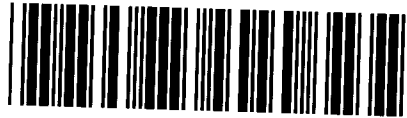




Control Number: 42866



Item Number: 57

Addendum StartPage: 0

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

RECEIVED
2014 OCT 10 PM 2
PUBLIC UTILITY COMMISSION
FILING CLERK

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 OFFICE

OF

ADMINISTRATIVE HEARINGS

WTCPUA'S REQUEST FOR IN CAMERA INSPECTION

Pursuant to P.U.C. PROC. R. 22.144(g), the West Travis County Public Utility Agency ("WTCPUA") files this request for *in camera* inspection of a document being withheld in response to Travis County Municipal Utility District No. 12 ("TCMUD 12") Motion to Compel Response to TCMUD 12's Request for Information ("RFI") No. 3-9. On September 30, 2014, WTCPUA timely objected to this RFI and asserted the attorney-client privilege. Next, TCMUD 12 filed a motion to compel on October 7, 2014 regarding this RFI, amongst others. Accordingly, pursuant to P.U.C. PROC. R. 22.144(g), WTCPUA now offers this description of the factual and legal bases for its claim of the attorney-client privilege regarding RFI 3-9 and seeks an *in camera* review of the privileged document.

RFI No. 3-9. WTCPUA requests an *in camera* inspection of a document that was created by WTCPUA's counsel, Lloyd Gosselink Rochelle & Townsend, PC ("*Lloyd Gosselink*"), that the WTCPUA is withholding based on the attorney-client privilege.

Legal Basis: Under the attorney-client privilege, "a client has the privilege to refuse to disclose and to prevent any other person from disclosing confidential communications made for the purpose of facilitating the rendition of professional legal services to the client: (A) between the client or a representative of the client and the client's lawyer or a representative of the

lawyer; (B) between the lawyer and the lawyer's representative; (C) by the client or a representative of the client, or the client's lawyer or a representative of the lawyer, to a lawyer or a representative of a lawyer representing another party in a pending action and concerning a matter of common interest therein; (D) between representatives of the client or between the client and a representative of the client; or (E) among lawyers and their representatives representing the same client."¹ Therefore, the attorney-client privilege protects from disclosure all confidential communications that fall within the scope of representation provided by the attorney to the client, so long as the client has not waived this privilege.

Factual Basis: The document that has been withheld by WTCPUA is a document created by counsel for WTCPUA, Lloyd Gosselink, for WTCPUA to assist the WTCPUA with a matter under which Lloyd Gosselink has been engaged by WTCPUA.

In accordance with P.U.C. PROC. R. 22.144(g), WTCPUA will provide this document to the Administrative Law Judge, under seal, within one working day of the filing of this request for in camera inspection. Additionally, WTCPUA will further address the merits of TCMUD 12's other assertions in TCMUD 12's Motion to Compel WTCPUA's Responses to TCMUD 12's Third RFI, in WTCPUA's response to such motion, which will be timely filed.

¹ TEX. R. EVID. 503.

Respectfully submitted,

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

816 Congress Avenue, Suite 1900

Austin, Texas 78701

(512) 322-5800

(512) 472-0532 (Fax)



DAVID J. KLEIN

State Bar No. 24041257

GEORGIA CRUMP

State Bar No. 05185500

MELISSA LONG

Texas Bar No. 24063949

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

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was transmitted by fax, e-mail, hand-delivery and/or regular, first class mail on this 10th day of October, 2014, to the parties of record.


DAVID J. KLEIN

3319/14/4564672