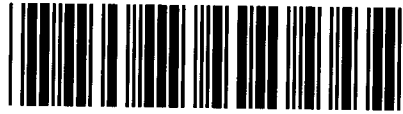


Control Number: 44010



Item Number: 31

Addendum StartPage: 0

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PUBLIC UTILITY COMMISSION  
FILING CLERK  
BEFORE THE

PETITION OF THE §  
RATEPAYERS OF THE §  
RIVERPLACE WATER AND §  
WASTEWATER SYSTEMS §  
APPEALING THE RETAIL §  
WATER AND WASTEWATER RATES §  
OF THE CITY OF AUSTIN §

STATE OFFICE OF  
ADMINISTRATIVE HEARINGS

**PETITIONERS' FIRST REQUEST FOR DISCLOSURES, REQUESTS FOR  
ADMISSIONS, AND REQUEST FOR INFORMATION TO THE CITY OF AUSTIN**

**TO: The City of Austin, by and through its attorney, Gwendolyn Webb, Webb & Webb,  
712 Southwest Tower, 211 East Seventh Street, Austin, Texas 78767.**

COME NOW, the Ratepayers of the River Place Water and Wastewater Systems ("Petitioners") and serve this, their First Request for Disclosures, Request for Admissions, and Requests for Information to the City of Austin ("City") pursuant to Chapter 2001 of the Texas Government Code, the Texas Rules of Civil Procedure, and applicable rules and regulations of the Public Utility Commission of Texas and the State Office of Administrative Hearings.

You are requested to answer in complete detail and in writing each of the following requests for information, as well as produce the requested documents, within 20 days of service in accordance with the Texas Rules of Civil Procedure and the Procedural Rules of the Public Utility Commission at the offices of the undersigned counsel, or at such other time and place as agreed between counsel. The City may and is encouraged to produce responsive documents in an electronic format.

Respectfully submitted,

**GILBERT WILBURN, PLLC**  
7000 North MoPac Blvd., Suite 200  
Austin, Texas 78731  
Telephone: (512) 535-1661  
Telecopier: (512) 535-1678  
[rbw@gwtxlaw.com](mailto:rbw@gwtxlaw.com)

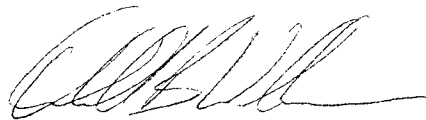


By: \_\_\_\_\_  
Randall B. Wilburn  
State Bar No. 24033342  
Helen S. Gilbert  
State Bar No. 00786263

**ATTORNEYS FOR PETITIONERS**

**CERTIFICATE OF SERVICE**

I hereby certify that I have served a true and correct copy of the foregoing document via hand delivery, facsimile, electronic mail, overnight mail, U.S. mail, and/or Certified Mail Return Receipt Requested on all parties on the 24<sup>th</sup> day of March 2015.



By: \_\_\_\_\_  
Randall B. Wilburn

## INSTRUCTIONS

- a) Singular and masculine forms of any noun or pronoun shall embrace and be applied as the plural or as the feminine or neuter, as appropriate to the context, and vice versa.
- b) Each category following is to be construed and responded to independently and is not to be referenced to any other item herein for the purposes of limitation.
- c) Documents produced pursuant to this request shall be tendered either in the precise form or manner in which they are kept in the usual course of business or organized and labeled to correspond with the category that follows these requests.
- d) Any use herein of the word "including" shall be construed as "including, but not limited to."
- e) Any use herein of the words "and" or "or" shall be construed either conjunctively or disjunctively as necessary to bring within the scope of these requests any documents that might otherwise be considered outside its scope.
- f) Any use herein of the words "any" or "all" shall be construed generally to mean "each and every," but shall be construed either broadly or narrowly as necessary to bring within the scope of these requests any documents that might otherwise be considered outside its scope.
- g) The requirements of the Texas Rules of Civil Procedure shall be strictly complied with. All documents within the scope of these requests shall be as they are kept in the usual course of business or shall be organized and labeled to correspond to the categories of these requests.
- h) If any party named hereinabove has ever had any of the documents referred to herein in her possession, custody or control, but does not now, that party is requested to state the following with respect to each such document:
  - (1) The present location thereof, if known, or all reasons why the party cannot or does not know the location thereof;
  - (2) The date each such document left possession, custody or control of the party;
  - (3) The reasons why each such document is not now in the possession, custody or control of the party;
  - (4) The name and address of all persons having knowledge about the matters inquired about in the immediately preceding paragraphs (1) through (3).
- (i) If any document requested herein has been destroyed, you are requested to describe in detail the circumstances of and reasons for such destruction, and to produce all documents that relate to either the circumstances or the reasons for such destruction.
- (j) If any document requested herein is withheld under claim or privilege, or is not produced for whatever reason, you are requested:
  - (1) To state with specificity the claim of privilege or other reason used to withhold production; and,
  - (2) To identify each such document by date, author, and subject matter, without ruling on the privilege or other reason asserted.

