'Dell, Lindsay Pure Water Company, P.O. Box 1338, Gainesville, Texas 76241. Mr. O'Dell may be contacted through Lindsay Pure Water Company's attorney, John J. Carlton, at 435-2308. Mr. O'Dell has knowledge of the Town of Lindsay's CCN application.

John Carlton, Armbrust & Brown, L.L.P., 100 Congress, Suite 1300, Austin, Texas 78701, 435-2308. Mr. Carlton has knowledge of facts provided by his client and obtained through discovery from other parties, as well as knowledge regarding reasonable and necessary attorney's fees and costs for water and wastewater rate cases.

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

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

RESPONSE: No testifying expert has been retained at this time.

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

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

RESPONSE: A testifying expert for Lindsay Pure Water Company will testify regarding the application filed by the City of Lindsay, including any financial issues raised by the application. When a testifying expert is retained, this response will be supplemented.

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

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

RESPONSE: None at this time

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: None at this time.

REQUEST FOR DISCLOSURE 194.2(i): Any witness statements described in Rule 192.3(h).

RESPONSE: None known at this time.

REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1: Produce all documents and tangible things including, but not limited to, all reports, working papers, notes, calculations, diagrams, photographs, physical models, exhibits, compilations of data, drafts, treatises, rules, regulations, guidelines, statutes, policies, procedures, authoritative materials, or other materials prepared by or reviewed by each facts witness and expert you expect to call to testify during the Hearing on the Merits regarding Lindsay's Application, and by each consulting expert whose work has been reviewed by a testifying expert.

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

REQUEST FOR PRODUCTION NO. 2: For each expert you expect to testify during the Hearing on the Merits regarding Lindsay's Application, and for each consulting expert whose opinions or observations a testifying expert will review or has reviewed, produce a curriculum vitae, a list of all cases in which the expert has testified either by deposition or live at trial or hearing, and a list of all articles or publications by the expert.

RESPONSE: Lindsay Pure Water Company objects to this request to the extent it requests or requires the Company or its experts to create documentation regarding the expert's previous testimony and lists of articles. If the expert has such information in written form, it will be produced; otherwise, the expert can be deposed and the issues explored at that time. Subject to this objection, none at this time.

REQUEST FOR PRODUCTION NO. 3: Produce all billing and fee related documents including, but not limited to, all invoices, bills, or other billing materials for each expert you expect to testify during the Hearing on the Merits regarding Lindsay's Application, and for each consulting expert whose opinions or observations a testifying expert will review or has reviewed.

RESPONSE: None at this time.

REQUEST FOR PRODUCTION NO. 4: For each person you expect to call as a fact witness during the Hearing on the Merits regarding Lindsay's Application, please produce each and every document that has been reviewed by the witness regarding Lindsay's Application.

RESPONSE: Responsive documents, other than attorney-client privileged documents, will be produced.

REQUEST FOR PRODUCTION NO. 5: Produce all agreements for settlement, indemnification, compromise, guarantee, or any other kind of agreement, which you have entered into with any party, or non party, as a result of, concerning, or relating to Lindsay's Application.

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

REQUEST FOR PRODUCTION NO. 6: Produce all documents and tangible things including, but not limited to, all reports, working papers, notes, calculations, diagrams, photographs, physical models, exhibits, compilations of data, drafts, treatises, rules, regulations, guidelines, statutes, policies, procedures, authoritative materials, or other materials prepared by you or for you, submitted by you, for you, or to you, or reviewed by you or for you relating to or concerning Lindsay's Application.

RESPONSE: Lindsay Pure Water Company objects to this request to the extent it seeks attorney-client privileged documents. Subject thereto, responsive documents will be produced.

REQUEST FOR PRODUCTION NO. 7: Produce all documents relating to or concerning any and all investigations made by or for you regarding Lindsay's Application including, but not limited to, documents identifying the person who initially requested that the investigation be undertaken, the dates on which the investigation was initiated and completed, all persons who were responsible for conducting the investigation, all persons who did any work whatsoever in connection with the investigation, and every person interviewed or contacted in any manner with regard to the investigation, the current custodian(s) of any written statement or recording; and the date and substance of any oral communication.

RESPONSE: Lindsay Pure Water Company objects to this request to the extent it seeks attorney-client privileged documents. Subject thereto, responsive documents will be produced.

REQUEST FOR PRODUCTION NO. 8: Produce all documents relating to or concerning Lindsay's Application including, but not limited to, all correspondence, notes of telephone conferences or other oral communications, meeting notes, agendas, notices, letters, statements, or any other documents evidencing or relating to communications, whether written or oral, between you and any of the following entities

- (a) any municipal entity,
- (b) any county entity;
- (c) any state agency;
- (d) any federal agency;
- (e) any testifying or consulting expert;
- (f) any party to this proceeding;
- (g) any elected official;
- (h) any representative(s), agent, or affiliate of any individual or business entity that provides any type of wastewater services; or
- (i) any representative(s), agent, or affiliate of any individual or business entity that provides any type of water services.

