



Control Number: 44200



Item Number: 3

Addendum StartPage: 0

House Bill (HB) 1600 and Senate Bill (SB) 567 83<sup>rd</sup>  
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

44250

RECEIVED

2015 JAN -9 AM 10:00

SOAH DOCKET NO. 582-01-3914  
TNRCC DOCKET NO. 2001-0845-UCR PUBLIC UTILITY COMMISSION  
FILING CLERK

APPLICATION BY VILLAGE OF §  
WIMBERLEY TO OBTAIN A §  
SEWER CERTIFICATION OF §  
CONVENIENCE & NECESSITY §

BEFORE THE STATE OFFICE  
OF  
ADMINISTRATIVE HEARINGS  
2015 FEB 27 PM 3:13  
CHIEF CLERKS OFFICE

RESOURCE CONSULTANTS  
COMMISSION

**THE EXECUTIVE DIRECTOR'S FIRST RESPONSE TO REQUEST  
FOR DISCLOSURE, INTERROGATORIES & PRODUCTION  
TO AQUASOURCE UTILITY, INC.**

TO: AQUASOURCE UTILITY, INC., (ASU), BY AND THROUGH ITS ATTORNEY,  
MR. MARK ZEPPA, 4833 SPICEWOOD SPRINGS ROAD 202, AUSTIN, TEXAS  
78759-8436

I.

**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).

c. The Village of Wimberley seeks a sewer Certificate of Convenience & Necessity in Hays County. The application will be reviewed based upon criteria set forth in the Texas Water Code and the rules in the Texas Administrative Code as promulgated by the TNRCC. According to these criteria, the applicant must meet each of the eight criteria along with a showing that the public will be continually served and accommodated in a convenient and safe manner. The applicant must demonstrate that the certificate is necessary for the service, accommodation, convenience, or safety of the public.

e. John E. Deering  
Staff Attorney on Case  
12100 Park 35 Circle, Bldg. A  
Austin, Texas 78753  
512-239-1000

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Engineer Specialist II  
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Dan Smith  
Utilities & Districts Section,  
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512-239-1000

- f. Mr. Mike Howell: .. Engineer Specialist II, Utility Certification & Rate Analysis Team, Utilities & Districts Section, Water Supply Division.

The subject matter on which the expert will testify:

The application by Village of Wimberley seeking a CCN in Hays County, Texas.

The general substance of the expert's mental impressions and opinions and a brief summary of the basis for them:

The Village of Wimberley seeks a sewer Certificate of Convenience & Necessity in Hays County. Mr. Howell has reviewed this application based upon criteria set forth in the Texas Water Code and the rules in the Texas Administrative Code as promulgated by the TNRCC.

According to these criteria, the applicant must meet each of the eight criteria along with a showing that the public will be continually served and accommodated in a convenient and safe manner. The applicant must demonstrate that the certificate is necessary for the service, accommodation, convenience, or safety of the public.

- h. The Executive Director has not participated nor is aware of any settlement agreements.
- i. The Executive Director is not aware of any witness statements.

## II.

### INTERROGATORIES

1. For each person the ED expects to call as a fact witness at the evidentiary hearing in this matter, please provide: (a) the person's name and business address and telephone number; and (b) a brief description of the testimony ED expects that person to provide.

The Executive Director does not intend to call any fact witnesses.

2. For each expert not listed in the response to the Request for Disclosure whom the ED has consulted and whose mental impressions and opinions have been reviewed by an expert the ED expects to testify in this matter, 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 matter, 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 matter and any methods used to derive them; and (d) a curriculum vitae or other detailed description of the expert's qualifications.

The Executive Director has not consulted any expert witnesses at this time that were not listed in his Disclosure.

4. If another retail public sewer utility is already certificated to any portion of the proposed area, how does the ED propose to allow the Village of Wimberley to provide retail public sewer utility service within that previously certificated area?

There are currently three existing sewer CCN holders within the boundary of the proposed area. The Village of Wimberley excluded the current CCN holders by letter dated May 10, 2001. Therefore, service is not proposed in these CCN areas.

