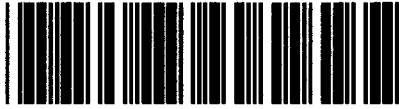




Control Number: 43990



Item Number: 40

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

SOAH DOCKET NO. 582-06-0425

TCEQ DOCKET NO. 2005-1516-UC

RECEIVED

2014 DEC 19 AM 8:23

APPLICATION OF TAPATIO
SPRINGS SERVICE COMPANY,
INC., TO AMEND CERTIFICATES
OF CONVENIENCE AND
NECESSITY NOS. 12122 AND
20698 IN KENDALL COUNTY,
TEXAS

§ BEFORE THE STATE OFFICE
§
§
§ OF
§
§ ADMINISTRATIVE HEARINGS

**APPLICANT'S RESPONSE TO INTERVENORS' LETTER DATED NOVEMBER 15,
2006 AND REQUEST FOR SETTING**

I.

The Intervenor's letter is untimely and no good grounds are shown or exist for consideration of the letter or allegations in the letter. Applicant requests that the letter be ignored, and if not ignored, then Applicant requests an opportunity to respond to the letter.

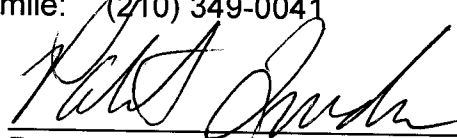
II.

Applicant requests that this matter be set for consideration by the Commissioners at the earliest possible time. This application was filed April 20, 2005, and the proposal for decision issued October 6, 2006.

Respectfully submitted,

Davidson & Troilo, P.C.
7550 West IH-10, Suite 800
San Antonio, Texas 78229
Telephone: (210) 349-6484
Facsimile: (210) 349-0041

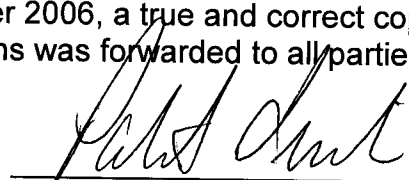
By:


Patrick Lindner
State Bar No. 12367850

CLERK
APR 17 2005
CHIEF CLERK

CERTIFICATE OF SERVICE

I certify that on 16th day of November 2006, a true and correct copy of Applicant's Response to Intervenor's Exceptions was forwarded to all parties via facsimile on the following mailing list.


Patrick W. Lindner

Filing Clerk
State Office of Administrative Hearings
William P. Clements Building
300 West Fifteenth Street
Austin, TX 78701

Fax: (512) 475-4994

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

Fax: (512) 239-3311

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Staff Attorney
Texas Commission on Environmental Quality
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Kathy Humphreys Brown
Staff Attorney
Texas Commission on Environmental Quality
Environmental Law Division
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Derek Seale
General Counsel
Texas Commission on Environmental Quality
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Austin, Texas 78006

Fax: (512) 239-5533

SOAH DOCKET NO. 582-06-0425

TCEQ DOCKET NO. 2005-1516-UCR

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IRWIN D. ZUCKER
RICHARD D. O'NEIL
J. MARK CRAUN

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DAVIDSON & TROILO
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MARIA S. SANCHEZ
DALBY FLEMING
LISA M. GONZALES

AUSTIN OFFICE
519 CONGRESS, SUITE 810, 78701
512/469-0006 • FAX 512/473-2109

November 9, 2006

VIA FACSIMILE (512) 239-3311

Ms. LaDonna Castanuela, Chief Clerk
Office of the Chief Clerk, MC-105
P.O. Box 13087
Austin, TX 78711-3087

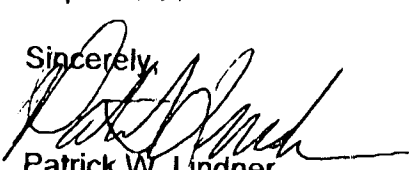
Re: SOAH Docket No. 582-06-0425; TCEQ Docket No. 2005-1516-UCR
Application of Tapatio Springs Service Company, Inc., to Amend
Certificates of Convenience and Necessity Nos. 12122 and 20698 in
Kendall County, Texas

Dear Ms. Castanuela

Enclosed for filing is an original and 11 copies of Applicant's Response to
Intervenors' Letter Dated November 15, 2006 and Request for Setting in the above-
referenced matter.

