

RECEIVED  
MAY 28 PM 4:47

SOAH DOCKET NO. 473-15-0422 WS  
PUC DOCKET NO. 42852

APPLICATION FROM THE CITY  
OF SPLENDORA TO AMEND CCN  
NO. 11727 IN MONTGOMERY AND  
LIBERTY COUNTIES

§  
§  
§  
§

PUBLIC UTILITY COMMISSION  
FILING OFFICE  
BEFORE THE STATE OFFICE  
OF  
ADMINISTRATIVE HEARINGS

**CITY OF SPLENDORA'S  
FIRST REQUESTS FOR INFORMATION  
TO CITY OF PATTON VILLAGE**

TO: The City of Patton Village, by and through its attorney of record, Elizabeth Elleson, Bojorquez Law Firm, PC, 12325 Hymeadow Drive, Suite 2-100 Austin, Texas 78750.

The City of Splendor, Applicant in the above-referenced contested case ("*Splendor*"), attaches hereto as Attachment No. 1, and incorporates herein by this reference for all purposes, its First Requests for Information ("*RFI*") to the City of Patton Village ("*Patton Village*"). These RFIs are submitted pursuant to Rule 197 of the Texas Rules of Civil Procedure and P.U.C. Proc. Rule 22.144.

53

Respectfully submitted,

**LLOYD GOSSELINK ROCHELLE &  
TOWNSEND, P.C.**

816 Congress Avenue, Suite 1900

Austin, Texas 78701

(512) 322-5800

(512) 472-0532 (Fax)

A handwritten signature in black ink, appearing to read 'David J. Klein', is written over a horizontal line.

DAVID J. KLEIN

State Bar No. 24041257

[dklein@lglawfirm.com](mailto:dklein@lglawfirm.com)

CHRISTIE DICKENSON

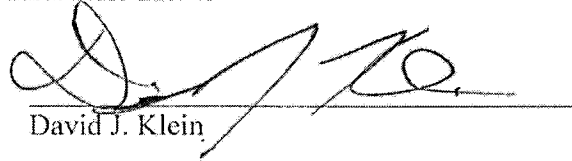
State Bar No. 24037667

[cdickenson@lglawfirm.com](mailto:cdickenson@lglawfirm.com)

**ATTORNEYS FOR CITY OF SPLENDORA**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was transmitted by fax, hand-delivery and/or regular, first class mail on this 28th day of May, 2015 to the parties of record, in accordance with P.U.C. Procedural Rule 22.74.

  
David J. Klein

## Attachment No. 1

### Instructions

The following paragraphs include instructions and definitions that apply to the requests for information that are contained in this discovery request. Unless otherwise clearly indicated within the context of a specific interrogatory herein, the definition of each term provided below applies whether the term is used or defined in the singular or plural.

You are directed to answer the following written questions fully and in writing, based on all information reasonably available to you or your attorney at the time your response is made. A true copy of the answers and any objections you may have to any of the inquiries made herein must be served on the undersigned attorney within 20 days after the date of service of these requests in a manner that otherwise fully complies with Order No. 1 and all applicable rules of the Texas Rules of Civil Procedure and the PUC Procedural Rules.

In those instances when you choose to answer an RFI propounded herein by referring to a specific document or record, you are instructed to specify the same in sufficient detail to permit Splendora to locate and identify the records or documents from which the answer is to be ascertained as readily as could you.

You are under a continuing duty to supplement your answers to these RFIs if you discover that they were incomplete or incorrect when made, or if you discover that they are no longer complete and correct. Supplementation must be made reasonably promptly after you discover the need for supplementation.

### DEFINITIONS

1. **“You”, “your”, and “Patton Village”** refers to the City of Patton Village, which refers to and includes its officers, employees, agents, representatives, attorneys, 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 the City of Patton Village, named as a Party to SOAII Docket No. 473-15-0422.WS by Order No. 1.
2. **“Application”** refers to the Application of the City of Splendora to Amend CCN No. 11727 in Montgomery and Liberty Counties originally filed with the Texas Commission on Environmental Quality on or around April 1, 2013.
3. **“City of Splendora” or “Splendora”** refers to its officers, employees, agents, representatives, attorneys, 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 Splendora.

