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SOAH DOCKET NO. 473-14-5138  
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FILED

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. 473-14-5138  
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PETITION OF NORTH AUSTIN § BEFORE THE STATE OFFICE  
MUNICIPAL UTILITY DISTRICT NO. §  
1, NORTHTOWN MUNICIPAL §  
UTILITY DISTRICT, AND WELLS §  
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ACTIONS OF THE CITY OF AUSTIN §  
AND REQUEST FOR INTERIM RATES §  
IN WILLIAMSON AND TRAVIS §  
COUNTIES § ADMINISTRATIVE HEARINGS

**CITY OF AUSTIN'S FIRST SUPPLEMENTAL RESPONSE**  
**TO PETITIONERS' THIRD REQUEST FOR PRODUCTION OF DOCUMENTS**

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 First 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.

### **GENERAL OBJECTIONS TO INSTRUCTIONS**

Austin objects to Petitioners' "Instructions" and will not adhere to any such instructions to the extent they are inconsistent with, or in addition to, the applicable procedures and rules set forth in the Texas Rules of Civil Procedure. Austin will respond to Petitioners' requests for production consistent with the Texas Rules of Civil Procedure. Austin will respond to Petitioners' requests for production only as required by Tex. R. Civ. P. 193, 196.2(b) 197.2(b)-(c). Subject to any objections and assertions of privilege that Austin may make, Austin will produce only those relevant, non-privileged documents in their possession, custody, or control that are responsive to Petitioners' requests.

#### **I. GENERAL OBJECTIONS TO DEFINITIONS**

Austin objects to Petitioners' "Definitions" and will not adhere to any such definitions to the extent that they are inconsistent with, or in addition to, the applicable rules set forth in the Texas Rules of Civil Procedure. Austin specifically objects to, and will not adhere to, the following terms as defined by Petitioners.

Definition of "you," "your," and "City."

Petitioners' definition of "you," "your," and "City" are improper, overbroad, and on their face unreasonable. They include "affiliates" and "expert witnesses" without a reasonable limit to a time period, subject matter or subject area or whether such "affiliates" of consultant expert witnesses are located within the state of Texas. Using these definitions with Petitioners' overly broad requests would require Austin to produce hundreds or thousands of documents from former and present consultants or other entities on numerous subjects going back in time, indefinitely.

Definition of "Source Documentation."



Petitioners' definition of this term is overly broad, harrassive, and not reasonably related to the discovery of admissible evidence. In order to respond completely to Petitioners' request for production, Austin would have to assemble and produce all "invoices, receipts, cash slips, deposit slips, check ledgers and work papers" without a reasonable time limit or scope. Such a request would require Austin to expend thousands of man hours to produce documents in needless detail, thereby increasing the costs of this case beyond what is reasonable or necessary. Further, Austin is not clear by how Petitioners define the term "business deal" or what documents would reasonably comprise a "business deal."

## **II. RESPONSES TO REQUESTS FOR PRODUCTION SUBJECT TO GENERAL AND SPECIFIC OBJECTIONS, RIGHT TO AMEND OR SUPPLEMENT**

Each of these responses is submitted pursuant to applicable law and rules, and each response provided is expressly subject to the general and specific objections set forth herein. By producing documents in response to a request, Austin does not waive or suspend their objections to the request. Additionally, Austin reserves the right to amend or supplement this response in accordance with applicable rules.

**RESPONSE: Respondent objects to this request as overly broad, unduly burdensome and not limited to a reasonable time or scope. Respondent further objects to the request as being made for the purpose of harassment.**

## **III. RESPONSES TO REQUESTS FOR PRODUCTION**

REQUEST FOR PRODUCTION NO. 3-1. Please provide the source documentation for the \$285,419,961 in Transmission Mains shown on page "PFT of Greg Meszaros-5129" (Table 220 of Water COS FY 2013 Tables) on Exhibit 19 of the prefiled testimony of Greg Meszaros.

**RESPONSE: Respondent objects to this request as overly broad, unduly burdensome and not limited to a reasonable time or scope. Respondent further objects to the request as being made for the purpose of harassment.**

**Subject to, and without waiving said objections, responsive documents will be produced.**





REQUEST FOR PRODUCTION NO. 3-2. Please provide the source documentation for the \$261,042,637 in Distribution Mains shown on page "PFT of Greg Meszaros-5129" (Table 220 of Water COS FY 2013 Tables) on Exhibit 19 of the prefiled testimony of Greg Meszaros.

**RESPONSE: Respondent objects to this request as overly broad, unduly burdensome and not limited to a reasonable time or scope. Respondent further objects to the request as being made for the purpose of harassment.**

**Subject to, and without waiving said objections, responsive documents will be produced.**

REQUEST FOR PRODUCTION NO. 3-3. Please provide the source documentation for the 52.2% in Transmission Mains shown on page "PFT of Greg Meszaros-5129" (Table 220 of Water COS FY 2013 Tables) on Exhibit 19 of the prefiled testimony of Greg Meszaros.

**RESPONSE: Respondent objects to this request as overly broad, unduly burdensome and not limited to a reasonable time or scope. Respondent further objects to the request as being made for the purpose of harassment.**

**Subject to, and without waiving said objections, responsive documents will be produced.**

REQUEST FOR PRODUCTION NO. 3-4. Please provide the source documentation for the 47.8% in Distribution Mains shown on page "PFT of Greg Meszaros-5129" (Table 220 of Water COS FY 2013 Tables) on Exhibit 19 of the prefiled testimony of Greg Meszaros.

**RESPONSE: Respondent objects to this request as overly broad, unduly burdensome and not limited to a reasonable time or scope. Respondent further objects to the request as being made for the purpose of harassment.**

**Subject to, and without waiving said objections, responsive documents will be produced.**

REQUEST FOR PRODUCTION NO. 3-5. Please provide the source documentation for the 51.6% in Transmission Mains shown on page "PFT of Greg Meszaros-5129" (Table 220 of Water COS FY 2013 Tables) on Exhibit 19 of the prefiled testimony of Greg Meszaros.

