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Robert J. Huston, *Chairman*
R. B. "Ralph" Marquez, *Commissioner*
Kathleen Hartnett White, *Commissioner*
Margaret Hoffman, *Executive Director*



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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

PUBLIC UTILITY COMMISSION
FILING CLERK

June 23, 2003

Mark Zeppa
4833 Spicewood Springs Rd., #202
Austin, Texas 78759-8436

RE: Application of Denton County Fresh Water Supply District No. 10 to Amend Water and Sewer Certificates of Convenience and Necessity Nos. 13021 and 20923 in Denton County; SOAH Docket No. 582-03-2282; TCEQ Docket No. 2003-0033-UCR.

Dear Mr. Zeppa:

Enclosed please find the Executive Director's Request for Disclosure, Interrogatories and Requests for Production to Denton County Fresh Water Supply District No. 10 in the above-referenced matter.

Sincerely,

A handwritten signature in black ink, appearing to read "SG", written over a horizontal line.

Sheridan Gilkerson
Staff Attorney
Environmental Law Division

cc: Mailing List

Enclosure

SOAH DOCKET NO. 582-03-2282
TCEQ DOCKET NOS. 2003-0033-UCR

APPLICATION OF DENTON COUNTY	§	BEFORE THE STATE OFFICE
FRESH WATER SUPPLY DISTRICT	§	
NO. 10 TO AMEND WATER AND SEWER	§	OF
CERTIFICATES OF CONVENIENCE	§	
AND NECESSITY NOS. 13021 AND 20923	§	ADMINISTRATIVE HEARINGS
IN DENTON COUNTY, TEXAS	§	

**THE EXECUTIVE DIRECTOR'S REQUEST FOR DISCLOSURE,
INTERROGATORIES, AND REQUESTS FOR PRODUCTION
TO PROSPER INDEPENDENT SCHOOL DISTRICT**

TO: PROSPER INDEPENDENT SCHOOL DISTRICT, BY AND THROUGH ITS REPRESENTATIVE, MR. DREW WATKINS, 605 EAST 7th STREET, PROSPER, TEXAS 75078.

Pursuant to Texas Commission on Environmental Quality ("TCEQ" or "Commission") Rule 30 Texas Administrative Code §80.151 and Texas Rules of Civil Procedure 191-197, the Executive Director of the TCEQ serves her Requests for Disclosure, Interrogatories, and Requests for Production.

Pursuant to this authority, you are required to answer in complete detail and in writing each of the succeeding requests for disclosure, information, or requests to produce documents, as the case may be, responsive to the requests contained herein. Please sign your answers to the questions or requests and swear to the truth of your responses before a Notary Public or other judicial officer. Failure to comply with the above requirements may result in a Commission order requiring you to do so and thereby subjecting you to those sanctions authorized by statute and the rules of the Commission upon your failure to comply.

DEFINITIONS

As used herein, the terms "you," "your," or "yourself," refer to Prosper Independent School District, the party to whom these requests are addressed, as well as to each of its present and former officers, employees, agents, representatives and attorneys, and each person acting or purporting to act on its behalf.

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.

REQUESTED SERVICE AREA

The area that is the subject of Denton County Water Fresh Water Supply District No. 10's ("Denton County FWSD No.10's") application to amend its water and sewer certificates of convenience and necessity in this matter and to which the District intends to provide water and sewer service.

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.

Interrogatory No. 4. Please describe any effects granting Denton County FWSD No.'s application would have upon the environmental integrity of the area and specifically upon your property.

Interrogatory No. 5. What is your position concerning the effect of amending Denton County FWSD No. 10's water and sewer certificates of convenience and necessity on the requested service area?

Interrogatory No. 6. Please explain how you currently obtain water and sewer service.

Interrogatory No. 7. Please explain in detail why you object to Denton County FWSD No. 10's application to amend Certificate of Convenience and Necessity Nos. 13021 and 20923.

V.

REQUESTS FOR PRODUCTION

Request for Production No. 1. For each consulting expert listed in the answer to Interrogatory No. 2 above, please provide copies of all documents, reports, models, or data compilations that have been provided to, reviewed by, or prepared by or for the expert in anticipation of a testifying expert's testimony.

Request for Production No. 2. Please provide copies of all documents that support or otherwise relate to your answers to Interrogatory Nos. 3 through 7 above.

CERTIFICATE OF SERVICE

I hereby certify that on this **23rd day of June, 2003**, a true and correct copy of the foregoing document in SOAH Docket No. 582-03-2282 was delivered by mail, hand delivered, faxed, or sent by interagency mail to all persons on the attached mailing list.



Sheridan Gilkerson
Staff Attorney
Environmental Law Division

MAILING LIST

APPLICATION OF DENTON COUNTY FRESH WATER SUPPLY DISTRICT NO. 10
TO AMEND WATER AND SEWER CCNS IN DENTON COUNTY (APPLICATIONS
NOS. 34068-C/34069-C)

Drew Watkins
605 East 7th Street
Prosper, Texas 75078
Tel: 972/346-3316 ext. 202
Fax: 972/346-9247

Representing Prosper ISD

Honorable James W. Norman
State Office of Administrative Hearings
P.O. Box 13025
Austin, Texas 78711-3025
Tel: 512/475-4993
Fax: 512/475-4994

LaDonna Castañuela, Chief Clerk
Office of the Chief Clerk
Texas Commission on Environmental Quality
MC-105
P.O. Box 13087
Austin, TX 78711-3087
Tel: 512/239-3300
Fax: 512/239-3311

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, or which has been, but is no longer, 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 residential 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

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 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(c),(e),(f),(h) and (i).

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, 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 one of your experts who you expect 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. Are you able to provide water and sewer service faster and cheaper to the entire requested service area than existing retail public utilities in the proximate area? Please explain and state the basis of your contention.

in the past five years from customers as well as any other person related to your service, operations, or management.

Interrogatory No. 14. What will be the effect on you if your Application is approved as requested or is denied.

Interrogatory No. 15. Do you have the financial, managerial, and technical capabilities to provide adequate sewer service to the requested area? Please state the basis of your contention. Please identify historical data within and pertaining to the requested service area that supports your contention, if available.

V.

REQUESTS FOR PRODUCTION

Requests for Production No. 1 Please provide a copy of the most recent inspection conducted by the TCEQ on your water system. Please also include any notices of violations and your response to those notices.

Request for Production No. 2. For each consulting expert listed in the answer to Interrogatory No. 2 above, please provide copies of all documents, reports, models, or data compilations that have been provided to, reviewed by, or prepared by or for the expert in anticipation of a testifying expert's testimony.

Request for Production No. 3. Please provide your latest audit report or financial information for the past fiscal year and current balance sheet information for the period thereafter.

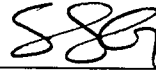
Request for Production No. 4. Please provide copies of all documents that support or otherwise relate to your answers to Interrogatory Nos. 3 through 15 above.

Request for Production No. 5. Please provide a map to illustrate the location of Mahard Egg Farms Inc. and Prosper ISD in respect to the requested service area.

Request for Production No. 6. Please provide a map showing the location or locations of the people requesting service in the requested service area.

CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of June, 2003, a true and correct copy of the foregoing document in SOAH Docket No. 582-03-2282 was delivered by mail, hand delivered, faxed, or sent by interagency mail to all persons on the attached mailing list.



Sheridan Gilkerson
Staff Attorney
Environmental Law Division