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807 SOUTH AUSTIN AVENUE*
GEORGETOWN, TEXAS 78626
TELEPHONE (512) 930-1317
*BY APPOINTMENT ONLY

October 27, 1999

The Honorable Tommy L. Broyles
Administrative Law Judge
State Office of Administrative Hearings
Suite 502
300 W. 15th Street
P.O. Box 13025
Austin, Texas 78711-3025

VIA HAND DELIVERY

Re: Applications of Town of Westlake and Circle T MUDs Nos. 2
and 3 for Certificates of Convenience and Necessity: SOAH
Docket Nos. 582-97-0134 (Sewer CCN) and 582-97-0175
(Water CCN) (140300:1.2)

CHIEF CLE...
OCT 27 1999
SOAH
COMM. 5021

Dear Judge Broyles:

By letter of October 18, 1999, my client, the Town of Westlake ("Westlake") filed a stipulation that its application for water and sewer Certificate of Convenience and Necessity ("CCN") in the above-referenced dockets does not include a 44.759-acre tract of land within Westlake's corporate boundaries that is currently served by Trophy Club MUD No. 1 ("Trophy Club").

Additionally, please consider this letter as the formal stipulation of Westlake that its application for water and sewer CCN in the above-referenced dockets also does not include an area within Westlake's corporate boundaries that is also currently served by Trophy Club. In addition to the 44.759-acre tract, Trophy Club also currently provides retail water and sewer utility services to a 405.1434-acre tract of land within Westlake's corporate boundaries. In 1982, Westlake consented to the annexation of this tract by Trophy Club, for the provision of retail water and sewer utility services within the area. Westlake has no intention of providing water and sewer services within these two areas, nor will it seek CCNs in order to provide those services to these two areas.

The Honorable Tommy L. Broyles

October 27, 1999

Page 2

I hereby certify that I have forwarded copies of this correspondence to the parties of record in the above-referenced dockets.

Sincerely,

A handwritten signature in cursive script, appearing to read "Martin C. Rochelle".

Martin C. Rochelle

MCR/ldp

1403\00\ltr991018mcr2

cc: Mayor Scott Bradley
Mr. James Morris
Mr. Larry Fuson, P.E.
Attached Mailing List

MAILING LIST

Mr. Skip Newsom
Fisher & Newsom, P.C.
111 Congress Avenue
Suite 820
Austin, Texas 78701-4043

Mr. Andrew N. Barrett
Suite 1280
816 Congress Avenue
Austin, Texas 78701

Mr. Frank R. Booth
Booth & Dillon
NationsBank Tower, Suite 1212
515 Congress Avenue
Austin, Texas 78701-3503

Mr. Mike Booth
Booth, Ahrens & Werkenthin
Suite 1515
515 Congress Avenue
Austin, Texas 78701

Mr. Hal L. Sanders
Strasburger & Price, L.L.P.
2600 One American Center
600 Congress Avenue
Austin, Texas 78701

Ms. Lara Nehman (MC 173)
Staff Attorney
TNRCC
P.O. Box 13087
Austin, Texas 78711-3087

Mr. Blas J. Coy, Jr.
Public Interest Counsel MC-103
TNRCC
P.O. Box 13087
Austin, Texas 78711-3087

Office of the Chief Clerk MC-105
TNRCC
P.O. Box 13087
Austin, Texas 78711-3087

Docket Clerk
State Office of Administrative Hearings
300 W. 15th Street, Suite 502
Austin, Texas 78711-3025

Robert J. Huston, *Chairman*
R. B. "Ralph" Marquez, *Commissioner*
John M. Baker, *Commissioner*
Jeffrey A. Saitas, *Executive Director*



TEXAS NATURAL
RESOURCE CONSERVATION
COMMISSION

1999 OCT 19 AM 11:07

CHIEF CLERK'S OFFICE

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

Protecting Texas by Reducing and Preventing Pollution

October 19, 1999

Andrew N. Barrett, Attorney
Frost Bank Plaza
816 Congress Ave., Ste. 1280
Austin, Texas 78701

Re: Applications of Lake Turner MUD Nos. 2 & 3 and Town of Westlake for Sewer CCN;
SOAH Docket No. 582-97-0134

Dear Mr. Barrett:

Enclosed please find the Executive Director's Interrogatories, Request for Production, and Request for Disclosure to Lake Turner MUD Nos. 2 & 3 in the above-referenced matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lara Nehman".

Lara Nehman
Staff Attorney
Environmental Law Division

cc: Mailing List

Enclosure

APPLICATIONS OF LAKE TURNER § BEFORE THE STATE OFFICE
MUD NOS. 2 & 3 AND TOWN OF § OF
WESTLAKE FOR SEWER CCN § ADMINISTRATIVE HEARINGS

**EXECUTIVE DIRECTOR'S INTERROGATORIES,
REQUEST FOR PRODUCTION AND REQUEST FOR
DISCLOSURE TO LAKE TURNER MUD NOS. 2 & 3**

TO: Lake Turner MUD Nos. 2 & 3, by and through their Attorney, Andrew N. Barrett, at 816 Congress Ave., Ste. 1280, Austin, Texas 78701

Please respond to these interrogatories and produce the documents requested herein, as required by Order No. 7 of the Administrative Law Judge in this proceeding, the Texas Rules of Civil Procedure, the Rules of the State Office of Administrative Hearing ("SOAH"), and the Rules of the Texas Natural Resource Conservation Commission ("TNRCC"), as applicable.

For each interrogatory, please identify the preparer(s) and sponsor(s) (ie. testifying witness) for each answer, and identify any person who assisted in answering the Interrogatory.

In producing documents, please organize and label the documents to correspond with the specific request in response to which the document is being produced.

For each document that would be responsive to a request for production, but which is no longer in the possession, custody, or control of Lake Turner MUD Nos. 2 & 3 because of destruction, loss, or any other reason, please:

- Describe the nature of the document (for example, letter or memorandum);
- State the date of the document;
- Identify the person(s) who sent and received the original and/or copy of the document;
- State in as much detail as possible the content of the document;
- State the manner and date of disposition of the document; and
- Identify the person responsible for such disposition of the document.

DEFINITIONS

PERSON

As used herein, the term "person" means any natural individual in any capacity whatsoever or any entity or organization, including divisions, departments and other units therein, and shall include, but not be limited to, a public or private corporation, partnership, joint venture, voluntary or unincorporated association, organization, proprietorship, trust, estate,

governmental agency, commission, bureau, municipality or department.

DOCUMENT OR DOCUMENTATION

As used herein, the term "document" or "documentation" means any medium upon which information can be recorded or retrieved, and includes, without limitation, the original and each copy, regardless of origin and location, of any book, pamphlet, periodical, letter, memorandum (including any memorandum or report of a meeting or conversation), invoice, bill, order form, receipt, financial statement, accounting entry, diary, calendar, telex, telegram, cable, facsimile transmission, report, record, contract, agreement, study, handwritten note, draft, working paper, chart, paper, print, laboratory record, drawing, sketch, graph, index, list, tape, photograph, microfilm, data sheet or data processing card, computer tape or disk, or any other written, recorded, transcribed, punched, taped, filmed or graphic matter, however produced or reproduced, which is in your possession, custody or control, or which has been, but is no longer, in your possession, custody, or control. The term "document" or "documentation" further means a copy of any document, as referred to above, if such copy contains notes, writings or is in any way different from or an alteration of the original document.

IDENTIFICATION

As used herein, the terms "identification," "identify," or "identity," when used in reference to: (a) a natural individual - require you to state his or her full name and residential and business address; (b) a corporation - require you to state its full corporate name and any names under which it does business, its state of incorporation, the address of its principal place of business, and the addresses of all of its offices; (c) a business -require you to state the full name or style under which the business is conducted, its business address or addresses, the types of businesses in which it is engaged, the geographic areas in which it conducts those business, and the identity of the person or persons who own, operate, and control the business; (d) a document - require you to state the number of pages and the nature of the document (e.g., letter or memorandum), its title, its date, the name or names of its authors and recipients, and its present location and custodian; (e) a communication - require you, if any part of the communication was written, to identify the document or documents which refer to or evidence the communication, and, to the extent that the communication was non-written, to identify the persons participating in the communication and to state the date, manner, place and substance of the communication.

INTERROGATORIES

1. For the Lake Turner Municipal Utility District Nos. 2 & 3 (Lake Turner) request to obtain a sewer certificate of convenience and necessity (CCN), including the proposed area which overlaps the proposed sewer service area requested by Town of Westlake's (Westlake), please provide a

large scale map locating the following information (use different shading or colors to highlight the different areas):

- a) Locate Lake Turner's exact proposed sewer service area.
- b) Locate all of Lake Turner's existing sewer collection and treatment facilities.
- c) Locate all planned sewer collection and treatment facilities or other related improvements.

2. Please describe Lake Turner's ability to provide adequate sewer service to the proposed service area.

3. For Interrogatory number 1(c) above, please describe the existing sewer facilities within or used to serve the area involved, such as line or main size, plant capacities, and any other pertinent information.

4. For Interrogatory number 1(c) above, please describe each planned sewer facility improvement, such as the current stage of planning, copies of plans approval letters, date construction is to begin and be completed, capacities, number of customers to benefit and any other pertinent information.

5. Please provide a copy of all reports or studies performed by or for Lake Turner to recommend or support its expansion of sewer service into the proposed area.

6. Provide a copy of all required approval letters from all city, county and state agencies for new or proposed sewer facilities within the area involved.

7. Please provide a copy of Lake Turner's discharge permit. If Lake Turner does not have a discharge permit, please explain how waste water will be treated and discharged. If will Lake Turner purchases wastewater treatment capacity, provide the names and addresses of the wastewater treatment providers and copies of all contracts or agreements to obtain wastewater treatment capacity.

8. Please explain how construction of proposed or new sewer collection and treatment facilities will be financed. Provide copies of loan or bond approvals or other documents for support.

9. Please provide information concerning all requests for sewer service from within the area involved in this case. Please explain who the requests for service were from, when the requests were received, Lake Turner's response to each request, and the response of the applicant for service. Provide copies of supportive correspondence, letters or other documents.

10. Please describe the need for sewer service in the area being requested by Lake Turner. Please be sure to include all data or documents to support this description.

11. What will be the connection fee for a person requesting sewer service from Lake Turner within

the requested area. Please provide a breakdown of this fee, such as deposit , tap fee, impact fee, and any other components of the new connection fee.

12. How long would it take Lake Turner to provide sewer service to anyone requesting service in the proposed service area? If additional facilities must be constructed or permits obtained, please explain how long each step would take, what the costs would be and who would pay the costs.

13. Please provide a copy of Lake Turner's current sewer utility tariff or service rules and extension policies which includes a rate schedule that lists all of the current charges for sewer services.

14. If the environmental integrity will be affected by the denial of any or all of Westlake's requested sewer service area and approval of Lake Turner's requested sewer service area, please explain what these effects will be and what Lake Turner will do to alleviate any resulting environmental problems.

15. Please explain the affects on Lake Turner if its application is denied.

16. Please explain the affects on Lake Turner if this application is approved.

17. Please explain the affects on Lake Turner if Westlake's sewer CCN applications are approved as requested.

18. Please explain the affects on Lake Turner if Westlake's sewer CCN applications are denied.

19. Please describe and provide supporting documents concerning Lake Turner's financial, managerial and technical capabilities to operate a viable sewer utility. Documentation should include but not be limited to annual budgets and financial audit reports for the past five years, current debt-equity ratio, organization and staffing information, and compliance history.

20. Please describe the probable improvement in service or lowering of cost to consumers in Lake Turner's proposed area. Documentation should include but not be limited to historical data for sewer service reliability, compliance history and current and projected costs to consumers in the proposed area.

21. Please describe how water service will be provided to Lake Turner's proposed sewer service area.

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 (a), (b), (c), (d), (e), (f), (h), and (i).

Respectfully Submitted,

TEXAS NATURAL RESOURCE
CONSERVATION COMMISSION

Jeffrey A. Saitas, P.E.
Executive Director
Margaret Hoffman, Director
Environmental Law Division

by 

Lara Nehman
Staff Attorney
Environmental Law Division
State Bar of Texas No.00794358
MC-173
P.O. Box 13087
Austin, Texas 78711-3087
Phone: (512) 239-1121
Fax: (512) 239-0606

CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of October, 1999, a true and correct copy of the foregoing document was sent by first class mail or by interagency mail to all persons on the attached mailing list.

A handwritten signature in cursive script, appearing to read "Lara Nehman", is written over a horizontal line.

Lara Nehman
Staff Attorney
Environmental Law Division
Texas Natural Resource
Conservation Commission

MAILING LIST
Application of Lake Turner MUD Nos. 2 & 3
and the Town of Westlake for Sewer CCN
SOAH Docket No. 582-97-0134

Mr. Andrew N. Barrett
Attorney at Law
Frost Bank Plaza
816 Congress Ave., Ste. 1280
Austin, Texas 78701

Representing: Circle T (formerly Lake Turner)

Martin Rochelle, Attorney
Lloyd, Gosselink, Blevins, Rochelle,
Baldwin & Townsend, P.C.
111 Congress Ave, Ste 1800
Austin, Texas 78701

Representing: Town of Westlake

Mr. Frank R. Booth
Mr. Mike Booth
Booth, Ahrens & Werkenthin, P.C.
Nations Bank Tower, Suite 1212
515 Congress Avenue
Austin, Texas 78701-3503

Representing: Trophy Club

Lara Nehman, Staff Attorney
Legal Services Division MC-173
Texas Natural Resource Conservation
Commission - MC - 173
P.O. Box 13087
Austin, Texas 78711-3087

Representing: Executive Director of the
Texas Natural Resource Conservation
Commission

Blas J. Coy, Jr., Attorney
Public Interest Counsel
Texas Natural Resource Conservation
Commission - MC -103
P.O. Box 13087
Austin, Texas 78711-3087

Representing: The Office of the Public
Interest Counsel of the Texas Natural
Resource Conservation Commission

Docket Clerk
Office of the Chief Clerk MC - 105
TNRCC
P.O. Box 13087
Austin, Texas 78711-3087

Doug Holcomb, Engineer
Water Permits & Resource Management Division
MC - 153
Texas Natural Resource Conservation Commission
P.O. Box 13087
Austin, Texas 78711-3087

Robert J. Huston, *Chairman*
R. B. "Ralph" Marquez, *Commissioner*
John M. Baker, *Commissioner*
Jeffrey A. Saitas, *Executive Director*



TEXAS NATURAL
RESOURCE CONSERVATION
COMMISSION

509 OCT 19 AM 11:10

TEXAS NATURAL RESOURCE CONSERVATION COMMISSION

CHIEF CLERK'S OFFICE

Protecting Texas by Reducing and Preventing Pollution

October 19, 1999

Martin Rochelle, Attorney
Lloyd, Gosselink, Blevins, Rochelle,
Baldwin & Townsend, P.C.
111 Congress Ave., Ste. 1800
Austin, Texas 78701

Re: Applications of Lake Turner MUD Nos. 2 & 3 and Town of Westlake for Sewer CCN;
SOAH Docket No. 582-97-0134

Dear Mr. Rochelle:

Enclosed please find the Executive Director's Interrogatories, Request for Production, and Request for Disclosure to the Town of Westlake in the above-referenced matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lara Nehman".

