



Control Number: 45702



Item Number: 83

Addendum StartPage: 0

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

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

PUBLIC UTILITY COMMISSION

OF TEXAS

CITY OF CIBOLO'S MOTION FOR PARTIAL SUMMARY DECISION

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EXHIBITS

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Exh. City-MSD-3	30 TAC § 351.62
Exh. City-MSD-4	Excerpt of Prefiled Testimony of Rudolph "Rudy" Klein, IV, P.E.
Exh. City-MSD-5	GVSUD Response to City's Second Request for Information
Exh. City-MSD-6	GVSUD Response to City's Second Request for Admission

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APPLICATION OF CITY OF CIBOLO	§	
FOR SINGLE CERTIFICATION IN	§	PUBLIC UTILITY COMMISSION
INCORPORATED AREA AND TO	§	
DECERTIFY PORTIONS OF GREEN	§	
VALLEY SPECIAL UTILITY DISTRICT	§	OF TEXAS
SEWER CERTIFICATE OF	§	
CONVENIENCE AND NECESSITY IN	§	
GUADALUPE COUNTY	§	

CITY OF CIBOLO’S MOTION FOR PARTIAL SUMMARY DECISION

TO THE HONORABLE ADMINISTRATIVE LAW JUDGE:

The City of Cibolo (the “City”) files this Motion for Partial Summary Decision (“Motion”), in accordance with 16 Texas Administrative Code (“TAC”) § 22.182(b) regarding referred issues Nos. 9 and 10 in this matter. In support of this Motion, the City shows the following:

I. INTRODUCTION

This Motion should be granted because Green Valley Special Utility District’s (“GVSUD”) pleadings, affidavits, materials obtained by discovery or otherwise, admissions, matters officially noticed, and evidence of record (collectively, “Summary Decision Proof”) in this matter demonstrate that there is no genuine issue as to any material fact regarding referred Issue Nos. 9 and 10. Accordingly, the City is entitled to a decision in its favor on such referred issues.

On July 20, 2016, the Public Utility Commission (“Commission”) issued its Supplemental Preliminary Order in this matter, referring the City’s above-referenced application under Texas Water Code § 13.255 (“Application”) for single sewer certificate of convenience and necessity (“CCN”) certification to the State Office of Administrative Hearings (“SOAH”) to address three issues, identified in that Supplemental Order as Issue Nos. 9-11, as follows:

9. What property, if any, will be rendered useless or valueless to Green Valley by the decertification sought by Cibolo in this proceeding?
10. What property of Green Valley, if any, has Cibolo requested to be transferred to it?
11. Are the existing appraisals limited to valuing the property that has been determined to have been rendered useless or valueless by decertification and the property that Cibolo has requested be transferred (such issues are defined herein as “Issue No. 9”, “Issue No. 10”, and “Issue No. 11”, respectively)?

Under the ALJ’s Order No. 2 in this matter, Issue Nos. 9-11 are the subject of this first phase of the contested case hearing process for the Application. As discussed in more detail, herein, the Summary Decision Proof clearly demonstrates that there is no property of GVSUD rendered useless or valueless to GVSUD by the decertification sought by the City in this proceeding, and that the City has not requested any property of GVSUD to be transferred to the City.

II. SUMMARY DECISION STANDARD

The standard for granting a motion for summary decision in proceedings before the Commission is found in 16 TAC § 22.182(a). This rule provides that the summary decision of any or all issues may be granted when:

the pleadings, affidavits, materials obtained by discovery or otherwise, admissions, matters officially noticed, or evidence of record show that there is no genuine issue as to any material fact and that the moving party is entitled to a decision in its favor as a matter of law, on the issues expressly set forth in the motion.¹

The motion for summary decision must specifically describe the facts on which the request is based, the materials which demonstrate those facts, and any laws or legal theories that entitle the movant to summary decision.² Here, the Motion seeks partial summary decision regarding Issue Nos. 9 and 10.

¹ 16 TAC § 22.182(a).

² 16 TAC § 22.182(b).

III. GROUNDS FOR PARTIAL SUMMARY DECISION

A. **Issue No. 9: There Is No Property of GVSUD Rendered Useless or Valueless to GVSUD by the City's Decertification**

The City's Motion regarding Issue No. 9 should be granted because the Summary Decision Proof demonstrates that there is no property of GVSUD rendered useless or valueless to GVSUD by the decertification sought by the City in this matter. There is no genuine issue as to any material fact, as GVSUD has admitted through its discovery responses in this matter that there is no sewer infrastructure within the land the City seeks to decertify from GVSUD in the Application (the "Decertified Land"); and as a matter of law, GVSUD is prohibited from collecting, transporting, treating, and disposing/discharging wastewater generated within the Decertified Land under 30 TAC Chapter 351, Subchapter F. To be clear, the Decertified Land is more particularly depicted in Attachment A of the Application, which is attached to this Motion as Exh. App-MSD-1.

1. **GVSUD's Request for Admission responses demonstrate that GVSUD has no wastewater infrastructure within the Decertified Land.**

The Summary Decision Proof in this matter is uncontroverted that GVSUD has not installed any wastewater infrastructure within the Decertified Land. This determination is straightforward and undisputed. GVSUD's response to the City's First Request for Admission ("RFA") No. 1-4 admits that on March 8, 2016, GVSUD had no existing sewer infrastructure within the area colored in light blue in Attachment A to the City's Application, which is attached hereto as Exh. App-MSD-1. GVSUD's response to RFA 1-4, as well as the underlying RFA from the City, with the attached map, is attached hereto as Exh. City-MSD-2 of this Motion³. To be clear, the area in light blue is the Decertified Land. The March 8, 2016 date is significant because that was the date that the City filed the Application at the Commission.

³ Due to the fact that the exhibits to GVSUD's discovery responses exceed 2000 pages, the City has only attached the RFA responses.

2. As a matter of law, GVSUD cannot collect, transport, treat, or discharge wastewater generated within the Decertified Land

The Texas Commission on Environmental Quality's ("TCEQ") regulations regarding regionalization in 30 TAC Chapter 351, Subchapter F expressly and clearly provide that the Cibolo Creek Municipal Authority ("CCMA") is the only entity in the state of Texas that can collect, transport, treat, and discharge wastewater generated within the Decertified Land. Fatal to GVSUD's position in this case, 30 TAC § 351.62 expressly provides the following:

The Cibolo Creek Municipal Authority is designated **the** governmental entity to develop a regional sewerage system in that area of Cibolo Creek Watershed, in the vicinity of the cities of Cibolo, Schertz, Universal City, Selma, Bracken, and Randolph Air Force Base.⁴

This regulation is clear and unambiguous. It does not state that CCMA is "an entity" or "one of many governmental entities" to develop a sewerage system; instead, this TCEQ rule states that CCMA is "the" entity. Consequently, any property of GVSUD that is or pertains to a regional sewerage system to collect, transport, treat, or discharge wastewater from the portion of the Cibolo Creek Watershed, in the vicinity of the City (the "CCMA Regional Area"), cannot be rendered useless or valueless in this matter because it cannot be used for such purposes in the CCMA Regional Area.

Here, the Decertificated Land is within the Cibolo Creek Watershed. Further, the Decertificated Land is not only within the vicinity of the City, it is within the City's corporate limits. There is no Summary Decision Proof contradicting that the land is within the CCMA Regional Area, as asserted by the City's expert witness, Rudolph "Rudy" Klein, IV, P.E. in his prefiled testimony. A copy of the relevant portion of Mr. Klein's prefiled testimony, including a his exhibit of a publically available map showing the upper region of the Cibolo Creek Watershed as shown on the Texas Parks and Wildlife Watershed Viewer, is attached hereto as

⁴ 30 TAC § 351.62 (2016)(emphasis added). A copy of 30 TAC § 351.62 is attached hereto as Exh. App-MSD-3.

Exh. App-MSD-4.⁵ Together, Exh. App-MSD 1 and 4 show that the areas to be decertified under the City's Application are clearly within the region described in 30 TAC § 351.62 because they are in the Cibolo Creek Watershed and within the corporate limits of the City of Cibolo. Further, in its Response to Cibolo Request for Information 2-20, included in Exh. App-MSD-5, GVSUD has admitted that part of the area to be decertified is within the Cibolo Creek Watershed and part is within the Santa Clara Creek Watershed. As the map in Exh. App-MSD-4 shows, the Santa Clara Creek Watershed is a smaller portion (or subwatershed) of the Cibolo Creek Watershed, which means GVSUD acknowledges that the location of the areas to be decertified are within CCMA's regional area.

As a result, and as a matter of law, any property related to developing a "sewerage system" in the area to be decertified cannot be rendered useless or valueless by decertification because it was never useful or valuable to begin with. CCMA is the only designated regional wastewater collection and treatment system provider in this area.

B. Issue No. 10: The City Has Not Requested GVSUD to Transfer Any Property of GVSUD to the City

The City's Motion for summary decision on Issue No. 10 should be granted because it has not requested GVSUD to transfer any GVSUD property to the City, and there is no Summary Decision Proof to the contrary. Specifically, GVSUD's responses to the City's RFA Nos. 2-28, 2-29, and 2-30 all admit that between September 20, 2011 and September 20, 2016, GVSUD had never received a request from the City to transfer any wastewater infrastructure, personal property, or real property to the City. A copy of those RFA responses is attached hereto as Exh. App-MSD-6.

⁵ The Texas Watershed Viewer can be found on the Texas Parks and Wildlife Department website: <http://tpwd.texas.gov/education/water-education/Watershed%20Viewer>.