5. Please describe the proximity of the area covered by Village of Wimberley's application to any existing sewer utility facilities currently operated by Village of Wimberley or to any facilities Village of Wimberley proposes to construct.

Blue Hole Wastewater System sewer service area is entirely surrounded by the Village of Wimberley proposed area.

AquaSource Development Co. has an existing sewer service area that borders the western boundary of the Village of Wimberley proposed area.

Woodcreek Utility, Inc. has two sewer service areas that lie within the proposed Village of Wimberley sewer service area. The proposed CCN would entirely surround both of the Woodcreek sewer CCN areas.

6. Please describe whether, to the ED's knowledge, the Village of Wimberley has written requests for service from potential sewer utility customers in the proposed area. If so, please identify those requests.

The Village of Wimberley submitted information related to requests for service. These items are included in the Production Requests.

7. If there are no requests for sewer utility service in the proposed area, please describe in detail the need for service in the Village of Wimberley proposed area.

The Village of Wimberley submitted information related to requests for service. These items are included in the Production Requests.

However, the Executive Director has not formed an opinion whether there exists a need for service in the proposed area. The Executive Director has requested this information from the various parties through formal discovery. After reviewing the submitted material, the Executive Director will supplement his response to this interrogatory once he has formed an opinion.

8. Please state whether, to the best of the ED's knowledge, if people are already living in the proposed area. If so, please state whether those people are currently receiving sewer utility service and identify the service provider(s).

The Village of Wimberley submitted information related to requests for service. These items are included in the Production Requests.

Blue Hole Wastewater System sewer service area is entirely surrounded by the Village of Wimberley proposed area.

AquaSource Development Co. has an existing sewer service area that borders the western boundary of the Village of Wimberley proposed area.

Woodcreek Utility, Inc. has two sewer service areas that lie within the proposed Village of Wimberley sewer service area. The proposed CCN would entirely surround both of the Woodcreek sewer CCN areas.

9. Please describe in detail the ability of Village of Wimberley to provide adequate sewer service to proposed area on the date of the answer of these interrogatories and at six-month intervals for the next five years thereafter.

The Village of Wimberley proposes to receive sewer service from GBRA. Therefore, the Village of Wimberley will not be providing sewer service.

10. Please describe the relationship between the Village of Wimberley and the Guadalupe-Blanco River Authority (GBRA) regarding the provision of retail public sewer utility service to the public for compensation in Hays County, Texas.

The Village of Wimberley's proposes to contract for utility services (including financial, managerial and technical services) with the Guadalupe-Blanco River Authority ("GBRA").

11. Please state your position concerning the effect on Wimberley and on AquaSource of amending AquaSource's certificate of convenience and necessity (CCN) with respect to a service corridor along Ranch Road 12 from the Brookshire Brothers Grocery to the City of Woodcreek and along FM 2325 west of Carney Lane to the AquaSource treatment plant and the 114 acres around the plant that overlaps the proposed area of Village of Wimberley.

AquaSource was approved for a CCN amendment to the East of Carney Lane to Brookshire Brothers Grocery. There are no pending applications to certificate to the West of Carney Lane. The application by the Village of Wimberley will halt future growth of AquaSource and eliminate potential customers that could use the excess plant capacity.

The Executive Director has no opinion at this time as to what the affects will be to the Village of Wimberley should the CCN request be granted. The Executive Director will supplement this response as more information is discovered, and he is able to form an opinion.

12. Please describe the approximate time frame in which Village of Wimberley could provide sewer service in compliance with all applicable Commission rules and statutes to the proposed area including the outer boundaries of the requested area.

The Executive Director does not have sufficient information to respond to this interrogatory at this time. The Executive Director will supplement this response as more information is discovered.

13. Please describe in detail any effects on environmental integrity if the Commission approves the Village of Wimberley's CCN application.

In general, the Executive Director's position is that a centralized sewage treatment system is preferable for environmental integrity to individual septic systems.

14. Please describe the amount and type of all initial and long-term facility costs that will be passed on to customers in the proposed area if Village of Wimberley becomes the service provider for the proposed area.