**RESPONSE: Respondent objects to this request as overly broad, unduly burdensome and not limited to a reasonable time or scope. Respondent further objects to the request as being made for the purpose of harassment.**

**Subject to, and without waiving said objections, responsive documents will be produced.**

REQUEST FOR PRODUCTION NO. 3-6. Please provide the source documentation for the 48.4% in Distribution Mains shown on page "PFT of Greg Meszaros-5129" (Table 220 of Water COS FY 2013 Tables) on Exhibit 19 of the prefiled testimony of Greg Meszaros.



**RESPONSE: Respondent objects to this request as overly broad, unduly burdensome and not limited to a reasonable time or scope. Respondent further objects to the request as being made for the purpose of harassment.**

**Subject to, and without waiving said objections, responsive documents will be produced.**

REQUEST FOR PRODUCTION NO. 3-7. Please provide the source documentation for the 45.8% in Transmission Mains shown on page "PFT of Greg Meszaros-5129" (Table 220 of Water COS FY 2013 Tables) on Exhibit 19 of the prefiled testimony of Greg Meszaros.

**RESPONSE: Respondent objects to this request as overly broad, unduly burdensome and not limited to a reasonable time or scope. Respondent further objects to the request as being made for the purpose of harassment.**

**Subject to, and without waiving said objections, responsive documents will be produced.**

REQUEST FOR PRODUCTION NO. 3-8. Please provide the source documentation for the 54.2% in Distribution Mains shown on page "PFT of Greg Meszaros-5129" (Table 220 of Water COS FY 2013 Tables) on Exhibit 19 of the prefiled testimony of Greg Meszaros.

**RESPONSE: Respondent objects to this request as overly broad, unduly burdensome and not limited to a reasonable time or scope. Respondent further objects to the request as being made for the purpose of harassment.**

**Subject to, and without waiving said objections, responsive documents will be produced.**

REQUEST FOR PRODUCTION NO. 3-9. Please provide the source documentation for the 53.7% in Transmission Mains shown on page "PFT of Greg Meszaros-5129" (Table 220 of Water COS FY 2013 Tables) on Exhibit 19 of the prefiled testimony of Greg Meszaros.

**RESPONSE: Respondent objects to this request as overly broad, unduly burdensome and not limited to a reasonable time or scope. Respondent further objects to the request as being made for the purpose of harassment.**

**Subject to, and without waiving said objections, responsive documents will be produced.**

REQUEST FOR PRODUCTION NO. 3-10. Please provide the source documentation for the 46.3% in Distribution Mains shown on page "PFT of Greg Meszaros-5129" (Table 220 of Water COS FY 2013 Tables) on Exhibit 19 of the prefiled testimony of Greg Meszaros.

**RESPONSE: Respondent objects to this request as overly broad, unduly burdensome and not limited to a reasonable time or scope. Respondent further objects to the request as being made for the purpose of harassment.**



**Subject to, and without waiving said objections, responsive documents will be produced.**

REQUEST FOR PRODUCTION NO. 3-11. Please provide the inventory of Water Transmission Mains from 2012 showing length of pipe by diameter.

**RESPONSE: Subject to, and without waiving previous objections, the City of Austin previously produced responsive documents in response to Petitioners Request for Production 2-131 and 2-132.**

REQUEST FOR PRODUCTION NO. 3-12. Please provide the inventory of Water Distribution Mains from 2012 showing length of pipe by diameter.

**RESPONSE: Subject to, and without waiving previous objections, the City of Austin previously produced responsive documents in response to Petitioners Request for Production 2-131 and 2-132.**

REQUEST FOR PRODUCTION NO. 3-13. Please provide the source documentation for the 50/50 debt/equity ratio shown on page "PFT of Greg Meszaros-5322" (Table 293 of Water COS FY 2013 Tables) on Exhibit 19 of the prefiled testimony of Greg Meszaros.

**RESPONSE: Respondent objects to this request as overly broad, unduly burdensome and not limited to a reasonable time or scope. Respondent further objects to the request as being made for the purpose of harassment.**

**Subject to, and without waiving said objections, responsive documents will be produced.**

REQUEST FOR PRODUCTION NO. 3-14. Please provide the source documentation for the 6% cost of debt shown on page "PFT of Greg Meszaros-5322" (Table 293 of Water COS FY 2013 Tables) on Exhibit 19 of the prefiled testimony of Greg Meszaros.

**RESPONSE: Respondent objects to this request as overly broad, unduly burdensome and not limited to a reasonable time or scope. Respondent further objects to the request as being made for the purpose of harassment.**

**Subject to, and without waiving said objections, responsive documents will be produced.**

REQUEST FOR PRODUCTION NO. 3-15. Please provide the source documentation for the 9% cost of equity shown on page "PFT of Greg Meszaros-5322" (Table 293 of Water COS FY 2013 Tables) on Exhibit 19 of the prefiled testimony of Greg Meszaros.

**RESPONSE: Respondent objects to this request as overly broad, unduly burdensome and not limited to a reasonable time or scope. Respondent further objects to the request as being made for the purpose of harassment.**



**Subject to, and without waiving said objections, responsive documents will be produced.**

*The following requests pertain to the prefiled direct testimony of David Anders:*

REQUEST FOR PRODUCTION NO. 3-16. Please provide the documents related to the allocation factors used in FY 2013 referenced on page 15, lines 9-22 of Mr. Anders' testimony.

**RESPONSE:** Respondent objects to this request as overly broad, unduly burdensome and not limited to a reasonable time or scope. Respondent further objects to the request as being made for the purpose of harassment.

**Subject to, and without waiving said objections, responsive documents will be produced.**

REQUEST FOR PRODUCTION NO. 3-17. Provide the documents related to any assistance provided by the "One-Stop Shop" to any Petitioner during 2012 and 2013.

**RESPONSE:** Respondent objects to this request as overly broad, unduly burdensome and not limited to a reasonable time or scope. Respondent further objects to the request as being made for the purpose of harassment.

