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DOCKET NO. 43146
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PUBLIC UTILITY COMMISSION
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COMPLAINT OF CAROL D.
GILLESPIE AGAINST AVALON
WATER SUPPLY AND SEWER
SERVICES CORPORATION
(37985-1)

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BEFORE THE
PUBLIC UTILITY COMMISSION
OF TEXAS

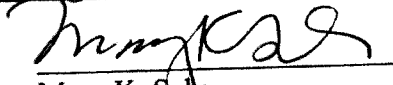
**RESPONDENT AVALON'S OBJECTIONS TO COMPLAINANT GILLESPIE'S
SECOND REQUEST FOR INFORMATION**

TO: Carol D. Gillespie, by and through her counsel of record, Helen Gilbert, Gilbert Wilburn,
PLLC, 7000 N. MoPac Expwy, Suite 200, Austin, Texas 78731.

Respondent Avalon Water Supply and Sewer Services Corporation (Avalon) files these its
Objections to Complainant Gillespie's Second Request for Information.

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

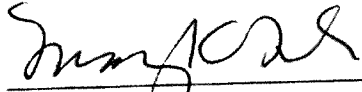
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By: 
Mary K. Sahs
State Bar No. 17522300

ATTORNEY FOR RESPONDENT,
AVALON WATER SUPPLY AND
SEWER SERVICE
CORPORATION

CERTIFICATE OF SERVICE

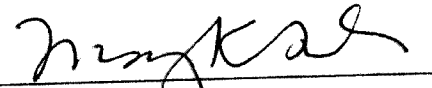
I certify that, on April 8, 2016, I have served a copy of this filing upon all known parties of record via email with read receipt requested per SOAH Order No. 2.



Mary K. Sahs

CERTIFICATE OF CONFERENCE

By my signature, below, I certify that counsel for Avalon Water Supply and Sewer Corporation, as required by PUC Rule 22.144(d), has made diligent and good faith efforts to negotiate resolution of these Objections with counsel for Carol D. Gillespie, Helen Gilbert.



Mary K. Sahs

REQUESTS FOR ADMISSIONS

Request for Admission No. 1: Admit that in October 2010, the Board of Directors ("Board") of Avalon authorized Patsy Russell to contact Carol Gillespie regarding the purchase or use of the Gillespie property as the potential site of a wastewater treatment facility.

OBJECTION: NONE

Request for Admission No. 2: Admit that the Board appointed David Waishes to the Board in March 2012 to fill the vacated Board position of John Goodwyn.

OBJECTION: NONE

Request for Admission No. 3: Admit that the Board elected David Waishes to be Vice-President of the Board at the annual meeting of the members in 2012.

OBJECTION: NONE

Request for Admission No. 4: Admit that David Waishes never filed an application with the corporation to have his name placed on a ballot for a director's position of the Board before April 2012.

OBJECTION: NONE

Request for Admission No. 5: Admit that previous Board President Patsy Russell adjourned the December 8, 2011 Board Meeting, advising or directing all persons to vacate the meeting except the Board Members.

OBJECTION: NONE

Request for Admission No. 6: Admit that the public notice announcing the February 9, 2012 Board Meeting was posted on the afternoon of February 7, 2012.

OBJECTION: NONE

Request for Admission No. 7: Admit that the Board agenda for its February 9, 2012 meeting did not list for Board consideration the hiring of Jesse Joe Munguia to represent Avalon.

OBJECTION: NONE

Request for Admission No. 8: Admit that the Board agenda for its February 9, 2012 meeting did not list for Board consideration the hiring of an attorney to represent Avalon.

OBJECTION: NONE

Request for Admission No. 9: Admit that prior to representing Avalon, attorney Jesse Joe Munguia had no prior experience or expertise providing legal counsel to a Water Supply and Sewer Corporation.

OBJECTION: Avalon objects under TRCP 192.3 on the basis that this request is beyond the scope of discovery because it involves matters not relevant to the case and the information sought is not reasonably calculated to lead to the discovery of admissible evidence.

Request for Admission No. 10: Admit that prior to representing Avalon, attorney Jesse Joe Munguia had no prior experience or expertise providing legal counsel to a water or wastewater utility.

OBJECTION: Avalon objects under TRCP 192.3 on the basis that this request is beyond the scope of discovery because it involves matters not relevant to the case and the information sought is not reasonably calculated to lead to the discovery of admissible evidence.

