

**RFA NO. 1-25:**

Admit or deny that one or more representatives of TCMUD 12 attended a meeting held at 12117 Bee Cave Road, Building 3, Suite 120, Bee Cave, Texas 78738 on October 19, 2012, regarding the PUA's wholesale Water Treatment Services rates.

**RESPONSE:**

Deny.

**RFA NO. 1-26:**

Admit or deny that MUD 12 received correspondence from the PUA or its representatives regarding a meeting held at 12117 Bee Cave Road, Building 3, Suite 120, Bee Cave, Texas 78738 on October 30, 2012, regarding the PUA's wholesale Water Treatment Services rates.

**RESPONSE:**

Admit that on October 26, 2012, TCMUD 12 received correspondence from the PUA which included notice of a "Meeting of WTCPUA Wholesale Customers" to be held on October 30, 2012 to discuss the specific numbers and data contained in the WTCPUA Wholesale Cost of Service Study.

**RFA NO. 1-27:**

Admit or deny that one or more representatives of TCMUD 12 attended a meeting held at 12117 Bee Cave Road, Building 3, Suite 120, Bee Cave, Texas 78738 on October 30, 2012, regarding the PUA's wholesale Water Treatment Services rates.

**RESPONSE:**

Deny.

**RFA NO. 1-28:**

Admit or deny that MUD 12 received correspondence from the PUA or its representatives regarding a meeting held at 12117 Bee Cave Road, Building 3, Suite 120, Bee Cave, Texas 78738 on November 5, 2012, regarding the PUA's wholesale Water Treatment Services rates.

**RESPONSE:**

Deny.

**RFA NO. 1-29:**

Admit or deny that one or more representatives of TCMUD 12 attended a meeting held at 12117 Bee Cave Road, Building 3, Suite 120, Bee Cave, Texas 78738 on November 5, 2012, regarding the PUA's wholesale Water Treatment Services rates.

**RESPONSE:**

Deny.

**RFA NO. 1-30:**

Admit or deny that MUD 12 received correspondence from the PUA or its representatives regarding a meeting held at 12117 Bee Cave Road, Building 3, Suite 120, Bee Cave, Texas 78738 on January 8, 2013, regarding the PUA's wholesale Water Treatment Services rates.

**RESPONSE:**

Deny.

**RFA NO. 1-31:**

Admit or deny that one or more representatives of TCMUD 12 attended a meeting held at 12117 Bee Cave Road, Building 3, Suite 120, Bee Cave, Texas 78738 on January 8, 2013, regarding the PUA's wholesale Water Treatment Services rates.

**RESPONSE:**

Deny.

**RFA NO. 1-32:**

Admit or deny that MUD 12 received correspondence from the PUA or its representatives regarding a meeting held at 12117 Bee Cave Road, Building 3, Suite 120, Bee Cave, Texas 78738 on January 28, 2013, regarding the PUA's wholesale Water Treatment Services rates.

**RESPONSE:**

Deny.

**RFA NO. 1-33:**

Admit or deny that one or more representatives of TCMUD 12 attended a meeting held at 12117 Bee Cave Road, Building 3, Suite 120, Bee Cave, Texas 78738 on January 28, 2013, regarding the PUA's wholesale Water Treatment Services rates.

**RESPONSE:**

Deny.

**RFA NO. 1-34:**

Admit or deny that MUD 12 received correspondence from the PUA or its representatives regarding a meeting held at 12117 Bee Cave Road, Building 3, Suite 120, Bee Cave, Texas 78738 on March 25, 2013, regarding the PUA's wholesale water treatment service rates.

**RESPONSE:**

Admit that on February 15, 2013, TCMUD 12 received correspondence from the PUA which stated that a second "Wholesale Customer Committee (WCC)" would be held on March 25, 2013 to focus on the PUA's debt service and needed capital improvements costs, and methods to calculate wholesale minimum monthly bills.

**RFA NO. 1-35:**

Admit or deny that one or more representatives of TCMUD 12 attended a meeting held at 12117 Bee Cave Road, Building 3, Suite 120, Bee Cave, Texas 78738 on March 25, 2013, regarding the PUA's wholesale Water Treatment Services rates.

**RESPONSE:**

Deny.

**RFA NO. 1-36:**

Admit or deny that MUD 12 received correspondence from the PUA or its representatives regarding a meeting held at 12117 Bee Cave Road, Building 3, Suite 120, Bee Cave, Texas 78738 on April 1, 2013, regarding the PUA's wholesale Water Treatment Services rates.

