

Control Number: 45702



Item Number: 75

Addendum StartPage: 0

SOAH DOCKET NO. 473-16-5296.WS
PUC DOCKET NO. 45702

RECEIVED

2016 OCT 19 PM 1:51

PUBLIC UTILITY COMMISSION
FILING CLERK

APPLICATION OF THE CITY OF
CIBOLO FOR SINGLE
CERTIFICATION IN
INCORPORATED AREA AND TO
DECERTIFY PORTIONS OF GREEN
VALLEY SPECIAL UTILITY
DISTRICT'S SEWER CERTIFICATE
OF CONVENIENCE AND
NECESSITY IN GUADALUPE
COUNTY

§
§
§
§
§
§
§
§
§
§

BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

**CITY OF CIBOLO'S RESPONSE TO GREEN VALLEY SPECIAL UTILITY
DISTRICT'S SECOND REQUEST FOR INFORMATION**

Pursuant to 16 Tex. Admin. Code ("TAC") § 22.144, comes now the City of Cibolo (the "City"), by and through its undersigned attorneys of records, and files its Response to Green Valley Special Utility District's ("GVSUD" or "District") Second Request for Information ("RFI"). This Response may be treated by all parties as if it was filed under oath.

Respectfully submitted,

**LLOYD GOSSELINK ROCHELLE &
TOWNSEND, P.C.**

816 Congress Avenue, Suite 1900
Austin, Texas 78701
(512) 322-5800
(512) 472-0532 (fax)


DAVID J. KLEIN

State Bar No. 24041257
dklein@lglawfirm.com

CHRISTIE L. DICKENSON

State Bar No. 24037667
cdickenson@lglawfirm.com

ASHLEIGH K. ACEVEDO


State Bar No. 24097273
aacevedo@lglawfirm.com

ATTORNEYS FOR CITY OF CIBOLO

75

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was transmitted by fax, hand-delivery and/or regular, first class mail on this 19th day of October, 2016 to the parties of record.


David J. Klein

**CITY OF CIBOLO'S RESPONSE TO
GREEN VALLEY SPECIAL UTILITY DISTRICT'S SECOND RFI**

GVSUD 2-1 The correct names of the parties to the lawsuit.

RESPONSE: The City of Cibolo; Green Valley Special Utility District; and the Public
Utility Commission of Texas.

Prepared by: Rudolph "Rudy" F. Klein, IV, P.E.
Sponsored by: Rudolph "Rudy" F. Klein, IV, P.E.

GVSUD 2-2 The name, address, and telephone number of any potential parties.

RESPONSE: The City is not aware of any other potential parties.

Prepared by: Rudolph "Rudy" F. Klein, IV. P.E.

Sponsored by: Rudolph "Rudy" F. Klein, IV. P.E.

GVSUD 2-3 The legal theories and, in general, the factual bases of the responding party's claims or defenses (the responding party need not marshal all evidence that may be offered at trial).

RESPONSE: The City's application for single sewer certification under Texas Water Code § 13.255 that is the subject of this docket should be approved as requested. It is the City's contention that there is no property of GVSUD that will be rendered useless or valueless to GVSUD by the decertification sought by the City in the Application. It is also the City's contention that the City has not requested GVSUD to transfer any property to the City. Further, it is the contention of the City that GVSUD's existing appraisal is not limited to valuing the property that has been determined to have been rendered useless or valueless by decertification and the property that the City has requested to be transferred. Rather, GVSUD's existing appraisal includes costs and expenses that are not property and are well beyond the scope of property that has been rendered useless and valueless by decertification, as (i) no property of GVSUD has been rendered useless or valueless, and (ii) the City has not requested GVSUD to transfer any property to the City.

Prepared by: Rudolph "Rudy" F. Klein, IV, P.E.
Sponsored by: Rudolph "Rudy" F. Klein, IV, P.E.

4

GVSUD 2-4 The amount and any method of calculating economic damages.

RESPONSE: In light of Texas Water Code § 13.255, the City is not aware of any economic damages in this matter.

Prepared by: Rudolph "Rudy" F. Klein, IV, P.E.
Sponsored by: Rudolph "Rudy" F. Klein, IV, P.E.

GVSUD 2-5 The name, address, and telephone number of persons having knowledge of relevant facts, and a brief statement of each identified person's connection with the case.

