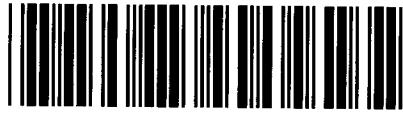




Control Number: 42866



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Addendum StartPage: 0

House Bill (HB) 1600 and Senate Bill (SB) 567 83rd
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.



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FILING CLERK

42466

Ms. Crump's Direct Line: (512) 322-5832
Email: gcrump@lglawfirm.com

August 15, 2014

Ms. Bridget C. Bohac, Chief Clerk
Texas Commission on Environmental Quality
12100 Park 35 Circle
Bldg. F – 1st Floor
Austin, Texas 78711-3087

VIA ELECTRONIC FILING

Re: West Travis County Public Utility Agency's Responses to Requests for
Disclosure; TCEQ Docket No. 2014-0439-UCR; SOAH Docket No. 582-14-3382

Dear Ms. Bohac:

Please find enclosed for filing the West Travis County Public Utility Agency's Responses to Requests for Disclosure in the above-referenced matter.

If you have any questions, please contact me at the above listed number.

Sincerely,


Georgia N. Crump

GNC/jmc

cc: Service List

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

BEFORE THE STATE OFFICE


OF

ADMINISTRATIVE HEARINGS

Pursuant to Administrative Law Judge's Order No. 1, 30 Texas Administrative Code, Chapter 80, Subchapter D, and Rule 194 of the Texas Rules of Civil Procedure, West Travis County Public Utility Agency hereby serves its responses to Requests for Disclosure.

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

DAVID J. KLEIN
State Bar No. 24041257


GEORGIA N. CRUMP
State Bar No. 05185500

**ATTORNEYS FOR WEST TRAVIS COUNTY
PUBLIC UTILITY AGENCY**

CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of August, 2014, a true and correct copy of the foregoing document was transmitted by the method shown, in accordance with SOAH Order No. 1, to the parties listed below:

FOR TRAVIS COUNTY MUD NO. 12:

Kay Trostle
Smith Trostle & Huerta LLP
4401 Westgate Blvd., Ste. 330
Austin, Texas 78745
(512) 494-9500 (phone)
(512) 494-9505 (fax)
ktrostle@smithtrostle.com

FOR THE EXECUTIVE DIRECTOR:

Ron Olson
Texas Commission on Environmental Quality
Environmental Law Division
P.O. Box 13087, MC-173
Austin, Texas 78711-3087
(512) 239-0600 (phone)
(512) 239-0606 (fax)
ron.olson@tceq.texas.gov

FOR HAYS COUNTY:

Mark D. Kennedy
Hays County
Office of General Counsel
111 E. San Antonio St., Suite 202
San Marcos, Texas 78666
(512) 393-2208 (phone)
(512) 392-6500 (fax)

FOR THE PUBLIC INTEREST COUNSEL:

Rudy Calderon
Texas Commission on Environmental Quality
Office of Public Interest Counsel
P.O. Box 13087, MC-103
Austin, Texas 78711-3087
(512) 239-3144 (phone)
(512) 239-6377 (fax)
rudy.calderon@tceq.texas.gov

FOR WEST TRAVIS COUNTY MUD NO. 5:

Randall Wilburn
3000 South IH 35, Suite 150
Austin, Texas 78704
(512) 535-1661 (phone)
(512) 535-1678 (fax)
(512) 431-8442 (cell)

FOR CITY OF BEE CAVE:

Jim Haley
The Akers Law Firm
6618 Sitio Del Rio Blvd., Bldg. E, Ste. 102
Austin, Texas 78730
(512) 810-2142 (phone)
(512) 233-0801 (fax)
jhaley@txcityattorney.com


Georgia N. Crump

RESPONSES TO REQUESTS FOR DISCLOSURE

1. Rule 194.2(a) the correct names of the parties to the lawsuit.

RESPONSE: West Travis County Public Utility Agency's correct name is West Travis County Public Utility Agency ("PUA"). To the best of its current knowledge, the WTCPUA believes all other parties were correctly named in Order No. 1.