Thank you for your courtesy and cooperation.

Sincerely,


Patrick W. Lindner
For the Firm

PWL/re
Enclosure

cc. Mailing List

SOAH DOCKET NO. 582-06-0425
TCEQ DOCKET NO. 2005-1516-UCR

**APPLICATION OF TAPATIO
SPRINGS SERVICE COMPANY,
INC., TO AMEND CERTIFICATES
OF CONVENIENCE AND
NECESSITY NOS. 12122 AND
20698 IN KENDALL COUNTY,
TEXAS**

**§ BEFORE THE STATE OFFICE
§
§ OF
§
§ ADMINISTRATIVE HEARINGS**

CLERK OF THE COURT
NOV 16 2006 11:06 AM

NOV 16 2006 11:06 AM

**APPLICANT'S RESPONSE TO INTERVENORS' LETTER DATED NOVEMBER 15,
2006 AND REQUEST FOR SETTING**

I.

The Intervenor's letter is untimely and no good grounds are shown or exist for consideration of the letter or allegations in the letter. Applicant requests that the letter be ignored, and if not ignored, then Applicant requests an opportunity to respond to the letter.

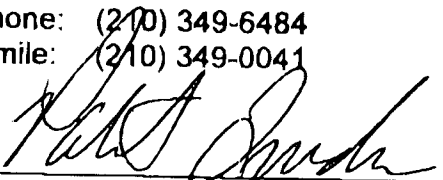
II.

Applicant requests that this matter be set for consideration by the Commissioners at the earliest possible time. This application was filed April 20, 2005, and the proposal for decision issued October 6, 2006.

Respectfully submitted,

Davidson & Troilo, P.C.
7550 West IH-10, Suite 800
San Antonio, Texas 78229
Telephone: (210) 349-6484
Facsimile: (210) 349-0041

By:


Patrick Lindner
State Bar No. 12367850

SOAH DOCKET NO. 582-06-0425

TCEQ DOCKET NO. 2005-1516-UCR

Filing Clerk
State Office of Administrative Hearings
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Elizabeth R. Martin
Attorney at Law
P. O. Box 1764
Boerne, Texas 78006

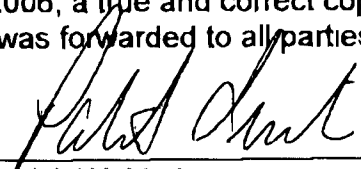
Fax: (830) 816-8282

Derek Seale
General Counsel
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78006

Fax: (512) 239-5533

CERTIFICATE OF SERVICE

I certify that on 16th day of November 2006, a true and correct copy of Applicant's Response to Intervenor's Exceptions was forwarded to all parties via facsimile on the following mailing list.


Patrick W. Lindner

Filing Clerk
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RICHARD D. O'NEIL

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A PROFESSIONAL CORPORATION

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210/349-6484 FAX 210/349-0041

AUSTIN
919 CONGRESS, SUITE 810, 78701
512/469-6406 FAX 512/473-2159

J. MARK CRAUN
LELA REAM
JAMES C. WOO
RICHARD L. CROZIER*
R. JO RESER
FRANK J. GARZA
MARIA S. SANCHEZ*
DALBY FLEMING
LISA M. GONZALES

* AUSTIN OFFICE

FACSIMILE TRANSMITTAL COVER

TO:

Ms. LaDonna Castañuela
SOAH Docket Clerk
Elizabeth R. Martin
Garrett Arthur
Kathy Humphreys Brown
Derek Seale

FAX NUMBER:

(512) 239-3311
(512) 475-4994
(830) 816-8282
(512) 239-6377
(512) 239-0606
(512) 239-5533

FROM: Patrick Lindner

DATE: November 16, 2006

SUBJECT: Application of Tapatio Springs Service Co., Inc.
SOAH Docket No. 582-06-0425
TCFQ Docket No. 2005-1516-UCR

CLIENT #: 4153/9

MESSEAGE: Please see attached Applicant's Response to Intervenor's Letter Dated November 15, 2006 and Request for Hearing.

If you do not receive all 5 pages, or if any difficulty in transmission occurs, please contact Rita Escoto at (210) 349 6484, ext. 556.

