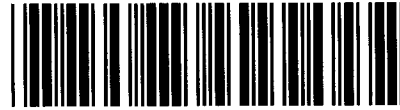


Control Number: 44010



Item Number: 82

Addendum StartPage: 0

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

2015 JUL 23 PM 1:56

<b>PETITION OF THE RATEPAYERS OF THE RIVER PLACE WATER AND WASTEWATER SYSTEMS FOR REVIEW OF A DECISION BY THE CITY OF AUSTIN TO CHANGE RETAIL RATES</b>	§ § § § § §	<b>BEFORE THE STATE OFFICES  OF  ADMINISTRATIVE HEARINGS</b>
---	----------------------------	--

**COMMISSION STAFF'S RESPONSE TO THE CITY OF AUSTIN'S MOTION TO  
COMPEL**

**COMES NOW** the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest and files this Response to the City of Austin's Motion to Compel.

**I. BACKGROUND**

On July 24, 2015, Staff received the City of Austin's Responses to Objections to Discovery Requested from Commission Staff.<sup>1</sup> While the title indicates that this pleading is a response to Commission Staff's objections to the City of Austin's Second RFIs filed on July 17, 2015, Commission Staff interprets the substance of the pleading as a motion to compel responses to the City of Austin's discovery.<sup>2</sup>

**II. STAFF'S RESPONSE TO CITY OF AUSTIN'S MOTION TO COMPEL**

Pursuant to Title 16, Tex. Admin. Code (TAC) § 22.144(d), the deadline for filing responses to the City of Austin's second RFIs is July 28, 2015.<sup>3</sup> In its July 17, 2015 objections, Staff indicated that it intended to provide responses to the RFIs by July 28, 2015.<sup>4</sup> On July 24, 2015, the City of Austin filed responses to Staff's objections to the RFIs; however, the substance

---

<sup>1</sup> City of Austin's Responses to Objections to Discovery Requested from Commission Staff, Interchange Item No. 80 (July 24, 2015).

<sup>2</sup> Pursuant to 16 TAC § 22.75(a), pleadings shall be construed as to do substantial justice. Throughout the City's Responses to Objections, the City of Austin refers to its motion to compel and requests the ALJ compel Staff to provide responses to the requested discovery.

<sup>3</sup> Responses to requests for information must be filed within twenty calendar days of receipt of the requests. Twenty days from July 8, 2015 is July 28, 2015.

<sup>4</sup> Staff indicated that it intended to provide responses to all of the RFIs except for Request for Information Nos. 2-1 and 2-2, for which this statement was inadvertently omitted.

82

of the pleading indicated that the City of Austin intended the pleading to be a motion to compel responses to the RFIs.

On the afternoon of July 23, 2015, Staff contacted counsel for the City of Austin to discuss a possible Rule 11 agreement to abate discovery while the parties finalized a proposed settlement agreement. The City of Austin drafted a proposed Rule 11 agreement on the afternoon of July 24, 2015 and Staff agreed to the Rule 11 agreement on the morning of July 27, 2015. The City of Austin addressed the Rule 11 agreement in and attached the Rule 11 agreement to its Motion to Abate filed on July 28, 2015.<sup>5</sup> Staff understands that this Rule 11 agreement has been filed and abates all discovery between Staff and the City of Austin pending the finalization of a settlement agreement. Therefore, Staff will not provide responses to the City of Austin's Second Requests for Information on this date as originally intended. In the event that a settlement is not reached, Staff proposes to work with the City of Austin to set new deadlines regarding pending discovery requests.

### **III. CONCLUSION**

For the reasons stated herein, Staff understands that discovery between Staff and the City of Austin is abated pursuant to the signed Rule 11 agreement filed by the City of Austin on July 27, 2015. As such, Staff will not file responses to the City of Austin's Second Requests for Information at this time.

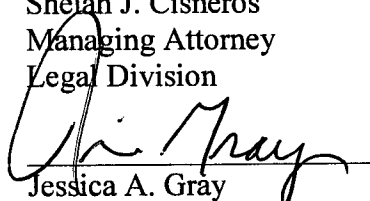
**DATE: July 28, 2015**

---

<sup>5</sup> City of Austin's Motion to Abate, Interchange Item No. 81 at 9 (July 28, 2015).

Respectfully Submitted,  
Margaret Uhlig Pemberton  
Division Director  
Legal Division

Shelah J. Cisneros  
Managing Attorney  
Legal Division



Jessica A. Gray  
Attorney-Legal Division  
State Bar No. 24079236  
(512) 936-7228

Thomas L. Tynes  
Attorney-Legal Division  
State Bar No. 24085629  
(512) 936-7297

Public Utility Commission of Texas  
1701 N. Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326  
(512) 936-7268 (facsimile)

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

**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on this the 28<sup>th</sup> day of July, 2015 in accordance with 16 TAC § 22.74.



Jessica A. Gray, Attorney