

Control Number: 43990



Item Number: 74

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

43990

RECEIVED

SOAH DOCKET NO. 582-06-0425
TCEQ DOCKET NO. 2005-151800 DEC 19 AM 8:34

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

TAPATIO SPRINGS SERVICE COMPANY, INC.'S FIRST REQUEST FOR DISCLOSURE, INTERROGATORIES, REQUESTS FOR PRODUCTION, AND REQUESTS FOR ADMISSIONS TO RATEPAYERS

TO: Andrew Calvert, Richard Haas, Carey McWilliams, Shel McWilliams, Carl D. Portz, Paulette Portz, Pat Wilson, David Rutherford, Thurman R. Williams and Myrna L. Williams, by and through their attorney Ms. Elizabeth Martin P.O. Box 1764, Boerne, Texas 778006.

Pursuant to §2001 *et seq.* of the Administrative Procedure Act ("APA"), Texas Government Code, Rules 190-197 of the Texas Rules of Civil Procedure, 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, requests for production and requests for admissions, as the case may be. You are required to sign your answers to the interrogatories and to swear to the truth of your answers before a Notary Public or other judicial officer, and to deliver a complete, signed, and notarized copy of your answers and responses to Mr. Pat Lindner, Davidson & Troilo, P.C., 7550 IH-10 West, Northwest Center, Suite 800, San Antonio, Texas 78229 not later than 30 days after service of this request in accordance with 1 TAC § 155.31 and the Scheduling Order entered in this Docket.

Respectfully submitted,

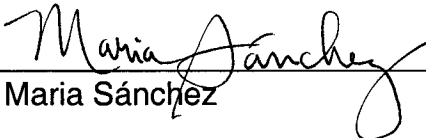
Davidson Troilo, P.C.
7550 West IH-10, Suite 800
San Antonio, Texas 78229
Telephone: (210) 349-6484
Facsimile: (210) 349-0041

By: Maria Sanchez
Maria Sánchez
State Bar No. 17570810

CERTIFICATE OF SERVICE

I hereby certify that on the 21st day of February 2006, a true and correct copy of the foregoing document and all attachments were forwarded to each of the parties listed below via first-class mail.

Elizabeth R. Martin Attorney at Law P. O. Box 1764 Boerne, TX 78006 830/816-8282 (fax) Representing Ratepayers	Al Hamilton Attorney at Law 301 Eagle Drive Boerne, TX 78006 830/537-6043 (fax) Representing Ratepayers
Eric Sherer Attorney at Law 1124 Wurzbach Rd. San Antonio, TX 78230 210/696-9675 - facsimile Representing Creek HOA	Mary Alice Boehm-McKaughan Staff Attorney TCEQ Office of Public Interest Counsel PO Box 13087 MC-175 Austin, Texas 78711-3087 512/239-6377 – facsimile Representing TCEQ Public Interest Council
Kathy H. Brown Staff Attorney TCEQ Environmental Law Division PO Box 13087 MC-173 Austin, TX 78711-3087 512/239-0606 – facsimile Representing Texas Commission on Environmental Quality	Ms. La Donna Castañuela, Chief Clerk Office of the Chief Clerk MC-105 Texas Natural Resource Conservation Commission P.O. Box 13087 Austin, Texas 78711-3087 (512) 239-3300 Fax: (512) 239-3311



Maria Sánchez

DEFINITIONS

The following definitions apply herein unless otherwise indicated by the content or expressly stated:

1. “ Application” refers to Tapatío Springs Service Company Inc.’s application which is the subject of this Docket.
2. “Application Area” refers to the area made the subject of the Application.
3. “CCN” means a certificate of public convenience and necessity as set forth in Chapter 13 of Texas Water Code.
4. “Communication” refers to any oral or written utterance, notation, enumeration, or statement of any kind whatsoever, including but not limited to correspondence, conversations, dialogues, discussions, interviews, consultations, agreements, negotiations, facsimile transmissions, e-mail transmissions, between or among two or more persons, whether direct or indirect, whether intended or unintended.
5. “Docket” or “Proceeding” refers to this docket.
6. “Document” means any documents or tangible items made discoverable by Rule 192.3 of the Texas Rules of Civil Procedure, and includes all originals and non-identical copies of any and all documents, papers, books, accounts, writings, drawings, graphs, charts, maps, surveys, photographs, electronic or videotape recordings, electronic mail (e-mail), phone records, recordings, other data compilations from which information can be obtained and translated, if necessary, by you into reasonably useable form and tangible things.
7. “Identify” means, with respect to a person, to state the person’s name, last known residence address, last known business address and last known business and residential telephone numbers of the person. With respect to a document, “identify” means to set forth a title, if any, the date, the originator or author, the sender(s), recipient(s) and a general description so that the party seeking discovery can locate and identify the object as readily as the party from whom it is being sought.
8. “Person” or “Persons” mean natural persons, firms, partnerships, associations, joint ventures and corporations.
9. “Relate” or “relating to” means making or including a statement about, discussing, describing, reflecting, consisting of, constituting, comprising or in any way concerning in whole or in part the subject or thing.
10. TCEQ” or “Commission” refers to the Texas Commission on Environmental Quality and all predecessor agencies with similar responsibilities, including the

Texas Natural Resource Conservation Commission, Texas Water Commission and Texas Department of Health.

11. "You" and/or "your" refers to and includes Andrew Calvert, Richard Haas, Carey McWilliams, Shel McWilliams, Carl D. Portz, Paulette Portz, Pat Wilson, David Rutherford, Thurman R. Williams and Myrna L. Williams, and any employees, attorneys, agents, servants or other representatives and all other persons acting or purporting to act on behalf of said individuals, including all past or present employees exercising discretion, making policy or making decisions who have knowledge of, any relationship to, or involvement with, any matter in issue in this Docket.

INSTRUCTIONS

1. These discovery requests must be answered and responded to in strict compliance with the orders of the Administrative Law Judge hearing this Docket, the Texas Rules of Civil Procedure and the rules of the TCEQ.

2. An evasive or incomplete answer to any of these discovery requests will be considered and treated as a failure to answer.

3. Your answers to the interrogatories must be answered separately and fully in writing, and the answers must be signed and verified under oath by the person making the answers.

4. If a request for production would require you to provide information which you consider protected from discovery under some good faith claim or exemption or privilege, you are entitled to object to the request on this basis in accordance with the Texas Rules of Civil Procedure and the rules of the TCEQ. You must, however, specifically identify the grounds on which you object, and your objections must be timely filed or they are waived. If you withhold any documents from discovery, for each such document state the privilege or exemption claimed and identify the document to the fullest extent possible consistent with your claim of privilege or exemption. A timely objection to a discovery request relieves you of the duty to answer or produce only to the extent that the request is objectionable. Thus, you must answer or respond to each discovery request as fully as possible consistent with any good faith privileges or exemptions you may assert.

5. The documents and tangible things shall be produced in the offices of Davidson & Troilo, P.C. 7550 West IH-10, 800, San Antonio, Texas, 78229-5815, c/o Patrick Lindner.

6. In those instances when the responding party chooses to answer an interrogatory by referring to a specific document or record, the specification must be in sufficient detail to permit the requesting party to locate and identify the records and/or documents from which the answer is to be ascertained as readily as the party served with the request.

7. In those instances when requested information is stored only on software or other data compilations, the responding party should either produce the raw data, along with all codes and programs for translating it into useable form, or produce the information in a finished useable form that includes all necessary glossaries, keys and indices for interpretation of the material.

