



Control Number: 44200



Item Number: 6

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

44200

RECEIVED

SOAH DOCKET NO. 582-01-39142015 JAN -9 AM 10: 01  
TNRCC DOCKET NO. 2001-0845-UCR

PUBLIC UTILITY COMMISSION  
FILING CLERK

APPLICATION BY VILLAGE OF  
WIMBERLEY TO OBTAIN A SEWER  
CERTIFICATE OF CONVENIENCE  
AND NECESSITY IN HAYS COUNTY

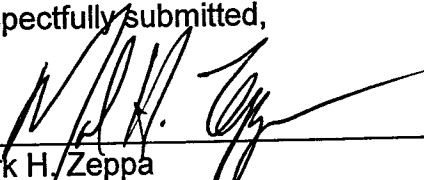
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BEFORE THE  
STATE OFFICE OF  
ADMINISTRATIVE  
HEARINGS

AQUASOURCE UTILITY, INC'S ANSWERS TO THE APPLICANT VILLAGE OF  
WIMBERLEY'S REQUESTS FOR DISCLOSURE

Pursuant to Texas Rule of Civil Procedure 194, AquaSource Utility, Inc. is requested to disclose, within the period agreed to by counsel, AquaSource Utility, Inc. provides the Following answers to Tex. R. Civ. Proc. 194.2(c), (e), (f), (h), and (i) to Bruce Wasinger at the offices of Bickerstaff, Heath, Smiley, Pollan, Kever & McDaniel, L.L.P., 1700 Frost Bank Plaza, 816 Congress, Ave., Austin, Texas, 78701.

Respectfully submitted,

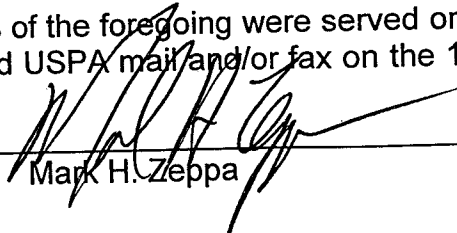


Mark H. Zeppa  
State Bar. No. 22260100  
Law Offices of Mark H. Zeppa, P. C.  
4833 Spicewood Springs Road, Suite 202  
Austin, Texas 78759-8436  
(512) 346-4011, Fax (512) 346-6847

ATTORNEY FOR AQUASOURCE UTILITY, INC.

CERTIFICATE OF SERVICE

I, Mark H. Zeppa, certify that true and correct copies of the foregoing were served on all parties shown on the attached service list by prepaid USPA mail and/or fax on the 14th day of February, 2002.



Mark H. Zeppa

SERVICE LIST  
SOAH Docket No. 582-01-3914  
TNRCC Docket No. 2001-0845-UCR

John Deering, Staff Attorney  
Environmental Law Division  
Texas Natural Resource Conservation Commission  
P. O. Box 13087, MC 173  
Austin, Texas 78711-3087  
Tel. (512) 239-3612  
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Blas Coy, Jr., Attorney  
Office of the Public Interest Counsel  
Texas Natural Resource Conservation Commission  
P. O. Box 13087, MC 103  
Austin, Texas 78711-3087  
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Fax (512) 239-6377

Bruce Wasinger  
Bickerstaff, Heath, Smiley, Pollan,  
Kever & McDaniel, LLP  
816 Congress Avenue, Ste. 1700  
Austin, Texas  
Tel. (512) 472-8021  
Fax (512) 320-5638

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

Rule 194.2(c):

Legal theories and factual basis.

Answer: There is a current need for sewer utility service in the requested service area. AquaSource Utility, Inc. (ASU) is a regional certificated sewer utility able to construct, own and operate a state-approved sewer utility system within a portion of the service area sought by the Village of Wimberley (Village) under the requirements of Texas Water Code Chapters 13 and 26 and the associated TNRCC regulations and has already done so. ASU can provide continuous and adequate service through an extension and an upgrade of its existing sewer system that has been constructed according to all applicable governmental standards. ASU has, and has been found, to have sufficient financial managerial and technical resources with which to operate TNRCC-certificated water and sewer systems in this state and more particularly in this vicinity in SOAH Docket No. 582-00-1469, TNRCC Docket No. 0335-UCR. These resources will be available for the service needs of this service area north of Cypress Creek along FM 2325 from ASU's existing wastewater treatment plant (WWTP) to RR 12 to the Brookshire Brother Grocery property and out RR 12 to the City of Woodcreek. ASU could serve this area through service corridors approximately 200 feet wide either side of the centerline of these roadways with some specifically identified properties fronting the roadways in the vicinity of the ASU WWTP.

There are no other alternative sewer service providers north of Cypress Creek nor can any be reasonably be expected in the foreseeable future because neither the Village nor GBRA have a wastewater collection or treatment system nor the permits to treat any sewage they may collect. They have no permits to collect and haul sewage and no contracts to have sewage treated at any regional treatment plant in the area. The only treatment plant in the area with known surplus capacity belongs to ASU and ASU has not been requested to provide capacity. Neither the Village nor GBRA have a means of lawfully disposing waste or treated effluent on the ground or into the waters of the state. The effected expected time delays to obtain permits and CCN's given ASU's recent experience in this community mean that the Village could not provide sewer utility service for two to four years which does not constitute timely provision of continuous and adequate service while meeting the public service, convenience, accommodation and safety. ASU can only conclude that the Village would be unable to meet any of the §13.246 statutory certification criteria in this area.

While there is another existing retail public sewer utility south of Cypress Creek, Blue Hole Management, ASU does not believe that it has the capacity to handle the additional capacity envisioned by the Village's application. ASU is unaware of any arrangement wherein the Village or GBRA may utilize the Blue Hole facilities to serve

the public south of Cypress Creek so ASU can only conclude that the Village would still be unable to meet any of the §13.246 statutory certification criteria in this area as well.

Rule 194.2(e):

Persons with knowledge.

Answer:

1. David Beyer, P. E., ASU Executive Vice-President - Texas  
11100 Brittmoore Park Drive  
Houston, Texas 77041  
713.983.3000

Has overseen the final construction and the current operation of utility system and is responsible for all regulatory, financial and managerial operations of ASU in Texas.

Jeff Goebel, ASU Permit Coordinator  
11100 Brittmoore Park Drive  
Houston, Texas 77041  
713.983.3000

Over sees ASU's wastewater discharge permits for this area. Insures that ASU has a permit for its WWTP and/or renewals on file. Prepared renewal application.

Craig Sherwood, AquaSource Services, LP, Central Texas Manager  
1421 Wells Branch Parkway, Suite 105  
Pflugerville, Texas 78680  
512.670.7625

Operations manager of ASU's affiliate services company who is responsible for the operation of this system, including providing operators, equipment, supplies, etc.

Rick Melcher  
11100 Brittmoore Park Drive  
Houston, Texas 77041  
713.983.3000

ASU public relations manager who meet with local officials and potential sewer customers about upgrades to the Woodcreek-Wimberley area sewer system and expansion of service capacities from ASU.

Robert Callegari, P. E.  
CMA Engineering, Inc.  
3998-B Highway 290 East  
Dripping Springs, Texas 78620  
512.894.3230

Licensed professional civil engineer who designed and oversaw the construction of improvements to the ASU sewer system in Woodcreek-Wimberley area, the new treatment plant and the collection line extension that is the subject of this docket.

Victoria Harkins, Ph. D., P.E.  
Utilities and Districts Section  
Texas Natural Resource Conservation Commission  
P O Box 13087, MC 153  
Austin, Texas 78711-3087  
512.239.6960

Staff engineer assigned to most ASU certification dockets, including this docket who is familiar with ASU's financial, managerial and technical resources and who has inspected this system during the course of ASU's pending rate case.

All Parties to SOAH Docket No. 582-00-1469; TNRCC Docket No. 2000-0335-UCR; Application By Woodcreek Utilities, Inc. to Amend Certificate of Convenience and Necessity No. 20124 in Hays County, Texas

Rule 194.2(f):

Testifying experts.

Answer:

David Beyer, PE, ASU President - Texas  
11100 Brittmoore Park Drive  
Houston, Texas 77041  
713.983.3000

Subject matter and impressions: There is a current need for sewer utility service in a portion the requested service area where ASU is serving and/or where ASUY can expand its service. While there may be a need for service in other portions, there is no entity capable of providing that service.

