



Control Number: 42867



Item Number: 126

Addendum StartPage: 0

RECEIVED
2014 DEC 30 PM 12:12
PUBLIC UTILITY COMMISSION
FILING CLERK

BEFORE THE STATE OFFICE
OF
ADMINISTRATIVE HEARINGS

BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

**PETITION OF NORTH AUSTIN
MUNICIPAL UTILITY DISTRICT NO.
1, NORTHTOWN MUNICIPAL
UTILITY DISTRICT, AND WELLS
BRANCH MUNICIPAL UTILITY
DISTRICT FROM THE RATEMAKING
ACTIONS OF THE CITY OF AUSTIN
AND REQUEST FOR INTERIM RATES
IN WILLIAMSON AND TRAVIS
COUNTIES**

TO: Wells Branch MUD, Travis County WCID No. 10, Northtown MUD, and North Austin Utility District No. 1, through its attorneys of record, Randall Wilburn, Attorney at Law, 3000 South IH 35, Suite 150, Austin, Texas 78704; and John J. Carlton, The Carlton Law Firm, PLLC, 2705 Bee Cave Road, Suite 200, Austin, Texas 78746.

COMES NOW, the City of Austin, (herein sometimes referred to as “City,” “Austin” or “Respondent”), in the above styled and docketed consolidated wholesale water and wholesale wastewater rate appeal proceeding and serves this, the City of Austin’s Tenth Supplemental

Response to Petitioners' Third Request for Production of Documents in response to Petitioners' Third Request for Production of Documents, on all parties to this Proceeding.

I. RESPONSES TO REQUESTS FOR PRODUCTION SUBJECT TO RIGHT TO AMEND OR SUPPLEMENT

Each of these responses is submitted pursuant to applicable law and rules. Additionally, Austin reserves the right to amend or supplement this response in accordance with applicable rules.

II. RESPONSES TO REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 3-66. Provide all source documentation on any rate case expenses related to this docket for which the City is requesting any cost recovery (during or subsequent to this docket) from Petitioners.

SUPPLEMENTAL RESPONSE: See the attached invoices from Webb & Webb, Attorneys at Law, Austin RPD Resp. 8278-8286.

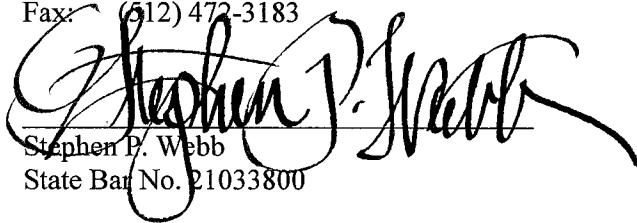
Respectfully submitted,

KAREN KENNARD,
City Attorney

D. CLARK CORNWELL
Assistant City Attorney

WEBB & WEBB
712 Southwest Tower
211 East Seventh Street
Austin, Texas 78767
Tel: (512) 472-9990
Fax: (512) 472-3183

By:


Stephen P. Webb
State Bar No. 21033800

Gwendolyn Hill Webb
State Bar No. 21026300

ATTORNEYS FOR CITY OF AUSTIN

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been served via hand delivery, facsimile, electronic mail, overnight mail, US mail and/or Certified Mail Return Receipt Requested on all parties whose names appear on the mailing list below on this 30th day of December, 2014.

FOR THE PUBLIC UTILITY COMMISSION:

1701 N. Congress Avenue, 7th Floor
PO Box 13326
Austin, Texas 78711-3326
Via Electronic Upload & Hand Delivery

FOR THE SOAH DOCKET CLERK:

Ms. Monica Luna, Docketing Clerk
State Office of Administrative Hearings
300 W. 15th Street, Suite 504
Austin, Texas 78701
Phone: 512-475-4993
Fax: 512-322-2061
Via Electronic Upload
(Without Attachments)


STEPHEN P. WEBB

FOR PETITIONERS:

Mr. Randall B. Wilburn, Attorney at Law
3000 South IH 35, Suite 150
Austin, Texas 78704
Phone: 512-535-1661
Fax: 512-535-1678
rbw@randallwilburnlaw.com

Mr. John Carlton, Attorney at Law
The Carlton Law Firm, PLLC
2705 Bee Cave Road, Suite 200
Austin, Texas 78746
Phone: 512-614-0901
Fax: 512-900-2855
john@carltonlawaustin.com