IV. CONCLUSION

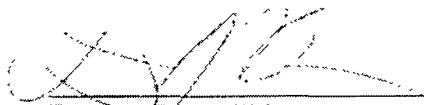
The Motion for Partial Summary Decision on Issues Nos. 9 and 10 should be granted. There is no property of GVSUD rendered useless or valueless to GVSUD by the decertification sought by the City in this matter, and GVSUD has failed provide any Summary Decision Proof to the contrary, either through its filings in this matter or as a matter of law. Next, it is also uncontroverted that the City did not request GVSUD to transfer any GVSUD property to the City.

V. PRAYER

For the reasons stated herein, the City of Cibolo respectfully requests that the Administrative Law Judge grant the City's Motion for Partial Summary Decision on Referred Issues Nos. 9 and 10 and for any other relief to which it is justly entitled.

Respectfully submitted,

**LLOYD GOSSELINK ROCHELLE &
TOWNSEND, P.C.**
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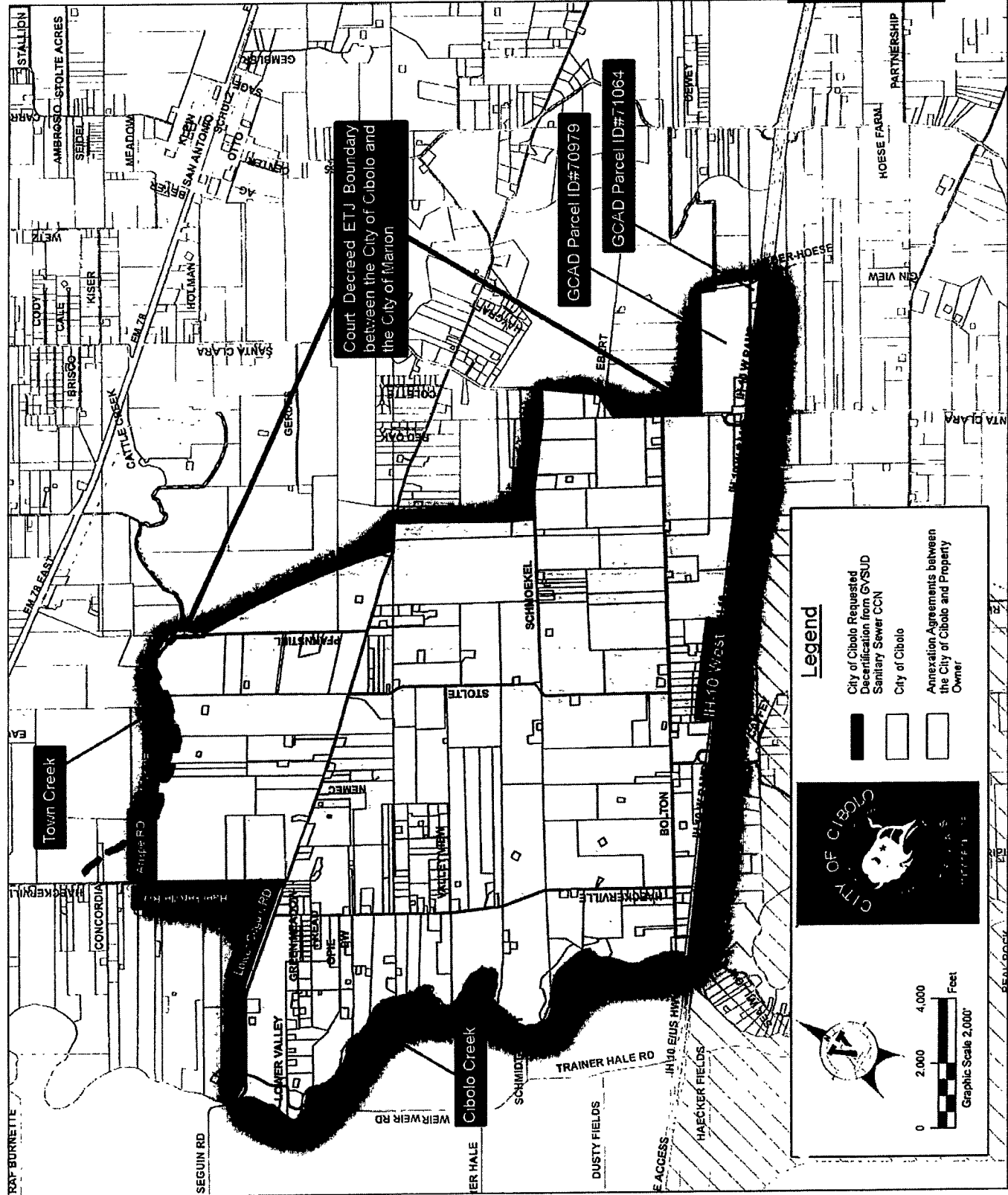
ATTORNEYS FOR THE CITY OF CIBOLO

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was transmitted by e-mail, fax, hand-delivery and/or regular, first class mail on this 8th day of November, 2016 to the parties of record.



David J. Klein



COPY

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APPLICATION OF THE CITY OF §
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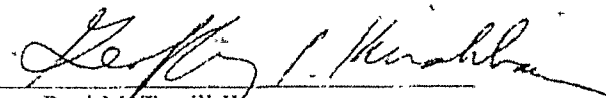
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**GREEN VALLEY SUD'S RESPONSE TO CIBOLO'S FIRST REQUESTS FOR
ADMISSION AND REQUESTS FOR INFORMATION**

To: City of Cibolo, Texas, by and through its attorneys of record, David Klein and Christie Dickenson, Lloyd Gosselink, 816 Congress Ave., Suite 1900, Austin, Texas 78701.

Green Valley Special Utility District ("Green Valley SUD") provides its response to City of Cibolo's First Requests for Admission and Requests for Information to Green Valley SUD. Green Valley SUD stipulates that the following response to requests for information may be treated by all parties as if the answer was filed under oath:

Respectfully submitted,

By: 
Paul M. Terrill II
State Bar No. 00785094
Geoffrey P. Kirshbaum
State Bar No. 24029665
TERRILL & WALDROP
810 W. 10th Street
Austin, Texas 78701
(512) 474-9100
(512) 474-9888 (fax)

**ATTORNEYS FOR GREEN VALLEY SPECIAL UTILITY
DISTRICT**

41

RESPONSE TO REQUESTS FOR ADMISSION

Cibola RFA 1-1 Admit that on March 8, 2016, GVSUD had no existing retail sewer customers within the boundaries of its sewer CCN No. 20973.

RESPONSE: Admit

Cibola RFA 1-2 Admit that on March 8, 2016, GVSUD had no existing sewer infrastructure within the boundaries of its sewer CCN No. 20973.

RESPONSE: Deny

Cibola RFA 1-3 Admit that on March 8, 2016, GVSUD had no existing retail sewer customers within the area colored in light blue in Attachment A to the City's Application, which is attached hereto as Attachment 1.

RESPONSE: Admit

Cibola RFA 1-4 Admit that on March 8, 2016, GVSUD had no existing sewer infrastructure within the area colored in light blue in Attachment 1.

RESPONSE: Admit

Cibola RFA 1-5 Admit that on March 8, 2016, GVSUD had not entered into any agreement regarding the design or construction of sewer infrastructure within the boundaries of its sewer CCN No. 20973.

RESPONSE: Deny

Cibola RFA 1-6 Admit that on March 8, 2016, GVSUD did not have any existing loans or other debt obligations relating to the design or construction of sewer infrastructure.

RESPONSE: Deny

Cibola RFA 1-7 Admit that between August 18, 2015 and May 30, 2016, GVSUD did not receive any requests for retail sewer service from landowners within the area colored light blue in Attachment 1.

RESPONSE TO REQUEST FOR INFORMATION

Cibolo RFI 1-1 If any of GVSUD's property may be rendered useless or valueless by single sewer certification as requested by the City, please identify such property.

RESPONSE: GVSUD has retained a qualified independent appraiser to investigate, identify, and value GVSUD's property that will be rendered useless or valueless by Cibolo's requested single certification as described in this request. The appraiser has not completed his appraisal report yet, but it will be filed with the PUC on June 28, 2016 as agreed with Cibolo. GVSUD intends for that report to provide information responsive to this request, but GVSUD does not have this information at this time.

Prepared by: Pat Allen, General Manager - Green Valley Special Utility District
Sponsored by: Pat Allen, General Manager - Green Valley Special Utility District

Cibolo RFI 1-2 Please provide GVSUD's most recent planning, engineering, or other reports that describe GVSUD's current sewer system and any proposed changes.

RESPONSE: Please see GVSUD 000001-947 and GVSUD 0002352-2551.

Prepared by: Pat Allen, General Manager - Green Valley Special Utility District
Sponsored by: Pat Allen, General Manager - Green Valley Special Utility District

Cibolo RFI 1-3 Please provide a map of GVSUD's sewer system indicating the parts of the system within the area colored light blue in Attachment 1.

RESPONSE: Please see GVSUD 000001-731 and GVSUD 000877-947.

Prepared by: Pat Allen, General Manager - Green Valley Special Utility District
Sponsored by: Pat Allen, General Manager - Green Valley Special Utility District

Cibolo RFI 1-4 Please provide the total gallons of raw wastewater treated by GVSUD, by month, for the full calendar years of 2014 and 2015, and for the partial calendar year of January-April 2016.

RESPONSE: 0 gallons.