8. 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.

9. All documents and/or other data compilations that might impact on the subject matter of this Docket must be preserved and any ongoing process of document destruction involving such documents should cease.

DUTY TO SUPPLEMENT

You are under a duty to supplement any responses that are incomplete or incorrect when made. Furthermore, you are under a duty to amend your responses within a reasonable time after you obtain information on the basis of which you know that a response either (1) was incorrect or incomplete when made or (2) although correct and complete when made, is no longer correct and complete, and the circumstances are such that failure to amend the response is in substance misleading.

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), as follows:

(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 your control, documents reflecting such information;

them, or if the expert is not retained by, employed by, or otherwise subject to your control, documents reflecting such information;

(4) if the expert is retained by, employed by, or otherwise subject to your control:

(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 settlement agreements described in Rule 192.3(g); and

(i) any witness statements described in Rule 192.3(h).

INTERROGATORIES

Please answer the following interrogatories, under oath:

INTERROGATORY NO. 1: For each person you expect to call as a fact witness for any evidentiary purpose in this Docket, please provide: (a) the person's name, business address, and telephone number; and (b) a brief description

INTERROGATORY NO. 2: For each expert not listed in the response to the Request for Disclosure who you have consulted and whose mental impressions and opinions have been reviewed by an expert you expect to testify in this Docket, 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 Docket, 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 Docket 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 state the basis of each ground on which you contend that the application should be denied, in whole or part.

INTERROGATORY NO. 4: For each contention identified in response to Interrogatory No. 3, identify the particular legal authority that you contend supports the contention and describe in reasonable detail the facts that relate to or form the basis of such contention.

INTERROGATORY NO. 5: For each contention identified in response to Interrogatory No.3, identify the changes to the Application that you believe would be necessary for its approval.

INTERROGATORY NO. 6: Please state the basis for your opposition to the Application.

INTERROGATORY NO. 7: Identify any and all oral or written communications made between you or on your behalf and any governmental authority, public body, or governmental or public representative (such as municipalities, the TCEQ, the Governor of Texas, any state and/or federal senator or representative) regarding any matters related to the Application, and/or the Application Area, by describing in detail the actual or approximate date and time of the communication, the parties to and person privy to the communication, whether the communication was oral or written, the substance of the communication, and any response received as a result of the communication.

INTERROGATORY NO. 8: Identify any and all oral or written communications and agreement made between you or on your behalf regarding any matters related to the Application, and/or the Application Area, by describing in detail the actual or approximate date and time of the communication or agreement, the parties to and person privy to the communication or agreement, whether the communication or agreement was oral or written, the substance of the communication or agreement, and any response received as a result of the communication.

INTERROGATORY NO. 9: Identify each person who answered or who was consulted to answer each interrogatory, identifying such persons by name, title, employer, address and phone number and identifying the particular interrogatory, by number, which each person answered or for which each person was consulted.

INTERROGATORY NO. 10: Please describe any experience you have in operating and/or managing a water utility under the original jurisdiction of the TCEQ.

INTERROGATORY NO. 11: Please describe the basis for your objection to this application.

REQUESTS FOR PRODUCTION

Please produce the following:

1. All documents referenced in your responses to the Request for Disclosure.
2. To the extent not already provided, please produce copies of all documents identified in your response to the interrogatories, or used to assist you in responding to the interrogatories
3. Produce all documents, including, but not limited to, all diaries, notes, memoranda, letters, charts, diagrams or photographs in any form in your or your attorney's possession, custody or control which you contend support or refute any of the defenses or allegations contained in this contested case hearing, including any and all documents you intend to rely on in this contested case hearing. This request

does not seek documents protected by the attorney-client or attorney work product privileges.

4. Produce all witness statements, whether signed or unsigned, which directly or indirectly relate to the subject matter of this contested case hearing.

5. Produce all tape recordings (whether video or audio) and transcriptions thereof that are in your or your attorney's possession, custody or control pertaining, directly or indirectly, to the issues in this contested case hearing.

6. Produce all correspondence by and between you and the Commission relating in any way to the Application filed by the Applicants in this Docket.

7. Produce all documents you intend to offer as evidence at the hearing in this matter.

8. Produce all unprivileged statements made by anyone with knowledge of the facts relevant to this contested case hearing.

9. Produce all documents, including correspondence, e-mail communication and notes of any telephone communication or other communication by and between you and any other party to this contested case hearing.

10. Produce all documents, including all correspondence, e-mail communication and notes of any telephone communication or other communication by and between you and any party related in any way to the issues that are the subject of this contested case hearing.

11. Produce copies of all documents, including but not limited to, all correspondence related in any way to the Applicant and/or the Applicant's CCNs.

12. Produce all documents that support your response to Interrogatories Nos. 1 –11.

13. Produce all documents that demonstrate that Applicant does not meet the criteria in Section 13.246(c) of the Texas Water Code for granting a CCN.

REQUESTS FOR ADMISSIONS

Please state whether you admit or deny each of the following:

1. Applicant is currently providing continuous and adequate service.

Admit _____

Deny _____

2. Applicant is an investor owned utility.

Admit _____

Deny _____

3. Applicant should have alternate sources of water.

Admit _____

Deny _____

4. By adding more customers to the system, Applicant will be able to spread operational and maintenance costs over a larger number of customers.

Admit _____

Deny _____

5. A developer has requested service from the Applicant to provide service to the proposed CCN area.

Admit _____

Deny _____

6. Pursuant to the agreement between the Applicant and the developer, developer is required to pay for all the costs of facilities to provide service to the proposed CCN area.

Admit _____

Deny _____

7. Tapatio Springs Services Company, Inc. is not a member owned member controlled "Water Supply Corporation" as defined by Chapter 291 of the TCEQ rules.

Admit _____

Deny _____

8. The TCEQ CCN application that was submitted by Tapatio Springs Services Company, Inc. requires a developer or entity who would be requesting a CCN for the first time to request service from adjacent water supply systems (Item No. 4).

Admit _____

Deny _____

9. There is a need for service in the proposed CCN area.

Admit _____

Deny _____

10. Tapatio Springs Services Company, Inc. and Kendall County Utility Company, Inc. are the only utilities immediately adjacent to the proposed service area.

Admit _____

Deny _____

11. No other utility or municipality is currently protesting this application?

Admit _____

Deny _____

12. No other utility has proposed to provide service to the proposed CCN area.

Admit _____

Deny _____

13. No other utility has filed a CCN application with the TCEQ to provide service to the proposed CCN area.

Admit _____

Deny _____

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

†

RECEIVED
MARCH 10 2006
OFFICE OF THE CHIEF CLERK
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

March 9, 2006

La Donna Castañuela
Office of the Chief Clerk, MC-105
Texas Comm. on Environmental Quality
PO Box 13087
Austin, Tx 78711-3087

RE: Discovery **SOAH DOCKET NO. 582-06-0425;**
TCEQ DOCKET NO. 2005-1516-UCR.

Dear Ms. Castañuela,

Please find enclosed discovery requests for the above referenced case.

Very truly yours,



Elizabeth R. Martin

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


CHIEF CLERK'S OFFICE
MAY 10 2006

RATEPAYERS', REPRESENTED BY MS. MARTIN,
REQUEST FOR DISCLOSURE
TO TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

TO: TEXAS COMMISSION ON ENVIRONMENTAL QUALITY, Agency, by and through
Agency's Staff Attorney, KATHY H. BROWN.