Lara Nehman
Staff Attorney
Environmental Law Division

cc: Mailing List

Enclosure

APPLICATIONS OF LAKE TURNER § BEFORE THE STATE OFFICE
MUD NOS. 2 & 3 AND TOWN OF § OF
WESTLAKE FOR SEWER CCN § ADMINISTRATIVE HEARINGS

**EXECUTIVE DIRECTOR'S INTERROGATORIES,
REQUEST FOR PRODUCTION AND REQUEST FOR
DISCLOSURE TO THE TOWN OF WESTLAKE**

TO: The Town of Westlake, by and through its Attorney, Martin Rochelle, at 111 Congress Ave., Ste. 1800, Austin, Texas 78701

Please respond to these interrogatories and produce the documents requested herein, as required by Order No. 7 of the Administrative Law Judge in this proceeding, the Texas Rules of Civil Procedure, the Rules of the State Office of Administrative Hearing ("SOAH"), and the Rules of the Texas Natural Resource Conservation Commission ("TNRCC"), as applicable.

For each interrogatory, please identify the preparer(s) and sponsor(s) (ie. testifying witness) for each answer, and identify any person who assisted in answering the Interrogatory.

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For each document that would be responsive to a request for production, but which is no longer in the possession, custody, or control of Lake Turner MUD Nos. 2 & 3 because of destruction, loss, or any other reason, please:

- Describe the nature of the document (for example, letter or memorandum);
- State the date of the document;
- Identify the person(s) who sent and received the original and/or copy of the document;
- State in as much detail as possible the content of the document;
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DEFINITIONS

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As used herein, the term "person" means any natural individual in any capacity whatsoever or any entity or organization, including divisions, departments and other units therein, and shall include, but not be limited to, a public or private corporation, partnership, joint venture, voluntary or unincorporated association, organization, proprietorship, trust, estate,

governmental agency, commission, bureau, municipality or department.

DOCUMENT OR DOCUMENTATION

As used herein, the terms "document" or "documentation" mean any medium upon which information can be recorded or retrieved, and includes, without limitation, the original and each copy, regardless of origin and location, of any book, pamphlet, periodical, letter, memorandum (including any memorandum or report of a meeting or conversation), invoice, bill, order form, receipt, financial statement, accounting entry, diary, calendar, telex, telegram, cable, facsimile transmission, report, record, contract, agreement, study, handwritten note, draft, working paper, chart, paper, print, laboratory record, drawing, sketch, graph, index, list, tape, photograph, microfilm, data sheet or data processing card, computer tape or disk, or any other written, recorded, transcribed, punched, taped, filmed or graphic matter, however produced or reproduced, which is in your possession, custody or control, or which has been, but is no longer, in your possession, custody, or control. The terms "document" or "documentation" further mean a copy of any document, as referred to above, if such copy contains notes, writings or is in any way different from or an alteration of the original document.

IDENTIFICATION

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INTERROGATORIES

1. For the Town of Westlake's (Westlake's) request to obtain a sewer certificate of convenience and necessity (CCN), including the proposed area which overlaps the proposed sewer service area requested by Lake Tuner Municipal Utility District Nos. 2 & 3 (Lake Turner), please provide a

large scale map locating the following information (use different shading or colors to highlight the different areas):

- a) Locate Westlake's exact proposed sewer service area.
- b) Locate all of Westlake's existing sewer collection and treatment facilities.
- c) Locate all planned sewer collection and treatment facilities or other related improvements.

2. Please describe Westlake's ability to provide adequate sewer service to the proposed service area.
3. For Interrogatory number 1 (a) above, please provide a description of the existing sewer facilities within or used to serve the area involved, such as line or main size, plant capacities, and any other pertinent information.
4. For Interrogatory number 1 (c) above, please provide a description of each planned sewer facility improvement, such as the current stage of planning, copies of plans approval letters, date construction is to begin and be completed, capacities, number of customers to benefit and any other pertinent information.
5. Please provide a copy of all reports or studies performed by or for Westlake to recommend or support its expansion of sewer service into the proposed area.
6. Provide a copy of all required approval letters from all city, county and state agencies for new or proposed sewer facilities within the area involved.
7. Provide a copy of Westlake's discharge permit. If Westlake does not have a discharge permit, please explain how waste water will be treated and discharged. If will Westlake purchase wastewater treatment capacity, provide the names and addresses of the wastewater treatment providers and copies of all contracts or agreements to obtain wastewater treatment capacity.
8. Please explain how construction of proposed or new sewer collection and treatment facilities will be financed. Provide copies of loan or bond approvals or other documentation for support.
9. Please provide information concerning all requests for sewer service from within the area involved in this case. Please explain who the requests for service were from, when the requests were received, Westlake's response to each request, and the response of the applicant for service. Provide copies of supportive correspondence, letters or other documentation.
10. Please describe the need for sewer service in the area being requested by Westlake. Please be sure to include all data or documentation to support this description.

11. What will be the connection fee for a person requesting sewer service from Westlake within the requested area. Please provide a breakdown of this fee, such as deposit , tap fee, impact fee, and any other components of the new connection fee.
12. How long would it take Westlake to provide sewer service to anybody requesting service in the proposed service area. If additional facilities must be constructed or permits obtained, please explain how long each step would take, what the costs would be and who would pay the costs.
13. Please provide a copy of Westlake current sewer utility tariff or service rules and extension policies which includes a rate schedule that lists all of the current charges for sewer services.
14. If the environmental integrity will be affected by the denial of any or all of Lake Turner's requested sewer service area and approval of Westlake's requested sewer service area, please explain what these effects will be and what Westlake will do to alleviate any resulting environmental problems.
15. Please explain the affects on Westlake if its application is denied.
16. Please explain the affects on Westlake if this application is approved.
17. Please explain the affects on Westlake if Lake Turner's sewer CCN applications are approved as requested.
18. Please explain the affects on Westlake if Lake Turner's sewer CCN applications are denied.
- 19 . Please describe and provide supporting documentation concerning Westlake's financial, managerial and technical capabilities to operate a viable sewer utility. Documentation should include but not be limited to annual budgets and financial audit reports for the past five years, current debt-equity ratio, organization and staffing information, and compliance history.
20. Please describe the probable improvement in service or lowering of cost to consumers in Westlake's proposed area. Documentation should include but not be limited to historical data for sewer service reliability, compliance history and current and projected costs to consumers in the proposed area.
21. Please describe how water service will be provided to Westlake's proposed sewer service area.


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 (a), (b), (c), (d), (e), (f), (h), and (i).

