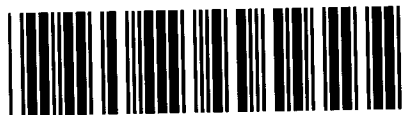


Control Number: 44541



Item Number: 47

Addendum StartPage: 0

**PUC DOCKET NO. 44541  
SOAH DOCKET 473-16-0193.WS**

2015 SEP 30 PM 2:07

**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**

§  
§  
§  
§  
§  
§

**PUBLIC UTILITY COMMISSION  
OF TEXAS**  
FILING CLERK

**OBJECTIONS OF THE CITY OF HEATH TO  
FORNEY LAKE WATER SUPPLY CORPORATION'S  
FIRST REQUEST FOR INFORMATION**

**TO THE HONORABLE ADMINISTRATIVE LAW JUDGE:**

The City of Heath ("Heath") received Forney Lake Water Supply Corporation's ("Forney Lake's") First Request for Information on August 24, 2015. Counsel for Heath and counsel for Forney Lake negotiated diligently and in good faith, resolving some objections, but were unable to reach agreement regarding the objections below. Pursuant to letter agreements filed in this proceeding dated September 2, 2015 and September 10, 2015 the deadline for filing objections is September 30, 2015. Heath's objections are timely filed.

**FLWSC 1-1 Please produce all documents concerning or relating to Heath seeking or preparing to provide retail water service within FLWSC's water certificate of convenience service area.**

Heath objects to Forney Lake's request because it seeks information that is beyond the scope of this case, and that is not relevant. Forney Lake defined its "water certificate of convenience service area" by reference to the map attached to its requests as Exhibit B. See Exhibit 1. This map encompasses areas that are beyond the scope of Heath's application. See Exhibit 2 and Heath's Response to Order No. 2 and Amendment to Clarify Application, filed May 4, 2015. Accordingly, Forney Lake's request seeks information that is not relevant to this case and that is beyond the scope of the pending application.

Heath further objects to Forney Lake's request seeking information concerning Heath's actions in preparing to provide retail water service within Forney Lake's service area because such request is vague, lacks specificity, is unduly burdensome and overbroad, and is irrelevant and not likely to lead to the discovery of admissible evidence. Because Heath will provide

service to the requested area using its existing water system, Forney Lake's vague and unspecific request seeks all documents relating to Heath's water system with no time limitation. Production of all such documents would be unduly burdensome and overly broad. Moreover, the only potential issue related to Heath's water supply system in this case is whether Heath has obtained a finding from the Texas Commission on Environmental Quality that its system complies with TCEQ's minimum requirements for public drinking water systems. PUC Substantive Rule 24.120(n). Heath previously provided this finding to Forney Lake by service of Heath's First Supplemental Response to Commission Staff's First RFI, filed May 4, 2015. Based on its review of Heath's submittal, PUC staff concluded that Heath had provided TCEQ's finding demonstrating compliance. See PUC Staff memo attached to Commission Staff's Response to Order No. 2 filed May 20, 2015. Accordingly Forney Lake's request is irrelevant and would be unlikely to lead to the discovery of admissible evidence.

Subject to its objections and PUC Procedural Rule 22.144(d) (4), Heath will produce documents responsive to the portions of Forney Lake's request that are not subject to this objection.

Respectfully submitted,



Jim Mathews  
State Bar No. 13188700  
Mathews & Freeland, LLP  
8140 N. Mopac Expy, Ste 2-260  
Austin, Texas 78759  
Telephone (512) 404-7800  
Facsimile (512) 703-2785

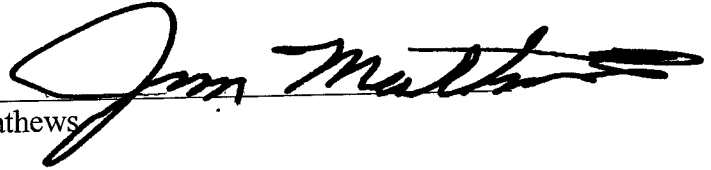
**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of this Objections of the City of Heath to Forney Lake's First Request for Information was served on all parties of record in this proceeding on this 30<sup>th</sup> day of September, 2015, by hand-delivery, facsimile, electronic mail, and/or First Class Mail.

Arturo Rodriguez, Jr.  
Attorney for Forney Lake  
Russell & Rodriguez LLP  
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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)

Jim Mathews

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

## Exhibit 1

EXHIBIT

B

AND 30 T.A.C. § 291.103(C)

JUNE 2011

N



0 2,000 4,000 Feet

1 inch = 4,000 Feet

DATE: 1/20/11

CITY OF HEATH  
CCN: 12060

FORNEY LAKE WSC  
CCN: 10086

Lake  
Ray Hubbard

HIGH POINT WSC  
CCN: 10241

Legend

Heath Waterlines

4-INCH

6-INCH

8-INCH

10-INCH

12-INCH

HEATH ETJ

HEATH CITY LIMITS

Current Water Service Areas

CITY OF HEATH

FORNEY LAKE WSC

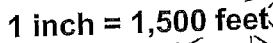
HIGH POINT WSC

R.C.N. WSC

Area Subject to This Notice

NOTED AREA HEATH INTENDS TO SERVE





**Tract, Plats  
and Metes and Bounds  
Revised Attachment 12a  
Originally filed March 16, 2015  
Revised 5-1-2015**