You are further requested to produce those portions of any such document which are not subject to the claim of privilege or other reason for non-production by excising or otherwise protecting the portions for which a privilege is asserted, if such a technique does not result in disclosing the contents of the portions for which some privilege is asserted.

(k) These discovery requests are continuing in nature. If further information or documents come into your possession or are brought to your attention during preparation for trial or during trial, supplementation of your responses may be required.

(l) Except where otherwise specified or indicated by context, each category following requests information for the period from the time when you first had any contact or communication with the Respondent to the date of the production of the documents, subject to the duty to supplement.

(m) Unless otherwise defined, the specific terms used in these discovery requests shall have the same meaning as the definitions contained in chapter 13 of the Texas Water Code and the Public Utility Commission of Texas regulations implementing those laws.

(n) Pursuant to P.U.C. PROC. R. 22.144(c)(2), answer to the requests for information shall be made under oath.

### **DEFINITIONS**

1. "You," "your" and "City" means the City of Austin, as well as your officers, employees, affiliates, and expert witnesses.
2. "Petitioners" means the individual ratepayers of the River Place Water and Wastewater Systems who were formally customers of the River Place Municipal Utility District, who reside outside of the City's corporate boundary and who signed petitions opposing the water and wastewater rates imposed by the City on October 1, 2014 and November 1, 2014.
3. "Commission" or "PUC" means the Public Utility Commission of Texas with jurisdiction over this matter, PUC Docket No. 44010.
4. "River Place Water System" means the water system conveyed to the City of Austin by the Agreement for Water and Wastewater Service and Operations Management between the City of Austin and the River Place Municipal Utility District; and Amendment to Agreement for Emergency Water Service (the "Strategic Partnership Agreement," or "SPA"), dated September 7, 2009, State Public Water System No. 2270252.
5. "River Place Wastewater System" means the wastewater system conveyed to the City of Austin by the Agreement for Water and Wastewater Service and Operations Management between the City of Austin and the River Place Municipal Utility District; and Amendment to Agreement for Emergency Water Service (the "Strategic Partnership Agreement," or "SPA"), dated September 7, 2009, State Permit No. WQ0011514-0010.

6. "Document" or "documents" means and refers to all writings, data, data compilations, correspondence, electronic transmissions, email, electronically stored data and data compilations, and all versions and modifications of same.
7. "Petition" means and refers to the petition that is the subject of SOAH Docket No. 473-15-2123 and PUC Docket No. 44010 signed by the ratepayers of the River Place Water and Wastewater Systems.
8. "Source documentation" means and refers to all documents that provide evidence or support the transaction, budget entry, or business deal, including invoices, receipts, cash slips, deposit slips, check registers, ledgers, and work papers.