Prepared by: Pat Allen, General Manager - Green Valley Special Utility District
Sponsored by: Pat Allen, General Manager - Green Valley Special Utility District

Cibolo RFI 1-5 Please provide the total gallons treated by GVSUD, by month, for retail sewer customers within the area colored light blue in Attachment 1 for the

- 4- Cibolo RFI 1-10 Please provide a detailed asset listing of GVSUD's sewer facilities within the area colored in light blue in Attachment 1, as well as the assets that support the identified wastewater facilities (including lift stations, interceptors, etc.), that includes:

- A description and the location of facilities in GVSUD's system
- Original or purchase cost
- Capacity
- Date placed in service
- To the extent known the financing vehicles used to purchase the wastewater facilities

RESPONSE:

1. Description of the location of facilities on GVSUD's system:

GVSUD purchased approximately 65 acres to construct a regional treatment facility. The discharge location is at 3930 Linne Road, Seguin, Guadalupe County, Texas 78155.

2. Original or purchase cost:

The property was purchased for \$ 325,000.00.

3. Capacity: As described in the approved draft permit from the Texas Commission on Environmental Quality (TCEQ).

The applicant has applied to the Texas Commission on Environmental Quality (TCEQ) for a new permit to authorize the discharge of treated domestic wastewater at an annual average flow not to exceed 0.25 million gallons per day (MGD) in the Interim I phase, an annual average flow not to exceed 2.5 MGD in the Interim II phase, and an annual average flow not to exceed 5.0 MGD in the Final phase. The proposed wastewater treatment facility will serve proposed developments within the District's Certified Wastewater service area.

4. Date Placed in Service:

Facility construction to begin pending final permit approval from TCEQ.

5. Financing Vehicles:

For completion of its wastewater impact projects, GVSUD is considering financing from the Texas Water Development Board, United States Department of Agriculture Rural Development, and GVSUD selling Bonds pending TCEQ Bond application

Prepared by: Pat Allen, General Manager - Green Valley Special Utility District
Sponsored by: Pat Allen, General Manager - Green Valley Special Utility District

Cibolo RFI 1-15 Please provide a copy of GVSUD's most recent sewer cost of service and rate design study.

RESPONSE: After a diligent search, GVSUD has not identified any documents responsive June 20, 2016 to this request. GVSUD has not yet prepared such a study. However, GVSUD plans to do so as appropriate before setting its retail sewer rates.

Prepared by: Pat Allen, General Manager - Green Valley Special Utility District
Sponsored by: Pat Allen, General Manager - Green Valley Special Utility District

Cibolo RFI 1-16 Please provide a copy of GVSUD's current wastewater or sewer system master plan and/or capital improvement plan.

RESPONSE: Please see GVSUD 000001-731.

Prepared by: Pat Allen, General Manager - Green Valley Special Utility District
Sponsored by: Pat Allen, General Manager - Green Valley Special Utility District

Cibolo RFI 1-17 Please provide a copy of GVSUD's 2014 and 2015 audited financials. If audited financials are not available, please provide internal financials.

RESPONSE: Please see GVSUD 002256- 2351.

Prepared by: Pat Allen, General Manager - Green Valley Special Utility District
Sponsored by: Pat Allen, General Manager - Green Valley Special Utility District

Cibolo RFI 1-18 Please provide a copy of GVSUD's approved budget for its current and previous fiscal year.

RESPONSE: Please see GVSUD 002200-2207.

Prepared by: Pat Allen, General Manager - Green Valley Special Utility District
Sponsored by: Pat Allen, General Manager - Green Valley Special Utility District

Cibolo RFI 1-19 Please provide GVSUD's budget vs. actual, by line-item, for its prior fiscal year.

Cibolo RFI 1-23 If your answer to Cibolo RFA 1-1 is "deny," please provide any documentation in your possession that provides a basis for your answer.

RESPONSE: Not applicable

Prepared by: Pat Allen, General Manager - Green Valley Special Utility District
Sponsored by: Pat Allen, General Manager - Green Valley Special Utility District

Cibolo RFI 1-24 If your answer to Cibolo RFA 1-2 is "deny," please provide any documentation in your possession that provides a basis for your answer.

RESPONSE: Please see GVSUD 000001-731; GVSUD 000732-834; GVSUD 001229-1256; GVSUD 002532-2511.

Prepared by: Pat Allen, General Manager - Green Valley Special Utility District
Sponsored by: Pat Allen, General Manager - Green Valley Special Utility District

Cibolo RFI 1-25 If your answer to Cibolo RFA 1-3 is "deny," please provide any documentation in your possession that provides a basis for your answer.

RESPONSE: Not applicable.

Prepared by: Pat Allen, General Manager - Green Valley Special Utility District
Sponsored by: Pat Allen, General Manager - Green Valley Special Utility District

Cibolo RFI 1-26 If your answer to Cibolo RFA 1-4 is "deny," please provide any documentation in your possession that provides a basis for your answer.

RESPONSE: Not applicable.

Prepared by: Pat Allen, General Manager - Green Valley Special Utility District
Sponsored by: Pat Allen, General Manager - Green Valley Special Utility District

Cibolo RFI 1-27 If your answer to Cibolo RFA 1-5 is "deny," please provide any documentation in your possession that provides a basis for your answer.

RESPONSE: Please see GVSUD 001229-1256 and GVSUD 001979-1981.

Prepared by: Pat Allen, General Manager - Green Valley Special Utility District
Sponsored by: Pat Allen, General Manager - Green Valley Special Utility District

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**GREEN VALLEY SPECIAL UTILITY DISTRICT'S
 BATES NUMBER LOG**

Document #	Description	Responsive to
GVUSD 000001-731	Green Valley Special Utility District's Wastewater Master Plan	2, 3, 16, 24
GVSUD 000732-834	GVSUD's Application for a TPDES Permit	2, 13, 24
GVUSD 000835-860	November 12, 2015 City of Cibolo's Formal Comments on TPDES Application	2
GVSUD 000861-876	Notice of Application and Preliminary Decision for TPDES Permit	2, 10, 13, 22
GVSUD 000877-947	Draft TPDES Permit from TCEQ	2, 3, 10, 13, 22
GVSUD 000948-1196	USDA Loan Documents - \$584,000 Green Valley Special Utility District Revenue Bonds Series 2003	9, 28
GVSUD 001197-1225	CCN Area Maps and Metes and Bounds for Green Valley Special Utility District	12
GVSUD 001226-1228	Interlocal Agreement between the City of Marion and Green Valley Special Utility District	
GVSUD 001229-1237	Unimproved Property Contract - 65 acres on Linne Road	13, 24, 27
GVSUD 001238-1240	Payment for 65 acres	13, 24, 27
GVSUD 001241	Resolution of Green Valley Special Utility District's Board of Directors regarding purchase of 65 acres	13, 24, 27

GVSUD 002512-2551	Green Valley Special Utility District's Planning Documents - Cost Estimates, Quantity Summaries, and Schematics and Plans for Proposed Wastewater Treatment Plant	2
GVSUD 002552-2592	Green Valley Special Utility District's By-laws and Operating Procedures	30
GVSUD 002593	Sewer CCN	10, 13
GVSUD 002594-2597	Various correspondence with TWDB and USDA	20
GVSUD 002598-2606	May 18, 2015 Admin Complete Letter from the TCEQ	10, 13
GVSUD 002607-2609	Green Valley Special Utility District's Ledger of Wastewater Expenses to Date	

OVERSIZED DOCUMENT

CD ATTACHED

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PUBLIC UTILITY COMMISSION

OF TEXAS

**CITY OF CIBOLO'S FIRST REQUESTS FOR ADMISSION AND REQUESTS FOR
INFORMATION TO GREEN VALLEY SPECIAL UTILITY DISTRICT**

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 First Requests for Admission and Requests for Information ("RFI") to Green Valley Special Utility District ("GVSUD" or "District").

Respectfully submitted,

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ATTORNEYS FOR CITY OF CIBOLO

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 31st day of May, 2016 to the parties of record.


Christie L. Dickenson

INSTRUCTIONS

The following paragraphs include instructions and definitions that apply to the requests for information that are contained in this discovery request. Unless otherwise clearly indicated within the context of a specific interrogatory herein, the definition of each term provided below applies whether the term is used or defined in the singular or plural.

You are directed to answer the following written questions fully and in writing, based on all information reasonably available to you or your attorney at the time your response is made.

In those instances when you choose to answer an RFI propounded herein by referring to a specific document or record, you are instructed to specify the same in sufficient detail to permit the City of Cibolo to locate and identify the records or documents from which the answer is to be ascertained as readily as could you.

You are under a continuing duty to supplement your answers to these RFIs if you discover that they were incomplete or incorrect when made, or if you discover that they are no longer complete and correct. Supplementation must be made reasonably promptly after you discover the need for supplementation.

DEFINITIONS

1. "You" and "Your" refers to Green Valley Special Utility District named as a Party in PUC Docket No. 45702.
2. "Green Valley Special Utility District" or "GVSUD" refers to its officers, employees, agents, representatives, attorneys, and all other natural persons, businesses or legal entities, presently or formerly, acting in concert with, under the direct or indirect control of, or on behalf of GVSUD.
3. "City" or "Cibolo" refers to the City of Cibolo, Texas; its officers, employees, agents, representatives, attorneys, and all other natural persons, businesses or legal entities, presently or formerly, acting in concert with, under the direct or indirect control of, or on behalf of the Cibolo.
4. The term "Commission" or "PUC" refers to the Public Utility Commission of Texas, an administrative agency of the State of Texas, and its Staff and Commissioners, natural persons employed by and working for the agency.
5. The term "Staff" as used herein refers to the natural persons employed by and working for the Public Utility Commission in any capacity.
6. The term "TCEQ" as used herein refers to the Texas Commission on Environmental Quality, an administrative agency of the State of Texas, and its staff and commissioners, natural persons employed by and working for the agency.

