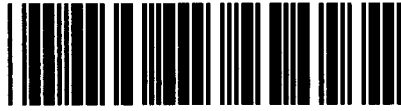




Control Number: 43945



Item Number: 9

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

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



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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
 PUBLIC UTILITY COMMISSION
 FILING CLERK

Protecting Texas by Reducing and Preventing Pollution

February 21, 2008

TO: LINDSAY PURE WATER COMPANY

c/o John J. Carleton
 Attorney at Law
 Armrust & Brown, LLP
 100 Congress Avenue, Suite 1300
 Austin, Texas 78701-2744
 Tel.: (512) 435-2308
 Fax: (512) 435-2360

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; SOAH 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.

The exact posture of the discovery in this case, is confusing. Discovery had already been sent out and responded to before the abatement (for example, the ED was served with requests for disclosure even though such requests were sent earlier and responded to).

It appears that we are starting over from scratch because the ED was served with the same discovery a second time. Therefore, I am reissuing the discovery I sent earlier. It would appear redundant to reply a second time to discovery to which the parties have already responded.

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 ON ENVIRONMENTAL
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MAY 29 2009

TCEQ
 CENTRAL FILE ROOM

If you want to discuss how to handle discovery, please feel free to call so that we can handle everything as smoothly as possible. If you have any questions or comments, please call me at (512) 239-0750.

Sincerely,

A handwritten signature in black ink, appearing to read 'B. MacLeod', written over a circular stamp or seal.

Brian MacLeod
Staff Attorney
Environmental Law Division

cc: Mailing List

Enclosures

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 (CCN) NO. 13025 IN COOKE
COUNTY; APPLICATION NO. 35096-C;
and APPLICATION TO AMEND A
SEWER CERTIFICATE OF
CONVENIENCE AND NECESSITY (CCN)
NO. 20927 IN COOKE COUNTY, TEXAS;
APPLCIATION 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

Armrust & Brown, LLP

100 Congress Avenue, Suite 1300

Austin, Texas 78701-2744

Tel: (512) 435-2308

Fax: (512) 435-2360

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2008 FEB 22 PM 3:11
CHIEF CLERKS OFFICE

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

THE EXECUTIVE DIRECTOR'S FIRST REQUESTS
FOR DISCLOSURE, INTERROGATORIES AND
REQUESTS FOR PRODUCTION TO LINDSAY PURE 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),(c),(e),(f),(h) and (i) within twenty (30) 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 PURE 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.

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 FIRST 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 February 21, 2008.



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) 930-1317
Fax (512) 930-7742

TCEQ Public Interest Counsel

Blas J. Coy, Jr.
P.O. Box 13087 (MC 103)
Austin, Texas 78711-3087
Tel: (512) 239-6361
Fax: (512) 239-6377

TCEQ Executive Director

Brian MacLeod
P.O. Box 13087 (MC 173)
Austin, Texas 78711-3087
Tel: (512) 239-0750
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) 239-3311

Protestant

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



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DATE: February 21, 2008

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TO:

Name

Mailing list

Organization

FAX Number

FROM:

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Name

Brian MacLeod

Division/Region

Environmental Law

Telephone Number

(512) 239-0600

FAX Number

(512) 239-0606

NOTES:

ED's First Requests for Disclosure, Interrogatories, and Requests for Production to Lindsay Pure Water Company

John Carleton (512) 435-2360

Arturo Rodriguez, Jr. (512) 930-7742

Blas Coy, Jr. (512) 239-6377

Docket Clerk (512) 239-3311

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COMMISSION ON
ENVIRONMENTAL
QUALITY
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THE EXECUTIVE DIRECTOR'S FIRST REQUESTS
FOR DISCLOSURE, INTERROGATORIES AND
REQUESTS FOR PRODUCTION TO THE TOWN OF LINDSAY

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

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TCEQ Chief Clerk:

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TCEQ Office of Chief Clerk
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Fax: (512) 239-3311

Protestant

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



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FROM:

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Name

Brian MacLeod

Division/Region

Environmental Law

Telephone Number

(512) 239-0600

FAX Number

(512) 239-0606

NOTES:

ED's First Requests for Disclosure, Interrogatories, and Requests for
Production to the Town of Lindsay

John Carleton

(512) 435-2360

Arturo Rodriguez, Jr.

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Blas Coy, Jr.