**REQUESTS FOR DISCLOSURES UNDER RULE 194**

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

**RESPONSE:**

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

**RESPONSE:**

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

**RESPONSE:**

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

**RESPONSE:**

- (f) for any testifying expert:

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

**RESPONSE:**

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

**RESPONSE:**

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

**RESPONSE:**

- (4) if the expert is retained by, employed by, or otherwise subject to the control of the responding party:

- (A) all documents, tangible things, reports, models, or data compilations that have been provided to, reviewed by, or prepared by or for the expert in anticipation of the expert's testimony; and

**RESPONSE:**

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

**RESPONSE:**

- (h) any settlement agreements described in TRCP 192.3(g);

**RESPONSE:**

- (g) any indemnity and insuring agreements described in Rule 192.3(g);

**RESPONSE:**

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

**RESPONSE:**

**REQUESTS FOR ADMISSIONS**

**Request for Admission No. 1:** Admit the River Place Municipal Utility District was the water utility service provider to Petitioners on September 30, 2014.

**RESPONSE:**

**Request for Admission No. 2:** Admit the River Place Municipal Utility District was the wastewater utility service provider to Petitioners on September 30, 2014.

**RESPONSE:**

**Request for Admission No. 3:** Admit the City was the water utility service provider to Petitioners on October 1, 2014.

**RESPONSE:**

**Request for Admission No. 4:** Admit the City was the wastewater utility service provider to Petitioners on October 1, 2014.

**RESPONSE:**

**Request for Admission No. 5:** Admit the City began charging Petitioners the in-City water rate on October 1, 2014.

**RESPONSE:**

**Request for Admission No. 6:** Admit the City began charging Petitioners the in-City wastewater rate on October 1, 2014.

**RESPONSE:**



**Request for Admission No. 7:** Admit that the City raised the water rate charged Petitioners on November 1, 2014.

**RESPONSE:**

**Request for Admission No. 8:** Admit that the City raised the wastewater rate charged Petitioners on November 1, 2014.

**RESPONSE:**

**Request for Admission No. 9:** Admit that Petitioners resided outside of the City's corporate boundary on October 1, 2014.

**RESPONSE:**

**Request for Admission No. 10:** Admit Petitioners resided outside of the City's corporate boundary on November 1, 2014.

**RESPONSE:**

**Request for Admission No. 11:** Admit Petitioners resided outside of the City's corporate boundary on December 22, 2014.

**RESPONSE:**

**Request for Admission No. 12:** Admit Petitioners filed a petition on December 22, 2014 challenging the increase in the water and wastewater rates imposed by the City on October 1 and November 1, 2014.

**RESPONSE:**

**Request for Admission No. 13:** Admit that December 22, 2014 is within 90 days of October 1 and November 1, 2014.

**RESPONSE:**

**Request for Admission No. 14:** Admit that at least 10% or more of the customers served by the River Place Water and Wastewater Systems were signatories on the petition filed December 22, 2014.

**RESPONSE:**

**Request for Admission No. 15:** Admit that at least 10% or more of the customers served by the River Place Water and Wastewater Systems were signatories on the petition filed December 22, 2014.

**RESPONSE:**

**Request for Admission No. 16:** Admit that the City did not provide individual written notice to each ratepayer of the River Place Water System within 60 days of the date of the City Council's final decision to adopt the water rates that the City charged Petitioners beginning October 1, 2014.

**RESPONSE:**

**Request for Admission No. 17:** Admit that the City did not provide individual written notice to each ratepayer of the River Place Wastewater System within 60 days of the date of the City Council's final decision to adopt the wastewater rates that the City charged Petitioners beginning October 1, 2014.

**RESPONSE:**

**Request for Admission No. 18:** Admit that the City will not annex Petitioners into its corporate boundary until December 31, 2017.

**RESPONSE:**

**Request for Admission No. 19:** Admit that the City and the River Place Municipal Utility District entered into a Strategic Partnership Agreement setting out the date Petitioners will be annexed into the City's corporate boundary.

**RESPONSE:**

**Request for Admission No. 20:** Admit that the City is "municipally owned utility" that provides utility service to ratepayers residing outside the City's corporate limits.

**RESPONSE:**

**Request for Admission No. 21:** Admit that the 359 individuals who signed the petition filed on December 22, 2014, provided information in compliance with P.U.C. SUBS. R. 24.42.