7. The term "Application" as used herein refers to the City's Application to Obtain or Amend a Certificate of Convenience and Necessity Under Water Code Section 13.255 filed with the Commission on March 8, 2016.
8. The term "CCN" as used herein refers to a certificate of public convenience and necessity to provide retail water or sewer service issued by the Commission or a predecessor agency.
9. "Document" and "Documents" are used herein in their broadest sense as set forth in Tex. R. Civ. P. 192.3(b), and specifically include electronic information or magnetic data as described in Rule 196.4. These words mean and include all written, printed, typed, recorded, or graphic matter of every kind and description, both original and copies, and all attachments and appendices. Without limiting the foregoing, the terms "Document" and "Documents" shall include all agreements, contracts, Communications, correspondence, letters, opinion letters, telegrams, telexes, telefaxes, messages, memoranda, records, reports, books, summaries or other records of telephone conversations or interviews, summaries or other records of personal conversations or interviews, minutes, summaries, or other records of meetings and conferences, statements obtained from witnesses, summaries or other records of negotiations, other summaries, diaries, diary entries, calendars, appointment books, time records, instructions, work assignments, forecasts, progress reports, statistical data, statistical statements, financial statements, work sheets, work papers, drafts, graphs, charts, tables, accounts, analytical records, consultants' and experts' reports, appraisals, bulletins, notes, notices, marginal notations, notebooks, telephone records, bills, statements, records of obligation and expenditure, invoices, lists, journals, printouts, compilations, tabulations, analyses, studies, surveys, expense reports, microfilm, microfiche, tape or disc recordings, sound recordings, video recordings, film, tape, photographs, programs and data compilations from which information can be obtained (including matter used in data processing), and other printed, written, handwritten, typewritten, recorded, stenographic, computer-generated, computer stored, magnetically-stored, optically-stored, or electronically stored matter and Electronic Information, however produced, prepared, reproduced, disseminated, made or stored in any data source. The words "Document" and "Documents" also include all copies of documents by whatever means made, except that where a document is produced, identical copies of it that do not contain any markings, additions, or deletions that are different from the original do not have to be separately produced.
10. The term "communication" includes, without limitation of its generality, statements, discussions, conversations, speeches, meetings, remarks, questions, answers, panel discussions and symposia, whether written or oral. The term includes, without limitation of its generality, both communications and statements which are face-to-face and those which are transmitted by any media such as intercoms, telephones, television, radio, or computer including electronic information.
11. The term "electronic information" includes, without limitation, the following: databases, data files, program files (e.g. .DOC, .DOCX, .TXT, .XLS, .WPD files), image files (e.g. .JPEG, .TIFF, .PDF files), email messages and files, voice mail messages and files, instant messaging messages, text messages, temporary files, system-history files, deleted files or

- emails, back up files and archival files, website files, website information stored in textual, graphical or audio format, cache files, and cookies.
12. The term "data sources" includes, without limitation, mainframe computers, network servers, internet ("web") servers, computers (including desktop, laptop and handheld computers), hard drives (including portable or temporary hard drives), flash drives (including thumb drives, secure digital cards or other flash memory devices), email servers, handheld devices like personal digital assistants and cell phones or smart phones (e.g. iPhones, BlackBerrys).
13. The terms "relate" or "relating" or "regarding" to any given subject, when used to specify a document, communication, statement, or correspondence mean any document, communication, statement or correspondence that constitutes, contains, evidences, embodies, reflects, identifies, states, discusses, refers to, deals with, or is in any manner whatsoever pertinent to that subject.
14. The term "identify," when used in reference to a natural person means to provide his or her (1) full name and (2) present or last known position or business affiliation, job title, employment address, and telephone number (designating which).

**CITY OF CIBOLO'S FIRST REQUESTS FOR ADMISSION TO
GREEN VALLEY SPECIAL UTILITY DISTRICT**

Cibolo RFA 1-1	Admit that on March 8, 2016, GVSUD had no existing retail sewer customers within the boundaries of its sewer CCN No. 20973.
Cibolo RFA 1-2	Admit that on March 8, 2016, GVSUD had no existing sewer infrastructure within the boundaries of its sewer CCN No. 20973.
Cibolo RFA 1-3	Admit that on March 8, 2016, GVSUD had no existing retail sewer customers within the area colored in light blue in Attachment A to the City's Application, which is attached hereto as Attachment 1.
Cibolo RFA 1-4	Admit that on March 8, 2016, GVSUD had no existing sewer infrastructure within the area colored in light blue in Attachment 1.
Cibolo RFA 1-5	Admit that on March 8, 2016, GVSUD had not entered into any agreements regarding the design or construction of sewer infrastructure within the boundaries of its sewer CCN No. 20973.
Cibolo RFA 1-6	Admit that on March 8, 2016, GVSUD did not have any existing loans or other debt obligations relating to the design and construction of sewer infrastructure.
Cibolo RFA 1-7	Admit that between August 18, 2015 and May 30, 2016, GVSUD did not receive any requests for retail sewer service from landowners within the area colored in light blue in Attachment 1.
Cibolo RFA 1-8	Admit that on March 8, 2016, GVSUD had no contractual obligations to provide retail sewer service to landowners within the area colored in light blue in Attachment 1.

**CITY OF CIBOLO'S FIRST REQUESTS FOR INFORMATION TO
GREEN VALLEY SPECIAL UTILITY DISTRICT**

Cibolo RFI 1-1 If any of GVSUD's property may be rendered useless or valueless by single sewer certification as requested by the City, please identify such property.

Prepared by: _____; Sponsoring Witness: _____

Cibolo RFI 1-2 Please provide GVSUD's most recent planning, engineering, or other reports that describe GVSUD's current sewer system and any proposed changes.

Prepared by: _____; Sponsoring Witness: _____

Cibolo RFI 1-3 Please provide a map of GVSUD's sewer system indicating the parts of the system within the area colored in light blue in Attachment 1.

Prepared by: _____; Sponsoring Witness: _____

Cibolo RFI 1-4 Please provide the total gallons of raw wastewater treated by GVSUD, by month, for the full calendar years of 2014 and 2015, and for the partial calendar year of January-April, 2016.

Prepared by: _____; Sponsoring Witness: _____

Cibolo RFI 1-5 Please provide the total gallons treated by GVSUD, by month, for retail sewer customers within the area colored in light blue in Attachment 1 for the full calendar years of 2014 and 2015, and for the partial calendar year of January-April, 2016.

Prepared by: _____; Sponsoring Witness: _____

Cibolo RFI 1-6 Please provide GVSUD's total number of retail sewer customers, by month, for calendar years 2014 and 2015, and for calendar year 2016 to date.

Prepared by: _____; Sponsoring Witness: _____

Cibola RFI 1-7 Please provide GVSUD's total number of retail sewer customers, by month, for the past two years for the retail sewer customers within the area colored in light blue in Attachment 1, including their locations on GVSUD's system.

Prepared by: _____; Sponsoring Witness: _____

Cibola RFI 1-8 Please provide a copy of GVSUD's current retail sewer rates.

Prepared by: _____; Sponsoring Witness: _____

Cibola RFI 1-9 Please provide a list of all loans currently outstanding associated with GVSUD's wastewater facilities, including terms, annual principal and interest payments, etc. Please provide copies of all loan documents supporting such loans.

Prepared by: _____; Sponsoring Witness: _____

Cibola RFI 1-10 Please provide a detailed asset listing of GVSUD's sewer facilities within the area colored in light blue in Attachment 1, as well as the assets that support the identified wastewater facilities (including lift stations, interceptors, etc.), that includes:

- A description and the location of facilities on GVSUD's system
- Original or purchase cost
- Capacity
- Date placed in service
- To the extent known, the financing vehicles used to purchase the wastewater facilities

Prepared by: _____; Sponsoring Witness: _____

Cibola RFI 1-11 Please provide copies of any wholesale wastewater treatment agreements that GVSUD is a party to that are currently in effect, including amendments.

Prepared by: _____; Sponsoring Witness: _____

Cibola RFI 1-12 Please provide a copy of GVSUD's CCN maps as filed with the PUC (or TCEQ or other predecessor agency).

Prepared by: _____; Sponsoring Witness: _____

Cibolo RFI 1-13 Please provide a complete and full description of GVSUD's existing wastewater treatment facilities.

Prepared by: _____; Sponsoring Witness: _____

Cibolo RFI 1-14 Please provide a copy of any existing operation and maintenance contracts for GVSUD's sewer facilities.

Prepared by: _____; Sponsoring Witness: _____

Cibolo RFI 1-15 Please provide a copy of GVSUD's most recent sewer cost of service and rate design study.

Prepared by: _____; Sponsoring Witness: _____

Cibolo RFI 1-16 Please provide a copy of GVSUD's current wastewater or sewer system master plan and/or capital improvement plan.

Prepared by: _____; Sponsoring Witness: _____

Cibolo RFI 1-17 Please provide a copy of GVSUD's 2014 and 2015 audited financials. If audited financials are not available, please provide internal financials.

Prepared by: _____; Sponsoring Witness: _____

Cibolo RFI 1-18 Please provide a copy of GVSUD's approved budget for its current and previous fiscal year.

