Vendor # in Navision - USFILTD	USFILTD	•				•	Company: DDC	Company: DDC Denortment: CONSTRUCTION	
Verkin Names	120						Location	Location: RETREAT	
NEW VEITGIT NAME:									
New Address or								HIGHLIGHT "SPECIAL or RUSH ONLY"	
Change of Address:						22	Return check for		
Phone #:							Date required:		
		J		Sales See See See See See See See See See S				-	
Invoice #	Invoice Date	_		2002	Company	G/L Acct. #	DEPL	O Characters or Less	Amount
8308573	4/19/02	18,900.45	6026	05521		1650-0060		3,000 FT. OF PVC PIPE	9,450.23
			6027	05521		1650-0080		3,000 FT. OF PVC PIPE	9,450.22
									,
								1	
								C) CUC & NOW A	
								,	
•									
	Grand Total:	18,900.45						Grand Total:	18,900.45
ACCOUNT # AND/OR P.O.# AIC #128/86	AIC #728/86								
Manager(s) Comments:									
Explain Variance to Budget CODED BY BURNIE WESTERN	CODED BY BURNI	E WESTERN							
Prepared by	Prepared by: MELISSA DOUD				5/13/02			Accounting Use Only	4
A posturated	SI JOH BOSI 1964 IN SA	/ "		,	DATE PREPARED			Fish Batch # Accid Approval:	<u>e</u>
randiday.	The state of the s								•
	1//	0 11440	S S	Ž				AP Batch # 42 51	
.			Signature(8)						
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436									
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Vendor # In Navision: USFILTD Vendor Name: USFILTE New Vendor Name:	r# in Navision: USFILTD Vendor Name: US FILTER fendor Name:						Company: DDC Department: CON	Company: DDC Department: CONSTRUCTION Location: RETREAT	-
New Address or Change of Address: Phone #:	. S2:					æ	Return check to: Date required:	HIGHLIGHT "SPECIAL OF RUSH ONLY"	T.Y
hvoice #	Involce Date	Amount			Company	G/L Acct #	DEPT.	G/L Comment (20 Characters or Less)	Amount
8300983	4722/02	ဗြ	6029	05521	8 1	1650-0060		N-12 PROLNK PIPE, PIPE W/ST CPLG	4,761.26
8306588	4723/02	528.68	6026	05521		1650-0060		36X36 ADS N-12 T-WYE, SPLIT CPLG	528.68
								E William	TUI.
								A P P P P P P P P P P P P P P P P P P P	
								1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	2
								THE THE	
	Grand Total:	5,289.94						Grand Total:	5,289.94
ACCOUNT # AND/OR P.O.# NIC #18818	1# AC#7886								
Managar(s) Comments: NO P.O.#S	15: NO P.O. #'S								
Explain Variance to Budget, CODED BY BURNIE WESTERN	AST CODED BY BURN	ALE WESTERN							
Person	Propared by: MELISSA DOUD				5/13/02			Accounting Use Only	Only
Approved t	Approved by: MELISSA DOUD	, ,			DATE PREPARED			Field Batch & Accta Approval:	3/10
		1							,

DDU008438

Double Diamond Properties C

Vendor No: BORCCO

Check No: 6079

06/11/02

and a lattice to be		Bobcat Con	tracting	
Reference	Invoice Date	Gross Amount	Description	Net Amount Paid
Involce 128	80 05/14/02	16,775.00	involce 2378	16,775.00 **
	}			
	Totals:	16,775.00		16,775.00

Double	Diamond Properties Const	Chase Bank of Texas		Check Amt	16,775.00
10100 N Dallas, 1	i. Central Expressway, Suite 4 TX 75231	Dalias, Texas	32-115/1110	Check Date	06/11/02
Pay		SEVEN HUNDRED SEVENTY FI	VE AND 0/100 DOLLARS	Check No	6079
To the order of :	Bobcet Contracting P. O. Box 663 Hillsboro, TX 76645			*** COP	Y ***

Vendor # in Navision: BOBCCON Vendor Name: BOBCAT CC	or # in Navision: BOBCCON Vendor Name: BOBCAT CONTRACTING, L.L.	.C			_	Company: DDC Department CON	Company: DDC Department CONSTRUCTION	
						Locations	Location: THE RETREAT	
							HIGHLIGHT "SPECIAL OF RUSH CIPLL"	
					Re	Return check to:		
						Date required:		
Invoice Date	B Amount	# dop	Cost Code	Company	G/L Acct.#	DEPT.	G/L Comment (20 Characters or Less)	Amount
5/14/02		6026	02081		1650-0060		INSTALL WATER MAIN LINES	16,775.00
							14.	
					•			
				_			一川に入るア	
							1111 71114 1 17 11141	
							111 . N. 3	
							A CAN SELLE SELLE	
							20,000	
							A State of the Sta	
Grand Total:	rtali: 16,775.00						Grand Total:	16,775.00
ACCOUNT # AND/OR P.O.#: NO P.O. #		,	1					
DED BY B(Managar(s) Commants: CODED BY BURNIE WESTERN ON	1 5/28/02						
Prepared by: MELISSA DOUD Approved by: MELISSA DOUD	oup our course	. Same Strange		5/31/02 LUTE PREPARED			Field Batch #: Accty Approve: (1000)	7

DDU008470

Double Diamond Properties C

Vendor No: 30BCCO
Bobcat Contracting

Check No: 6262

07/17/02

Reference	Invoice Date	Gross Amo <u>unt</u>	Descri <u>ption</u>	Net Amount Paid
invaic invoic		11,275.00 5,225.00	Invoice 2482 Invoice 2483	11,275.00 5,225.00 4-1-4-5
	Totals:	16,500.00		16,500.00

Double Diamond Properties Const 10100 N. Central Expressway, Suite 4 Dallas, TX 75231	JPMorgan Chase Bank Dalles, Texas	32-115/1110	Check Amt \$ 16,500.00 Check Date 07/17/02
Pay "" SIXTEEN THOUSAND	TIVE HUNDRED AND 0/100 DOLLARS		Check No 6262
To the Bobcat Contracting order P. O. Box 663			Your Signature Here

Return check to: Date required. Date required. Amount 1650-0060 4,100 FT. OF MAIN LINE INSTALLED 11,275.00	Return check to: Date required: GIL Comment (20 Characters) 4,100 FT. OF MAIN LINE INSTALLED U U U U U U U U U U U U U
Gil. Acet. # DEPT. Gil. Comment (20 Characters) A 1650-0060 4,100 FT. OF MAIN LINE INSTALLED 1650-0060	Gil. Acct. # DEPT. Gil. Comment (20 Characters) A 1650-0060 4,100 FT. OF MAIN LINE INSTALLED Gil. Comment (20 Characters) A 1650-0060 Gil. Gill. G
GAL Acct. # DEPT. GAL Comment (20 Characters) A 1650-0060 4,100 FT. OF MAIN LINE INSTALLED 1650-0060 4,100 FT. OF MAIN LINE INSTALLED 1650-0060 1,100 FT. OF MAIN LINE INSTALLED 1650-0060 1,100 FT. OF MAIN LINE INSTALLED 1650-0060 1,100 FT. OF MAIN LINE INSTALLED	Gfl. Acct. # DEPT. Gfl. Comment (20 Characters) A 1650-0060 4,100 FT. OF MAIN LINE INSTALLED CF. OF MA
4,100 FT. OF MAIN LINE INSTALLED	4,100 FT. OF MAIN LINE INSTALLED 10 10 10 10 10 10 10 10 10 1
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DDU008506