The Executive Director has requested this information from the various parties through formal discovery. The responses to the Executive Director's discovery request have been served on or made available to all named parties.

15. Please describe all sources of capital (long- and short-term) or other financial resources possessed by the Village of Wimberley with which to design, construct and operate a retail public sewer utility system adequate to provide sewer utility service to all portions of the proposed area under the TNRCC Rules.

The Village of Wimberley did not submit financial and managerial information for the Village of Wimberley. The E.D. received financial and managerial information for GBRA, not the Village of Wimberley. The E.D. has not had reason to review the financial position of GBRA since they are not the applicant.

16. Please describe the effects on local ad valorem tax rates that would be necessary to design, construct and operate a retail public sewer utility system adequate to provide sewer utility service to all portions of the proposed area under the TNRCC Rules.

The Executive Director has no opinion as to what the affects will be to local ad valorem tax rates necessary to design, construct and operate a retail public sewer utility system adequate to provide sewer utility service to all portions of the proposed area under the TNRCC Rules.

17. Please describe the effects on local sales tax rates that would be necessary to design, construct and operate a retail public sewer utility system adequate to provide sewer utility service to all portions of the proposed area under the TNRCC Rules.

The Executive Director has no opinion as to what the affects will be to local sales tax rates necessary to design, construct and operate a retail public sewer utility system adequate to provide sewer utility service to all portions of the proposed area under the TNRCC Rules.

18. Please describe all technical resources possessed by the Village of Wimberley, including without limitation, engineering, construction equipment, construction crews, sewer pipes, sewer treatment plants, storage ponds, effluent disposal facilities, sludge processing equipment, trucks, backhoes, trenches, etc, with which to design, construct and operate a retail public sewer utility system adequate to provide sewer utility service to all portions of the proposed area under the TNRCC Rules.

The Executive Director does not have sufficient information to respond to this interrogatory at this time. The Executive Director will supplement this response as more information is discovered.

19. Please describe all managerial resources possessed by the Village of Wimberley, including without limitation, billing clerks, utility accounting systems, collection systems, customer service agents, operations managers, etc., with which to operate a retail public sewer utility system adequate to provide sewer utility service to all portions of the proposed area under the TNRCC Rules.

The Executive Director does not have sufficient information to respond to this interrogatory at this time. The Executive Director will supplement this response as more information is discovered.

Additionally, the Executive Director has requested information from the various parties through formal discovery which relates to this interrogatory. The responses to the Executive Director's discovery request have been served on or made available to all named parties.



20. Explain why the Village of Wimberley is qualified to receive a CCN for a new stand-alone sewer utility system under the TNRCC's public regionalization policy as expressed in *The Feasibility of Regionalization, Sewer Utilities Programs, Final Draft, August 3, 1999*, a copy of which was attached to AquaSource's discovery requests propounded upon the Village of Wimberley and incorporated herein by reference for all purposes.

The According to a list of potential customers and a map locating those people requesting service, there is a need for service in a concentrated area around the Village of Wimberley. The E.D. encourages regionalization.

However, Regionalization or consolidation with another utility may be economically infeasible. Regionalization options in this area potentially include obtaining service from one of the three current CCN holders in the area. AquaSource Utility has a sewage treatment plant in the area that has excess capacity.

The Executive Director believes that the option of obtaining service from existing facilities located in the vicinity of the requested area needs to be addressed for economic feasibility.

### III.

## REQUEST FOR PRODUCTION

1. Please provide maps indicating where the ED anticipates growth to occur inside the proposed area in two-year increments during the next ten years.

At this time, there are no documents meeting the description of this request for production. Should any such documents be identified in the future, this request for production will be supplemented.

2. Please provide all incremental and/or overall estimates of the capital costs for Village of Wimberley to create or increase its sewer utility plant capacity to provide continuous and adequate service to the proposed area under applicable TNRCC Rules.

At this time, there are no documents meeting the description of this request for production. Should any such documents be identified in the future, this request for production will be supplemented.

3. Please provide all capital estimates or budgets costs for collection line, wet well and lift station construction to provide sewer service to the requested area.