Prepared by: _____; Sponsoring Witness: _____

Cibolo RFI 1-19 Please provide GVSUD's budget vs. actual, by line-item, for its prior fiscal year.

Prepared by: _____; Sponsoring Witness: _____

Cibolo RFI 1-20 Please provide copies of any correspondence related to GVSUD's sewer system within the last two years between GVSUD and the following entities:

- Texas Commission on Environmental Quality
- Public Utility Commission of Texas
- Texas Water Development Board
- United States Environmental Protection Agency
- United States Department of Agriculture

Prepared by: _____; Sponsoring Witness: _____

Cibolo RFI 1-21 Please provide an estimate of GVSUD's reasonable attorney's fees and consultant fees related to this docket.

Prepared by: _____; Sponsoring Witness: _____

Cibolo RFI 1-22 Please provide a copy of any wastewater permits or authorizations issued by the TCEQ to GVSUD pertaining to the provision of wastewater service.

Prepared by: _____; Sponsoring Witness: _____

Cibolo RFI 1-23 If your answer to Cibolo RFA 1-1 is "deny," please provide any documentation in your possession that provides a basis for your answer.

Prepared by: _____; Sponsoring Witness: _____

Cibolo RFI 1-24 If your answer to Cibolo RFA 1-2 is "deny," please provide any documentation in your possession that provides a basis for your answer.

Prepared by: _____; Sponsoring Witness: _____

Cibolo RFI 1-25 If your answer to Cibolo RFA 1-3 is "deny," please provide any documentation in your possession that provides a basis for your answer.

Prepared by: _____; Sponsoring Witness: _____

Cibolo RFI 1-26 If your answer to Cibolo RFA 1-4 is "deny," please provide any documentation in your possession that provides a basis for your answer.

Prepared by: _____; Sponsoring Witness: _____

Cibolo RFI 1-27 If your answer to Cibolo RFA 1-5 is "deny," please provide any documentation in your possession that provides a basis for your answer.

Prepared by: _____: Sponsoring Witness: _____

Cibolo RFI 1-28 If your answer to Cibolo RFA 1-6 is "deny," please provide any documentation in your possession that provides a basis for your answer.

Prepared by: _____: Sponsoring Witness: _____

Cibolo RFI 1-29 If your answer to Cibolo RFA 1-7 is "deny," please provide any documentation in your possession that provides a basis for your answer.

Prepared by: _____: Sponsoring Witness: _____

Cibolo RFI 1-30 If your answer to Cibolo RFA 1-8 is "deny," please provide any documentation in your possession that provides a basis for your answer.

Prepared by: _____: Sponsoring Witness: _____

Cibolo RFI 1-27 If your answer to Cibolo RFA 1-5 is "deny," please provide any documentation in your possession that provides a basis for your answer.

Prepared by: _____; Sponsoring Witness: _____

Cibolo RFI 1-28 If your answer to Cibolo RFA 1-6 is "deny," please provide any documentation in your possession that provides a basis for your answer.

Prepared by: _____; Sponsoring Witness: _____

Cibolo RFI 1-29 If your answer to Cibolo RFA 1-7 is "deny," please provide any documentation in your possession that provides a basis for your answer.

Prepared by: _____; Sponsoring Witness: _____

Cibolo RFI 1-30 If your answer to Cibolo RFA 1-8 is "deny," please provide any documentation in your possession that provides a basis for your answer.

Prepared by: _____; Sponsoring Witness: _____

ATTACHMENT 1
Attachment A to City of Cibola's Application



[<<Prev Rule](#)[Next Rule>>](#)

Texas Administrative Code

TITLE 30	ENVIRONMENTAL QUALITY
PART 1	TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
CHAPTER 351	REGIONALIZATION
SUBCHAPTER F	CIBOLO CREEK
RULE §351.62	Designation of Regional Entity

The Cibolo Creek Municipal Authority is designated the governmental entity to develop a regional sewerage system in that area of Cibolo Creek Watershed, in the vicinity of the cities of Cibolo, Schertz, Universal City, Selma, Bracken, and Randolph Air Force Base.

Source Note: The provisions of this §351.62 adopted to be effective February 24, 1978, 3 TexReg 595.

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

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

DIRECT TESTIMONY

OF

RUDOLPH "RUDY" F. KLEIN, IV, P.E.

ON BEHALF OF

CITY OF CIBOLO

October 19, 2016

1 and the term "Cibolo Creek regional area" is defined in 30 TAC § 351.61 as "That
2 portion of the Cibolo Creek Watershed lying in the vicinity of the cities of Cibolo,
3 Schertz, Universal City, Selma, Bracken, and Randolph Air Force Base." A copy of
4 these other important TCEQ regulations are also attached hereto in Exhibit E.

5 **Q. DID YOU PERFORM AN ANALYSIS TO DETERMINE IF THE**
6 **DECERTIFICATED LAND IN THE AREA OF CIBOLO CREEK**
7 **WATERSHED, IN THE VICINITY OF THE CITIES OF CIBOLO,**
8 **SCHERTZ, UNIVERSAL CITY, SELMA, BRACKEN, AND RANDOLPH AIR**
9 **FORCE BASE?**

10 A. Yes.

11 **Q. WHAT DID YOU DETERMINE IN THAT ANALYSIS?**

12 A. The Decertificated Land is within the area of Cibolo Creek Watershed, in the vicinity
13 of the City. In fact, the Decertificated Land is not just within the vicinity of the City,
14 it is within the City's corporate limits, as noted in my map in the Application. As
15 such, it is my opinion that CCMA is the TCEQ-regional wastewater entity for the
16 Decertificated Land.

17 **Q. CAN YOU PLEASE DESCRIBE HOW YOU REACHED THAT**
18 **CONCLUSION?**

19 A. I went to the Texas Parks and Wildlife Department's ("TPWD") online
20 Texas Watershed Viewer, located at
21 [https://tpwd.maps.arcgis.com/apps/Viewer/index.html?appid=2b3604bf9ced441a98c](https://tpwd.maps.arcgis.com/apps/Viewer/index.html?appid=2b3604bf9ced441a98c500763b8b1048)
22 [500763b8b1048](https://tpwd.maps.arcgis.com/apps/Viewer/index.html?appid=2b3604bf9ced441a98c500763b8b1048), and then zoomed in on the Upper Cibolo Creek Watershed.

1 Q. I AM SHOWING YOU WHAT HAS BEEN MARKED AS EXHIBIT F. CAN
2 YOU IDENTIFY THIS DOCUMENT?

3 A. Yes. It is a screenshot from my research at TPWD's Texas Watershed Viewer. This
4 particular image shows the outline of the Upper Cibolo Creek Watershed.

5 Q. WHAT IS THE TPWD TEXAS WATERSHED VIEWER?

6 A. It is a web-based mapping tool that shows all of the major watersheds in the state of
7 Texas.

8 Q. HAVE YOU REVIEWED THE INFORMATION CONTAINED IN EXHIBIT
9 F?

10 A. Yes.

11 Q. IS EXHIBIT F A FAIR AND ACCURATE REPRESENTATION OF THE
12 WATERSHED VIEW PAGE FOR THE UPPER CIBOLO CREEK
13 WATERSHED?

14 A. Yes.

15 THE CITY OFFERS EXHIBIT F INTO EVIDENCE.

16 Q. WHAT DOES THIS IMAGE IN EXHIBIT F DEMONSTRATE?

17 A. With my knowledge of where the Decertificated Land is located, this map confirms
18 my opinion that the Decertificated Land is within the Cibolo Creek Watershed. To be
19 clear, the Upper Cibolo Creek Watershed is within Cibolo Creek Watershed.

20 Q. WHAT IS THE IMPACT OF THIS MAP ON YOUR REGIONALIZATION
21 ANALYSIS?

22 A. It is my opinion that with the Decertificated Land being located within the corporate
23 limits of the City and the fact that the land is also within the Cibolo Creek Watershed,

1 CCMA is the regional wastewater collection and treatment provider for the
2 Decertificated Land.

3 **Q. WHAT DO YOU BELIEVE IS THE RESULT IF CCMA IS THE TCEQ-**
4 **APPROVED REGIONAL PROVIDER TO THE DECERTIFICATED LAND?**

5 A. I believe that GVSUD cannot collect, transport, treat or discharge the wastewater
6 generated by landowners within the Decertificated Land, and any GVSUD property
7 for such purposes must be excluded from the analysis of whether such property is
8 rendered useless or valueless from the decertification of the Decertificated Land
9 because it never could have been used to collect, transport, treat, or discharge
10 wastewater generated by landowners within the Decertificated Land in the first place.