**RESPONSE:**

Admit.

**RFA NO. 1-37:**

Admit or deny that one or more representatives of TCMUD 12 attended a meeting held at 12117 Bee Cave Road, Building 3, Suite 120, Bee Cave, Texas 78738 on April 1, 2013, regarding the PUA's wholesale Water Treatment Services rates.

**RESPONSE:**

Admit.

**RFA NO. 1-38:**

Admit or deny that MUD 12 received correspondence from the PUA or its representatives regarding a meeting held at 12117 Bee Cave Road, Building 3, Suite 120, Bee Cave, Texas 78738 on April 9, 2013, regarding the PUA's wholesale Water Treatment Services rates.

**RESPONSE:**

Admit.

**RFA NO. 1-39:**

Admit or deny that one or more representatives of TCMUD 12 attended a meeting held at 12117 Bee Cave Road, Building 3, Suite 120, Bee Cave, Texas 78738 on April 9, 2013, regarding the PUA's wholesale Water Treatment Services rates.

**RESPONSE:**

Admit.

**RFA NO. 1-40:**

Admit or deny that MUD 12 received correspondence from the PUA or its representatives regarding a meeting held at 12117 Bee Cave Road, Building 3, Suite 120, Bee Cave, Texas 78738 on May 6, 2013, regarding the PUA's wholesale Water Treatment Services rates.

**RESPONSE:**

Admit.

**RFA NO. 1-41:**

Admit or deny that one or more representatives of TCMUD 12 attended a meeting held at 12117 Bee Cave Road, Building 3, Suite 120, Bee Cave, Texas 78738 on May 6, 2013, regarding the PUA's wholesale Water Treatment Services rates.

**RESPONSE:**

Admit.

**RFA NO. 1-42:**

Admit or deny that MUD 12 received correspondence from the PUA or its representatives regarding a meeting held at 12117 Bee Cave Road, Building 3, Suite 120, Bee Cave, Texas 78738 on May 14, 2013, regarding the PUA's wholesale Water Treatment Services rates.

**RESPONSE:**

Admit that on May 10, 2013 a representative of MUD 12 received an email from Nelissa Heddin regarding a WTCPUA Wholesale Customer Committee Meeting to be held on May 14, 2013.

**RFA NO. 1-43:**

Admit or deny that one or more representatives of TCMUD 12 attended a meeting held at 12117 Bee Cave Road, Building 3, Suite 120, Bee Cave, Texas 78738 on May 14, 2013, regarding the PUA's wholesale Water Treatment Services rates.

**RESPONSE:**

Admit.

**RFA NO. 1-44:**

Admit or deny that between January 1, 2009 and March 6, 2014, officials, employees, representatives, and/or contractors of MUD 12 engaged in discussions or meetings with officials, employees, representatives, or contractors of other water providers, other than LCRA or the PUA, for a supply of treated water.

**RESPONSE:**

Deny. *See also* TCMUD 12 Response to PUA RFP 1-2.

**RFA NO. 1-45:**

Admit or deny that between January 1, 2009 and March 6, 2014, officials, employees, representatives, and/or contractors of MUD 12 engaged in discussions or meetings with officials, employees, representatives, or contractors of other water providers, other than LCRA or the PUA, for water treatment services.

**RESPONSE:**

Deny.

**RFA NO. 1-46:**

Admit or deny that the wholesale water treatment rates charged by the PUA to MUD 12, as adopted by the PUA on November 21, 2013, do not impair MUD 12's ability to continue providing water service to MUD 12's customers.

**RESPONSE:**

Admit in part and deny in part: the Monthly Charge (Minimum Bill) of \$8,140.89 and Volume Rate (Volumetric Rate) of \$2.11/1,000 gallons charged by the WTCPUA to TCMUD 12 pursuant to the PUA's 2013 Rate Order, does not currently impair TCMUD 12's ability to continue providing water service to TCMUD 12's retail customers. However, the term "rate" includes the methodology used to set the rate, and therefore TCMUD 12 denies in part because the methodology utilized by the PUA to set the FYE 2014 rates will result in rate increases that would impair TCMUD 12's ability to continue providing water service to its customers

**RFA NO. 1-47:**

Admit or deny that the wholesale water treatment service rates charged by the PUA to MUD 12, as adopted by the PUA on November 21, 2013, do not impair the PUA's ability to continue providing water service.

**RESPONSE:**

Admit.

**RFA NO. 1-48:**

Admit or deny that MUD 12 can obtain water treatment services for MUD 12's raw water supply from LCRA from an entity other than the PUA.

**RESPONSE:**

Deny. *See*, TCMUD 12's Response to PUA RFP 1-35.

**RFA NO. 1-49:**

Admit or deny that MUD 12 can obtain a treated water supply from an entity other than the PUA.

**RESPONSE:**

*Miguel A. Huerta, Counsel for TCMUD 12 conferred with David Klein and Georgia Crump, Counsel for the WTCPUA regarding this request. By agreement of Counsel, the phrase "treated water supply" as used in this request, is used to mean a potable water supply that is available for sale to TCMUD 12.*

Deny. *See*, TCMUD 12's Response to PUA RFP 1-36.



**RFA NO. 1-50:**

Admit or deny that the PUA experienced changed financial conditions between November 15, 2012 and November 21, 2013.

**RESPONSE:**

*Miguel A. Huerta, Counsel for TCMUD 12 conferred with David Klein and Georgia Crump, Counsel for the WTCPUA regarding this request. By agreement of Counsel, the phrase "changed financial conditions" as used in this request, means changes to the WTCPUA's financial conditions that are similar to or have the same impact as the changes listed by the WTCPUA in response to TCMUD 12's RFI 1-1.*

Cannot admit or deny: While the PUA in its response to TCMUD 12's RFI 1-1, has listed "changed conditions" some of which are "financial", beyond the inquiry reflected in TCMUD 12's discovery to the PUA, TCMUD 12 has no information as to any other changes to WTCPUA's financial conditions that are similar to or have the same impact as the changes listed by WTCPUA in response to RFI 1-1.

**RFA NO. 1-51:**

Admit or deny that the PUA's treated water rates to its retail customers on March 6, 2014 are the rates contained in the PUA's Tariff, attached hereto as Exhibit C.

**RESPONSE:**

Admit in part with this clarification: the retail water rates contained in the PUA's Tariff as last amended on 01-09-14, attached to the PUA's RFA as Exhibit C (pages 65-81), are the treated retail water rates adopted by the PUA's Board; however, TCMUD 12 has no ability to determine if these are the treated water rates actually charged to each of the PUA's "retail customers" on March 6, 2014, because the identity of the PUA's retail customers are unknown to TCMUD 12, and TCMUD 12 is not privy to the invoices or bills charged to the PUA's "retail customers."

**RFA NO. 1-52:**

Admit or deny that MUD 12 has never delivered a written notice of default 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, dated October 22, 2009, for failing to meet applicable drinking water standards.

**RESPONSE:**

Admit.

**RFA NO. 1-53:**

Admit or deny that the PUA does not place water conservations measures on MUD 12 other than water conservation measures that apply to all PUA wholesale water treatment service customers.

**RESPONSE:**

Admit in part with clarification. Under 3.03(f) of the LCRA-TCMUD 12 Wholesale Water Services Agreement, TCMUD 12 is subject to the LCRA Water Conservation and Drought Plan ("LCRA Plan"), and TCMUD 12 has found nothing to indicate that any of the other wholesale water services customers that may have or had similar contracts with LCRA were subject to any LCRA Plan other than the same one that TCMUD 12 is subject to. TCMUD 12 consented to the LCRA's Assignment of the Wholesale Water Services Agreement to the PUA on the Closing Date (2019) subject to the conditions as set out in the Transfer Agreement. Under the terms of the Transfer Agreement, TCMUD 12 remains subject to the LCRA Water Conservation and Drought Plan until the Closing Date or Termination Date, but to the extent the terms of the LCRA Plan "relate to the operation and maintenance of the West Travis County Water System", the PUA has responsibility for the LCRA Plan under the Transfer Agreement (page 2, para. 1).

The PUA has also adopted a "Water Conservation & Drought Contingency Plan" (the "PUA Plan") but the PUA Plan applies only to treated water utility systems owned and operated by WTCPUA, and hence the PUA does not "place water conservation measures on MUD 12" under the "PUA Plan." TCMUD 12 has found nothing to permit it to opine on whether the PUA Plan is applied by the PUA to its other wholesale water services customers.

**RFA NO. 1-54:**

Admit or deny that the PUA does not provide incentives to PUA wholesale water treatment service customers that are not available to MUD 12.