At this time, there are no documents meeting the description of this request for production. Should any such documents be identified in the future, this request for production will be supplemented.

4. Please provide any documents that discuss the methods and terms of financing the capital acquisition costs for Village of Wimberley retail public sewer utility system at issue in these dockets.

At this time, there are no documents meeting the description of this request for production. Should any such documents be identified in the future, this request for production will be supplemented.

5. Please provide maps that show where Village of Wimberley is currently serving inside and/or outside of its proposed area.

At this time, there are no documents meeting the description of this request for production. Should any such documents be identified in the future, this request for production will be supplemented.

6. Provide copies of documents filed with the ED in association with this docket not previously served on AquaSource through its counsel Mark H. Zeppa.

The following documents are enclosed:

- (a) Letter dated May 10, 2002 from Bruce Wasinger stating that existing sewer CCN service areas within the proposed area are to be excluded from the proposed area.
- (b) A list of sewer service requests in the proposed area and a map indication those requests. See letters dated November 15, 2001, November 30, 2001, and July 21, 2001.
- (c) Request for information from Executive Director dated October 15, 2002.
- (d) Portion of Hays County Sewer CCN map, list of utilities and their CCN.
- (e) Resolution No. R-002-2001 which states that the applicant does not have financial capability to provide service.
- (f) FMT review by Dan Smith.
- (g) An unsigned Order granting a Sewer CCN to Woodcreek Utilities, Inc.
- (h) Regionalization Document.

7. Please produce copies of any and all documents identified in your responses to Interrogatories Nos. one (1) through twenty (20) listed above or used to assist you in responding to Interrogatories one (1) through twenty (20).

The following documents are enclosed:

- (a) Letter dated May 10, 2002 from Bruce Wasinger stating that existing sewer CCN service areas within the proposed area are to be excluded from the proposed area.
- (b) A list of sewer service requests in the proposed area and a map indication those requests. See letters dated November 15, 2001, November 30, 2001, and July 21, 2001.
- (c) Request for information from Executive Director dated October 15, 2002.
- (d) Portion of Hays County Sewer CCN map, list of utilities and their CCN.
- (e) Resolution No. R-002-2001 which states that the applicant does not have financial capability to provide service.
- (f) FMT review by Dan Smith.
- (g) An unsigned Order granting a Sewer CCN to Woodcreek Utilities, Inc.
- (h) Regionalization Document.

IV.

REQUEST FOR ADMISSIONS

1. As a general law municipality, the Village of Wimberley is not required to have a certificate of convenience and necessity to own or operate a retail sewer utility for compensation.

Admit  Deny

Cannot admit or deny because: \_\_\_\_\_

2. The Village of Wimberley does not currently own or operate a retail sewer utility for compensation.

Admit  Deny

Cannot admit or deny because: \_\_\_\_\_

3. The Village of Wimberley does not currently own sufficient land upon which to construct a public sewer utility system sufficient to serve the proposed area.

Admit  Deny

Cannot admit or deny because: After a reasonable inquiry, the information known or easily obtainable is insufficient to enable the Executive Director to admit or deny.

4. The Village of Wimberley does not have a wastewater treatment permit sufficient to provide sewer service to the proposed area.

Admit  Deny

Cannot admit or deny because: \_\_\_\_\_

5. The Village of Wimberley owns no sewer treatment plant with which to treat sewage sufficient to provide a reliable sewer service to the proposed area.

Admit  Deny

Cannot admit or deny because: \_\_\_\_\_

6. The Village of Wimberley does not have the independent financial resources to design, construct and operate a retail public sewer utility system capable of providing continuous and adequate service to the public under all applicable TNRCC customer service and public sewer utility service rules.

Admit \_\_\_\_\_ Deny \_\_\_\_\_

Cannot admit or deny because: After a reasonable inquiry, the information known or easily obtainable is insufficient to enable the Executive Director to admit or deny.

7. The Village of Wimberley does not have the independent managerial resources to design, construct and operate a retail public sewer utility system capable of providing continuous and adequate service to the public under all applicable TNRCC customer service and public sewer utility service rules.