NOW COMES RATEPAYERS, in the above styled and numbered cause, and pursuant to
Rule 194 of the Texas Rules of Civil Procedure, and requests Agency, Texas Commission on
Environmental Quality, disclose within 30 days of service of this request, the information or material
described in Rule 194.2(e), 194.2(f).

Respectfully submitted,

By: 
ELIZABETH R. MARTIN
Texas Bar No. 24027482
P.O. BOX 1764
106 W. BLANCO, STE. 206
BOERNE, TEXAS 78006
Tel. (830)816-8686
Fax. (830)816-8282
Attorney for RATEPAYERS

CERTIFICATE OF SERVICE

I certify that on February 15, 2006, a true and correct copy of Ratepayers, Request for Disclosure to Texas Commission on Environmental Quality was served via CERTIFIED MAIL on the following counsel.


ELIZABETH R. MARTIN

PARTIES

Cert. Mail. No. 7005 1820 0002 5752 3120
RATE PAYERS

REPRESENTATIVE / ADDRESS

AL HAMILTON
Attorney at Law
301 Eagle Drive
Boerne, Tx 78006
(830) 537.6001 (Ph)
(830) 537.6041 (Fax)

Cert. Mail. No. 7005 1820 0002 5752 3106
RANGER CREEK HOA

ERIC SHERER
Attorney at Law
1124 Wurzbach Rd. Ste. 100
San Antonio, Tx 78130
(210) 696.9730 (Ph)
(210) 696.9675 (Fax)

Cert. Mail. No. 7005 1820 0002 5752 3113
TCEQ PUBLIC INTEREST COUNCIL

MARY ALICE BOEHM-MCKAUGHAN
Staff Attorney
Texas Commission on Environmental Quality
Office of Public Interest Counsel
PO Box 13087 MC-175
Austin, Tx 78711-3087
(512) 239.6361 (PH)
(512) 239.6377 (FAX)

Cert. Mail. No. 7005 1820 0002 5752 3137
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

KATHY H. BROWN
Staff Attorney
Texas Comm. on Environmental Quality
Law Division
PO Box 13087 MC1-173
Austin, Tx 78711-3087
(512) 239.3417 (Ph)
(512) 239.0606 (Fax)

Cert. Mail. No. 7005 1820 0002 5752 3144
TAPATIO SPRINGS SERVICE CO.

PATRICK LINDNER
Attorney at Law
7550 IH-10 West, Northwest Center
Suite 800
San Antonio, Tx 78229
(210) 349-6484 (Ph)
(210) 349-0041 (Fax)

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

CHIEF CLERK'S OFFICE
MAY 15 2005

RATEPAYERS', REPRESENTED BY MS. MARTIN,
INTERROGATORIES TO
TO TEXAS COMMISSION ON ENVIRONMENTAL QUALITY


TO: TEXAS COMMISSION ON ENVIRONMENTAL QUALITY, Agency, by and through Agency's Staff Attorney, KATHY H. BROWN.

Please take notice that pursuant to Rules 192 and 197 of the Texas Rules of Civil Procedure, Plaintiff serves the attached interrogatories to be propounded to Agency, Texas Commission on Environmental Quality.

You are hereby instructed to answer the following interrogatories separately, fully, in writing, and under oath if required by Rule 197.2(d) of the Texas Rules of Civil Procedure. The answers shall be served upon the undersigned counsel within 30 days after the service of these interrogatories in Rule 215 of the Texas Rules of Civil Procedure.

Furthermore, demand is made for the supplementation of your answers to these interrogatories as required by Rule 193.5 of the Texas Rules of Civil Procedure.

Respectfully submitted,

By: 
ELIZABETH R. MARTIN
Texas Bar No. 24027482
P.O. BOX 1764
106 W. BLANCO, STE. 206
BOERNE, TEXAS 78006
Tel. (830)816-8686
Fax. (830)816-8282
Attorney for RATEPAYERS

CERTIFICATE OF SERVICE

I certify that on February 15, 2006, a true and correct copy of Interrogatories to Texas Commission on Environmental Quality was served via CERTIFIED MAIL on the following counsel.


ELIZABETH R. MARTIN

PARTIES

Cert. Mail. No. 7005 1820 0002 5752 3120
RATE PAYERS

REPRESENTATIVE / ADDRESS

AL HAMILTON
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301 Eagle Drive
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(830) 537.6001 (Ph)
(830) 537.6041 (Fax)

Cert. Mail. No. 7005 1820 0002 5752 3106
RANGER CREEK HOA

ERIC SHERER
Attorney at Law
1124 Wurzbach Rd. Ste. 100
San Antonio, Tx 78130
(210) 696.9730 (Ph)
(210) 696.9675 (Fax)

Cert. Mail. No. 7005 1820 0002 5752 3113
TCEQ PUBLIC INTEREST COUNCIL

MARY ALICE BOEHM-MCKAUGHAN
Staff Attorney
Texas Commission on Environmental Quality

Texas Commission on Environmental Quality
Office of Public Interest Counsel
PO Box 13087 MC-175
Austin, Tx 78711-3087
(512) 239.6361 (PH)
(512) 239.6377 (FAX)

Cert. Mail. No. 7005 1820 0002 5752 3137
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

KATHY H. BROWN
Staff Attorney
Texas Comm. on Environmental Quality
Law Division
PO Box 13087 MC1-173
Austin, Tx 78711-3087
(512) 239.3417 (Ph)
(512) 239.0606 (Fax)

Cert. Mail. No. 7005 1820 0002 5752 3144
TAPATIO SPRINGS SERVICE CO.

PATRICK LINDNER
Attorney at Law
7550 IH-10 West, Northwest Center
Suite 800
San Antonio, Tx 78229
(210) 349-6484 (Ph)
(210) 349-0041 (Fax)

DEFINITIONS AND INSTRUCTIONS

1. As used herein, the terms "you" and "your" shall mean **TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**, and all attorneys, agents, and other natural persons or business or legal entities acting or purporting to **ACT FOR OR ON BEHALF** of **TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**, whether authorized to do so or not.

2. As used herein, the term "documents" shall mean all writings of every kind, source and authorship, both originals and all nonidentical copies thereof, in your possession, custody, or control, or known by you to exist, irrespective of whether the writing is one intended for or transmitted internally by you, or intended for or transmitted to any other person or entity, including without limitation any government agency, department, administrative, or private entity or person. The term shall include handwritten, typewritten, printed, photocopied, photographic, or recorded matter. It shall include communications in words, symbols, pictures, sound recordings, films, tapes, and information stored in, or accessible through, computer or other information storage or retrieval systems, together with the codes and/or programming instructions and other materials necessary to understand and use such systems. For purposes of illustration and not limitation, the term shall include: affidavits; agendas; agreements; analyses; announcements; bills, statements, and other records of obligations and expenditures; books; brochures; bulletins; calendars; canceled checks, vouchers, receipts and other records of payments; charts or drawings; check registers; checkbooks; circulars; collateral files and contents; contracts; corporate bylaws; corporate charters; correspondence; credit files and contents; deeds of trust; deposit slips; diaries or drafts; files; guaranty agreements; instructions; invoices; ledgers, journals, balance sheets, profit and loss statements, and other sources of financial data; letters; logs, notes, or memoranda of telephonic or face-to-face conversations; manuals; memoranda of all kinds, to and from any persons, agencies, or entities; minutes; minute books; notes; notices; parts lists; papers; press releases; printed matter (including books, articles, speeches, and newspaper clippings); purchase orders; records; records of administrative, technical, and financial actions taken or recommended; reports; safety deposit boxes and contents and records of entry; schedules; security agreements; specifications; statements of bank accounts; statements or interviews; stock transfer ledgers; technical and engineering reports, evaluations, advice, recommendations, commentaries, conclusions, studies, test plans, manuals, procedures, data, reports, results, and conclusions; summaries, notes, and other records and recordings of any conferences, meetings, visits, statements, interviews or telephone conversations; telegrams; teletypes and other communications sent or received; transcripts of testimony; UCC instruments; work papers; and all other writings, the contents of which relate to, discuss, consider, or otherwise refer to the subject matter of the particular discovery requested.