	HIGHLIGHT "SPECIAL SITUATIONS ONLY"		G/L. Comment (20 Characters) Amount	INE INSTALLED 4,400.00	825.00			Section of Miles	10 (AUX. 110)					Stand Totals 5,225,00			Accig Approvat: 100 3	
Company: DDC Department CONSTRUCTION Location: RETREAT		Ketum check mo Date required:	DEPT, G/L Comme	1,600 FT. OF MAIN LINE INSTALLED	CUTFOOTING	-	OF THE	÷ ¢	חר				*				Field Batch #	
O Deba	i (Ketum o Dafe	G/L Acct.#	1650-0060	1650-0060												6/27/02 Date Prediction	
			# Cost Code Company	18 02081	5 13850										TBURNIE WESTERN		000 PATERIAL DESIGNATION OF THE PATERIAL DESIGNATION OF TH) }
ITRACTING, LLC			Amount Job#	0	6045								ان	5,225.00	NO P.O. #. CODED BY		UD - QUU	是人又一一
Vendor # BOBCCON Vendor Name: BOBCAT CONTRACTING, LLC	New vendor	or address change:	Invoice # Invoice Date								,		-	Grand Total	Check Stub Comment:	Explain variance to budget	Prepared by: MELISSA DOUD Approved by: MELISSA/DOUD	1111

DDU008508

Vendor:	Vendor# USFILTD Vendor: US FILTER - DALLAS, TX	YLLAS, TX				_	Company: DDC Department: CON	Company: DDC Department: CONSTRUCTION			
New Address:							Location:	Location: THE RETREAT			
								1	HIGHLIGHT "SPECIAL SITUATIONS ONLY"	.Y"	•
•						Re	Return check to:				
						u	Date required:				
Invoice #	Invoice Date	Amount	#qor	Cost Code	Company	G/L Acct.#	DEPT	G/L Commi	G/L Comment (20 Characters)	Amount	
8771602	9/23/02	\$ 9,516.12	6026	05521		1650-0060		PVC PIPE, TRANS, ACC SETS, TEES, CAPS	SETS, TEES, CAPS	\$ 9,516.12	
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		\$ 9,516.12							THE COUNTY OF THE POST	\$ 9,516.12	1,
Check Stub Comment		WC#128185									
Manager Comments:	: 2 7	CODED BY BURNIE WESTERN	RNIE WESTER	Ne.	JOB #6026 - I	JOB #6026 - PHASE I WATER/SEWER	SEWER				}_
Explain variance to budget:	o budget:	NO P.P. #									۰.
Prepared by	Prepared by: MELISSA DOUD	of hele	in the second	2 de	10/24/02				Accounting Use Only	λ	
Approved by	Approved by: RANDY GRACY	, ,			INE PREPARE		匠	Field Batch #: Acx	Accty Approval: EX 10 DC		
			Phint Martes					AF	AP Bash # 0.200		
DI			Signatura							-	
วน								•			

DDU008589 WBSR-56

New Address: Strict Stri	Vendor# USFILTD	ISFIL:TD						Company: DDC	DDC		•
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High Light	1 :358							Location:	THE RETREAT		
Colore Date Amount Job # Cost Ecde Company Col. Act; # Dela required: Signature Sign	1									و	
Color Colo	i						Ret	um check to:			
Section Amount Job # Coet Code Company GAL Acet # DieET. GAL Comment (20 Characters) Amount Section Sect	t						_	ate required:			
Section Section 1850-0050 PVC PIPE Section S	Invoice #	invoice Date	Amount	#qof	Cost Code	Company	G/L Acct. #	DEPT	G/L Comment (20 Characters)	Amount	
### 1927/02 \$ 6,662.13 6027 06521 1650-0050 PVC PIPE \$ 6,662.13 ###################################	T	9/27/02		6027	05521		1650-0060			}	
### Separate						·					
Accounting Use Only	8801714	9/27/02	ſſ	\sqcup	05521		1650-0060		PVC PIPE	}	
Accounting Use Only											
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ACC #1786.90 ACC #178.90 ACC #1786.90 ACC #											*
Continue											
AC#1286.90 AC#128.18 Accounting Use Only Accounting Use On											
CODED BY BURNIE WESTERN September CODED BY BURNIE WESTERN CODED BY B	Γ								Ž.		
CODED BY BURNIE WESTERN 102402 Field Batch #: Accept Approvet Accept By Butch #: Accept By	<u> </u>								, Co		
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State Stat									(\$ 58°		
AIC, #128485 AIC, #128402 AIC,									Op.		
AIC.#128485	-		-								
GODED BY BURNIE WESTERN JOB #6027 - PHASE II WATER/SEWER CODED BY BURNIE WESTERN JOB #6027 - PHASE II WATER/SEWER CODED BY BURNIE WESTERN JOB #6027 - PHASE II WATER/SEWER 1025402 102402 INDY GRACY PRENTEN APP Batch # 3.	ESKQ.		69							69	
GODED BY BURNIE WESTERN JOB #6027 - PHASE II WATER/SEWER NO P.O. # 10/24/02 And Province And Batch #: Access Approvet. ANDY GRACY Healthean AIP Batch #: Are Batch #: A.P. Batch #: A.	Comme	Ħ	A/C:#128185							V	=
NO P.O. # 102402 SSA DOUDY N.O. # Accts Approval: Y GRACY PRENEWS APP Batch # AP APP BATCH	mments	•.	CODED BY BU	RNIE WESTE	S.W.	JOB #6027 -	PHASE II WATER	SEWER			1
SSA DOUGH No Did AND TO AND TO SALE FROM AND PROMED PROGRAM AND STATE FROM BAICH #: ACCESS APPROVAL. APP BAICH # 3- APP BAICH	108 to b	udget	NO P.O. #							-	
Field Batch #:	red by:	MELISSA DOL	wollholi		you	10/24/02			Accounting Use Oat		
Special Person	ed by:	RANDY GRAC	3Y	.		LAIE PROFINCES		II.		2	
entings.	•			Print Name					AP Batch # 2911 1. 2995		
	•			Symptes						•	

DDU008591 WBSR-57

048651

DATE INVOICE NO COMMENT 12/01/96 120196 WATER & WATER & SEWER LINES

AMOUNT 9,960.00 DISCOUNT .00 NET AMOUNT 9,960.00

048651 01/21/97 SHOWS UTILITIES, INC.

CHK TOTAL: 9,960.00

DATE	INVOICE NO	COMMENT	TUUOMA	DISCOUNT \	NET AMOUNT
02/28/97	1257007	PVC PIPE	13,879.82	.00	13,879.82
02/28/97		PVC TEE/GATE VALVE	2,068.42	.00	2,068.42
02/28/97		PVC PIPE CL 160	9,634.68	.00	9,634.68

CHECK: 049795 03/24/97 U.S. FILTER

CHK TOTAL: 25,582.92

DATE INVOICE NO COMMENT 03/01/97 03197 UNIT 40 03/29/97 32997 PIPE

AMOUNT 7,600.00 28,420.00 DISCOUNT .00

NET AMOUNT 7,600.09 28,420.00

050249

50 sewer pare

Split

10,180

CHECK: 050249 04/25/97 SHOWS UTILITIES, INC.