Admit \_\_\_\_\_ Deny \_\_\_\_\_

Cannot admit or deny because: After a reasonable inquiry, the information known or easily obtainable is insufficient to enable the Executive Director to admit or deny.

8. The Village of Wimberley does not have the independent technical resources to design, construct and operate a retail public sewer utility system capable of providing continuous and adequate service to the public under all applicable TNRCC customer service and public sewer utility service rules.

Admit \_\_\_\_\_ Deny \_\_\_\_\_

Cannot admit or deny because: After a reasonable inquiry, the information known or easily obtainable is insufficient to enable the Executive Director to admit or deny.

9. The Village of Wimberley does not have a signed written agreement with the Guadalupe-Blanco River Authority for the GBRA to finance, construct and operate a sewer system for the Village if the Village of Wimberley is granted it's requested CCN.

Admit \_\_\_\_\_ Deny \_\_\_\_\_

Cannot admit or deny because: After a reasonable inquiry, the information known or easily obtainable is insufficient to enable the Executive Director to admit or deny.

10. GBRA has not requested to be the retail public sewer utility service provider in the proposed area.

Admit \_\_\_✓\_\_\_ Deny \_\_\_\_\_

Cannot admit or deny because: \_\_\_\_\_

11. AquaSource already serves in or within 1/4 mile of the proposed service area.

Admit \_\_\_✓\_\_\_ Deny \_\_\_\_\_

Cannot admit or deny because: \_\_\_\_\_

12. Blue Hole Management already serves in or within 1/4-mile of the proposed service area.

Admit  \_\_\_\_\_ Deny \_\_\_\_\_

Cannot admit or deny because: \_\_\_\_\_

13. AquaSource is a "regional" retail public sewer utility as defined on page three of the public policy statements set forth in *The Feasibility of Regionalization, Sewer Utilities Programs, Final Draft, August 3, 1999*.

Admit  \_\_\_\_\_ Deny \_\_\_\_\_

Cannot admit or deny because: \_\_\_\_\_

14. There is no need for a new stand-alone sewer system in the proposed area by a new certificate holder under the public policies set forth in *The Feasibility of Regionalization, Sewer Utilities Programs, Final Draft, August 3, 1999*, for the area already certificated to AquaSource.

Admit \_\_\_\_\_ Deny \_\_\_\_\_

Cannot admit or deny because: The Executive Director objects to this Admission on the basis that it asks the Executive Director to admit a proposition of law.

15. There is no need for a new stand-alone sewer system in the proposed area by a new certificate holder under the public policies set forth in *The Feasibility of Regionalization, Sewer Utilities Programs, Final Draft, August 3, 1999*, for the area AquaSource desires to serve in the future along Ranch Road 12 from the Brookshire Brothers Grocery to the City of Woodcreek.

Admit \_\_\_\_\_ Deny \_\_\_\_\_

Cannot admit or deny because: The Executive Director objects to this Admission on the basis that it asks the Executive Director to admit a proposition of law.

16. There is no need for a new stand-alone sewer system in the proposed area by a new certificate holder under the public policies set forth in *The Feasibility of Regionalization, Sewer Utilities Programs, Final Draft, August 3, 1999*, for the area AquaSource desires to serve in the future along FM 2325 west of Carney Lane to the AquaSource treatment plant and the 114 acres around the plant.

Admit \_\_\_\_\_ Deny \_\_\_\_\_

Cannot admit or deny because: The Executive Director objects to this Admission on the basis

that it asks the Executive Director to admit a proposition of law.

17. A municipality is not required to provide sewer service to residents inside its corporate limits that are already being served by another state-approved sewer utility.

Admit \_\_\_\_\_ Deny \_\_\_\_\_

Cannot admit or deny because: The Executive Director objects to this Admission on the basis that it asks the Executive Director to admit a proposition of law.

18. The Village of Wimberley may not provide sewer service to its citizens inside the certificated service areas of AquaSource or any other current sewer CCN-holder.

Admit \_\_\_\_\_ Deny \_\_\_\_\_

Cannot admit or deny because: The Executive Director objects to this Admission on the basis that it asks the Executive Director to admit a proposition of law.

