

Control Number: 44541



Item Number: 55

Addendum StartPage: 0

SOAH DOCKET NO. 473-16-0193.WS
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

§
§
§
§
§
§
§

PUBLIC UTILITY COMMISSION

2015 OCT 27 AM 10:06
PUBLIC UTILITY COMMISSION
FILING CLERK

OF

TEXAS

**FORNEY LAKE WATER SUPPLY CORPORATION'S
RESPONSE TO CITY OF HEATH'S MOTION FOR SANCTIONS**

TO THE HONORABLE SARAH G. RAMOS:

COMES NOW Forney Lake Water Supply Corporation ("FLWSC") and files this Response to Heath's Motion for Sanctions.

I. BACKGROUND

On October 20, 2015, the City of Heath ("Heath") filed its Motion for Sanctions in this matter. This response is timely filed.

II. RESPONSE

FLWSC has provided information to the City of Heath. Despite the characterizations of Heath, FLWSC has provided engineering information sufficient to determine that FLWSC does indeed have assets that will be rendered useless and valueless by virtue of Heath's application.

Heath argues that there is a threshold legal issue in this case: whether FLWSC will have assets that are deemed useless and valueless as a result of its decertification request in this docket. As a result, Heath refined its Requests for Information to obtain information related to FLWSC's system. FLWSC has not resisted such discovery. FLWSC merely requested from Heath additional time to provide the information as the primary expert FLWSC has on the issue, engineer Eddy Daniel, was out of the country and unavailable to provide the responses requested of

FLWSC. Additionally, FLWSC needed additional time to obtain information from financial persons as said persons are not employed by FLWSC.

FLWSC has a history in this docket and in PUC Docket 43463 of accommodating scheduling matters, working through objections, and agreeing to additional time when necessary. In the instant matter, when FLWSC found out that Heath would not accommodate the request despite its engineer being out of the country, FLWSC filed the motion for additional time. Again, FLWSC sought to work on the issue with Heath before seeking relief from Your Honor.

FLWSC has been working with and spoken to its engineer as recently as yesterday on providing responses to Heath's Second Set of Requests for Information. Once the answers are complete, we will provide the information expeditiously.

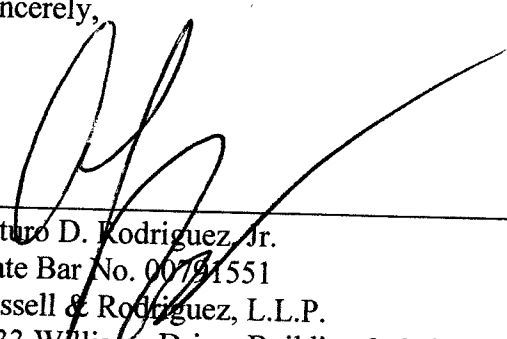
FLWSC has not resisted discovery in any respect. However, when timing issues and document production became an issue, it sought to resolve the matter and hoped to receive comity from Heath. FLWSC did not object to the RFIs as posed by Heath and will respond. However, FLWSC needs information from its experts and will not provide answers without their consultation.

Heath's Motion seeks relief that is way out of proportion to what FLWSC sought – additional time to provide information from consultants. Any entertainment of FLWSC's would be manifestly unjust and highly prejudicial to FLWSC. Any sanctions sought by Heath should be overruled.

III. CONCLUSION

FLWSC respectfully requests that the Motion for Sanctions sought by Heath be in all things overruled.

Sincerely,

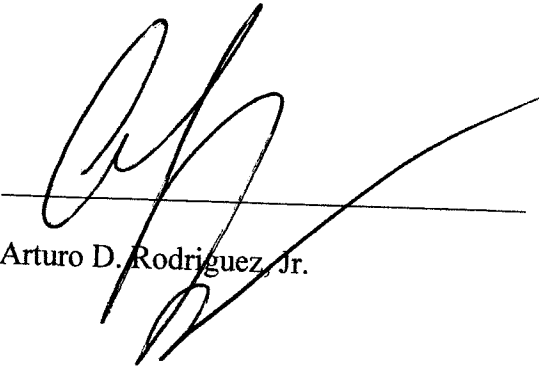


Arturo D. Rodriguez Jr.
State Bar No. 00741551
Russell & Rodriguez, L.L.P.
1633 Williams Drive, Building 2, Suite 200
Georgetown, Texas 78628
T: (512) 930 1317
F: (866) 929-1641

ATTORNEY FOR FORNEY LAKE WATER
SUPPLY CORPORATION

CERTIFICATE OF SERVICE

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



Arturo D. Rodriguez, Jr.

A. J. Smullen
Attorney – Legal Division
Public Utility Commission of Texas
1701 N. Congress Avenue
P. O. Box 13326
Austin, Texas 78711-3326
Telephone: (512) 936-7289
Facsimile: (512) 936-7268
Representing the Public Utility Commission of Texas

Jim Mathews
Mathews and Freeland
8140 N. MoPac, Building 2, Suite 260
Austin, Texas 78759
Telephone: (512) 404-7800
Facsimile: (512) 703-2785
Representing City of Heath