Respectfully Submitted,

TEXAS NATURAL RESOURCE
CONSERVATION COMMISSION

Jeffrey A. Saitas, P.E.
Executive Director
Margaret Hoffman, Director
Environmental Law Division

by 
Lara Nehman
Staff Attorney
Environmental Law Division
State Bar of Texas No.00794358
MC-173
P.O. Box 13087
Austin, Texas 78711-3087
Phone: (512) 239-1121
Fax: (512) 239-0606

CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of October, 1999, a true and correct copy of the foregoing document was sent by first class mail or by interagency mail to all persons on the attached mailing list.



Lara Nehman
Staff Attorney
Environmental Law Division
Texas Natural Resource
Conservation Commission

MAILING LIST
Application of Lake Turner MUD Nos. 2 & 3
and the Town of Westlake for Sewer CCN
SOAH Docket No. 582-97-0134

Mr. Andrew N. Barrett
Attorney at Law
Frost Bank Plaza
816 Congress Ave., Ste. 1280
Austin, Texas 78701

Representing: Circle T (formerly Lake Turner)

Martin Rochelle, Attorney
Lloyd, Gosselink, Blevins, Rochelle,
Baldwin & Townsend, P.C.
111 Congress Ave, Ste 1800
Austin, Texas 78701

Representing: Town of Westlake

Mr. Frank R. Booth
Mr. Mike Booth
Booth, Ahrens & Werkenthin, P.C.
Nations Bank Tower, Suite 1212
515 Congress Avenue
Austin, Texas 78701-3503

Representing: Trophy Club

Lara Nehman, Staff Attorney
Legal Services Division MC-173
Texas Natural Resource Conservation
Commission - MC - 173
P.O. Box 13087
Austin, Texas 78711-3087

Representing: Executive Director of the
Texas Natural Resource Conservation
Commission

Blas J. Coy, Jr., Attorney
Public Interest Counsel
Texas Natural Resource Conservation
Commission - MC -103
P.O. Box 13087
Austin, Texas 78711-3087

Representing: The Office of the Public
Interest Counsel of the Texas Natural
Resource Conservation Commission

Docket Clerk
Office of the Chief Clerk MC - 105
TNRCC
P.O. Box 13087
Austin, Texas 78711-3087

Doug Holcomb, Engineer
Water Permits & Resource Management Division
MC - 153
Texas Natural Resource Conservation Commission
P.O. Box 13087
Austin, Texas 78711-3087

APPLICATIONS OF LAKE TURNER § BEFORE THE STATE OFFICE
MUD NOS. 2 & 3 (CIRCLE T) § OF CHIEF CLERKS OFFICE
FOR SEWER AND WATER CCNs § ADMINISTRATIVE HEARINGS

**CIRCLE T MUD Nos. 1, 2, & 3's FIRST SET OF
INTERROGATORIES AND REQUESTS FOR INFORMATION
TO THE TOWN OF WESTLAKE AND THE PRODUCTION OF DOCUMENTS**

COMES NOW, Circle T MUD Nos. 1, 2, & 3 ("Circle T"), and files these Interrogatories, Requests for Information and Production of Documents to the Applicant, Town of Westlake, pursuant to the Administrative Law Judge's Order No. 7. The Town of Westlake, by and through its attorney of record is hereby directed to respond to the interrogatories, requests for information and requests for production set forth below, and to produce the following documents, statements and tangible things designated below that are within the possession, custody or control of the Town of Westlake for inspection and copying by Circle T on or before November 19, 1999. These interrogatories, requests for information, and requests for production shall be deemed continuing so as to require supplemental answers, responses and/or production pursuant to Rule 166b(6) of the Texas Rules of Civil Procedure (Duty to Supplement).

DEFINITIONS

1. "You" and "Your" refers to the Town of Westlake, its governing body, officers, employees, agents and consultants, or other representatives.
2. "Statement" includes any written, electronic or graphic statement signed or otherwise adopted or approved by the person making it, and any stenographic, mechanical, electrical, or other recordings, or a transcription thereof, which is a substantially verbatim recital of an oral statement by the person making it and contemporaneously recorded.

3. "Document" includes any written, electronic or graphic matter, however produced or reproduced, including without limitation records, studies, reports, calculations, modeling, computer programs and data.

4. "Tangible Thing" means anything tangible and any data, mapping, calculations or modeling that can be produced through a mechanical or electronic means as a copy.

5. "Statement," "Document" and "Tangible Thing" each includes, but is not limited to, anything prepared in anticipation of litigation or of this administrative proceeding by or for any party to this administrative proceeding, or by or for a representative (including a consultant or agent) of any party to this proceeding.

INSTRUCTIONS

1. The request for production contained herein shall not be deemed a call for identical copies of documents. A document with handwritten notes, editing marks, or any mark which differentiates the document shall not be deemed identical to the one without such modifications, additions or deletions.

2. Whenever, for the purpose of responding to the request herein, a document or group of documents is taken out of a file folder, file drawer, file box, notebook or other identifiable storage facility, please attach thereto a copy of the label on the file folder, file drawer, file box, notebook or other identifiable storage facility from which the document or group of documents was removed or state the contents of such facility including the date and purpose of its creation, the function(s) it serves, where it is maintained and the manner and frequency in which documents are added thereto. Documents which, when regularly maintained, are stapled, clipped or otherwise physically attached to the other documents are to be produced in their stapled, clipped, or otherwise physically attached form.

3. Each document produced pursuant to the request herein for production is to be identified in such production by the paragraph of the request for production with respect to which it was produced.

4. Pursuant to Rule 166b(6), Tex. R. Civ. P., the interrogatories, requests for information and requests for production are deemed continuing requests. If, after your response and/or production pursuant to this request, you later learn of or otherwise come into possession, custody or control of additional information and/or documents called for by the requests, such information and/or documents are to be produced in accordance with said Rules.

5. Document requests which contain sub-parts are to be construed to request all documents which are called for by any one or more sub-parts.

6. If you do not produce any document because of a claim of privilege, set forth a privilege claim, the basis of the privilege claimed, and identify the document by stating:

- a. All persons preparing and receiving such documents;
- b. The date of such documents;
- c. The general subject matter of such documents; and
- d. A brief statement of the facts on which you relied to support the claim of privilege.

**REQUESTS FOR INFORMATION,
AND REQUESTS FOR PRODUCTION OF DOCUMENTS**

1. Please identify the resources of the Town of Westlake that establish its financial capability to provide continuous and adequate sewer service to the area described Westlake's Sewer service application that is also within the boundaries of Circle T MUD Nos. 1, 2 & 3.

2. Please produce all documents that support your response to the request for information in paragraph 1.

3. Please describe the resources, including qualified personnel, their training and experience including academic and/or field experience, of the Town of Westlake and its personnel that establish its managerial capability to provide continuous and adequate sewer service to the area described in Westlake's sewer service application that is also within the boundaries of Circle T MUD Nos. 1, 2 & 3.

4. Please produce all documents, including current resumes for all personnel identified, that support your response to the request for information in paragraph 3.

5. Please identify the resources and personnel that demonstrate that the Town of Westlake has the technical capability to provide continuous and adequate service to the area described in Westlake's sewer service application that is also within the boundaries of Circle T MUD's Nos. 1, 2 & 3.