RESPONSE: Lindsay Pure Water Company objects to this request to the extent it seeks attorney-client privileged documents. Subject thereto, responsive documents will be produced.

REQUEST FOR PRODUCTION NO. 9: Produce all documents relating to or concerning your position against Lindsay's Application prepared by you or for you, submitted by you or for you or to you, or reviewed by you or for you.

RESPONSE: Lindsay Pure Water Company objects to this request to the extent it seeks attorney-client privileged documents. Subject thereto, responsive documents will be produced.

REQUEST FOR PRODUCTION NO. 10: Produce all documents that you will or may use or introduce as exhibits during the Hearing on the Merits regarding Lindsay's Application.

RESPONSE: Responsive documents will be produced.

REQUEST FOR PRODUCTION NO. 11: Produce all documents relating to or concerning the agreement under which you have engaged the services of your fact witnesses, consultants and expert witnesses regarding Lindsay's Application.

RESPONSE: Lindsay Pure Water Company objects to this request as irrelevant and overbroad. Subject thereto, to the extent there is a written agreement between the Company and its testifying expert(s), those agreements will be produced.

REQUEST FOR PRODUCTION NO. 12: Produce all documents relating to or concerning each and every meeting held by or for Lindsay PWC, including, but not limited to, meeting notices, agendas, minutes, and sign-in sheets in which Lindsay's Application was discussed.

RESPONSE: Lindsay Pure Water Company objects to this request as overbroad and burdensome.

REQUEST FOR PRODUCTION NO. 13: Produce all documents created by, received by, or distributed by you relating to or concerning Lindsay's Application including, but not limited to, any press release, public relation document, letter to the editor, newspaper article, flyer, information sheet, or background material.

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

REQUEST FOR PRODUCTION NO. 14: Produce all documents concerning or relating to Lindsay PWC's corporate structure, organization, and operation, including, but not limited to, by-laws, rules, regulations, declarations, articles of incorporation, articles of amendment, and qualifications for membership.

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

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

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

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

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

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

RESPONSE: Responsive documents will be produced.

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

RESPONSE: Responsive documents will be produced.

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

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

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

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

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

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

Respectfully submitted,

John J. Carlton / JJC
JOHN J. CARLTON

State Bar No. 03817600

ARMBRUST & BROWN, L.L.P.

100 Congress Avenue, Suite 1300

Austin, Texas 78701-2744

(512) 435-2300 - Telephone

(512) 436-2360 - Telecopy

ATTORNEYS FOR LINDSAY PURE
WATER COMPANY

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Lindsay Pure Water Company's Response to 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 2nd day of October, 2006, to the following:

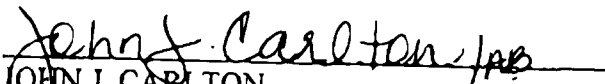
Arturo D. Rodriguez, Jr.
Russell & Rodriguez, L.L.P.
102 West Morrow Street, Suite 103
Georgetown, Texas 78626
Phone: (512) 930-1317
Facsimile: (512) 930-7742

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


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: October 2, 2006

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 Christiaan Siano	Texas Commission on Environmental Quality	(512) 239-0606	(512) 239-0750 (512) 239-0600
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: Amy Barrera	Telephone No.: (512) 435-2375
Client/Matter No.: 52515 0101	Total No. of Pages Sent: <u>9</u>

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; 1CEQ 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 Responses to City of Lindsay's Request for Disclosure and First 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

ARMBRUST & BROWN, L.L.P.

ATTORNEYS AND COUNSELORS

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

FACSIMILE 512-435-2360

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

September 22, 2006

*Via Facsimile (512) 475-4994*James W Norman
Administrative Law Judge
State Office of Administrative Hearings
300 West 15th Street
Austin, Texas 78701

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 Judge Norman.

The Town of Lindsay, Lindsay Pure Water Company and the Executive Director have entered into a Rule 11 Agreement to extend discovery deadlines. A copy of the Rule 11 Agreement is attached for filing.

Thank you for your attention to this matter. If you have any questions, please do not hesitate to contact me.

Sincerely,

ARMBRUST & BROWN, L.L.P.

John J. Carlton

Attorney for Lindsay Pure Water Company

Enclosure

cc: Arturo D. Rodriguez (via fax (512) 930-7742)
Blas J. Coy (via fax (512) 239-6377)
Brian MacLeod (via fax (512) 239-0606)
Christiaan Siano (via fax (512) 239-0606)
TCEQ Docket Clerk (via fax (512) 239-3311)

ARMBRUST & BROWN, L.L.P.