FOR THE PUC STAFF:

Mr. Hollis Henley, Attorney – Legal Division
Public Utility Commission of Texas
1701 N. Congress Avenue
PO Box 13326
Austin, Texas 78711-3326
Phone: 512-936-7230
Fax: 512-936-7268
Hollis.henley@puc.texas.gov

Mr. Thomas Tynes, Attorney – Legal Division
Public Utility Commission of Texas
1701 N. Congress Avenue
PO Box 13326
Austin, Texas 78711-3326
Phone: 512-936-7297
Fax: 512-936-7268
Thomas.Tynes@puc.texas.gov

WEBB & WEBB

712 Southwest Tower, 211 E. 7th Street
Austin, Texas 78701

Telephone: 512-472-9990 & Facsimile: 512-472-3183
Federal Tax ID No. 74-2592467

Ms. Teresa Medina
City of Austin, Law Department
City Hall
301 W. 2nd Street
PO Box 1088
Austin, Texas 78767-1088

RE: SOAH Docket No. 473-14-5138 and PUC Docket No. 42857

Appeal filed by North Austin Utility District No. 1, Northtown Municipal Utility District, Travis County Water Control and Improvement District No. 10 and Wells Branch Municipal Utility District, from the Ratemaking Actions of the City of Austin and Request for Interim Water Rates in Williamson and Travis Counties

and

SOAH Docket No. 473-14-5138 and PUC Docket No. 42867

Appeal filed by North Austin Utility District No. 1, Northtown Municipal Utility District, and Wells Branch Municipal Utility District, from the Ratemaking Actions of the City of Austin and Request for Interim Wastewater Rates in Williamson and Travis Counties

SUBJECT: November, 2014 Legal Services

Date	Legal Services Provided	Legal Assistant	Paralegal Time	Expert Time \$194	Expert Time \$212	Expert Time \$220	National Rate Expert	Attorney Time	Total
11/1	Review discovery status.							3.30 GHW	990.00
11/3	Review correspondence from [REDACTED] regarding additional document requests from Petitioners' witnesses. Update Second Revised Budget; telephone call with [REDACTED] (No Charge)							0.40 (0.20 GHW) (0.20 SPW)	120.00
11/4	Review and respond to correspondence with [REDACTED] and update meeting with [REDACTED]. Review discovery responses provided; research, review and revise Motion to Strike. Update Second Revised Budget (No Charge)							2.90 (0.60 GHW) (2.30 SPW)	870.00

Date	Legal Services Provided	Legal Assistant	Paralegal Time	Expert Time \$194	Expert Time \$212	Expert Time \$220	National Rate Expert	Attorney Time	Total
11/4	Review PFT of Jay Joyce and prepare RFP.						1.00 RG		290.00
11/4	Draft Reply to Response to Motion to Strike; telephone call with [REDACTED] regarding electronic copies of RPD responses.		0.40 CLP						60.00
11/4	Review discovery responses and update organizational chart; revise Reply to Response to Motion to Strike.	0.60 SNH							72.00
11/5	Research, revise and finalize Reply to Petitioners Response to Motion to Strike Prefiled Testimony. Review Response to Motion to Strike PFT. Update Second Revised Budget (No Charge)							4.00 (0.30 GHW) (3.70 SPW)	1,200.00
11/5	Review PFT of Jay Joyce and prepare RFP.						2.10 RG		609.00
11/6	Review correspondence from [REDACTED] regarding conference call. Telephone call from [REDACTED] regarding PFT of Jay Joyce and status of discovery RPD. Review proposed requests created by [REDACTED] based on PFT of Jay Joyce. Revise request for production based upon expert [REDACTED] review and proposed requests.							3.10 (0.8 GHW) (2.30 SPW)	930.00
11/6	Review PFT of Jay Joyce and prepare RFP.						2.00 RG		580.00
11/7	Prepare for and attend meeting. Prepare correspondence to [REDACTED] regarding comparisons between 2012 rates and current calculations. Review correspondence from [REDACTED]. Review and respond to correspondence with [REDACTED] regarding requests bases on Jay Joyce's PFT. Review and revise 2 nd RPD to Northtown, 3 rd RPD to North Austin, Wells Branch and WCID. Revise [REDACTED] and correspondence with [REDACTED] regarding [REDACTED] (No Charge).							6.70 (2.10 GHW) (4.60 SPW)	2,010.00
11/7	Review and respond to correspondence with Robert Rowan regarding discovery requests; draft, file and serve 2 nd RPD to Northtown, 3 rd RPD to North Austin, Wells Branch and WCID; review [REDACTED]; prepare correspondence to [REDACTED]; telephone call to [REDACTED] regarding [REDACTED].		3.90 CLP						585.00