Request for Admission No. 11: Admit that prior to representing Avalon, attorney Jesse Joe Munguia had no expertise providing legal counsel to any political subdivision of the State of Texas.

OBJECTION: Avalon objects under TRCP 192.3 on the basis that this request is beyond the scope of discovery because it involves matters not relevant to the case and the information sought is not reasonably calculated to lead to the discovery of admissible evidence.

Request for Admission No. 12: Admit that attorney Jesse Joe Munguia is the grandson of former Board President Patsy Russell.

OBJECTION: Avalon objects under TRCP 192.3 on the basis that this request is beyond the scope of discovery because it involves matters not relevant to the case and the information sought is not reasonably calculated to lead to the discovery of admissible evidence.

Request for Admission No. 13: Admit that the agenda posted for the March 8, 2012 Board Meeting did not list or provide notice of the corporation's consideration of its "eminent domain" power or use of that power in connection with the Gillespie property.

OBJECTION: NONE

Request for Admission No. 14: Admit that prior Board President Patsy Russell announced in the public meeting following the executive session on March 8, 2012, that the Board's constitutional authority would be used to "take" 500-800 feet of Gillespie property to satisfy the TCEQ buffer zone requirements.

OBJECTION: NONE

Request for Admission No. 15: Admit that the Board did not vote in open meeting on March 8, 2012, following executive session, to use eminent domain to condemn the Gillespie property.

OBJECTION: NONE

Request for Admission No. 16: Admit that the minutes from the March 8, 2012 Board Meeting, approved on April 9, 2012, do not state that the Board took a vote in open meeting to authorize the use of eminent domain to condemn the Gillespie property.

OBJECTION: NONE

Request for Admission No. 17: Admit that the minutes from the March 8, 2012 Board Meeting were amended to add a statement that the Board voted in open session to authorize the use of eminent domain to condemn the Gillespie property.

OBJECTION: NONE

Request for Admission No. 18: Admit that only three Board Members, Robin Donaldson, Denice Wimbish and Harrison Romero, were present at the March 8, 2012 Board Meeting.

OBJECTION: NONE

Request for Admission No. 19: Admit that at the Board's meeting of May 12, 2012, more than three Board Members voted to amend the minutes from the March 8, 2012 Board Meeting

OBJECTION: NONE

Request for Admission No. 20: Admit that upon the Board's adjourning to executive session on March 8, 2012, Maria Gillespie, Carol Gillespie, and Cindy Sutherland were asked to leave the Board Meeting.

OBJECTION: NONE

Request for Admission No. 21: Admit that Avalon employee Gregg Rodriquez was not an attorney or member of the Board of Directors of Avalon when it held its March 8, 2012 Board Meeting.

OBJECTION: NONE

Request for Admission No. 22: Admit that Avalon employee Gregg Rodriquez attended the executive session of the Board of Directors of Avalon on March 8, 2012.

OBJECTION: NONE

Request for Admission No. 23: Admit that Avalon did not post Board Meeting notices with the County Clerk of Ellis County in 2011.

OBJECTION: NONE

Request for Admission No. 24: Admit that Avalon did not post Board Meeting notices with the County Clerk of Ellis County in 2012.

OBJECTION: NONE

Request for Admission No. 25: Admit that Avalon did not post Board Meeting notices with the County Clerk of Ellis County for the months of January through July of 2013.

OBJECTION: NONE

Request for Admission No. 26: Admit that Avalon's Bylaws require the Board of Directors to elect a president, vice-president, and secretary-treasurer during the corporation's annual meeting of the members.

OBJECTION: NONE

Request for Admission No. 27: Admit that Article IV, Section 1 of Avalon's Bylaws require the corporation to conduct the member's election of its Board of Directors on the fourth Thursday of March of each year.

OBJECTION: NONE

Request for Admission No. 28: Admit that Avalon's Bylaws require the election of the Directors of the Board by its members at the corporation's annual meeting of the members.

OBJECTION: NONE

Request for Admission No. 29: Admit that Article XI, Section 1 of Avalon's Bylaws require the corporation's annual meeting of the members to be held annually on the second Monday of March to transact all business that may be properly before the corporation.

OBJECTION: NONE

Request for Admission No. 30: Admit that the corporation held the 2011 annual meeting of the members on Monday, March 14, 2011.

OBJECTION: NONE

Request for Admission No. 31: Admit that the corporation held the 2012 annual meeting of the members on April 9, 2012.