2. Rule 194.2 (b) the name, address, and telephone number of any potential parties.

RESPONSE: The PUA is not aware of any potential parties.

3. Rule 194.2 (c) the legal theories and, in general, the factual bases of the responding party's claims or defenses (the responding party need not marshal all evidence that may be offered at trial).

RESPONSE: The PUA contends that it does not sell a raw water supply to Petitioner, Travis County Municipal Utility District 12 ("MUD12"). Rather, the PUA treats MUD12's raw water supply (a water supply that MUD12 secures from the Lower Colorado River Authority under a "Firm Water Contract"), and charges MUD12 for such water treatment services on a wholesale basis, under a certain "Wholesale Water Services Agreement," between MUD12 and the Lower Colorado River Authority ("LCRA"), which has been subsequently assigned by LCRA to the PUA through a certain "Agreement Regarding Transfer of Operations of the West Travis County Water System from the Lower Colorado River Authority, to the West Travis County Public Utility Agency."

The PUA further contends that MUD12 will be unable to meet its burden of proof that the PUA's wholesale water treatment rate (the "Protested Rate") adversely impacts the public interest or violates any of the public interest criteria under Title 30 Texas Administrative Code § 291.133(a).

Specifically, the PUA's financial and operational ability to continue providing water treatment service is not impaired by implementing the Protested Rate charged to MUD12, which is lower than the prior rate. Also, given that the PUA's Protested Rate is lower than the rate previously charged to MUD12, MUD12 will be unable to demonstrate that the Protested Rate impairs MUD12's ability to continue providing water service to its retail customers. The PUA further contends that MUD12 will be unable to demonstrate that the PUA has a monopoly power over MUD12, or alternatively, that if the PUA is shown to have a monopoly power, then MUD12 will be unable to demonstrate that the PUA abused such power in providing wholesale water treatment

services to MUD12, under the application of the relevant factors set forth in 30 Tex. Admin. Code § 291.133(a)(3).

In addition, the PUA contends that MUD12 cannot demonstrate that the Protested Rate is unreasonably preferential, prejudicial, or discriminatory, compared to the wholesale rates the PUA charges its other wholesale customers that receive wholesale water treatment services.

4. Rule 194.2(d) the amount and any method of calculating economic damages.

RESPONSE: Not applicable.

5. Rule 194.2(e) 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:

David J. Klein, Attorney
Georgia N. Crump, Attorney
Christie L. Dickenson, Attorney
Lauren J. Kalisek, Attorney
Stefanie P. Albright, Attorney
Lissette M. Ruiz, Paralegal
Judy G. Bentley, Paralegal
Lloyd Gosselink Rochelle & Townsend, P.C.
816 Congress Avenue, Suite 1900
Austin, Texas 78701
(512) 322-5800

Mr. Klein, Ms. Crump, Ms. Dickenson, Ms. Kalisek, and Ms. Albright are attorneys that serve as general counsel for PUA. Ms. Ruiz and Ms. Bentley are paralegals for the general counsel law firm.

Jerry Kyle, Attorney
Andrews Kurth LLP
111 Congress Avenue, Suite 1700
Austin, Texas 78701
(512) 320-9271

Mr. Kyle is the bond counsel for the PUA. Mr. Kyle assists the PUA with its bond issues.

Nelisa Heddin

Nelisa Heddin Consulting, LLC
P.O. Box 341855
Lakeway, Texas 78734
(512) 589-1028

Ms. Heddin is the Financial Advisor for the PUA who attended meetings with wholesale customers regarding the PUA's wholesale water treatment rates. Ms. Heddin calculated and presented the revised wholesale water treatment rates to the Board of Directors of the PUA.

George Murfee, P.E.

Dennis Lozano, P.E.

Murfee Engineering Company, Inc.
1101 South Capital of Texas Highway, Suite D110
West Lake Hills, Texas 78746
(512) 327-9204

Mr. Murfee and Mr. Lozano are the engineers for the PUA, and have knowledge regarding the PUA's water system.