RESPONSE: The City is aware of the following persons having knowledge of relevant facts:

Mr. Rudolph "Rudy" F. Klein, IV, P.E., Director of Planning and Engineering for the City
Mr. Robert Herrera, City Manager for the City
Mr. Tim Fousse, Director of Public Works and Capital Projects for the City

Mayor Allen Dunn
Councilmember Jennifer Schultes
Councilmember Verlin "Doug" Garrett
Councilmember Marchell Camp-Gebhardt
Councilmember Ted Gibbs
Councilmember Jim Russell
Councilmember Jay Hogue
Councilmember Glenn R. Weber

All of these individuals have the following address and phone number:

City of Cibolo
200 S. Main St.
Cibolo, TX 78108
Phone Number: (210) 658-9900

Mr. Jack Stowe
Director
NewGen Strategies & Solutions
3430 Executive Center Dr., Suite 163
Austin, Texas 78731
(512) 479-7900

Mr. Pat Allen
General Manager
Green Valley Special Utility District
c/o Terrill & Waldrop
810 West 10th Street
Austin, Texas 78701
(512) 474-9100

Mr. Mark Zeppa
Attorney
Green Valley Special Utility District

4833 Spicewood Springs Rd., Suite 202
Austin, Texas 78759
(512) 346-4011

Mr. Joshua M. Korman
Principal
Mr. John S. Kostohryz
Principal
KOR Group, Inc.
1401 Foch Street, Suite 150
Fort Worth, Texas 76107
(817) 870-0420

Mr. Patrick Lackey, P.E.
Principal in Charge
Garry Montgomery, P.E., CFM
Project Manager
River City Engineering
1011 W. County Line Rd.
New Braunfels, Texas 78130
(830) 626-3588

Mr. Klein, Mr. Herrera, and Mr. Fousse are each knowledgeable of at least the Application, the fact that the City has not requested GVSUD to transfer any wastewater property to the City, the discovery responses in this matter, GVSUD's wastewater system and existing appraisal filed in this matter, and the City's existing appraisal filed in this matter. They are also knowledgeable of the correspondence and other communications between the City and GVSUD regarding the Application.

The Mayor and Councilmembers of the City are knowledgeable of at least the Application and the fact that they have not requested GVSUD to transfer any property to the City.

Mr. Stowe prepared the City's existing appraisal filed in this matter and is knowledgeable of at least the Application, GVSUD's wastewater system and existing appraisal filed in this matter, and the fact that the City has not requested GVSUD to transfer any wastewater property to the City.

Mr. Allen and Mr. Zeppa are knowledgeable of at least the Application and other communications between the City and GVSUD regarding the Application.

Mr. Korman and Mr. Kostohryz prepared GVSUD's existing appraisal in this matter and are knowledgeable of at least the Application, the City's existing appraisal filed in this matter, and the fact that the City has not requested GVSUD to transfer any wastewater property to the City.

Mr. Lackey and Mr. Montgomery provided figures for GVSUD's existing appraisal filed in this matter and are knowledgeable of at least GVSUD's wastewater system.

Prepared by: Rudolph "Rudy" F. Klein, IV, P.E.
Sponsored by: Rudolph "Rudy" F. Klein, IV, P.E.

GVSUD 2-6

For any testifying expert:

- (1) the expert's name, address, and telephone number;
- (2) the subject matter on which the expert will testify;
- (3) the general substance of the expert's mental impressions and opinions and a brief summary of the basis for them, or if the expert is not retained by, employed by, or otherwise subject to the control of the responding party, documents reflecting such information.
- (4) if the expert is retained by, employed by, or otherwise subject to the control of the responding party:
 - (A) all documents, tangible things, reports, models, or data compilations that have been provided to, reviewed by, or prepared by or for the expert in anticipating of the expert's testimony; and
 - (B) the expert's current resume and bibliography.

RESPONSE: At this point, the City anticipates that the following individual will testify as an expert witness:

- (1) Mr. Rudolph "Rudy" F. Klein, IV, P.E.
City of Cibolo
200 S. Main St.
Cibolo, TX 78108
Phone Number: 210-658-9900
- (2) Mr. Klein submitted pre-filed testimony on October 19, 2016, in this docket. The subject on which he testified is contained therein.
- (3) Mr. Klein submitted pre-filed testimony on October 19, 2016, in this docket. The general substance of his mental impressions and opinions is contained therein.
- (4) (A) Mr. Klein identifies the documents, tangible things, reports, models or data compilations that have been provided to, reviewed by, or prepared by or for him in anticipation of his testimony in his pre-filed testimony submitted on October 19, 2016, in this docket.
- (4) (B) See Attachment 1, attached hereto.

The City will supplement this discovery response with an expert rebuttal witness(es) as necessary.

Prepared by: Rudolph "Rudy" F. Klein, IV, P.E.
Sponsored by: Rudolph "Rudy" F. Klein, IV, P.E.