OBJECTION: NONE

Request for Admission No. 32: Admit that the corporation held the 2013 annual meeting of the members on June 3, 2013.

OBJECTION: NONE

Request for Admission No. 33: Admit that at the time of the 2013 annual meeting of the members, the Avalon Bylaws required the Board to appoint a credentials committee to oversee the election of directors.

OBJECTION: NONE

Request for Admission No. 34: Admit that the Avalon Board did not appoint a credentials committee for the directors' election held in 2012.

OBJECTION: NONE

Request for Admission No. 35: Admit that the Avalon Board did not appoint a credentials committee for the directors' election held in 2013.

OBJECTION: NONE

Request for Admission No. 36: Admit there was not a quorum of Avalon Board Members present at the annual meeting of the members in 2013.

OBJECTION: NONE

Request for Admission No. 37: Admit that the corporation did not mail each member a written notice of the 2013 annual meeting of the members.

OBJECTION: NONE

Request for Admission No. 38: Admit that the corporation did not mail each member a written notice of the 2013 annual meeting of the members at least 30 days before the annual meeting.

OBJECTION: NONE

Request for Admission No. 39: Admit, other than the election of a secretary-treasurer, the Board of Directors did not elect any other officers at the June 13, 2013 Board Meeting.

OBJECTION: NONE

Request for Admission No. 40: Admit that the corporation held the 2014 annual meeting of the members on Thursday, April 10, 2014.

OBJECTION: NONE

Request for Admission No. 41: Admit that the corporation did not hold the 2016 annual meeting of the members on March 14, 2016.

OBJECTION: NONE

Request for Admission No. 42: Admit the posting for the April 9, 2012 executive session listed the discussion of health insurance for employee Gregg Rodriguez.

OBJECTION: NONE

Request for Admission No. 43: Admit that the topic of employee health insurance is not a proper subject for closed session pursuant to the Texas Open Meetings Act.

OBJECTION: Avalon objects on the basis that the request asks Avalon to admit a proposition of law.

Request for Admission No. 44: Admit that the minutes from the May 10, 2012 Board Meeting state that, "David Waishes informed the Board that he had received resignations from Patsy Russell and Santos Munguia."

OBJECTION: NONE

Request for Admission No. 45: Admit that the minutes from the May 10, 2012 Board Meeting list Jimmy Brown and Jeremy Langley as Board Directors but do not list Patsy Russell and Santos Munguia as Board Members.

OBJECTION: NONE

Request for Admission No. 46: Admit that notice for the Emergency Board Meeting of Friday, April 27, 2012 was originally posted on Thursday, April 26, 2012.

OBJECTION: NONE

Request for Admission No. 47: Admit that under section 551.045 of the Texas Open Meetings Act, notice for an Emergency Board Meeting must be posted at least 2 hours prior to the meeting.

OBJECTION: Avalon objects on the basis that the request asks Avalon to admit a proposition of law.

Request for Admission No. 48: Admit that on April 26, 2012, an imminent threat to public health and safety did not exist for the corporation.

OBJECTION: Avalon objects on the basis that the request asks Avalon to admit a proposition of law.

Request for Admission No. 49: Admit that on April 26, 2012, a reasonably unforeseeable situation did not exist for the corporation.

OBJECTION: Avalon objects on the basis that the request asks Avalon to admit a proposition of law.

Request for Admission No. 50: Admit that Article III of the Avalon Bylaws state that the Secretary-Treasurer and the President, or the Vice-President in the absence of the President, must both sign corporation checks.

OBJECTION: NONE

Request for Admission No. 51: Admit that Harrison Romero was not President, Vice-President, or Secretary-Treasurer of the Board on May 10, 2012.

OBJECTION: NONE

Request for Admission No. 52: Admit that Harrison Romero was not President, Vice-President, or Secretary-Treasurer of the Board during any time in which he served on the corporation's Board.

OBJECTION: NONE

Request for Admission No. 53: Admit that Jeremy Langley was not President, Vice-President, or Secretary-Treasurer of the Board on May 10, 2012.

OBJECTION: NONE

Request for Admission No. 54: Admit that Jeremy Langley was not President, Vice-President, or Secretary-Treasurer of the Board during any time in which he served on the corporation's Board.

OBJECTION: NONE

Request for Admission No. 55: Admit that the posted agenda for the executive session of the Board Meeting held on June 14, 2012 included items related to the General Manager designation and health insurance for employee Gregg Rodriguez.

OBJECTION: NONE

Request for Admission No. 56: Admit that at the June 14, 2012 Board meeting, Patsy Russell was not a director of the corporation.

OBJECTION: NONE

Request for Admission No. 57: Admit that Patsy Russell attended the executive session meeting of the Board on June 14, 2012.

OBJECTION: NONE

Request for Admission No. 58: Admit that during a July 2012 Board Meeting, the Board of Directors voted to move Mr. Miguel Palacios' water meter from 476 to 345 Tees Road.

OBJECTION: NONE

Request for Admission No. 59: Admit that the during its June 14, 2012 executive session, the Board of Directors discussed the general manager designation and employee Gregg Rodriguez's Health Insurance.

OBJECTION: Avalon objects on the basis that a closed meeting or executive session of the corporation's board of directors is confidential under Texas Government Code, chapter 551, subchapter D.

Request for Admission No. 60: Admit that the agenda posting for the October 11, 2012 Board Meeting did not specify that the Board would be briefed on accounting issues during the open meeting.

OBJECTION: NONE

Request for Admission No. 61: Admit that the agenda posting for the October 11, 2012 Board Meeting did not specify that the Board would be briefed on accounting issues during executive session.

OBJECTION: NONE

Request for Admission No. 62: Admit that the during its December 13, 2012 executive session, the Board discussed Dean Carrell's contract renewal and "the sewer update/wastewater treatment plan improvements."

OBJECTION: Avalon objects on the basis that a closed meeting or executive session of the corporation's board of directors is confidential under Texas Government Code, chapter 551, subchapter D.

Request for Admission No. 63: Admit that the December 13, 2012 Meeting Minutes state that a motion was made by Jesse Munguia regarding Dean Carrell and the sewer update/wastewater treatment plan improvements to move this matter into executive session.

OBJECTION: NONE

Request for Admission No. 64: Admit that during the executive session of the December 13, 2012 Board meeting, the Board voted to approve renewal of Mr. Carrell's wastewater consultant contract.

OBJECTION: Avalon objects on the basis that a closed meeting or executive session of the corporation's board of directors is confidential under Texas Government Code, chapter 551, subchapter D.

Request for Admission No. 65: Admit that Jesse Munguia has never been a member of the Board of Directors of Avalon.

OBJECTION: NONE

Request for Admission No. 66: Admit that the Board did not vote during the open session of the Board Meeting on December 13, 2012 to renew Mr. Carrell's consultant contract.

OBJECTION: NONE

Request for Admission No. 67: Admit that nothing is listed on the November 1, 2012 agenda as topics for discussion during executive session.

OBJECTION: NONE

Request for Admission No. 68: Admit that during the Board meeting of November 1, 2012, the Board met in executive session from approximately 7:37 P.M. until 8:19 P.M.

OBJECTION: NONE

Request for Admission No. 69: Admit that no purchases were listed on the Special Meeting agenda for November 1, 2012.

OBJECTION: NONE

Request for Admission No. 70: Admit that during the open session of the November 1, 2012 Special Meeting, the Board voted to approve the purchase of a computer, a printer, and the "RVS" software package.

OBJECTION: NONE

Request for Admission No. 71: Admit that the agenda for the July 11, 2013 Board meeting did not list for consideration the resignation or termination of wastewater operator/consultant Dean Carrell.

OBJECTION: NONE

Request for Admission No. 72: Admit that the Board discussed the resignation or termination of Dean Carrell during the July 11, 2013 Board meeting.

OBJECTION: NONE

Request for Admission No. 73: Admit that the agenda for the September 12, 2013 Board meeting does not contain any notice of the Board's consideration of repairs to its backhoe.

OBJECTION: NONE

Request for Admission No. 74: Admit that a resolution or other document regarding the hiring of attorney Aimee Hess that was passed between Directors during the open session of the November 18, 2013 Special Meeting was not read aloud to the members/visitors present.

OBJECTION: NONE

Request for Admission No. 75: Admit that Secretary-Treasurer, Robin Donaldson, is employed by the First State Bank, 100 W. Main, Italy, Texas 76651.

OBJECTION: Avalon objects under TRCP 192.3 on the basis that this request is beyond the scope of discovery because it involves matters not relevant to the case and the information sought is not reasonably calculated to lead to the discovery of admissible evidence.