6. Please produce all documents that support your response to the request for information in paragraph 5.

7. If Westlake receives a Certificate of Convenience Necessity, does Westlake plan to provide retail public utility service, as that term is defined in Texas Water Code, Chapter 13, to the area within the area in Westlake's sewer service application that is also within the boundaries of Circle T MUD's Nos. 1, 2 & 3?

8. If the answer to the request for information in paragraph 8 is affirmative, how does Westlake plan to dispose of the wastewater?

9. If the answer to the request for information in paragraph 8 is affirmative, does Westlake plan to apply for a Texas Pollution Discharge Elimination System Permit from the TNRCC to authorize the discharge of the wastewater?

10. What options and alternatives to becoming a wastewater provider and obtaining a Sewer CCN have been explored by the Town of Westlake?

11. Please identify all regional wastewater treatment providers proximate to the proposed service area described in Westlake's sewer service application.

12. Does Westlake have an agreement(s) with any regional wastewater treatment providers to treat and dispose any wastewater generated from commercial and/or residential developments which may be built in the area Westlake is seeking to receive a CCN?

13. Has Westlake had any discussions with any regional wastewater treatment providers to treat and dispose any wastewater generated from commercial and/or residential developments which may be built in the proposed service area described in Westlake's sewer service application?

14. If the response to the request for information in paragraph 13 above is affirmative, what has been the results of those discussions?

15. Please produce copies of all documents generated by, received and/or exchanged by the Town of Westlake and any other party as a result of the discussions contemplated by the request for information in paragraph number 13.

16. Please identify all public utility systems, as that term is defined in Texas Water Code, Section 13, that provide sewer service within a two-mile radius of the proposed service area described in Westlake's sewer service application.

17. Has Westlake performed any financial or cost analyses concerning costs for constructing, operating, and maintaining a sewer system?

18. If so, please describe in detail the results of these analyses.
19. Please provide copies of all documents reflecting the financial or cost analysis contemplated by the request for information in paragraph number 16.
20. Has Westlake performed any financial or cost analyses concerning the cost to have a regional wastewater treatment receive, treat and dispose of wastewater generated from commercial and/or developments which may be built in Westlake's proposed service area?
21. If so, please describe in detail the results of these analyses.
22. Please provide copies of all documents reflecting the financial or cost analyzes contemplated by the request for information in paragraph number 19.
23. Has Westlake received any request(s) for retail sewer utility service in the service area described in its sewer service application that is also in the boundaries of Circle T MUD's Nos. 1, 2 & 3?
24. Please provide copies of all documents related to the requests for service described in the request for information in paragraph number 23.
25. Unless included in the documents produced in response to the request for production contained in paragraph number 24, please identify by name, address and telephone number the person or persons who made the requests for service to the Town of Westlake?
26. How does Westlake propose to finance any wastewater infrastructure which would be installed to provide service to Westlake's proposed service area?
27. Please describe the rates for sewer service Westlake proposed to charge for each customer class if its application is granted, including any differential in rates between customers located in the Town of Westlake and Circle T MUD Nos. 1, 2 and 3.

28. Please provide copies of all documents related to the rates contemplated by the request for information in paragraph numbers 26 and 27, including without limitation all cost of service and/or rate studies performed by or for the Town of Westlake, or by any third party a copy of which has been provided to Westlake.

29. Please identify all persons who participated in the preparation the sewer service CCN application which is the subject of this proceeding, the application's supporting documents, and identify the subject matter of each person's participation.

30. Please identify all witnesses who may testify at the hearing on the merits by name, title, address and telephone number.

31. For all persons identified in response to the request for information in paragraph number 30, please describe the subject matter and general nature of the testimony they will give.

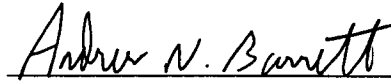
32. For each testifying expert witnesses, please identify all publications authored by the expert, including the title of the article or other work, title of the publication, date and reference.

33. For each witness identified in response to the requests for information in paragraphs 29 and 31, please provide copies of every report, memorandum or other statement made by each of them related to Westlake's CCN application.

34. For each testifying expert witnesses, please identify and describe all water and sewer CCN applications and contested case hearings in which each expert has participated within the last 5 years.

Respectfully submitted,

Law Offices of Andrew N. Barrett
Frost Bank Tower, Suite 1280
816 Congress Avenue
Austin, Texas 78701
Phone: (512) 472-9326
Fax: (512) 472-6463



Andrew N. Barrett
State Bar Number 01808900

CERTIFICATE OF SERVICE

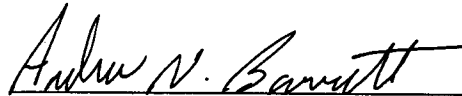
The undersigned hereby certifies that the foregoing document has been served on the following parties via facsimile and certified mail, return receipt requested, this 19th day of October, 1999.

Martin Rochelle, Attorney
Lloyd, Gosselink, Blevins, Rochelle
Baldwin & Townsend, P.C.
111 Congress Ave., Suite 1800
Austin, Texas 78701

Lara Nehman, Staff Attorney
Public Interest Counsel
TNRCC
P.O. Box 13087
Austin, TX 78711-3087

Blas J. Coy, Jr., Attorney
Public Interest Counsel
TNRCC
P.O. Box 13087
Austin, Texas 78711-3087

Stan Oestrick
TNRCC
PO Box 13087
Austin, TX 78711-3087



Andrew N. Barrett

LAW OFFICES

MCGINNIS, LOCHRIDGE & KILGORE, L.L.P.

CONFIDENTIALITY NOTICE: The documents accompanying this facsimile transmission contain legally privileged confidential information intended only for the use of the recipient(s) named below. We request immediate notification by telephone of misrouted facsimile transmissions so we can arrange for return of those documents. If you receive this facsimile in error, you are hereby notified that any disclosure, copying, distribution or the taking of any action reliant on the contents of this facsimile is strictly prohibited.

FAX COVER SHEET

FROM: Edmond R. McCarthy, Jr.

DIRECT DIAL: (512) 495-6061

DATE: October 19, 1999

PAGES SENT: 9
(INCL. THIS PAGE)

Re:

COMMENTS:

TO:	FAX NUMBER	PHONE NUMBER
Martin Rochelle	472-0532	322-5800
Stan Oestrick	239-3311	
Blas J. Coy, Jr.	239-3311	
Lara Nehmann	239-3311	

1996-1901-UCR

1996-1902-UCR

1996-1903-UCR

1996-1904-UCR

■ 1300 CAPITOL CENTER ■ 919 CONGRESS AVENUE ■ AUSTIN, TX 78701
 ■ PHONE: (512) 495-6000 ■ FACSIMILE: (512) 495-6093 ■

SOAH DOCKET NO. 5820-97-0134

APPLICATIONS OF LAKE TURNER	§	BEFORE THE STATE OFFICE
MUD NOS. 2 & 3 (CIRCLE T)	§	OF
FOR SEWER AND WATER CCNs	§	ADMINISTRATIVE HEARINGS

CHIEF CLERK'S OFFICE

OCT 17 PM 4:40

FEDERAL OFFICE
COMMUNICATIONS

**CIRCLE T MUD Nos. 1, 2, & 3's FIRST SET OF
INTERROGATORIES AND REQUESTS FOR INFORMATION
TO THE TOWN OF WESTLAKE AND THE PRODUCTION OF DOCUMENTS**

COMES NOW, Circle T MUD Nos. 1, 2, & 3 ("Circle T"), and files these Interrogatories, Requests for Information and Production of Documents to the Applicant, Town of Westlake, pursuant to the Administrative Law Judge's Order No. 7. The Town of Westlake, by and through its attorney of record is hereby directed to respond to the interrogatories, requests for information and requests for production set forth below, and to produce the following documents, statements and tangible things designated below that are within the possession, custody or control of the Town of Westlake for inspection and copying by Circle T on or before November 19, 1999. These interrogatories, requests for information, and requests for production shall be deemed continuing so as to require supplemental answers, responses and/or production pursuant to Rule 166b(6) of the Texas Rules of Civil Procedure (Duty to Supplement).

