



Control Number: 42867



Item Number: 15

Addendum StartPage: 0

House Bill (HB) 1600 and Senate Bill (SB) 567 83rd
Legislature, Regular Session, transferred the functions
relating to the economic regulation of water and sewer
utilities from the TCEQ to the PUC effective
September 1, 2014.

RECEIVED

SOAH DOCKET NO. 582-13-4617 2014 SEP -5 AM 9:25
TCEQ DOCKET NO. 2013-0865-UCR

PUBLIC UTILITY COMMISSION
FILING CLERK

PETITION OF NORTH AUSTIN § BEFORE THE STATE OFFICE
UTILITY DISTRICT NO. 1, §
NORTHTOWN MUNICIPAL UTILITY §
DISTRICT, TRAVIS COUNTY WATER §
CONTROL AND IMPROVEMENT §
DISTRICT NO. 10 AND WELLS § OF
BRANCH MUNICIPAL UTILITY §
DISTRICT, FROM THE RATEMAKING §
ACTIONS OF THE CITY OF AUSTIN §
AND REQUEST FOR INTERIM RATES §
IN WILLIAMSON AND TRAVIS §
COUNTIES § ADMINISTRATIVE HEARINGS

SOAH DOCKET NO. 582-14-3145
TCEQ DOCKET NO. 2014-0489-UCR

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

CITY OF AUSTIN'S AMENDED FIRST REQUEST FOR PRODUCTION OF
DOCUMENTS PROPOUNDED TO WELLS BRANCH
MUNICIPAL UTILITY DISTRICT

TO: Wells Branch Municipal Utility District, care of Randall B. Wilburn, Attorney at Law,
3000 South I.H. 35, Suite 150, Austin, Texas 78704, Phone 512-535-1661, Fax 512-535-
1678;

and

Wells Branch Municipal Utility District, care of John Carlton, The Carlton Law Firm,
P.L.L.C., 2705 Bee Cave Road, Suite 200, Austin, Texas 78746, Phone 512-614-0901,
Fax 512-900-2855

The City of Austin ("the City," "Austin," or "Respondent"), serves this Amended Request for Production of Documents on Petitioner, Wells Branch Municipal Utility District ("Wells Branch" or "District" or "Petitioner"), as allowed by Texas Rules of Civil Procedure 196. *Wells Branch must respond to the following requests, in writing, within 20 days after service, in accordance with the Administrative Law Judge's Order No. 9.* Wells Branch must produce all requested documents (as they are kept in the ordinary course of business or organized and labeled to correspond with categories in each request) for inspection and copying, nor more than 20 days after the service of this request.

This Request for Production is continuing in nature. If further or different information is made available to the party upon whom this Request is made, such information is to be made available at the office of the City of Austin's attorneys during usual business hours within a reasonable time after Wells Branch receives the information.

This document reflects the ruling of the Administrative Law Judge in Order No. 9 and a conference with Petitioners' counsel on April 29, 2014. These production requests are a re-issuance of the production requests propounded to Petitioner on March 3, 2014.

I. INSTRUCTIONS

1. Answer each request for documents by separately listing the documents and by describing them as defined below. If a document already has been provided in response to a previous document request, the subsequent response need simply identify such document.

2. The singular shall be deemed to include the plural and vice versa so as to bring within the scope of this request all documents which might otherwise be construed to be outside the scope.

3. If any document is withheld under a claim of privilege, provide the following information with respect to any such document so as to aid in determining the validity of the claim of privilege:

- a. The identity of the person(s): (i) who prepared the document; (ii) who signed the document, and (iii) over whose name it was sent or issued;
- b. The identity of the person(s) to whom the document was directed;

- c. The identity of the person(s) who has custody of, or control over, the document and each copy thereof;
- d. The identity of each person to whom a copy of the document was furnished;
- e. The job title(s) of each person named in (a) (b), (c) and (d) above;
- f. The nature and substance of the document, with sufficient particularity to enable the Court and the parties to identify the document;
- g. The date of the document; the number of pages of the document;
- h. The basis on which any privilege is claimed, including the statute, rule, or decision, which is claimed to give rise to the privilege.
- i. Whether any non-privileged matter is included in the document; and

4. In the case of any document relating in any way to a meeting or conversation, provide the date and place of such meeting or conversation and a list of the participants thereto.

5. For a document that no longer exists or that cannot be located, identify the document; state how and when it passed out of existence, or when it could no longer be located, and the reasons for the disappearance. Also, identify each person having knowledge about the disposition or loss of the document, and identify any other document evidencing the lost document's existence or any facts about the lost document.

6. Wells Branch should supplement as soon as possible the responses to these requests as additional documents become available or come into existence.

II. DEFINITIONS

The following definitions shall have the following meanings, unless the context provides otherwise:

1. "Wells Branch Municipal Utility District" or "District" or "Wells Branch" means Petitioner, its agents, representatives, and all other persons acting in concert with it, or under its control, whether directly or indirectly, including any attorney.

2. "Austin" or "the City" means the City of Austin, Texas, its agents, representatives, and all other persons acting in concert with it, or under its control, whether directly or indirectly, including any attorney.