Request for Admission No. 76: Admit that the corporation has bank account(s) at the First State Bank, Italy, Texas.

OBJECTION: Avalon objects under TRCP 192.3 on the basis that this request is beyond the scope of discovery because it involves matters not relevant to the case and the information sought is not reasonably calculated to lead to the discovery of admissible evidence.

Request for Admission No. 77: Admit that Avalon used member deposits as collateral for a \$35,000 loan it obtained from the First State Bank, Italy, Texas in December 2013.

OBJECTION: NONE

Request for Admission No. 78: Admit that the corporation used funds acquired as part of its \$35,000 loan from the First State Bank, Italy, Texas obtained in December 2013 to pay Aimee Hess.

OBJECTION: NONE

Request for Admission No. 79: Admit that prior to the February 13, 2014 meeting, Director Ricky Johnston approved minutes of an earlier Board Meeting outside of a noticed public meeting of the Board.

OBJECTION: NONE

Request for Admission No. 80: Admit that the Board approved the 2012 Audit at the February 13, 2014 Board Meeting.

OBJECTION: NONE

Request for Admission No. 81: Admit that the Board did not approve the 2013 Audit at the Annual Members' Meeting on April 10, 2014.

OBJECTION: NONE

Request for Admission No. 82: Admit that the Board did not approve the 2014 Audit at the Annual Members Meeting on March 9, 2015.

OBJECTION: NONE

Request for Admission No. 83: Admit that the Board circulated and signed a resolution during the May 8, 2014 meeting relating to the purchase of land from the Gillespie family.

OBJECTION: NONE

Request for Admission No. 84: Admit that at the May 8, 2014 Board meeting, the Board did not read into the record the resolution relating to the purchase of land from the Gillespie family.

OBJECTION: NONE

Request for Admission No. 85: Admit that David Waishes was not present at either the May 8, 2014 or the May 15, 2014 Board meetings.

OBJECTION: NONE

Request for Admission No. 86: Admit that the agenda posting for the July 10, 2014 Board meeting did not specify that the Board would consider the appointment of a general manager.

OBJECTION: NONE

Request for Admission No. 87: Admit that at the July 10, 2014 Board meeting, the Board voted to appoint Director Gary Low as the General Manager for Avalon.

OBJECTION: NONE

Request for Admission No. 88: Admit that Avalon hired an accounting firm, Culpepper & Lawrence, CPAs, by action under its Consent Agenda at the August 14, 2014 Board meeting.

OBJECTION: NONE

Request for Admission No. 89: Admit that Avalon's bylaws state that the Secretary-Treasurer shall keep minutes of all meetings of Members and Directors.

OBJECTION: NONE

Request for Admission No. 90: Admit that after August 14, 2014 when the Board stopped taking written minutes of their meetings, that each director that voted to approve the corporation's meeting minutes had not listened to the entire digital or other recording of each meeting.

OBJECTION: NONE

Request for Admission No. 91: Admit that Avalon's office staff's transcription of recordings of Board Meetings are not approved by the Board.

OBJECTION: NONE

Request for Admission No. 92: Admit that the Board did not approve Avalon's 2012 Income Tax Return, filed on November 15, 2013, during any Board meeting.

OBJECTION: NONE

Request for Admission No. 93: Admit that Avalon's Tariff states that any member may present "a letter to the Board of Directors stating the individual's grievance or concern and the desired result. The Board shall respond to the complaint by communicating the Board's decision in writing."

OBJECTION: NONE

Request for Admission No. 94: Admit that Carol Gillespie filed a letter dated August 14, 2014 regarding concerns with Avalon's 2012 Income Tax Return.

OBJECTION: NONE

Request for Admission No. 95: Admit that the Board has not responded in writing to Carol Gillespie's letter of August 14, 2014.

OBJECTION: NONE

Request for Admission No. 96: Admit that the Board never voted during any Board meeting in open session to terminate Kendall Stone.

OBJECTION: NONE

Request for Admission No. 97: Admit that the Board never voted during any Board meeting in open session to hire Misty Culpepper.

OBJECTION: NONE

Request for Admission No. 98: Admit that Director Denice (or "Teresa") Wimbish has never been the Secretary-Treasurer, President, or Vice-President of Avalon.

OBJECTION: NONE

Request for Admission No. 99: Admit that Denice (or "Teresa") Wimbish has signed checks on behalf of Avalon.

OBJECTION: NONE

Request for Admission No. 100: Admit the Board never voted during open session of any Board meeting to extend the water line on W.W. Road.

OBJECTION: NONE

Request for Admission No. 101: Admit that Joe Webster purchased his water meter from Avalon for \$6,000.

OBJECTION: Avalon objects under TRCP 192.3 on the basis that this request is beyond the scope of discovery because it involves matters not relevant to the case and the information sought is not reasonably calculated to lead to the discovery of admissible evidence.

Request for Admission No. 102: Admit that Avalon used the services of a registered professional engineer only for the renewal of its TCEQ wastewater permit and for no other purpose.

OBJECTION: Avalon objects under TRCP 192.3 on the basis that this request is beyond the scope of discovery because it involves matters not relevant to the case and the information sought is not reasonably calculated to lead to the discovery of admissible evidence.

Request for Admission No. 103: Admit the Board did not hold a meeting on February 12, 2015.

OBJECTION: NONE

Request for Admission No. 104: Admit the Board held a Special Meeting on February 24, 2015.

OBJECTION: NONE

Request for Admission No. 105: Admit that Director Jimmy Brown did not attend the Special Meeting held on February 24, 2015.

OBJECTION: NONE

Request for Admission No. 106: Admit that Director Matilda Williams did not attend the Special Meeting held on February 24, 2015.

OBJECTION: NONE

Request for Admission No. 107: Admit that Director Jimmy Brown signed a resolution dated either February 12, 2015 or February 24, 2015 to hire attorney Aimee Hess.

OBJECTION: NONE

Request for Admission No. 108: Admit that Director Matilda Williams signed a resolution dated either February 12, 2015, or February 24, 2015 to hire attorney Aimee Hess.

OBJECTION: NONE

Request for Admission No. 109: Admit that Director Gary Low did not sign a resolution dated either February 12, 2015, or February 24, 2015 to hire attorney Aimee Hess.

OBJECTION: NONE

Request for Admission No. 110: Admit that the copy of the corporation's May 8, 2003 Tariff that the corporation filed with the PUC on March 4, 2015 is unsigned.

OBJECTION: NONE

Request for Admission No. 111: Admit that Avalon has implemented rate, address, operational, management, and other changes since 2003 not reflected in the Tariff filed with the PUC on March 4, 2015.

OBJECTION: NONE

Request for Admission No. 112: Admit that the corporation's members have not revised the corporation's Bylaws since March 10, 1997.

OBJECTION: NONE

Request for Admission No. 113: Admit that from January 2013 through August 2015, the President of the Board has not specified orally or in writing what section of the Texas Open Meetings Act authorizes the Board to conduct a closed meeting.

OBJECTION: NONE

Request for Admission No. 114: Admit that the September 10, 2015 meeting agenda provided notice of an opportunity to "[a]ddress if the board wants to fill open board position or wait until voting at annual meeting."

OBJECTION: NONE

Request for Admission No. 115: Admit that at the September 10, 2015 Board Meeting, David Waishes stated that the Board would conduct a closed session to consider the filling of a Director's vacancy because the matter involved personnel matters.

OBJECTION: NONE

Request for Admission No. 116: Admit that at the September 10, 2015 Board Meeting, David Waishes stated that the Board would conduct a closed session to consider the filling of a Director's vacancy because the matter involved a security issue.

OBJECTION: NONE

Request for Admission No. 117: Admit that the agenda for the November 20, 2014 Special Meeting lists the action item, “[g]o into executive session to discuss the resignation of board members Manuel Rodriguez and Ricky Johnston and the appointment of board members to fill the vacancies until the annual meeting.”

OBJECTION: NONE

Request for Admission No. 118: Admit that Avalon provides water service to its members from one groundwater well.

OBJECTION: Avalon objects under TRCP 192.3 on the basis that this request is beyond the scope of discovery because it involves matters not relevant to the case and the information sought is not reasonably calculated to lead to the discovery of admissible evidence.

Request for Admission No. 119: Admit that Avalon is a public water system.

OBJECTION: NONE

INTERROGATORIES

INTERROGATORY NO. 1: Please identify all witnesses Avalon intends to call to testify at the evidentiary hearing in accordance with TEX. R. CIV. P. 192.3(d).

OBJECTION: NONE

INTERROGATORY NO. 2: Please identify each person with whom Avalon consulted, or from whom Avalon sought expert advice relating to the subject matter of this case and who is not identified in response to the Requests for Disclosure, if such consultant's or expert's work product forms the basis, either in whole or in part, of the opinions of any expert Avalon anticipates calling or may call as a witness.