**Request for Admission No. 22:** Admit that section 13.043(i) of the Texas Water Code requires the governing body of a municipally owned utility to provide individual written notice to each ratepayer who resides outside of the boundaries of the municipality, within 60 days after the date of a final decision on a rate change.

**RESPONSE:**

**Request for Admission No. 23:** Admit that the Petitioners' average monthly water bill increased from \$73.50 to \$131.34, effective October 1, 2014.

**RESPONSE:**

**Request for Admission No. 24:** Admit that the Petitioners' average monthly wastewater bill increased from \$15.70 to \$45.46, effective October 1, 2014.

**RESPONSE:**

**Request for Admission No. 25:** Admit that the Petitioners' average monthly water bill increased from \$131.34 to \$149.93, effective November 1, 2014.

**RESPONSE:**

**Request for Admission No. 26:** Admit that the Petitioners' average monthly wastewater bill increased from \$45.46 to \$46.71, effective November 1, 2014.

**RESPONSE:**

**Request for Admission No. 27:** Admit that the Commission has the legal authority to establish interim rates to be in effect until a final decision is made in the current docket.

**RESPONSE:**

**Request for Admission No. 28:** Admit that the City has not constructed any new facilities for the provision of water or wastewater service to customers of the River Place Water and Wastewater Systems since October 1, 2014.

**RESPONSE:**

**Request for Admission No. 32:** Admit that in a rate appeal brought against a municipally owned utility pursuant to section 13.043(b)(3) of the Texas Water Code, the municipally owned utility must show that its rates are just and reasonable.

**RESPONSE:**

**Request for Admission No. 33:** Admit that in a rate appeal brought against a municipally owned utility pursuant to section 13.043(b)(3) of the Texas Water Code, the municipally owned utility must show that its rates are not unreasonably preferential, prejudicial, or discriminatory but are sufficient, equitable, and consistent in application to each class of customers.

**RESPONSE:**

**Request for Admission No. 34:** Admit that the City provides potable water or sewer service, or both, to the Petitioners for compensation.

**RESPONSE:**

## **REQUESTS FOR PRODUCTION**

**REQUEST FOR INFORMATION NO. 1.** Please provide the working Excel spreadsheets used to develop the retail water rates for the River Place Water System charged Petitioners beginning October 1, 2014, with all formulae and links intact.

ANSWER:

**REQUEST FOR INFORMATION NO. 2.** Please provide the working Excel spreadsheets used to develop the retail water rates for the River Place Wastewater System charged Petitioners beginning October 1, 2014, with all formulae and links intact.

ANSWER:

**REQUEST FOR INFORMATION NO. 3.** Please provide the working Excel spreadsheets used to develop the retail water rates for the River Place Water System charged Petitioners beginning November 1, 2014, with all formulae and links intact.

ANSWER:

**REQUEST FOR INFORMATION NO. 4.** Please provide the working Excel spreadsheets used to develop the retail water rates for the River Place Wastewater System charged Petitioners beginning November 1, 2014, with all formulae and links intact.

ANSWER:

**REQUEST FOR INFORMATION NO. 5.** Please provide the amount of debt service for the River Place Water System included in the water rates charged Petitioners beginning October 1, 2014.

ANSWER:

**REQUEST FOR INFORMATION NO. 6.** Please provide the amount of debt service for the River Place Wastewater System included in the wastewater rates charged Petitioners beginning October 1, 2014.

ANSWER:

**REQUEST FOR INFORMATION NO. 7.** Please provide the amount of debt service for the River Place Water System included in the water rates charged Petitioners beginning November 1, 2014.

ANSWER:

**REQUEST FOR INFORMATION NO. 8.** Please provide the amount of debt service for the River Place Wastewater System included in the wastewater rates charged Petitioners beginning November 1, 2014.

ANSWER:

**REQUEST FOR INFORMATION NO. 9.** Please provide a copy of the notice of rate increase sent to Petitioners on or before November 8, 2013 for the water and wastewater rates adopted by the City Council on September 9, 2013.

