

**SOAH DOCKET NO. 582-08-2178  
TCEQ DOCKET NO. 2007-1774-MSW**

|                                    |          |                                |
|------------------------------------|----------|--------------------------------|
| <b>APPLICATION OF BFI WASTE</b>    | <b>§</b> | <b>BEFORE THE STATE OFFICE</b> |
| <b>SYSTEMS OF NORTH AMERICA,</b>   | <b>§</b> |                                |
| <b>INC., FOR A MAJOR AMENDMENT</b> | <b>§</b> | <b>OF</b>                      |
| <b>TO TYPE I MSW PERMIT NO.</b>    | <b>§</b> |                                |
| <b>1447A</b>                       | <b>§</b> | <b>ADMINISTRATIVE HEARINGS</b> |

**TJFA, L.P.'s NOTICE OF ORAL DEPOSITION OF  
RAY SHULL AND SUBPOENA DUCES TECUM**

TO: BFI Waste Systems of North America, LLC, by and through its attorneys of record, Mr. Paul Gosselink and Mr. John E. Carlson, Lloyd, Gosselink, Rochelle & Townsend, P.C., 816 Congress Ave., Suite 1900, Austin, TX 78701

PLEASE TAKE NOTICE pursuant to Rules 195.4 and 199 of the Texas Rules of Civil Procedure that Protestant TJFA, L.P. (TJFA) will take the following oral deposition in this proceeding:

**Witness: Ray Shull**

**Date: Thursday, December 11, 2008**

**Time: 10:00 a.m.**

**Location: Offices of Lloyd, Gosselink, Rochelle & Townsend,  
P.C., 816 Congress Ave., Suite 1900, Austin, Texas  
78701**

The deposition will continue from day-to-day until completed. The deposition will be taken before a certified court reporter from Affiliated Reporting & Video. The following persons may attend the deposition in addition to counsel for TJFA. Bob Gregory, Robert Kier and James Neyens. This Notice of Deposition requests the witness to bring to the deposition for

review, inspection and possibly copying, the originals of the documents requested in the Subpoena Duces Tecum that is attached as **Exhibit A**.

Respectfully submitted,

FRITZ, BYRNE, HEAD & HARRISON, PLLC  
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By: \_\_\_\_\_

  
J. D. Head

State Bar No. 09322400

Bob Renbarger

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ATTORNEYS FOR TJFA, L.P.

## CERTIFICATE OF SERVICE

By my signature above, I hereby certify that a true and correct copy of the foregoing document has been served this 5<sup>th</sup> day of December, 2008, via e-mail, facsimile transmission or U.S. First Class mail, to the following:

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Mr. John E. Carlson  
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**BFI WASTE SYSTEMS OF NORTH AMERICA, INC. and  
GILES HOLDINGS, L.P.**

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Ms. Susan White  
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**CITY OF AUSTIN**

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**NORTHEAST NEIGHBORS COALITION; MARK  
MCAFFEE; MELANIE MCAFFEE; ROGER JOSEPH;  
DELMER D. ROGERS; and WILLIAMS, LTD.**

# EXHIBIT A

## SUBPOENA DUCES TECUM

The witness is hereinafter referred to as “you” or “your.” You are directed to bring with you to the deposition the following materials, to the extent such documents have not previously been produced to TJFA, L.P.:

1. All documents, tangible things, reports, models, or data compilations that have been provided to you, reviewed by you, or prepared by or for you in anticipation of his testimony, including:
  - a. Any and all documents and things reviewed, referred to, or relied upon by you in formulating any of your opinions or conclusions concerning the BFI Sunset Farms Landfill, BFI Waste Systems of North America, LLC’s (BFI) application to expand the landfill, and this contested case hearing.
  - b. Any and all documents and things created or produced by you in connection with your work pertaining to the BFI Sunset Farms Landfill, BFI’s application to expand the landfill, and this contested case hearing.
  - c. Any and all documents in your custody or control concerning this contested case hearing.
  - d. Any and all documented in your custody or control concerning the BFI Sunset Farms Landfill.
  - e. Your complete file in this case, including but not limited to any and all of your records, correspondence (including e-mails), personal notes, calendars, diaries, phone logs and any other type of documents concerning any fact or opinion in relation to BFI Sunset Farms Landfill, BFI’s application to expand the landfill, and this contested case hearing.
  - f. Invoices and time entries for work performed by you and/or anybody under your control or supervision in connection with the BFI Sunset Farms Landfill, BFI’s application to expand the landfill, and this contested case hearing.
  - g. Printouts of any and all magnetic, electronic or computerized documents, information, data, database searches, recordings, images, and/or transmissions reviewed, referred to, or relied upon by you in formulating any of your opinions or conclusions concerning the BFI Sunset Farms Landfill, BFI’s application to expand the landfill, and this contested case hearing.

