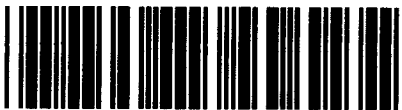




Control Number: 44200



Item Number: 4

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

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	§	BEFORE THE STATE OFFICE
	§	
WIMBERLEY TO OBTAIN A	§	
	§	OF
SEWER CERTIFICATION OF	§	
	§	
CONVENIENCE & NECESSITY	§	ADMINISTRATIVE HEARINGS

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

Pursuant to §2001 et seq. of the Administrative Procedure Act ("APA"), GOVERNMENT CODE (Vernon), Rules 190-197 of the Texas Rules of Civil Procedure and 30 Texas Administrative Code ("TAC") § 80.151, and TAC Title 1, Part VII, Section 155.23, AquaSource Utility, Inc. ("ASU") files its answers to the Executive Director's ("ED's") First Requests for Disclosure, Interrogatories and Production by delivering the the following submission to John E. Deering, Staff Attorney, Environmental Law Division, MC 173, Texas Natural Resource Conservation Commission, P.O. Box 13087, Austin, Texas 78711-3087, within the period agreed to by counsel.

REQUEST FOR DISCLOSURE

Pursuant to Texas Rule of Civil Procedure 194, you are requested to disclose by May 13, 1999, the information or material described in Rule 194.2 (c), (e), (f), (h), and (i).

See ASU's answers to the Village of Wimberley's Requests for Disclosures, which requests the same information so it will not be repeated here.

INTERROGATORIES

1. For each person ASU 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 Village of Wimberley expects that person to provide.

ASU only plans to call those expert/fact witnesses listed in ASU's Answers to Wimberley's Requests for Disclosures.

2. For each expert not listed in the response to the Request for Disclosure who ASU has consulted and whose mental impressions and opinions have been reviewed by an expert ASU 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 consulting experts are the experts having factual knowledge listed in ASU's Answers to Wimberley's Requests for Disclosures. Facts and mental impressions are found in the ASU's business records. The documentation responsive to these discovery requests is voluminous and will be made available for inspection and copying at a mutually acceptable time by appointment with ASU's counsel Mark H. Zeppa or between the hours of 9:00 am and 4:00 pm, Monday, February 25th, between the hours of 9:00 am and 4:00 pm, Tuesday, February 26th and between the hours of 9:00 am and 4:00 pm, Wednesday, February 27th at the Law Offices of Mark H. Zeppa, PC, 4833 Spicewood Springs Road, Suite 202, Austin, Texas 78759-8436, (512) 346-4011.

3. Please describe the impact on you should the Commission approve the Village of Wimberley's proposed sewer CCN. Your response should include the financial consequences - both current and projected, changes in customer base, and any potential changes in rates charged by either you or the Village of Wimberley.

See ASU's Answers to Wimberley's Interrogatories Nos. 3, 5, 20, 21, 22, and 23. In addition, if Wimberley were to be authorized to provide sewer service in this valley and as such chooses to do so with a wastewater treatment plant requiring a discharge permit, Wimberley may seek to become permitted to the entire assimilative capacity of Cypress Creek and/or the Blanco River in this area. ASU might need that capacity in the future in order to meet its service obligations when it no longer can obtain golf course and other sites to irrigate its effluent and still needs to serve customers in Woodcreek and Wimberley.

4. Please describe in detail why you object to the Village of Wimberley's Sewer CCN application.

See ASU's answers to Wimberley Interrogatory No. 5.

5. Please describe any and all written requests for service that ASU has received from

potential customers in the proposed area.

Copies of the service requests that ASU has received will be made available for inspection and copying with the other documentation in this docket in the offices of Mark H. Zeppa.

6. Please explain in detail the need for service, if any, in the Village of Wimberley proposed area.

See ASU's answers to Wimberley's Interrogatories Nos. 1, 4, 14, 19, 20, and 22.

7. Please explain in detail the ability of ASU to provide adequate sewer service to proposed Village of Wimberley area.

See ASU's answers to Wimberley's Interrogatories Nos. 1, 4, 14, 19, 20, and 22.

8. Does ASU desire to provide any utility service in the proposed Village of Wimberley area.

ASU has been serving the area for years under a TNRCC-issued CCN to its now merged affiliate, Woodcreek Utilities, Inc. That CCN has recently been amended in SOAH Docket No. 582-00-1469; TNRCC Docket No. 2000-0335-UCR; Application of Woodcreek Utilities to Amend Sewer CCN No. 20124 in Hays County (motions for rehearing pending). ASU will soon be filing another application to amend this CCN to add the additional service area corridors along FM 2325 and RR 12 described in these discovery answers. In addition, see ASU's answers to Wimberley's Interrogatories Nos. 1, 4, 14, 19, 20, and 22.

9. Please describe the time frame in which ASU could provide any utility service in compliance with all applicable Commission rules and statutes to the proposed Village of Wimberley area.

See No. 8 above.

10. Please describe the impact on environmental integrity should the Commission approve the Village of Wimberley's proposed sewer CCN.

See ASU's answers to Wimberley's Interrogatory No. 7.

11. Please describe your beliefs on whether there will be any improvements in service or any lowering of costs to consumers in the proposed area should the Commission approve the Village of Wimberley's proposed sewer CCN.

See ASU's answers to Wimberley's Interrogatory No. 17.