ATTORNEYS AND COUNSELORS

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

FACSIMILE 512-435-2360

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

September 20, 2006

VIA FACSIMILE: (512) 930-7742

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

VIA FACSIMILE: (512) 239-0606

Brian MacLeod
TCEQ - MC 173
P.O. Box 13087
Austin, Texas 78711-3087

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

Dear Counselors:

This is an agreement pursuant to Texas Rules of Civil Procedure 11 and 191.1, TCEQ Rule 80.125, and Order No. 1, in this proceeding. This letter serves to extend Lindsay Pure Water Company's responses to Town of Lindsay's Request for Disclosure and Request for Production from Thursday, September 21, 2006 to October 2, 2006 and to extend Town of Lindsay's responses to Lindsay Pure Water Company's Request for Disclosure from September 22, 2006 to October 2, 2006. This letter also serves to extend the deadline for responses to the Executive Director's First Request for Disclosure, Interrogatories and Requests for Production to the Town of Lindsay and Lindsay Pure Water Company from September 25, 2006 to October 9, 2006.

This letter also serves to extend the discovery deadline from November 3, 2006 to November 17, 2006, extending the deadline to propound discovery from October 4, 2006 to October 18, 2006.

Upon your review and agreement to the proposal set forth in this letter, please memorialize this agreement by your signature below.

Sincerely,

ARMBRUST & BROWN, L.L.P.

John J. Carlton

Attorney for Lindsay Pure Water Company

From: 5124352360

09-22-06

16:02

From-Armbrust & Brown L.L.P.

Sep 22 2006 16:17

P.04

512 435 2360

T-917 P 004/005 F-902

Sep-20-06 02:46pm From-ARMBRUST & BROWN L.L.P.

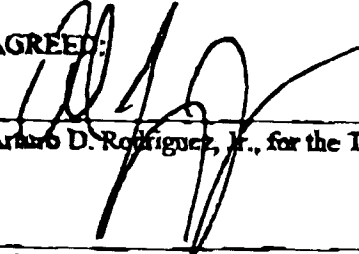
5124252360


T-293 P.03/03 F-442

ARMBRUST & BROWN, L.L.P.

Page 2

AGREED:


Arturo D. Rodriguez, Jr., for the Town of Lindsay


Brian MacLeod, for the Executive Director

From: 5124352360

Sep 22 2006 16:17

P. 05

09-22-06

16:02

From: Armbrust & Brown L L P

512 435 2360

T-917

P 005/005 F-902

09-20-06

02:53pm

From: ARMBRUST & BROWN L L P

5124352360

T-294

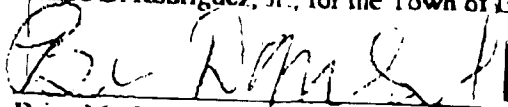
P.03/03 F-443

ARMBRUST & BROWN, L.L.P.

Page 2

AGREED:

Armando D. Rodriguez, Jr., for the Town of Lindsay



Brian MacLeod, for the Executive Director

09-22-06

16:02

From-Armbrust & Brown L L P

Sep 22 2006 16:16

P.01

512 435 2360

T-917

P 001/005

F-002

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 22, 2006

NAME:	COMPANY:	FACSIMILE NO.:	TELEPHONE NO.:
James W. Norman, ALJ	State Office of Administrative Hearings	(512) 476-4994	
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 Christiaan Siano	Texas Commission on Environmental Quality	(512) 239-0606	(512) 239-0750 (512) 239-0600
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: Amy Barrera	Telephone No.: (512) 435-2375
Client/Matter No.: 52515 0101	Total No. of Pages Sent: 5

REMARKS:

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- ☐ Original To Follow Via:
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 ☐ First Class Mail

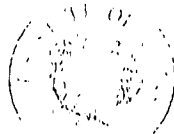
RE: SOAH Docket No. 582-06-0203; TCEQ Docket No. 2006-0272-UCR; *Application of the Town of Lindsay to Amend Water and Sewer Certificates of Convenience and Necessity (CCN) Nos 13025 and 20927 in Cooke County, Texas; Application Nos. 35096-C & 35097-C*

ATTACHMENTS: Rule 11 Agreement

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

Kathleen Harbett White, Chairman
Larry R. Soward, Commissioner
Glenn Shankle, Executive Director



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

August 25, 2006

TO: LINDSAY PURE WATER COMPANY

c/o John L. Carleton
Attorney at Law
Armist & Brown LLP
100 Congress Avenue, Suite 1300
Austin, Texas 78701-2744
Tel: (512) 438-2308
Fax: (512) 438-2360

Re: The Executive Director's First Requests For Disclosure, Interrogatories, And Requests For Production To Lindsay Pure Water Company, TCEQ Docket No. 2006-0272-UCR, SOAII Docket No. 582-06-2023

Dear Mr. Carleton:

Enclosed please find the Executive Director's First Requests For Disclosure, Interrogatories, And Requests For Production To Lindsay Pure Water Company.

