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DOCKET NO. 43146
SOAH DOCKET NO. 473-16-2033.WS

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2016 APR -4 PM 2:02

COMPLAINT OF CAROL D.
GILLESPIE AGAINST AVALON
WATER SUPPLY AND SEWER
SERVICES CORPORATION
(37985-1)

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BEFORE THE PUBLIC UTILITY COMMISSION
FILING CLERK
PUBLIC UTILITY COMMISSION
OF TEXAS

**RESPONDENT AVALON'S FIRST REQUEST FOR INFORMATION AND REQUEST
FOR PRODUCTION TO CAROL D. GILLESPIE**

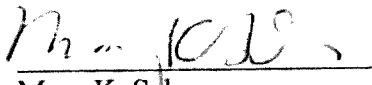
TO: Carol D. Gillespie, by and through its attorney of record, Helen S. Gilbert, Gilbert Wilburn, PLLC, 7000 North MoPac Blvd., Suite 200, Austin, Texas 78731.

COMES NOW, Avalon Water Supply and Sewer Service Corporation ("Avalon" or "Respondent") and serves this its First Request for Information and Request for Production to Carol D. Gillespie ("Gillespie" or "Complainant") pursuant to Chapter 2001 of the Texas Government Code, the Texas Rules of Civil Procedure, and applicable rules and regulations of the Public Utility Commission of Texas and the State Office of Administrative Hearings.

You are requested to answer in complete detail and in writing each of the following Requests for Information within 20 days of service in accordance with the Procedural Rules of the Public Utility Commission. You are requested to produce the documents described in each Request for Production at the offices of the undersigned counsel, or at such other time and place as agreed between counsel, within 20 days of service in accordance with the Procedural Rules of the Public Utility Commission. Gillespie may and is encouraged to produce responsive documents in an electronic format.

Respectfully submitted,
MARY K. SAHS, P.C.


609 Thrasher Lane
Austin, TX 78741
Telephone: 512-326-2556
Facsimile: 512-597-2516
marysahs@sahslaw.com

By: 
Mary K. Sahs
State Bar No. 17522300

ATTORNEY FOR RESPONDENT,
AVALON WATER SUPPLY AND
SEWER SERVICE CORP.

CERTIFICATE OF SERVICE

I certify that, on April 1, 2016, I have served a copy of this filing upon all known parties of record via email with read receipt requested per SOAH Order No. 2.


Mary K. Sahs

**DOCKET NO. 43146
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COMPLAINT OF CAROL D. GILLESPIE AGAINST AVALON WATER SUPPLY AND SEWER SERVICES CORPORATION (37985-1)	§ § § § §	BEFORE THE PUBLIC UTILITY COMMISSION OF TEXAS
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**RESPONDENT AVALON'S REQUEST FOR DISCLOSURE,
FIRST REQUEST FOR INFORMATION, AND FIRST REQUEST FOR PRODUCTION
TO CAROL D. GILLESPIE**

DEFINITIONS

- (a) "Gillespie," "Complainant," or "you" refers to Carol D. Gillespie and any person acting or purporting to act on their behalf, including without limitation, attorneys, agents, advisors, investigators, representatives, employees or other persons.
- (b) "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.

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COMPLAINT OF CAROL D.	§	BEFORE THE
GILLESPIE AGAINST AVALON	§	
WATER SUPPLY AND SEWER	§	PUBLIC UTILITY COMMISSION
SERVICES CORPORATION	§	
(37985-1)	§	OF TEXAS

RESPONDENT AVALON'S REQUEST FOR DISCLOSURE,
FIRST REQUEST FOR INFORMATION, AND FIRST REQUEST FOR PRODUCTION
TO CAROL D. GILLESPIE

INSTRUCTIONS

- (a) Pursuant to P.U.C. Proc. R. 22.144(c)(2), responses to the requests for information must be made under oath.
- (b) Please copy the question immediately above the response to each question. State the name of the witness in this cause who will sponsor the response to the question and can vouch for the truth of the response.
- (c) These requests are continuing in nature, and if there is a relevant change in circumstances, submit an amended response as a supplement to your original response.
- (d) 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.
- (e) The present tense shall be construed to include the past tense, and the past tense shall be construed to include the present tense.
- (f) 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.
- (g) You are further requested to produce those portions of any such document which are not subject to the claim of privilege or other reason for non-production by excising or otherwise protecting the portions for which a privilege is asserted, if such a technique does not result in disclosing the contents of the portions for which some privilege is asserted.
- (h) Pursuant to P.U.C. Proc. R. 22.144(g)(4), if the response to any request is voluminous, please provide a detailed index of the voluminous material.
- (i) Avalon requests that each item of information be made available as it is completed, rather than upon completion of all information requested.
- (j) Masculine forms of any noun or pronoun shall embrace and be applied as the feminine or neuter, as appropriate to the context, and vice versa.
- (k) Each following category is to be construed and responded to independently and is not to be referenced to any other item herein for the purpose of limitation.