DEFINITIONS

1. "You" and "Your" refers to the Town of Westlake, its governing body, officers, employees, agents and consultants, or other representatives.
2. "Statement" includes any written, electronic or graphic statement signed or otherwise adopted or approved by the person making it, and any stenographic, mechanical, electrical, or other recordings, or a transcription thereof, which is a substantially verbatim recital of an oral statement by the person making it and contemporaneously recorded.

3. "Document" includes any written, electronic or graphic matter, however produced or reproduced, including without limitation records, studies, reports, calculations, modeling, computer programs and data.

4. "Tangible Thing" means anything tangible and any data, mapping, calculations or modeling that can be produced through a mechanical or electronic means as a copy.

5. "Statement," "Document" and "Tangible Thing" each includes, but is not limited to, anything prepared in anticipation of litigation or of this administrative proceeding by or for any party to this administrative proceeding, or by or for a representative (including a consultant or agent) of any party to this proceeding.

INSTRUCTIONS

1. The request for production contained herein shall not be deemed a call for identical copies of documents. A document with handwritten notes, editing marks, or any mark which differentiates the document shall not be deemed identical to the one without such modifications, additions or deletions.

2. Whenever, for the purpose of responding to the request herein, a document or group of documents is taken out of a file folder, file drawer, file box, notebook or other identifiable storage facility, please attach thereto a copy of the label on the file folder, file drawer, file box, notebook or other identifiable storage facility from which the document or group of documents was removed or state the contents of such facility including the date and purpose of its creation, the function(s) it serves, where it is maintained and the manner and frequency in which documents are added thereto. Documents which, when regularly maintained, are stapled, clipped or otherwise physically attached to the other documents are to be produced in their stapled, clipped, or otherwise physically attached form.

3. Each document produced pursuant to the request herein for production is to be identified in such production by the paragraph of the request for production with respect to which it was produced.

4. Pursuant to Rule 166b(6), Tex. R. Civ. P., the interrogatories, requests for information and requests for production are deemed continuing requests. If, after your response and/or production pursuant to this request, you later learn of or otherwise come into possession, custody or control of additional information and/or documents called for by the requests, such information and/or documents are to be produced in accordance with said Rules.

5. Document requests which contain sub-parts are to be construed to request all documents which are called for by any one or more sub-parts.

6. If you do not produce any document because of a claim of privilege, set forth a privilege claim, the basis of the privilege claimed, and identify the document by stating:

- a. All persons preparing and receiving such documents;
- b. The date of such documents;
- c. The general subject matter of such documents; and
- d. A brief statement of the facts on which you relied to support the claim of privilege.

**REQUESTS FOR INFORMATION,
AND REQUESTS FOR PRODUCTION OF DOCUMENTS**

1. Please identify the resources of the Town of Westlake that establish its financial capability to provide continuous and adequate sewer service to the area described Westlake's Sewer service application that is also within the boundaries of Circle T MUD Nos. 1, 2 & 3.

2. Please produce all documents that support your response to the request for information in paragraph 1.

3. Please describe the resources, including qualified personnel, their training and experience including academic and/or field experience, of the Town of Westlake and its personnel that establish its managerial capability to provide continuous and adequate sewer service to the area described in Westlake's sewer service application that is also within the boundaries of Circle T MUD Nos. 1, 2 & 3.

4. Please produce all documents, including current resumes for all personnel identified, that support your response to the request for information in paragraph 3.

5. Please identify the resources and personnel that demonstrate that the Town of Westlake has the technical capability to provide continuous and adequate service to the area described in Westlake's sewer service application that is also within the boundaries of Circle T MUD's Nos. 1, 2 & 3.

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18. If so, please describe in detail the results of these analyses.

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21. If so, please describe in detail the results of these analyses.

22. Please provide copies of all documents reflecting the financial or cost analyses contemplated by the request for information in paragraph number 19.

23. Has Westlake received any request(s) for retail sewer utility service in the service area described in its sewer service application that is also in the boundaries of Circle T MUD's Nos. 1, 2 & 3?

24. Please provide copies of all documents related to the requests for service described in the request for information in paragraph number 23.

25. Unless included in the documents produced in response to the request for production contained in paragraph number 24, please identify by name, address and telephone number the person or persons who made the requests for service to the Town of Westlake?

26. How does Westlake propose to finance any wastewater infrastructure which would be installed to provide service to Westlake's proposed service area?

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28. Please provide copies of all documents related to the rates contemplated by the request for information in paragraph numbers 26 and 27, including without limitation all cost of service and/or rate studies performed by or for the Town of Westlake, or by any third party a copy of which has been provided to Westlake.

29. Please identify all persons who participated in the preparation the sewer service CCN application which is the subject of this proceeding, the application's supporting documents, and identify the subject matter of each person's participation.

30. Please identify all witnesses who may testify at the hearing on the merits by name, title, address and telephone number.

31. For all persons identified in response to the request for information in paragraph number 30, please describe the subject matter and general nature of the testimony they will give.


32. For each testifying expert witnesses, please identify all publications authored by the expert, including the title of the article or other work, title of the publication, date and reference.

33. For each witness identified in response to the requests for information in paragraphs 29 and 31, please provide copies of every report, memorandum or other statement made by each of them related to Westlake's CCN application.

34. For each testifying expert witnesses, please identify and describe all water and sewer CCN applications and contested case hearings in which each expert has participated within the last 5 years.

Respectfully submitted,

Law Offices of Andrew N. Barrett
Frost Bank Tower, Suite 1280
816 Congress Avenue
Austin, Texas 78701
Phone: (512) 472-9326
Fax: (512) 472-6463



Andrew N. Barrett
State Bar Number 01808900

CERTIFICATE OF SERVICE

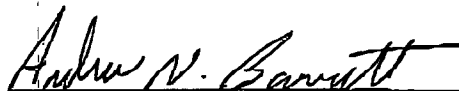
The undersigned hereby certifies that the foregoing document has been served on the following parties via facsimile and certified mail, return receipt requested, this 17th day of October, 1999.

