



Control Number: 45702



Item Number: 90

Addendum StartPage: 0

RECEIVED

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 UTILITIES

PUBLIC UTILITY COMMISSION
FILING CLERK

COMMISSION OF TEXAS

**GREEN VALLEY SUD'S THIRD REQUESTS FOR INFORMATION
 TO THE CITY OF CIBOLO**

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") hereby serves this Third Request for Information to the City of Cibolo ("Cibolo") pursuant to P.U.C. PROC. R. § 22.144.

Respectfully submitted,

By: 

Paul M. Terrill III
 State Bar No. 00785094
 Geoffrey P. Kirshbaum
 State Bar No. 24029665
 Shan S. Rutherford
 State Bar No. 24002880
 TERRILL & 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 December 1, 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

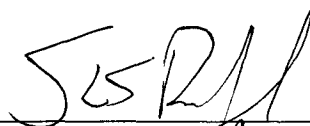
via fax to: (512) 472-0532

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



Shan S. Rutherford

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 "City of Cibolo" or "the City," the Applicant 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, council members, board and commission members, 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 City of Cibolo.
4. The term "CCMA" refers to the Cibolo Creek Municipal Authority, its officers, employees, agents, directors, attorneys, and all other natural persons, business or legal entities, presently or formerly, acting in concert with, under the direct or indirect control of, or on behalf of the Cibolo Creek Municipal Authority.
5. The City of Schertz refers to the City of Schertz, Texas, its officers, employees, agents, representatives, council members, board and commission members, attorneys, and all other natural persons, business or legal entities, presently or formerly, acting in concert with, under the direct or indirect control of, or on behalf of the City of Schertz.

6. 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.
7. The term “Staff” as used herein refers to the natural persons employed by and working for the Public Utility Commission in any capacity.
8. 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.
9. 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.
10. 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.
11. “Document” and “Documents” are used herein in their broadcast sense as set forth in TEX. R. CIV. P. 192.3(b) and as described in P.U.C. SUBST. R. 24.141(a), 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.

12. 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.
13. 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.
14. 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 small phones (*e.g.* iPhones, BlackBerrys).
15. 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.
16. 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).

REQUESTS FOR INFORMATION

- GVSUD 3-1 Referring to the Direct Testimony of Rudy Klein at page 8, lines 4-5, please identify the agency and docket numbers in which the cost analyses for compensation were performed by Mr. Klein on behalf of East Medina SUD and Burton WSC. For each identified proceeding, provide an explanation of the purpose(s) for which these cost analyses were performed.
- GVSUD 3-2 Referring to the Direct Testimony of Rudy Klein at page 8, lines 14-17, provide all communications, including all documents regarding communications, between Mr. Klein and Mr. Herrera or Mr. Fousse regarding the Application.
- GVSUD 3-3 Please provide all agreements and all communications between the City and Jack Stowe.
- GVSUD 3-4 Please provide a copy of all water and wastewater CCN compensation reports filed by Jack Stowe and/or NewGen Strategies and Solutions, LLC, and provide the identity of the Commission or TCEQ dockets in which such CCN compensation reports were filed.
- GVSUD 3-5 Please provide a copy of all workpapers compiled or reviewed by Mr. Stowe in the preparation of Exhibit C to the Direct Testimony of Rudy Klein.
- GVSUD 3-6 Referring to the Direct Testimony of Rudy Klein at page 17, lines 3-6, please identify the TPDES permit applications referenced in this portion of Mr. Klein's testimony. For each identified permit application, provide a detailed description of how the TCEQ's policy on regionalization was an issue in the application proceeding.
- GVSUD 3-7 Does the City contend that the Commission has jurisdiction under Texas Water Code Chapter 26 to decide Texas Pollution Discharge Elimination System permit issues? Please explain your answer.
- GVSUD 3-8 Referring to the Direct Testimony of Rudy Klein at pages 17-18, does the City contend that the eight (8) TCEQ-authorized regional entities are authorized to provide retail water or sewer service? Please explain your answer.
- GVSUD 3-9 Please provide all communications between CCMA and the City from January 1, 2013 to the present.

- GVSUD 3-10 Please provide all written agreements between the City and CCMA.
- GVSUD 3-11 Please provide all resolutions and ordinances of the City regarding water and/or wastewater service from January 1, 2013 to the present.
- GVSUD 3-12 Please provide all communications and all written agreements between the City and the City of Schertz from January 1, 2013 to the present regarding water and/or wastewater service.
- GVSUD 3-13 Please identify any City funds provided to CCMA, including the amounts, the dates of payment and a detailed description of the reason for the payment.
- GVSUD 3-14 Please identify and describe any voting and/or economic interest the City has in CCMA and provide all documents regarding such interest(s).
- GVSUD 3-15 Referring to the Direct Testimony of Rudy Klein at page 23, lines 1-3, please explain the basis for Mr. Klein's definition of "personal property" and provide a copy of all documents upon which Mr. Klein relied in forming his opinion.
- GVSUD 3-16 Referring to the Direct Testimony of Rudy Klein at page 29, line 23 thru line 1, please explain the basis for Mr. Klein's opinion that future costs and future lost revenues "are simply not property" and provide a copy of all documents upon which Mr. Klein relied in forming his opinion.
- GVSUD 3-17 For each tract that Cibolo seeks to decertify in the Application, please identify and provide all documents that Cibolo contends establishes that Cibolo has annexed the tract.
- GVSUD 3-18 Please explain why the "City of Cibolo Request Decertification from GVSUD Sanitary Sewer CCN" area identified in the Application, Attachment A map does not match the "City of Cibolo Requested Decertification from GVSUD Sanitary Sewer CCN" area identified in the Application, Attachment B.1 and B.2 maps.
- GVSUD 3-19 Please identify which map shows the correct "City of Cibolo Requested Decertification from GVSUD Sanitary Sewer CCN" area for purposes of the pending Application.

GVSUD 3-20 Please provide any annexation agreements for tracts located within the “City of Cibolo Requested Decertification from GVSUD Sanitary Sewer CCN’ area as identified in the Application, Attachment A map.

GVSUD 3-21 Please provide a means of matching each annexation agreement or proof of annexation document with each tract included in the “City of Cibolo Requested Decertification from GVSUD Sanitary Sewer CCN” area as identified in the Application, Attachment A map.