

Control Number: 42866



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SOAH DOCKET NO. 473-15-5144

PUC DOCKET NO. 42866

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PUBLIC UTILITY DISTRICT

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

**TRAVIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 12'S FIFTH REQUEST 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,

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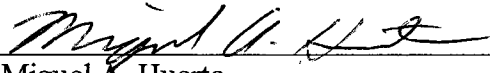
Public Utility Commission of Texas, 1701 N. Congress Avenue, Suite 8-100, Austin, Texas 78701.

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.

Respectfully Submitted,

**SMITH TROSTLE & HUERTA LLP**


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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 is being served via facsimile, U.S. mail and/or hand delivery to all parties of record on this, 16th day of January, 2015.

  
\_\_\_\_\_  
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. 582-15-3382.

**“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., 2015-0439-UCR, transferred to SOAH and assigned SOAH Docket No. 582-15-3382, and subsequently assigned PUC Docket No. 42866 and SOAH Docket No. 473-15-5144.



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 FIFTH REQUEST FOR  
INFORMATION TO WEST TRAVIS COUNTY PUBLIC UTILITY AGENCY**

- 5-1 Please produce copies of the following testimony referenced in Attachment A to Mr. Baudino's Direct Testimony. If any of the following testimony is readily available online, detailed information on how the specific testimony may be obtained (e.g. providing the Uniform Resource Locator (URL) for the appropriate webpage or File Transfer Protocol (FTP) site) may be provided in lieu of providing a copy of the testimony.

The following testimony is listed in the format used by Mr. Baudino in Attachment A to his Direct Testimony, i.e. Date; Case; Jurisdiction; Party; Utility; and Subject.

10/87; 2146; NM; New Mexico Public Service Commission; Public Service Co. of New Mexico; Financial effects of restructuring, reorganization.

03/98; 8390-U; GA; Georgia Natural Gas Group and the Georgia Textile Manufacturers Assoc.; Atlanta Gas Light; Rate of return, restructuring issues, unbundling, rate design issues.

10/99; R-0994782; PA; Peoples Industrial Intervenors; Peoples Natural Gas Co.; Restructuring issues.

10/99; R-40994781; PA; Columbia Industrial Intervenors; Columbia Gas of Pennsylvania; Restructuring, balancing charges, rate flexing, alternate fuel.

10/00; U-21453, U-20925 (SC), U-22092 (SC) Subdocket B; LA; Louisiana Public Service Commission; Entergy Gulf States, Inc.; Restructuring, Business Separation Plan.

04/01; U-21453, U-20925 (SC), U-22092 (SC) Subdocket B; LA; Louisiana Public Service Commission; Entergy Gulf States, Inc.; Restructuring issues.

- 5-2 Is it Mr. Baudino's contention that "monopoly power" as the phrase is used in P.U.C. SUBST. R. §24.133 requires the entity exercising the monopoly power to be a "pure monopoly" as defined in Attachment B of Mr. Baudino's testimony? If that is not his contention, please explain the purpose of his testimony concerning a "pure monopoly" in the context of P.U.C. Subst. R. § 24.144.
- 5-3 Please refer to the statement on p. 13, line 22 of Mr. Baudino's testimony: "This book is also commonly relied upon by economists." Please provide materials supporting this statement, including journal articles and testimony which Mr. Baudino relied upon in making this statement.

- 5-4 Please provide all materials, including court decisions and regulatory decisions, reviewed by Mr. Baudino in the development of his definition of a “monopoly market structure” as used in Section D of his Direct Testimony.
- 5-5 Please explain why a monopolist’s goods or services must be “essential,” as asserted in Mr. Baudino’s Direct Testimony, p. 14, lines 12-13.
- 5-6 Please define “utility services” as used in Mr. Baudino’s testimony at p. 14, line 13: “Utility services are considered essential to the public.”
- 5-7 Please provide all court orders or decisions, regulatory agency decisions, and journal articles in the possession of or reviewed by WTCPUA or its witnesses in which the presence of a contact between a supplier and a buyer of goods and services was a factor in establishing that a supplier was (or was not) a pure monopoly, a monopoly, had exercised monopoly power, or had exercised market power.
- 5-8 Please have Mr. Baudino define the phrase “wholesale water treatment services” in the context of his use of the phrase throughout his testimony.
- 5-9 Please identify the individuals who made up the “handful of consultants” referenced by Mr. Rauschuber’s Direct Testimony on page 11, lines 4 through 6.
- 5-10 Please refer to Mr. Rauschuber’s Direct Testimony on Page 15, lines 16 and 17 in which he discussed costs based on the cash needs methodology. Please identify and provide any previous testimony of Mr. Rauschuber in which he testifies on revenue requirement methodology or rate design methodology. If any of the identified testimony is readily available online, detailed information on how the specific testimony may be obtained (e.g. providing the Uniform Resource Locator (URL) for the appropriate webpage or File Transfer Protocol (FTP) site) may be provided in lieu of providing a copy of the testimony.
- 5-11 Please identify the individual or individuals who performed the cost of service and rate design study discussed on page 19, lines 6 through 10 of Mr. Rauschuber’s Direct Testimony.
- 5-12 Please identify the WTCPUA rate consultant referenced on page 19, line 21 of Mr. Rauschuber’s Direct Testimony.

- 5-13 Please produce copies of the following testimony referenced on page 5, line 15 through page 6, line 8 of Mr. Jack Stowe's Direct Testimony. If any of the following testimony is readily available online, detailed information on how the specific testimony may be obtained (e.g. providing the Uniform Resource Locator (URL) for the appropriate webpage or File Transfer Protocol (FTP) site) may be provided in lieu of providing a copy of the testimony.

TCEQ Docket Nos. 8748-A and 9261-A, City of Arlington, Texas v. City of Fort Worth, Texas.

TCEQ Docket No. 582-02-2470, SOAH Docket No. 2001-1583-UCR, City of McAllen v. Hidalgo County WCID #3

TCEQ Docket No. 582-03-1991, SOAH Docket No. 2002-1400-UCR, Canyon Regional River Authority v. Guadalupe Blanco River Authority

TCEQ Docket No. 582-07-2049, SOAH Docket No. 2007-0238-UCR, BHP Water Supply Corp. v. Royse City, Texas