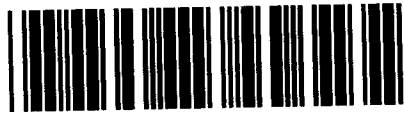


Control Number: 43990



Item Number: 7

Addendum StartPage: 0

APR-21-2006 FRI 11:11 AM DAVIDSON TROILO

FAX NO. 512 159

JOHN W. DAVIDSON
ARTHUR TROILO
TERRY TOPHAM
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R. GAINES GRIFFIN
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LAW OFFICES OF
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A PROFESSIONAL CORPORATION

AUSTIN

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512/469-6006 • FAX 512/473-2159

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DALE W. LEMING
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RENEE R. HOLLANDER

SAN ANTONIO OFFICE
7880 W. IRLAND, SUITE 800 78229-8810
210/349-8484 • FAX 210/349-0041

April 21, 2006

Elizabeth Robison Martin
P O Box 1764
Boerne, Texas 78006

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. Martin:

Enclosed please find Verifications for Tapatio Springs Service Company, Inc.'s Responses to the Ratepayers' Interrogatories, Request for Admissions, Requests for Production and Request for Disclosure in the above-referenced matter. Please call me if you have any questions.

Sincerely,

Maria Sanchez
Maria Sanchez

Enclosure

VERIFICATION**STATE OF TEXAS****COUNTY OF TRAVIS**

BEFORE ME, the undersigned Notary Public, on this day personally appeared Darrell Nichols, who being by me duly sworn on oath deposed and said that he had read his responses to Ratepayers' Request for Disclosure, Interrogatories, Request for Admissions, and Request for Production, and that every statement contained in his responses is within his personal knowledge and is true and correct.

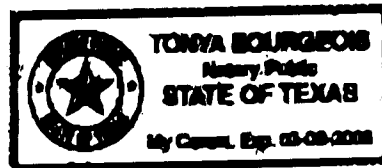
Darrell Nichols
Darrell Nichols

SUBSCRIBED AND SWORN TO BEFORE ME on the 19th day of April 2006, to certify which witness my hand and official seal.

Tonya Bourgeois
Printed Name

Tonya Bourgeois
Notary Public in and for
State of Texas

My commission expires: 3-8-2008

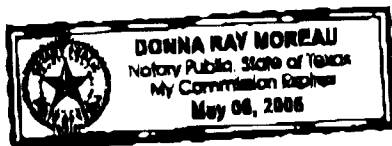



VERIFICATION**STATE OF TEXAS****COUNTY OF KENDALL**

BEFORE ME, the undersigned Notary Public, on this day personally appeared Stan Scott, who being by me duly sworn on oath deposed and said that he had read his responses to Ratepayers' Request for Disclosure, Interrogatories, Request for Admissions, and Request for Production, and that every statement contained in his responses is within his personal knowledge and is true and correct.


Stan Scott

SUBSCRIBED AND SWORN TO BEFORE ME on the 18th day of April 2006, to certify which witness my hand and official seal.

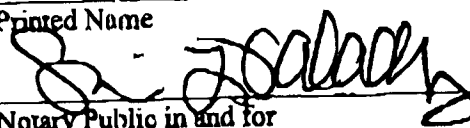

Printed Name
Notary Public in and for
State of TexasMy commission expires: 5-6-06

VERIFICATION**STATE OF TEXAS****COUNTY OF KENDALL**

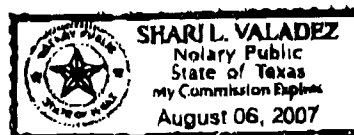
BEFORE ME, the undersigned Notary Public, on this day personally appeared Ken Kolacny, who being by me duly sworn on oath deposed and said that he had read his responses to Ratepayers' Request for Disclosure, Interrogatories, Request for Admissions, and Request for Production, and that every statement contained in his responses is within his personal knowledge and is true and correct.


Ken Kolacny

SUBSCRIBED AND SWORN TO BEFORE ME on the 19 day of April 2006, to certify which witness my hand and official seal.

Shari L. Valadez
Printed Name

Notary Public in and for
State of Texas

My commission expires: 8-6-07



JOHN W. DAVIDSON
ARTHUR TROILO
TERRY TOPHAM
CHERE TULL KINZIE
R. GAINES GRIFFIN
RICHARD E. HETTINGER
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JAMES C. MOO
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SUSAN M. REAY

AUSTIN OFFICE

AUSTIN
919 CONGRESS, SUITE 810, 78701
Phone: 512/469-6006 FAX: 512/473-2159

TELECOPY TRANSMITTAL LETTER

TO:	Elizabeth Martin	830-816-8282
	Eric Sherer	210-696-9675
	Mary Alice Boehm-McKaughan	239-6377
	Kathy Brown	239-0606
	Patrick Lindner	210-349-0041
	La Donna Castanuela	239-3311

FROM: Maria Sanchez
RE: Tapatio Springs' Verifications for Responses to Ratepayers' Interrogatories,
Request for Admissions, Production, and Disclosure
DATE: April 21, 2006

CHIEF CLERK'S OFFICE

206 APR 21 PM 12:24

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

This transmission consists of a total of 5 pages, including this cover page. If you do not receive all pages, or if any difficulty in transmission occurs, please contact Sunny at 512-469 6006 or 800-635-7832

Message:

Hard copy Will ☒ Will Not ☐ follow.