19. The Village of Wimberley does not have the financial resources today to provide sewer utility service to its citizens inside its corporate limits in areas not already certificated to other utilities.

Admit \_\_\_\_\_ Deny \_\_\_\_\_

Cannot admit or deny because: After a reasonable inquiry, the information known or easily obtainable is insufficient to enable the Executive Director to admit or deny.

20. The Village of Wimberley does not have the managerial resources today to provide sewer utility service to its citizens inside its corporate limits in areas not already certificated to other utilities.

Admit \_\_\_\_\_ Deny \_\_\_\_\_

Cannot admit or deny because: After a reasonable inquiry, the information known or easily obtainable is insufficient to enable the Executive Director to admit or deny.

21. The Village of Wimberley does not have the technical resources today to provide sewer utility service to its citizens inside its corporate limits in areas not already certificated to other utilities.

Admit \_\_\_\_\_ Deny \_\_\_\_\_

Cannot admit or deny because: After a reasonable inquiry, the information known or easily obtainable is insufficient to enable the Executive Director to admit or deny.

22. The Village of Wimberley wants a sewer utility CCN as a tool to direct and control growth

in and around the city.

Admit \_\_\_\_\_ Deny \_\_\_\_\_

Cannot admit or deny because: After a reasonable inquiry, the information known or easily obtainable is insufficient to enable the Executive Director to admit or deny.

23. Even if granted it's requested CCN on March 1, 2002, the Village of Wimberley would not be capable of providing sewer utility service to any portion of its proposed area for at least two years while GBRA constructs a treatment plant, collection and transmission mains, effluent and sludge disposal systems and developed an in-house support system to operate a customer service and billing system.

Admit \_\_\_\_\_ Deny \_\_\_\_\_

Cannot admit or deny because: After a reasonable inquiry, the information known or easily obtainable is insufficient to enable the Executive Director to admit or deny.

24. Without the municipal retail public sewer utility envisioned in this certification application, the Village of Wimberley does not have a significant source of revenue with which to fund its municipal government.

Admit \_\_\_\_\_ Deny \_\_\_\_\_

Cannot admit or deny because: After a reasonable inquiry, the information known or easily obtainable is insufficient to enable the Executive Director to admit or deny.

25. Funding a municipal government's operations is not one of the statutory criteria under Texas Sewer Code, Chapter 13, Subchapter G for the granting of a CCN.

Admit \_\_\_\_\_ Deny \_\_\_\_\_

Cannot admit or deny because: The Executive Director objects to this Admission on the basis that it asks the Executive Director to admit a proposition of law.

26. Funding a municipal government's operations is not necessary to the service, accommodation, convenience or safety of the public under Texas Sewer Code, Chapter 13, Subchapter G.

Admit \_\_\_\_\_ Deny \_\_\_\_\_

Cannot admit or deny because: The Executive Director objects to this Admission on the basis that it asks the Executive Director to admit a proposition of law.

27. AquaSource demonstrated its long-term commitment to the improvement of sewer service in the Western Hays County region when it acquired the investor-owned Woodcreek



Utilities, Inc. and entered into a voluntary enforcement agreement with the TNRCC to construct a new wastewater treatment plant to replace to two older overloaded treatment plants.

Admit \_\_\_\_\_ Deny \_\_\_\_\_

Cannot admit or deny because: After a reasonable inquiry, the information known or easily obtainable is insufficient to enable the Executive Director to admit or deny.

28. AquaSource demonstrated its long-term commitment to the improvement of public drinking sewer service in the Western Hays County region by expending millions of dollars of in long-term capital improvements to the former Woodcreek Utilities, Inc. sewer system in the Woodcreek-Wimberley area.

Admit \_\_\_\_\_ Deny \_\_\_\_\_

Cannot admit or deny because: After a reasonable inquiry, the information known or easily obtainable is insufficient to enable the Executive Director to admit or deny.

29. It is not necessary to the service, accommodation, convenience and safety of the public to grant the Village's application for sewer certification to the requested service area.