Martin Rochelle, Attorney
Lloyd, Gosselink, Blevins, Rochelle
Baldwin & Townsend, P.C.
111 Congress Ave., Suite 1800
Austin, Texas 78701

Lara Nehman, Staff Attorney
Public Interest Counsel
TNRCC
P.O. Box 13087
Austin, TX 78711-3087

Blas J. Coy, Jr., Attorney
Public Interest Counsel
TNRCC
P.O. Box 13087
Austin, Texas 78711-3087

Stan Oestrick
TNRCC
PO Box 13087
Austin, TX 78711-3087



Andrew N. Barrett

LLOYD, GOSSELINK, BLEVINS, ROCHELLE,
BALDWIN & TOWNSEND, P. C.
ATTORNEYS AT LAW

111 CONGRESS AVENUE, SUITE 1800
AUSTIN, TEXAS 78701
TELEPHONE (512) 322-5800
TELECOPIER (512) 472-0532

Mr. Rochelle's Direct Line:
(512) 322-5810

mrochelle@lglawfirm.com

807 SOUTH AUSTIN AVENUE*
GEORGETOWN, TEXAS 78626
TELEPHONE (512) 930-1317
*BY APPOINTMENT ONLY

October 19, 1999

Mr. Andrew N. Barrett
Suite 1280
816 Congress Avenue
Austin, Texas 78701

VIA FACSIMILE
AND FIRST-CLASS MAIL

Re: Applications of Town of Westlake and Circle T MUDs Nos. 2
and 3 for Certificates of Convenience and Necessity: SOAH

1996-1901-^{ucl} Docket Nos. 582-97-0134 (Sewer CCN) and 582-97-0175
(Water CCN) (140300:1.3)

1996-1902-^{ucl} 196-1903-^{ucl} 1999-1904-^{ucl}

1996-1898-^{ucl}
1996-1897-^{ucl}

Dear Andy:

Enclosed please find the Town of Westlake's Request for Disclosure, Written Interrogatories, and Production of Documents to Circle T MUDs 2 and 3 in the above-referenced matter.

If you have any questions concerning this matter, please do not hesitate to contact me.

Sincerely,



Martin C. Rochelle

MCR/ldp
1403\00\ltr991019mcr2
ENCLOSURE

cc: Mr. Scott Bradley
TNRCC Chief Clerk

CHIEF CLERK'S OFFICE

OCT 20 11 19 25

RECEIVED
TNRCC
OCT 20 11 19 25

SOAH DOCKET NO. 582-97-0134

THE TOWN OF WESTLAKE'S § BEFORE THE STATE OFFICE
APPLICATION FOR A SEWER § OF
CERTIFICATE OF CONVENIENCE § ADMINISTRATIVE HEARINGS
AND NECESSITY §

**TOWN OF WESTLAKE'S REQUEST FOR DISCLOSURE,
WRITTEN INTERROGATORIES, AND
PRODUCTION OF DOCUMENTS
TO CIRCLE T MUDs 2 AND 3**

RECEIVED
OCT 26 11 11 AM '99
CHIEF CLERK'S OFFICE

TO: Andrew N. Barrett
Suite 1280
816 Congress Avenue
Austin, Texas 78701

Applicant, the Town of Westlake, Texas ("Westlake") serves this Request for Disclosure, Interrogatories, and Production of Documents on Circle T MUDs 2 and 3, through their attorney of record, Andrew N. Barrett, pursuant to Chapter 2001 of the Texas Government Code, the Texas Rules of Civil Procedure, and applicable rules and regulations of the Texas Natural Resource Conservation Commission and State Office of Administrative Hearings.

Protestant must serve a signed copy of the answers, documents, and any objections to these requests upon counsel for Westlake, Martin Rochelle, at the following address: Lloyd, Gosselink, Blevins, Rochelle, Baldwin & Townsend, P.C., 111 Congress Avenue, Suite 1800, Austin, Texas, 78701, by November 19, 1999.

A. DEFINITIONS

The following definitions apply to this discovery request:

1. "Application" means the Town of Westlake's Application for a Sewer Certificate of Convenience and Necessity ("CCN") filed at the Texas Natural Resource Conservation Commission ("TNRCC") and any and all information gathered, generated, compiled, or submitted to any other local, municipal, county, state or federal agency by or on behalf of the Town, to further its goal of the securing this Sewer CCN.

2. "Applicant" and "Town" refer to the Town of Westlake, Texas, and each of its officers, employees, agents, representatives, attorneys, and all other natural persons, business or legal entities, presently or formerly acting in concert with, under their direct or indirect control of, or on behalf of the Town of Westlake.
3. "Communication" means any oral, written or electronic communication.
4. "Concerning" means, in whole or in part, directly or indirectly, referring to, relating to, being connected with, commenting on, responding to, showing, describing, analyzing, reflecting, embodying, mentioning, or constituting the subject matter identified in the request.
5. "Date" means the exact day, month, and year, if ascertainable or, if not, the best approximation.
6. "Describe" or "identify," when used in reference to a document, means you must state, to the fullest extent possible, the following:
 - a) The nature (*e.g.*, letter, handwritten note) of the document;
 - b) The title or heading that appears on the document;
 - c) The date of the document and the date of each addendum, supplement, or other addition or change;
 - d) The identity of: the author of the document; any signatory or signatories of the document; and the person on whose behalf or at whose request or direction the document was prepared or delivered; and
 - e) The present location of the document, and the name, address, position or title, and telephone number(s) of the person(s) having custody of the document.
7. "Describe" or "identify," when used in reference to a person, means you must state, to the fullest extent possible, the following:
 - a) The person's full name;
 - b) The person's present or last known residential address, including zip code;

- c) The person's present or last known occupation, job title, employer, employer's address, including zip code, and employer's telephone and facsimile number(s);
 - d) The occupation, job title, employer, and employer's address at the time of the event or period referred to in each particular interrogatory; and
 - e) In the case of any person other than an individual, identify the officer, employee, or agent most closely connected with the subject matter of the interrogatory, and the officer who is responsible for supervising that officer or employee.
8. "Describe" or "identify," when used in reference to an entity, means you must state, to the fullest extent possible, the following:
- a) The entity's full and correct legal name;
 - b) The nature of the entity's structure and/or organization;
 - c) The address, telephone and fax number of the entity's principal offices;
 - d) The principal line(s) of the entity's business or activity; and
 - e) The officer, employee, or agent most closely connected with the subject matter of the interrogatory, and the officer who is responsible for supervising that officer or employee.
9. "Districts" mean the Circle T MUDs 2 and 3, and each of their officers, employees, agents, representatives, attorneys, and all other natural persons, business or legal entities, presently or formally acting in consent with, under their direct or indirect control of, or on behalf of the Circle T MUDs 2 and 3.
10. "Document(s)" means all written, typed, or printed matters, and all magnetic or other records, papers, or documentation of any kind or description (including, without limitation, letters, correspondence, telegrams, memoranda, notes, minutes, contracts, agreements, notations of telephone or in-person conversations, conferences, inter-office communications, E-mail, microfilm, bulletins, circulars, accounts, writings, drawings, graphs, charts, pamphlets, books, facsimiles, invoices, tape recordings, video recordings, photographs, computer printouts and work sheets), including all originals and all drafts and copies not identical to the originals, all photographs and

graphic matter, however produced or reproduced, and all compilations of data from which information can be obtained, and any and all writings or recordings of any type or nature, whether or not prepared by you, in your actual possession, custody, or control, including those in the possession, custody, or control of any and all present or former directors, officers, employees, representatives, consultants, accountants, attorneys, agents, other natural persons, business or legal entities, presently or formerly acting in concert with, under the direct or indirect control of, or on behalf of Protestant.

11. "Entity" means any partnership, association, corporation, joint venture, firm, proprietorship, agency, board, authority, commission, governmental body, trust, contractor, or any other organization, legal or business entity, and all other predecessors or successors in interest.
12. "Person(s)" means any natural person.
13. The word "and" means "and/or."
14. The word "or" means "or/and."
15. "You" and "your" mean Circle T MUDs 2 or 3 and all other natural persons, businesses or legal entities, presently or formerly, acting in concert with, under the direct or indirect control of, or on behalf of Circle T MUDs 2 or 3.

