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43990

AFFIDAVIT OF W. E. WEST, JR.

STATE OF TEXAS

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COUNTY OF GUADALUPE

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PUBLIC UTILITY COMMISSION
FILING CLERK

Before me, the undersigned authority, on this date personally appeared W. E. West, Jr., who after being duly sworn stated as follows:

"1. My name is W. E. West, Jr. I am over the age of eighteen (18) years and I reside at 9000 FM 20, Seguin, Texas, 78155. I have never been convicted of a crime, and I am fully competent to make this affidavit. I have personal knowledge of the facts stated in this affidavit, and they are all true and correct.

2. I am the General Manager of the Guadalupe-Blanco River Authority ("GBRA"), and have been since 1994. I have overall management responsibility for all of GBRA's operations and employees, and I oversee implementation of all policies and decisions of the GBRA Board of Directors. Prior to my employment with GBRA, I was employed by the Lower Colorado River Authority.

3. I have become aware of certain proposed findings relating to GBRA in an October 6, 2006 Proposal for Decision in the following matter before the State Office of Administrative Hearings ("SOAH"):

SOAH Docket No. 582-06-0425; TCEQ Docket No. 2005-1516-UCR; In Re: Application of Tapatio Springs Service Company, Inc. ("Tapatio") to Amend Certificates of Convenience and Necessity Nos. 12122 and 20698 in Kendall County, Texas.

4. The proposed findings at issue are as follows:

50. Tapatio has approached GBRA for additional water, and GBRA has informally, verbally agreed to provide an additional 250 ac-ft., beyond the 750 ac-ft. which it has formally contracted to provide.


51. Approximately 1,600 ac-ft is available from GBRA for private utilities in the general area.

5. Proposed Finding No. 50 is incorrect. A representative of Tapatio did make a verbal request of David Welsch, Director of Project Development for GBRA, that GBRA agree to amend its existing contract with Tapatio to increase the maximum amount of treated water to be supplied annually by GBRA an additional 250 acre-feet (from 750 acre-feet to 1,000 acre-feet annually), but at my direction Mr. Welsch responded that GBRA would *not* agree to the requested amendment. See accompanying affidavit of Mr. Welsch.

Affidavit of W.E. West, Jr.
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6. There is no basis for Proposed Finding No. 51. GBRA has made no determination that it has 1,600 acre-feet, or any other amount, of treated water available for private utilities in the area."

FURTHER AFFIANT SAYETH NOT.


W. E. West, Jr., General Manager

SWORN TO AND SUBSCRIBED before me by W. E. West, Jr. on this 26th day of October, 2006, to certify which witness my hand and seal of office.




Notary Public in and for the State of Texas

My Commission Expires:

May 11, 2008

AFFIDAVIT OF DAVID WELSCH

STATE OF TEXAS

§

COUNTY OF GUADALUPE

§

Before me, the undersigned authority, on this date personally appeared David Welsch, who after being duly sworn stated as follows:

- "1. My name is David Welsch. I am over the age of eighteen (18) years and I reside at 202 Oldtowne, Seguin, Texas. I have never been convicted of a crime, and I am fully competent to make this affidavit. I have personal knowledge of the facts stated in this affidavit, and they are all true and correct.
2. I am employed by the Guadalupe-Blanco River Authority ("GBRA") and have been since 1973. My current position is Director of Project Development.
3. On or about July 14, 2005, Mr. Stan Scott and Mr. Jay Parker, who represented themselves to be the managers or officers with the Tapatio Springs Service Company, Inc. ("Tapatio")/ Kendall County Utility Company, requested an increase in the original Raw Water Commitment of Water from the Western Canyon Regional Treated Water Supply System from 500 acre feet to 750 acre feet per annum. Said request was granted by the Board of Directors. Subsequent to that approval Mr. Scott and Mr. Parker verbally requested that GBRA agree to amend its contract with Tapatio/ Kendall again to increase the maximum amount of treated water to be supplied annually by GBRA by an additional 250 acre-feet (from 750 acre-feet to 1,000 acre-feet annually). At the direction of Mr. W.E. West, Jr., the General Manager of GBRA, I responded verbally to both Mr. Scott and Mr. Parker that GBRA would *not* agree to the requested additional amendment."

FURTHER AFFIANT SAYETH NOT.

David Welsch
David Welsch

SWORN TO AND SUBSCRIBED before me by David Welsch on this 26th day of October, 2006, to certify which witness my hand and seal of office.