**Subject to, and without waiving said objections, responsive documents will be produced.**

REQUEST FOR PRODUCTION NO. 3-18. Provide the documents supporting the "utility-level revenue requirement amounts and other information" input into the cost of service rate models as referenced on page 24, lines 15-17 of Mr. Anders' testimony.

**RESPONSE:** Respondent objects to this request as overly broad, unduly burdensome and not limited to a reasonable time or scope. Respondent further objects to the request as being made for the purpose of harassment.

**Subject to, and without waiving said objections, responsive documents will be produced.**

REQUEST FOR PRODUCTION NO. 3-19. Provide the documents justifying the allocation of adjusted costs to Raw Water (Production and Transmission) as discussed on page 26, lines 5-17 of Mr. Anders' testimony.

**RESPONSE:** Respondent objects to this request as overly broad, unduly burdensome and not limited to a reasonable time or scope. Respondent further objects to the request as being made for the purpose of harassment.

**Subject to, and without waiving said objections, responsive documents will be produced.**





REQUEST FOR PRODUCTION NO. 3-20. Provide the documents justifying the allocation of adjusted costs to Treatment –Average Day as discussed on page 26, lines 5-17 of Mr. Anders' testimony.

**RESPONSE: Respondent objects to this request as overly broad, unduly burdensome and not limited to a reasonable time or scope. Respondent further objects to the request as being made for the purpose of harassment.**

**Subject to, and without waiving said objections, responsive documents will be produced.**

REQUEST FOR PRODUCTION NO. 3-21. Provide the documents justifying the allocation of adjusted costs to Treatment Facilities as discussed on page 26, lines 5-17 of Mr. Anders' testimony.

**RESPONSE: Respondent objects to this request as overly broad, unduly burdensome and not limited to a reasonable time or scope. Respondent further objects to the request as being made for the purpose of harassment.**

**Subject to, and without waiving said objections, responsive documents will be produced.**

REQUEST FOR PRODUCTION NO. 3-22. Provide the documents justifying the allocation of adjusted costs to Pump Stations and Booster Stations as discussed on page 26, lines 5-17 of Mr. Anders' testimony.

**RESPONSE: Respondent objects to this request as overly broad, unduly burdensome and not limited to a reasonable time or scope. Respondent further objects to the request as being made for the purpose of harassment.**

**Subject to, and without waiving said objections, responsive documents will be produced.**

REQUEST FOR PRODUCTION NO. 3-23. Provide the documents justifying the allocation of adjusted costs to Pump Station Power as discussed on page 26, lines 5-17 of Mr. Anders' testimony.

**RESPONSE: Respondent objects to this request as overly broad, unduly burdensome and not limited to a reasonable time or scope. Respondent further objects to the request as being made for the purpose of harassment.**

**Subject to, and without waiving said objections, responsive documents will be produced.**

REQUEST FOR PRODUCTION NO. 3-24. Provide the documents justifying the allocation of adjusted costs to Tanks/Reservoir as discussed on page 26, lines 5-17 of Mr. Anders' testimony.



**RESPONSE: Respondent objects to this request as overly broad, unduly burdensome and not limited to a reasonable time or scope. Respondent further objects to the request as being made for the purpose of harassment.**

**Subject to, and without waiving said objections, responsive documents will be produced.**

REQUEST FOR PRODUCTION NO. 3-25. Provide the documents justifying the allocation of adjusted costs to Transmission Mains as discussed on page 26, lines 5-17 of Mr. Anders' testimony.

**RESPONSE: Respondent objects to this request as overly broad, unduly burdensome and not limited to a reasonable time or scope. Respondent further objects to the request as being made for the purpose of harassment.**

**Subject to, and without waiving said objections, responsive documents will be produced.**

REQUEST FOR PRODUCTION NO. 3-26. Provide the documents justifying the allocation of adjusted costs to Distribution Mains as discussed on page 26, lines 5-17 of Mr. Anders' testimony.

**RESPONSE: Respondent objects to this request as overly broad, unduly burdensome and not limited to a reasonable time or scope. Respondent further objects to the request as being made for the purpose of harassment.**

**Subject to, and without waiving said objections, responsive documents will be produced.**

REQUEST FOR PRODUCTION NO. 3-27. Provide the documents justifying the allocation of adjusted costs to Direct Fire as discussed on page 26, lines 5-17 of Mr. Anders' testimony.

**RESPONSE: Respondent objects to this request as overly broad, unduly burdensome and not limited to a reasonable time or scope. Respondent further objects to the request as being made for the purpose of harassment.**

**Subject to, and without waiving said objections, responsive documents will be produced.**

REQUEST FOR PRODUCTION NO. 3-28. Provide the documents justifying the allocation of adjusted costs to Retail Meters & Services as discussed on page 26, lines 5-17 of Mr. Anders' testimony.

**RESPONSE: Respondent objects to this request as overly broad, unduly burdensome and not limited to a reasonable time or scope. Respondent further objects to the request as being made for the purpose of harassment.**

**Subject to, and without waiving said objections, responsive documents will be produced.**



REQUEST FOR PRODUCTION NO. 3-29. Provide the documents justifying the allocation of adjusted costs to Meters and Services as discussed on page 26, lines 5-17 of Mr. Anders' testimony.

**RESPONSE:** Respondent objects to this request as overly broad, unduly burdensome and not limited to a reasonable time or scope. Respondent further objects to the request as being made for the purpose of harassment.

**Subject to, and without waiving said objections, responsive documents will be produced.**

REQUEST FOR PRODUCTION NO. 3-30. Provide the documents justifying the allocation of adjusted costs to Watershed Land Purchases as discussed on page 26, lines 5-17 of Mr. Anders' testimony.

**RESPONSE:** Respondent objects to this request as overly broad, unduly burdensome and not limited to a reasonable time or scope. Respondent further objects to the request as being made for the purpose of harassment.

**Subject to, and without waiving said objections, responsive documents will be produced.**

REQUEST FOR PRODUCTION NO. 3-31. Provide the documents justifying the allocation of adjusted costs to LCRA Water Rights as discussed on page 26, lines 5-17 of Mr. Anders' testimony.