**RESPONSE:**

*Miguel A. Huerta, Counsel for TCMUD 12 conferred with David Klein and Georgia Crump, Counsel for the WTCPUA regarding this request. By agreement of Counsel, the term "incentives" as used in this request, means any incentives related to PUC Subst. R. 24.133(a)(3)(E).*

After making a reasonable inquiry, the information known or easily obtainable is insufficient to enable TCMUD 12 to either admit nor deny that the PUA does not provide "incentives necessary to encourage regional projects or water conservation measures" to PUA wholesale water treatment service customers that are not available to MUD 12.

**RFA NO. 1-55:**

Admit or deny that the water rate methodology that the PUA used to compute the wholesale water treatment service rates for MUD 12 in the 2013 Rate Order is the same methodology used by the PUA to compute the wholesale water treatment service rates for the other wholesale water treatment customers listed in the 2013 Rate Order.

**RESPONSE:**

TCMUD 12 can neither admit nor deny because TCMUD 12 is in the process of formulating its prefiled testimony which is due on October 31, 2014, and will at that time respond to this RFA.

**RFA NO. 1-56:**

Admit or deny that MUD 11 receives wholesale Water Treatment Services or a supply of treated water from Lakeway Municipal Utility District.

**RESPONSE:**

Admit in part with clarification: MUD 11 receives a "supply" of raw water from MUD 12 (which purchases it from LCRA), not from Lakeway MUD; MUD 11 owns a part of the intake barge from which raw water is diverted from Lake Travis (the "diversion" part of wholesale water service), and hence does not receive diversion service from Lakeway MUD; and MUD 11 receives water treatment service from Lakeway MUD for only a *portion* of the water it supplies to its retail customers.

**RFA NO. 1-57:**

Admit or deny that MUD 13 receives wholesale Water Treatment Services or a supply of treated water from Lakeway Municipal Utility District.

**RESPONSE:**

Deny. *See*, TCMUD 12's Response to PUA's RFP 1-44.

**RFA NO. 1-58:**

Admit or deny that the facilities carrying wholesale treated water to MUD 11 traverse the jurisdictional boundaries of MUD 12.

**RESPONSE:**

Admit in part; a *portion* of the facilities carrying treated water to MUD 11 traverse the jurisdictional boundaries of MUD 12.

**RFA NO. 1-59:**

Admit or deny that the facilities carrying wholesale treated water to MUD 13 traverse the jurisdictional boundaries of MUD 12.

**RESPONSE:**

Admit.

**RFA NO. 1-60:**

Admit or deny that the water system infrastructure of MUD 11 is physically connected to the water system infrastructure of MUD 12.

**RESPONSE:**

Admit in part: only a portion of TCMUD 11's water system infrastructure is physically connected to the TCMUD 12 water system infrastructure.

**RFA NO. 1-61:**

Admit or deny that the water system infrastructure of MUD 13 is physically connected to the water system infrastructure of MUD 12.

**RESPONSE:**

Admit.

**RFA NO. 1-62:**

Admit or deny that MUD 11 owns or possesses a water system infrastructure that is within 0.25 miles of the water system infrastructure owned or possessed by MUD 12.

**RESPONSE:**

Admit.

**RFA NO. 1-63:**

Admit or deny that MUD 13 owns or possesses a water system infrastructure that is within 0.25 miles of the water system infrastructure owned or possessed by MUD 12.

**RESPONSE:**

Admit.

**RFA NO. 1-64:**

Admit or deny that the utility approach is an approach to project total revenue requirements for an entity that provides Water Treatment Services.

**RESPONSE:**

*Miguel A. Huerta, Counsel for TCMUD 12 conferred with David Klein and Georgia Crump, Counsel for the WTCPUA regarding this request. By agreement of Counsel, RFA 1-64 may be read as "Admit or deny that the utility basis is a methodology to project total revenue requirements for an entity that provides Water Treatment Services."*

This is identical to RFA 1-1 above; please see the response for RFA 1-1.

**RFA NO. 1-65:**

Admit or deny that the cash needs approach is an approach to project total revenue requirements for an entity that provides Water Treatment Services.

**RESPONSE:**

*Miguel A. Huerta, Counsel for TCMUD 12 conferred with David Klein and Georgia Crump, Counsel for the WTCPUA regarding this request. By agreement of Counsel, RFA 1-64 may be read as "Admit or deny that the cash needs basis is a methodology to project total revenue requirements for an entity that provides Water Treatment Services."*

This is identical to RFA 1-2 above; please see the response for RFA 1-2.