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SOAH DOCKET NO. 473-14-5138  
PUC DOCKET NO. 42857

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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

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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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**CITY OF AUSTIN'S SECOND REQUEST FOR PRODUCTION OF DOCUMENTS**  
**PROPOUNDED TO TRAVIS COUNTY WATER CONTROL AND IMPROVEMENT**  
**DISTRICT NO. 10**

TO: Travis County Water Control and Improvement District No. 10, 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

Travis County Water Control and Improvement District No. 10, 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

Subject to its pending Motion to Strike the Pre-filed Testimony ("Motion") on behalf of Travis County Water Control and Improvement District No. 10 ("WCID10") and without waiving said Motion, the City of Austin ("the City," "Austin," or "Respondent"), serves this Second Request for Production of Documents Propounded to Travis County Water Control and

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Improvement District No. 10, as allowed by Texas Rules of Civil Procedure 196. *Travis County Water Control and Improvement District No. 10 must respond to the following requests, in writing, within 20 days after service, in accordance with the Administrative Law Judge's Order No. 9.* Petitioner 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, not 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 Petitioners' receive the information.

### **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. 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. "Travis County Water Control and Improvement District No. 10" or "WCID10" means Petitioner, its agents, representatives, and all other persons acting in concert with it, or under its control, whether directly or indirectly, including any consultant or attorney.

2. "Austin," "the City," or "Respondent" 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 Travis County Water Control and Improvement District No. 10, its successors, predecessors, divisions, subsidiaries, present and former officers, agents, employees, consultants, and all other persons acting on behalf of Travis County Water Control and Improvement District No. 10, 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 Travis County Water Control and Improvement District No. 10, 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 Wells Branch 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**

*The following requests pertain to the written prefiled testimony of Thomas Arndt for Travis County Water Control and Improvement District No. 10.*

11. Please provide any and all documents that Thomas Arndt reviewed and upon which he relied to calculate the maximum day peak factor of 1.53 psi that is used at page 10 of 13 of his prefiled testimony.

12. Please provide any and all documents that Thomas Arndt reviewed and upon which he relied to conclude that Water Treatment Plant No. 4 will not be useful to WCID10.

13. Please provide any and all documents that Thomas Arndt reviewed and that form the bases for his testimony that the decommissioned Green Water Treatment Plant could have been used to make up any treatment shortfall of the Davis Plant during repairs.

14. Please provide any and all documents that Thomas Arndt reviewed and that form the bases for his conclusion that "...industry standard project management techniques could be used to make repairs, not the construction of new water plant that is not used or useful to the City's ratepayers."

15. Please provide any and all documents that Thomas Arndt reviewed and that formed the bases for his conclusion that "...even if the City takes down the Davis plant completely, it should have no bearing on the water supply to WCID10, as the District receives all of its water from another plant, the Uhlrich Water Treatment Plant."

16. Please provide any and all documents that Thomas Arndt reviewed and that form the bases for his statement: "A catastrophic failure of the entire Ulrich Plant is unlikely, a hazardous spill or hurricane causing water quality issues has the same likelihood on Lake Travis as on Lake Austin, ..."

17. Please provide all documents that Thomas Arndt reviewed and that form the bases for his statement that the City does not provide the State minimum pressure to the Red Bud Pump Station at times, and that the issue was brought to the attention of the City in 2012.

18. Please provide all statements, letters, briefs, or reports made by WCID10 representatives, individuals, or company's representing or working on behalf of the interests or positions of WCID10 about the need for or feasibility of Water Treatment Plant No. 4.



Respectfully submitted,

**KAREN KENNARD,**  
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Assistant 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, 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 October, 2014.

**FOR THE PUBLIC UTILITY COMMISSION:**

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