If you have any questions or comments, please call me at (512) 239-0750

Sincerely,

Brian MacLeod
Staff Attorney
Environmental Law Division

cc: Mailing List

Enclosures

CONFIDENTIAL
ON ENVIRONMENTAL QUALITY
COMMISSION

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

APPLICATION OF THE TOWN OF
LINDSAY TO AMEND A WATER
CERTIFICATE OF CONVENIENCE AND
NECESSITY (CON) NO. 13025 IN COOKE
COUNTY; APPLICATION NO. 35096-C;
and APPLICATION TO AMEND A
SEWER CERTIFICATE OF
CONVENIENCE AND NECESSITY (CON)
NO. 20927 IN COOKE COUNTY, TEXAS,
APPLICATION NO. 35097-C

§
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§

BEFORE THE STATE OFFICE
OF
ADMINISTRATIVE HEARINGS

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

TO: LINDSAY PURE WATER COMPANY

c/o John J. Carleton

Attorney at Law

Armist & Brown LLP

100 Congress Avenue, Suite 1300

Austin, Texas 78701-2744

Tel: (512) 435-2308

Fax: (512) 435-2360

CHIEF OF STAFF

COO

Pursuant to §2001 et seq. of the Administrative Procedure Act ("APA"), GOVERNMENT CODE (Vernon), Rules 196-197 of the Texas Rules of Civil Procedure and 30 Texas Administrative Code ("TAC") § 80.151 and TAC Title 1, Part VII, Section 155.23, you are required to answer in complete detail and in writing each of the following requests for disclosure, interrogatories, and requests for production. You are required to sign your answers to the questions or requests, to swear to the truth of your responses before a Notary Public or other judicial officer, and to deliver a complete, signed and notarized copy of your answers to Brian MacLeod, Staff Attorney, Environmental Law Division, MC 173, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087 in accordance with the Administrative Law Judge's directive and the Rules of the Texas Commission on Environmental Quality.

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

I. DEFINITIONS

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

REPRESENTATIVE

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

PERSON

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

DOCUMENT

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

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

COMMUNICATION

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

IDENTIFICATION

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

II. INSTRUCTIONS

IDENTIFICATION OF DOCUMENTS

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

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

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

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

CONTENTION REQUESTS

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

CONTINUING REQUESTS

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

III. REQUEST FOR DISCLOSURE

Pursuant to Texas Rule of Civil Procedure 194, you are requested to disclose the information or material described in Rule 194.2(b)(1),(c),(f),(h) and (i) within twenty (20) days of the date of service of this request, as follows:

(b) the name, address and telephone number of any potential parties;

(c) the legal theories and, in general, the factual bases of the responding party's claims or defenses;

(e) the name, address, and telephone number of persons having knowledge of relevant facts, and a brief statement of each identified person's connection with the case;

(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, employed by, or otherwise subject to the control of the responding party, documents reflecting such information;
- (4) if the expert is retained by, employed by, or otherwise subject to the

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

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;

(h) any discoverable settlement agreements; and

(i) any discoverable witness statements.

IV. INTERROGATORIES

Interrogatory No. 1 For each person you expect to call as a fact witness at the evidentiary hearing in this matter, please provide: (a) the person's name and business address and telephone number; and (b) a brief description of the testimony you expect that person to provide

Interrogatory No. 2 For each expert not listed in the response to the Request for Disclosure whom you have consulted and whose mental impressions and opinions have been reviewed by an expert City of Austin expects to testify in this matter, please provide: (a) the consulting expert's name and business address and telephone number, (b) the facts known by the expert that relate to or form the basis of the expert's mental impressions and opinions formed or made in connection with this matter, regardless of when and how the factual information was acquired; (c) the expert's mental impressions and opinions formed or made in connection with this matter and any methods used to derive them, and (d) a curriculum vitae or other detailed description of the expert's qualifications.

Interrogatory No. 3 Please describe in detail why you oppose the CCNs requested by THE TOWN OF LINDSAY. Please distinguish between water and sewer in your response.

Interrogatory No. 4 Please state your position concerning the effect of the granting of water and sewer CCNs to THE TOWN OF LINDSAY in the proposed area. This should include the financial consequences, both current and projected, changes in customer base, potential changes in rates charged by THE TOWN OF LINDSAY.

