



Control Number: 42866



Item Number: 21

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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PUBLIC UTILITY COMMISSION
FILING CLERK

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

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

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BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

THE EXECUTIVE DIRECTOR'S RESPONSE TO REQUESTS FOR DISCLOSURE

These Responses to Requests for Disclosure are being made by the Executive Director ("ED") of the Texas Commission on Environmental Quality ("TCEQ") pursuant to Rule 194 of the Texas Rules of Civil Procedure and the applicable rules of the TCEQ and the State Office of Administrative Hearings ("SOAH").

REQUESTS FOR DISCLOSURE

Pursuant to Texas Rule 194 of the Texas Rules of Civil Procedure, the ED discloses the following information or material described in Rule 194.2:

a) the correct names of the parties to the contested case hearing;

Response: The following are designated as parties to the contested case hearing:

- Travis County Municipal Utility District ("MUD") No. 12
- West Travis County Public Utility Agency
- West Travis County MUD No. 5
- The City of Bee Cave
- Hays County
- The Executive Director of the TCEQ
- The Office of Public Interest Counsel of the TCEQ

b) the name, address, and telephone number of any potential parties;

Response: All Parties are listed in the above disclosure, the ED knows of no other potential parties.

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- c) legal theories and, in general, the factual bases of the responding party's claims or defenses;

Response: The Executive Director has no claims or defenses in this case. The ED reviews the petition to determine if the protested rate adversely affects the public interest based on the applicable statutory and regulatory criteria in the Texas Water Code and Commission rules. The ED makes this determination based on the information submitted in the petition, the information obtained during the discovery process, the pre-filed testimony of all parties, and the information presented during the evidentiary hearing. The ED will then present a recommendation to the Administrative Law Judge and the Commission. As discovery is ongoing, and pre-filed testimony has not yet been filed by the parties in this proceeding, the ED has not developed a final recommendation with respect to West Travis County MUD No. 12's petition at this time. The ED may supplement this response as more information becomes available.

- d) the amount and any method of calculating economic damages;

Response: The ED is not aware of an amount or method of calculating economic damages for this case.

- 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: Heidi Graham, Engineer Specialist, Utilities Financial Review Team, Water Supply Division, TCEQ, MC 159, P.O. Box 13087, Austin, Texas 78711-3087, Tel. 512-239-4691, staff engineer assigned to this case;

Leila Guerrero, Auditor, Utilities Financial Review Team, Water Supply Division, TCEQ, MC 153, P.O. Box 13087, Austin, Texas 78711-3087, Tel. 512-239-4691, staff auditor assigned to this case;

Ron Olson, Staff Attorney, Environmental Law Division, TCEQ, MC 173, P.O. Box 13087, Austin, Texas 78711-3087, Tel. 512-239-0608, staff attorney assigned to this case;

Jessica Gray, Staff Attorney, Environmental Law Division, TCEQ, MC 173, P.O. Box 13087, Austin, Texas 78711-3087, Tel. 512-239-0627, staff attorney assigned to this case;

Lisa Fuentes, Team Leader, Utilities Financial Review Team, Water Supply Division, TCEQ, MC 153, P.O. Box 13087, Austin, Texas 78711-3087, Tel. 512-239-4691. As Team Leader of the Utilities Financial Review Team, Ms. Fuentes is informed by staff of issues arising on contested applications.

Vera Poe, Team Leader, Utilities Technical Review Team, Utilities & Districts Section, Water Supply Division, TCEQ, MC 153, P.O. Box 13087, Austin, Texas 78711-3087, Tel. 512-239-4691. As Team Leader of the Utilities Technical Review Team, Ms. Poe is informed by staff of issues arising on contested applications.

f) for any testifying expert:

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

Response: Heidi Graham, Engineer Specialist, Utilities Financial Review Team, Water Supply Division, TCEQ, MC 159, P.O. Box 13087, Austin, Texas 78711-3087, Tel. 512-239-4691.

Leila Guerrero, Auditor, Utilities Financial Review Team, Water Supply Division, TCEQ, MC 153, P.O. Box 13087, Austin, Texas 78711-3087, Tel. 512-239-4691.

2) the subject matter on which the expert will testify;

Response: Ms. Graham will testify about the public interest criteria established in Chapter 291, Subchapter I, of the Commission's rules.

Ms. Guerrero will testify about the public interest criteria established in Chapter 291, Subchapter I, of the Commission's rules.

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 your control, documents reflecting such information;

Response: At this time, Ms. Graham has not developed an opinion regarding this matter and is reserving judgment until the completion of discovery.

At this time, Ms. Guerrero has not developed an opinion regarding this matter and is reserving judgment until the completion of discovery.

4) if the expert is retained by, employed by, or otherwise subject to your control:

(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

Response: Ms. Graham will be relying upon responses to discovery questions, documents received from the parties in response to requests for production, documents located in the official file for this case, and upon the testimony of other witnesses to prepare her testimony. She has not prepared any documents in preparation for her testimony at this time.

Ms. Guerrero will be relying upon responses to discovery questions, documents received from the parties in response to requests for production, documents located in the official file for this case, and upon the testimony of other witnesses to prepare her testimony. She has not prepared any documents in preparation for her testimony at this time.

(B) the expert's current resume or bibliography.

Response: See Attachments "A" and "B".

g) any indemnifying and insuring agreements described in Rule 192.3(f);

Response: The ED is not aware of any indemnifying and insuring agreements in this case.

h) any settlement agreements described in Rule 192.3(g);

Response: The ED is not aware of any settlement agreements in this case.

i) any witness statements described in Rule 192.3(h);

Response: The ED is not aware of any witness statements described in the Rule 192.3(h) requiring disclosure in this case pursuant to Rule 194.2(i).

j) the name address and telephone number of any person who may be designated as a responsible third party.


Response: The ED is not aware of any person who may be designated as a responsible third party.

Respectfully submitted,

Texas Commission on Environmental Quality

Richard A. Hyde, P.E.
Executive Director

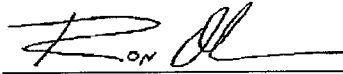
Robert Martinez, Director
Environmental Law Division

By 
Ron M. Olson, Staff Attorney
State Bar of Texas No. 24056070
Environmental Law Division
P.O. Box 13087, MC-173
Austin, Texas 78711-3087
Phone: 512.239.0600
Fax: 512.239.0606

REPRESENTING THE
EXECUTIVE DIRECTOR OF THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

CERTIFICATE OF SERVICE

I certify that on August 15, 2014, a copy of the foregoing document was sent by electronic mail and/or electronic service to the persons on the attached Mailing List.

A handwritten signature in black ink, appearing to read "Ron Olson", is written over a horizontal line.

Ron Olson, Staff Attorney
Environmental Law Division

Mailing List

Travis County MUD No. 12's Appeal of West Travis County PUA's Wholesale Rates
SOAH Docket No. 582-14-3382
TCEQ Docket No. 2014-0439-UCR

FOR THE PETITIONERS:

Kay Trostle, Attorney
Smith Trostle & Huerta L.L.P.
4401 Westgate Boulevard, Suite 330
Austin, Texas 78745
ktrostle@smithtrostle.com

FOR WEST TRAVIS COUNTY PUA:

David Klein, Attorney
Lloyd Gosselink Rochelle & Townsend, PC
816 Congress Avenue, Suite 1900
Austin, Texas 78701
dklein@lglawfirm.com

FOR WEST TRAVIS COUNTY MUD NO. 5:

Randall Wilburn, Attorney
3000 South IH 35, Suite 150
Austin, Texas 78704
rbw@randallwilburnlaw.com

FOR THE CITY OF BEE CAVE:

Jim Haley, Attorney
The Akers Law Firm
6618 Sitio Del Rio Boulevard, BLDG E, Suite 102
Austin, Texas 78730
jhaley@txcityattorney.com

FOR HAYS COUNTY:

Mark D. Kennedy, Attorney
Hays County
Office of the General Counsel
111 E. San Antonio Street, Suite 202
San Marcos, Texas 78666

FOR PUBLIC INTEREST COUNSEL:

Rudy Calderon, Attorney
Public Interest Counsel, MC 103
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
rudy.calderon@tceq.texas.gov

LEILA C. GUERRERO

Texas Commission on Environmental Quality
P.O. Box 13087 Austin, Texas 78711
Tel. No.: (512) 239-2286 / (512) 239-0030 (fax)
E-mail: leila.guerrero@tceq.texas.gov

