



Control Number: 43076



Item Number: 406

Addendum StartPage: 0

SOAH DOCKET NO. 473-16-2094.WS
PUC DOCKET NO. 43076

RECEIVED

APPLICATION OF CONSUMERS
WATER, INC. FOR A RATE/TARIFF
CHANGE

§
§
§

BEFORE THE STATE OFFICE
OF
PUBLIC UTILITY COMMISSION
ADMINISTRATIVE HEARINGS

COMMISSION STAFF'S FIFTH REQUESTS FOR INFORMATION
TO CONSUMERS WATER, INC.
STAFF QUESTION NOS. 5-1 THROUGH 5-5

Pursuant to 16 Tex. Admin. Code (TAC) § 22.144, the Staff of the Public Utility Commission of Texas (Staff) requests that Consumers Water, Inc. (Consumers Water) by and through its attorneys of record, provide the following information and answer the following question(s) under oath. The question(s) shall be answered in sufficient detail to fully present all of the relevant facts, within the time limit provided by the Presiding Officer or within 20 days, if the Presiding Officer has not provided a time limit. Please copy the question immediately above the answer to each question. These question(s) are continuing in nature, and if there is a relevant change in circumstances, submit an amended answer, under oath, as a supplement to your original answer. State the name of the witness in this cause who will sponsor the answer to the question and can vouch for the truth of the answer.

Provide an original and three copies of your answers to the questions to the Filing Clerk, Public Utility Commission of Texas, 1701 N. Congress Avenue, P.O. Box 13326, Austin, Texas 78711-3326.

406

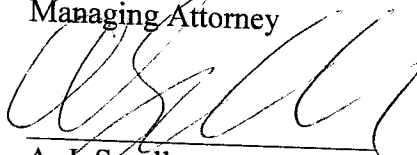
Dated: July 21, 2016

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

Stephen Mack
Managing Attorney

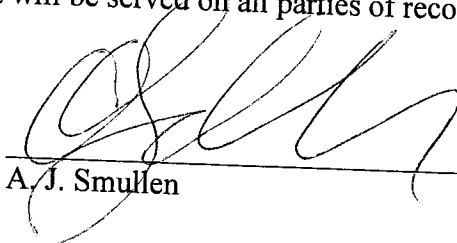


A. J. Smullen
State Bar No. 24083881
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7289
(512) 936-7268 (facsimile)

**SOAH DOCKET NO. 475-16-2094.WS
PUC DOCKET NO. 43076**

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on July 21, 2016, in accordance with 16 TAC § 22.74.


A. J. Smullen

**SOAH DOCKET NO. 475-16-2094.WS
DOCKET NO. 43076**

**COMMISSION STAFF'S FIFTH REQUESTS FOR INFORMATION
TO CONSUMERS WATER, INC.
STAFF QUESTION NOS. 5-1 THROUGH 5-5**

DEFINITIONS

- 1) "Consumers Water", "the Company" or "you" refers to Consumers Water, Inc. and any person acting or purporting to act on their behalf, including without limitation, attorneys, agents, advisors, investigators, representatives, employees or other persons.
- 2) "Document" includes any written, recorded, or graphic matter, however produced or reproduced, including but not limited to correspondence, telegrams, contracts, agreements, notes in any form, memoranda, diaries, voice recording tapes, microfilms, pictures, computer media, work papers, calendars, minutes of meetings or other writings or graphic matter, including copies containing marginal notes or variations of any of the foregoing, now or previously in your possession. In the event any documents requested by this Request for Information have been transferred beyond the Company's control, describe the circumstances under which the document was destroyed or transferred and provide an exact citation to the subject document. In the event that documents containing the exact information do not exist, but documents do exist which contain portions of the required information or which contain substantially similar information, then the definition of "documents" shall include the documents which do not exist and these documents will be provided.

**SOAH DOCKET NO. 475-16-2094.WS
DOCKET NO. 43076**

**COMMISSION STAFF'S FIFTH REQUESTS FOR INFORMATION
TO CONSUMERS WATER, INC.
STAFF QUESTION NOS. 5-1 THROUGH 5-5**

INSTRUCTIONS

- 1) Pursuant to 16 TAC § 22.144(c)(2), Staff requests that answers to the requests for information be made under oath.
- 2) Please copy the question immediately above the answer to each question. State the name of the witness in this cause who will sponsor the answer to the question and can vouch for the truth of the answer.
- 3) These questions are continuing in nature, and if there is a relevant change in circumstances, submit an amended answer, under oath, as a supplement to your original answer.
- 4) Words used in the plural shall also be taken to mean and include the singular. Words used in the singular shall also be taken to mean and include the plural.
- 5) The present tense shall be construed to include the past tense, and the past tense shall be construed to include the present tense.
- 6) If any document is withheld under any claim of privilege, please furnish a list identifying each document for which a privilege is claimed, together with the following information: date, sender, recipients or copies, subject matter of the document, and the basis upon which such privilege is claimed.
- 7) Pursuant to 16 TAC § 22.144(g)(4), if the response to any request is voluminous, please provide a detailed index of the voluminous material.
- 8) Staff requests that each item of information be made available as it is completed, rather than upon completion of all information requested.

SOAH DOCKET NO. 475-16-2094.WS
DOCKET NO. 43076

**COMMISSION STAFF'S FIFTH REQUESTS FOR INFORMATION
TO CONSUMERS WATER, INC.
STAFF QUESTION NOS. 5-1 THROUGH 5-5**

- Staff 5-1 Please describe each notice of violation, citation, or other enforcement action by the TCEQ or the staff of the TCEQ with respect to Consumers Water from 2011 to present. In responding, please list the date Consumers Water was first notified of the violation, the subject of the violation, whether the issue was referred to the Attorney General of Texas for further action, whether the enforcement action has been resolved or is ongoing, and what the resolution of the enforcement action was, including specifying which facilities if any were repaired, upgraded, or replaced.
- Staff 5-2 Please describe each notice of violation, citation, or other enforcement action by the TCEQ or the staff of the TCEQ with respect to each affiliate of Consumers Water from 2011 to present. In responding, please list the date the affiliate of Consumers Water was first notified of the violation, the subject of the violation, whether the issue was referred to the Attorney General of Texas for further action, whether the enforcement action has been resolved or is ongoing, and what the resolution of the enforcement action was, including specifying which facilities if any were repaired, upgraded, or replaced.
- Staff 5-3 For each facility that you indicate was repaired, upgraded, or replaced in your response to Staff 5-1 or 5-2, please indicate whether the repair, upgrade, or replacement was financed with funds received from a capital improvement surcharge.
- Staff 5-4 Reference your response to Staff 5-3. Please provide any accounting statements, receipts, invoices, or other documents that indicate that the source of such financing was funds received from a capital improvement surcharge.
- Staff 5-5 Reference your response to Staff 5-1 and 5-2. Please produce any documents that evidence, reflect, or otherwise support your response, including but not limited to correspondence sent by the TCEQ, any TCEQ orders or court orders, or any court filings.