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CCV/12122/582-06-0425
LAW OFFICE OF ELIZABETH R. MARTIN

FACSIMILE TRANSMITTAL SHEET

TO: Fax No.
Susan White
TCEQ Office of the Chief Clerk 512 239.3311

FROM: Dianne Wiltz
Legal Assistant (With Permission)

COMPANY: DATE
JUNE 28, 2007
FAX NUMBER: TOTAL NO. OF PAGES INCLUDING COVER:
1
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-UCR
Notice of Vacation

☐ 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 WILTZ AT 830 816 8686

Dear Susan,

Pursuant to your request, the following are the Docket No.'s affected by the Notice of Vacation for Elizabeth R. Martin, that was mailed to your office.

SOAH Docket No. 582-06-0425
TCEQ Docket No. 2005-1516-UCR

Thank you for your assistance in this matter.

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

Law Office of Elizabeth R. Martin
Attorney at Law
Dienger Building
106 West Blanco, Suite 206
P.O. Box 1764
Boerne, Texas 78006
Ph: 830/816.8686
Fax: 830/816.8282
†

June 25, 2007

Shirley R. Stehling, District Clerk
Kendall County District Court
201 E. San Antonio, Ste. 201
Boerne, Texas 78006

Darlene Herrin, County Clerk
Kendall County Court at Law
210 E. San Antonio, Ste 127
Boerne, Texas 78006

LaDonna Castañuela
Office of the Chief Clerk, MC-105
Texas Commission on Environmental Quality
State Office of Administrative Hearing
P.O. Box 13087
Austin, TX 78711-3087

Bexar County District Clerk
Bexar County Courthouse
100 Dolorosa
San Antonio, TX 78205

Jeff Davis County Clerk, Pam Mills
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Fort Davis, TX 79734

Rosemary Bolte, CPA
Carneiro, Chumney & Company
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San Antonio, TX 78216-5876

Gloria Arecchi, CPA
505 S. Main Ave., # 105
San Antonio, TX 78204

Lillian D. Brigman
Internal Revenue Service
Office of Chief Counsel
(Small Business/Self Employed)
8701 S. Gessener, Suite 710
Houston, TX 77074-2915

Clerks and Courts
June 25, 2007
Page 2

RE: Vacation Lett

Dear Ladies and Gentlemen:

This letter will constitute formal notice that I will be on vacation during the following time:

August 3, 2007 through August 15, 2007

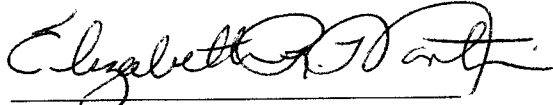
I would ask that the Court set no hearings, court appearances, items requiring a deadline or trials during these periods.

By copy of this letter I am providing all counsel of record with a copy of this communication with the court.

Thank you.

Sincerely yours,

Law Office of Elizabeth R. Martin

A handwritten signature in cursive script, appearing to read "Elizabeth R. Martin", written over a horizontal line.

By Elizabeth R. Martin

erm:dw

cc: Counsel

State Office of Administrative Hearings



Shelia Bailey Taylor
Chief Administrative Law Judge

November 13, 2006

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

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:

This is my recommendation concerning the exceptions filed by Andrew Calvert, *et al.* (Opposing Ratepayers) to my Proposal for Decision (PFD) in the above case. No other party filed exceptions.

Attachment A to the Opposing Ratepayers' exceptions is not in evidence, and they have not shown or even argued that there is good cause to reopen the record to admit it. I recommend that the Commission strike Attachment A and the Opposing Ratepayers arguments based on it, which would be from the top of page 2 through footnote 3 on that page.

The Opposing Ratepayers also argue that the area that Tapatio Springs Service Company, Inc. (Tapatio) seeks to add to its certificate of convenience and necessity (CCN) is within a Priority Groundwater Management Area (PGMA). That could be true, but there is no evidence that it is that I have found in reviewing the record. Counsel for the Opposing Ratepayers asked ED witness Adhikari if the area was in a PGMA but he did not know if it was.¹ The Opposing Ratepayers did not offer evidence to show that the Requested Area lies within a PGMA.

