



Control Number: 44541



Item Number: 19

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PUC DOCKET NO. 44541

**APPLICATION OF CITY OF HEATH TO
AMEND A CERTIFICATE OF
CONVENIENCE AND NECESSITY AND
TO DECERTIFY A PORTION OF
FORNEY LAKE WATER SUPPLY
CORPORATION'S SERVICE AREA IN
ROCKWALL COUNTY**

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2015 MAY 4 PM 2:35
PUBLIC UTILITY COMMISSION
FILING CLERK OF TEXAS

**CITY OF HEATH'S REQUEST FOR ISSUANCE OF COMMISSIONS TO TAKE
DEPOSITIONS OF AND SUBPOENA DUCES TECUM ON
ROBIN BALEY, ALAN SMIRL, PATRICK HAIGH AND EDDY DANIEL**

TO THE HONORABLE ADMINISTRATIVE LAW JUDGE:

NOW COMES the City of Heath ("Heath") and files its Request for Issuance of Commissions to take Depositions of and serve subpoena duces tecum on Robin Baley, Alan Smirl, Patrick Haigh and Eddy Daniel, who are all representatives of Forney Lake WSC in this matter. Robin Baley is the General Manager of Forney Lake WSC and has sponsored responses to Heath's First Request for Information. Alan Smirl is Forney Lake WSC's Maintenance Supervisor and has filed testimony in PUC Docket 43463 regarding Forney Lake's request for a cease and desist order against Heath. Patrick Haigh is the President of Forney Lake's Board of Directors. Eddy Daniel is Forney Lake's engineer and has sponsored responses to Heath's First Request for Information. Heath is filing this request pursuant to PUC Procedural Rule 22.143 (a) because the parties have not been able to agree on the scheduling of depositions following Heath's request on April 29, 2015.

Deponent: Robin Baley

Date, time and place of deposition: May 12, 2015, 1:00 pm, Heath City Hall, 200 Laurence Dr., Heath Texas.

Deponent: Alan Smirl

Date, time and place of deposition: May 14, 2015, 9:00 am Heath City Hall, 200 Laurence Dr., Heath Texas.

Deponent: Patrick Haigh

Date, time and place of deposition: May 14, 2015, 1:00 pm, Heath City Hall, 200 Laurence Dr., Heath Texas.

Deponent: Eddy Daniel

Date, time and place of deposition: May 28, 2015, 1:00 pm, Heath City Hall, 200 Laurence Dr., Heath Texas.

The subpoena duces tecum for Robin Baley, Alan Smirl, Patrick Haigh and Eddy Daniel seeks non-privileged documents (whether in print, magnetic, electronic or other format) such as, but not limited to, papers, studies, analyses, emails (both existing and deleted), notes, books, reports, computations, calculations, cost estimates, valuations, charts, spreadsheets, diagrams, maps, photographs, videotape, correspondence and writings and recordings of any kind that each requested deponent has created, revised, reviewed or has sent or received as is specified in each attached commission to take deposition and subpoena duces tecum provided to the deponent as is specified in the ALJ's subpoena.

The City of Heath requests that the Administrative Law Judge grant this request and issue the Commissions and Subpoena.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "R. G. P. S." followed by a large flourish and the word "FOR" written in capital letters.

Jim Mathews

State Bar No. 13188700

Mathews & Freeland, LLP

327 Congress Ave., Ste. 300

Austin, Texas 78701

Telephone (512) 404-7800

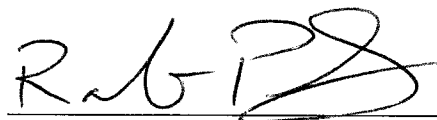
Facsimile (512) 703-2785

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this Request for Issuance was served on all parties of record in this proceeding on this 4th day of May, 2015, by hand-delivery, facsimile, electronic mail, and/or First Class Mail.

Arturo Rodriguez, Jr.
Attorney for FLWSC
Russell & Rodriguez LLP
1633 Williams Dr., Building 2, Suite 200
Georgetown, Texas 78632
866-929-1641 (fax)

A.J. Smullen
Attorney, Legal Division Public Utility Commission of Texas
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
512-936-7268 (fax)

A handwritten signature in black ink, appearing to read "R. Pressley", written over a horizontal line.

Robert Pressley

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ROCKWALL COUNTY	§	

**COMMISSION TO TAKE DEPOSITION
AND SUPOENA DUCES TECUM**

TO THE OFFICERS AUTHORIZED BY LAW TO TAKE DEPOSITIONS:

The City of Heath, a party in this proceeding has filed a written request for the issuance of a commission to take the deposition of Robin Baley at the offices of the City of Heath located at 200 Laurence Dr., Heath, Texas on the 12th day of May, 2015, at 1:00 p.m., then and there to be deposed before a certified court reporter, who shall take deponent's answers under oath to the oral questions which are addressed to deponent, and shall cause the written deposition, with all exhibits, to be returned to the City of Heath.

Deponent shall be deposed with respect to the above-styled docket now pending before the Public Utility Commission of Texas. By this Commission, Robin Baley is required to remain in attendance from day to day until the deposition is completed.

Robin Baley also is required to bring all non-privileged documents (whether in print, magnetic, electronic or other format) such as, but not limited to, papers, studies, analyses, emails (both existing and deleted), notes, books, reports, computations, calculations, cost estimates, valuations, charts, spreadsheets, diagrams, maps, photographs, videotape, correspondence and writings and recordings of any kind that she has created, revised, reviewed, sent or received related to:

1. Deponent's Responses to The City of Heath's First Request for Information.
2. June 2, 2011 Notice to Forney Lake WSC.
3. Heath's Application for Single Certification filed on or about March 16, 2015.
4. Forney Lake WSC's Petition for Cease and Desist Order.
5. Any Property of Forney Lake that may be rendered useless or valueless if single certification as requested by Heath is granted.
6. Any Forney Lake WSC financial statement produced in the last ten years that pertains to its equipment and facilities located in Heath's corporate limits.