3. "You" or "your" means the Wells Branch Municipal Utility District, its successors, predecessors, divisions, subsidiaries, present and former officers, agents, employees, consultants, and all other persons acting on behalf of Wells Branch Municipal Utility District, including successors, predecessors, divisions, and subsidiaries.

4. The term "document" is used in its broadest sense to mean all writings or records of any kind, including but not limited to the original, any drafts, and all non-identical copies (whether different from originals by reason of notation made on such copies or otherwise) of all correspondence, letters, emails, memoranda, telegrams, diaries, appointment calendars, books, reports, records, handwritten notes, working papers, statements, journals, worksheets, charts, plans, diagrams, sketches, brochures, pamphlets, manuals, newspapers, magazines, bulletins, circulars, contracts, proposals, written agreements, interoffice communications, photographs, pictures, slides, films, microfilm, voice recordings, tapes, videotapes, computer input and output material, electronic data and other writings or communications of any kind or description whatsoever, in the possession, custody or control of Wells Branch Municipal Utility District, its attorneys, officers, employees and/or agents.

5. "Relating to" means consisting of, referring to, reflecting, containing, discussing, describing, evidencing, substantiating, memorializing, prepared in connection with, used in preparation for, pertaining to, having any relationship to, or in any way being factually, legally, or logically connected to, in whole or in part, the stated subject matter. "Relating to" also means, without limitation, embodying, mentioning or concerning, directly or indirectly, the subject matter identified in the request.

6. "Possession, custody, or control" of an item means that the person either has physical possession of the item or has a right to possession that is equal or superior to the person who has physical possession of the item.

7. "File" means any collection or group of documents maintained, held, stored, or used together, including, without limitation, all collections of documents maintained, held or stored in folders, notebooks, or other devices for separating or organizing documents.

8. "Person" means any natural person, corporation, firm association, partnership, joint venture, proprietorship, governmental body, or any other organization, business, or legal entity, and all predecessors or successors in interest.

9. "Concerning" means, in whole or in part, directly or indirectly, referring to, relating to, connected with, commenting on, responding to, showing, describing, analyzing, reflecting, and constituting.

10. "Communication" means any oral or written communication of which North Austin has knowledge, information, or belief.

11. "Date" means the exact date, month, year, if ascertainable, or, if not, the best available approximation.

12. "Describe" and "identify," when referring to a person, are defined to required that you state the following:

- a. The full name;
- b. The present or last known residential address;
- c. The present of last known residential and office telephone numbers;
- d. The present occupation, job title, employer, and employer's address at the time of the event or period referred to in each particular request; and
- e. In the case of any person other than an individual, identify the officer, employee, or agent most closely connected with the subject matter of the request and identify the officer who is responsible for supervising that officer or employee.

13. "Describe" and "identify," when referring to a document, are defined to require that you state the following:

- a. The nature (e.g., letter, handwritten note) of the document;
- b. The title or heading that appears on the document;
- c. The date of the documents and the date of each addendum, supplement, or other addition or change;
- d. The identity of the author and of the signor of the document, and of the person on whose behalf or at whose request or direction the document was prepared or delivered; and
- e. The present location of the document, and the name, address, position, or title, and telephone number of the person or person having custody of the document.

14. The word "and" means "and/or."

15. The word "or" means "or/and."

III. PRODUCTION REQUESTS

1. Please provide budgets formally adopted by Wells Branch for current year and previous five (5) years. Please include all back up data for each budget formally adopted by Wells Branch.
2. Please provide copies of the budgeted water revenue for Wells Branch versus actual water revenue reports for the past five (5) completed fiscal years.
3. Please provide copies of all revenue forecast models used by Wells Branch for the last five (5) years.
4. Please provide copies of the resolutions or orders to establish water rates that have been formally adopted by Wells Branch for current year and previous five (5) years.
5. Please provide documents that show the number of customers served by Wells Branch by each customer class for current year and previous five (5) years.
6. Please provide line item detail of each operating and capital expense assigned to the water rate revenue requirements of Wells Branch for current year and previous five (5) years.
7. Please provide copies of all water rate studies completed by Wells Branch or at the direction of Wells Branch, within last five (5) years.
8. Please provide all documents which describe, with specificity, the Wells Branch's state approved water conservation plan.
9. Please provide dated "screen shot" copies of Wells Branch's web pages advertising the availability of water conservation programs to their customers.
10. Please provide documents, reports, memoranda, and pamphlets that describe Wells Branch's current financial reserves fund policy; its treatment of reserve funds, and its use of such funds for new construction and operations and maintenance. Provide copies of documents that describe said policy.

Respectfully submitted,

KAREN KENNARD,
City Attorney

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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, U.S. mail and/or Certified Mail Return Receipt Requested on all parties whose names appear on the attached mailing list on this the 23rd day of July, 2014.

FOR JUDGE SHENOY:

Honorable Pratibha J. Shenoy
Administrative Law Judge

Honorable Beth Bierman
Administrative Law Judge

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