11 **V. NO PROPERTY IS RENDERED USELESS OR VALUELESS**
12 **UPON DECERTIFICATION**

13 **Q. WITH RESPECT TO THE FIRST ISSUE IN THIS DOCKET- WHAT**
14 **PROPERTY, IF ANY, OF GVSUD IS RENDERED USELESS OR**
15 **VALUELESS BY DECERTIFICATION?**

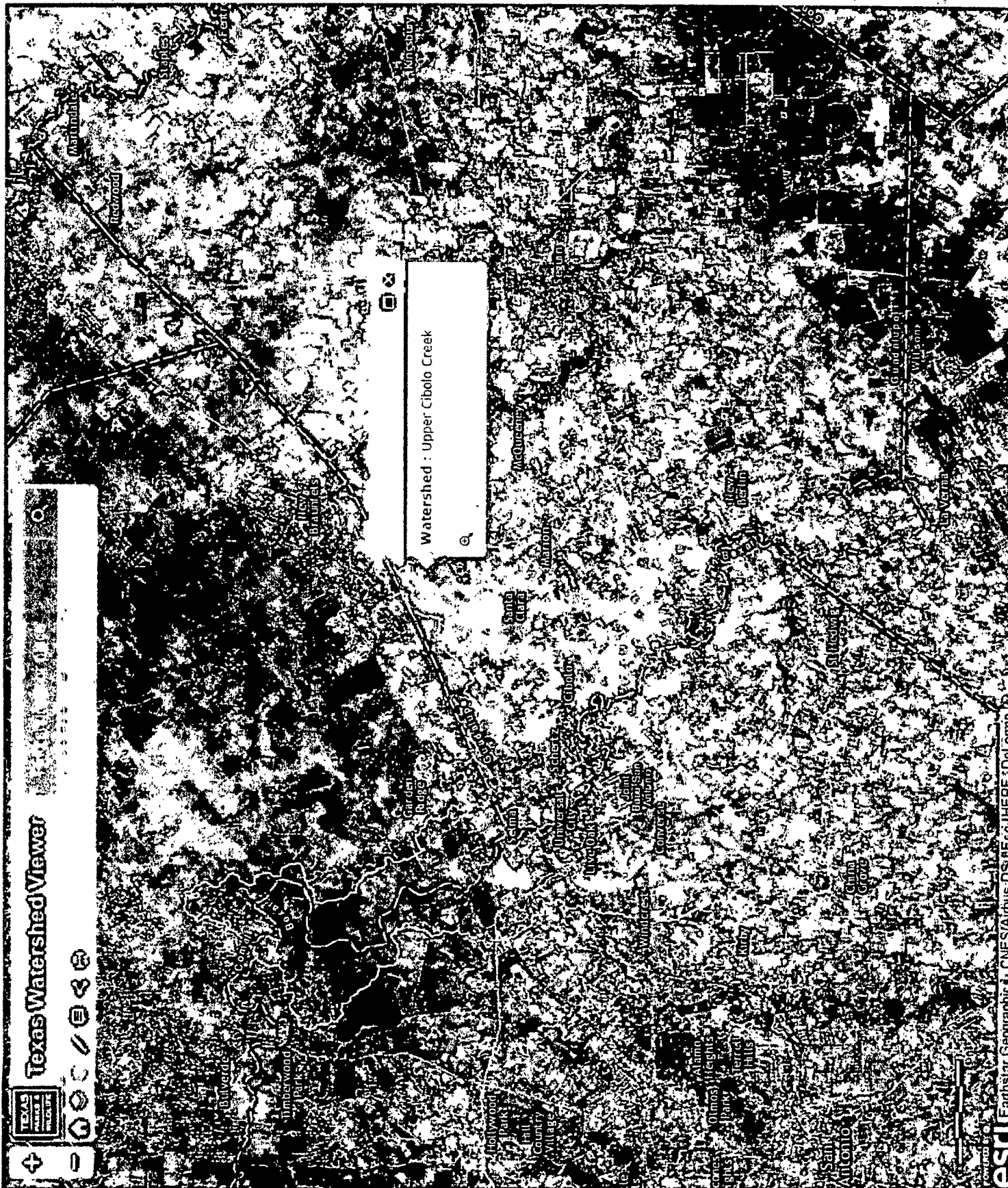
16 A. None. It is my opinion that there is no property of GVSUD that has been rendered
17 useless or valueless by the Application.

18 **Q. DOES THAT INCLUDE BOTH REAL AND PERSONAL PROPERTY?**

19 A. Yes.

20 **Q. WHEN YOU REFER TO REAL PROPERTY, WHAT DO YOU MEAN?**

21 A. To me, real property is a right to land, such as ownership of land or another lesser
22 interest.



THIS DOCUMENT CONTAINED A BARCODE

UNABLE TO SCAN

**TO VIEW DOCUMENT(S)
PLEASE GO TO
PUC'S
CENTRAL RECORDS**

(512) 936-7180

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

RECEIVED

2016 OCT 11 PM 2:51

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 PUBLIC UTILITY
PUBLIC UTILITY COMMISSION
FILING CLERK
COMMISSION OF TEXAS

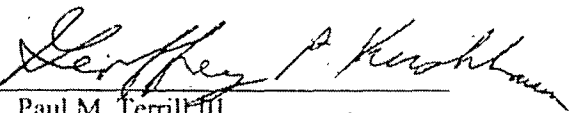
**GREEN VALLEY SUD'S RESPONSE TO CIBOLO'S SECOND
REQUESTS FOR INFORMATION**

To: City of Cibolo, Texas, by and through its attorneys of record, David Klein and Christie Dickenson, Lloyd Gosselink, 816 Congress Ave., Suite 1900, Austin, Texas 78701.

Green Valley Special Utility District ("Green Valley SUD") provides its response to City of Cibolo's Second Requests for Information to Green Valley SUD. Green Valley SUD stipulates that the following response to requests for information may be treated by all parties as if the answer was filed under oath.

Respectfully submitted,

By:



Paul M. Terrill III
State Bar No. 00785094
Geoffrey P. Kirshbaum
State Bar No. 24029665
TERRILL & WALDROP
810 W. 10th Street
Austin, Texas 78701
(512) 474-9100
(512) 474-9888 (fax)

**ATTORNEYS FOR GREEN VALLEY SPECIAL UTILITY
DISTRICT**

72

CERTIFICATE OF SERVICE

I hereby CERTIFY that on October 11, 2016, a true and complete copy of the above was sent by the method indicated to counsel of record at the following addresses in accordance with P.U.C. PROC. R. 22.74:

David Klein
Christie Dickenson
Lloyd Gosselink
816 Congress Ave., Suite 1900
Austin, Texas 78701

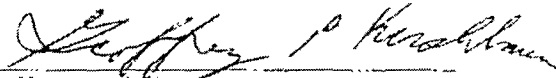
via fax to: (512) 472-0532

ATTORNEY FOR APPLICANT

Landon Lill
Public Utility Commission of Texas
1701 N Congress PO Box 13326
Austin, Texas 78711-3326

via fax to: (512) 936-7268

ATTORNEY FOR COMMISSION STAFF



Geoffrey P. Kirshbaum

RESPONSE TO REQUEST FOR INFORMATION

Cibolo RFI 2-1 If your answer to Cibolo RFA 2-1 is "deny", please provide any and all comprehensive planning and/or engineering documents for GVSUD's water system that provides the basis for your answer to Cibolo RFA 2-1.

RESPONSE: Not applicable.

Prepared and Sponsored by: Pat Allen, General Manager - Green Valley Special Utility District

Cibolo RFI 2-2 If your answer to Cibolo RFA 2-2 is "deny", please provide any and all comprehensive planning and/or engineering documents for GVSUD's sewer system that provides the basis for your answer to Cibolo RFA 2-2.

RESPONSE: Please see GVUSD 000732-834 and GVSUD 001293-1341.

Prepared and Sponsored by: Pat Allen, General Manager - Green Valley Special Utility District

Cibolo RFI 2-3 If your answer to Cibolo RFA 2-3 is "deny", please provide any and all TPDES Permits approved by the TCEQ that are possessed by GVSUD.

RESPONSE: Not applicable.

Prepared and Sponsored by: Pat Allen, General Manager - Green Valley Special Utility District

Cibolo RFI 2-4 If your answer to Cibolo RFA 2-4 is "deny", please provide any and all documentation in your possession that provides the basis for your answer to Cibolo RFA 2-4.

RESPONSE: Not applicable.

Prepared and Sponsored by: Pat Allen, General Manager - Green Valley Special Utility District

Cibolo RFI 2-5 If your answer to Cibolo RFA 2-5 is "deny", please provide any and all documentation in your possession that provides the basis for your answer to Cibolo RFA 2-5.

RESPONSE: Not applicable.

Prepared and Sponsored by: Pat Allen, General Manager - Green Valley Special Utility District

Cibolo RFI 2-6 If your answer to Cibolo RFA 2-6 is "deny", please provide any and all documentation in your possession that provides the basis for your answer to Cibolo RFA 2-6.

RESPONSE: Not applicable.

Prepared and Sponsored by: Pat Allen, General Manager - Green Valley Special Utility District

Cibolo RFI 2-7 If your answer to Cibolo RFA 2-7 is "deny", please provide any and all documentation in your possession that provides the basis for your answer, including, but not limited to, any correspondence from the TCEQ approving GVSUD's designs for a wastewater treatment facility.

RESPONSE: Not applicable.

Prepared and Sponsored by: Pat Allen, General Manager - Green Valley Special Utility District

Cibolo RFI 2-8 If your answer to Cibolo RFA 2-8 is "deny", please provide any and all documentation in your possession that provides the basis for your answer, including, but not limited to, any correspondence from the TCEQ approving GVSUD's designs for a wastewater treatment facility.

RESPONSE: Not applicable.

Prepared and Sponsored by: Pat Allen, General Manager - Green Valley Special Utility District

Cibolo RFI 2-9 If your answer to Cibolo RFA 2-9 is "deny", please provide any and all documentation in your possession that provides the basis for your answer, including, but not limited to, any correspondence from the TCEQ approving GVSUD's designs for a wastewater treatment facility.

RESPONSE: Not applicable.

Prepared and Sponsored by: Pat Allen, General Manager - Green Valley Special Utility District

Cibolo RFI 2-10 If your answer to Cibolo RFA 2-10 is "admit", please explain what portion of the 65 acres of land is rendered useless or valueless and the basis for your explanation.