3. In accordance with Tex. R. Civ. P. Rule 192.7, a document is deemed to be in your possession, custody or control if you either have physical possession of the item or have a right to possession of the item that is equal or superior to the person who has physical control of the item.

4. "Person" or "persons" means any natural persons, firms, partnerships, associations, joint ventures, corporations and any other form of business organization or arrangement, as well as governmental or quasi-governmental agencies. If other than a natural person, include all natural persons associated with such entity.

5. "Identify" or "Identification":

(a) When used in reference to a person, "identify" or "identification" means to state his or her full name, present or last known residence address, present or last known business address and telephone number.

(b) When used in reference to a public or private corporation, governmental entity, partnership or association, "identify" or "identification" means to state its full name, present or last known business address or operating address, the name of its Chief Executive Officer and telephone number.

(c) When used in reference to a document, "identify" or "identification" shall include statement of the following:

(i) the title, heading, or caption, if any, of such document;

(ii) the identifying number(s), letter(s), or combination thereof, if any; and the significance or meaning of such number(s), letter(s), or combination thereof, if necessary to an understanding of the document and evaluation of any claim of protection from discovery;

(iii) the date appearing on such document; if no date appears thereon, the answer shall so state and shall give the date or approximate date on which such document was prepared;

(iv) the number of pages and the general nature or description of such document (i.e., whether it is a letter, memorandum, minutes of a meeting, etc.), with sufficient particularity so as to enable such document to be precisely identified;

(v) the name and capacity of the person who signed such document; if it was not signed, the answer shall so state and shall give the name of the person or persons who prepared it;

(vi) the name and capacity of the person to whom such document was addressed and the name and capacity of such person, other than such addressee, to whom such document, or a copy thereof, was sent; and

(vii) the physical location of the document and the name of its custodian or custodians.

6. "Settlement": as used herein, means:

(a) an oral or written, disclosed or undisclosed agreement, bargain, contract, settlement, partial settlement, limited settlement, arrangement, deal, understanding, loan

arrangement, credit arrangement, contingent settlement, limitation on the amount of liability or judgment, or a promise by or between plaintiff and any defendants or between any defendants herein whereby plaintiff or defendants have in any way released, compromised, in whole or in part, directly or indirectly, or agreed to do so in the future, any of the matters in controversy in this lawsuit whether before, after or during trial or before or after any jury verdict is returned herein or a judgment is entered or rendered herein.

(b) any resolution of the differences between the plaintiff and defendants by loan to the plaintiff or any other device which is repayable in whole or in part out of any judgment the plaintiff may recover against defendants.

(c) The term "settlement" shall also include "Mary Carter Agreements" as that term is used under Texas Law.

7. Unless a specific date or dates is set forth in any specific question herein, you are directed that each question shall be answered for the period of time up to and including the present date.

INTERROGATORIES

1. Identify the agents and employees of Texas Commission on Environmental Quality in reviewing, evaluating, collecting information or participating in any manner with the application at issue in this matter and their contact information, project responsibility or duty, assigned task or objective.

ANSWER:

2. Identify the criteria used in approval and review of an application for an expanded CCN area.

ANSWER:

4. Identify the employee or person who verified that the proposed water requirements and water availability for the expanded CCN area complied with controlling federal and state statutes.

ANSWER:

5. Identify the employee or person who verified that the proposed sewer requirements for the expanded CCN area complied with controlling federal and state statutes.

ANSWER:

6. Identify all items requested from Tapatio Springs Service Company, Inc., Applicant, that have not been received.

ANSWER:

7. Identify the employee or person who is verifying that the financial viability of Tapatio Springs Service Company, Inc., Applicant, is sufficient to undertake this CCN expansion.

ANSWER:

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
CHIEF CLERK'S OFFICE
OF
ADMINISTRATIVE HEARINGS

RATEPAYERS', REPRESENTED BY MS. MARTIN,
FIRST REQUEST FOR PRODUCTION
TO TEXAS COMMISSION ON ENVIRONMENTAL QUALITY


TO: TEXAS COMMISSION ON ENVIRONMENTAL QUALITY, Agency, by and through Agency's Staff Attorney, KATHY H. BROWN.

Please take notice that request is hereby made by RATEPAYERS, pursuant to Rule 196 of the Texas Rules of Civil Procedure, that Agency, Texas Commission on Environmental Quality, produce or permit the undersigned attorney, ELIZABETH R. MARTIN, to inspect and copy or reproduce the items hereinafter designated on Exhibit "A" attached hereto.

Within 30 days after service of these Requests for Production, you must serve a written response to the undersigned attorney at P.O. Box 1764, Boerne, Texas 78006, including the items requested or stating with respect to each request that an inspection and copying or reproduction will be permitted as requested.

In the event a request is objected to, please specifically state (a) the legal or factual basis for the objection, and (b) the extent to which you refuse to comply with the request. Pursuant to Rule 193.2(b) of the Texas Rules of Civil Procedure, a party must comply with as much of the request to which the party has made no objection unless it is unreasonable under the circumstances to do so before obtaining a ruling on the objection.

Respectfully submitted,

By: 
ELIZABETH R. MARTIN
Texas Bar No. 24027482
P.O. BOX 1764
106 W. BLANCO, STE. 206
BOERNE, TEXAS 78006
Tel. (830)816-8686
Fax. (830)816-8282
Attorney for RATEPAYERS

CERTIFICATE OF SERVICE

I certify that on February 15, 2006, a true and correct copy of First Requests for Production of Documents to Texas Commission on Environmental Quality was served via CERTIFIED MAIL on the following counsel.


ELIZABETH R. MARTIN

PARTIES

Cert. Mail. No. 7005 1820 0002 5752 3120
RATE PAYERS

Cert. Mail. No. 7005 1820 0002 5752 3106
RANGER CREEK HOA

REPRESENTATIVE / ADDRESS

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Attorney at Law
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(830) 537.6041 (Fax)

ERIC SHERER
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(210) 696.9675 (Fax)

Cert. Mail. No. 7005 1820 0002 5752 3113
TCEQ PUBLIC INTEREST COUNCIL

MARY ALICE BOEHM-MCKAUGHAN
Staff Attorney
Texas Commission on Environmental Quality
Office of Public Interest Counsel
PO Box 13087 MC-175
Austin, Tx 78711-3087
(512) 239.6361 (PH)
(512) 239.6377 (FAX)

Cert. Mail. No. 7005 1820 0002 5752 3137
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

KATHY H. BROWN
Staff Attorney
Texas Commission on
Environmental Law Division
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TAPATIO SPRINGS SERVICE CO.