Admit \_\_\_\_\_ Deny \_\_\_\_\_

Cannot admit or deny because: The Executive Director objects to this Admission on the basis that it asks the Executive Director to admit a proposition of law.

30. The Village of Wimberley is not capable of providing continuous and adequate retail public sewer utility service under applicable TNRCC rules inside the proposed Village service area.

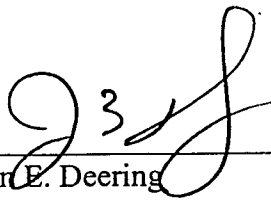
Admit \_\_\_\_\_ Deny \_\_\_\_\_

Cannot admit or deny because: The Executive Director objects to this Admission on the basis that it asks the Executive Director to admit a proposition of law.

Respectfully Submitted,

TEXAS NATURAL RESOURCE  
CONSERVATION COMMISSION

Jeffrey A. Saitas, P.E.  
Executive Director  
Stephanie Bergeron, Director  
Environmental Law Division

By   
John E. Deering  
Staff Attorney  
Environmental Law Division  
State Bar of Texas No. 00787347

P.O. Box 13087; MC-173  
Austin, Texas 78711-3087  
Phone: (512) 239-0600  
Fax: (512) 239-0606

VERIFICATION

STATE OF TEXAS

§  
§  
§

COUNTY OF TRAVIS

BEFORE ME, the undersigned Notary Public, on this day personally appeared Mike Howell, who being duly sworn under oath deposed, said he had prepared the attached Executive Director's First Response to Interrogatories and Production and that the information is true and correct to the best of his knowledge and belief.

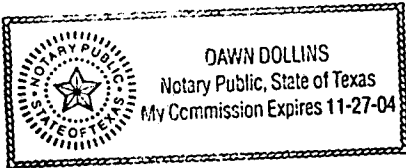
*Mike Howell*

\_\_\_\_\_  
Mike Howell

SUBSCRIBED AND SWORN BEFORE ME on this 27<sup>th</sup> day of February, 2002.

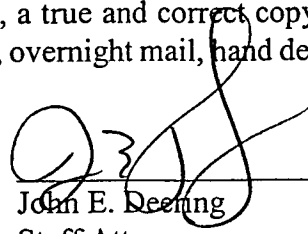
*Dawn Dollins*

\_\_\_\_\_  
NOTARY PUBLIC, STATE OF TEXAS



CERTIFICATE OF SERVICE

I hereby certify that on this 27<sup>th</sup> day of February, 2002, a true and correct copy of the foregoing document was sent via the United States Mail, facsimile, overnight mail, hand delivered, or sent by interagency mail to all persons listed below:

  
\_\_\_\_\_  
John E. Deering  
Staff Attorney  
Environmental Law Division  
Texas Natural Resource  
Conservation Commission

Bruce Wasinger  
Bickerstaff, Heath, Smiley, Pollan,  
Kever, & McDaniel, L.L.P.  
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Robert J. Huston, *Chairman*  
R. B. "Ralph" Marquez, *Commissioner*  
Kathleen Hartnett White, *Commissioner*  
Jeffrey A. Saitas, *Executive Director*



## TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

*Protecting Texas by Reducing and Preventing Pollution*

February 27, 2002

Mark Zeppa, Esq.  
4833 Spicewood Springs Rd. 202  
Austin, Texas 78759-8436

Re: Application by the Village of Wimberley to Obtain a Sewer CCN in Hays County;  
SOAH Docket No. 582-01-3914; TNRCC Docket No. 2001-0845-UCR.

Dear Mr. Zeppa:

Enclosed please find the Executive Director's First Response to Request for Disclosure, Interrogatories & Production to AquaSource Utility, Inc. in the above-referenced matter.

Sincerely,

A handwritten signature in black ink, appearing to read "John E. Deering".

John E. Deering  
Staff Attorney  
Environmental Law Division

cc: Mailing List

Enclosure

CHIEF CLERKS OFFICE

2002 FEB 27 PM 3:43

TEXAS NATURAL  
RESOURCE CONSERVATION  
COMMISSION