RESPONSE: Not applicable.

Prepared and Sponsored by: Pat Allen, General Manager - Green Valley Special Utility District

Cibolo RFI 2-11 Does the service area for the proposed wastewater treatment plant identified in GVSUD's TPDES Permit Application include the area colored in light blue in Attachment A to the City's Application; which is attached hereto as Attachment 1?

RESPONSE: Yes.

Prepared and Sponsored by: Pat Allen, General Manager - Green Valley Special Utility District

Cibolo RFI 2-12 If GVSUD's TPDES Permit Application, as initially filed at the TCEQ, is approved by the TCEQ, then does GVSUD intend to treat raw wastewater at the proposed wastewater treatment plant identified in GVSUD's TPDES Permit Application that is generated within the area colored in light blue in Attachment A to the City's Application, which is attached hereto as Attachment 1?

RESPONSE: Yes, it does.

Prepared and Sponsored by: Pat Allen, General Manager - Green Valley Special Utility District

Cibolo RFI 2-13 Please identify and describe the expenditures made using bond proceeds from GVSUD's Water System Revenue Bonds, Series 2003. For each expenditure, please clarify whether the expenditure was for GVSUD's water or sewer system.

RESPONSE: The proceeds from GVSUD's Water System Revenue Bonds, Series 2003, were used to pay for the design, planning, construction, and installation of a new 12" water main and its appurtenances along Nickerson-Farms Road, Interstate Highway 10, Farm to Market Road FM 775, and County Road 404. This project was completed on April 15, 2004. All these expenditures were made for water system improvements.

Prepared and Sponsored by: Pat Allen, General Manager - Green Valley Special Utility District

Cibolo RFI 2-14 Please provide any and all documents possessed by GVSUD that contain population growth projections within its sewer CCN area.

RESPONSE: Please see GVSUD 002382-2511 (Green Valley SUD 2014 Water Master Plan); GVSUD 002352-2367 (IH 10 Industrial Park Water Service Feasibility Study); GVSUD 002368-2381 (Woods of St. Claire Subdivision Water Service Feasibility Study); and Item No. 50 GVSUD's Appraisal Report and Addenda City of Cibolo Demographics (Addenda p. 480-481) and Cibolo Economic Development Corporation (Addenda p. 482).

Prepared and Sponsored by: Pat Allen, General Manager - Green Valley Special Utility District

Cibolo RFI 2-15 Please identify the number of retail sewer service customers of GVSUD on January 1 of each year between 2011 and 2016.

RESPONSE: Zero.

Prepared and Sponsored by: Pat Allen, General Manager - Green Valley Special Utility District

Cibolo RFI 2-16 Please provide all correspondence from third parties to GVSUD between 2011 and 2016 requesting sewer service from GVSUD on a wholesale or retail basis.

RESPONSE: *Please see* GVSUD 002651-2682 and GVSUD 002695-2701 and GVSUD 002704.

Prepared and Sponsored by: Pat Allen, General Manager - Green Valley Special Utility District

Cibolo RFI 2-17 Please provide any and all documents in GVSUD's possession depicting or describing any sewer infrastructure of GVSUD.

RESPONSE: *Please see* GVSUD 000732-834 and GVSUD 001229-001256.

Prepared and Sponsored by: Pat Allen, General Manager - Green Valley Special Utility District

Cibolo RFI 2-18 Please provide any and all documents in GVSUD's possession that provide GVSUD with a real property interest, limited to the real property interests where GVSUD installed or intends to install sewer system infrastructure.

RESPONSE: *Please see* GVSUD 001229-001256

Prepared by: Pat Allen, General Manager - Green Valley Special Utility District

Sponsored by: Pat Allen, General Manager - Green Valley Special Utility District

Cibolo RFI 2-19 Please provide any financial reports, studies, audits, or budgets that include, evaluate, or project revenues anticipated from GVSUD's sewer system.

RESPONSE: *Please see* GVSUD 000001-731 (Green Valley SUD Wastewater Master Plan); Item No. 50 GVSUD's Appraisal Report and Addenda Green Valley SUD Projected Flows (Addenda p.370-371), 2015 Sewer Fees (Addenda p.476), City of Schertz Schedule of Fees (Addenda p.477), GBRA Rates and Rate Structures (Addenda p. 478), Cibolo Residential Rates (Addenda p. 479).

Prepared and Sponsored by: Pat Allen, General Manager - Green Valley Special Utility District

Cibolo RFI 2-20 Do you contend that the area colored in light blue in Attachment A to the City's Application, which is attached hereto as Attachment 1, is within the Cibolo Creek watershed? If not, please explain why not.

RESPONSE: There are multiple areas colored in light blue in Attachment A to the City's Application. A small portion of those areas are in the Cibolo Creek watershed. The majority of those areas are within the Santa Clara watershed.

Prepared and Sponsored by: Pat Allen, General Manager - Green Valley Special Utility District

Cibolo RFI 2-21 Please provide any documentation in GVSUD's possession where the City has requested or demanded that GVSUD transfer real or personal property pertaining to the provision of sewer service to the City.

RESPONSE: After a diligent search, GVSUD has not identified any documents responsive to this request.

Prepared and Sponsored by: Pat Allen, General Manager - Green Valley Special Utility District

Cibolo RFI 2-22 Does GVSUD contend that its appraisal filed at the PUC on June 28, 2016 includes all real and personal property of GVSUD that would be rendered useless or valueless when the area colored in light blue in Attachment A to the City's Application, which is attached hereto as Attachment 1, is removed from GVSUD's sewer CCN boundaries?

RESPONSE: GVSUD contends that its appraisal filed at the PUC on June 28, 2016 includes all real and personal property of GVSUD that would be rendered useless or valueless by the described decertification as of the date of the Appraisal. GVSUD has not identified any additional property as of the date of this response. However, GVSUD does not know precisely when or if decertification will occur as this request presumes. Values identified in the appraisal will need to be updated as part of the second phase of this hearing.

Prepared and Sponsored by: Pat Allen, General Manager - Green Valley Special Utility District

Cibolo RFI 2-23 Please provide any financial reports, studies, audits, or budgets possessed by GVSUD, dated between January 1, 2011 through September 21, 2016 that include, evaluate, or project anticipated revenues from GVSUD's sewer system.

RESPONSE: *Please see GVSUD 000001-731 (Green Valley SUD Wastewater Master Plan); Item No. 50 GVSUD's Appraisal Report and Addenda Green Valley SUD Projected Flows (Addenda p.370-371), 2015 Sewer Fees (Addenda p.476), City of Schertz Schedule of Fees (Addenda p.477), GBRA Rates and Rate Structures (Addenda p. 478), Cibolo Residential Rates (Addenda p. 479).*

Prepared and Sponsored by: Pat Allen, General Manager - Green Valley Special Utility District

Cibolo RFI 2-24 Please identify the number of retail sewer service customers of GVSUD on January 1 of each year between 2011 and 2016 that are located within the area colored in light blue in Attachment A to the City's Application, which is attached hereto as Attachment 1.

RESPONSE: Zero.

Prepared and Sponsored by: Pat Allen, General Manager - Green Valley Special Utility District

Cibolo RFI 2-25 Please provide any and all documentation depicting or describing any existing sewer infrastructure, in whole or in part, within the area colored in light blue in Attachment A to the City's Application, which is attached hereto as Attachment 1.

RESPONSE: After a diligent search, GVSUD has not identified any documents responsive to this request.

Prepared and Sponsored by: Pat Allen, General Manager - Green Valley Special Utility District

Cibolo RFI 2-26 Please provide any and all contracts and other documents in GVSUD's possession that contemplate the design and/or construction of sewer infrastructure for GVSUD.

RESPONSE: *Please see GVSUD 002616-2647.*

Prepared and Sponsored by: Pat Allen, General Manager - Green Valley Special Utility District

Cibolo RFI 2-27 Please provide any and all documents in GVSUD's possession demonstrating that GVSUD possesses a real property interest in the area colored in light blue in Attachment A to the City's Application, which is attached hereto as Attachment 1.

RESPONSE: GVSUD possesses water line easements within the described areas. GVSUD will make its business records that demonstrate its ownership of those easements available for inspection by Cibolo upon request. However,

GVSUD has not identified wastewater line easements or fee simple property interests located within the described areas. GVSUD may supplement this response if additional responsive information is identified.

Prepared and Sponsored by: Pat Allen, General Manager - Green Valley Special Utility District

Cibolo RFI 2-28 Please provide any and all loans or other debt obligations relating to the design and construction of sewer infrastructure, where GVSUD is the borrower.

RESPONSE: *Please see GVSUD 000948-1196.*

Prepared and Sponsored by: Pat Allen, General Manager - Green Valley Special Utility District

Cibolo RFI 2-29 Please provide any and all contracts between GVSUD and third parties within the area colored in light blue in Attachment A to the City's Application, which is attached hereto as Attachment 1, that pertain to the provision of sewer service.

RESPONSE: *Please see GVSUD 002616-2647.*

Prepared and Sponsored by: Pat Allen, General Manager - Green Valley Special Utility District

Cibolo RFI 2-30 If your answer to Cibolo RFA 2-20 is "deny," please provide any documentation in your possession that provides a basis for your answer.

RESPONSE: Not applicable.

Prepared and Sponsored by: Pat Allen, General Manager - Green Valley Special Utility District

Cibolo RFI 2-31 If your answer to Cibolo RFA 2-21 is "deny," please provide any documentation in your possession that provides a basis for your answer.

