



Control Number: 42866



Item Number: 14

Addendum StartPage: 0

House Bill (HB) 1600 and Senate Bill (SB) 567 83<sup>rd</sup>  
Legislature, Regular Session, transferred the functions  
relating to the economic regulation of water and sewer  
utilities from the TCEQ to the PUC effective  
September 1, 2014.

SOAH DOCKET NO. 582-14-3382  
TCEQ DOCKET NO. 2014-0439-UCR

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RECEIVED

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PUBLIC UTILITY COMMISSION  
FILED IN COURT

PETITION OF TRAVIS COUNTY §  
MUNICIPAL UTILITY DISTRICT NO. §  
12 APPEALING CHANGE OF §  
WHOLESALE WATER RATES §  
IMPLEMENTED BY WEST §  
TRAVIS COUNTY PUBLIC UTILITY §  
AGENCY, CITY OF BEE CAVE, TEXAS §  
HAYS COUNTY, TEXAS AND WEST §  
TRAVIS COUNTY MUNICIPAL §  
UTILITY DISTRICT NO. 5 §

BEFORE THE STATE JUDGE

OF

ADMINISTRATIVE HEARINGS

**TRAVIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 12'S REQUESTS FOR  
ADMISSION AND REQUESTS FOR PRODUCTION TO HAYS COUNTY, TEXAS**

COMES NOW Travis County Municipal Utility District No. 12 ("TCMUD 12 or District") and, pursuant to Rules 191 through 198 of the Texas Rules of Civil Procedure, submits the following Requests for Admission and Requests for Production to be answered by Hays County, Texas ("County").

For each response, please identify all persons who provide information for the answer to each request and identify the witness in this matter who will sponsor the answer to the question and can vouch for the truth of the answer. The County is under a continuing obligation to supplement or amend as needed in accordance with Texas Rule of Civil Procedure 193.5.

These requests are not intended to seek, and should be read as expressly excluding, privileged information or documents. Should any information be withheld from a response, please state in that response that you are withholding information or materials and the privilege(s) asserted.

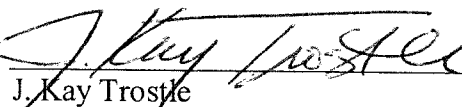
Please provide responses to the requests to the undersigned counsel at the address listed below.

Respectfully Submitted,

**SMITH TROSTLE & HUERTA LLP**

4401 Westgate Blvd., Ste. 330  
Austin, Texas 78745  
(512) 494-9500 (Telephone)  
(512) 494-9505 (Facsimile)  
[ktrostle@smithtrostle.com](mailto:ktrostle@smithtrostle.com)

By:

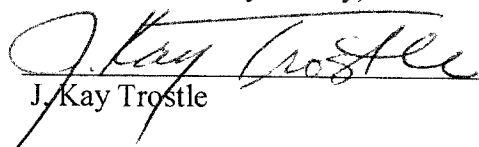
  
J. Kay Trostle

State Bar No. 20238300

ATTORNEYS FOR TRAVIS COUNTY  
MUNICIPAL UTILITY DISTRICT NO. 12

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above and foregoing document has been sent as indicated below to the following persons on this 14<sup>th</sup> day of July, 2014.

  
J. Kay Trostle

**Hays County, Texas**

Mark Kennedy  
Office of General Counsel, Hays County  
111 E. San Antonio St., Ste. 202  
Austin, Texas 78701  
512-393-2208  
512-392-6500 Fax

*Via Facsimile*

**TCEQ Executive Director**

Ron Olson & Jessica Gray  
Texas Commission on Environmental Quality  
Environmental Law Division  
P.O. Box 13087, MC-173  
Austin, TX 78711  
512-239-0600  
512-239-0606 Fax

*Via First Class Mail*

**TCEQ Public Interest Counsel**

Rudy Calderon  
Texas Commission on Environmental Quality  
P.O. Box 13087, MC-103  
Austin, TX 78711  
512-239-3144  
512-239-6377 Fax

*Via First Class Mail*

**West Travis County Municipal Utility District No. 5**

Randall Wilburn  
3000 South IH 35, Suite 150  
Austin, Texas 78704  
512-535-1661  
512-535-1678 Fax

*Via First Class Mail*

**The City of Bee Cave, Texas**

Jim Haley

The Akers Law Firm

6618 Sitio Del Rio Blvd., Bldg E, Ste. 102

Austin, Texas 78730

512-810-2142

512-233-0801 Fax

*Via First Class Mail*

**West Travis County Public Utility Agency**

David Klein

Lloyd Gosselink Rochelle & Townsend, P.C.

816 Congress Ave, Ste. 1900

Austin, Texas 78701

512-322-5818

512-472-0532 Fax

*Via Hand Delivery*

### Definitions

**“You” and “Your”** refers to Hays County, Texas (“County”) named as a Party to SOAH Docket No. 582-14-3382 by Order No. 1.

