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Addendum StartPage: 0

SOAH DOCKET NO. 582-14-1052
TCEQ DOCKET NO. 2013-1735-UCR

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PUBLIC UTILITY COMMISSION
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APPLICATION OF DOUGLAS UTILITY § BEFORE THE STATE OFFICE
COMPANY TO CHANGE WATER AND §
SEWER RATE/TARIFF IN HARRIS § OF
COUNTY, TEXAS § ADMINISTRATIVE HEARINGS

RAINBOW HOUSING ASSISTANCE CORPORATION'S
SECOND REQUEST FOR PRODUCTION TO
DOUGLAS UTILITY COMPANY

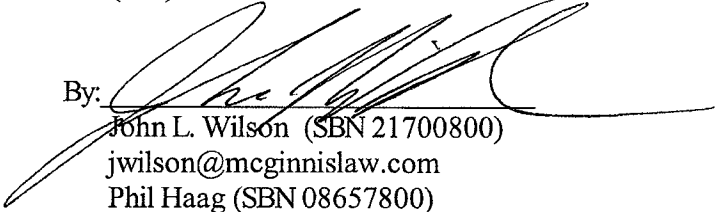
TO: Douglas Utility Company by and through its attorney of record, Mark Zeppa, 4833 Spicewood Springs Road, Suite 202, Austin, Texas 78759-8436.

Pursuant to Rule 196 of the Texas Rules of Civil Procedure, Rainbow Housing Assistance Corporation ("Rainbow") requests that Douglas Utility Company ("Douglas") produce for inspection and copying, at the offices of McGinnis Lochridge, 600 Congress Avenue, Suite 2100, Austin, Texas 78701, within thirty (30) days after service of this request, all documents and tangible things specified in the paragraphs immediately following that are in its actual or constructive possession, custody or control and that are in the actual or constructive possession, custody or control of any other person acting for or on behalf of Douglas. These requests are continuing, and require supplementation should additional information be obtained between the date of initial production and the date of the evidentiary hearing.

Respectfully submitted,

MCGINNIS LOCHRIDGE
600 Congress Avenue, Suite 2100
Austin, Texas 78701
(512) 495-6000
Fax (512) 495-6093

By:


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ATTORNEYS FOR RAINBOW HOUSING ASSISTANCE
CORPORATION

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document has been served as indicated below upon the following on the 26th day of March, 2014.

Mark Zeppa 4833 Spicewood Springs Rd., #202 Austin, TX 78759 512 346-4011 attorney for Douglas Utility Company markzeppa@austin.rr.com mark@zeppalaw.com	Certified Mail _____ Fax _____ E-mail <u> x </u>
Garrett Arthur TCEQ, Office of Public Interest Counsel MC-103 P.O. Box 13807 Austin, TX 78711-3087 512-239-5757 Garrett.arthur@tceq.texas.gov	Mail _____ Fax _____ E-mail <u> x </u>
Brian MacLeod TCEQ, MC - 173 P.O. Box 13807 Austin, TX 78711-3087 512-239-0750 Brian.macleod@tceq.texas.gov	Mail _____ Fax _____ E-mail <u> x </u>
Karl E. Wolf Fountainview Homeowners Association 5523 Mendota lane Houston, TX 77032 713-301-7149 kwolffsr@att.net	Mail _____ Fax _____ E-mail <u> x </u>



John L. Wilson

DEFINITIONS

1. "Application" means Rate/Tariff Change Application of Douglas Utility Company, effective May 12, 2013, and all related documents and all amendments including, but not limited to, the request for a surcharge, filed by Douglas Utility Company with the Texas Commission on Environmental Quality.
2. "Customer" means any person, firm, partnership, corporation, municipality, cooperative, organization, or governmental agency provided with water and/or sewage service(s) by Douglas.
3. "Document" or "documents" means all written, reported, recorded or graphic matter within the scope of Tex. R. Civ. P. 192, however produced or reproduced, including but not limited to, all letters, telegrams, telexes, cables, telephone records and notations, audio tapes, videotapes, computer discs or tapes, computer and/or electronic mail messages or notes, photographs, film, invoices, files, ledgers, journals and other formal and informal books of record and account, minutes, bulletins, instructions, reports, memoranda, notes, notebooks, drafts, worksheets, agreements, intracorporate drafts of the foregoing items and copies or reproductions of the foregoing upon which notations in writing are not on the original.
4. "Douglas Utility Company," "Douglas," "You," and "Your" refers to Douglas Utility Company (CCNNos. 11369 and 20527) and its officers, directors, employees, agents, attorneys, consultants, contractors, trustees, shareholders, assigns, executors, administrators, servants, parent corporations, subsidiary corporations, affiliate corporations, contractors, insurers, heirs, representatives, general partners, limited partners, and all other natural persons or business or legal entities acting or purporting to act for or on behalf of Douglas Utility Company as to any matter relevant to This Matter.
5. "New or Replacement Water and/or Wastewater Treatment Facility" means all the plant and equipment of Douglas used, controlled, furnished, or supplied for, or to be constructed, purchased, acquired or otherwise used to maintain, repair and/or replace either in part or in total the Douglas water treatment facility and/or the Douglas waste water treatment facility and subject to Douglas' surcharge request as stated in Douglas in its Notice of Amendment to Proposed Rate Change that: "Douglas owns and operates a wastewater treatment plant (WWTP) that serves the Fountainview Subdivision and the Haverstock Hills Apartments. The WWTP is old and needs to be replaced" or otherwise related to Douglas Utility Company's request for a surcharge or for repairs or replacement of the current water treatment facility and/or the current waste water treatment facility.
6. "Person" shall mean the plural as well as the singular and includes: natural persons, corporations, firms, associations, partnerships, joint ventures or any other form of legal business entity; and governmental agencies, departments, units or any subdivisions thereof.
7. The term "pertaining to" means concerning, including, evidencing, mentioning, referring or relating, directly or indirectly, to the specified subject matter or any aspect or portion

thereof.

8. "Rainbow Housing Assistance Corporation," or "Rainbow" means Rainbow Housing Assistance Corporation and its attorneys, officers, employees, consultants, agents, trustees, directors, shareholders, assigns, executors, administrators, servants, parent corporations, subsidiary corporations, affiliate corporations, contractors, insurers, heirs, and any other representatives acting or purporting to act on any of their behalves as to any matter relevant to This Matter.

9. "Relate(s) to," "related to" or "relating to" shall mean constituting, compromising, identifying, referred to, reflecting, concerning, dealing with, or in any way logically or factually connected with the matters in dispute between the parties in This Matter.

10. "TCEQ" or "Commission" means the Texas Commission on Environmental Quality.

11. "Test Year" means the 12-month test year period used by Douglas in its Application to support the requested rate changes.

12. "This Matter" refers to SOAH Docket No. 582-14-1052, TCEQ Docket No. 2013-1735-UCR, before the State Office of Administrative Hearings and the related Application and proceeding(s) related to the Application and the request to approve the rate changes and surcharge requested by Douglas.

13. As used herein, the words "and" and "or" shall be construed either conjunctively or disjunctively as required by the context to bring within the scope of these requests any document that might be deemed outside its scope by another construction.

14. The singular shall include the plural and the plural shall include the singular.

15. The past tense of a verb includes the present tense, and the present tense of the verb includes that past tense.

REQUESTS FOR PRODUCTION

1. Copies of paychecks for all employees included in cost item [A] Salaries and wages in Table VI.A. totaling \$38,882 for water and \$36,778 for sewer in Section VI. A. Revenue Requirement of the Application and copies of paychecks for these employees for the period since the beginning of the Test Year.

2. Copies of the property tax record(s) for each property included in cost item [N] Property and Other Taxes in Table VI.A. totaling \$3,186 for water and \$3,019 for sewer in Section VI. A. Revenue Requirement of the Application.

3. Copies of supporting documentation for the total number of gallons pumped, item [A] in Table VIII of Section VIII of the Application. Also, please provide supporting documentation for the total number of gallons provided to customers, item [D] in Table VIII of Section VIII of the

Application. Please breakdown the total number of gallons provided to each of the following connection types: 2", 6" and 8" as indicated in Table VII in Section VII of the Application

4. Copies of the 2012 and 2013 Water and Wastewater Utilities Annual Report for Douglas.
5. Copies of meter readings for the water use by Haverstock Hills Apartments since the meters were installed.
6. Copy of the COH Rate Comparison Report that was referenced in the Douglas Meeting Minutes for December 13, 2013, Item No. 2, which provided: "COH Rate Comparison Report - Wes presented the completed report to us. He can explain the report details at the Hearing to show the protestant's attorneys how much of a break HHA has been getting and will continue to get when compared to the rates of COH."
7. All documents related to the calibration of the water meters installed to measure water provided by Douglas to the Haverstock Hills Apartments.
8. Copies of all documents, including photographs, showing that repairs are needed for the wastewater treatment plant. This question was asked before and Douglas only provided 26 photographs; however, Douglas' Meeting Minutes for October 11, 2013, provide: "Wes mentioned he has well over 100 pictures regarding the repairs that need to be done to the WWTP."
9. All documents Douglas has obtained relating to water and/or sewer rates charged by providers other than Douglas or comparing Douglas' rates to other water and/or sewer providers.
10. All documents related to any governmental entity, including, but not limited to federal and state, that has provided funding to Douglas.
11. All documents related to any federal governmental entity or agency providing funds to Douglas for capital improvements or infrastructure.
12. All documents related to Douglas' claim or allegation that Haverstock Hills Apartments are causing a grease problem. The response to this question is not limited to, but must include all documents related to Douglas' Meeting Minutes for October 11, 2013, providing: "The grease issue is coming from the Haverstock Hill Apartment Complex. Wes mentioned in our last meeting that the Haverstock Hill apartments exceeds the allowable amount of grease and TNG will document the excess of which Wes already has pictures. Wes will work on a report or spreadsheet in which he will document all expenses made to vector the grease."
13. Copies of the appraisals and budget referenced in the following statement contained in Douglas' March 1, 2013 Meeting Minutes: "David provided the Revised Capital Improvements Budget which was faxed to Gary Karter. Carol has sent Gary the Douglas Utility Appraisals. Carol has sent Gary the Douglas Utility Appraisals. [sic] Gary will look and see if we qualify for a CDC Loan. (Community Development Credit)".

14. All documents prepared for or received in regard to determining if Douglas could qualify for a CDC Loan as referenced in Request No. 13 above.

15. Copy of the (Water and Sewer) Collection and Distributions Improvement Budget that is referenced in Douglas' February 1, 2013, Meeting Minutes.

16. All documents prepared for or received in regard to determining if Douglas could qualify for a loan for capital improvements from the Water Development Board.