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

Interrogatory No. 5 Please describe in detail your position regarding the adequacy of water and sewer utility service currently provided to the areas requested by THE TOWN OF LINDSAY in its water and sewer Certificate of Convenience and Necessity ("CCN") applications, including, if known, a description of whether people currently reside in the requested areas that receive sewer utility service, identification of each of those people, and identification of the sewer utility service provider for each of those people.

Interrogatory No. 6 Please describe in detail your position regarding the need for additional water and/or sewer utility service to the areas requested by THE TOWN OF LINDSAY, including, but not limited to, identification of any person or entity who has requested service in its requested area(s), identification of the name(s), address(es), and phone number(s) of each person or entity, description of the population in the proposed area(s) sought by each entity in its application(s), and description of the sewer service currently available to each identified person. Please distinguish between water and sewer in your response.

Interrogatory No. 7 Please describe in detail your position regarding the effect of the proposed water and sewer CCNs requested by THE TOWN OF LINDSAY on any retail public utility of the same kind already serving the areas proximate to those areas requested to be served by the applicant.

Interrogatory No. 8 Please describe in detail your position regarding the ability of THE TOWN OF LINDSAY to provide continuous and adequate water and/or sewer utility service to the areas requested by THE TOWN OF LINDSAY in its CCN applications.

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

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

Interrogatory No. 11 Please describe in detail your position regarding the effect that granting of THE TOWN OF LINDSAY's CCN applications would have on the environmental integrity of the service areas requested by the applicant. Please distinguish between water and sewer in your response.

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

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

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

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

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

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

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

V. REQUESTS FOR PRODUCTION

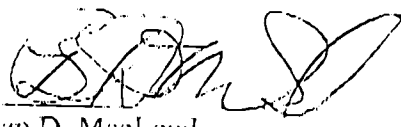
Request for Production No. 1 Please provide any and all maps that illustrate the location(s) within the sewer service areas requested in of THE TOWN OF LINDSAY's CCN application where you currently provide water and/or sewer service

Request for Production No. 2 Please provide any and all maps that illustrate the location(s) of your existing water and/or sewer facilities/distribution lines/transmission lines/collection lines in the proximity of THE TOWN OF LINDSAY requested areas.

Request for Production No. 3 Please produce copies of any and all documents identified in your responses to Interrogatory Nos. one (1) through sixteen (16) listed above or used to assist you in responding to Interrogatory Nos. one (1) through sixteen (16) listed above

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

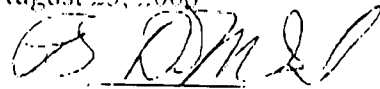
Robert Martinez, Director
Environmental Law Division

By 
Brian D. MacLeod
Staff Attorney
Environmental Law Division
State Bar of Texas No. 12783500
P.O. Box 13087, MC 173
Austin, Texas 78711-3087
Phone: (512) 239-0750
Fax: (512) 239-0606

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

CERTIFICATE OF SERVICE

This is to certify that all parties on the attached Mailing List have been sent a copy of the foregoing document in accordance with TCEQ and SOAH rules on August 25, 2006.



Brian D. MacLeod
Staff Attorney
Environmental Law Division

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

Mailing List
City of THE TOWN OF LINDSAY
SOAH Docket Nos. 582-06-1641
TCEQ Docket Nos. 2006-0044-UCR

The Town of Lindsay
Arturo Rodriguez Jr., Esq.,
Russell & Rodriguez, L.L.P.
102 West Morrow Street, Suite 103
Georgetown, Texas 78626
Tel: (512) 930-1313
Fax: (512) 930-7740

TCEQ Public Interest Counsel
Blas J. Coy, Jr.
P.O. Box 13087 (MC 103)
Austin, Texas 78711-3087
Tel: (512) 239-6361
Fax: (512) 239-6372

TCEQ Executive Director
Brian MacLeod
P.O. Box 13087 (MC 173)
Austin, Texas 78711-3087
Tel: (512) 239-0780
Fax: (512) 239-0606

TCEQ Chief Clerk
Docket Clerk
TCEQ Office of Chief Clerk
P.O. Box 13087 (MC 105)
Austin, Texas 78711-3087
Fax: (512) 239-3111

Protestant
Lindsay Pure Water Company
John J. Carleton
Attorney at Law
Armstrong & Brown, LLP
100 Congress Avenue, Suite 1300
Austin, Texas 78701-2744
Tel: (512) 435-2308
Fax: (512) 435-2360



Protecting Texas
by Reducing and
Preventing Pollution

FAX TRANSMITTAL

DATE August 25, 2006

NUMBER OF PAGES (including this cover sheet)

12

TO Name Arturo Rodriguez, Jr. for The Town of Lindsay
Organization Russell & Rodriguez, L.L.P.
FAX Number (512) 930-7742