PATRICK LINDNER
Attorney at Law
7550 IH-10 West, Northwest Center
Suite 800
San Antonio, Tx 78229
(210) 349-6484 (Ph)
(210) 349-0041 (Fax)

DEFINITIONS AND INSTRUCTIONS

1. As used herein, the terms "you" and "your" shall mean **TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**, and all attorneys, agents, and other natural persons or business or legal entities acting or purporting to **ACT FOR OR ON BEHALF** of **TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**, whether authorized to do so or not.

2. As used herein, the term "documents" shall mean all writings of every kind, source and authorship, both originals and all nonidentical copies thereof, in your possession, custody, or control, or known by you to exist, irrespective of whether the writing is one intended for or transmitted internally by you, or intended for or transmitted to any other person or entity, including without limitation any government agency, department, administrative, or private entity or person. The term shall include handwritten, typewritten, printed, photocopied, photographic, or recorded matter. It shall include communications in words, symbols, pictures, sound recordings, films, tapes, and information stored in, or accessible through, computer or other information storage or retrieval systems, together with the codes and/or programming instructions and other materials necessary to understand and use such systems. For purposes of illustration and not limitation, the term shall include: affidavits; agendas; agreements; analyses; announcements; bills, statements, and other records of obligations and expenditures; books; brochures; bulletins; calendars; canceled checks, vouchers, receipts and other records of payments; charts or drawings; check registers; checkbooks; circulars; collateral files and contents; contracts; corporate bylaws; corporate charters; correspondence; credit files and contents; deeds of trust; deposit slips; diaries or drafts; files; guaranty agreements; instructions; invoices; ledgers, journals, balance sheets, profit and loss statements, and other sources of financial data; letters; logs, notes, or memoranda of telephonic or face-to-face conversations; manuals; memoranda of all kinds, to and from any persons, agencies, or entities; minutes; minute books; notes; notices; parts lists; papers; press releases; printed matter (including books, articles, speeches, and newspaper clippings); purchase orders; records; records of administrative, technical, and financial actions taken or recommended; reports; safety deposit boxes and contents and records of entry; schedules; security agreements; specifications; statements of bank accounts; statements or interviews; stock transfer ledgers; technical and engineering reports, evaluations, advice, recommendations, commentaries, conclusions, studies, test plans, manuals, procedures, data, reports, results, and conclusions; summaries, notes, and other records and recordings of any conferences, meetings, visits, statements, interviews or telephone conversations; telegrams; teletypes and other communications sent or received; transcripts of testimony; UCC instruments; work papers; and all other writings, the contents of which relate to, discuss, consider, or otherwise refer to the subject matter of the particular discovery requested.

3. In accordance with Tex. R. Civ. P. Rule 192.7, a document is deemed to be in your possession, custody or control if you either have physical possession of the item or have a right to possession of the item that is equal or superior to the person who has physical control of the item.

4. "Person" or "persons" means any natural persons, firms, partnerships, associations, joint ventures, corporations and any other form of business organization or arrangement, as well as

governmental or quasi-governmental agencies. If other than a natural person, include all natural persons associated with such entity.

5. Any and all data or information which is in electronic or magnetic form should be produced in a reasonable manner.

6. "Application" as used herein, means the Application to Obtain or Amend a Water/Sewer Certificate of Convenience and Necessity submitted by Tapatio Springs Service Company, Inc.

USE OF DEFINITIONS

The use of any particular gender in the plural or singular number of the words defined under paragraph "1", "Definitions" is intended to include the appropriate gender or number as the text of any particular request for production of documents may require.

TIME PERIOD

Unless specifically stated in a request for production of documents, all information herein requested is for the entire time period from January 1, 2001, through the date of production of documents requested herein.

EXHIBIT A
DOCUMENTS TO BE PRODUCED

1. CDS International Holdings, Inc.'s year-end financial statement and board authorization for the financial obligation that Darrell Nichols stated he would provide in his June 17, 2005 letter.
2. The corporation's "Certification of Account Status" required Application 1.C.i.
3. The corporation's Articles of Incorporation and By-Laws required by Application 1.D.i.
4. The subdivision plat or engineering plans or other maps showing the "exact proposed service area boundary" required by Application 2.E.i.A. and in compliance with Application 2.E.i.D.
5. The summary of how the proposed utility system will be constructed and description of each projected construction phase as request by Application 4.C.
6. The documents submitted in compliance with item 6. of the Application including but not limited to;
 - a. the analysis of all necessary costs for constructing, operating and maintaining the system for which the CCN is requested for at least the first five years;
 - b. or the comparison analysis of all necessary costs for acquiring and continuing to receive service from the existing system for the same period;
 - c. the projected profit and loss statements, cash flow worksheets, and balance sheets for each of the first five years of the operation;
 - d. the proposed rate schedule or tariff;
 - e. the procedure for determining the rates and fees and indication of last change;
 - f. copies of any cost of service studies or rate analysis worksheets;
 - g. the profit and loss statement and current balance sheet for existing businesses;
 - h. sources and terms for borrowed capital; and
 - i. loan approvals from lending institutions or agencies including the most recent financial audit of the applicant.
7. A copy of the legal description of Application Attachment B, Non-Standard Service Agreement between CDS International Holdings, Inc. and Tapatio Springs Service Company, Inc., said legal description being designated in the agreement as Exhibit 1 on page one of the agreement.
8. A copy of the additional pages 16-27 of TCEQ-10362 (Revised 11/02) that Michelle Abrams requested of Darrell Nichols in a May 2005 letter, specifically requesting the pace for capital investment, the annual connection rate, cash inflow and depth of reserve in the utilities balance sheet.
9. Date of plat approval requested by Application 4.D.
8. All written reports of inspection, maps, surveys, tests, writings, drawings, graphs,

charts, recordings or opinions of any expert who has been used for consultation in connection with this application or protest including but not limited to those experts whose work product was reviewed in whole or in part by an expert who is to be called as a witness.

9. A curriculum vitae or resume for any testifying expert or consulting expert whose mental impressions or opinions have been reviewed by a testifying expert.

10. Copies of any and all books, documents or other tangible things which may be used at the time of trial of this protest.

11. All documents from B&D Environmental, Inc. and/or Matkin-Hoover Engineering, Inc. associated or related to the application in this matter or related to water supply or sewer service for TAPATIO SPRINGS SERVICE COMPANY, INC.

12. All communications by any individual employed by Texas Commission on Environmental Quality concerning Tapatio Springs Service Company, Inc. application for expansion of their CCN including but not limited to review of financial ratios and engineering analysis.

13. All documents related to the impact of regulation by Cow Creek Ground Water District over the TEN (10) new commercial wells proposed by TAPATIO SPRINGS SERVICE COMPANY, INC. and the impact if those wells are not viable due to any reason.

14. All other documents submitted to or created by the Texas Commission on Environmental Quality relating to TAPATIO SPRINGS SERVICE COMPANY, INC.'s application for the expansion.



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

APPLICATION OF TAPATIO SPRINGS § BEFORE THE STATE OFFICE
SERVICE COMPANY, INC., §
TO AMEND CERTIFICATES § OF
OF CONVENIENCE AND NECESSITY § ADMINISTRATIVE HEARINGS
NOS. 12122 AND 20698 IN KENDALL §
COUNTY, TEXAS §


CHIEF CLERK'S OFFICE
MAY 18 10 03 AM '07
TCEQ

RATEPAYERS', REPRESENTED BY MS. MARTIN,
REQUEST FOR DISCLOSURE
TO APPLICANT TAPATIO SPRINGS SERVICE COMPANY, INC.