ASU is a regional certificated sewer utility able to construct, own and operate a state-approved sewer utility system within the service area under the requirements of Texas Water Code Chapters 13 and 26 and the associated TNRCC regulations. ASU can provide continuous and adequate service through an extension and an upgrade of its existing sewer system that has been constructed according to all applicable

governmental standards. ASU has, and has been found, to have sufficient financial managerial and technical resources with which to operate TNRCC-certificated water and sewer systems in this state. These resources will be available for the service needs of this service area. There are no other alternative sewer service providers. Sewer service is already being provided to a portion of the requested service area because onsite sewer systems have proven unreliable and have failed. ASU's service will not harm the environment, as it will be provided under standards set by the TNRCC in the appropriate permitting forums. There is no adverse impact on any neighboring utility since there are none. There is no adverse impact on the environment from this proposed service expansion. ASU Has had no service problems in the proposed service area.

Jeff Goebel, ASU Waste Permit Manager  
11100 Brittmoore Park Drive  
Houston, Texas 77041  
713.983.3000

Subject matter and impressions: ASU has the permits in the renewal process necessary to serve the service area ASU now serves. Timely renewal and expansion applications are filed as and when needed.

Craig Sherwood, AquaSource Services, LP, Central Texas Manager  
1421 Wells Branch Parkway, Suite 105  
Pflugerville, Texas 78680  
512.670.7625

Subject matter and impressions: There is a current need for sewer utility service in the requested service area north of Cypress Creek that ASU can met along FM 2325 and RR 12. ASU is a regional certificated sewer utility able to construct, own and operate a state-approved sewer utility system within the service area under the requirements of Texas Water Code Chapters 13 and 26 and the associated TNRCC regulations. ASU can provide continuous and adequate service through an extension and an upgrade of its existing sewer system that has been constructed according to all applicable governmental standards. ASU has, and has been found, to have sufficient financial managerial and technical resources with which to operate TNRCC-certificated water and sewer systems in this state. These resources will be available for the service needs of this service area. There are no other alternative sewer service providers. Sewer service is already being provided to a portion of the requested service area because onsite sewer systems have proven unreliable and have failed. There is no adverse impact on any neighboring utility since there are none. There is no adverse impact on the environment from this proposed service expansion. ASU Has had no service problems in the proposed service 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.

Rule 194.2(h):

Discoverable settlement agreements.

Answer:       None to date.

Rule 194.2(i):

Discoverable witness statements.

Answer:       None expressly related to this specific CCN application to date. Statements will be prepared and submitted in the form of prefiled testimony. There are copies of prefiled testimony and transcripts of testimony in the above-referenced SOAH Docket No. 582-00-1469; TNRCC Docket No. 2000-0335-UCR; Application By Woodcreek Utilities, Inc. to Amend Certificate of Convenience and Necessity No. 20124 in Hays County, Texas, which are in the possession of all parties to this docket since each were parties to that case. This documentation is voluminous; however, if requested, copies will be made available for copying and inspection in the offices of ASU's counsel upon appointment.

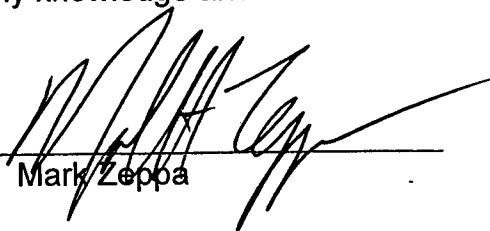


STATE OF TEXAS

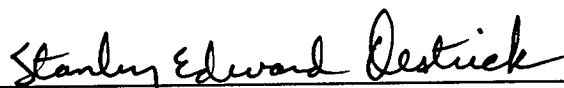
COUNTY OF TRAVIS

VERIFICATION

I, Mark Zeppa, Mark Zeppa, certify that the foregoing discovery answers were prepared under my direction and control, that I have reviewed the same, and the answers contained therein are true and correct to the best of my knowledge and believe.

  
Mark Zeppa

SWORN AND SUBSCRIBED to under oath by Mark Zeppa before the undersigned notary public on the 14th day of February, 2002.

  
Notary Public in and for the State of Texas

SEAL