CONFIDENTIAL INFORMATION

THIS FACSIMILE MESSAGE IS A PRIVILEGED AND CONFIDENTIAL ATTORNEY-CLIENT COMMUNICATION AND IS TRANSMITTED FOR THE EXCLUSIVE INFORMATION AND USE OF THE ADDRESSEE. PERSONS RESPONSIBLE FOR DELIVERING THIS COMMUNICATION TO THE INTENDED RECIPIENT ARE ADMONISHED THAT THIS COMMUNICATION MAY NOT BE COPIED OR DISSEMINATED EXCEPT AS DIRECTED BY THE ADDRESSEE. IF YOU RECEIVE THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND MAIL THE COMMUNICATION TO US AT OUR LETTERHEAD ADDRESS. THANK YOU.

Page 3

R MIO

Kathy Humphreys Brown
Staff Attorney
Environmental Law Division, MC-173
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

FOR THE EXECUTIVE DIRECTOR

Patrick Lindner
Davidson & Troilo, P.C.
7550 IH-10 West, Northwest Center
Suite 800
San Antonio, TX 78229
210 349-6484
210 349-0041 FAX

FOR THE APPLICANT:

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

FOR THE CHIEF CLERK:

Mike Rogan
Administrative Law Judge
State Office of Administrative Hearing
300 West Fifteenth Street
Austin, TX 78701
512 475-4993
512 475-4994 FAX

ADMINISTRATIVE LAW JUDGE

MAILING LIST
TAPATIO SPRINGS SERVICE COMPANY, INC.
SOAH DOCKET NO. 582-06-0425
TCEQ DOCKET NO. 2005-1515-URC

ELIZABETH R. MARTIN

I certify that on May 15, 2006, a true and correct copy of Ratepayers Response to Applicant's Motion to Quash was served via FAX Transmission to all parties on the following mailing list.

CERTIFICATE OF SERVICE

FOR RANGER CREEK HOA:

FOR THE PUBLIC INTEREST
COUNSEL:

512 239-3417
512 239-0606 FAX
Mary Alice Boehm-McKaughan
Assistant Public Interest Counsel, MC-175
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087
512 239-6361
512 239-6377 FAX
Eric Sherer
Attorney at Law
11124 Wurzbach Road, Suite 100
San Antonio, TX 78232
210 696-9730
210 696-9675 FAX

erm/dw
cc Mailing List Fax Numbers

Elizabeth R. Martin

Sincerely yours,


I will confer with the other parties on their schedules once your response has been received. Thanks in advance for your assistance.

Stan Scott - 1.5 hours
Darrell W. Nichols - 2 hours
Jay Parker - 1.5 hours
Mike Shalit - 1.5 hours
David Brock - 1.5 hours
Ken Kolacy - 2 hours
John-Mark Maikin - 2 hours
William Milmoie - 2 hours

In order to schedule depositions at my office for the above referenced matter, please provide me with multiple dates for the following individuals so I can coordinate with the other parties. I have estimated the time required for the depositions by individual in case you would like to schedule some for the same dates. I would request you schedule only 6 hours of depositions per date.

Dear Mr. Lindner,

Ref: SOAH DOCKET NO. 582-06-0425; TCEQ DOCKET NO. 2005-1515-URC

Via Fax to: 210-349-0041

Mr. Patrick Lindner
Davidson & Troilo, PC
7550 IH-10 West, Northwest Center, Ste. 800
San Antonio, TX 78229

April 24, 2006

Law Office of Elizabeth R. Martin
Dienger Building
106 West Blanco, Suite 206
P.O. Box 1764
Boerne, Texas 78006
830 816-8686
830 816-8282 fax
†

Sincerely,

 Dalby Fleming
 For the Firm

I thank you in advance for your courtesy and cooperation in the foregoing regard. If you have any questions or comments, please do not hesitate to call me.

Please allow this letter to respond to your April 24, 2006 correspondence to Mr. Lindner regarding depositions in the above-referenced proceeding.

We are currently in the process of obtaining information regarding the availability of the numerous individuals referenced in your correspondence. Currently, Mr. Scott and Mr. Shalit are available on May 17, 19, 22, 23 and 24, 2006. Mr. Nichols is available May 23-26, 2006. I have requested that the others advise as to their availability as soon as reasonably possible and I will forward that information to you as soon as I can.