TO: TAPATIO SPRINGS SERVICE COMPANY, INC., Applicant, by and through Applicant's attorney of record, PATRICK LINDNER

NOW COMES RATEPAYERS, in the above styled and numbered cause, and pursuant to Rule 194 of the Texas Rules of Civil Procedure, and requests Applicant, Tapatio Springs Service Company, Inc., disclose within 30 days of service of this request, the information or material described in Rule 194.2(e), 194.2(f).

Respectfully submitted,

By: 
ELIZABETH R. MARTIN
Texas Bar No. 24027482
P.O. BOX 1764
106 W. BLANCO, STE. 206
BOERNE, TEXAS 78006
Tel. (830)816-8686
Fax. (830)816-8282
Attorney for RATEPAYERS

CERTIFICATE OF SERVICE

I certify that on February 15, 2006, a true and correct copy of Request for Disclosure to Tapatio Springs Service Company, Inc. was served via CERTIFIED MAIL on the following counsel.


ELIZABETH R. MARTIN

PARTIES

Cert. Mail. No. 7005 1820 0002 5752 3120
RATE PAYERS

REPRESENTATIVE / ADDRESS

AL HAMILTON
Attorney at Law
301 Eagle Drive
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RANGER CREEK HOA

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TCEQ PUBLIC INTEREST COUNCIL

MARY ALICE BOEHM-MCKAUGHAN
Staff Attorney
Texas Commission on Environmental Quality
Office of Public Interest Counsel
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TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

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Texas Comm. on Environmental Quality
Law Division
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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

§
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§

2012-06-14 AM 9:53
BEFORE THE STATE OFFICE
OF
CHIEF CLERK'S OFFICE
ADMINISTRATIVE HEARINGS

RATEPAYERS', REPRESENTED BY MS. MARTIN,
INTERROGATORIES TO
TO APPLICANT TAPATIO SPRINGS SERVICE COMPANY, INC.

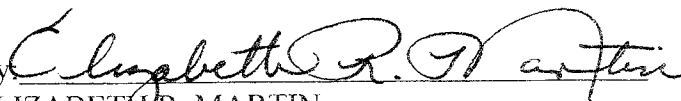
TO: TAPATIO SPRINGS SERVICE COMPANY, INC., Applicant, by and through Applicant's attorney of record, PATRICK LINDNER

Your failure to make timely answers or objections may subject you to sanctions as provided. Please take notice that pursuant to Rules 192 and 197 of the Texas Rules of Civil Procedure, Ratepayers serve the attached interrogatories to be propounded to Applicant, Tapatio Springs Service Company, Inc.

You are hereby instructed to answer the following interrogatories separately, fully, in writing, and under oath if required by Rule 197.2(d) of the Texas Rules of Civil Procedure. The answers shall be served upon the undersigned counsel within 30 days after the service of these interrogatories in Rule 215 of the Texas Rules of Civil Procedure.

Furthermore, demand is made for the supplementation of your answers to these interrogatories as required by Rule 193.5 of the Texas Rules of Civil Procedure.

Respectfully submitted,

By 

ELIZABETH R. MARTIN

Texas Bar No. 24027482

P.O. BOX 1764

106 W. BLANCO, STE. 206

BOERNE, TEXAS 78006

Tel. (830)816-8686

Fax. (830)816-8282

Attorney for RATEPAYERS

CERTIFICATE OF SERVICE

I certify that on February 15, 2006, a true and correct copy of Interrogatories to Tapatio Springs Service Company, Inc. was served via CERTIFIED MAIL on the following counsel.


ELIZABETH R. MARTIN

PARTIES

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RATE PAYERS

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Cert. Mail. No. 7005 1820 0002 5752 3144
TAPATIO SPRINGS SERVICE CO.

PATRICK LINDNER
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7550 IH-10 West, Northwest Center
Suite 800
San Antonio, Tx 78229
(210) 349-6484 (Ph)
(210) 349-0041 (Fax)

DEFINITIONS AND INSTRUCTIONS

1. As used herein, the terms "you" and "your" shall mean **TAPATIO SPRINGS SERVICE COMPANY, INC.**, and all attorneys, agents, and other natural persons or business or legal entities acting or purporting to **ACT FOR OR ON BEHALF** of **TAPATIO SPRINGS SERVICE COMPANY, INC.**, whether authorized to do so or not.

2. As used herein, the term "documents" shall mean all writings of every kind, source and authorship, both originals and all nonidentical copies thereof, in your possession, custody, or control, or known by you to exist, irrespective of whether the writing is one intended for or transmitted internally by you, or intended for or transmitted to any other person or entity, including without limitation any government agency, department, administrative, or private entity or person. The term shall include handwritten, typewritten, printed, photocopied, photographic, or recorded matter. It shall include communications in words, symbols, pictures, sound recordings, films, tapes, and information stored in, or accessible through, computer or other information storage or retrieval systems, together with the codes and/or programming instructions and other materials necessary to understand and use such systems. For purposes of illustration and not limitation, the term shall include: affidavits; agendas; agreements; analyses; announcements; bills, statements, and other records of obligations and expenditures; books; brochures; bulletins; calendars; canceled checks, vouchers, receipts and other records of payments; charts or drawings; check registers; checkbooks; circulars; collateral files and contents; contracts; corporate bylaws; corporate charters; correspondence; credit files and contents; deeds of trust; deposit slips; diaries or drafts; files; guaranty agreements; instructions; invoices; ledgers, journals, balance sheets, profit and loss statements, and other sources of financial data; letters; logs, notes, or memoranda of telephonic or face-to-face conversations; manuals; memoranda of all kinds, to and from any persons, agencies, or entities; minutes; minute books; notes; notices; parts lists; papers; press releases; printed matter (including books, articles, speeches, and newspaper clippings); purchase orders; records; records of administrative, technical, and financial actions taken or recommended; reports; safety deposit boxes and contents and records of entry; schedules; security agreements; specifications; statements of bank accounts; statements or interviews; stock transfer ledgers; technical and engineering reports, evaluations, advice, recommendations, commentaries, conclusions, studies, test plans, manuals, procedures, data, reports, results, and conclusions; summaries, notes, and other records and recordings of any conferences, meetings, visits, statements, interviews or telephone conversations; telegrams; teletypes and other communications sent or received; transcripts of testimony; UCC instruments; work papers; and all other writings, the contents of which relate to, discuss, consider, or otherwise refer to the subject matter of the particular discovery requested.

3. In accordance with Tex. R. Civ. P. Rule 192.7, a document is deemed to be in your possession, custody or control if you either have physical possession of the item or have a right to possession of the item that is equal or superior to the person who has physical control of the item.

4. "Person" or "persons" means any natural persons, firms, partnerships, associations, joint ventures, corporations and any other form of business organization or arrangement, as well as governmental or quasi-governmental agencies. If other than a natural person, include all natural persons associated with such entity.

5. "Identify" or "Identification":

(a) When used in reference to a person, "identify" or "identification" means to state his or her full name, present or last known residence address, present or last known business address and telephone number.

(b) When used in reference to a public or private corporation, governmental entity, partnership or association, "identify" or "identification" means to state its full name, present or last known business address or operating address, the name of its Chief Executive Officer and telephone number.