(512) 239-6377

Docket Clerk

(512) 239-3311

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COMMISSION ON
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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 (CCN) NO. 13025 IN COOKE
COUNTY; APPLICATION NO. 35096-C;
and APPLICATION TO AMEND A
SEWER CERTIFICATE OF
CONVENIENCE AND NECESSITY (CCN)
NO. 20927 IN COOKE COUNTY, TEXAS;
APPLCIATION 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 THE TOWN OF
LINDSAY**

TO: THE TOWN OF LINDSAY
c/o Arturo D. Rodriguez, Jr.
Russell & Rodriguez, L.L.P.
102 West Morrow Street, Suite 103
Georgetown, Texas 78626
TEL: (512) 930-1317
FAX: (512) 930-7742

TEXAS
COMMISSION ON
ENVIRONMENTAL
QUALITY
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CHIEF CLERKS OFFICE

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

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 INTERROGATORIES AND 2ND SET OF REQUESTS
FOR PRODUCTION TO LINDSAY PURE WATER COMPANY**

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 Interrogatories and 2nd Set of Requests for Production, on Lindsay Pure Water Company ("Lindsay PWC"), by and through its attorney, Mr. John Carlton, pursuant to Chapter 2001 of the Texas Government Code, the Texas Rules of Civil Procedure, and applicable rules and regulations of the Texas Commission on Environmental Quality and the State Office of Administrative Hearings. Within thirty (30) days of service of this request, Lindsay PWC must serve a signed copy of the responses to these requests upon counsel for City, Arturo D. Rodriguez, Jr., at the following address: Russell & Rodriguez, L.L.P., 102 West Morrow, Suite 103, Georgetown, Texas 78626.

A. DEFINITIONS

The following paragraphs state definitions that apply to this Request in its entirety, including the instructions noted below:

1. "City" or "Lindsay" refers to the City of Lindsay, and each of its officers, employees, agents, representatives, attorneys, and all other natural persons, business or legal entities, presently or formerly acting in concert with, under their direct or indirect control of, or on behalf of City.
2. "You," "your," "Company", and "Lindsay PWC" means Lindsay Pure Water Company, its officers, employees, agents, representatives, attorneys, and all other natural persons, businesses or legal entities, presently or formerly, acting in concert with, under the direct or indirect control of, or on behalf of Lindsay Pure Water Company.

3. "Document(s)" means all written, typed, or printed matters, and all magnetic or other records, papers, or documentation of any kind or description (including, without limitation, letters, correspondence, telegrams, memoranda, notes, minutes, contracts, agreements, notations of telephone or in-person conversations, conferences, inter-office communications, e-mail, microfilm, bulletins, circulars, accounts, writings, drawings, graphs, charts, pamphlets, books, facsimiles, invoices, tape recordings, video recordings, photographs, computer printouts and work sheets), including all originals and all drafts and copies not identical to the originals, all photographs and graphic matter, however produced or reproduced, and all compilations of data from which information can be obtained, and any and all writings or recordings of any type or nature, whether or not prepared by you, in your actual possession, custody, or control, including those in the possession, custody, or control of any and all present or former directors, officers, employees, representatives, consultants, accountants, attorneys, agents, other natural persons, business or legal entities, presently or formerly acting in concert with, under their direct or indirect control of, or on behalf of Lindsay PWC.
4. "Describe" or "identify," when used in reference to a document, means you must state, to the fullest extent possible, the following:
- a) The nature (e.g., letter, handwritten note) of the document;
 - b) The title or heading that appears on the document;
 - c) The date of the document and the date of each addendum, supplement, or other addition or change;
 - d) The identity of: the author of the document; any signatory(ies) to the document; and the person on whose behalf or at whose request or direction the document was prepared or delivered; and
 - e) The present location of the document, and the name, address, position or title, and telephone number(s) of the person(s) having custody of the document.
5. "Describe" or "identify," when used in reference to a natural person, means you must state, to the fullest extent possible, the following:
- a) The full name;
 - b) The present or last known residential address, including zip code;
 - c) The present or last known residential and office telephone number(s);
 - d) The present or last known occupation, job title, employer, and employer's address, including zip code;
 - e) The occupation, job title, employer, and employer's address at the time of the event or period referred to in each particular interrogatory; and