B. INSTRUCTIONS

- (1) You may not object to requests for disclosure. As to any interrogatory or request for production to which you do not respond, please state the grounds for your refusal or inability to respond. When you believe that a complete answer to a particular interrogatory or request for production or part thereof is not possible, please answer each request for production to the extent possible and furnish a statement explaining: 1) the reason for your inability to respond further; and 2) whatever information or knowledge you have concerning the non-responsive portion.
- (2) For each document or other requested information that you assert is privileged or is not discoverable, other than requests for disclosure, identify that document or other requested information, and state the specific grounds for the claim of privilege or other ground for exclusion. Also, for each document you assert is not discoverable, state the date of the document; state the name, job title, and address of the person who prepared it; state

the name, address, and job title of the person to whom it was addressed, circulated, or who saw it; state the name, job title, and address of the person now in possession of the document; describe the subject matter of the document; and state the present location and the custodian for the document.

- (3) For every document that no longer exists or cannot be located, or for any requested information about a document that no longer exists or cannot be located: identify the document; state how and when the document passed out of existence, or when it could no longer be located; and state the reason(s) for the disappearance; identify each person having knowledge about the disposition or loss of the document; and identify each document evidencing the existence or nonexistence of each document that cannot be located.
- (4) It is requested that all documents that might impact on the subject matter of the Application or the Districts' Sewer CCN application be preserved and that any ongoing process of document destruction involving such documents cease.
- (5) Furnish all information available to you and known by you, or in your possession or that of your agents and attorneys, or appearing in your records.
- (6) In those instances where you choose to answer an interrogatory by referring to a specific document or record, it is requested that the specification be in sufficient detail to permit the requesting party to locate and identify the record(s) and/or document(s) from which the answer is to be ascertained, as readily as can the party served with the request.
- (7) In those instances when requested information or requested documents are stored only on software, computer based information, or other data compilations, you should either produce the raw data along with all codes and programs for translating it into usable form, or produce the information in a finished usable form that includes all necessary glossaries, keys, and indices for interpretation of the material.
- (8) Please respond to each interrogatory and each request for production in the space provided. If you need additional space within which to respond to an interrogatory or request, please add pages as necessary, and indicate clearly the interrogatory or request for production to which each response is responsive. When interrogatories or requests for production contain

subparts, indicate in your answer the subpart to which each particular part of your response is in response.

- (9) You are under a duty to supplement your answers to these interrogatories, responses to these requests for disclosure, and responses to these requests for production that are incomplete or incorrect when made. Furthermore, you are under a duty to timely amend your answers if you obtain information on the basis of which you know that an answer either: 1) was incorrect or incomplete when made; or 2) although correct and complete when made, is no longer true and complete and the circumstances are such that failure to amend the answer is in substance misleading.

C. REQUEST FOR DISCLOSURE

Protestant is requested to disclose the following information or material, pursuant to Rule 194 of the Texas Rules of Civil Procedure.

1. Please describe the general substance of the testimony you will give at the evidentiary hearing in the above-referenced docket.
2. Please state 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.
3. For any expert witness who will testify on your behalf, please state the following:
 - a. the expert's name, address, and telephone number;
 - b. the subject matter on which the expert will testify;
 - c. any reports, documents, models or data that have been provided to, reviewed by, or prepared by of for the expert in anticipation of the expert's testimony.
4. Please describe the factual bases and legal theories for your claims that the Sewer CCN should be granted to the Districts and denied to Westlake.

D. INTERROGATORIES

INTERROGATORY NO. 1.

Identify each person answering these interrogatories or assisting in any way with the preparation of the answers to these interrogatories and state which interrogatories they assessed in answering.

ANSWER:

INTERROGATORY NO. 2.

Identify each person who will testify on your behalf, other than expert witnesses, and for each person, please provide the following information:

- a. the person's name, address, and telephone number; and
- b. the subject matter on which the person will testify.

ANSWER:

INTERROGATORY NO. 3.

Identify any persons or entities with whom you have corresponded or communicated regarding the Application or the applications of the Districts for Sewer CCN, including persons associated with or employed by the following:

- (a) The Town of Westlake
- (b) The Texas Natural Resource Conservation Commission
- (c) The Trinity River Authority of Texas
- (d) The Town of Southlake
- (e) The City of Keller
- (f) The City of Fort Worth
- (g) Hillwood Development Company
- (h) Any other local, state, or federal governmental entity
- (i) Any other person or entity.

ANSWER:

INTERROGATORY NO. 4.

Identify all persons or entities known by you to have knowledge of any relevant facts or to have possession, custody, or control of documents concerning the Application or the applications of the Districts for Sewer CCN.

ANSWER:

INTERROGATORY NO. 5.

With regard to your protest of Westlake's Application in the above-referenced docket, or the Districts' applications for Sewer CCN in this matter, please provide a large-scale map locating the following information:

- (a) The boundaries of the Districts.
- (b) Any existing water supply or sewer service facilities or related improvements within the boundaries of the Districts.
- (c) Any planned water supply or sewer service facilities or related improvements within the boundaries of the Districts.
- (d) For 5(b) and 5(c) above, please provide a detailed accounting of all expenditures made by the Districts in connection with such facilities.
- (e) For 5(c) above, please provide a description of each planned sewer service facilities, such as the current stage of planning, copies of plans, copies of plan approval letters, date construction is to begin and to be completed, capacities of such improvements, number of customers to be benefited by such improvements, and any other pertinent information.
- (f) For 5(c) above, please provide the estimated costs of such planned improvements.
- (g) For 5(c) above, please provide a copy of all reports generated or studies performed to support the efforts of the Districts to construct and/or expand sewer service facilities within the boundaries of the Districts.

ANSWER:

INTERROGATORY NO. 6.

Please explain how the District's proposed sewer service facilities will be financed.

ANSWER:

INTERROGATORY NO. 7.

How long would it take the Districts to provide sewer service to someone requesting service within their corporate boundaries? Please explain how long each step would take, what the costs would be and who would pay the costs.

ANSWER:

INTERROGATORY NO. 8.

Please provide the reasons why Westlake's application for Sewer CCN should be denied for that portion of the Application that encompasses the Districts and Circle T MUD 1.

ANSWER:

INTERROGATORY NO. 9.

How will the Districts calculate, bill, and collect for the sewer services they propose to provide for their residents?

ANSWER:

INTERROGATORY NO. 10.

How will the Districts terminate sewer service for customers who do not pay their sewer service bill or otherwise violate the terms of any sewer service tariff that may be adopted by the Districts?

ANSWER:

INTERROGATORY NO. 11.

Please identify the source of wastewater treatment and/or disposal services the Districts would utilize if the Districts provided retail sewer services to their residents.

ANSWER:

INTERROGATORY NO. 12.

Please identify the following with respect to the area that is the subject of the Sewer CCN applications of the Districts.

- (a) Please state the understanding, if any, of the Districts as to the date that any and all undeveloped property located therein will be developed or will require sewer service.
- (b) Please identify the projected number of customers and type of customers (residential, commercial, or industrial) to which the Districts intend to provide sewer service;
- (c) Please identify the facilities that will be used by the Districts to provide sewer services to all areas that are included in their Sewer CCN applications;