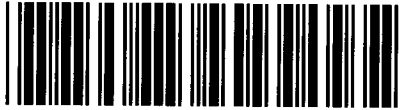




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PETITION OF TRAVIS COUNTY  
MUNICIPAL UTILITY DISTRICT  
NO. 12 APPEALING CHANGE OF  
WHOLESALE WATER RATES  
IMPLEMENTED BY WEST  
TRAVIS COUNTY PUBLIC  
UTILITY AGENCY, AND THE  
CITY OF BEE CAVE, TEXAS,  
HAYS COUNTY, TEXAS AND  
WEST TRAVIS COUNTY  
MUNICIPAL UTILITY DISTRICT  
NO. 5

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BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

**WEST TRAVIS COUNTY PUBLIC UTILITY AGENCY'S THIRD  
SUPPLEMENTAL RESPONSES TO REQUESTS FOR DISCLOSURE**

Pursuant to Administrative Law Judge's Order No. 1 and Rule 194 of the Texas Rules of Civil Procedure, West Travis County Public Utility Agency ("WTCPUA") hereby serves its supplemental responses to Requests for Disclosure.

Respectfully submitted,

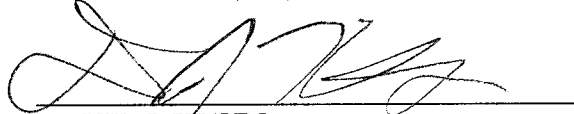
**LLOYD GOSSELINK ROCHELLE &  
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**ATTORNEYS FOR WEST TRAVIS COUNTY  
PUBLIC UTILITY AGENCY**

89

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document was transmitted by e-mail, fax, hand-delivery and/or regular, first class mail on this 23th day December, 2014, to the parties of record.

  
\_\_\_\_\_  
David J. Klein

### **THIRD SUPPLEMENTAL RESPONSES TO REQUESTS FOR DISCLOSURE**

The WTCPUA hereby supplements its previous responses to disclosures 3 and 6 (Texas Rule of Civil Procedure 194.2 (c) and (f)), with the following:

- 3. Rule 194.2 (c) the legal theories and, in general, the factual bases of the responding party's claims or defenses (the responding party need not marshal all evidence that may be offered at trial).**

#### **RESPONSE:**

The WTCPUA further contends that Travis County Municipal Utility District No. 12 ("TCMUD 12") has not and will not be able to meet its burden of proof that the WTCPUA's wholesale water treatment rate (the "Protested Rate") charged to TCMUD 12 under the Wholesale Water Services Agreement, as amended, as adopted by the Board of Directors of WTCPUA on November 21, 2013, adversely impacts the public interest or violates any of the public interest criteria under and P.U.C. Subst. R. 24.133(a).

In particular, WTCPUA is not a monopoly under P.U.C. Subst. R. 24.133(a)(3), and the Protested Rate does not evidence an abuse of the alleged monopoly power in its provision of wholesale water treatment services to TCMUD 12. Specifically, WTCPUA did not have disparate bargaining power over TCMUD 12, as TCMUD 12 had alternate means, alternative costs, no environmental impacts, no regulatory issues, and no problems with obtaining wholesale water treatment services from an alternate source. Further, there was no change in the revenue requirement or rate methodology utilized by WTCPUA in the Protested Rate, as compared to the revenue requirement or rate methodology utilized by WTCPUA in the wholesale water treatment rates charged to TCMUD 12 that were previously adopted by the WTCPUA Board of Directors on November 15, 2012 (collectively, the "Disputed Issues").

The alleged factual bases stated in the testimony of TCMUD 12's witnesses, DiQuinzio, Joyce, and Zarnikau fail to provide evidence demonstrating the public interest criteria factors in P.U.C. Subst. R. 24.133(a)(3)(A) and (C). Additionally, the testimony of WTCPUA witnesses Rauschuber, Stowe, and Baudino state the bases that refute the allegations of TCMUD 12's witnesses regarding the Disputed Issues, as well as provide independent factual and technical bases demonstrating how TCMUD 12's testimony regarding the Disputed Issues is meritless.

6. Rule 194.2(f) for any testifying expert:

RESPONSE:

- (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 the control of the responding party, documents reflecting such information;**

Summaries describing the general substance of WTCPUA's experts' mental impressions and opinions have been set out in the Direct Testimony of those experts. See, e.g., Direct Testimony of Mr. Richard Baudino at p. 4, line 16 through p. 5, line 12 and p. 31, lines 12-17; Direct Testimony of Mr. Jack Stowe at p. 6, line 23 through p. 7, line 8, p. 15, lines 29-31, p. 18, line 18 through p. 19, line 2.

- (4) **if the expert is retained by, employed by, or otherwise subject to the control of the responding party:**

- (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**

The documents relied on by WTCPUA's expert witnesses were identified in the direct testimonies of those expert witnesses. Additionally, WTCPUA's expert witnesses reviewed the prefiled testimonies of the TCMUD 12 witnesses and discovery responses in this hearing.

- (B) **the expert's current resume and bibliography.**

The current resumes and bibliographies of WTCPUA's expert witnesses are attached to their direct testimonies, at Baudino Attachment A and Stowe Attachments A and B.