(c) When used in reference to a document, "identify" or "identification" shall include statement of the following:

(i) the title, heading, or caption, if any, of such document;

(ii) the identifying number(s), letter(s), or combination thereof, if any; and the significance or meaning of such number(s), letter(s), or combination thereof, if necessary to an understanding of the document and evaluation of any claim of protection from discovery;

(iii) the date appearing on such document; if no date appears thereon, the answer shall so state and shall give the date or approximate date on which such document was prepared;

(iv) the number of pages and the general nature or description of such document (i.e., whether it is a letter, memorandum, minutes of a meeting, etc.), with sufficient particularity so as to enable such document to be precisely identified;

(v) the name and capacity of the person who signed such document; if it was not signed, the answer shall so state and shall give the name of the person or persons who prepared it;

(vi) the name and capacity of the person to whom such document was addressed and the name and capacity of such person, other than such addressee, to whom such document, or a copy thereof, was sent; and

(vii) the physical location of the document and the name of its custodian or custodians.

6. "Settlement": as used herein, means:

(a) an oral or written, disclosed or undisclosed agreement, bargain, contract, settlement, partial settlement, limited settlement, arrangement, deal, understanding, loan

arrangement, credit arrangement, contingent settlement, limitation on the amount of liability or judgment, or a promise by or between plaintiff and any defendants or between any defendants herein whereby plaintiff or defendants have in any way released, compromised, in whole or in part, directly or indirectly, or agreed to do so in the future, any of the matters in controversy in this lawsuit whether before, after or during trial or before or after any jury verdict is returned herein or a judgment is entered or rendered herein.

(b) any resolution of the differences between the plaintiff and defendants by loan to the plaintiff or any other device which is repayable in whole or in part out of any judgment the plaintiff may recover against defendants.

(c) The term "settlement" shall also include "Mary Carter Agreements" as that term is used under Texas Law.

7. Unless a specific date or dates is set forth in any specific question herein, you are directed that each question shall be answered for the period of time up to and including the present date.

INTERROGATORIES

1. Identify the officers, directors, stockholders, managers and employees of Tapatio Springs Service Company, Inc. and their responsibility with or to the company.

ANSWER:

2. Identify all engineers, consultants, real estate agents, contractors, architects, attorneys or other individuals involved with or engaged in the planning and execution of the proposed expansion and their address, project responsibility, assigned task or objective, fees paid or to be paid, which entity pays their fees and estimated completion date of their project task.

ANSWER:

3. Identify the entity or entities to provide the financial resources to service the expanded CCN area.

ANSWER:

4. Identify the expert or person who determined the water requirements and water availability for the expanded CCN area.

ANSWER:

5. Identify the expert or person who determined the sewer requirements for the expanded CCN area.

ANSWER:

6. Identify the expert or person/s who records and compiles the water production data for Kendall County Utility Company and Tapatio Springs Service Company, Inc.

ANSWER:

7. Identify the owners of Tapatio Springs Service Company, Inc., form of ownership and their percentage of ownership.

ANSWER:

8. Identify the current debt to equity ratio for the applicant Tapatio Springs Service Company, Inc.

ANSWER:

9. Identify what physical assets will constitute the “enormous amount of storage capacity” as reported in the Water Supply Analysis for Tapatio Springs Service Company CCN Nos. 12122 and 20698; August 2005 prepared by John-Mark Matkin, Matkin-Hoover Engineering, Inc.

ANSWER:

10. Identify the Water Loss Factor for Tapatio Springs Service Company, Inc. for the last five years and the corrective actions taken to reduce the water loss.

ANSWER:

11. Identify all expenses or costs incurred by Tapatio Springs Service Company, Inc. and paid for by CDS International Holdings, Inc., its subsidiaries, principals, stockholders, or management.

ANSWER:

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

JUN 20 11 31 AM '06
TCEQ
CHIEF CLERK OFFICE

APPLICATION OF TAPATIO SPRINGS	§	BEFORE THE STATE OFFICE
SERVICE COMPANY, INC.,	§	
TO AMEND CERTIFICATES	§	OF
OF CONVENIENCE AND NECESSITY	§	
NOS. 12122 AND 20698 IN KENDALL	§	ADMINISTRATIVE HEARINGS
COUNTY, TEXAS	§	

RATEPAYERS', REPRESENTED BY MS. MARTIN,
FIRST REQUEST FOR PRODUCTION
TO APPLICANT TAPATIO SPRINGS SERVICE COMPANY, INC.

TO: TAPATIO SPRINGS SERVICE COMPANY, INC., Applicant, by and through Applicant's attorney of record, PATRICK LINDNER

Please take notice that request is hereby made by RATEPAYERS, pursuant to Rule 196 of the Texas Rules of Civil Procedure, that Applicant, Tapatio Springs Service Company, Inc., produce or permit the undersigned attorney, ELIZABETH R. MARTIN, to inspect and copy or reproduce the items hereinafter designated on Exhibit "A" attached hereto.

Within 30 days after service of these Requests for Production, you must serve a written response to the undersigned attorney at P.O. Box 1764, Boerne, Texas 78006, including the items requested or stating with respect to each request that an inspection and copying or reproduction will be permitted as requested.

In the event a request is objected to, please specifically state (a) the legal or factual basis for the objection, and (b) the extent to which you refuse to comply with the request. Pursuant to Rule 193.2(b) of the Texas Rules of Civil Procedure, a party must comply with as much of the request to which the party has made no objection unless it is unreasonable under the circumstances to do so before obtaining a ruling on the objection.

Respectfully submitted,

By: 
ELIZABETH R. MARTIN

Texas Bar No. 24027482
P.O. BOX 1764
106 W. BLANCO, STE. 206
BOERNE, TEXAS 78006
Tel. (830)816-8686
Fax. (830)816-8282
Attorney for RATEPAYERS

CERTIFICATE OF SERVICE

I certify that on February 15, 2006 a true and correct copy of First Request for Production of Documents to Tapatio Springs Service Company, Inc. was served via CERTIFIED MAIL on the following counsel.


Elizabeth R. Martin

PARTIES

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RATE PAYERS

REPRESENTATIVE / ADDRESS

AL HAMILTON
Attorney at Law
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TCEQ PUBLIC INTEREST COUNCIL

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TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

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DEFINITIONS AND INSTRUCTIONS

1. As used herein, the terms "you" and "your" shall mean **TAPATIO SPRINGS SERVICE COMPANY, INC.**, and all attorneys, agents, and other natural persons or business or legal entities acting or purporting to **ACT FOR OR ON BEHALF** of **TAPATIO SPRINGS SERVICE COMPANY, INC.**, whether authorized to do so or not.

2. As used herein, the term "documents" shall mean all writings of every kind, source and authorship, both originals and all nonidentical copies thereof, in your possession, custody, or control, or known by you to exist, irrespective of whether the writing is one intended for or transmitted internally by you, or intended for or transmitted to any other person or entity, including without limitation any government agency, department, administrative, or private entity or person. The term shall include handwritten, typewritten, printed, photocopied, photographic, or recorded matter. It shall include communications in words, symbols, pictures, sound recordings, films, tapes, and information stored in, or accessible through, computer or other information storage or retrieval systems, together with the codes and/or programming instructions and other materials necessary to understand and use such systems. For purposes of illustration and not limitation, the term shall include: affidavits; agendas; agreements; analyses; announcements; bills, statements, and other records of obligations and expenditures; books; brochures; bulletins; calendars; canceled checks, vouchers, receipts and other records of payments; charts or drawings; check registers; checkbooks; circulars; collateral files and contents; contracts; corporate bylaws; corporate charters; correspondence; credit files and contents; deeds of trust; deposit slips; diaries or drafts; files; guaranty agreements; instructions; invoices; ledgers, journals, balance sheets, profit and loss statements, and other sources of financial data; letters; logs, notes, or memoranda of telephonic or face-to-face conversations; manuals; memoranda of all kinds, to and from any persons, agencies, or entities; minutes; minute books; notes; notices; parts lists; papers; press releases; printed matter (including books, articles, speeches, and newspaper clippings); purchase orders; records; records of administrative, technical, and financial actions taken or recommended; reports; safety deposit boxes and contents and records of entry; schedules; security agreements; specifications; statements of bank accounts; statements or interviews; stock transfer ledgers; technical and engineering reports, evaluations, advice, recommendations, commentaries, conclusions, studies, test plans, manuals, procedures, data, reports, results, and conclusions; summaries, notes, and other records and recordings of any conferences, meetings, visits, statements, interviews or telephone conversations; telegrams; teletypes and other communications sent or received; transcripts of testimony; UCC instruments; work papers; and all other writings, the contents of which relate to, discuss, consider, or otherwise refer to the subject matter of the particular discovery requested.

3. In accordance with Tex. R. Civ. P. Rule 192.7, a document is deemed to be in your possession, custody or control if you either have physical possession of the item or have a right to possession of the item that is equal or superior to the person who has physical control of the item.

4. "Person" or "persons" means any natural persons, firms, partnerships, associations, joint ventures, corporations and any other form of business organization or arrangement, as well as governmental or quasi-governmental agencies. If other than a natural person, include all natural persons associated with such entity.

5. Any and all data or information which is in electronic or magnetic form should be produced in a reasonable manner.

USE OF DEFINITIONS

The use of any particular gender in the plural or singular number of the words defined under paragraph "1", "Definitions" is intended to include the appropriate gender or number as the text of any particular request for production of documents may require.

TIME PERIOD

Unless specifically stated in a request for production of documents, all information herein requested is for the entire time period from January 1, 2001, through the date of production of documents requested herein.

EXHIBIT A
DOCUMENTS TO BE PRODUCED

1. All documents submitted to the Texas Commission on Environmental Quality relating to TAPATIO SPRINGS SERVICE COMPANY, INC.'s application for the expansion with notation of the source or origin of the document.

2. All documents related to the water production and service history for any and all the wells proposed to be used for this CCN owned or operated by TAPATIO SPRINGS SERVICE COMPANY, INC. or KENDALL COUNTY UTILITY COMPANY or other water provider which may be in the possession, custody or control of TAPATIO SPRINGS SERVICE COMPANY, INC., its' attorney or anyone acting on its' behalf.

3. A copy of all documents filed with or presented to any state, county, city, federal or governmental agency, institution or department containing information concerning TAPATIO SPRINGS SERVICE COMPANY, INC or the proposed development to be serviced by the company which may be in the possession, custody or control of TAPATIO SPRINGS SERVICE COMPANY, INC., its' attorney or anyone acting on its' behalf, including but not limited to State Tax reports or returns, and Federal Tax Returns.

4. All documents related to all financial accounts or balances including but not limited to the bank accounts, notes, debts, bills, investment accounts, trust accounts, any financial equity, any financial liability, or any asset of TAPATIO SPRINGS SERVICE COMPANY, INC. or CDS International Holdings, Inc. which may be in the possession, custody or control of TAPATIO SPRINGS SERVICE COMPANY, INC. or CDS International Holdings, Inc., their attorneys or anyone acting on their behalf. This request includes but is not limited to budgets and financial statements and automated financial records as well as from Kendall County Utility Company, Inc., Tapatio Springs Development Company, Inc., Tapatio Springs Golf Resort, Inc., Tapatio Springs Real Estate Holdings, L.P., Tapatio Springs Builders, Inc., Kendall County Development Company, L.P., Country Club Management Group, Inc., CDS Bandera Realty, CDS Texas Realty, Mountain View at Tapatio, L.P., Lynzara-Austin Real Estate Management South, LLC, Lynzara-Austin Real Estate Management, LLC, and any affiliate thereof.

5. All documents related to TAPATIO SPRINGS SERVICE COMPANY, INC. or CDS International Holdings, Inc. affiliations with Kendall County Utility Company, Inc., Tapatio Springs Development Company, Inc., Tapatio Springs Golf Resort, Inc., Tapatio Springs Real Estate Holdings, L.P., Tapatio Springs Builders, Inc., Kendall County Development Company, L.P., Country Club Management Group, Inc., CDS Bandera Realty, CDS Texas Realty, Mountain View at Tapatio, L.P., Lynzara-Austin Real Estate Management South, LLC, Lynzara-Austin Real Estate Management, LLC, and any affiliate thereof, regarding applicant's current or future collection or distribution of water and/or their interest or involvement with the applicant's financial management or equity or debt structure of the applicant or CDS International Holdings, Inc. which is the financial guarantor under this application.

6. All documents provided to George Mendez, CPA for review of TAPATIO SPRINGS

SERVICE COMPANY, INC. or CDS International Holdings, Inc. accounts and financial statements and any communication from George Mendez, CPA or any other accountant or financial advisor.

7. All documents related to draws or loans to or from TAPATIO SPRINGS SERVICE COMPANY, INC. or CDS International Holdings, Inc. by or to owners, stockholders, managers, directors, employees of TAPATIO SPRINGS SERVICE COMPANY, INC. or CDS International Holdings, Inc. or between those entities.

8. All written reports of inspection, maps, surveys, tests, writings, drawings, graphs, charts, recordings or opinions of any expert who has been used for consultation in connection with this application or protest including but not limited to those experts whose work product was reviewed in whole or in part by an expert who is to be called as a witness.

9. A curriculum vitae or resume for any testifying expert or consulting expert whose mental impressions or opinions have been reviewed by a testifying expert.

10. Copies of any and all books, documents or other tangible things which may be used at the time of trial of this protest.

11. All documents from B&D Environmental, Inc. and/or Matkin-Hoover Engineering, Inc. associated or related to the application in this matter or related to water supply or sewer service for TAPATIO SPRINGS SERVICE COMPANY, INC. or CDS International Holdings, Inc. including but not limited to all source documents for the Water Supply Analysis for Tapatio Springs Service Company prepared by John-Mark Matkin.

12. Any new or proposed amended or altered agreement between TAPATIO SPRINGS SERVICE COMPANY, INC. or CDS International Holdings, Inc.

13. All documents related to regulation by Cow Creek Ground Water District over TAPATIO SPRINGS SERVICE COMPANY, INC. including but not limited to operating permits for wells and reporting of well information.

14. All Documents related to the balance sheet dated December 31, 2004, included in the application, including but not limited to Accounts Payable – Kendall County Utility Company, Note 8 in the amount of \$35,000; Inter-company Golf Resort in the amount of \$201,000; Inter-company – T/S Dev (\$357,000); I/C-KCDC Note 9 in the amount of \$23,000; Inter-company – KCUC in the amount of \$42,000.

15. Annual reports to the TCEQ for TAPATIO SPRINGS SERVICE COMPANY, INC. and KENDALL COUNTY UTILITY COMPANY.

16. Current Drought Contingency plans approved by the TCEQ for Tapatio Springs Service Company, Inc. and Kendall County Utility Company.

17. Tapatio Springs Service Company, Inc. monthly billing and receipts for each account associated with the Tapatio Springs Golf Resort.

18. All reporting documents required by TCEQ relating to loans, notes or other indebtedness to any corporation or person directly or indirectly owning interest in Tapatio Springs Service Company, Inc.