CHK TOTAL:

36,020.00

				(Yes/No)	Amount	60000	500.00	500.00							al 7605,00	YO	}		to be Sent with
ום	11.	Location: WHITE BLUFF	New Vendor Only:	Corporation:	Check Comment	Wit HO	Selber Loop (Selbert)	Hotel sand		SENT	 APR 0 9 1997	HOWE OFFICE	101		Total	P2		(Special Shushon Only)	Special Studion Only) Please Staple Anything to be Sent with
Company: DDI	Department: ALL.	Location: V	,	Tax (D:	Vo. Cost Code G/L Account No.	10 15030\$	8050-0308	2 03006							(Construction Use Only)	40 Sewen bos		Date required:	Accounting Approval
out Chilities					Invoice Total Dise Date Job:No:	7600.00		9193							7600 Contracts Use Origin	\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\	1/3	CHA Water Prepared (9)	BLE WITHIN 30 DAYS OF DATE
Vender No.:	Vendor Address:	(if new vendor or change)			Invoice Number Invoice Date	13/97 3-1-97							-		Total	Explanation: (LDA)	Prepared: LIS/		STANDARD TERMS - PAYABLE WITHIN 30 DAYS INVOICE DATE

\$28,420.00 \$22,900.00 \$2,920.00 \$2,600.00 Amount Please Staple Anything to be Sent with Check Hera (DO NOT PAPERCLIP) (YessiNo) Total Corporation: Check Comment (Special Situation Only) Company: DD PROP CONST CO PIPE PIPE PIPE Location: THE CLIFFS فين - الإرافسانيا -1551 20 dav Department: CONSTR Accounting Approval: Invoice Number | Invoice Date | Invoice Total | Due Date | Job No. | Cost Code | G/L Account No. Tax D: Return to: Date required: 11115 15-030 15-030 15-030 (Construction Use Only) 8108 8090 8119 4/2/97 (Date Prepared) (Accig Use Only) STANDARD TERMS - PAYABLE WITHIN 30 DAYS OF Explanation: PIPE FOR WATER/SEWER PHASE X address change) CHINA SPRING, TEXAS 76633 \$28,420.00 \$28,420.00 VENDOR NAME SHOWS UTILITIES, INC. DAWN PENNINGTON INVOICE DATE Vendor Address: 608 SHOWS LANE Total Approved: Buil O 3/29/97 **VENDOR** # 2080 (if new vendor or 32997

DDU009481

050775

INVOICE NO COMMENT UNIT 40 COMPLETE 04/01/97 040197

AMOUNT 15,950.00 DISCOUNT .00 NET AMOUNT 15,950.00

CHECK: 050775 05/22/97 SHOWS UTILITIES, INC.

CHK TOTAL: 15,950.00

ر. ور 14950,00 500.00 500,00 Amount Plearse Staple Anydoing to be Sent with Check Hera (DO NOT PAPERCLE) MAY Total HOME OFFICE MAY 08 1997 CH INUS Corporation: Check Comment New Vendor Only: (Special Stration Only) Weter Rose Sum Rale Location: WHITE BLUFF Company: DDI Department: ALL Accounting Approval! nvoice Number | Invoice Date | Invoice Total | Due Date | Job No. | Cost Code | GIL Account No. 1436 1436 Tæ Ö: Date required: Return to: 9130 (2017 40 Water 5 55,20) Acet Caron STANDARD TERMS - PAYABLE WITHIN 30 DAYS OF Total 1595.00 15950.00 INVOICE DATE Prepared: LISA LOWRY Approved: Vendor Name: Explamation/ /endor Address: Venger No.: (if now vendor or change) 19/97 DDU009484

	(Yeshlo)	Amount 1736 58	APR 2 5 1997	Perses Staple Amything to be Sent with Check Heen (DO NOT PAPERCLE)
company: DDI partment: ALL Location: WHITE BLUFF New Vendor Only:	Corporation:	Check Comment	SENT TO APR 2:5 1997	(Special Shumom Cuty)
Company: DDI Department: ALL Location: WH	Tax ID:	Date Job No: Cost Code G/L Account No.		Return to: Date required: Accounting Approva
		Invoice Total Due Date Job No.		
Vendor Name: (15 Filt fendor Address: (15 Filt finew vendor or change)		Invoice Number Invoice Date Inv		Total (13% 55% Recent (10) + Ho (4)/1/1/20 Prepared: LISA LOWRY (10) Approved: Machine STANDARD TERMS - PAYABLE WITHIN 30 DIFFS INVOICE DATE

1476.53 1476.53 Amount (Yes/No) Please Staple Anything to be Sent with check Here (DO NOT PAPERCLIP) 21011 Total OCT 2 2 1997 4219" Gote Values Corporation: Department: ALT CONSTRUCTION Check Comment New Vendor Only: 1393 Driging Location: WHITE BLUFF received Company: DDI Invoice Date | Invoice Total | Due Date Job No. Cost Code | G/L Account No. Accounting Approval: De never Tax ID: Date required: 100 mg Return to: (\$18) | \$10 | \$10 200 HOME OFFICE OCT 21 1997 SENTIO (Construction Use Only) 9619 Millolile/97 HILTU CONST Acctg Use Only) STANDARD TERMS - PAYABLE WITHIN 30 DAYS OF 1476.53 INVOICE DATE Total eres Explanation: //n/+ Vendor Name: Prepared: Invoice Number Vender No.: Vendor Address: Approved: (if new vendor or JESSSE change) DDU009488

F WACKLEW I PAYABL XLS DICK

Address: Addres	Invoice Total Due Date Jap No. Cost Code G/L Account No. \$ 116,377.00 WWW Cost Code G/L Account No. \$ 116,377.00 Cost Code C	New Vendor Check Com	
Location: WB Loca	Invoice Total Due Date Japh No. Cost Code G/L Account No. \$ 116,377.00 WWA (SC22)	New Vendor Check Com	
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Accounting Approval:	4/30/97	,	1
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(Special Stualion Only)			

DDU009491 WBSR-67

DDU009497

	(KeseNo)	Amount	3373,07											3373.0	(1	<u>)</u>	_		
	Company: Double Diamond Department: Construction Location: White Bluff New Vendor Only (Sorporation:	1 1	" DVC PIDE,			CRAIT TO	ASS B. S.	JUL 1 1997	HOME OFFICE			1111 - 9, 4907		Total		Julo Julo				
Accounts Payable Coding Form	Company: Department: Coloration: Location: Loc	G/L Account No.	" \\	Š						-	X	7	 	Sold Selection in the selection of the s		/ Office Use Only	Approval: K. J. C. L.		: :	
unts Payab	No. No. de l. l	Cost Code	1600											(Construction Use Only)			9 Accounting Approval:	Batch No.		
Acco		Total Due Date Job No.	13.67								3.7			(Nivo esi ecujo) LO		19/50/g W/2	Land 6-22	1000	on Carry	>
	USFilter	Invoice Date Invoice Total	188 16-6-4											Total 3973	101	: Teresammenti	\$ 1,	30	· .	(Special Shuekon Only) F-WICKUEH-ORMS-XCS:Coding Form
vender no.:	Vendor Name: Vendor Address: (if new veridor or change):	Invoice Number	4117879												Explanation:	Prepared	Approved:	Return to:	Date required:	FWICKLEFOL

DDU009499

052064

DATE INVOICE NO COMMENT 07/01/97 070197 UNIT 41

AMOUNT DISCOL

DISCOUNT NET AMOUNT .00 7,910.00

c 22 mm

CHECK: 052064 08/21/97 SHOWS UTILITIES, INC.