Date	Legal Services Provided	Legal Assistant	Paralegal Time	Expert Time \$194	Expert Time \$212	Expert Time \$220	National Rate Expert	Attorney Time	Total
11/7	Prepare for and attend weekly coordination status meeting.					2.00 TB			440.00
11/10	Review and revise 3 rd RPD to WCID.							2.50 SPW	750.00
11/10	Draft file and serve 3 rd RPD to WCID; telephone call from [REDACTED] regarding documents to be uploaded.		0.90 CLP						135.00
11/12	Prepare for and attend meeting.							1.50 GHW	450.00
11/12	Review Petitioners' discovery responses and amended responses in preparation of Motion to Compel; draft Motion to Compel.	2.00 SNH	2.00 CLP						540.00
11/13	Review and respond to correspondence with Randy Wilburn regarding meeting and conference call. Review and respond to correspondence with [REDACTED] regarding depositions [REDACTED] Work on [REDACTED] discovery requests and responses. Review correspondence from [REDACTED] regarding meeting status.							5.20 (0.70 GHW) (4.50 SPW)	1,560.00
11/14	Prepare correspondence to [REDACTED] regarding meeting status. Review Order No. 13 Denying Motion to Strike Petitioners' PFT. Conference with co-counsel and transmit Order. Conference with Randy Wilburn regarding discovery and depositions. Review and respond to [REDACTED]							1.70 (0.60 GHW) (1.10 SPW)	510.00
11/14	Prepare correspondence to Legal Team regarding status.		0.10 CLP						15.00
11/17	Review correspondence from [REDACTED] regarding [REDACTED] review of PFT and RPD for WCID. Review correspondence from Randy Wilburn regarding settlement; respond to [REDACTED] Telephone call with [REDACTED] regarding settlement and status. Review and revise 4 th RPD to WCID.							2.20 (0.60 GHW) (1.60 SPW)	660.00
11/17	Review and respond to correspondence with [REDACTED] regarding Order and WCID requests; draft, file and serve 4 th RPD to WCID; hand deliver to PUC; prepare correspondence to Court Reporters Clearinghouse regarding transcript.		1.60 CLP						240.00
11/18	Review and respond to correspondence with Petitioners regarding discovery requests.	0.20 SNH							24.00

Date	Legal Services Provided	Legal Assistant	Paralegal Time	Expert Time \$194	Expert Time \$212	Expert Time \$220	National Rate Expert	Attorney Time	Total
11/18	Review and organize hand delivery from Petitioners containing WCID, North Austin, North Town and Wells Branch's Supplemental Responses to 1 st RPD.	2.00 SNH	2.00 CLP						540.00
11/18	Office conference regarding review of discovery responses provided by Wells Branch.		0.40 CLP						60.00
11/18	Review and respond to correspondence with Randy Wilburn regarding conference call and settlement proposal time lines. Review correspondence from Randy Wilburn regarding description of discovery responses provided. Review correspondence from John Carlton regarding supplemental discovery responses for 1 st RPD's. Review Petitioners' discovery responses and work on additional discovery requests. Prepare correspondence to [REDACTED]. Telephone call with [REDACTED] regarding case status and council meetings. Prepare correspondence to Legal Team regarding status of discovery and [REDACTED]. Telephone call with [REDACTED] regarding case status and resolution timeline. Review and respond to correspondence with [REDACTED] regarding Petitioners' interim rates November bills. Prepare correspondence to Petitioners regarding interim rates for November. Prepare correspondence to Randy Wilburn regarding Continued Implementation of Interim Water Rates for November 2013 bills. Telephone call with Hollis Henley regarding coordination meeting.							3.00 (1.70 GHW) (1.30 SPW)	900.00
11/19	Prepare correspondence to Legal Team regarding Petitioners' responses to 2 nd RPD and supplemental responses to 1 st RPD; review and organize Wells Branch and WCID's responses to 2 nd RPD.		1.20 CLP						180.00
11/19	Review and organize North Austin's responses to 2 nd RPD.	2.00 SNH							240.00
11/19	Update discovery organizational charts; prepare correspondence and [REDACTED]	0.50 SNH	0.50 CLP						135.00