REQUEST FOR PRODUCTION

Please produce copies of any and all documents identified in your responses to

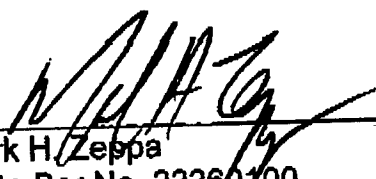
Interrogatories Nos. one (1) through eleven (11) listed above or used to assist you in responding to Interrogatories one (1) through eleven (11).

Documents: The documentation responsive to these discovery requests is voluminous and will be made available for inspection and copying at a mutually acceptable time by appointment with ASU's counsel Mark H. Zeppa or between the hours of 9:00 am and 4:00 pm, Monday, February 25th, between the hours of 9:00 am and 4:00 pm, Tuesday, February 26th and between the hours of 9:00 am and 4:00 pm, Wednesday, February 27th at the Law Offices of Mark H. Zeppa, PC, 4833 Spicewood Springs Road, Suite 202, Austin, Texas 78759-8436, (512) 346-4011.

Please produce any and all documents concerning ASU's possible provision of utility services into the proposed Village of Wimberley area.

Documents: The documentation responsive to these discovery requests is voluminous and will be made available for inspection and copying at a mutually acceptable time by appointment with ASU's counsel Mark H. Zeppa or between the hours of 9:00 am and 4:00 pm, Monday, February 25th, between the hours of 9:00 am and 4:00 pm, Tuesday, February 26th and between the hours of 9:00 am and 4:00 pm, Wednesday, February 27th at the Law Offices of Mark H. Zeppa, PC, 4833 Spicewood Springs Road, Suite 202, Austin, Texas 78759-8436, (512) 346-4011.

Respectfully Submitted,




Mark H. Zeppa
State Bar No. 22260100
Law Offices of Mark H. Zeppa, PC
4833 Spicewood Springs Road, Suite 202
Austin, Texas 78759-8436
(512) 346-4011, Fax (512) 346-6847

ATTORNEY FOR AQUASOURCE UTILITY, INC.

CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of February, 2002, a true and correct copy of the foregoing document was sent via the United States Mail, facsimile, overnight mail, or hand delivered to all persons listed below:


Mark H. Zeppa

Bruce Wasinger
Bickerstaff, Heath, Smiley, Pollan,
Kever, & McDaniel, L.L.P.
816 Congress, #1700
Austin, Texas 78701
Fax (512) 320-5638

John E. Deering
Environmental Law Division
TNRCC
P O Box 13087, MC 173
Austin, TX 78711-3087
Fax (512) 239-0606


Blas Coy, Jr.
Public Interest Counsel
TNRCC
P O Box 13087, MC 103
Austin, Texas 78711-3087
Fax (512) 239-6377

TNRCC Docket Clerk
Office of the Chief Clerk
TNRCC
P O Box 13087, MC 105
Austin, Texas 78711-3087
Fax (512) 239-3311

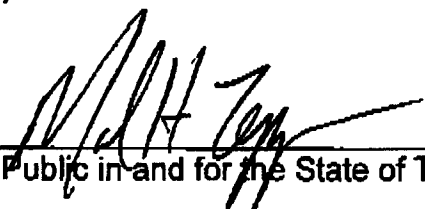
STATE OF TEXAS

COUNTY OF TRAVIS

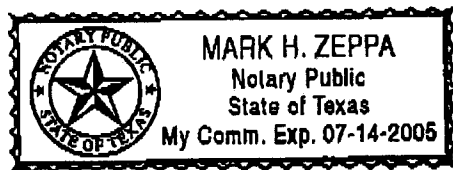
I, Craig Sherwood, Central Texas Area Manager, do swear and affirm that I have participated in the preparation of the foregoing answers to discovery requests, that I have reviewed these answers, that the information contained therein has been taken from the official records of the utility and its affiliates and that the information contained therein is true and correct to the best of my knowledge and belief.


Craig Sherwood, Affiant

SWORN AND SUBSCRIBED to under oath by Craig Sherwood before the undersigned notary public on February ~~19~~ 2002.


Notary Public in and for the State of Texas

SEAL



Name: _____

Commission expires: _____

LAW OFFICES OF MARK H. ZEPPA, P.C.

4833 Spicewood Springs Road, Suite 202
Austin, Texas 78759-8436
(512) 346-4011 Fax (512) 346-6847
mhzeppa@attglobal.net

FACSIMILE TRANSMITTAL SHEET**DATE: 2-19-02****TO:****Bruce Wasinger****Bickerstaff, Heath, Smiley, Pollan, Kever, & McDaniel, L.L.P.****Fax (512) 320-5638****John E. Deering****TNRCC Environmental Law Division****Fax (512) 239-0606****Blas Coy, Jr.****TNRCC Public Interest Counsel****Austin, Texas 78711-3087****Fax (512) 239-6377****TNRCC Docket Clerk****TNRCC Office of the Chief Clerk****Fax (512) 239-3311****# PAGES: 7 HARD COPY FOLLOWS: yes x no****RESPONSE REQUESTED: yes no x**

Re: AquaSource's Answers to the ED's Discovery Requests; SOAH Docket No. 582-01-3914; TNRCC Docket No. 2001-0845-UCR; Village of Wimberley Sewer CCN Application

SENDER: Mark Zeppa

CONFIDENTIALITY NOTICE: The documents accompanying this facsimile transmission contain confidential information that is legally privileged. This information is intended only for the use and information of the Addressee. If you have received this facsimile in error, please notify us immediately by telephone (collect if necessary) to arrange for the return of the original documents to us at our expense. You are hereby notified that any unauthorized reproduction or disclosure of the documents or information contained in this facsimile transmission is expressly prohibited and is actionable by law.