OBJECTION: NONE

INTERROGATORY NO. 3: Please state the full name, address, telephone number, job title, and employer of each person answering, supplying information, or assisting in answering these Interrogatories on behalf of Avalon.

OBJECTION: NONE

INTERROGATORY NO. 4: In what meeting did the Board vote to waive late fees for Avalon ISD?

OBJECTION: NONE

INTERROGATORY NO. 5: What month and year were the Fiscal Year 2011, 2012, 2013, 2014, 2015 audits submitted to TCEQ or PUC?

OBJECTION: NONE

INTERROGATORY NO. 6: How many connections does the Avalon water and wastewater system currently have?

OBJECTION: NONE

INTERROGATORY NO. 7: What is the total capacity, in gallons per minute per connection, of each groundwater well currently serving the members of Avalon?

OBJECTION: Avalon objects under TRCP 192.3 on the basis that this request is beyond the scope of discovery because it involves matters not relevant to the case and the information sought is not reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 8: What is total ground storage tank capacity per connection for the Avalon water system used to provide water service to its members?

OBJECTION: Avalon objects under TRCP 192.3 on the basis that this request is beyond the scope of discovery because it involves matters not relevant to the case and the information sought is not reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 9: What is total elevated storage tank capacity per connection for the Avalon water system used to provide water service to its members?

OBJECTION: Avalon objects under TRCP 192.3 on the basis that this request is beyond the scope of discovery because it involves matters not relevant to the case and the information sought is not reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 10: What is the total pressure tank capacity, in gallons per connection, of the Avalon water system used to provide water service to its members?

OBJECTION: Avalon objects under TRCP 192.3 on the basis that this request is beyond the scope of discovery because it involves matters not relevant to the case and the information sought is not reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 11: What is the pressure pump capacity in gallons per minute per connection at each pump station or pressure plane used by the Avalon water system to provide water service to its members?

OBJECTION: Avalon objects under TRCP 192.3 on the basis that this request is beyond the scope of discovery because it involves matters not relevant to the case and the information sought is not reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 12: What is the capacity of Avalon's emergency power used by the Avalon water system to provide water service to its members?

OBJECTION: Avalon objects under TRCP 192.3 on the basis that this request is beyond the scope of discovery because it involves matters not relevant to the case and the information sought is not reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 13: Has Avalon ever requested approval to meet alternative capacity requirements in lieu of the minimum capacity requirements specified by State law?

OBJECTION: Avalon objects under TRCP 192.3 on the basis that this request is beyond the scope of discovery because it involves matters not relevant to the case and the information sought is not reasonably calculated to lead to the discovery of admissible evidence.

REQUESTS FOR PRODUCTION

OBJECTION: NONE

Request for Production 2-1: Please provide the list of voting members pursuant to Article XI, section 2 of Avalon's Bylaws, for each annual meeting since January 1, 2011.

OBJECTION: NONE

Request for Production 2-2: Please provide the certificates of completion of training pursuant to section 551.005 of the Texas Government Code for each member of the Board since 2011.

OBJECTION: NONE

Request for Production 2-3: Please provide the survey of the Gillespie property on W.W. Road depicting the Ellis County right-of-way where Avalon placed its wastewater line in October 2014.

OBJECTION: NONE

Request for Production 2-4: Please provide any maps of the system showing the size of any lines and locations of Avalon's facilities, including its groundwater wells, ground or elevated storage tanks, collection lines, pump stations, force mains, wastewater treatment plant, lift stations, etc.

OBJECTION: Avalon objects under TRCP 192.3 on the basis that this request is beyond the scope of discovery because it involves matters not relevant to the case and the information sought is not reasonably calculated to lead to the discovery of admissible evidence.

Request for Production 2-5: Please provide logs of any emergency power use and maintenance since January 1, 2011.

OBJECTION: Avalon objects under TRCP 192.3 on the basis that this request is beyond the scope of discovery because it involves matters not relevant to the case and the information sought is not reasonably calculated to lead to the discovery of admissible evidence.

Request for Production 2-6: Please provide all correspondence between Avalon Board Directors, staff, attorney or any other Avalon representative and Lisa Fuentes, Fred Bednarski or any other TCEQ or PUC staff regarding Ms. Gillespie's complaint.

OBJECTION: NONE