**RESPONSE:** Respondent objects to this request as overly broad, unduly burdensome and not limited to a reasonable time or scope. Respondent further objects to the request as being made for the purpose of harassment.

**Subject to, and without waiving said objections, responsive documents will be produced.**

REQUEST FOR PRODUCTION NO. 3-32. Provide the documents justifying the allocation of adjusted costs to Customer Service as discussed on page 26, lines 5-17 of Mr. Anders' testimony.

**RESPONSE:** Respondent objects to this request as overly broad, unduly burdensome and not limited to a reasonable time or scope. Respondent further objects to the request as being made for the purpose of harassment.

**Subject to, and without waiving said objections, responsive documents will be produced.**

REQUEST FOR PRODUCTION NO. 3-33. Provide the documents justifying the allocation of adjusted costs to Small Calls as discussed on page 26, lines 5-17 of Mr. Anders' testimony.



**RESPONSE: Respondent objects to this request as overly broad, unduly burdensome and not limited to a reasonable time or scope. Respondent further objects to the request as being made for the purpose of harassment.**

**Subject to, and without waiving said objections, responsive documents will be produced.**

REQUEST FOR PRODUCTION NO. 3-34. Provide the documents justifying the allocation of adjusted costs to Wholesale Services as discussed on page 26, lines 5-17 of Mr. Anders' testimony.

**RESPONSE: Respondent objects to this request as overly broad, unduly burdensome and not limited to a reasonable time or scope. Respondent further objects to the request as being made for the purpose of harassment.**

**Subject to, and without waiving said objections, responsive documents will be produced.**

REQUEST FOR PRODUCTION NO. 3-35. Provide the documents justifying the allocation of adjusted costs to Revenue-Based Fixed Charge as discussed on page 26, lines 5-17 of Mr. Anders' testimony.

**RESPONSE: Respondent objects to this request as overly broad, unduly burdensome and not limited to a reasonable time or scope. Respondent further objects to the request as being made for the purpose of harassment.**

**Subject to, and without waiving said objections, responsive documents will be produced.**

REQUEST FOR PRODUCTION NO. 3-36. Provide the documents justifying the allocation of adjusted costs to Revenue-Based Volume Charge as discussed on page 26, lines 5-17 of Mr. Anders' testimony.

**RESPONSE: Respondent objects to this request as overly broad, unduly burdensome and not limited to a reasonable time or scope. Respondent further objects to the request as being made for the purpose of harassment.**

**Subject to, and without waiving said objections, responsive documents will be produced.**

REQUEST FOR PRODUCTION NO. 3-37. Provide the documents justifying the allocation of adjusted costs to Indirect Costs as discussed on page 26, lines 5-17 of Mr. Anders' testimony.

**RESPONSE: Respondent objects to this request as overly broad, unduly burdensome and not limited to a reasonable time or scope. Respondent further objects to the request as being made for the purpose of harassment.**

**Subject to, and without waiving said objections, responsive documents will be produced.**





REQUEST FOR PRODUCTION NO. 3-38. Provide the documents justifying the allocation of adjusted costs to the wastewater functions discussed on page 26, lines 19-27 of Mr. Anders' testimony.

**RESPONSE: Respondent objects to this request as overly broad, unduly burdensome and not limited to a reasonable time or scope. Respondent further objects to the request as being made for the purpose of harassment.**

**Subject to, and without waiving said objections, responsive documents will be produced.**

REQUEST FOR PRODUCTION NO. 3-39. Please provide the documents supporting Mr. Anders' assertion on page 36, lines 1-2 that Fiscal Year 2012 is viewed as the test year in this proceeding.

**RESPONSE: Respondent objects to this request as overly broad, unduly burdensome and not limited to a reasonable time or scope. Respondent further objects to the request as being made for the purpose of harassment.**

**Subject to, and without waiving said objections, responsive documents will be produced.**

REQUEST FOR PRODUCTION NO. 3-40. Provide the documents setting forth the plan outlined to the rating agencies referenced on page 46, lines 15-16 of Mr. Anders' testimony.

**RESPONSE: Respondent objects to this request as overly broad, unduly burdensome and not limited to a reasonable time or scope. Respondent further objects to the request as being made for the purpose of harassment.**

**Subject to, and without waiving said objections, responsive documents will be produced.**

REQUEST FOR PRODUCTION NO. 3-41. Provide the documents showing the cost/benefit of complying with the plan outlined to the rating agencies as discussed on page 46, lines 16-18 of Mr. Anders' testimony.

**RESPONSE: Respondent objects to this request as overly broad, unduly burdensome and not limited to a reasonable time or scope. Respondent further objects to the request as being made for the purpose of harassment.**

**Subject to, and without waiving said objections, responsive documents will be produced.**

REQUEST FOR PRODUCTION NO. 3-42. Provide the documents justifying the reclassification of the Contract Management Department from capital expense to Administrative Support – City as discussed on page 41, lines 16-27 and on page 44, lines 6-17 of Mr. Anders' testimony.



**RESPONSE: Respondent objects to this request as overly broad, unduly burdensome and not limited to a reasonable time or scope. Respondent further objects to the request as being made for the purpose of harassment.**

**Subject to, and without waiving said objections, responsive documents will be produced.**

REQUEST FOR PRODUCTION NO. 3-43. Provide all documents supporting Mr. Anders' statement on page 52, line 8 of his testimony that, "Cash funding of capital projects is an accepted industry practice."

**RESPONSE: Respondent objects to this request as overly broad, unduly burdensome and not limited to a reasonable time or scope. Respondent further objects to the request as being made for the purpose of harassment.**

**Subject to, and without waiving said objections, responsive documents will be produced.**

REQUEST FOR PRODUCTION NO. 3-44. Provide all documents supporting Mr. Anders' statement on page 52, lines 10-11 of his testimony that, "Most utilities will cash fund between 20 and 50 percent of their capital spending using cash."

**RESPONSE: Respondent objects to this request as overly broad, unduly burdensome and not limited to a reasonable time or scope. Respondent further objects to the request as being made for the purpose of harassment.**

**Subject to, and without waiving said objections, responsive documents will be produced.**

REQUEST FOR PRODUCTION NO. 3-45. Provide all documents supporting Mr. Anders' statement on page 53, lines 4-6 of his testimony: "If the Revenue Stability Reserve Fund was not approved, Austin Water would have had to increase its ending fund balance to have sufficient reserves to operate."

**RESPONSE: Respondent objects to this request as overly broad, unduly burdensome and not limited to a reasonable time or scope. Respondent further objects to the request as being made for the purpose of harassment.**

**Subject to, and without waiving said objections, responsive documents will be produced.**

REQUEST FOR PRODUCTION NO. 3-46. Provide the documents proving that Austin Water's building at 625 E. 10<sup>th</sup> Street is not exempt from the Downtown Austin Alliance tax assessments as asserted on page 54, lines 20-23 of Mr. Anders' testimony.

**RESPONSE: Respondent objects to this request as overly broad, unduly burdensome and not limited to a reasonable time or scope. Respondent further objects to the request as being made for the purpose of harassment.**



**Subject to, and without waiving said objections, responsive documents will be produced.**

REQUEST FOR PRODUCTION NO. 3-47. Provide all documents quantifying the Green Choice Electrical Power Program costs of \$4,622,644 shown on page 60, line 25 of Mr. Anders' testimony.

**RESPONSE: Respondent objects to this request as overly broad, unduly burdensome and not limited to a reasonable time or scope. Respondent further objects to the request as being made for the purpose of harassment.**

**Subject to, and without waiving said objections, responsive documents will be produced.**

*The following requests pertain to the prefiled direct testimony of Michael P. Castillo:*

REQUEST FOR PRODUCTION NO. 3-48. Please provide all meeting minutes, meeting notes (including any notes taken by anyone in attendance at the meeting), meeting handouts and e-mails among meeting attendees relating the issues covered by the Executive Team at the Team's meeting referenced on Bates Stamp "PFT of Michael Castillo-738."

**RESPONSE: Respondent objects to this request as overly broad, unduly burdensome and not limited to a reasonable time or scope. Respondent further objects to the request as being made for the purpose of harassment.**

**Subject to, and without waiving said objections, responsive documents will be produced.**

REQUEST FOR PRODUCTION NO. 3-49. Please provide all meeting minutes, meeting notes (including any notes taken by anyone in attendance at the meeting), meeting handouts and e-mails among meeting attendees relating the issues covered by the Executive Team at the Team's meeting referenced on Bates Stamp "PFT of Michael Castillo-745."

**RESPONSE: Respondent objects to this request as overly broad, unduly burdensome and not limited to a reasonable time or scope. Respondent further objects to the request as being made for the purpose of harassment.**

**Subject to, and without waiving said objections, responsive documents will be produced.**

REQUEST FOR PRODUCTION NO. 3-50. Please provide all meeting minutes, meeting notes (including any notes taken by anyone in attendance at the meeting), meeting handouts and e-mails among meeting attendees relating the issues covered by the Executive Team at the Team's meeting referenced on Bates Stamp "PFT of Michael Castillo-755" relating to Water and Wastewater (documents relating solely to Rate Design may be omitted).



**RESPONSE: Respondent objects to this request as overly broad, unduly burdensome and not limited to a reasonable time or scope. Respondent further objects to the request as being made for the purpose of harassment.**

**Subject to, and without waiving said objections, responsive documents will be produced.**

REQUEST FOR PRODUCTION NO. 3-51. Please provide the documents supporting the change in the estimated BOD concentrations of domestic sewage from 144 mg/l in the 1999 Cost of Service Study (reference Bates page "PFT of Michael Castillo-476") to 200 mg/l in the 2013 Cost of Service Study (reference Bates page "PFT of Greg Meszaros-6059").

**RESPONSE: Respondent objects to this request as overly broad, unduly burdensome and not limited to a reasonable time or scope. Respondent further objects to the request as being made for the purpose of harassment.**

**Subject to, and without waiving said objections, responsive documents will be produced.**

REQUEST FOR PRODUCTION NO. 3-52. Please provide any documents supporting the statement that "...impact fees can mitigate the limitations of the case [sic] basis to align costs with utility users..." on pp.21-22 of Mr. Meszaros.

**RESPONSE: Respondent objects to this request as overly broad, unduly burdensome and not limited to a reasonable time or scope. Respondent further objects to the request as being made for the purpose of harassment.**

**Subject to, and without waiving said objections, responsive documents will be produced.**

REQUEST FOR PRODUCTION NO. 3-53. Provide all documents which addressed the following concern raised by the wholesale customer representative on page 24, lines 2-8 of Michael P. Castillo's prefiled testimony: "the City's impact fee policies and how these affect rates to rate payers."

**RESPONSE: Respondent objects to this request as overly broad, unduly burdensome and not limited to a reasonable time or scope. Respondent further objects to the request as being made for the purpose of harassment.**

**Subject to, and without waiving said objections, responsive documents will be produced.**

REQUEST FOR PRODUCTION NO. 3-54. Provide all documents which addressed the following concern raised by the wholesale customer representative on page 24, lines 2-8 of Michael P. Castillo's prefiled testimony: "the City's policy pertaining to new development and new growth and how this growth may impact rate payers."





**RESPONSE: Respondent objects to this request as overly broad, unduly burdensome and not limited to a reasonable time or scope. Respondent further objects to the request as being made for the purpose of harassment.**

**Subject to, and without waiving said objections, responsive documents will be produced.**

REQUEST FOR PRODUCTION NO. 3-55. Provide all documents which addressed the following concern raised by the wholesale customer representative on page 24, lines 2-8 of Michael P. Castillo's prefiled testimony: "reserve fund policies and how annual over/under impacts reserve funds."

**RESPONSE: Respondent objects to this request as overly broad, unduly burdensome and not limited to a reasonable time or scope. Respondent further objects to the request as being made for the purpose of harassment.**

**Subject to, and without waiving said objections, responsive documents will be produced.**

*The following requests pertain to the prefiled direct testimony of Drema Gross:*

REQUEST FOR PRODUCTION NO. 3-56. Please provide any documents showing the same type of data as shown on Ms. Gross' Exhibit 8 for all of AWU's customers.

