



FRITZ, BYRNE, HEAD & HARRISON, PLLC

Attorneys at Law

December 10, 2008

VIA FACSIMILE NO. 239-3311

- and -

U. S. FIRST CLASS MAIL

Ms. LaDonna Castañuela, Chief Clerk
Office of the Chief Clerk (MC-105)
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

Re: SOAH Docket No. 582-08-2178; TCEQ Docket No. 2007-1774-MSW; In re:
the Application of BFI Waste Systems of North America, Inc., for a Major
Amendment to Type I MSW Permit No. 1447A

Dear Ms. Castañuela:

Enclosed are an original and one copy of TJFA, L.P.'s Notice of Oral Deposition of Steve Mobley and Subpoena Duces Tecum which we respectfully request be filed among the other papers in the above-referenced proceeding. Please return a file-stamped copy to me in the self-addressed, postage prepaid envelope provided for your convenience.

A copy of the enclosure is being forwarded to all parties of interest as set forth below. Thank you for your assistance in this matter.

Very truly yours,

FRITZ, BYRNE, HEAD & HARRISON, PLLC

By: 

Ann M. Devers
Assistant to Bob Renbarger

Enclosures

cc: Mr. Paul Terrill (w/encl)
See, Certificate of Service (w/encl)



Value Driven...Client Oriented

98 SAN JACINTO BOULEVARD SUITE 2000 AUSTIN, TEXAS 78701 (512) 476-2020 FAX: (512) 477-5267 WWW.FBHH.COM

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

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

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

TO: Giles Holdings, L.P., by and through its attorney, Mr. Paul Terrill, The Terrill Firm, P.C., 810 W. 10th St., 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: Steve Mobley

Date: Monday, December 15, 2008

Time: 1:00 p.m.

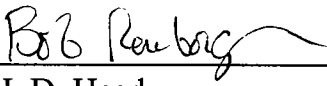
Location: Offices of The Terrill Firm, P.C., 810 W. 10th St., Austin, Texas 78701

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. 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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TEL: 512/476-2020
FAX: 512/477-5267

By: 

J. D. Head
State Bar No. 09322400

Bob Renbarger
State Bar No. 16768100

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 10th 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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E-MAIL: jcarlson@lglawfirm.com
**BFI WASTE SYSTEMS OF NORTH AMERICA, INC. and
GILES HOLDINGS, L.P.**

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Ms. Mary W. Carter
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FAX: 713/524-5165
E-MAIL: jbb@blackburncarter.com
E-MAIL: mcarter@blackburncarter.com
**NORTHEAST NEIGHBORS COALITION; MARK
MCAFEE; MELANIE MCAFEE; 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, testimony or conclusions concerning 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 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. A copy of your current curriculum vitae or resume.
 - 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’s application to expand the landfill and this contested case hearing.
 - f. Any memoranda, letters, notes, or other documents prepared by you or reviewed by you relating to the Rule 11 Agreement between BFI, Giles Holdings, L.P. and the City of Austin dated October 31, 2008, or relating to the Austin City Council’s consideration of that Rule 11 Agreement (or topics addressed therein) prior to or at the Austin City Council meeting of December 11, 2008.

- g. Any and all proposed revisions of the Rule 11 Agreement between BFI, Giles Holdings, L.P., and the City of Austin, and any documents related to any proposed revision of the Rule 11 Agreement dated October 31, 2008.
- h. Any and all documents reflecting communications about the proposed expansion of BFI's Sunset Farms Landfill with neighbors, media representatives or Travis County and City of Austin government officials.
- i. Copies of all mailers sent out on behalf of BFI, Allied Waste, Inc., and/or Giles Holdings, L.P., related to the BFI Sunset Farms Landfill expansion, including drafts of all mailers subsequently sent out on behalf of BFI, Allied Waste, Inc. and/or Giles Holdings, L.P.
- j. Copies of all surveys, opinion polls, or other such public opinion sampling conducted by BFI, Allied Waste, Inc. or Giles Holdings, L.P., or its consultants related to the BFI Sunset Farms Landfill expansion.
- k. Documents related to the selection of any consultants and instructions to any such consultants related to the conducting of any telephone survey and all results of any survey data collected from individuals who may or may not have received a copy of the mailer similar to the one described in or attached to the subpoena as Attachment 1.
- l. Any and all documents, including invoices and check stubs, related to payments to consultants for work on the BFI Sunset Farms Landfill expansion permit application.
- m. Any and all documents, including invoices and check stubs, related to payments to lawyers for work on the BFI Sunset Farms Landfill expansion permit application.
- n. Any and all documents, including invoices and check stubs, related to payments to lobbyists for work on the BFI Sunset Farms Landfill expansion permit application.
- o. Any and all documents related to any plan or proposal, at any time within the past 10 years, to combine the BFI Sunset Farms Landfill to the adjacent Waste Management Austin Community Landfill and/or the

closed Travis County Landfill, including but not limited to all possible scenarios for increased heights and capacity increases available if these landfills were tied together.

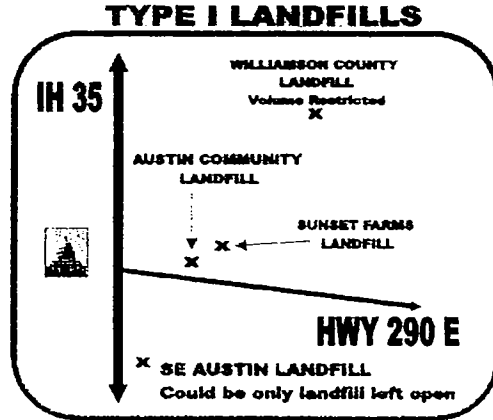
- p. Any and all documents related to the potential transfer of BFI's Sunset Farms Landfill permit to a new owner.
- q. Any and all documents that relate to how the November 1, 2015 closure deadline for BFI's Sunset Farms Landfill might be avoided.
- r. Any and all documents related to the planned post-closure uses of the BFI Sunset Farms Landfill and the property within its permitted boundaries.
- s. Any and all documents estimating or establishing that the BFI Sunset Farms Landfill can reasonably be filled to its proposed waste capacity by November 1, 2015.
- t. Any and all documents related in any way to waste capacity projections, capacity volume projections, and sources of waste related to the proposed November 1, 2015 closure date.
- u. Any and all documents discussing how the restrictive covenant in the Rule 11 Agreement between the City of Austin, BFI and Giles Holdings, L.P. could be negated or avoided.
- v. Any and all documents regarding the proposed re-zoning, in the last ten years, of any portion of the 349.363 permitted acreage for the BFI Sunset Farms Landfill site.

ATTACHMENT 1

Closing Northeast Travis County landfills too soon may have an impact on you.

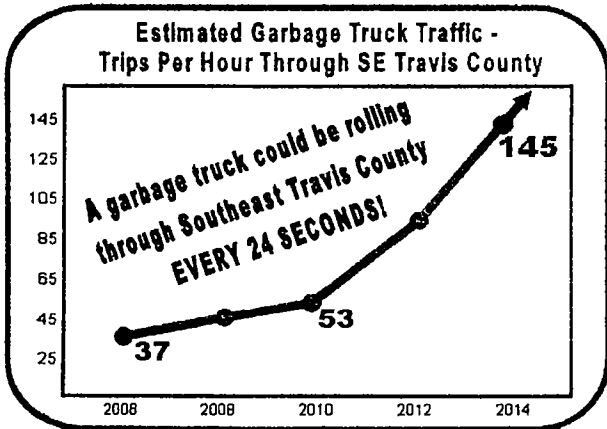
1 Very soon, Southeast Travis County could have our region's only landfill.

Currently, our region uses several landfills to handle every piece of residential and commercial garbage, but these landfills could close as early as 2010.



2 Truck traffic could increase in Southeast Travis County.

If Southeast Travis County must accommodate the waste needs of our entire region, garbage truck traffic will increase dramatically. This could result in over 2 trucks every minute headed to the one remaining landfill, located in Southeast Travis County.



3 Your costs could increase.

When competition is reduced, your costs usually increase. This means higher trash fees for you. Unless other landfill sites are developed or the operational life of existing landfills is extended, all the trucks carrying our waste will likely have to travel to the one remaining landfill located in Southeast Travis County.



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IF MAILED
IN THE
UNITED STATES

BUSINESS REPLY MAIL
FIRST-CLASS MAIL PERMIT NO. 403 AUSTIN TX

POSTAGE WILL BE PAID BY ADDRESSEE

BFI WASTE SYSTEMS
PO BOX 140026
AUSTIN TX 78714-9902