Education:

- NARUC Utility Rate School, San Diego California, May 2008
- Master of Business Administration (MBA) – Manila, Philippines, 1995
- Bachelor of Science in Business Administration (BSBA)
Major in Accounting (Graduated Cum Laude) – Manila, Philippines, 1981

Certification:

Certified Public Accountant - Philippines, 1982

Professional Organizations / Affiliations:

- Philippine Institute of Certified Public Accountants (PICPA)
- ASEAN Federation of Accountants (AFA)

Professional Experience:

Auditor – May 2006 to present - Water Supply Division, Texas Commission on Environmental Quality (TCEQ), Austin, Texas

Number of Rates Review Completed	= 201
Number of Hearings, Negotiations, and Agenda Attended	= 152
Number of Administrative Rate Reviewed Applications	= 630
Number of CCN and STM Applications Completed	= 95
Number of Contested CCN/STM Applications	= 8

Seasonal Tax Examiner – February 2008 – July 2014
Internal Revenue Service (IRS), Austin, Texas,

Team Lead / Accountant - Accounting Division - April 2005 – May 2006
Texas Department of State Health Services (DSHS) - Austin, Texas

Tax Specialist - H & R Block – December 2003 – April 2005
Austin, Texas

AFP Savings & Loan Assn., Inc. – September 1983 – April 2003 - Manila, Philippines
positions held:

VP/Manager – Billing & Collection Division	(December 2001 - April 2003)
VP/Branch Manager – Operations Department	(March 1995 – December 2001)
AVP/Manager – Cash Management Division	(March 1992 – March 1995)
Chief Accountant - Accounting Division	(September 1983 – March 1992)

Accountant – Consumer Finance Corporation - February – September 1983
Manila, Philippines

Staff Auditor – T. D. Ligutan & Co., CPA's – July 1982 – February 1983
Manila, Philippines

Heidi Graham

PO Box 13087, MC-159
Austin, Texas 78711-3087
512-239-0844
heidi.graham@tceq.texas.gov

Work Experience

Engineering Specialist V

12/2006 - Present Texas Commission on Environmental Quality, Austin, Texas

- Review plans, specifications and engineering reports for new or modified public water systems to ensure compliance with Federal and State standards. Perform depreciation studies, quality of service evaluations and design rates for utility rate applications and testify in hearings. Process Convenience and Necessity (CCN) applications.

Project Manager

6/2006 - 12/2006 Gunze Electronics USA, Austin, Texas

- Developed schedules establishing sequence and time frame of manufacturing operations in order to meet production requirements for Electroluminescent Lamps and External Gasket production lines. Reviewed orders, shipping needs, plant capacity and inventory before drawing up schedules. Review engineering drawings and bill of materials (BOM) for accuracy before releasing to production. Responsible for materials database implementation.

Shift Manager

8/2005 - 4/2006 Bealls, Bastrop, Texas

- Accountable for managing all aspects of retail clothing store.

Assistant Store Manager

8/2003 - 5/2005 McDonalds, Elgin, Texas

- Accountable for managing all aspects of fast food restaurant, including inventory, cash management and scheduling.

Inventory Control/Production Control Planner

4/1994 - 4/2003 Applied Materials, Austin, Texas

- Created and maintained documents in the Quality Management System. Provided inventory and production forecast and scheduling using Oracle materials database. Built, developed and tested Thin Film Technology (TFT) prototypes.

Aircraft Maintenance Officer

12/1988 - 12/1992 U.S. Air Force, Holloman Air Force Base, New Mexico

- Led, trained and equipped 75 to 250 maintenance personnel at home base and deployed locations. Managed maintenance and modification of 25 fighter aircraft and associated equipment. Maintained workforce discipline and responded to personnel issues while balancing workforce availability and skill levels with operational requirements. Ensured adherence to technical data, policy, procedures and safe maintenance practices. Maintained aircraft configuration: daily aircraft servicing, weapons loading, launch recovery and repair, periodic aircraft maintenance inspections and requirements.

Education

8/1983 - 5/1988 University of Missouri @ Rolla, Rolla, Missouri

- Bachelor's Degree in Mechanical Engineering