Date	Legal Services Provided	Legal Assistant	Paralegal Time	Expert Time \$194	Expert Time \$212	Expert Time \$220	National Rate Expert	Attorney Time	Total
11/19	Review and respond to correspondence with [REDACTED] regarding MUD meetings and proposal information. Review and respond to correspondence with [REDACTED] regarding issues for billing department concerning North Austin MUD. Review correspondence from North Austin MUD contacts; Review and respond to correspondence with Randy Wilburn regarding billing issues and credits. Telephone call with Randy Wilburn regarding Petitioners' bills. Review discovery propounded and responses provided.							3.10 (1.70 OHW) (1.50 SPW)	930.00
11/20	Review correspondence between [REDACTED] and [REDACTED] regarding meter adjustments and billing. Review correspondence from [REDACTED] regarding council meeting and [REDACTED] meeting with [REDACTED]. Review [REDACTED] from Randy Wilburn regarding deposition witness schedules. Review correspondence from Hollis Henley regarding meeting.							1.00 (0.70 GHW) (0.30 SPW)	300.00
11/20	Review and respond to correspondence with Legal Team regarding deposition schedules and witnesses; prepare [REDACTED] and [REDACTED] and City Attorney regarding electronic copy of 2 nd RPD responses; hand deliver to AWU.		1.50 CLP						225.00
1/20	Review and organize electronic copy of ECID and Wells Branch's responses to 2 nd RPD; prepare electronic copies of 2 nd RPD responses to experts, consultants and Legal Team.	0.70 SNH							84.00
11/21	Prepare for and attend weekly coordination status meeting.					2.00 TB			440.00

Date	Legal Services Provided	Legal Assistant	Paralegal Time	Expert Time \$194	Expert Time \$212	Expert Time \$220	National Rate Expert	Attorney Time	Total
11/21	Prepare for and attend meeting. Review correspondence from [REDACTED] regarding districts billing concerns and responses. Review and respond to correspondence with [REDACTED] regarding status meeting. Review and respond to correspondence with Hollis Henley regarding meeting details. Prepare correspondence to Randy Wilburn regarding deposition of Jay Joyce, David Malish and Thomas Arndt; dates requested for Wells Branch, Northtown and TWCID. Prepare correspondence to [REDACTED] regarding [REDACTED] Update [REDACTED]. Prepare for and attend meeting with [REDACTED] and [REDACTED] regarding resolution options.							7.30 (5.00 GHW) (2.30 SPW)	2,190.00
11/21	Draft and prepare for service Notice of Deposition of Jay Joyce, David Malish and Thomas Arndt; telephone call with Alamo City Reporting regarding depositions; prepare correspondence to [REDACTED] regarding [REDACTED]; prepare correspondence to Legal Team regarding deposition details.		2.20 CLP						330.00
11/21	Review and organize hand delivery from Petitioners containing North Austin's Supplemental Response to 2 nd RPD; file Notice of Depositions with PUC and SOAH online; serve all parties.	1.00 SNH							120.00
11/21	Deliver Notice of Depositions to PUC Central Records.	0.50 KAH							60.00

Date	Legal Services Provided	Legal Assistant	Paralegal Time	Expert Time \$194	Expert Time \$212	Expert Time \$220	National Rate Expert	Attorney Time	Total
11/24	Review correspondence from Randy Wilburn regarding deposition dates of District representatives. Review and respond to correspondence with [REDACTED] regarding adjustment to November water rate, on December invoice for North Austin. Telephone call to Petitioners' counsel regarding interim rates. Review and respond to correspondence with John Carlton regarding deposition dates for City representatives. Telephone call from Petitioners' counsel regarding City Officials' depositions. Review and respond to correspondence with [REDACTED] regarding [REDACTED]. Telephone call with [REDACTED]. Review correspondence from [REDACTED] regarding [REDACTED] and [REDACTED]. Review [REDACTED]. Telephone call with [REDACTED] regarding North Austin representative depositions.							2.50 (2.20 GHW) (0.30 SPW)	750.00
11/24	Review and respond to correspondence with assistant to John Carlton regarding receipt of discovery responses; prepare correspondence to Legal Team regarding status of meeting for November 28; telephone call from Hollis Henley regarding status of meetings.		0.40 CLP						60.00
11/25	Review and respond to correspondence with Randy Wilburn and John Carlton regarding depositions of City Officials and District representatives. Review and respond to correspondence with [REDACTED] regarding conference call. [REDACTED] telephone call with [REDACTED]. [REDACTED] telephone call with [REDACTED]. Prepare for and attend meeting with Hollis Henley; telephone call with Randy Wilburn. Telephone call with [REDACTED]. [REDACTED] schedule of City Officials. Review and revise 9 th Supplemental Response to 3 rd RPD.							6.90 (3.50 GHW) (3.40 SPW)	2,070.00