GVSUD 2-7 The name, address, and telephone number of any person who may be designated as a responsible third party.

RESPONSE: The City is not aware of any person who may be designated as a responsible third party.

Prepared by: Rudolph "Rudy" F. Klein, IV, P.E.
Sponsored by: Rudolph "Rudy" F. Klein, IV, P.E.

RUDOLPH F. KLEIN IV, P.E.

502 Burnside Dr.
San Antonio, Texas 78209
(210) 213-6317

EDUCATION: Alamo Heights High School, 1975. San Antonio, Texas
Texas A&M University, Civil Engineering (1975-1980)

REGISTRATION:

Professional Engineer, State of Texas # 79689

PROFESSIONAL EXPERIENCE:

May 2014 – Present: **CITY OF CIBOLO, TEXAS**, Cibolo, Texas
Director of Planning and Engineering

Aug. 1994 – May 2014; **KLEIN ENGINEERING, INC.**, San Antonio, Texas
President and Owner

Sept. 1992 - July 1994; **PYLE & KLEIN ENGINEERING, INC.**, San Antonio, Texas
Vice President

Oct. 1990 - Aug. 1992; **SELIGMANN & PYLE CONS. ENGRS., INC.**, San Antonio, Texas
Project and Design Engineer

Jan. 1981 - Sept. 1990; **HOWARD W. GADDIS CONS. ENGR., INC.**, San Antonio, Texas
Project and Design Engineer

PROFESSIONAL SOCIETIES:

Member National Society of Professional Engineers
Member Texas Society of Professional Engineers
Member American Water Works Association
Member American Society of Civil Engineers
Member World Environmental Federation
Member Texas Flood Plain Managers Association

OTHER ACTIVITIES AND ORGANIZATIONS:

International Order of Alhambra - Bejar Caravan # 56
National Eagle Scout Association
Knights of Columbus Council 786 San Antonio
K of C 4th Degree Assembly 2012 San Antonio
Beethoven Maennerchor
Texas A&M Former Students Association
Texas A&M Corps of Cadets Association

PERSONAL INFORMATION:

Date of Birth: 21 November 1957
Wife's Name: Martha Finto Klein
Children: Ellen (30) & Sarah (27)

Mr. Klein has over 35 years of civil engineering experience in San Antonio, and South Texas.

He studied Civil Engineering at Texas A&M University and is a registered professional engineer (#79689) with the State of Texas.

Mr. Klein worked for Howard W. Gaddis Consulting Engineers in San Antonio from 1981 to 1990 and Seligman & Pyle Engineering from 1990 to 1994. In 1994, he founded Klein Engineering, Inc. In May 2014, Klein Engineering was sold to Mr. Brian Cope P.E., an employee of Klein Engineering since 1999. Mr. Klein is now employed by the City of Cibolo as the Director of Planning and Engineering.

As owner and president of Klein Engineering, Mr. Klein performed and supervised civil engineering design work and project management functions primarily on municipal, residential, and commercial projects across south Texas.

Mr. Klein acted as City Engineer for the Cities of Cibolo, Bandera, Natalia, LaCoste, Kenedy, Christine, Pleasanton and Charlotte, Texas. He was also the System Engineer for several public water supply companies; the Benton City Water Supply Corporation, Atascosa Rural Water Supply Corporation, El Oso Water Supply Corporation and the East Medina County Special Utility District.

Mr. Klein's areas of expertise include:

- _ Residential and Commercial Subdivision Master Planning
- _ Site Feasibility Studies
- _ Civil Site Engineering (dimensional control, grading and drainage design, pavement design and analysis and parking layout, site utility services)
- _ Public Works Improvements (commercial and residential subdivision layouts, street design, utility main design and coordination, hydrologic studies, storm drainage systems design)
- _ Water Resources (water system production, treatment, storage and distribution, wastewater system collection, treatment and disposal)
- _ Governmental Compliance (EPA-NPDES compliance, TCEQ compliance, TCEQ Wastewater permits new, amending and renewals, CCN applications, zoning and platting)

Mr. Klein is a member of the Texas Society of Professional Engineers, and the American Society of Civil Engineers.

Mr. Klein is married and has two daughters. His wife Martha is a retired NEISD Elementary Music Teacher who now teaches music at St Pius X Catholic School in San Antonio. His oldest daughter Ellen is an Elementary Art Teacher in Cypress Fairbanks ISD in Houston, and his youngest daughter Sarah is a Middle School Math Teacher in Alamo Height ISD in San Antonio.

Mr. Klein enjoys working with Scouting, working with his parish community, and traveling with his family.