MCHK TOTAL: 7,910.00

DDU009501 WBSR-70

052542

DATE ' INVOICE NO COMMENT 08/01/97 080197 UNIT 41

TUUOMA 9,750.00 DISCOUNT .00

NET AMOUNT 9,750.00

CHECK: 052542 09/25/97 SHOWS UTILITIES, INC.

CHK TOTAL: 9,750.00

DD PROPERTIES CONSTRUCTION CO.

010160

DATE INVOICE NO COMMENT 07/07/97 615 LABOR & MATERIALS-SEWER AMOUNT 806.40 DISCOUNT .00

NET AMOUNT 806.40

CHECK: 010160 02/19/98 A.N.A. CONSULTANTS L.L.C.

Ψ CHK TOTAL:

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Bryan W. Shaw, Ph.D., Chairman Buddy Garcia, Commissioner Carlos Rubinstein, Commissioner Mark R. Vickery, P.G., Executive Director



2009 OCT 20 PM 4: 0 I CHIEF CLERKS OFFICE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

October 20, 2009

Ali Abazari Jackson Walker, L.L.P. 100 Congress Avenue, Suite 1100 Austin, Texas 78701

Re: Water Rate/Tariff Change Application of Double Diamond Utilities Co., Certificate of Convenience and Necessity No. 12087, in Hill, Palo Pinto, and Johnson Counties, Texas, Application No. 36220-R; SOAH Docket No. 582-09-4288; TCEQ Docket No. 2009-0505-UCR

Dear Mr. Abazari:

Please find enclosed the Executive Director's Responses to Double Diamond Utilities Co.'s First Request for Disclosure, Interrogatories, Requests for Admissions, and Requests for Production. Please let me know if you have any questions.

Sincerely,

Stefanie Skogen Staff Attorney

Environmental Law Division

Enclosure

cc: Mailing List

P.O. Box 13087

Austin, Texas 78711-3087

512-239-1000

Internet address: www.tceq.state.tx.us

printed on recycled paper using soy-based ink

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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CHIEF CLERKS OFFICE

SOAH DOCKET NO. 582-09-4288 TCEQ DOCKET NO. 2009-0505-UCR

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WATER RATE/TARIFF CHANGE APPLICATION OF DOUBLE DIAMOND UTILITIES CO. IN HILL, PALO PINTO, AND JOHNSON COUNTIES, TEXAS, APPLICATION NO. 36220-R

BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

EXECUTIVE DIRECTOR'S RESPONSES TO DOUBLE DIAMOND UTILITIES CO.'S

FIRST REQUEST FOR DISCLOSURE, INTERROGATORIES, REQUESTS FOR

ADMISSIONS, AND REQUESTS FOR PRODUCTION

TO: DOUBLE DIAMOND UTILITIES CO., INC.

c/o Ali Abazari Jackson Walker, L.L.P. 100 Congress Avenue, Suite 1100 Austin, Texas 78701

I. REQUESTS FOR DISCLOSURE

Rule 194.2(a): The correct names of the parties to the lawsuit.

Response: The following have been designated as parties:

- The Applicant, Double Diamond Utilities Co. (DDU)
- The Executive Director (ED) of the Texas Commission on Environmental Quality (TCEQ or Commission)
- Office of Public Interest Counsel of the TCEQ
- White Bluff Subdivision Ratepayers
- The Cliffs Utility Committee
- The Retreat Homeowners Group

Rule 194.2(b): The name, address, and telephone number of any potential parties.

Response: The ED is not aware of any potential parties.

Rule 194.2(c): The legal theories and, in general, the factual bases of the responding party's claims or defenses.

Response: The ED does not have any claims or defenses at this time. The ED's role in this case is to review DDU's rate/tariff change application to determine if the proposed rates are just and Page 1 of 19

reasonable based on the applicable statutory and regulatory criteria in chapter 13, subchapter F of the Texas Water Code and title 30, chapter 291, subchapter B of the Texas Administrative Code. The ED will make this determination based on the information submitted in DDU's water rate/tariff change application, obtained by ED staff during their audit/inspection of the utility, obtained during the discovery process, and presented in prefiled testimony and during the evidentiary hearing.

Rule 194.2(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: The following persons are all located at 12100 Park 35 Circle, Austin, Texas 78753; P.O. Box 13087, Austin, Texas 78711:

Office of Legal Services, Building A, MC-173, (512) 239-0600 Stefanie Skogen, Staff Attorney assigned to this case Todd Galiga, Senior Attorney, Water Utilities Section

Utilities and Districts Section, Building F, MC-153, (512) 239-4691
Doug Holcomb, Section Manager
Vera Poe, Team Leader, Utilities Technical Review Team
Tammy Holguin-Benter, Team Leader, Utilities Financial Review Team
Brian Dickey, Engineer, completing the technical review
Elsie Pascua, Auditor, completing the financial review

Leila Guerrero-Gantioqui, Auditor, completed the administrative review

Rule 194.2(f): For any testifying expert:

- (1) the expert's name, address, and telephone number;
- (2) the subject matter on which the expert will testify;
- (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;
- (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
 - (B) the expert's current resume and bibliography.

Response: (1) Brian Dickey, 12100 Park 35 Circle, Austin, Texas 78753; P.O. Box 13087, MC-153, Austin, Texas 78711; (512) 239-4691.

Elsie Pascua, 12100 Park 35 Circle, Austin, Texas 78753; P.O. Box 13087, MC-153, Austin, Texas 78711; (512) 239-4691.

(2) Mr. Dickey will review DDU's application, including any attachments and all other information subsequently submitted by the parties in this case; develop the depreciation schedules according to the TCEQ's rules and statutes based on DDU's capital assets which were used and useful for providing service; provide Ms. Pascua with calculations for annual depreciation, accumulated depreciation, and net plant for determining the utility's cost of service; analyze the amount of water pumped and the amount of water billed to the customers to calculate the average line loss; analyze the most recent inspection reports for DDU's water systems; and calculate the ED's recommended water rates according to the TCEQ's rules and statutes using the revenue requirement provided by Ms. Pascua.

Ms. Pascua will review DDU's application, including any attachments and all other information subsequently submitted by the parties in this case; analyze DDU's test year revenue requirement, requested adjustments to the test year cost of service, and proposed rate of return; and present the ED's recommendation as to the cost of service and revenue requirement for the test year and explain any adjustments proposed by the ED to DDU's requested revenue requirement.

- (3) Based upon their initial review of the rate application under the applicable statutory and regulatory criteria in the Texas Water Code and TCEQ rules and their audit/inspection of the utility, Ms. Pascua and Mr. Dickey have some questions regarding the appropriateness of some of the costs and expenses claimed in the application and anticipate recommending some adjustments to the revenue requirement and proposed rates. However, as discovery is ongoing and prefiled testimony has not yet been filed by the other parties in this proceeding, Ms. Pascua and Mr. Dickey's opinions and recommendations are still being developed and will be fully discussed in the ED's prefiled testimony.
- (4)(A) Any documents that currently fit this description were provided to the ED by DDU.
- (4)(B) Mr. Dickey's and Ms. Pascua's current resumes are attached.

Rule 194.2(i): Any witness statements described in Rule 192.3(h).

Response: The ED is not aware of any witness statements.

II. INTERROGATORIES

<u>Interrogatory No. 1</u>: Identify each individual component in DDU's proposed capital structure you believe should not be included in ratemaking formulas in this Application and explain the basis for your opinion.

Response: The ED objects to this interrogatory to the extent that it asks the ED to present his case prior to the filing of his prefiled testimony and exhibits in violation to title 30, section 291.25(f) of the Texas Administrative Code and because it asks the ED to present drafts of his prefiled testimony through discovery in violation of title 30, section 80.151 of the Texas Administrative Code. To the extent that the ED does not object, on July 10, 2009, the Executive Director sent a letter to DDU requesting that it provide all invoices for the water assets listed in the application. As of October 16, 2009, DDU has not provided all the requested supporting information.

<u>Interrogatory No. 2</u>: What rate of return do you believe is appropriate in determining cost of service in this Proceeding? Explain the basis of your response, including the manner in which you arrived at your calculated rate of return.

Response: The ED objects to this interrogatory to the extent that it asks the ED to present his case prior to the filing of his prefiled testimony and exhibits in violation to title 30, section 291.25(f) of the Texas Administrative Code and because it asks the ED to present drafts of his prefiled testimony through discovery in violation of title 30, section 80.151 of the Texas Administrative Code. To the extent that the ED does not object, due to the ongoing nature of his review of the application during the discovery and prefiled testimony periods, the ED has not developed a final position with regard to the appropriateness of the rate of return. The ED will note that on July 10, 2009, the ED sent a letter to DDU requesting that it complete and provide the rate of return calculation worksheet. As of October 16, 2009, DDU has not provided the requested information.

<u>Interrogatory No. 3</u>: Identify and describe all alternative rate design methodologies you believe are more appropriate for use in this Proceeding and explain the basis for your opinion.

Response: The ED objects to this interrogatory to the extent that it asks the ED to present his case prior to the filing of his prefiled testimony and exhibits in violation to title 30, section 291.25(f) of the Texas Administrative Code and because it asks the ED to present drafts of his prefiled testimony through discovery in violation of title 30, section 80.151 of the Texas Administrative Code. To the extent that the ED does not object, due to the ongoing nature of his review of the application during the discovery and prefiled testimony periods, the ED has not yet determined if an alternative rate design methodology should be used in this case.

<u>Interrogatory No. 4</u>: Identify each element of DDU's proposed tariff you believe is not appropriate for approval in this Proceeding and explain the basis for your opinion.

Response: The ED objects to this interrogatory to the extent that it asks the ED to present his case prior to the filing of his prefiled testimony and exhibits in violation to title 30, section 291.25(f) of the Texas Administrative Code and because it asks the ED to present drafts of his prefiled testimony through discovery in violation of title 30, section 80.151 of the Texas Administrative Code. To the extent that the ED does not object, due to the ongoing nature of his review of the application during the discovery and prefiled testimony periods, the ED has not developed a final position with regard to the appropriateness of DDU's proposed tariff.

<u>Interrogatory No. 5</u>: Identify and describe by name and address (if known) each DDU service area that you contend is receiving poor or inadequate water service and explain the basis for your opinion.

Response: The ED objects to this interrogatory to the extent that it asks the ED to present his case prior to the filing of his prefiled testimony and exhibits in violation to title 30, section 291.25(f) of the Texas Administrative Code and because it asks the ED to present drafts of his prefiled testimony through discovery in violation of title 30, section 80.151 of the Texas Administrative Code. To the extent that the ED does not object, due to the ongoing nature of his review of the application during the discovery and prefiled testimony periods, the ED has not developed a final position with regard to whether any of DDU's service areas are receiving poor or inadequate water service.

<u>Interrogatory No. 6</u>: Identify the water rates you believe that DDU should charge and explain how those rates will recover all reasonable and necessary operating expenses, taxes, and depreciation on used and useful utility plant dedicated to public service and will provide a reasonable opportunity to earn a fair return on that same plant while maintaining the utility's financial integrity.

Response: The ED objects to this interrogatory to the extent that it asks the ED to present his case prior to the filing of his prefiled testimony and exhibits in violation to title 30, section 291.25(f) of the Texas Administrative Code and because it asks the ED to present drafts of his prefiled testimony through discovery in violation of title 30, section 80.151 of the Texas Administrative Code. To the extent that the ED does not object, due to the ongoing nature of his review of the application during the discovery and prefiled testimony periods, the ED has not developed a final position regarding what DDU's water rates should be.

<u>Interrogatory No. 7</u>: For the rates identified in Interrogatory No. 6, please identify each component of your cost of service that these rates are recovering.

Response: The ED objects to this interrogatory to the extent that it asks the ED to present his case prior to the filing of his prefiled testimony and exhibits in violation to title 30, section 291.25(f) of the Texas Administrative Code and because it asks the ED to present drafts of his prefiled testimony through discovery in violation of title 30, section 80.151 of the Texas Administrative Code. To the extent that the ED does not object, due to the ongoing nature of his review of the application during the discovery and prefiled testimony periods, the ED has not developed a final position regarding what DDU's water rates should be and, therefore, cannot identify cost of service components responsive to this interrogatory.

<u>Interrogatory No. 8</u>: Identify each cost, tax, assessment or expense in DDU's proposed water utility cost of service or revenue requirement you believe is not reasonable and/or necessary and should not be recovered partially or in its entirety through rates in this Proceeding, and explain the basis for your opinion.

Response: The ED objects to this interrogatory to the extent that it asks the ED to present his case prior to the filing of his prefiled testimony and exhibits in violation to title 30, section 291.25(f) of

the Texas Administrative Code and because it asks the ED to present drafts of his prefiled testimony through discovery in violation of title 30, section 80.151 of the Texas Administrative Code. To the extent that the ED does not object, due to the ongoing nature of his review of the application during the discovery and prefiled testimony periods, the ED has not developed a final position with regard to the reasonableness and/or necessity of DDU's costs, taxes, assessments, or expenses.

<u>Interrogatory No. 9</u>: Identify each individual item, asset, or investment in DDU's proposed water utility rate base you believe is not priced reasonably or properly and that should not be included as a component of ratemaking in this Proceeding, and explain the basis of your opinion.

Response: The ED objects to this interrogatory to the extent that it asks the ED to present his case prior to the filing of his prefiled testimony and exhibits in violation to title 30, section 291.25(f) of the Texas Administrative Code and because it asks the ED to present drafts of his prefiled testimony through discovery in violation of title 30, section 80.151 of the Texas Administrative Code. To the extent that the ED does not object, at this time, due to the ongoing nature of his review of the application during the discovery and prefiled testimony periods, the ED has not developed a final position with regard to the reasonableness of DDU's item, asset, or investment prices. The ED will note that he has identified cash advances payable in the amount of \$307,376 that were included in the depreciation schedule. Pursuant to section 291.31(b)(1)(B), depreciation is computed based on original cost and on a straight-line basis over the useful life of the asset, as approved by the Commission. Depreciation is allowed on all currently used depreciable utility property owned by the utility. Cash advances payable are not considered utility property. If the cash advances were used to purchase equipment that is listed in the depreciation schedule, then the cash advance amounts will be recovered through the utility's annual depreciation and return. In addition, on July 10, 2009, the ED sent a letter to DDU requesting that it provide all invoices for the water assets listed in the application. As of October 16, 2009, DDU has not provided all the requested supporting information.

<u>Interrogatory No. 10</u>: Identify each individual item, asset or investment in DDU's proposed water utility rate base in this Application that you believe is not used and useful, and explain the basis of your opinion.

Response: The ED objects to this interrogatory to the extent that it asks the ED to present his case prior to the filing of his prefiled testimony and exhibits in violation to title 30, section 291.25(f) of the Texas Administrative Code and because it asks the ED to present drafts of his prefiled testimony through discovery in violation of title 30, section 80.151 of the Texas Administrative Code. To the extent that the ED does not object, due to the ongoing nature of his review of the application during the discovery and prefiled testimony periods, the ED has not developed a final position with regard to the use and usefulness of DDU's items, assets, or investments.

<u>Interrogatory No. 11</u>: Identify each cost of service allocation proposed by DDU that you believe is improperly used and/or should not be approved, and explain the basis of your opinion.

<u>Response</u>: The ED objects to this interrogatory to the extent that it asks the ED to present his case prior to the filing of his prefiled testimony and exhibits in violation to title 30, section 291.25(f) of

the Texas Administrative Code and because it asks the ED to present drafts of his prefiled testimony through discovery in violation of title 30, section 80.151 of the Texas Administrative Code. To the extent that the ED does not object, due to the ongoing nature of his review of the application during the discovery and prefiled testimony periods, the ED has not developed a final position with regard to the appropriateness of DDU's cost of service allocations.

<u>Interrogatory No. 12</u>: Identify each rate base allocation proposed by DDU that you believe is improperly used and/or should not be approved, and explain the basis of your opinion.

Response: The ED objects to this interrogatory to the extent that it asks the ED to present his case prior to the filing of his prefiled testimony and exhibits in violation to title 30, section 291.25(f) of the Texas Administrative Code and because it asks the ED to present drafts of his prefiled testimony through discovery in violation of title 30, section 80.151 of the Texas Administrative Code. To the extent that the ED does not object, due to the ongoing nature of his review of the application during the discovery and prefiled testimony periods, the ED has not developed a final position with regard to the appropriateness of DDU's rate base allocations.

<u>Interrogatory No. 13</u>: Identify each individual element of DDU's proposed rate design or rate design methodology you believe is not appropriate in determining rates, and explain the basis of your opinion.

Response: The ED objects to this interrogatory to the extent that it asks the ED to present his case prior to the filing of his prefiled testimony and exhibits in violation to title 30, section 291.25(f) of the Texas Administrative Code and because it asks the ED to present drafts of his prefiled testimony through discovery in violation of title 30, section 80.151 of the Texas Administrative Code. To the extent that the ED does not object, due to the ongoing nature of his review of the application during the discovery and prefiled testimony periods, the ED has not developed a final position with regard to the appropriateness of DDU's rate design elements.

<u>Interrogatory No. 14</u>: Identify each instance of poor or inadequate water service by customer name, subdivision, city, date, nature of problem, to whom it was reported, what remedial action was taken and when the remedial action was taken.

Response: The ED objects to this interrogatory because it asks for information not reasonably available to the ED in violation of Texas Rule of Civil Procedure 193.1 and is overbroad by not being restricted in time. The ED doubts that even DDU or its customers are aware of every instance of poor or inadequate water service that DDU has provided to its customers. The ED also objects to this interrogatory to the extent that it asks the ED to present his case prior to the filing of his prefiled testimony and exhibits in violation to title 30, section 291.25(f) of the Texas Administrative Code and because it asks the ED to present drafts of his prefiled testimony through discovery in violation of title 30, section 80.151 of the Texas Administrative Code. To the extent that the ED does not object, due to the ongoing nature of his review of the application during the discovery and prefiled testimony periods, the ED has not developed a final position with regard to the provision of poor or inadequate water service by DDU. The ED will note that on July 10, 2009, the ED sent a letter to

DDU requesting that it provide its customer complaint log. As of October 16, 2009, DDU has not provided the requested information.

<u>Interrogatory No. 15</u>: Identify the manner and method in which rate case expenses incurred by DDU should be recovered through rates, i.e., included in the revenue requirement or surcharged, amortized or on a per connection basis.

Response: The ED objects to this interrogatory to the extent that it asks the ED to present his case prior to the filing of his prefiled testimony and exhibits in violation to title 30, section 291.25(f) of the Texas Administrative Code and because it asks the ED to present drafts of his prefiled testimony through discovery in violation of title 30, section 80.151 of the Texas Administrative Code. To the extent that the ED does not object, a utility can recover its rate case expenses, including attorney fees, incurred as a result of a rate change application only if the expenses are reasonable, necessary, and in the public interest and if otherwise permitted by section 291.28 of the TCEQ rules. Such expenses should be recovered through a surcharge charged to the utility's customers per month over a specific period of time.

<u>Interrogatory No. 16</u>: Is it your contention that certain property (real or personal) claimed by DDU as being property of the utility company in its Application is owned by a third party? If yes, please identify the property.

Response: The ED objects to this interrogatory to the extent that it asks the ED to present his case prior to the filing of his prefiled testimony and exhibits in violation to title 30, section 291.25(f) of the Texas Administrative Code and because it asks the ED to present drafts of his prefiled testimony through discovery in violation of title 30, section 80.151 of the Texas Administrative Code. To the extent that the ED does not object, due to the ongoing nature of his review of the application during the discovery and prefiled testimony periods, the ED has not developed a final position with regard to the ownership of real or personal property claimed by DDU to be its property.

<u>Interrogatory No. 1.7</u>: If you denied Request for Admission No. 6, in whole or in part, describe the basis for your denial.

Response: The ED has objected to Request for Admission No. 6 and, therefore, has not denied the request at this time. He reasserts his objections and the rest of his response to that request here.

<u>Interrogatory No. 18</u>: If you denied Request for Admission No. 14, in whole or in part, describe the basis for your denial.

Response: The ED has objected to Request for Admission No. 14 and, therefore, has not denied the request at this time. He reasserts his objections and the rest of his response to that request here. In addition, the ED notes that both systems are groundwater systems and have similar types of facilities, such as water wells, water pumps, distribution lines, and storage tanks.

Interrogatory No. 19: If you denied Request for Admission No. 15, in whole or in part, describe the

basis for your denial.

<u>Response</u>: The ED has objected to Request for Admission No. 15 and, therefore, has not denied the request at this time. He reasserts his objections and the rest of his response to that request here.

Interrogatory No. 20: If you denied Request for Admission No. 16, in whole or in part, describe the basis for your denial.

<u>Response</u>: The ED has objected to Request for Admission No. 16 and, therefore, has not denied the request at this time. He reasserts his objections and the rest of his response to that request here.

<u>Interrogatory No. 21</u>: Explain each and every method by which you believe a retail public utility can verify the original cost for an asset for which an invoice is not available. Include in your response a reference to any TCEQ regulations or any guidance documents.

Response: A utility can use a previous TCEQ order in which the utility's rate base was established. There also have been utilities in the past that used a trending analysis to determine the original cost of an asset. However, the utility must prove up the reasonableness of the trending analysis and must show that any assets that were trended were paid for by the utility and not by developer or customer contributions in aid of construction. The ED can also examine other documentation provided by a utility on a case-by-case basis to determine if it provides verification of the original cost of an asset.

<u>Interrogatory No. 22</u>: Identify every person who is expected to be called to testify at the evidentiary hearing, including your experts.

<u>Response</u>: At this time, the ED does not plan on calling any witnesses to testify who are not already listed in his response to DDU's request for disclosure under Texas Rule of Civil Procedure 194.2(f).

III. REQUESTS FOR ADMISSION

Request for Admission No. 1: DDU provided continuous and adequate water utility service within its certificated service areas during the test year ending December 31, 2007.

Response: The ED objects to this request for admission because it asks for information not reasonably available to the ED in violation of Texas Rule of Civil Procedure 193.1. The ED doubts that even DDU or its customers are aware if DDU always provided continuous and adequate water utility service during its test year. The ED also objects to this interrogatory to the extent that it asks the ED to present his case prior to the filing of his prefiled testimony and exhibits in violation to title 30, section 291.25(f) of the Texas Administrative Code and because it asks the ED to present drafts of his prefiled testimony through discovery in violation of title 30, section 80.151 of the Texas Administrative Code. To the extent that the ED does not object, due to the ongoing nature of his review of the application during the discovery and prefiled testimony periods, the ED can neither admit nor deny this request at this time, nor has he determined that he cannot admit or deny this request

<u>Request for Admission No. 2</u>: DDU is providing continuous and adequate water utility service in its certificated service areas at this time.

Response: The ED objects to this request for admission because it asks for information not reasonably available to the ED in violation of Texas Rule of Civil Procedure 193.1. The ED doubts that even DDU or its customers are aware if DDU is providing continuous and adequate water utility service to all its customers at this time. The ED also objects to this interrogatory to the extent that it asks the ED to present his case prior to the filing of his prefiled testimony and exhibits in violation to title 30, section 291.25(f) of the Texas Administrative Code and because it asks the ED to present drafts of his prefiled testimony through discovery in violation of title 30, section 80.151 of the Texas Administrative Code. To the extent that the ED does not object, due to the ongoing nature of his review of the application during the discovery and prefiled testimony periods, the ED can neither admit nor deny this request at this time, nor has he determined that he cannot admit or deny this request.

<u>Request for Admission No. 3</u>: The water service that DDU provides customers in its certificated service areas meets the primary water standards of the TCEQ's rules and regulations.

<u>Response</u>: Admit to the extent that according to the TCEQ's last water quality samples, DDU is currently not in violation with regard to any regulated contaminant levels.

Request for Admission No. 4: DDU's proposed tariffs incorporate inclining block pricing for water service.

Response: Admit.

<u>Request for Admission No. 5</u>: Inclining block pricing promotes water conservation for single-family residences and landscape irrigation.

Response: Cannot admit or deny. Inclining block pricing can promote water conservation. However, this is not always the case.

Request for Admission No. 6: The inclining block pricing in the Application promotes water conservation for single-family residences and landscape irrigation.

Response: The ED objects to this request for admission because it asks for information not reasonably available to the ED in violation of Texas Rule of Civil Procedure 193.1. The ED also objects to this request for admission to the extent that it asks the ED to present his case prior to the filing of his prefiled testimony and exhibits in violation to title 30, section 291.25(f) of the Texas Administrative Code and because it asks the ED to present drafts of his prefiled testimony through discovery in violation of title 30, section 80.151 of the Texas Administrative Code. To the extent that the ED does not object, due to the ongoing nature of his review of the application during the

discovery and prefiled testimony periods, the ED can neither admit nor deny this request at this time, nor has he determined that he cannot admit or deny this request.

<u>Request for Admission No. 7</u>: DDU's proposed rates provide it a reasonable opportunity to earn a fair and reasonable return on its used and useful invested capital over and above its reasonable and necessary operating expenses in order to preserve its financial integrity.

Response: The ED objects to this request for admission to the extent that it asks the ED to present his case prior to the filing of his prefiled testimony and exhibits in violation to title 30, section 291.25(f) of the Texas Administrative Code and because it asks the ED to present drafts of his prefiled testimony through discovery in violation of title 30, section 80.151 of the Texas Administrative Code. To the extent that the ED does not object, due to the ongoing nature of his review of the application during the discovery and prefiled testimony periods, the ED can neither admit nor deny this request at this time, nor has he determined that he cannot admit or deny this request.

Request for Admission No. 8: DDU's proposed rates are just, fair and reasonable.

Response: The ED objects to this request for admission to the extent that it asks the ED to present his case prior to the filing of his prefiled testimony and exhibits in violation to title 30, section 291.25(f) of the Texas Administrative Code and because it asks the ED to present drafts of his prefiled testimony through discovery in violation of title 30, section 80.151 of the Texas Administrative Code. To the extent that the ED does not object, due to the ongoing nature of his review of the application during the discovery and prefiled testimony periods, the ED can neither admit nor deny this request at this time, nor has he determined that he cannot admit or deny this request.

<u>Request for Admission No. 9</u>: Every individual component in DDU's proposed capital structure should be included in the ratemaking formulas in this Proceeding.

Response: The ED objects to this request for admission to the extent that it asks the ED to present his case prior to the filing of his prefiled testimony and exhibits in violation to title 30, section 291.25(f) of the Texas Administrative Code and because it asks the ED to present drafts of his prefiled testimony through discovery in violation of title 30, section 80.151 of the Texas Administrative Code. To the extent that the ED does not object, due to the ongoing nature of his review of the application during the discovery and prefiled testimony periods, the ED can neither admit nor deny this request at this time, nor has he determined that he cannot admit or deny this request.

<u>Request for Admission No. 10</u>: Every individual element of DDU's proposed tariffs is appropriate for approval in this Proceeding.

Response: The ED objects to this request for admission to the extent that it asks the ED to present his case prior to the filing of his prefiled testimony and exhibits in violation to title 30, section

291.25(f) of the Texas Administrative Code and because it asks the ED to present drafts of his prefiled testimony through discovery in violation of title 30, section 80.151 of the Texas Administrative Code. To the extent that the ED does not object, due to the ongoing nature of his review of the application during the discovery and prefiled testimony periods, the ED can neither admit nor deny this request at this time, nor has he determined that he cannot admit or deny this request.

Request for Admission No. 11: Every DDU service area is receiving adequate quality water service.

Response: The ED objects to this interrogatory to the extent that it asks the ED to present his case prior to the filing of his prefiled testimony and exhibits in violation to title 30, section 291.25(f) of the Texas Administrative Code and because it asks the ED to present drafts of his prefiled testimony through discovery in violation of title 30, section 80.151 of the Texas Administrative Code. To the extent that the ED does not object, due to the ongoing nature of his review of the application during the discovery and prefiled testimony periods, the ED can neither admit nor deny this request at this time, nor has he determined that he cannot admit or deny this request.

Request for Admission No. 12: DDU has appropriately responded to every report of poor or inadequate service.

Response: The ED objects to this interrogatory to the extent that it asks the ED to present his case prior to the filing of his prefiled testimony and exhibits in violation to title 30, section 291.25(f) of the Texas Administrative Code and because it asks the ED to present drafts of his prefiled testimony through discovery in violation of title 30, section 80.151 of the Texas Administrative Code. To the extent that the ED does not object, due to the ongoing nature of his review of the application during the discovery and prefiled testimony periods, the ED can neither admit nor deny this request at this time, nor has he determined that he cannot admit or deny this request. The ED will note that on July 10, 2009, the ED sent a letter to DDU requesting that it provide its customer complaint log. As of October 16, 2009, DDU has not provided the requested information.

<u>Request for Admission No. 13</u>: All property (real or personal) claimed by DDU as being property of the utility company is owned by the utility company.

Response: The ED objects to this interrogatory to the extent that it asks the ED to present his case prior to the filing of his prefiled testimony and exhibits in violation to title 30, section 291.25(f) of the Texas Administrative Code and because it asks the ED to present drafts of his prefiled testimony through discovery in violation of title 30, section 80.151 of the Texas Administrative Code. To the extent that the ED does not object, due to the ongoing nature of his review of the application during the discovery and prefiled testimony periods, the ED can neither admit nor deny this request at this time, nor has he determined that he cannot admit or deny this request.

