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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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PUBLIC UTILITY COMMISSION

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**FORNEY LAKE WATER SUPPLY CORPORATION'S RESPONSE TO
HEATH'S MOTION TO COMPEL**

Comes now Forney Lake Water Supply Corporation ("FLWSC") and files its Response to City of Heath's ("Heath") Motion to Compel filed July 20, 2015. Pursuant to PUC Rule 22.78, this response is timely filed.

I. Introduction

FLWSC seeks to first note that Heath failed to consult with FLWSC on this Motion prior to its filing. While Heath indicated that it would seek a Motion to Compel on July 17, 2015, it failed to identify which responses it thought were deficient. As Heath indicated in its Motion, FLWSC and Heath had successfully worked out objections in the past. The parties have worked on identifying dates for depositions. The parties have even met to discuss settlement. While the parties have not come to a settlement position on the main issue in the case, it does demonstrate that the parties have worked to resolve minor potentially adversarial issues, especially objections to discovery. It is unfortunate that Heath did not seek to work on responses instead of filing this motion.

In fact, counsel for FLWSC indicated to Heath on July 17, 2015, that it would be in a SOAH proceeding from July 20-22, 2015. FLWSC again indicated this to Heath on July 21, 2015. Yet, Heath still sought a Motion to Compel instead of seeking to work on any alleged incomplete responses. Further, because of counsel for FLWSC's involvement in the SOAH

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proceeding, FLWSC did not have the time to discuss the specific RFI responses with FLWSC. At this writing because of previously schedule meetings or conference calls (and the need to attend a party for counsel's son who just turned 10 years old), counsel for FLWSC does not have an adequate response as to time needed to provide responses to some of the RFIs. Counsel for FLWSC, today, is out of town for a previously scheduled meeting. When counsel for FLWSC sought one additional day for this response, counsel for Heath did receive the request, but did not agree or identify how it would be prejudiced by agreeing to one additional day for a response. Prejudice cannot be identified in a case that currently has no procedural schedule as the parties wait for a PUC appeal to be heard.

This sort of gamesmanship should not be played.

II. RFI Responses

RFI 1-2 f, g, h, and i

FLWSC has had some difficulty identifying all the requested information. As discussed above, counsel for FLWSC cannot at this time indicate an adequate time for production of the information that we have identified.

RFI 1-2 b, c, and e

Since the time of originally filing the response, FLWSC has conducted a more comprehensive review of its system. Counsel for FLWSC can provide a response after discussing a timeline for response with FLWSC's engineer. Further, if the map provided was difficult to read, counsel for Heath could have simply asked if we had a larger map to provide. If a larger scale map exists, we can provide that expeditiously.

RFI 1-4

FLWSC provided the appropriate response regarding its records.

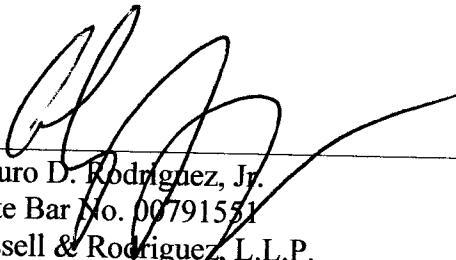
RFI 1-8

Since the time of originally filing the response, FLWSC has conducted a more comprehensive review of its system. Counsel for FLWSC can provide a response after discussing a timeline for response with FLWSC's engineer.

III. Relief

For responses unanswered, FLWSC will strive to provide the requested information within 15 business days.

Respectfully submitted,

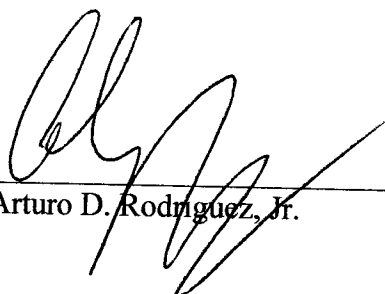


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ATTORNEY FOR FORNEY LAKE WATER
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CERTIFICATE OF SERVICE

I hereby certify that on the 26th day of July, 2015, a true and correct copy of the foregoing document was served on all parties in accordance with PUC Procedural Rule 22.74 and filed with PUC on the 27th day of July 2015.



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