Date	Legal Services Provided	Legal Assistant	Paralegal Time	Expert Time \$194	Expert Time \$212	Expert Time \$220	National Rate Expert	Attorney Time	Total
11/25	Review and respond to correspondence with Alamo City Reporting regarding deposition schedule; Review and respond to correspondence with Bart Jennings regarding District Presidents to be deposed; Review and respond to correspondence with [REDACTED] regarding status; prepare, file and serve 9 th supplemental responses to 3 rd RPD.		2.80 CLP						420.00
1/25	Hand deliver 9 th Supplemental Response to 3 rd RPD to PUC.	0.50 SNH							60.00
11/25	Prepare for and attend conference call with Gwendolyn Hill Webb.						1.00 RG		290.00
1/26	Prepare correspondence to Legal Team regarding depositions of Donna Howe, Cliff Drummond and Donald Conklin; review and respond to correspondence with Alamo City Reporting regarding deposition schedule; review and respond to correspondence with Randy Wilburn regarding President of Wells Branch and deposition notices.		1.10 CLP						165.00
11/26	Review correspondence from Hollis Henley regarding PUC not requesting extension for PFT. Review and respond to correspondence with Petitioners regarding deposition calendar and scheduling; review and revise Notice of Deposition for Cliff Drummond, Donna Howe and Donald Conklin.							3.60 (0.10 GHW) (3.50 SPW)	1,080.00
11/28	Review correspondence from [REDACTED] regarding deposition preparation.							0.10 SPW	30.00
11/29	Review correspondence regarding extension request.							0.30 SPW	90.00
Total Billable Hours		10.00	21.00	0.00	0.00	4.00	6.10	61.30	
Total		\$1,200.00	\$3,150.00	\$0.00	\$0.00	\$880.00	\$1,769.00	\$18,390.00	\$25,389.00

Recap of Billable Expenses for November, 2014

Copy charges (0.10 x 3.975)	\$	397.50
Facsimile charges (0.10 x 0)	\$	0.00
Postage charges	\$	8.95
Total for Billable Expenses	\$	406.45

Total Amount Due for November, 2014	\$25,795.45
--	--------------------

July, 2014 Supplemental Contract Summary

Amount of Contract	Amount of This Invoice	Total Amount of Invoices Presented Under This Contract	Amount Remaining Under This Contract \$ - %
\$461,000.00	\$25,795.45	\$296,261.65	\$164,738.35 - 35.7%

Time Keeper Summary for Webb & Webb

<u>Name and /Initials</u>	<u>Position</u>	<u>Hours</u>	<u>Amount</u>	
Gwendolyn Hill Webb/GHW	Attorney/Partner	25.50	\$7,650.00	
Stephen P. Webb/SPW	Attorney/Partner	35.80	\$10,740.00	
Casey Powell/CLP	Paralegal	21.00	\$3,150.00	
Kayla Hemingway/KAH	Assistant	0.50	\$60.00	
Sierra Herrera/SNH	Assistant	9.50	\$1,140.00	

Time Keeper Summary for Experts/Consultants

<u>Name and /Initials</u>	<u>Position</u>	<u>Hours</u>	<u>Amount</u>	
Tony Bagwell/TB	Special Utility Assistant	4.00	\$880.00	
Angelina Flores/AP	Special Utility Assistant	0.00	\$0.00	
Joe Healy/JH	Special Utility Assistant	0.00	\$0.00	
Rick Giardina/RG	National Rate Expert	6.10	\$1,769.00	