- d) In the case of any person other than an individual, identify the officer, employee, or agent most closely connected with the subject matter of the interrogatory, and the officer who is responsible for supervising that officer or employee.
6. "Communication" means any oral or written communication of which Lindsay PWC has knowledge, information, or belief.
7. "File" means any collection or group of documents maintained held, stored, or used together, including, without limitation, all collections of documents maintained, held, or stored in folders, notebooks, or other devices for separating or organizing documents.
8. "Person(s)" means any natural person, corporation, firm, association, partnership, joint venture, proprietorship, governmental body, or any other organization, business, or legal entity, and all other predecessors or successors in interest.
9. "Concerning" means, in whole or in part, directly or indirectly, referring to, relating to, being connected with, commenting on, responding to, showing, describing, analyzing, reflecting, embodying, mentioning, or constituting the subject matter identified in the request.
10. "Date" means the exact day, month, and year, if ascertainable or, if not, the best approximation.
11. The word "and" means "and/or."
12. The word "or" means "or/and."
13. "Application" refers to Application of the City of Lindsay to Amend its Water and Sewer Certificates of Convenience and Necessity No. 13025 and 20927 in Cooke County, Application Nos. 35096-C and 35097-C, TCEQ Docket No. 2006-02729-UCR, SOAH Docket No. 582-06-1367, pending before the Texas Commission on Environmental Quality ("TCEQ") and/or the State Office of Administrative Hearings ("SOAH") and any and all information gathered, generated, compiled, or submitted to any other state or federal agency by or on behalf of Lindsay PWC related to Application Nos. 35096-C and 35097-C.
14. All definitions found in 30 TEX. ADMIN. CODE Ch. 291 and Texas Water Code Ch. 11 and Ch. 13 are incorporated herein, verbatim.

B. INSTRUCTIONS

1. You are required to answer each of the following requests for documents separately by listing the documents and by describing them as defined herein. If documents are numbered for production, in each response provide both the information that identifies the document and the document's number.
2. As to any interrogatory or requests for production to which you refuse to respond or are unable to respond to in whole or in part, for any reason, please state the grounds for your refusal or inability to respond. When you believe that a complete answer to a particular

request for production or part thereof is not possible, please answer each request for production to the extent possible and furnish a statement explaining: 1) the reason for your inability to respond further; and 2) whatever information or knowledge you have concerning the non-responsive portion.

3. For each document or other requested information that you assert is privileged or is not discoverable, identify that document or other requested information, and state the specific grounds for the claim of privilege or other ground for exclusion. Also, for each document you assert is not discoverable, state the date of the document; state the name, job title, and address of the person who prepared it; state the name, address, and job title of the person to whom it was addressed, circulated, or who saw it; state the name, job title, and address of the person now in possession of the document; describe the subject matter of the document; and state the present location and the custodian for the document.
4. For every document that no longer exists or cannot be located, or for any requested information about a document that no longer exists or cannot be located: identify the document; state how and when the document passed out of existence, or when it could no longer be located; and state the reason(s) for the disappearance; identify each person having knowledge about the disposition or loss of the document; and identify each document evidencing the existence or nonexistence of each document that cannot be located.
5. It is requested that all documents that might impact on the subject matter of the Application be preserved and that any ongoing process of document destruction involving such documents cease.
6. Furnish all information available to you and known by you, or in your possession or that of your agents and attorneys, or appearing in your records.
7. In those instances when requested information or requested documents are stored only on software, computer based information, or other data compilations, you should either produce the raw data along with all codes and programs for translating it into usable form, or produce the information in a finished usable form that includes all necessary glossaries, keys, and indices for interpretation of the material.
8. You are under a duty to supplement your answers to these requests for disclosure that are incomplete or incorrect when made. Furthermore, you are under a duty to timely amend your answers if you obtain information on the basis of which you know that an answer either: 1) was incorrect or incomplete when made; or 2) although correct and complete when made, is no longer true and complete and the circumstances are such that failure to amend the answer is in substance misleading.
9. Unless otherwise indicated, the discovery requested herein Lindsay's First Set of Requests for Production relates to the time period from January 1, 1997 through the present. All requested documents, data compilations, and recordings whenever actually prepared or generated that relate to this time period are to be produced.

C. INTERROGATORIES

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

D. REQUEST FOR PRODUCTION

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:

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

RESPONSE:


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

RESPONSE:

REQUEST FOR PRODUCTION NO. 33: Please produce any and all documents or tangible things in your actual or constructive possession regarding any applications for amendments to the Company's CCN filed within the last three (3) years.

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 13th day of February, 2008, 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:

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FACSIMILE COVER PAGE

February 13, 2008

Please Deliver the Following page(s) to:

Mr. John Carlton, Attorney

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Mr. Blas Coy, Attorney

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Mr. Brian MacLeod

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Mr. Pat Dillon

Fax Number: (972) 680-0003

Client Number: 1140-00

From: Arturo D. Rodriguez, Jr.

Direct Phone: (512) 930-1317

Pages: (Including Cover Sheet)

Re:

Comments: City of Lindsay's 2ND Request for Production and 1st Set of Interrogatories to Lindsay PWCTEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
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CHIEF CLERK'S OFFICE