Request for Admission No. 14: The facilities of the DDU water system that serves White Bluff are substantially similar to the facilities of the DDU water system that serves The Retreat.

Response: The ED also objects to this request for admission to the extent that it asks the ED to present his case prior to the filing of his prefiled testimony and exhibits in violation to title 30, section 291.25(f) of the Texas Administrative Code and because it asks the ED to present drafts of his prefiled testimony through discovery in violation of title 30, section 80.151 of the Texas Administrative Code. To the extent that the ED does not object, due to the ongoing nature of his review of the application during the discovery and prefiled testimony periods, the ED can neither admit nor deny this request at this time, nor has he determined that he cannot admit or deny this request.

<u>Request for Admission No. 15</u>: The quality of service of the DDU water system that serves White Bluff is substantially similar to the quality of service of the DDU water system that serves The Retreat.

Response: The ED objects to this request for admission because it asks for information not reasonably available to the ED in violation of Texas Rule of Civil Procedure 193.1. The ED also objects to this request for admission to the extent that it asks the ED to present his case prior to the filling of his prefiled testimony and exhibits in violation to title 30, section 291.25(f) of the Texas Administrative Code and because it asks the ED to present drafts of his prefiled testimony through discovery in violation of title 30, section 80.151 of the Texas Administrative Code. To the extent that the ED does not object, due to the ongoing nature of his review of the application during the discovery and prefiled testimony periods, the ED can neither admit nor deny this request at this time, nor has he determined that he cannot admit or deny this request. The ED will note that on July 10, 2009, the ED sent a letter to DDU requesting that it provide information demonstrating how its application meets the Texas Water Code section 13.145 requirements, and DDU refused to fully answer the question.

Request for Admission No. 16: The cost of service of the DDU water system that services White Bluff is substantially similar to the cost of service of the DDU water system that serves The Retreat.

Response: The ED objects to this request for admission because it asks for information not reasonably available to the ED in violation of Texas Rule of Civil Procedure 193.1. The ED also objects to this request for admission to the extent that it asks the ED to present his case prior to the filling of his prefiled testimony and exhibits in violation to title 30, section 291.25(f) of the Texas Administrative Code and because it asks the ED to present drafts of his prefiled testimony through discovery in violation of title 30, section 80.151 of the Texas Administrative Code. To the extent that the ED does not object, due to the ongoing nature of his review of the application during the discovery and prefiled testimony periods, the ED can neither admit nor deny this request at this time, nor has he determined that he cannot admit or deny this request. The ED will note that on July 10, 2009, the ED sent a letter to DDU requesting that it provide information demonstrating how its application meets the Texas Water Code section 13.145 requirements, and DDU refused to fully answer the question.

IV. REQUESTS FOR PRODUCTION

<u>Request for Production No. 1</u>: All documents supporting your responses to the preceding Requests for Disclosure, Requests for Admissions and Interrogatories.

Response: Any documents responsive to this request were provided to the ED by DDU.

<u>Request for Production No. 2</u>: Copies of all documents, including studies, reports, correspondence, photographs, maps, charts, financial documentation, and other documents reviewed and relied upon by any witness for the Executive Director in this Proceeding.

Response: The ED objects to this request for production to the extent that it asks for information regarding testifying expert witnesses, which is a violation of Texas Rule of Civil Procedure 195.1. To the extent that the ED does not object, there are no documents responsive to this request at this time.

<u>Request for Production No. 3</u>: Copies of all documents, tangible items and other demonstrative evidence to be used by you at trial.

Response: The ED objects to this request for production because it asks the ED to present his case prior to the filing of his prefiled testimony and exhibits in violation of title 30, section 291.25(f) of the Texas Administrative Code and because it asks the ED to present drafts of his prefiled testimony through discovery in violation of title 30, section 80.151 of the Texas Administrative Code.

Request for Production No. 4: Copies of all documentation that demonstrates that DDU cannot provide continuous and adequate water utility service to any portion of its certificated service area subject to this rate change proceeding.

Response: The ED objects to this request for production because it asks the ED to present his case prior to the filing of his prefiled testimony and exhibits in violation of title 30, section 291.25(f) of the Texas Administrative Code and because it asks the ED to present drafts of his prefiled testimony through discovery in violation of title 30, section 80.151 of the Texas Administrative Code. To the extent that the ED does not object, due to the ongoing nature of his review of the application during the discovery and prefiled testimony periods, the ED has not developed a final position with regard to the quality of DDU's service and, therefore, cannot identify any documents responsive to this request at this time.

Request for Production No. 5: Copies of all documentation that demonstrates that any cost, tax, assessment or expense in DDU's proposed water utility cost of service (or revenue requirement) is not reasonable and necessary.

Response: The ED objects to this request for production to the extent that it asks the ED to present his case prior to the filing of his prefiled testimony and exhibits in violation to title 30, section 291.25(f) of the Texas Administrative Code and because it asks the ED to present drafts of his

prefiled testimony through discovery in violation of title 30, section 80.151 of the Texas Administrative Code. To the extent that the ED does not object, due to the ongoing nature of his review of the application during the discovery and prefiled testimony periods, the ED has not developed a final position with regard to the reasonableness or necessity of DDU's costs, taxes, assessments, or expenses and, therefore, cannot identify any documents responsive to this request at this time.

<u>Request for Production No. 6</u>: Copies of all documentation that demonstrates that any item or asset or investment in DDU's proposed water utility rate base is not used and useful for ratemaking purposes.

Response: The ED objects to this request for production to the extent that it asks the ED to present his case prior to the filing of his prefiled testimony and exhibits in violation to title 30, section 291.25(f) of the Texas Administrative Code and because it asks the ED to present drafts of his prefiled testimony through discovery in violation of title 30, section 80.151 of the Texas Administrative Code. To the extent that the ED does not object, due to the ongoing nature of his review of the application during the discovery and prefiled testimony periods, the ED has not developed a final position with regard to the use and usefulness of DDU's items, assets, or investments and, therefore, cannot identify any documents responsive to this request at this time.

<u>Request for Production No. 7</u>: Copies of all documentation that demonstrates that any component of DDU's proposed capital structure is inappropriate for water utility ratemaking purposes in this Proceeding.

Response: The ED objects to this request for production to the extent that it asks the ED to present his case prior to the filing of his prefiled testimony and exhibits in violation to title 30, section 291.25(f) of the Texas Administrative Code and because it asks the ED to present drafts of his prefiled testimony through discovery in violation of title 30, section 80.151 of the Texas Administrative Code. To the extent that the ED does not object, due to the ongoing nature of his review of the application during the discovery and prefiled testimony periods, the ED has not developed a final position with regard to the appropriateness of DDU's proposed capital structure and, therefore, cannot identify any documents responsive to this request at this time.

Request for Production No. 8: Copies of all documentation that demonstrates that any DDU proposed rate of return on any component of its capital structure is inappropriate for water utility ratemaking purposes in this Proceeding.

Response: The ED objects to this request for production to the extent that it asks the ED to present his case prior to the filing of his prefiled testimony and exhibits in violation to title 30, section 291.25(f) of the Texas Administrative Code and because it asks the ED to present drafts of his prefiled testimony through discovery in violation of title 30, section 80.151 of the Texas Administrative Code. To the extent that the ED does not object, due to the ongoing nature of his review of the application during the discovery and prefiled testimony periods, the ED has not developed a final position with regard to the appropriateness of the rate of return and, therefore,