FROM **TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

Name Brian MacLeod
Division/Region Environmental Law Division
Telephone Number (512) 239-0750
FAX Number (512) 239 0606

NOTES:

RE:

The Town Of Lindsay
TCEQ Docket No. 2006-0272-UCR

COPY TO:

John J. Carleton for Lindsay Pure Water Company
(512) 435-2360

Docket Clerk
TCEQ Office of the Chief Clerk
(512) 239-3311

Blair J. Coy Jr.
TCEQ, Office of the Public Interest Counsel
(512) 239 6377

CHIEF CLERK'S OFFICE

COPIES OF
ON ENVIRONMENTAL
QUALITY

Kathleen Hartnett White, *Chair*
Larry R. Soward, *Commissioner*
Glenn Shankle, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting the Air, Land, and Water of Texas

August 25, 2006

TO THE TOWN OF LINDSAY
c/o Arturo D. Rodriguez, Jr.
Russell & Rodriguez, LLP
102 West Morrow Street, Suite 103
Georgetown, Texas 78626
TEL: (512) 970-1317
FAX: (512) 970-1742

Re: The Executive Director's First Requests For Disclosure, Interrogatories, And
Requests For Production To The Town Of Lindsay; TCEQ Docket No. 2006-
0272 UCR SOAH Doc. No. 582 06-2023

Dear Mr. Rodriguez,

Enclosed please find the Executive Director's First Requests For Disclosure,
Interrogatories, And Requests For Production To The Town Of Lindsay.

If you have any questions or comments, please call me at (512) 239-0750.

Sincerely,

Brian MacLeod
Staff Attorney
Environmental Law Division

cc: Mailing List

Enclosures

Pursuant to §2001 et seq. of the Administrative Procedure Act ("APA"), (GOVERNMENT CODE (Vernon) Rules 190-197 of the Texas Rules of Civil Procedure and 30 Texas Administrative Code ("TAC") § 80.151 and TAC Title 1, Part VII, Section 155.23, you are required to answer in complete detail and in writing each of the following requests for disclosure, interrogatories, and requests for production. You are required to sign your answers to the questions or requests, to swear to the truth of your responses before a Notary Public or other judicial officer, and to deliver a complete, signed, and notarized copy of your answers to Brian MacLeod, Staff Attorney, Environmental Law Division, MC 143, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087 in accordance with the Administrative Law Judge's directive and the Rules of the Texas Commission on Environmental Quality.

I. DEFINITIONS

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

REPRESENTATIVE

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

PERSON

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

DOCUMENT

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

COMMUNICATION

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

IDENTIFICATION

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

II. INSTRUCTIONS

IDENTIFICATION OF DOCUMENTS

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

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

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

CONTENTION REQUESTS

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

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CONTINUING REQUESTS

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

III. REQUEST FOR DISCLOSURE

Pursuant to Texas Rule of Civil Procedure 194, you are requested to disclose the information or material described in Rule 194.2(b), (c), (d), (f), (h) and (i) within twenty (20) days of the date of service of this request as follows:

(b) the name, address and telephone number of any potential parties;

(c) the legal theories and, in general, the factual bases of the responding party's claims or defenses;

(d) 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;

(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, employed by, or otherwise subject to the control of the responding party, documents reflecting such information;
- (4) if the expert is retained by, employed by, or otherwise subject to the control of the responding party:
 - (A) all documents, tangible things, reports, models or data compilations that have been provided to, reviewed by, or prepared by or for the expert in anticipation of the expert's testimony; and
 - (B) the expert's current resume and bibliography.

(h) any discoverable settlement agreements; and

(i) any discoverable witness statements

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IV. INTERROGATORIES

Interrogatory No. 1 For each person THE TOWN OF LINDSAY expects to call as a fact witness at the evidentiary hearing in this matter, please provide: (a) the person's name and business address and telephone number, and (b) a brief description of the testimony THE TOWN OF LINDSAY expects that person to provide.

Interrogatory No. 2 For each expert not listed in the response to the Request for Disclosure whom THE TOWN OF LINDSAY has consulted and whose mental impressions and opinions have been reviewed by an expert THE TOWN OF LINDSAY expects to testify in this matter, please provide: (a) the consulting expert's name and business address and telephone number, (b) the facts known by the expert that relate to or form the basis of the expert's mental impressions and opinions formed or made in connection with this matter, regardless of when and how the factual information was acquired, (c) the expert's mental impressions and opinions formed or made in connection with this matter and any methods used to derive them, and (d) a curriculum vitae or other detailed description of the expert's qualifications.

Interrogatory No. 3 Please describe in detail your position regarding the adequacy of water and sewer utility service currently provided to the areas requested in your water and sewer Certificate of Convenience and Necessity ("CCN") applications, including, if known, a description of whether people currently reside in the requested areas that receive water and/or sewer utility service, identification of each of those people, and identification of the water and/or sewer utility service provider for each of those people. Please distinguish between water and sewer in your response.

Interrogatory No. 4 Please describe in detail your position regarding the need for additional water and/or sewer utility service to the entire areas requested (18,230 acres) in your CCN applications, including, but not limited to, identification of any person or entity who has requested service in your requested area(s), identification of the name(s), address(es), and phone number(s) of each person or entity, description of the population in the proposed area(s) sought by each entity in its application(s), and description of the water and sewer utility service currently available to each identified person. Please distinguish between water and sewer in your response.

Interrogatory No. 5 Please describe in detail your position regarding the effect of the proposed water and sewer CCNs requested by you, on any retail public utility of the same kind already serving the areas proximate to those areas requested in your CCN applications. Please distinguish between water and sewer in your response.

Interrogatory No. 6 Please describe in detail your ability to provide continuous and adequate water and/or sewer utility service to the areas requested in your CCN applications. Please distinguish between water and sewer in your response.

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Interrogatory No. 7 Please describe in detail your managerial capability to provide continuous and adequate water and/or sewer utility service to the requested service areas and identify any THE TOWN OF LINDSAY employee and/or contractor who will be utilized for providing managerial functions and/or services. Please distinguish between water and sewer in your response.

Interrogatory No. 8 Please describe in detail your position regarding the feasibility of obtaining water or sewer utility service from another retail public utility adjacent to the areas requested in your CCN applications. Please distinguish between water and sewer in your response.

Interrogatory No. 9 Please describe in detail the effect of granting your CCN applications would have on the environmental integrity of the service areas requested in your CCN applications. Please distinguish between water and sewer in your response.

Interrogatory No. 10 Please describe in detail your position regarding the probable improvement in service or lowering of cost to consumers in the areas requested in your CCN applications, should your applications be granted, including the rates you plan to charge those consumers. In your response, please include a description of historical water service reliability and historical water quality data in THE TOWN OF LINDSAY's proposed service areas, and describe current and projected costs to consumers in THE TOWN OF LINDSAY's proposed service areas. Also, please distinguish between water and sewer in your response.

Interrogatory No. 11 Please describe the proximity of the proposed areas sought your CCN to any existing facilities currently operated by THE TOWN OF LINDSAY and any other retail public utility, if known, and to any water and/or sewer facilities THE TOWN OF LINDSAY proposes to construct. Please distinguish between water and sewer in your response.

Interrogatory No. 12 Please identify and describe, including amount and type, any and all costs that will be passed to potential customers in the proposed THE TOWN OF LINDSAY water and sewer CCN areas if THE TOWN OF LINDSAY becomes the water and/or sewer utility service provider for those areas, including, but not limited to, any and all initial and long-term facility costs. Please distinguish between water and sewer in your response.

Interrogatory No. 13 If THE TOWN OF LINDSAY proposes to construct a new stand alone water and/or sewer system to serve any of the areas requested in its applications, please provide a detailed analysis of all the costs necessary for the first five years to construct, operate, and maintain those facilities.

Interrogatory No. 14 Is it your position that THE TOWN OF LINDSAY has a water treatment and distribution system and/or a wastewater treatment system in place that is adequate to provide utility service to the areas THE TOWN OF LINDSAY proposes to serve in its applications? If so, please describe any potable water treatment and delivery system that you believe is in place and adequate to

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provide water utility service to the proposed areas sought in THE TOWN OF LINDSAY's water CCN amendment application, as well as any wastewater treatment system. Please describe the capacities of each component of any such systems, including, but not limited to: well capacities (including a description of each well's depth, aquifer, and gallons per minute production during average and peak drought conditions); feet of distribution lines in the systems and the diameters of those lines; pumps and their rated capacities, and treatment plants and their capacities not already used to meet peak demands of existing THE TOWN OF LINDSAY customers and/or customers THE TOWN OF LINDSAY is already committed to serve. Please distinguish between water and sewer in your response.

Interrogatory No. 15: Please describe the financial stability of THE TOWN OF LINDSAY, including, if applicable, the adequacy of THE TOWN OF LINDSAY's debt-equity ratio and cash flow for debt service coverage.

Interrogatory No. 16: Please estimate the time it would take for THE TOWN OF LINDSAY to provide water and sewer utility service to THE TOWN OF LINDSAY's proposed water and sewer service areas in compliance with all applicable Commission rules and statutes, and please describe the time it would take THE TOWN OF LINDSAY to provide water and sewer utility service to any person requesting service in any outlying portions of the areas requested by THE TOWN OF LINDSAY in its applications. Please distinguish between water and sewer in your response.

