



Control Number: 44010



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SOAH DOCKET NO. 473-15-2123.WS
PUC DOCKET NO. 44010

PETITION OF RATEPAYERS OF
THE FORMER RIVER PLACE
WATER AND WASTEWATER
SYSTEMS APPEALING
THE RETAIL WATER AND
WASTEWATER RATES OF THE
CITY OF AUSTIN

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BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

2015 JUL 15 AM 11:25

FILING CLERK

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

TO: Petitioners, by and through their counsel of record, Randall B. Wilburn, Gilbert Wilburn PLLC, 7000 North MoPac Boulevard, Suite 200, Austin, Texas 78731.

COMES NOW, the City of Austin, (herein sometimes referred to as "City," "Austin" or "Respondent"), in the above styled and docketed retail water rate appeal proceeding and serves this, its Third Supplemental Responses to Petitioners' First Request for Disclosures, Requests for Admissions and Requests for Information to the City of Austin, on all parties to this Proceeding.

Austin notes that it has already provided objections and responses. This document provides the City's supplementary responses by the deadline for responses.

I. OBJECTIONS TO INSTRUCTIONS

Some of the information requested is outside of Austin's ownership and control, and, therefore, Austin cannot provide that information under oath. In every case where Austin is not the owner or producer of the documents or records requested, Austin so notes. Austin provides all information and material below subject to the limitations set forth in each Request.

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II. OBJECTIONS TO DEFINITIONS

Definition of "who signed petitions."

Austin is not the custodian of records for this information. Austin has no way of guaranteeing, under oath, the truth and veracity of any signature attached to Petitioners' petition.

Definition of "Petition"

Austin objects to this definition and states that as of the filing of this complaint, the "ratepayers of the River Place Water and Wastewater Systems" did not exist.

Definition of "Source Documents"

Austin objects to this definition as being overly broad, vague and ambiguous, and incapable of any specific responses. Petitioners define source documents in a manner that any and all document(s) of Austin Water Utility, and many documents of the City of Austin, could be included. The definition is too broad. Therefore, the definition of source documents is unreasonable on its face.

III. RESPONSES TO REQUESTS FOR DISCLOSURES

Each of these responses is submitted pursuant to applicable law and rules, and each response provided is expressly subject to the general and specific objections set forth herein. By producing documents in response to a request, Austin does not waive or suspend their objections to the request. Additionally, Austin reserves the right to amend or supplement this response in accordance with applicable rules.

f. For any testifying expert:

1. The experts' names, addresses, and telephone numbers:

Mike Warren
3419 Westminister Avenue #307
Dallas, Texas 75205
(214) 696-6453

2. The subject matter on which each expert will testify:

Mike Warren: The reasonableness of Austin's rate case expenses generated during the prosecution of these dockets.

3. The general substance of the experts' 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 party to whom this Request is addressed, documents reflecting such information:

Mike Warren: Mr. Warren is an experienced attorney who has testified in previous rate case appeals regarding the reasonableness of rate case expenses. He will be testifying about the reasonableness of Austin's rate case expenses based on his general review of the filings by all parties in this case and all of Austin's invoices produced. At this time, Mr. Warren has not issued a report or formed mental impressions or opinions about the subject matter of his testimony.

4. If the expert is retained by, employed by, or otherwise subject to the control of the party to whom this Request is addressed:
 - A. All documents, tangible things, reports, models, or data compilations that have been provided to, review by, or prepared by or for the experts in anticipations of the expert's testimony; and

Mike Warren: Please note all the filings by the Petitioners' in this case including:

1. All pleadings to the ALJ's and responses thereto; and
 2. All discovery requests and the responses thereto;
- B. The expert's current resume.

Mike Warren: The professional resume of Mike Warren is included, COA Resp to Disclosures 2 - COA Resp to Disclosures 3.

Respectfully submitted,


ANNE L. MORGAN, Interim City Attorney

MARIA SANCHEZ, Assistant City Attorney

WEBB & WEBB

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By:


Stephen P. Webb
State Bar No. 21033800

Gwendolyn Hill Webb
State Bar No. 21026300
ATTORNEYS FOR CITY OF AUSTIN

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been served via hand delivery, facsimile, electronic mail, overnight mail, US mail and/or Certified Mail Return Receipt Requested on all parties whose names appear on the mailing list below on this 15th day of July, 2015.

FOR THE PUBLIC UTILITY COMMISSION:

1701 N. Congress Avenue, 7th Floor
PO Box 13326
Austin, Texas 78711-3326
Via Electronic Upload

FOR THE ADMINISTRATIVE LAW JUDGES:

Honorable Lilo D. Pomerleau
Honorable William B. Newchurch
Administrative Law Judges
State Office of Administrative Hearings
300 W. 15th Street, Suite 504
Austin, Texas 78701
Phone: 512-475-4993
Fax: 512-322-2061
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FOR THE SOAH DOCKET CLERK:


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FOR PETITIONERS:

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STEPHEN P. WEBB

Mike Warren

July 1, 2015

I am a lawyer in private practice, licensed in the State of Texas, and a Registered Professional Engineer (inactive). I worked as a customer service engineer with an electric utility company, then as plant engineer in paper manufacturing. On graduation from law school, I rejoined the electric utility industry, where I directed the activities of the regulatory and rate functions, including rate cases and power line certification cases. In my law practice, I have helped clients meet their business and energy needs, as well as providing other services associated with the general practice of law. I have submitted expert testimony on behalf of utility companies on rate case expenses and other issues specific to managing legal and expert resources in contested cases. I have represented clients in contested cases involving power line routing and certification.

Representative Clients 2007—present

Landowners in electric transmission line routing cases.

A wind energy developer in rule and policy proceedings before the Texas PUC.

U.S. interests in acquisition of Central American electric utility.

Electric utilities as testifying expert witness on rate case management and expenses.

A natural gas compression company as general counsel.

Individual mineral owners in oil and gas lease negotiations.

Business owners needing business organization counsel and creation.

Individuals seeking to resolve title issues for oil and gas properties.

An executive in employment and option rights agreement negotiation.

Previous Activities 2003—2007

President (new technology company).

Responsibilities:

Development to profitability of startup natural gas compression and energy management technology.

1996—2003

General Counsel, Project Management (natural gas and electricity services company). Responsibilities:

Contract negotiation, customer service, litigation management.

1980—1996

Legal, Regulatory Management (electric utility company). Responsibilities:

External legal services management, regulatory compliance, filings, responses,

and rate and power line certification cases

Education

Texas A&M University
B.S., Mechanical Engineering
Graduated With Distinction

Southern Methodist University School of Law
Juris Doctor
Board of Editors, Journal of Air Law and Commerce
President, Student Bar Association
Order of the Barristers

General

State Bar of Texas
AV Preeminent Rated by Martindale Hubbell
College of the State Bar of Texas
Dallas Bar Association
San Antonio Bar Association
Board of Advisors, Principal Solar, Inc.
Registered Professional Engineer (Inactive), State of Texas.
Co-developer of U.S. and U.K. patents for energy systems applications.

Contact information

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