4. The term "**Commission**" refers to the Texas Commission on Environmental Quality, an administrative agency of the State of Texas, and its Staff and Commissioners, natural person employed by and working for the agency.
5. "**Document**" and "**documents**" are used herein in their broadest sense as set forth in Tex. R. Civ. P. 192.3(b), and specifically include electronic information or magnetic data as described in Rule 196.4. These words mean and include all written, printed, typed, recorded, or graphic matter of every kind and description, both original and copies, and all attachments and appendices. Without limiting the foregoing, the terms "Document" and "Documents" shall include all agreements, contracts, Communications, correspondence, letters, opinion letters, telegrams, telexes, telefaxes, messages, memoranda, records, reports, books, summaries or other records of telephone conversations or interviews, summaries or other records of personal conversations or interviews, minutes, summaries, or other records of meetings and conferences, statements obtained from witnesses, summaries or other records of negotiations, other summaries, diaries, diary entries, calendars, appointment books, time records, instructions, work assignments, forecasts, progress reports, statistical data, statistical statements, financial statements, work sheets, work papers, drafts, graphs, charts, tables, accounts, analytical records, consultants' and experts' reports, appraisals, bulletins, notes, notices, marginal notations, notebooks, telephone records, bills, statements, records of obligation and expenditure, invoices, lists, journals, printouts, compilations, tabulations, analyses, studies, surveys, expense reports, microfilm, microfiche, tape or disc recordings, sound recordings, video recordings, film, tape, photographs, programs and data compilations from which information can be obtained (including matter used in data processing), and other printed, written, handwritten, typewritten, recorded, stenographic, computer-generated, computer stored, magnetically-stored, optically-stored, or electronically stored matter and Electronic Information, however produced, prepared, reproduced, disseminated, made or stored in any data source. The words "Document" and "Documents" also include all copies of documents by whatever means made, except that where a document is produced, identical copies of it that do not contain any markings, additions, or deletions that are different from the original do not have to be separately produced.
6. The term "**communication**" includes, without limitation of its generality, statements, discussions, conversations, speeches, meetings, remarks, questions, answers, panel discussions and symposia, whether written or oral. The term includes, without limitation of its generality, both communications and statements which are face-to-face and those which are transmitted by any media such as intercoms, telephones, television, radio, or computer including electronic information.
7. The term "**electronic information**" includes, without limitation, the following: databases, data files, program files (e.g. DOC, XLS, WPD files), image files (e.g. JPEG, TIFF, PDF files), email messages and files, voice mail messages and files, instant messaging messages, text messages, temporary files, system-history files, deleted files or emails, back up files and archival files, website files, website information stored in textual, graphical or audio format, cache files, and cookies.

8. The term **“data sources”** includes, without limitation, mainframe computers, network servers, internet (“web”) servers, computers (including desktop, laptop and handheld computers), hard drives (including portable or temporary hard drives), flash drives (including thumb drives, secure digital cards or other flash memory devices), email servers, handheld devices like personal digital assistants and cell phones or smart phones (e.g. iPhones, BlackBerrys).
9. The terms **“relate”** or **“relating”** or **“regarding”** to any given subject, when used to specify a document, communication, statement, or correspondence mean any document, communication, statement or correspondence that constitutes, contains, evidences, embodies, reflects, identifies, states, discusses, refers to, deals with, or is in any manner whatsoever pertinent to that subject.
10. The term **“identify,”** when used in reference to a natural person means to provide his or her (1) full name and (2) present or last known position or business affiliation, job title, employment address, and telephone number (designating which).
11. The term **“identify”** and **“describe,”** when used in reference to facts, an event, or an allegation, means to include: (a) a detailed description of the facts, events, or allegation at issue; (b) the date or dates on which the facts or event occurred, or the time period involved in the events giving rise or relating to the allegation; (c) the name, address, telephone number, and affiliation of all persons involved in the facts, event, or allegation; and (d) the date, author, addressee or recipient, and type of document of any document relating to or concerning the event or allegation.
12. The term **“service area”** is the geographic area that Splendora has requested a water CCN in the Application.
13. The term **“CCN”** is a certificate of a convenience and necessity.

**CITY OF SPLENDORA'S  
FIRST REQUEST FOR INFORMATION  
TO THE CITY OF PATTON VILLAGE**

By providing written responses to these requests below, you acknowledge that you have read and are familiar with the instructions and definitions included above.

**REQUEST FOR INFORMATION NO. 1-1:**

Explain whether Patton Village believes that Splendorra possesses the financial, managerial, and technical capability to provide continuous and adequate retail water service to the service area requested by Splendorra in its Application, taking into consideration the current and projected density and land use of the proposed service area.

**RESPONSE:**

**REQUEST FOR INFORMATION NO. 1-2:**

Please provide all documents supporting your response to Request for Information 1-1, above.

**RESPONSE:**

**REQUEST FOR INFORMATION NO. 1-3:**

Explain whether Patton Village believes that Splendorra is capable of providing potable drinking water to customers in the service area.

**RESPONSE:**

**REQUEST FOR INFORMATION NO. 1-4:**

Please provide all documents supporting your response to Request for Information 1-3, above.

**RESPONSE:**

**REQUEST FOR INFORMATION NO. 1-5:**

Explain whether Patton Village believes that Splendorra has access to an adequate supply of water to provide retail water service to the service area requested by Splendorra in its Application.

**RESPONSE:**

**REQUEST FOR INFORMATION NO. 1-6:**

Please provide all documents supporting your response to Request for Information 1-5, above.

**RESPONSE:**

**REQUEST FOR INFORMATION NO. 1-7:**

Explain whether Patton Village believes that Splendorra is currently providing retail water service within the service area requested by Splendorra in its Application.

**RESPONSE:**

**REQUEST FOR INFORMATION NO. 1-8:**

Please provide all documents supporting your response to Request for Information 1-7, above.

**RESPONSE:**

**REQUEST FOR INFORMATION NO. 1-9:**

Is Patton Village is currently providing retail water service to customers located in the service area requested by Splendorra in its Application?

**RESPONSE:**



**REQUEST FOR INFORMATION NO. 1-10:**

If the response to RFI 1-9 is "Yes," please provide documentation showing the addresses of the customers served by Patton Village and maps or other documentation showing the location of water facilities owned by Patton Village that serve these customers.

**RESPONSE:**

**REQUEST FOR INFORMATION NO. 1-11:**

Explain whether Patton Village believes that an entity other than Splendora or Patton Village is providing retail water service in the service area requested in Splendora's Application.

**RESPONSE:**

**REQUEST FOR INFORMATION NO. 1-12:**

Please provide all documents supporting your response to Request for Information 1-11, above.

**RESPONSE:**

**REQUEST FOR INFORMATION NO. 1-13:**

Explain whether Patton Village believes that the environmental integrity of the service area is negatively impacted by Splendora providing retail water service to the service area.

**RESPONSE:**

**REQUEST FOR INFORMATION NO. 1-14:**

Please provide all documents supporting your response to Request for Information 1-13, above.

**RESPONSE:**

**REQUEST FOR INFORMATION NO. 1-15:**

Explain whether Patton Village believes that Splendora's provision of retail water service to the service will result in a positive impact on the land in the service area.

**RESPONSE:**

**REQUEST FOR INFORMATION NO. 1-16:**

Please provide all documents supporting your response to Request for Information 1-15, above.

**RESPONSE:**

**REQUEST OF INFORMATION NO. 1-17:**

Has Patton Village has received requests for retail water service from landowners, prospective landowners, tenants or residents in the service area requested by Splendora in its Application?

**RESPONSE:**

**REQUEST FOR INFORMATION NO. 1-18:**

If the response to RFI 1-17 is "Yes," please provide documentation of the service request(s) received by Patton Village from landowners, prospective landowners, tenants or residents in the service area requested by Splendora in its Application.

**RESPONSE:**

**REQUEST FOR INFORMATION NO. 1-19:**

Provide a map, metes and bounds description, or any other documentation in your possession that shows the current city limits and extraterritorial jurisdiction of Patton Village.

**RESPONSE:**

**REQUEST FOR INFORMATION NO. 1-20:**

Does Patton Village currently have water distribution facilities in the service area?

**RESPONSE:**

**REQUEST FOR INFORMATION NO. 1-21:**

If the response to RFI 1-20 is "Yes," please provide plans and specifications of such water distribution facilities.

**RESPONSE:**

**REQUEST FOR INFORMATION NO. 1-22:**

Please provide the correct names of the parties to the lawsuit.

**RESPONSE:**

**REQUEST FOR INFORMATION NO. 1-23:**

Please provide the legal theories and, in general, the factual bases of Patton Village's claims or defenses;

**RESPONSE:**

**REQUEST FOR INFORMATION NO. 1-24:**

Please provide 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;

**RESPONSE:**

**REQUEST FOR INFORMATION NO. 1-25:**

For any testifying expert witness of Patton Village in this matter, please provide the following:

- (1) the expert's name, address, and telephone number;

- (2) the subject matter on which the expert will testify;
- (3) the general substance of the expert's mental impressions and opinions and a brief summary of the basis for them, or if the expert is not retained by, employed by, or otherwise subject to the control of Patton Village, documents reflecting such information;
- (4) if the expert is retained by, employed by, or otherwise subject to the control of Patton Village:
  - (A) All documents, tangible things, reports, models, or data compilations that have been provided to, reviewed by, or prepared by or for the expert in anticipation of the expert's testimony; and
  - (B) The expert's current resume and bibliography; and

**RESPONSE:**

**REQUEST FOR INFORMATION NO. 1-26:**

For any fact witnesses of Patton Village in this matter, please provide any witness statements described in Texas Rule of Civil Procedure 192.3(h).

**RESPONSE:**

**REQUEST FOR INFORMATION NO. 1-27:**

Explain whether Patton Village has an adequate supply of water to provide retail water service to the service area requested by Splendora in its Application.

**RESPONSE:**

**REQUEST FOR INFORMATION NO. 1-28:**

If the response to RFI 1-27 is "Yes," please provide documentation supporting such response.

**RESPONSE:**