Christy S. Dietert
Notary Public in and for the State of Texas

My Commission Expires:

May 11, 2008

Exhibit “B”

State Office of Administrative Hearings



Shelia Bailey Taylor
Chief Administrative Law Judge

October 6, 2006

Derek Seal
General Counsel
Texas Commission on Environmental Quality
PO Box 13087
Austin Texas 78711-3087

CHIEF CLERK
OCT 10 2006
NO. 582-06-0425

Re: **SOAH Docket No. 582-06-0425; TCEQ Docket No. 2005-1516-UCR; In Re: Application of Tapatio Springs Service Company, Inc. to Amend Certificates of Convenience and Necessity Nos. 12122 and 20698 in Kendall County, Texas**

Dear Mr. Seal:

The above-referenced matter will be considered by the Texas Commission on Environmental Quality on a date and time to be determined by the Chief Clerk's Office in Room 201S of Building E, 12118 N. Interstate 35, Austin, Texas.

Enclosed are copies of the Proposal for Decision and Order that have been recommended to the Commission for approval. Any party may file exceptions or briefs by filing the original documents with the Chief Clerk of the Texas Commission on Environmental Quality no later than **October 26, 2006**. Any replies to exceptions or briefs must be filed in the same manner no later than **November 6, 2006**.

This matter has been designated **TCEQ Docket No. 2005-1516-UCR; SOAH Docket No. 582-06-0425**. All documents to be filed must clearly reference these assigned docket numbers. Copies of all exceptions, briefs and replies must be served promptly on the State Office of Administrative Hearings and all parties. Certification of service to the above parties and an **original and eleven copies** shall be furnished to the Chief Clerk of the Commission. Failure to provide copies may be grounds for withholding consideration of the pleadings.

Sincerely,

A handwritten signature in black ink, appearing to read "William G. Newchurch".

William G. Newchurch
Administrative Law Judge

WGN:nl
Enclosures
cc: Mailing List

William P. Clements Building
Post Office Box 13025 ♦ 300 West 15th Street, Suite 502 ♦ Austin Texas 78711-3025
(512) 475-4993 Docket (512) 475-3445 Fax (512) 475-4994
<http://www.soah.state.tx.us>

STATE OFFICE OF ADMINISTRATIVE HEARINGS

WILLIAM P. CLEMENTS BUILDING, Jr.

300 West Fifteenth Street

Austin, Texas 78701

Phone (512) 475-4993

Facsimile (512) 475-4994

SERVICE LIST

AGENCY: Environmental Quality, Texas Commission on (TCEQ)

STYLE/CASE: TAPATIO SPRINGS SERVICE CO, INC

SOAH DOCKET NUMBER: 582-06-0425

REFERRING AGENCY CASE: 2005-1516-UCR

**STATE OFFICE OF ADMINISTRATIVE
HEARINGS**

**ADMINISTRATIVE LAW JUDGE
ALJ WILLIAM G. NEWCHURCH**

REPRESENTATIVE / ADDRESS

PARTIES

DOCKET CLERK
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
OFFICE OF THE CHIEF CLERK
PO BOX 13087
AUSTIN, TX 78711
(512) 239-3300 (PH)
(512) 239-3311 (FAX)

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

GARRETT ARTHUR
STAFF ATTORNEY
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
OFFICE OF PUBLIC INTEREST COUNSEL
MC-175 P.O. BOX 13087
AUSTIN, TX 78711-3087
(512) 239-5757 (PH)
(512) 239-6377 (FAX)

OFFICE OF PUBLIC INTEREST COUNSEL

KATHY H BROWN
STAFF ATTORNEY
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
ENVIRONMENTAL LAW DIVISION
MC-173 P.O. BOX 13087
AUSTIN, TX 78711-3087
(512) 239-3417 (PH)
(512) 239-0606 (FAX)

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

PATRICK LINDNER
ATTORNEY
7550 IH-10 WEST, NORTHWEST CENTER, SUITE 800
SAN ANTONIO, TX 78229
(210) 349-6484 (PH)
(210) 349-0041 (FAX)
plindner@davidsontrolio.com

TAPATIO SPRINGS SERVICE CO.

MARY ALICE BOEHM-MCKAUGHAN
STAFF ATTORNEY
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
OFFICE OF PUBLIC INTEREST COUNSEL
MC-103 P.O. BOX 13087
AUSTIN, TX 78711-3087
(512) 239-6361 (PH)
(512) 239-6377 (FAX)

OFFICE OF PUBLIC INTEREST COUNSEL

ELIZABETH R MARTIN
ATTORNEY AT LAW
P. O. BOX 1764
BOERNE, TX 78006
(830) 816-8686 (PH)
(830) 816-8282 (FAX)

RATEPAYERS

JESSICA LUPARELLO
STAFF ATTORNEY
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
MC-173 P.O. BOX 13087
AUSTIN, TX 78711-3087
(512) 239-0608 (PH)
(512) 239-0606 (FAX)

EXECUTIVE DIRECTOR

xc: Docket Clerk, State Office of Administrative Hearings