RESPONSE: Not applicable.

Prepared and Sponsored by: Pat Allen, General Manager - Green Valley Special Utility District

Cibolo RFI 2-32 If your answer to Cibolo RFA 2-22 is "deny," please provide any documentation in your possession that provides a basis for your answer.

RESPONSE: Not applicable.

Prepared and Sponsored by: Pat Allen, General Manager - Green Valley Special Utility District

Cibola RFI 2-33 Please identify and describe the location of the proposed wastewater treatment plant contemplated by GVSUD's TPDES Permit Application.

RESPONSE: *Please see GVSUD 002610-2611.*

Prepared and Sponsored by: Pat Allen, General Manager - Green Valley Special Utility District

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PUC DOCKET NO. 45702

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

**GREEN VALLEY SUD'S RESPONSE TO CIBOLO'S
SECOND REQUESTS FOR ADMISSION**

To: City of Cibolo, Texas, by and through its attorneys of record, David Klein and Christie Dickenson, Lloyd Gosselink, 816 Congress Ave., Suite 1900, Austin, Texas 78701.

Green Valley Special Utility District ("Green Valley SUD") provides its response to City of Cibolo's Second Requests for Admission to Green Valley SUD.

Respectfully submitted,

By: 

Paul M. Terrill III
State Bar No. 00785094
Geoffrey P. Kirshbaum
State Bar No. 24029665
TERRILE & WALDROP
810 W. 10th Street
Austin, Texas 78701
(512) 474-9100
(512) 474-9888 (fax)

**ATTORNEYS FOR GREEN VALLEY SPECIAL UTILITY
DISTRICT**

CERTIFICATE OF SERVICE

I hereby CERTIFY that on October 10, 2016, a true and complete copy of the above was sent by the method indicated to counsel of record at the following addresses in accordance with P.U.C. PROC. R. 22.74:

David Klein
Christie Dickenson
Lloyd Gosselink
816 Congress Ave., Suite-1900
Austin, Texas 78701

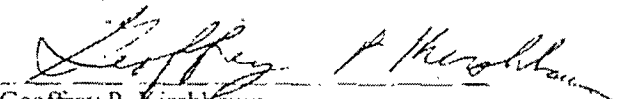
via fax to: (512) 472-0532

ATTORNEY FOR APPLICANT

Landon Lill
Public Utility Commission of Texas
1701 N Congress PO Box 13326
Austin, Texas 78711-3326

via fax to: (512) 936-7268

ATTORNEY FOR COMMISSION STAFF



Geoffrey P. Kirshbaum

RESPONSE TO REQUESTS FOR ADMISSION

Cibola RFA 2-1 Admit that GVSUD's 2014 Water Master Plan is the most recent comprehensive planning and/or engineering document for GVSUD's water system.

RESPONSE: Admit

Cibola RFA 2-2 Admit that GVSUD's 2006 Wastewater Master Plan is the most recent comprehensive planning and/or engineering document for GVSUD's wastewater system.

RESPONSE: Deny

Cibola RFA 2-3 Admit that GVSUD does not possess a Texas Pollutant Discharge Elimination System ("TPDES") permit that has been approved by the Texas Commission on Environmental Quality.

RESPONSE: Admit

Cibola RFA 2-4 Admit that GVSUD has not submitted designs to the Texas Commission on Environmental Quality for a wastewater treatment facility.

RESPONSE: Admit

Cibola RFA 2-5 Admit that GVSUD has not submitted designs to the Texas Commission on Environmental Quality for a wastewater collection system.

RESPONSE: Admit

Cibola RFA 2-6 Admit that GVSUD has not submitted designs to the Texas Commission on Environmental Quality for a wastewater collection system that could be installed to serve the area colored in light blue in Attachment A to the City's Application, which is attached hereto as Attachment I.

RESPONSE: Admit

Cibola RFA 2-7 Admit that GVSUD does not have final approval from the Texas Commission on Environmental Quality of its designs for a wastewater treatment facility.

RESPONSE: Admit

Cibolo RFA 2-8 Admit that GVSUD does not have final approval from the Texas Commission on Environmental Quality of its designs for a wastewater collection system.

RESPONSE: Admit

Cibolo RFA 2-9 Admit that GVSUD does not have final approval from the Texas Commission on Environmental Quality of its designs for a wastewater collection system that could be installed to serve the area colored in light blue in Attachment A to the City's Application, which is attached hereto as Attachment 1.

RESPONSE: Admit

Cibolo RFA 2-10 Admit that all or a portion of the 65 acres of land purchased by GVSUD outside of the area designated for single sewer CCN certification in the Application will be rendered useless and valueless upon decertification.

RESPONSE: Deny

Cibolo RFA 2-11 Admit that in the event of decertification, GVSUD intends to amend its pending TPDES permit application to address the decreased service area.

RESPONSE: Cannot admit or deny. GVSUD will make a determination on this issue if decertification occurs before GVSUD receives the TPDES Permit.

Cibolo RFA 2-12 Admit that GVSUD's TPDES Permit Application, styled as Application for TPDES Permit No. WQ0015360001, pending at the TCEQ, includes the area colored in light blue in Attachment A to the City's Application, which is attached hereto as Attachment 1 in the service area of that application.

RESPONSE: Admit

Cibolo RFA 2-13 Admit that GVSUD intends to treat raw wastewater generated within the area colored in light blue in Attachment A to the City's Application, which is attached hereto as Attachment 1, with wastewater treatment plant that is contemplated in the GVSUD application pending at the TCEQ, styled as Application for TPDES Permit No. WQ0015360001.

RESPONSE: Admit

Cibolo RFA 2-14 Admit that a portion of the bond proceeds from GVSUD's Water System Revenue Bonds, Series 2003, have been used to design or construct wastewater infrastructure

RESPONSE: Deny

Cibolo RFA 2-15 Admit that none of the bond proceeds from GVSUD's Water System Revenue Bonds, Series 2003, have been used to design or construct any wastewater infrastructure.

RESPONSE: Admit

Cibolo RFA 2-16 Admit that GVSUD anticipates growth in its wastewater service area beyond that portion to be decertified.

RESPONSE: Admit

Cibolo RFA 2-17 Admit that GVSUD's capital costs for planning, designing, and constructing the proposed wastewater treatment facility will be impacted upon decertification.

RESPONSE: Deny

Cibolo RFA 2-18 Admit that Cibolo Creek Municipal Authority is a political subdivision of the state of Texas.

RESPONSE: Admit

Cibolo RFA 2-19 Admit that on September 20, 2016, GVSUD had no existing retail sewer customers within the boundaries of its sewer CCN No 20973.

RESPONSE: Admit

Cibolo RFA 2-20 Admit that on March 8, 2016, GVSUD had no existing sewer infrastructure within the area colored in light blue in Attachment A to the City's Application, which is attached hereto as Attachment 1.

RESPONSE: Admit

Cibolo RFA 2-21 Admit that on September 20, 2016, GVSUD had no existing sewer infrastructure within the area colored in light blue in Attachment A to the City's Application, which is attached hereto as Attachment 1.

RESPONSE: Admit

Cibolo RFA 2-22 Admit that on September 20, 2016, GVSUD had no existing retail sewer customers within the area colored in light blue in Attachment A to the City's Application, which is attached hereto as Attachment 1.

RESPONSE: Admit

Cibolo RFA 2-23 Admit that on September 20, 2016, GVSUD had no existing sewer infrastructure within the area colored in light blue in Attachment 1.

RESPONSE: Admit

Cibolo RFA 2-24 Admit that on March 8, 2016, GVSUD had not entered into any agreements regarding the design or construction of sewer infrastructure within the area colored in light blue in Attachment A to the City's Application, which is attached hereto as Attachment 1.

RESPONSE: Deny

Cibolo RFA 2-25 Admit that on September 20, 2016, GVSUD had not entered into any agreements regarding the design or construction of sewer infrastructure within the area colored in light blue in Attachment A to the City's Application, which is attached hereto as Attachment 1.

RESPONSE: Deny

Cibolo RFA 2-26 Admit that between May 31, 2016 and September 20, 2016, GVSUD did not receive any requests for retail sewer service from landowners within the area colored in light blue in Attachment A to the City's Application, which is attached hereto as Attachment 1.

RESPONSE: Admit

Cibolo RFA 2-27 Admit that on March 8, 2016, GVSUD had no contracts with landowners or residents within the area colored in light blue in Attachment A to the City's

Application, which is attached hereto as Attachment 1, to provide retail sewer service to such landowners or residents within the area colored in light blue in Attachment A to the City's Application, which is attached hereto as Attachment 1.

RESPONSE: Admit

Cibolo RFA 2-28 Admit that between September 20, 2011 and September 20, 2016, GVSUD has never received a request from the City to transfer any wastewater infrastructure to the City.

RESPONSE: Admit

Cibolo RFA 2-29 Admit that between September 20, 2011 and September 20, 2016, GVSUD has never received a request from the City to transfer any personal property to the City.

RESPONSE: Admit

Cibolo RFA 2-30 Admit that between September 20, 2011 and September 20, 2016, GVSUD has never received a request from the City to transfer any real property to the City.

RESPONSE: Admit

Cibolo RFA 2-31 Admit that Cibolo Creek Municipal Authority treats raw wastewater.

RESPONSE: Admit

Cibolo RFA 2-32 Admit that GVSUD's filed an appraisal report with the Public Utility Commission on June 28, 2016.

RESPONSE: Admit