Dear Ms. Martin:

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

Ms. Elizabeth Martin
 P.O. Box 1754
 Boerne, Texas 78006

Via Facsimile: (830) 816-8282

May 2, 2006

Exhibit B

LAW OFFICES OF
DAVIDSON & TROILO
 A PROFESSIONAL CORPORATION
 SAN ANTONIO
 7530 W IH-10, SUITE 800, 78228-5815
 210/349-8484 • FAX: 210/349-0041

JOHN W. DAVIDSON
 ARTHUR TROILO
 TERRY TOPHAM
 CHERRY TULL KINZIE
 R. GAINES GRIFFIN
 RICHARD E. HETTINGER
 PATRICK W. LINDNER
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 N. JO REAM
 MARIA E. SANCHEZ
 DALBY FLEMING
 LISA M. GONZALES
 RENE E. HOLLANDER

AUSTIN OFFICE
 BID CONGRESS, SUITE 410, 78701
 512/460-0000 • FAX 512/473-8400

For the Firm
Darryl Fleming

Sincerely,

If you have any questions or comments, please do not hesitate to call me.

Please allow this letter to supplement my earlier response to your April 24, 2006 correspondence regarding depositions in the above-referenced proceeding. A copy of my earlier correspondence is attached.

Despite repeated efforts, I have been unable to contact Mr. Brook regarding his deposition and the deposition of his client, Mr. Milmo. Mr. Parker is available May 17, 23 and 24, 2006. Mr. Malkin is available on May 16, 2006. I have yet to hear from Mr. Kolacy, however his deposition hardly seems necessary. His connection to the case exists strictly by virtue of his assistance of Mr. Malkin.

Dear Ms. Martin:

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

Ms Elizabeth Martin
P.O. Box 1754
Boerne, Texas 78006

Via Facsimile: (830) 816-8282

May 9, 2006

Exhibit C

AUSTIN OFFICE
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512/498-6006 • FAX 512/473-2180

LEA A. REAN
FRANK J. GARZA
JAMES C. WOO
RICHARD L. CROZIER
R. JOE REGER
MARIA S. SANCHEZ
DARBY FLEMING
LISA M. GONZALES

LAW OFFICES OF
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210/349-6484 • FAX: 210/349-0041

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RICHARD E. HETTINGER
PATRICK W. LINDNER
IRWIN D. ZUCKER
RICHARD D. O'NEIL
J. MARK CRAWN

FACSIMILE TRANSMITTAL SHEET

To
 Honorable Mike Rogan 512/ 475-4994
 Patrick Lindner 210/ 349-0041
 Kathy Humphreys Brown 512/ 239-0606
 LaDonna Castañuela 512/ 239-3311
 Mary Alice Boehm-McKaughan 512/ 239-6377
 Eric Sherer 210/ 696-9675

CHIEF OF POLICE OFFICE
 MAY 15 11 34 AM
 2006

COMPANY:

DATE:

MAY 15, 2006

FAX NUMBER:

TOTAL NO. OF PAGES INCLUDING COVER

8

PHONE NUMBER:

SENDER'S PHONE NUMBERS

830/ 816-8686 office 830/816-8282 fax

RE. SOAH DOCKET NO 582-06-0425
 TCEQ DOCKET NO 2005-1516-URC

☐ FOR REVIEW ☐ PLEASE REPLY ☒ HARD COPY WILL FOLLOW ☐ HARD COPY WILL NOT FOLLOW

IF YOU HAVE ANY PROBLEMS WITH THIS FAX TRANSMISSION, PLEASE CONTACT DIANNE WITZ AT 830 816 8686

RATEPAYER'S RESPONSE TO MOTION TO QUASH NOTICE OF DEPOSITION.

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS CONFIDENTIAL ATTORNEY/CLIENT COMMUNICATION AND IS TRANSMITTED FOR THE EXCLUSIVE INFORMATION AND USE OF THE ADDRESSEE. PERSONS RESPONSIBLE FOR DELIVERING THIS COMMUNICATION TO THE INTENDED RECIPIENT ARE ADMONISHED THAT THIS COMMUNICATION MAY NOT BE COPIED OR DISSEMINATED EXCEPT AS DIRECTED BY THE ADDRESSEE. IF YOU RECEIVE THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND DESTROY THE COMMUNICATION.

106 W BLANCO STE. 206
 BOERNE, TEXAS 78006