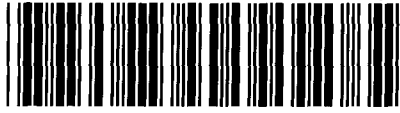




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PUBLIC UTILITY COMMISSION
STATE OFFICE OF
REGULATORY CLERK

APPLICATION OF MONARCH §
UTILITIES I, LP FOR AUTHORITY TO §
CHANGE RATES §

ADMINISTRATIVE HEARINGS

**OBJECTIONS OF COMMISSION STAFF TO MONARCH UTILITIES I,
L.P.'S REQUEST FOR INFORMATION 1-8**

COMES NOW the Staff ("Staff") of the Public Utility Commission of Texas ("Commission"), representing the public interest, and files these Objections.

I. INTRODUCTION

On August 26, 2016, Monarch Utilities I, L.P. (Monarch) filed its first requests for information (RFI) to Staff.¹ SOAH Order No. 2 indicates that objections to a discovery request shall be filed within five calendar days of receipt of the request.² Staff timely objects to Monarch's RFI 1-8 on or before August 31, 2016.

II. OBJECTIONS

Monarch's RFI 1-8 asks:³

Please provide a complete list of all operating companies (including the name, type (water, electric, gas, etc.) and class of utility (A, B, etc.), and the company's aggregate depreciable plant in service balance for which unit depreciation has been proposed by Commission Staff and subsequently approved by the Commission.

Staff objects to this request on the grounds that (1) it is overbroad and unduly burdensome, and (2) it requests information that is readily available to Monarch at a reasonable cost.

¹ Monarch Utilities I, L.P.'s First Requests for Information to Public Utility Commission of Texas Legal Division (Aug. 26, 2016) ("Monarch First RFI").

² SOAH Order No. 2 at 4-5 (Mar. 31, 2016).

³ Monarch's First RFI, Exhibit A at 1.

A. Monarch's request is overbroad and unduly burdensome.

Monarch's request is overbroad because, in order to respond, Staff would be required to review all dockets initiated since the founding of the Commission in which depreciation may have been an issue. Monarch's requests is not limited by time period and applies to all industries that are or have been regulated by the Commission. The requested information is not maintained in the form requested, and Staff should not be required to perform an exhaustive review of the Commission's records on Monarch's behalf.

The Commission's rules and the Texas Rules of Civil Procedure ("TRCP") both recognize objections on the grounds of overbreadth and burdensomeness. Specifically, the Commission's rules permit the presiding officer to limit discovery requests to protect a party from an undue burden.⁴ Similarly, the TRCP states that "discovery should be limited" if it is determined that "the burden or expense of the proposed discovery outweighs its likely benefit."⁵

B. Monarch requests information that is already available to Monarch at a reasonable cost.

Even if Monarch were to limit its overbroad request, Staff would maintain its objections because Monarch requests information that is already available to Monarch at a reasonable cost.⁶ Monarch requests information that may be gleaned entirely from past Commission orders, to which Monarch has access through the Commission's Central Records, the Commission's Interchange, WestLaw, or other means. It is not equitable or necessary to require Staff to assist Monarch in obtaining these records.

⁴ 16 Tex. Admin. Code § 22.152(a)(D) ("TAC").

⁵ Tex. R. Civ. Proc. 192.4(b). The Commission's rules state that "[p]arties may obtain discovery regarding any matter, not privileged or exempted under . . . the Texas Rules of Civil Procedure . . ." 16 TAC § 22.141(a).

⁶ 16 TAC § 22.142(a)(B) (providing for limitations of discovery requests regarding "information that is readily available to the requesting party at a reasonable cost"); Tex. R. Civ. Proc. 192.4(b) (providing for limitations of discovery requests on the grounds that the information sought "is obtainable from some other source that is more convenient, less burdensome, or less expensive").

III. CERTIFICATE OF CONFERENCE

Staff affirms that it negotiated with Monarch diligently and in good faith regarding Staff's objections.

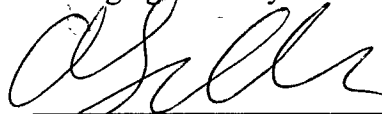
Date: August 30, 2016

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

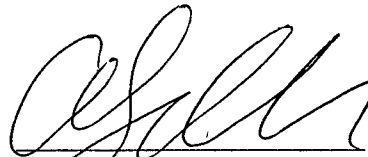
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CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on August 30, 2016 in accordance with 16 TAC § 22.74.



A. J. Smullen