Kristi Hester

Severn Trent Services
14050 Summit Drive, Suite 113
Austin, Texas 78728
(512) 246-0498

Ms. Hester is the Senior Area Manager and lead contact for the Severn Trent Services team that operates the PUA water system. She has knowledge of PUA customer service matters and the operations of such water system.

Garry Kimball

Specialized Public Finance, Inc.
248 Addie Roy Road, Suite B-103
Austin, Texas 78746
(512) 275-7301

Mr. Kimball is the Financial Advisor for the WTCPUA. Mr. Kimball assists the PUA with its bond issues and has knowledge of facts relating to the PUA's prior bond issues.

Dr. Larry Fox, Ph.D., President of the PUA

Michael Murphy, Vice President of the PUA

Honorable Ray Whisenant, Jr., Secretary of the PUA

Bill Goodwin, Director of the PUA

Scott Roberts, Director of the PUA
Don G. Rauschuber, P.E., General Manager of the WTCPUA

West Travis County Public Utility Agency
12117 Bee Cave Road
Building 3, Suite 120
Bee Cave, Texas 78738
(512) 263-0100

Dr. Fox, Mr. Murphy, Honorable Whisenant, Councilman Goodwin, and Mr. Roberts are board members of the PUA.

Mr. Rauschuber is the General Manager of the PUA. He is knowledgeable of relevant facts through his management of the day-to-day activities of the PUA and, in particular, attending meetings with the wholesale customers.

Autumn Phillips
Municipal Accounts & Consulting, LP
8834 N. Capital of Texas Hwy
Suite 150
Austin, TX 78759
(512) 782-2401

Ms. Phillips is the lead contact for Municipal Accounts, the PUA's bookkeeper.

Jim Haley, Attorney for City of Bee Cave, Texas
Akers Law Firm, L.L.P.
6618 Sitio Del Rio Blvd., Bldg. E, Ste. 102
Austin, Texas 78730
(512) 551-0901

Mr. Haley is the counsel for the City of Bee Cave, Texas.

Mark Kennedy, General Counsel for Hays County, Texas
Hays County, Texas
Office of General Counsel
111 East San Antonio Street, Suite 202
San Marcos, Texas 78666
(512) 393-2219

Mr. Kennedy is the General Counsel for Hays County, Texas.

Randall B. Wilburn, Attorney for West Travis County MUD No. 5
3000 South IH 35, Suite 150

Austin, Texas 78704
(512) 535-1661

Mr. Wilburn is the general counsel for West Travis County Municipal Utility District No. 5

Ron Olson, Staff Attorney for TCEQ Executive Director
Jessica Gray, Staff Attorney for TCEQ Executive Director
TCEQ, MC-173
Environmental Law Division
P.O. Box 13807
Austin, Texas 78711
(512) 239-0627

Mr. Olson and Ms. Gray are Staff Attorneys in the Environmental Law Division of the TCEQ Executive Director's Office of Legal Services.

Rudy Calderon, Staff Attorney for the TCEQ Office of Public Interest Counsel
TCEQ, MC-103
Office of Public Interest Counsel
P.O. Box 13807
Austin, Texas 78711
(512) 239-3144

Mr. Calderon is the Staff Attorney for the TCEQ's Office of Public Interest Counsel.

6. Rule 194.2(f) for any testifying expert:

- (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 the responding party, documents reflecting such information;**
- (4) if the expert is retained by, employed by, or otherwise subject to the control of the responding party:**
 - (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.

RESPONSE: The PUA has not identified any testifying or non-retained testifying expert witnesses at this time.

7. Rule 194.2(g) any indemnity and insuring agreements described in Rule 192.3(f).

RESPONSE: Not applicable.

8. Rule 194.2(h) any settlement agreements described in Rule 192.3(g).

RESPONSE: Not applicable.

9. Rule 194.2(i) any witness statements described in Rule 192.3(h).

RESPONSE: None.