- (l) Documents produced pursuant to this request shall be tendered either in the precise form or manner in which they are kept in the usual course of business or organized and labeled to correspond with the category that follows these requests.
- (m) Any use herein of the word "including" shall be construed as "including, but not limited to."
- (n) Any use herein of the words "and" or "or" shall be construed either conjunctively or disjunctively as necessary to bring within the scope of these requests any documents that might otherwise be considered outside its scope.
- (o) Any use herein of the words "any" or "all" shall be construed generally to mean "each and every," but shall be construed either broadly or narrowly as necessary to bring within the scope of these requests any documents that might otherwise be considered outside its scope.
- (p) If Complainant has ever had any of the documents referred to herein in her possession, custody or control, but does not now, you are requested to state the following with respect to each such document:
 - (1) The present location thereof, if known, or all reasons why the party cannot or does not know the location thereof;
 - (2) The date each such document left possession, custody or control of the Complainant;
 - (3) The reasons why each such document is not now in the possession, custody or control of the Complainant;
 - (4) The name and address of all persons having knowledge about the matters inquired about in the immediately preceding paragraphs (1) through (3).
- (q) If any document requested herein has been destroyed, you are requested to describe in detail the circumstances of and reasons for such destruction, and to produce all documents that relate to either the circumstances or the reasons for such destruction.
- (r) Except where otherwise specified or indicated by context, each following category requests information for the period from the time when you first had any contact or communication with the Respondent to the date of the production of the documents, subject to the duty to supplement.
- (s) Unless otherwise defined, the specific terms used in these discovery requests shall have the same meaning as the definitions contained in chapter 13 of the Texas Water Code and the Public Utility Commission of Texas regulations implementing those laws.

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RESPONDENT AVALON'S REQUEST FOR DISCLOSURE,
FIRST REQUEST FOR INFORMATION, AND FIRST REQUEST FOR PRODUCTION
TO CAROL D. GILLESPIE

AVALON'S REQUESTS FOR DISCLOSURES UNDER RULE 194.2

- (a) the correct names of the parties to the lawsuit;

RESPONSE:

- (b) the name, address, and telephone number of any potential parties;

RESPONSE:

- (c) the legal theories and, in general, the factual bases of the responding party's claims or defenses.

RESPONSE:

- (e) the name, address, and telephone number of persons having knowledge of relevant facts, and a brief statement of each identified person's connection with the case;

RESPONSE:

(f) for any testifying expert:

- (1) the expert's name, address, and telephone number;

RESPONSE:

- (2) the subject matter on which the expert will testify;

RESPONSE:

- (3) the general substance of the expert's mental impressions and opinions and a brief summary of the basis for them, or if the expert is not retained by, employed by, or otherwise subject to the control of the responding party, documents reflecting such information;

RESPONSE:

- (4) if the expert is retained by, employed by, or otherwise subject to the control of the responding party:
 - (A) all documents, tangible things, reports, models, or data compilations that have been provided to, reviewed by, or prepared by or for the expert in anticipation of the expert's testimony; and

RESPONSE:

- B) the expert's current resume and bibliography;

RESPONSE:

(h) any settlement agreements described in TRCP 192.3(g):

RESPONSE:

- (i) any witness statements described in TRCP 192.3(h).

RESPONSE:

AVALON'S FIRST REQUEST FOR INFORMATION

AVALON RFI 1-1

Pursuant to TRCP 192.3(d) and 192.5(c)(1), please list the name, address, and telephone number of all witnesses that are expected to testify during the hearing on the merits.

RESPONSE:

AVALON RFI 1-2

Pursuant to TRCP 192.3(d) and 192.5(c)(1), please list the name, address, and telephone number of all of your rebuttal and impeachment witnesses whose testimony can reasonably be anticipated before trial.

RESPONSE:

AVALON RFI 1-3

Pursuant to TRCP 192.3(c) and 192.5(c)(1), please list the name, address, and telephone number of persons having knowledge of relevant facts regarding whether Avalon is failing to comply with TWC § 13.004, and a brief statement of each identified person's connection with the case.

RESPONSE:

AVALON RFI 1-4

Pursuant to TRCP 192.3(c) and 192.5(c)(1), please list the name, address, and telephone number of persons having knowledge of relevant facts regarding whether Avalon is failing to conduct annual or special meetings in compliance with Section 67.007, and a brief statement of each identified person's connection with the case.

RESPONSE:

AVALON RFI 1-5

Pursuant to TRCP 192.3(c) and 192.5(c)(1), please list the name, address, and telephone number of persons having knowledge of relevant facts regarding whether Avalon is operating in a manner that fails to comply with the requirements for classification as a nonprofit water supply or sewer service corporation as prescribed by TWC §§ 13.002(11) and (24), and a brief statement of each identified person's connection with the case.

RESPONSE:

AVALON RFI 1-6

Pursuant to TRCP 192.3(c) and 192.5(c)(1), please list the name, address, and telephone number of persons having knowledge of relevant facts regarding of what should the Commission require of Avalon if it is failing to comply with TWC § 13.004, and a brief statement of each identified person's connection with the case.

RESPONSE:

AVALON'S FIRST REQUEST FOR PRODUCTION

AVALON RFP 1-1

Pursuant to TRCP 192.3(b), please produce all documents relevant to the issue of whether Avalon is failing to comply with TWC § 13.004.

RESPONSE:

AVALON RFP 1-2

Pursuant to TRCP 192.3(b), please produce all documents relevant to the issue of whether Avalon is failing to conduct annual or special meetings in compliance with Section 67.007.

RESPONSE:

AVALON RFP 1-3

Pursuant to TRCP 192.3(b), please produce all documents relevant to the issue of whether Avalon is operating in a manner that fails to comply with the requirements for classification as a nonprofit water supply or sewer service corporation as prescribed by TWC §§ 13.002(11) and (24).

RESPONSE:

AVALON RFP 1-4

Pursuant to TRCP 192.3(b), please produce all documents relevant to the issue of what should the Commission require of Avalon if it is failing to comply with TWC § 13.004.

RESPONSE: