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SOAH DOCKET NO. 582-06-0425  
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APPLICATION OF TAPATIO SPRINGS  
SERVICE COMPANY, INC.,  
TO AMEND CERTIFICATES  
OF CONVENIENCE AND NECESSITY  
NOS. 12122 AND 20698 IN KENDALL  
COUNTY, TEXAS

§ PUBLIC UTILITY COMMISSION  
§ FILING CLERK  
§ BEFORE THE STATE OFFICE  
§ OF  
§ ADMINISTRATIVE HEARINGS

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**RATEPAYERS REPRESENTED BY MS. MARTIN**  
**OBJECTIONS TO PRE-FILED TESTIMONY AND EXHIBITS**

**TO THE HONORABLE JUDGE OF SAID COURT:**

**NOW COMES** Ratepayers and bring these Objections to Pre-Filed Testimony and Exhibits. In support thereof, Movants would show the Court the following:

**OBJECTIONS TO PRE-FILED TESTIMONY OF DARRELL W. NICHOLS**

Ratepayers object to the testimony of Darrell W. Nichols on the grounds that much of the testimony is not relevant, inadmissible, based on hearsay and lack of personal knowledge.

Mr. Nichol's testimony stating the Application submitted by Tapatio Springs Service Company, Inc. warrants approval is without support of the evidence on file in this matter. Ratepayer's request all testimony recommending approval of the certificate of convenience and necessity be struck.

**OBJECTIONS TO PRE-FILED TESTIMONY OF JOHN J. PARKER, JR.**

Ratepayers object to the following testimony of John J. Parker, Jr. on the grounds that the testimony is not relevant, inadmissible, and unreliable.

Mr. Parker identifies himself as the President of Tapatio Springs Service Company, Inc., however, in his deposition he identifies his father Mr. John J. Parker

(Jack) as the President. (See Exhibit A attached, pg.5, l. 20-22). Ratepayer's would request the Court order his pre-filed testimony be struck claiming he is the President as the witness under oath stated that he was the Vice-President of Tapatio Springs Service Company.

#### OBJECTIONS TO PRE-FILED TESTIMONY OF JOHN-MARK MATKIN

Ratepayers object to the testimony of John-Mark Matkin on the grounds that much of the testimony is not relevant, inadmissible, based on hearsay and lack of personal knowledge.

Mr. Matkin's testimony stating the Application submitted by Tapatio Springs Service Company, Inc. warrants approval is without support of the evidence on file in this matter. Mr. Matkin does not provide any factual sources or evidence providing the basis of his opinion that Tapatio Springs Service Company provides continuous and adequate service or is capable of providing service to the expansion area and the Ratepayers request this testimony be struck. Ratepayer's request all testimony recommending approval of the certificate of convenience and necessity be struck.

#### OBJECTIONS TO PRE-FILED TESTIMONY OF KAMAL ADHIKARI

Ratepayers object to the following testimony of Kamal Adhikari on the grounds that the answers are conclusory and without support by the evidence on record with the court. Mr. Adhikari does not state the source of his explanation concerning the Non-Standard Service Agreement and does not have any evidence on file that shows the actual legal description of the property covered under this agreement and the Ratepayers request this testimony be struck. Mr. Adhikari does not provide any factual sources or evidence providing the basis of his opinion that Tapatio Springs Service Company provides

continuous and adequate service or is capable of providing service to the expansion area and the Ratepayers request this testimony be struck. The Ratepayers object to his testimony on the grounds of relevancy, admissibility, hearsay and lack of personal knowledge.

**OBJECTIONS TO PRE-FILED TESTIMONY OF DANIEL K. SMITH**

Ratepayers object to the all testimony of Daniel K. Smith on the grounds that the answers are conclusory and without support by the evidence on record with the court. Ratepayers request all testimony be struck which states Tapatio Springs Service Company provides continuous and adequate service or is capable of providing service to the expansion area. Ratepayers request all testimony be struck which states Tapatio Springs Service Company or the developer are financial capable of constructing the systems for the proposed service area. Ratepayers object to the testimony on the grounds of relevancy, admissibility, and lack of personal knowledge.

**PRAYER**

**WHEREFORE, PREMISES CONSIDERED,** Ratepayers prays that the Court order the pre-filed testimony be struck as objected to by Ratepayers.

Respectfully submitted,  
LAW OFFICE OF ELIZABETH R. MARTIN

By: 

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Attorney for Ratepayers

**CERTIFICATE OF SERVICE**

I certify that on June 16, 2006, a true and correct copy of Ratepayers Objections to Pre-filed Testimony was served via Certified Mail to all parties on the following mailing list.

  
ELIZABETH R. MARTIN

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

ADMINISTRATIVE LAW JUDGE  
7005 3110 0004 5877 0099

Mike Rogan  
Administrative Law Judge  
State Office of Administrative Hearing  
300 West Fifteenth Street  
Austin, TX 78701

FOR THE CHIEF CLERK:  
7005 3110 0004 5877 0129

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†

June 16, 2006

Docket Clerk for  
Honorable Mike Rogan  
Administrative Law Judge  
State Office of Administrative Hearing  
300 West Fifteenth Street  
Austin, TX 78701

Via Certified Mail 7005 3110 0004 5877 0099 Return Receipt Requested

Ref: **SOAH DOCKET NO. 582-06-0425; TCEQ DOCKET NO. 2005-151<sup>6</sup>-URC**

Dear Clerk;

Please file the enclosed RATEPAYERS Final Summary Judgment Motion and  
Objections to Pre-filed Testimony concerning the above referenced matter.

Thanks in advance for your assistance.

Sincerely yours,

  
Elizabeth R. Martin

erm/dw

cc Mailing List

CHIEF CLERK  
JUN 16 2006  
9:15