Interrogatory No. 17: On large scale copies of the service area maps submitted with THE TOWN OF LINDSAY's original applications, please identify, to the best of your knowledge, all THE TOWN OF LINDSAY's existing and proposed water and/or sewer connection(s) located outside the corporate limits of THE TOWN OF LINDSAY. Please distinguish between water and sewer in your response.

Interrogatory No. 18: Please describe whether granting THE TOWN OF LINDSAY's water and/or sewer CCN applications would promote the Commission's policy goal of regionalization.

V. REQUESTS FOR PRODUCTION

Request for Production No. 1: Please provide a copy of the report from the most recent inspection by the TCEQ region office on any THE TOWN OF LINDSAY public water system facility that may be used to provide water utility service to the area THE TOWN OF LINDSAY requests to serve in its water CCN amendment application and a copy of any notice of violation issued to THE TOWN OF LINDSAY and THE TOWN OF LINDSAY's response to the notice of violation.

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Request for Production No. 2 Please provide any and all documents relating to TCEQ, County and/or all other regulatory agency approvals required for THE TOWN OF LINDSAY's existing and proposed water and sewer utility service facilities. Please distinguish between water and sewer in your response.

Request for Production No. 3 Please provide THE TOWN OF LINDSAY's latest audit report or financial information for the past fiscal year and current balance sheet information.

Request for Production No. 4 Please provide any and all documents from any person or entity requesting service from you in the proposed areas sought in the TOWN OF LINDSAY CCN applications and your response. Please distinguish between water and sewer in your response.

Request for Production No. 5 Please provide any and all maps showing the location or locations of those persons already receiving service and those requesting service in the proposed areas sought in the TOWN OF LINDSAY CCN applications. Please distinguish between water and sewer in your response.

Request for Production No. 6 Please provide any and all estimates of the capital costs for THE TOWN OF LINDSAY to provide water and sewer utility service to the proposed areas sought in the TOWN OF LINDSAY CCN applications. Please distinguish between water and sewer in your response.

Request for Production No. 7 Please provide any and all existing capital asset acquisition budgets for THE TOWN OF LINDSAY. Please distinguish between water and sewer in your response.

Request for Production No. 8 Please provide any and all maps that illustrate the location of all water and sewer treatment facilities currently in place in or within two miles of the proposed water and sewer utility service areas in the TOWN OF LINDSAY CCN applications. Please distinguish between water and sewer in your response.

Request for Production No. 9 Please provide any and all maps that illustrate the location(s) within the water and/or sewer service area requested in THE TOWN OF LINDSAY's CCN applications where THE TOWN OF LINDSAY currently provides water and/or sewer service.

Request for Production No. 10 Please provide a copy of any and all complaints THE TOWN OF LINDSAY has received in the past five years related to THE TOWN OF LINDSAY's water or sewer utility service, operations, or management. Please distinguish between water and sewer in your response.

Request for Production No. 11 Please provide a copy of any and all requests or applications for loans or grants made by THE TOWN OF LINDSAY.

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Request for Production No. 12. Please produce copies of any and all water and/or sewer service agreements, either wholesale and/or retail, between THE TOWN OF LINDSAY and any other utility to provide water and sewer service.

Request for Production No. 13. Please produce copies of any and all documents identified in your responses to Interrogatory Nos. one (1) through eighteen (18) listed above.

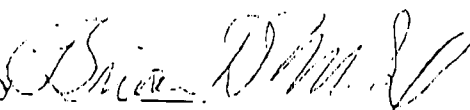
Request for Production No. 14. Please produce a hard copy map and digital data with metadata to illustrate the requested water service area, the city limits and the extraterritorial jurisdiction boundary of the TOWN OF LINDSAY.

Request for Production No. 15. Please produce a hard copy map and digital data with metadata to illustrate the requested sewer service area, the city limits and the extraterritorial jurisdiction boundary of the TOWN OF LINDSAY.

Request for Production No. 16. Please produce copies of all written requests for service to include landowner requests, applications for service, letters from developers, etc.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Robert Martinez, Director
Environmental Law Division

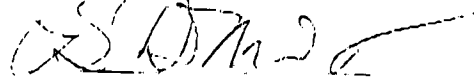
By 
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CERTIFICATE OF SERVICE

This is to certify that all parties on the attached Mailing List have been sent a copy of the foregoing document in accordance with TCEQ and SOAH rules on August 25, 2006.



Brian D. MacLeod
Staff Attorney
Environmental Law Division

THE EXECUTIVE DIRECTOR'S FIRST REQUESTS
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Mailing List
City of THE TOWN OF LINDSAY
SOAH Docket Nos. 582-06-1641
TCEQ Docket Nos. 2006-0044-UCR

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