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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

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BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

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

COMES NOW Travis County Municipal Utility District No. 12 ("TCMUD 12 or District") and requests that West Travis County Public Utility Agency ("PUA") answer the following questions under oath. Please present your response in accordance with the requirements of P.U.C. PROC. R. 22.144(c)(2). State the name of the witness in this matter who will sponsor the answer to the question and can vouch for the truth of the answer. The answer should be filed under oath, or the responding party should stipulate in writing that the answer can be treated by all parties as if filed under oath. The response is requested within twenty (20) calendar days. The PUA is under a continuing obligation to supplement or amend as needed in accordance with P.U.C. PROC. R. 24.144.

These RFIs are intended to not be duplicative of other discovery propounded by any other party, therefore to the extent any information requested herein is found in responses to other discovery, the PUA should so state rather than producing additional responses. If any information sought herein has already been filed in the Docket then reference to the location of that information is a sufficient response.


Provide your response to the undersigned counsel at the address and email listed below and submit an original and three copies of your answers to the questions to the Filing Clerk,

Public Utility Commission of Texas, 1701 N. Congress Avenue, Suite 8-100, Austin, Texas
78701.

Respectfully Submitted,

SMITH TROSTLE & HUERTA LLP

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By: 
Miguel A. Huerta
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J. Kay Trostle
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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 is being served via facsimile, email, U.S. mail and/or hand delivery to all parties of record on this, 7th day of October, 2014.


Miguel A. Huerta

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 “WTCPUA” 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 **“Participants”** 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 FOURTH REQUESTS
FOR INFORMATION TO WEST TRAVIS COUNTY PUBLIC UTILITY AGENCY**

RFI 4-1 For each and every discovery response filed by the WTCPUA after September 11, 2014, please provide the following information required by PUC Proc. R. 22.144(c)(2)(A): the identity of the preparer or person under whose direct supervision the response was prepared, and the identity of the sponsoring witness, if any. This request includes, but is not limited to the WTCPUA's 2nd Supplemental Response to TCMUD 12's RFAs and RFPs filed on September 26, 2014 and the WTCPUA's Response to TCMUD 12's 2d RFAs and RFPs filed on October 2, 2014.

RFI 4-2 Please identify any incentives that WTCPUA has provided to WTCPUA's wholesale water treatment service customers and provide any documents that reflect those incentives.

Purposes of this request, the term "incentives" refers to any and all incentives as that term is used by PUC SUBST. R. 24.133, any predecessor rule of the Texas Commission on Environmental Quality, or any judicial or administrative decision, order, or interpretation of those rules. The term "wholesale water treatment customers" means those customers whose contracts were produced by the WTCPUA in response to TCMUD 12 RFP 1-10. The request is limited to the time during which the WTCPUA has been in operation.

RFI 4-3 Please provide any written notice of default, including but not limited to notices regarding the PUA failing to meet applicable drinking water standards, that were delivered from TCMUD 12 to the PUA under the Wholesale Water Services Agreement with LCRA, dated October 22, 2009, as assigned to the PUA under 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.

RFI 4-4 Please refer to the WTCPUA's response to TCMUD 12 INTERROGATORY 1-1, in which the WTCPUA includes as a changed condition that "the PUA also agreed to amend the wholesale water treatment service agreements with some of its other wholesale water customers, redefining the amount of water treatment services needed and or amending the build-out schedule for such wholesale customers."

For each of the wholesale water treatment service agreements that the PUA agreed to amend, please provide the following:

- (a) If the wholesale water treatment service agreement prior to the amendment and/or the wholesale water treatment service agreement subsequent to the amendment have already been provided to TCMUD 12, please identify the bates pages ranges for both.

- (b) If the wholesale water treatment service agreement prior to the amendment and/or the wholesale water treatment service agreement subsequent to the amendment have not already been provided to TCMUD 12, please produce them.
- (c) Explain how each of the wholesale water treatment service agreement amendments are the basis for a change in TCMUD 12's rates.
- (d) Please produce all Documents and Communications related to these amendments.