Signed May ___, 2015

Susan E. Goodson
Administrative Law Judge

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**COMMISSION TO TAKE DEPOSITION
AND SUPOENA DUCES TECUM**

TO THE OFFICERS AUTHORIZED BY LAW TO TAKE DEPOSITIONS:

The City of Heath, a party in this proceeding has filed a written request for the issuance of a commission to take the deposition of Alan Smirl at the offices of the City of Heath located at 200 Laurence Dr., Heath, Texas on the 14th day of May, 2015, at 9:00 a.m., then and there to be deposed before a certified court reporter, who shall take deponent's answers under oath to the oral questions which are addressed to deponent, and shall cause the written deposition, with all exhibits, to be returned to the City of Heath.

Deponent shall be deposed with respect to the above-styled docket now pending before the Public Utility Commission of Texas. By this Commission, Alan Smirl is required to remain in attendance from day to day until the deposition is completed.

Alan Smirl also is required to bring all non-privileged documents (whether in print, magnetic, electronic or other format) such as, but not limited to, papers, studies, analyses, emails (both existing and deleted), notes, books, reports, computations, calculations, cost estimates, valuations, charts, spreadsheets, diagrams, maps, photographs, videotape, correspondence and writings and recordings of any kind that he has created, revised, reviewed, sent or received related to:

1. His prefiled testimony regarding Forney Lake WSC's Petition for Cease and Desist Order.
2. June 2, 2011 Notice to Forney Lake WSC.
3. Heath's Application for Single Certification filed on or about March 16, 2015.
4. Forney Lake WSC's Petition for Cease and Desist Order.
5. Any Property of Forney Lake that may be rendered useless or valueless if single certification as requested by Heath is granted.
6. Any Forney Lake WSC financial statement produced in the last ten years that pertains to its equipment and facilities located in Heath's corporate limits.

Signed May ___, 2015

Susan E. Goodson
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**COMMISSION TO TAKE DEPOSITION
AND SUPOENA DUCES TECUM**

TO THE OFFICERS AUTHORIZED BY LAW TO TAKE DEPOSITIONS:

The City of Heath, a party in this proceeding has filed a written request for the issuance of a commission to take the deposition of Patrick Haigh at the offices of the City of Heath located at 200 Laurence Dr., Heath, Texas on the 14th day of May, 2015, at 1:00p.m., then and there to be deposed before a certified court reporter, who shall take deponent's answers under oath to the oral questions which are addressed to deponent, and shall cause the written deposition, with all exhibits, to be returned to the City of Heath.

Deponent shall be deposed with respect to the above-styled docket now pending before the Public Utility Commission of Texas. By this Commission, Patrick Haigh is required to remain in attendance from day to day until the deposition is completed.

Patrick Haigh also is to bring all non-privileged documents (whether in print, magnetic, electronic or other format) such as, but not limited to, papers, studies, analyses, emails (both existing and deleted), notes, books, reports, computations, calculations, cost estimates, valuations, charts, spreadsheets, diagrams, maps, photographs, videotape, correspondence and writings and recordings of any kind that he has created, revised, reviewed, sent or received related to :

1. June 2, 2011 Notice to Forney Lake WSC.
2. Heath's Application for Single Certification filed on or about March 16, 2015.
3. Forney Lake WSC's Petition for Cease and Desist Order.
4. Any Property of Forney Lake that may be rendered useless or valueless if single certification as requested by Heath is granted.
5. Any Forney Lake WSC financial statement produced in the last ten years that pertains to its equipment and facilities located in Heath's corporate limits.

Any Forney Lake WSC financial statement produced in the last ten years that pertains to its equipment and facilities located in Heath's corporate limits.

Signed May ____, 2015

Susan E. Goodson
Administrative Law Judge

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**COMMISSION TO TAKE DEPOSITION
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TO THE OFFICERS AUTHORIZED BY LAW TO TAKE DEPOSITIONS:

The City of Heath, a party in this proceeding has filed a written request for the issuance of a commission to take the deposition of Eddy Daniel at the offices of the City of Heath located at 200 Laurence Dr., Heath, Texas on the 28th day of May, 2015, at 1:00 p.m., then and there to be deposed before a certified court reporter, who shall take deponent's answers under oath to the oral questions which are addressed to deponent, and shall cause the written deposition, with all exhibits, to be returned to the City of Heath.

Deponent shall be deposed with respect to the above-styled docket now pending before the Public Utility Commission of Texas. By this Commission, Eddy Daniel is required to remain in attendance from day to day until the deposition is completed.

Eddy Daniel also is required to bring all non-privileged documents (whether in print, magnetic, electronic or other format) such as, but not limited to, papers, studies, analyses, emails (both existing and deleted), notes, books, reports, computations, calculations, cost estimates, valuations, charts, spreadsheets, diagrams, maps, photographs, videotape, correspondence and writings and recordings of any kind that he has created, revised, reviewed, sent or received related to:

1. Deponent's Responses to The City of Heath's First Request for Information.
2. June 2, 2011 Notice to Forney Lake WSC.
3. Heath's Application for Single Certification filed on or about March 16, 2015.
4. Forney Lake WSC's Petition for Cease and Desist Order.
5. Any Property of Forney Lake that may be rendered useless or valueless if single certification as requested by Heath is granted.
6. Any Forney Lake WSC financial statement produced in the last ten years that pertains to its equipment and facilities located in Heath's corporate limits.

Signed May ___, 2015

Susan E. Goodson
Administrative Law Judge