**RESPONSE: Respondent objects to this request as overly broad, unduly burdensome and not limited to a reasonable time or scope. Respondent further objects to the request as being made for the purpose of harassment.**

**Subject to, and without waiving said objections, responsive documents will be produced.**

REQUEST FOR PRODUCTION NO. 3-57. Please provide any documents showing the time period covered for the data presented in Ms. Gross' Exhibit 8.

**RESPONSE: Responsive documents will be produced.**

REQUEST FOR PRODUCTION NO. 3-58. Provide the documents showing the current unit cost of any conservation programs listed in the first column on Ms. Gross' Exhibit 8.

**RESPONSE: Responsive documents will be produced.**

*The following request pertains to the prefiled direct testimony of Joe Healy:*

REQUEST FOR PRODUCTION NO. 3-59. Please provide all documents related to the changes to the models referenced on page 4, lines 8-9 of Mr. Healy's testimony.



**RESPONSE:** Subject to, and without waiving general and specific objections stated in Austin's original response, *See the attached 2015 COS Model Changes, shown on the attached Austin RPD Resp. 5183-5184.*

*The following request numbers 3-60, 3-61, 3-62 and 3-63 pertain to the prefiled direct testimony of Richard Giardina:*

REQUEST FOR PRODUCTION NO. 3-60. Please provide the Professional Services Agreement dated September 4, 2013, referenced on page 6, line 9 of Mr. Giardina's testimony.

**RESPONSE:** Subject to, and without waiving general and specific objections stated in Austin's original response, *See the attached 2015 COS Model Changes shown on the attached Austin RPD Resp. 5183-5184. See the attached Raftelis Financial Consultants, Inc. ("RFC") Agreement with Webb & Webb, Attorneys at Law, shown on the attached Austin RPD Resp. 5185-5193.*

REQUEST FOR PRODUCTION NO. 3-61. Provide copies of all invoices, including all source documentation, provided by Mr. Giardina's firm in connection with the Professional Services Agreement referenced in the previous request.

**RESPONSE:** Subject to, and without waiving general and specific objections stated in our original response, *See the attached RFC Invoices, shown on the attached Austin RPD Resp. 5194-5237.*

REQUEST FOR PRODUCTION NO. 3-62. Please provide all documents supporting the statements made on page 18, lines 3-7 of Mr. Giardina's testimony.

**RESPONSE:** Subject to, and without waiving general and specific objections stated in our original response, *See the attached El Paso Cost Allocation and Best Practices Review, shown on the attached Austin RPD Resp. 5238-5260.*

REQUEST FOR PRODUCTION NO. 3-63. Please provide all documents supporting the statement made on page 21, lines 22-23 of Mr. Giardina's testimony that "...this range of cash funding is fairly typical in the local government utility industry."

**RESPONSE:** Respondent objects to this request as overly broad, unduly burdensome and not limited to a reasonable time or scope. Respondent further objects to the request as being made for the purpose of harassment.

Subject to, and without waiving said objections, responsive documents will be produced, if any are available.



REQUEST FOR PRODUCTION NO. 3-64. Provide all staffing studies conducted by outside firms for AWU for the past five years.

**RESPONSE: Subject to, and without waiving any pending objections, responsive documents will be produced.**

REQUEST FOR PRODUCTION NO. 3-65. Provide all compensation studies conducted by outside firms for AWU for the past five years.

**RESPONSE: Subject to, and without waiving any pending objections, responsive documents will be produced.**

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.

**RESPONSE: Respondent objects to this request as overly broad, unduly burdensome and not limited to a reasonable time or scope. Respondent further objects to the request as being made for the purpose of harassment.**

**Subject to, and without waiving any pending objections, Austin provides the following response:**

**At this time, Austin has not reviewed its invoices to determine the reasonable rate case expenses for which it will seek recovery from Petitioners. Pending additional preparation and completion of the consolidated contested rate case, reasonable rate case expenses will be calculated and will not exceed the amounts authorized for expenditure by the Austin City Council as referenced in the prefiled testimony.**

REQUEST FOR PRODUCTION NO. 3-67. Please provide a copy of all proposals received by the City to conduct the 2008 Cost of Service Study.

**RESPONSE: Subject to, and without waiving any pending objections, responsive documents will be produced.**

REQUEST FOR PRODUCTION NO. 3-68. Please provide any "score sheets" or point system tabulations used to determine the professional services firm selected to conduct the 2008 Cost of Service Study.

**RESPONSE: Subject to, and without waiving any pending objections, responsive documents will be produced.**

REQUEST FOR PRODUCTION NO. 3-69. Provide the contract between Red Oak Consulting and the City for the 2008 Cost of Service Study.



**RESPONSE: Subject to, and without waiving any pending objections, responsive documents will be produced.**

REQUEST FOR PRODUCTION NO. 3-70. Provide the contract between Black & Veatch and the City for the 1999 Cost of Service Study.

**RESPONSE: Subject to, and without waiving any pending objections, responsive documents will be produced.**

REQUEST FOR PRODUCTION NO. 3-71. Provide the City's request for proposal to conduct the 2008 Cost of Service Study.

**RESPONSE: Subject to, and without waiving any pending objections, responsive documents will be produced.**

REQUEST FOR PRODUCTION NO. 3-72. Provide the City's request for proposal to conduct the 1999 Cost of Service Study.

**RESPONSE: Subject to, and without waiving any pending objections, responsive documents will be produced.**

REQUEST FOR PRODUCTION NO. 3-73. Provide the source documentation of the \$922,827 in "Collection System Operation & Maintenance – Lift Stations – Electrical" costs in the 2008 Cost of Service Study (shown in Bates "PFT of Greg Meszaros-3579").

**RESPONSE: Respondent objects to this request as overly broad, unduly burdensome and not limited to a reasonable time or scope. Respondent further objects to the request as being made for the purpose of harassment.**

**Subject to, and without waiving said objections, responsive documents will be produced.**

REQUEST FOR PRODUCTION NO. 3-74. Provide the source documentation of the \$922,827 in "Collection System Operation & Maintenance – Lift Stations – Electrical" costs in the 2013 Cost of Service schedules (shown in Bates "PFT of Greg Meszaros-6085").

**RESPONSE: Respondent objects to this request as overly broad, unduly burdensome and not limited to a reasonable time or scope. Respondent further objects to the request as being made for the purpose of harassment.**

**Subject to, and without waiving said objections, responsive documents will be produced.**

REQUEST FOR PRODUCTION NO. 3-75. Provide the source documentation of the \$30,347 in "Commission on Debt" costs in the 2008 Cost of Service Study (shown in Bates "PFT of Greg Meszaros-3580").





**RESPONSE: Respondent objects to this request as overly broad, unduly burdensome and not limited to a reasonable time or scope. Respondent further objects to the request as being made for the purpose of harassment.**

**Subject to, and without waiving said, responsive documents will be produced.**

REQUEST FOR PRODUCTION NO. 3-76. Provide the source documentation of the \$30,347 in "Commission on Debt" costs in the 2013 Cost of Service schedules (shown in Bates "PFT of Greg Meszaros-6086").

**RESPONSE: Respondent objects to this request as overly broad, unduly burdensome and not limited to a reasonable time or scope. Respondent further objects to the request as being made for the purpose of harassment.**

**Subject to, and without waiving said objections, responsive documents will be produced.**

REQUEST FOR PRODUCTION NO. 3-77. Please provide the documents and the source documentation for the Fixed Asset records used in the City's FY2013 Cost of Service analysis.

**RESPONSE: Respondent objects to this request as overly broad, unduly burdensome and not limited to a reasonable time or scope. Respondent further objects to the request as being made for the purpose of harassment.**

**Subject to, and without waiving said objections, responsive documents will be produced.**

REQUEST FOR PRODUCTION NO. 3-78. Please provide the documents and source documentation for the Trial Balance reports used in the City's FY2013 Cost of Service analysis.

**RESPONSE: Respondent objects to this request as overly broad, unduly burdensome and not limited to a reasonable time or scope. Respondent further objects to the request as being made for the purpose of harassment.**

**Subject to, and without waiving said objections, responsive documents will be produced.**

REQUEST FOR PRODUCTION NO. 3-79. Please provide the documents showing the beginning balances for the operating and capital funds used in the City's FY2013 Cost of Service analysis.

**RESPONSE: Subject to, and without waiving general and specific objections stated in Austin's original response, see the attached Fiscal Year ("FY") 2012 Controller's Office Fund Summary, shown on the attached Austin RPD Resp. 5261-5263.**

REQUEST FOR PRODUCTION NO. 3-80. Please provide the Chart of Accounts used in the City's FY2013 Cost of Service analysis.



**RESPONSE:** Subject to, and without waiving general and specific objections stated in Austin's original response, See the attached Chart of Accounts, shown on the attached Austin RPD Resp. 5264-5265.

REQUEST FOR PRODUCTION NO. 3-81. Please provide the Inventory of Fire Hydrants, Water Lines, and Mains (by size) used in the City's FY2013 Cost of Service analysis.

**RESPONSE:** Respondent objects to this request as overly broad, unduly burdensome and not limited to a reasonable time or scope. Respondent further objects to the request as being made for the purpose of harassment.

Subject to, and without waiving said objections, responsive documents will be produced.

REQUEST FOR PRODUCTION NO. 3-82. Please provide the Inventory of Wastewater Interceptors and Collection Lines (by size) used in the City's FY2013 Cost of Service analysis.

**RESPONSE:** Respondent objects to this request as overly broad, unduly burdensome and not limited to a reasonable time or scope. Respondent further objects to the request as being made for the purpose of harassment.

Subject to, and without waiving said objections, responsive documents will be produced.

REQUEST FOR PRODUCTION NO. 3-83. Please provide any documents showing the removal efficiency rates for primary/secondary treatment at each wastewater treatment plant used in the City's FY2013 Cost of Service analysis.

**RESPONSE:** Respondent objects to this request as overly broad, unduly burdensome and not limited to a reasonable time or scope. Respondent further objects to the request as being made for the purpose of harassment.

Subject to, and without waiving said objections, responsive documents will be produced.

REQUEST FOR PRODUCTION NO. 3-84. Please provide the source documentation for the contributed flow amounts shown on page "PFT of Greg Meszaros-6044" (Table 15 of Wastewater COS FY 2013 Tables) on Exhibit 21 of the prefiled testimony of Greg Meszaros.

**RESPONSE:** Subject to, and without waiving general and specific objections stated in Austin's original response, See the attached WW Contributed Flows, shown on the attached Austin RPD Resp. 5266-5309.



REQUEST FOR PRODUCTION NO. 3-85. Please provide the source documentation for the 10.5% I/I shown on page "PFT of Greg Meszaros-6058" (Table 27 of Wastewater COS FY 2013 Tables) on Exhibit 21 of the prefiled testimony of Greg Meszaros.

**RESPONSE:** Subject to, and without waiving general and specific objections stated in Austin's original response, *See the attached Inflow and Infiltration Table, shown on the attached Austin RPD Resp. 5310-5311.*

REQUEST FOR PRODUCTION NO. 3-86. Please provide the source documentation for the wastewater concentration amounts shown on page "PFT of Greg Meszaros-6059" (Table 28 of Wastewater COS FY 2013 Tables) on Exhibit 21 of the prefiled testimony of Greg Meszaros.

**RESPONSE:** Subject to, and without waiving general and specific objections stated in Austin's original response, *See the attached Explanatory calculations and support data, shown on the attached Austin RPD Resp. 5311-5340.*

REQUEST FOR PRODUCTION NO. 3-87. Please provide the source documentation for the 20,637.6 surcharge BOD lbs/day shown on page "PFT of Greg Meszaros-6061" (Table 30 of Wastewater COS FY 2013 Tables) on Exhibit 21 of the prefiled testimony of Greg Meszaros.

**RESPONSE:** Subject to, and without waiving general and specific objections stated in Austin's original response, *See attached BOD Surcharge explanatory calculations and support data, shown on the attached Austin RPD Resp. 5341-5359.*

REQUEST FOR PRODUCTION NO. 3-88. Please provide the source documentation for the 111.0 surcharge TSS lbs/day shown on page "PFT of Greg Meszaros-6062" (Table 31 of Wastewater COS FY 2013 Tables) on Exhibit 21 of the prefiled testimony of Greg Meszaros.

**RESPONSE:** Subject to, and without waiving general and specific objections stated in Austin's original response, *See attached TSS Surcharge explanatory calculations and support tables, shown on the attached Austin RPD Resp. 5360-5378.*

REQUEST FOR PRODUCTION NO. 3-89. Please provide all reports, studies, and presentations on inflow/infiltration by customer class in 2009, 2010, 2011, 2012, and 2013.

**RESPONSE:** Subject to, and without waiving general and specific objections stated in Austin's original response, *responsive documents will be produced.*

REQUEST FOR PRODUCTION NO. 3-90. Please provide all reports, studies, and presentations on total wastewater system inflow/infiltration in 2009, 2010, 2011, 2012, and 2013.

**RESPONSE:** Subject to, and without waiving general and specific objections stated in Austin's original response, *responsive documents will be produced.*



REQUEST FOR PRODUCTION NO. 3-91. Please provide the detailed budget (showing Department Code, Unit Code, Unit Name, Object Code, Object Name, Amount, and Justification, i.e., in a format similar to that provided by the City in the City of Austin's First Supplemental Response to Petitioners' First Request for Production) supporting each O&M amount shown on pages "PFT of Greg Meszaros-6085-6086" (Table 54 of Wastewater COS FY 2013 Tables) on Exhibit 21 of the prefiled testimony of Greg Meszaros. Table 54 is based on proposed budget data. If the requested documentation is not available for the proposed budget data shown on Table 54, the data supporting the final adopted budget data will suffice instead to adequately respond to this request.

**RESPONSE: Subject to, and without waiving general and specific objections stated in Austin's original response, See the attached FY 2013 Proposed WW O&M Costs, shown on the attached Austin RPD Resp. 5379-5481.**

REQUEST FOR PRODUCTION NO. 3-92. Please provide the documents showing the development of the FY 2013 Transfer to Water Construction Fund/Capital Outlay of \$10,000,000 shown on page "PFT of Greg Meszaros-6097" (Table 61 of Wastewater COS FY 2013 Tables) on Exhibit 21 of the prefiled testimony of Greg Meszaros.

**RESPONSE: Respondent objects to this request as overly broad, unduly burdensome and not limited to a reasonable time or scope. Respondent further objects to the request as being made for the purpose of harassment.**

**Subject to, and without waiving said objections, responsive documents will be produced.**

REQUEST FOR PRODUCTION NO. 3-93. Please provide the documents showing the FY 2013 debt service detail for each debt service instrument that comprises the \$102,519,207 in debt service requirements shown on page "PFT of Greg Meszaros-6097" (Table 61 of Wastewater COS FY 2013 Tables) on Exhibit 21 of the prefiled testimony of Greg Meszaros.

**RESPONSE: Respondent objects to this request as overly broad, unduly burdensome and not limited to a reasonable time or scope. Respondent further objects to the request as being made for the purpose of harassment.**

**Subject to, and without waiving said objections, responsive documents will be produced.**

REQUEST FOR PRODUCTION NO. 3-94. For each debt issue pertaining to the last question, provide the documents showing the detail of the actual uses of the proceeds from each issue.

**RESPONSE: Without waiving general and specific objections stated in our original response, See the attached Fixed Assets Records for Wastewater, shown on the attached Austin RPD Resp. 5482-5596.**





REQUEST FOR PRODUCTION NO. 3-95. Please provide the documents showing the development of the FY 2013 Other Transfers amount of \$769,366 shown on page "PFT of Greg Meszaros-6097" (Table 61 of Wastewater COS FY 2013 Tables) on Exhibit 21 of the prefiled testimony of Greg Meszaros.

**RESPONSE: Respondent objects to this request as overly broad, unduly burdensome and not limited to a reasonable time or scope. Respondent further objects to the request as being made for the purpose of harassment.**

**Subject to, and without waiving said objections, responsive documents will be produced.**

REQUEST FOR PRODUCTION NO. 3-96. Please provide the source documentation for the \$1,950,291 in Transfer from CRFs shown on page "PFT of Greg Meszaros-6098" (Table 62 of Wastewater COS FY 2013 Tables) on Exhibit 21 of the prefiled testimony of Greg Meszaros.

**RESPONSE: Respondent objects to this request as overly broad, unduly burdensome and not limited to a reasonable time or scope. Respondent further objects to the request as being made for the purpose of harassment.**

**Subject to, and without waiving said objections, responsive documents will be produced.**

REQUEST FOR PRODUCTION NO. 3-97. Please provide the source documentation for the \$8,357,927 Increase in Operating Reserves shown on page "PFT of Greg Meszaros-6098" (Table 62 of Wastewater COS FY 2013 Tables) on Exhibit 21 of the prefiled testimony of Greg Meszaros.

**RESPONSE: Respondent objects to this request as overly broad, unduly burdensome and not limited to a reasonable time or scope. Respondent further objects to the request as being made for the purpose of harassment.**

**Subject to, and without waiving said objections, responsive documents will be produced.**

REQUEST FOR PRODUCTION NO. 3-98. Please provide the source documentation for the \$5,726,788 Increase in Operating Reserves shown on page "PFT of Greg Meszaros-6098" (Table 62 of Wastewater COS FY 2013 Tables) on Exhibit 21 of the prefiled testimony of Greg Meszaros.

**RESPONSE: Respondent objects to this request as overly broad, unduly burdensome and not limited to a reasonable time or scope. Respondent further objects to the request as being made for the purpose of harassment.**

**Subject to, and without waiving said objections, responsive documents will be produced.**