RFI 4-5 Please refer to the WTCPUA's response to TCMUD 12 INTERROGATORY 1-1, in which the WTCPUA includes as a changed condition that "The PUA learned, and became more fully aware, of the functional capabilities and deficiencies of the Water System." For purposes of this request, the term "Water System" has the same meaning as it is used in the WTCPUA's response to TCMUD 12 INTERROGATORY 1-1.

- (a) Describe the due diligence undertaken by the WTCPUA or its Participants to analyze the functional capabilities and deficiencies of the Water System prior to the acquisition of the Water System from LCRA, including the identities of the individuals that conducted the due diligence evaluation on behalf of the WTCPUA or its participants.
- (b) Identify the functional capabilities and deficiencies of the Water System that the WTCPUA learned of, and the date on or about which the WTCPUA learned of each of the functional capabilities and deficiencies of the Water System.
- (c) Identify the functional capabilities and deficiencies of the Water System that the WTCPUA became more fully aware of and the date the WTCPUA became more fully aware of the functional capabilities and deficiencies of the Water System.
- (d) Explain how the functional capabilities and deficiencies of the Water System identified in your responses to subpart (a), (b), and (c) above are the basis for a change in TCMUD 12's rates.

RFI 4-6 Please refer to the WTCPUA's response to TCMUD 12 INTERROGATORY 1-1, in which the WTCPUA includes as a changed condition that "The PUA identified the need for, and in some instances made, repairs and expansions to the Water System that were needed to meet service commitments and applicable laws, and to operate the Water System more efficiently." For purposes of this request, the term "Water System" has the same meaning as it is used in the WTCPUA's response to TCMUD 12 INTERROGATORY 1-1.

- (a) Please identify each of the "service commitments" referred to in the PUA's response to TCMUD 12 RFI 1-1. If a service commitment is the result of an agreement not previously produced by the WTCPUA, please provide that agreement. If the service

commitment is the result of an agreement already produced, please identify the parties, title, date and bates page range for the agreement.

- (b) Please identify the repairs and expansions to the Water System that had been identified by the PUA as being needed to meet service commitments at the time of the 2013 Rate Order.
- (c) Please identify the repairs and expansions you identified in the responses to subpart (b) above, that have actually been made to the Water System, including the date(s) of the repairs and expansions.
- (d) Please identify the “applicable laws” referred to in the WTCPUA’s response to TCMUD 12 RFI 1-1.
- (e) Please identify the repairs and expansions to the Water System that were identified by the WTCPUA as being needed to meet applicable laws.
- (f) Please identify the repairs and expansions you identified in the responses to subpart (e) above, that have actually been made to the Water System, including the date(s) of the repairs and expansions.

RFI 4-7 Please refer to the WTCPUA’s response to TCMUD 12 INTERROGATORY 1-1, in which the WTCPUA includes as a changed condition that “The PUA determined that the minimum monthly charge should be updated to more equitably recover costs from retail and wholesale customers.”

- (a) Produce all documents that support your contention that the minimum monthly charge was not equitably recovered from retail and wholesale customers prior to the 2013/2014 rate change effective January 1, 2014.
- (b) Please explain how the 2013/2014 rate change effective January 1, 2014 leads to a more equitable cost recovery from retail and wholesale customers.

RFI 4-8 Please refer to the WTCPUA’s response to TCMUD 12 INTERROGATORY 1-1, in which the WTCPUA includes as a changed condition that “The PUA determined that the allocation of shares of capacity in the Water System amongst the wholesale customers should be updated.”

- (a) Produce all documents that support your contention that the allocation of shares of capacity in the Water System amongst the wholesale customers should be updated.
- (b) Please explain why the allocation of shares of capacity in the Water System amongst the wholesale customers needed to be updated.
- (c) Identify each wholesale customer’s share of capacity in the Water System before and after the WTCPUA “updated” those shares.