ANSWER:

ANSWER:

**REQUEST FOR INFORMATION NO. 10.** Please provide all documents and tables within the City's FY 2014 cost of service model for the River Place Water System.

ANSWER:

**REQUEST FOR INFORMATION NO. 11.** Please provide all documents and tables within the City's FY 2014 cost of service model for the River Place Wastewater System.

ANSWER:

**REQUEST FOR INFORMATION NO. 12.** Please provide all documents and tables within the City's FY 2015 cost of service model for the River Place Water System.

ANSWER:

**REQUEST FOR INFORMATION NO. 13.** Please provide all documents and tables within the City's FY 2015 cost of service model for the River Place Wastewater System.

ANSWER:

**REQUEST FOR INFORMATION NO. 14.** Please provide all documents related to and showing any expenses directly billed to the Austin Water Utility from other City departments for calendar years 2012 and 2013.

ANSWER:

**REQUEST FOR INFORMATION NO. 15.** For calendar years 2014 and 2015, please provide all documents related to and showing any expenses from other City departments that were reimbursed by the Austin Water Utility through interfund transfers.

ANSWER:

**REQUEST FOR INFORMATION NO. 16.** Please provide all documents related to and showing expenses from other City departments that were reimbursed by the Austin Water Utility through an allocation methodology during calendar years 2014 and 2015.

ANSWER:

**REQUEST FOR INFORMATION NO. 17.** If any expenses from other City departments are allocated to the Austin Water Utility instead of direct billed, please provide the Allocation Methodology Manual and all documents related to each allocation methodology for each allocated expense.

ANSWER:

**REQUEST FOR INFORMATION NO. 18.** If any expenses from other City departments are allocated to the Austin Water Utility instead of direct billed, please provide all documents showing all background information used to allocate those expenses.

ANSWER:

**REQUEST FOR INFORMATION NO. 19.** Please provide all documents related to the debt service allocated to the Petitioners for the River Place Water System for FY 2014.

ANSWER:

**REQUEST FOR INFORMATION NO. 20.** Please provide all documents related to the debt service allocated to the Petitioners for the River Place Wastewater System for FY 2014.

ANSWER:

**REQUEST FOR INFORMATION NO. 21.** Please provide all documents related to the debt service allocated to the Petitioners for the River Place Water System for FY 2015.

ANSWER:

**REQUEST FOR INFORMATION NO. 22.** Please provide all documents related to the debt service allocated to the Petitioners for the River Place Wastewater System for FY 2015.

ANSWER:

**REQUEST FOR INFORMATION NO. 23.** Please provide the cost of service study for the River Place Water System used to develop the water rates charged Petitioners beginning October 1, 2014.

ANSWER:

**REQUEST FOR INFORMATION NO. 24.** Please provide the cost of service study for the River Place Water System used to develop the water rates charged Petitioners beginning November 1, 2014.

ANSWER:

**REQUEST FOR INFORMATION NO. 25.** Please provide the cost of service study for the River Place Wastewater System used to develop the wastewater rates charged Petitioners beginning October 1, 2014.

ANSWER:

**REQUEST FOR INFORMATION NO. 26.** Please provide the cost of service study for the River Place Wastewater System used to develop the wastewater rates charged Petitioners beginning November 1, 2014.

**REQUEST FOR INFORMATION NO. 27.** Please provide the source documentation for all of the costs for the River Place Water System charged to Petitioners through the water rates effective October 1, 2014.

ANSWER:

**REQUEST FOR INFORMATION NO. 28.** Please provide the source documentation for all of the costs for the River Place Wastewater System charged to Petitioners through the wastewater rates effective October 1, 2014.

ANSWER:

**REQUEST FOR INFORMATION NO. 29.** Please provide the source documentation for all of the costs for the River Place Water System charged to Petitioners through the water rates effective November 1, 2014.

ANSWER:

**REQUEST FOR INFORMATION NO. 30.** Please provide the source documentation for all of the costs for the River Place Wastewater System charged to Petitioners through the wastewater rates effective November 1, 2014.

ANSWER: