



Control Number: 42866



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SOAH DOCKET NO. 473-14-5144
PUC DOCKET NO. 42866

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PUBLIC UTILITY COMMISSION
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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, CITY OF BEE CAVE, TEXAS §
HAYS COUNTY, TEXAS AND WEST §
TRAVIS COUNTY MUNICIPAL §
UTILITY DISTRICT NO. 5 §

BEFORE THE STATE OF TEXAS

OF

ADMINISTRATIVE HEARINGS

**TRAVIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 12'S SECOND
REQUESTS FOR ADMISSION AND REQUESTS FOR PRODUCTION
TO WEST TRAVIS COUNTY PUBLIC UTILITY AGENCY**

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 Second Requests for Admission and Requests for Production to be answered by West Travis County Public Utility Agency ("PUA").

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 PUA 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.

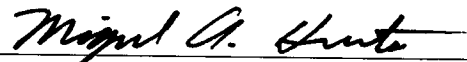
Please provide responses to the requests to the undersigned counsel at the address listed below.

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Respectfully Submitted,

SMITH TROSTLE & HUERTA LLP

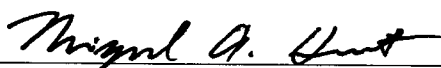
4401 Westgate Blvd., Ste. 330
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(512) 494-9500 (Telephone)
(512) 494-9505 (Facsimile)
ktrostle@smithtrostle.com

By: 
Miguel A. Huerta
State Bar No. 00787733

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 5th day of September, 2014.



Miguel A. Huerta

West Travis County Public Utility Agency

Via Facsimile

David Klein
Lloyd Gosselink Rochelle & Townsend, P.C.
816 Congress Ave, Ste. 1900
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512-472-0532 Fax

The Public Utility Commission of Texas

Via Facsimile

Jessica Gray
Attorney, Legal Division
1701 No. Congress Avenue
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West Travis County Municipal Utility District No. 5

Via Facsimile

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The City of Bee Cave, Texas

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Austin, Texas 78701

512-393-2208

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Via Facsimile

Definitions

“You” and “Your” refers to West Travis County Public Utility Agency (“PUA”) named as a Party by Order No. 1 in SOAH Docket No. 582-14-3382.

“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.

“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.

“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 Public Utility Commission of Texas, 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 Texas Commission on Environmental Quality on March 6, 2014, TCEQ Docket No. 2014-0439-UCR, transferred to SOAH and assigned SOAH Docket No. 582-14-3382, and subsequently assigned PUC Docket No. 42866 and SOAH Docket No. 473-14-5144.

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 SECOND REQUESTS
FOR ADMISSION WEST TRAVIS COUNTY PUBLIC UTILITY AGENCY**

- 2-1 Admit or deny that TCMUDs 11, 12 and 13 are within the PUA's Water Service Area.
- 2-2 Admit or deny that the PUA is serving customers outside its Water Service Area.
- 2-3 Admit or deny that the PUA is serving TCMUDs 11, 12 and 13.

**TRAVIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 12'S SECOND REQUESTS
FOR PRODUCTION TO WEST TRAVIS COUNTY PUBLIC UTILITY AGENCY**

- 2-1 Provide a true and correct copy of the final study used to set the FY 13 wholesale rates by the PUA.
- 2-2 Provide a true and correct copy of the final analysis used to set the FY 14 minimum bill for TCMUD 12 by the PUA.
- 2-3 Provide a true and correct copy of the final analysis used to set the FY 14 volumetric rate for TCMUD 12 by the PUA.
- 2-4 Provide a true and correct copy of the PUA's FYE 2014 Cost of Service and Rate Design Study – Wholesale Customer - Minimum Bill Analysis for Rough Hollow.
- 2-5 Provide a true and correct copy of the 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 entered into by and between the LCRA, TCMUD 12 and the WTCPUA.
- 2-6 Provide a true and correct copy of the Wholesale Water Services Agreement Between LCRA and TCMUD 12.
- 2-7 Provide the minutes, transcripts, recordings, and or agendas of the February 20, 2014 PUA Board meeting.