**“Hays County, Texas” or “County”** 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 the County.

**“West Travis County Public Utility Agency” or “PUA”** 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 the PUA.

**“West Travis County Municipal Utility District No. 5” or “District 5”** 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 District 5.

**“City of Bee Cave” or “City”** 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 the City of Bee Cave.

**“Lower Colorado River Authority” or “LCRA”** 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 the LCRA.

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 persons employed by and working for the agency.

The term "**Staff**" as used herein refers to the natural persons employed by and working for the Texas Commission on Environmental Quality in any capacity.

"**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.

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.

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.

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).

The terms "**relate**" or "**relating**" 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.

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).

The terms "**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.

The term "**TCMUD 12 Petition**" means the Petition of Travis County Municipal Utility District No. 12 Appealing Change of Wholesale Water Rates Implemented by West Travis County Public Utility Agency, City of Bee Cave, Texas, Hays County, Texas and West Travis County Municipal Utility District No. 5, filed at the Commission on March 6, 2014, TCEQ Docket No., 2014-0439-UCR, transferred to SOAH and assigned SOAH Docket No. 582-14-3382.

The term **“Participant”** is defined as in the Acquisition, Water Supply, Wastewater Treatment and Conditional Purchase Agreement attached as Attachment C to the TCMUD 12 Petition, and includes, collectively: the City of Bee Cave, Texas; Hays County, Texas; and West Travis County Municipal Utility District No. 5.

**TRAVIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 12'S  
REQUESTS FOR ADMISSION TO HAYS COUNTY, TEXAS**

- 1-1 Admit or deny that the first four pages of Attachment B to the TCMUD 12 Petition is a true and correct copy of the Concurrent Ordinance Creating the West Travis County Public Utility Agency passed and adopted by Hays County on December 21, 2011.
- 1-2 Admit or deny that the fifth through eleventh pages of Attachment B to the TCMUD 12 Petition is a true and correct copy of the Interlocal Cooperation Agreement Regarding Creation and Operation of the West Travis County Public Utility Agency executed by Dr. Bert Cobb, County Judge of Hays County on December 21, 2011.
- 1-3 Admit or deny that Attachment C to the TCMUD 12 Petition is a true and correct copy of the Acquisition, Water Supply, Wastewater Treatment and Conditional Purchase Agreement entered into by Hays County as of March 19, 2012, signed by Bert Cobb, Hays County Judge and attested by Liz Q. Gonzalez, Hays County Clerk.
- 1-4 Admit or deny that Hays County, either on its own or in concert with or through the other Participants under the Acquisition, Water Supply, Wastewater Treatment and Conditional Purchase Agreement, pursued legislative changes to the PUA Act for the purpose of enabling the PUA to serve end users directly, with the goal of creating a combined utility system owned and operated by the PUA and providing water supply and wastewater treatment services from the PUA directly to the current customers of each Participant.
- 1-5 Admit or deny that the Participants to the Acquisition, Water Supply, Wastewater Treatment and Conditional Purchase Agreement did not succeed in obtaining legislative changes to the PUA Act enabling the PUA to serve end users directly, in order to create a combined utility system owned and operated by the PUA and providing water supply and wastewater treatment services from the PUA directly to the current customers of each Participant.
- 1-6 Admit or deny that the only "Participants" in the PUA are the City of Bee Cave, Hays County and WTCMUD 5.
- 1-7 Admit or deny that TCMUD 12 is a water customer of Hays County.
- 1-8 Admit or deny that Hays County has a firm water contract with LCRA.

**TRAVIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 12'S  
REQUESTS FOR PRODUCTION TO HAYS COUNTY, TEXAS**

- 1-1 Produce all documents in the possession or control of Hays County related to the creation or operation of the PUA.
- 1-2 Produce all documents in the possession or control of Hays County related to Hays County's participation in, or decision to participate in, the PUA.
- 1-3 Provide all documents in the possession or control of Hays County that relate to the "Actual Revenues collected on behalf of [Hays County]" for each Fiscal Year, that is utilized to determine Hays County's proportionate share of the Annual Payments under the Acquisition, Water Supply, Wastewater Treatment and Conditional Purchase Agreement, including Exhibit A thereto.
- 1-4 Provide all documents in the possession or control of Hays County that relate to the determination of Hays County's proportionate share of the Annual Payments under the Acquisition, Water Supply, Wastewater Treatment and Conditional Purchase Agreement, including Exhibit A thereto.
- 1-5 Provide all documents that identify Hays County's current customers, as referenced in the Acquisition, Water Supply, Wastewater Treatment and Conditional Purchase Agreement.
- 1-6 Provide all documents that identify Hays County's "Participant's System" as defined in Article I of the Acquisition, Water Supply, Wastewater Treatment and Conditional Purchase Agreement.
- 1-7 Provide all documents that identify Hays County's "service area", as that term is used in Article IV of the Acquisition, Water Supply, Wastewater Treatment and Conditional Purchase Agreement.