The also argue that a groundwater district in that area is concerned about approval of Tapatio's application. That argument is based on an exhibit which the Opposing Ratepayers offered, withdrew, and reoffered, but that exhibit was *not* admitted into evidence. The Opposing Rate did

Tr. 135

Letter to Mr. Derek Seal, General Counsel
November 13, 2006
Page 2

make an offer of proof of that document.² I see no basis to reconsider the evidentiary ruling and admit the exhibit

I recommend that the Commission strike the portions of the Opposing Ratepayers exceptions that discuss these matters that are not in evidence:

- page 5 from "C. Conflict Between the Hill Country PGMA" through the end of page 6;
- page 7, line 13 from "Approval of this" through line 17, footnote 24; and
- page 8, lines 4 through 8.

As to the Opposing Ratepayer exceptions that *are* based on evidence, I recommend that the Commission overrule them. For the most part, they are that same arguments that are considered and rejected in the PFD. Their only wholly new argument is that the Non-Standard Service Agreement between Tapatio and CDS International, Inc., is null and void. But as Tapatio responds, that argument is contradicted by the evidence.

Sincerely,



William G. Newchurch
Administrative Law Judge

WGN.nl
cc. Mailing List

11/13/06 10:18

512 7949

SOAH UTILITY DIV

004/005

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**

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

11/13/06 10:18

512 7949

SOAH UTILITY DIV

005/005

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(210) 349-0041 (FAX)
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TAPATIO SPRINGS SERVICE CO.

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STAFF ATTORNEY
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EXECUTIVE DIRECTOR

xc: Docket Clerk, State Office of Administrative Hearings

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SOAH UTILITY DIV

001/005

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Austin, Texas 78701

Phone (512) 475-4993

Facsimile (512) 475-4994

DATE:

11/13/2006

NUMBER OF PAGES INCLUDING THIS COVER SHEET:

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REGARDING:

EXCEPTIONS LETTER (BY ALJ)

DOCKET NUMBER

582-06-0425

FROM:

JUDGE WILLIAM NEWCHURCHFAX TO:FAX TO:

ELIZABETH R MARTIN

(830) 816-8282

PATRICK LINDNER

(210) 349-0041

DEREK SEAL (TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY)

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GARRETT ARTHUR (TEXAS COMMISSION ON
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KATHY H BROWN (TEXAS COMMISSION ON
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MARY ALICE BOEHM-MCKAUGHAN (TEXAS
COMMISSION ON ENVIRONMENTAL QUALITY)

(512) 239-6377

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Attorney at Law
Dienger Building
106 West Blanco, Suite 206
P.O. Box 1764
Boerne, Texas 78006
Ph: 830/816.8686
Fax: 830/816.8282
†

2005-1516-CCR

CHIEF CLERK'S OFFICE

NOV - 3 AM 8:28

TEXAS
COMMISSION ON
ENVIRONMENTAL
QUALITY

November 3, 2006

Becky Henderson
216th District Court Administrator
Kerr County Courthouse
700 Main Street
Kerrville, Texas 78028

Barbara Meyer, District Clerk
Gillespie County Courthouse
101 West Main Street Rm. #204
Kerrville, Texas 78028

Shirley R. Stehling, District Clerk
Kendall County
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Boerne, Texas 78006

Darlene Herrin, County Clerk
Kendall County
210 E. San Antonio, Ste 127
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Denise Pacheco, Clerk
Court of Appeals, Eighth District of Texas
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El Paso, Texas 79901-2421

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Jeff County District Clerk
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Fort Davis, Texas 79734-0398

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Bexar County Courthouse
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San Antonio, Texas 78205

La Donna Castañuela
Office of the Chief Clerk, MC-105
TCEQ, State Office of Administrative Hearings
P.O. Box 13087
Austin, TX 787-3087

All Opposing Counsel

Re: Notice of Scheduled Vacation for December 18 through January 5, 2006

Dear Courts, Clerks of Court, and All Opposing Counsel

Please be advised that Elizabeth R. Martin will be out of the office on the above dates. As per local rules, she respectfully request that no pre-trials, pleas, hearings, trials, mediations or any settings or items requiring a deadline be scheduled in any of her cases during this time period.

Sincerely yours,

Law Office of Elizabeth R. Martin

By: Dianne Wilt/
Legal Assistant

:dw

FACSIMILE TRANSMITTAL SHEET

To:
 Patrick Lindner 210/ 349-0041
 Kathy Humphreys Brown 512/ 239-0606
 LaDonna Castañuela 512/ 239-3311
 Garrett Arthur 512/239-6377
 Eric Sherer 210/ 696-9675

CHIEF CLERK'S OFFICE

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COMPANY

DATE

NOVEMBER 3, 2006

FAX NUMBER

TOTAL NO. OF PAGES INCLUDING COVER

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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

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Notice of Vacation

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 BOERNE, TEXAS 78006