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Addendum StartPage: 0

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OF

ADMINISTRATIVE HEARINGS

On November 8, 2016, the City propounded its Fourth Requests for Information (“*RFI*”) on GVSUD. GVSUD did not file any objections to these RFIs, and did not contact the attorney for the City regarding any objections or the meaning of any the specific RFIs. However, on November 28, 2016, GVSUD submitted its response, failing to provide appropriate responses to certain RFIs and claiming confusion pertaining to other RFIs. Accordingly, the City files this Motion to Compel (“*Motion*”) to request the Administrative Law Judge to direct GVSUD to fully respond to the City’s discovery request in accordance with the Public Utility Commission’s (“*PUC*”) procedural rules and the Texas Rules of Civil Procedure. This Motion is timely filed.

II. NON-RESPONSIVE ANSWERS

The City's Fourth RFIs were propounded to GVSUD in an effort to discover additional information regarding its positions on the issues at bar in this first phase of the contested case hearing, namely, whether any specific property would be rendered useless or valueless by decertification. The below-discussed responses, however, avoided providing the requested information altogether. These non-responsive answers are incomplete and should be treated as a failure to answer, pursuant to Tex. R. Civ. Proc. 215.1(c). Furthermore, because GVSUD failed to negotiate diligently and in good faith any allegedly objectionable requests and because it failed to subsequently raise any objections to the below-discussed responses, GVSUD is required to fully respond and any objection is now waived pursuant to 16 Texas Administrative Code (*TAC*) §§ 22.144(c), (d).

Cibolo RFI 4-1	Please identify the specific portion(s) of GVSUD's 2006 Wastewater Master Plan that you contend would be rendered useless or valueless by decertification of the service area colored in light blue in Attachment A to the City's Application, which is attached hereto as Attachment 1.
GVSUD 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 decertification as of the date of the Appraisal. Values identified in the appraisal will need to be updated as part of the second phase of this hearing.

The City's specific, pointed request asks GVSUD to identify the particular portion(s) in GVSUD's 2006 Wastewater Master Plan that, in GVSUD's opinion, identifies property would be rendered useless or valueless. Rather than providing the particular page ranges, descriptions, or conceptualizations of this exhibit to GVSUD's Appraisal that identify the alleged property of GVSUD that is rendered useless or valueless, GVSUD instead merely refers the City to GVSUD's Appraisal in its entirety. GVSUD is clearly avoiding this narrowly-tailored request.

The impetus of this request is that GVSUD's Appraisal does nothing to inform what specific portions of the 2006 Wastewater Master Plan will be rendered useless and valueless. In fact, GVSUD's Appraisal only identifies the 2006 Wastewater Master Plan generally; it does not explain with any particularity the portions of that plan that are associated with the area to be decertified. Therefore, GVSUD's response to Cibolo RFI 4-1 is nonresponsive. Such non-response is damaging to the City and is an abuse of the discovery process, as it currently tries to prepare its rebuttal testimony.

Cibolo RFI 4-2 Please explain the basis for your answer to Cibolo RFI 4-1.

GVSUD Response See GVSUD's response to Cibolo RFI 4-1 and GVSUD's appraisal.

Again, GVSUD did not even attempt to provide an explanation of how it reached its response to Cibolo RFI 4-1. Only referencing its Response to Cibolo RFI 4-1, which only references its Appraisal; which only generally discusses GVSUD's 2006 Wastewater Master Plan does not suffice to explain the basis for the non-existent identification of those portions of the 2006 Wastewater Master Plan rendered useless or valueless by decertification. Apparently, GVSUD was hoping that in responding in such a manner, no one would notice that no response to discovery, document, or testimony filed in this proceeding has ever provided a basis for any particular portion of the 2006 Wastewater Master Plan being rendered useless or valueless. Regardless of their intent, GVSUD's response to Cibolo RFI 4-2 is nonresponsive. Such non-response is damaging to the City and is an abuse of the discovery process, as it currently tries to prepare its rebuttal testimony.

Cibolo RFI 4-3 Please identify the specific portion(s) of GVSUD's TPDES Permit Application currently pending at the TCEQ that you contend would be rendered useless or valueless by decertification of the service area colored in light blue in Attachment 1 to these Requests.

GVSUD 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 decertification as of the date of the Appraisal. Values identified in the appraisal will need to be updated as part of the second phase of this hearing.

Similar to RFI 4-1, the City's specific, pointed request in RFI 4-3 seeks clarification on which particular portions of GVSUD's currently pending TPDES Permit Application would be rendered useless or valueless. Rather than identifying particular page ranges, designs calculations, treatment capacity, or other subset of information contained therein that, in GVSUD's opinion, identifies property would be rendered useless or valueless. GVSUD's response, again, merely refers the City to GVSUD's Appraisal in its entirety. GVSUD is clearly also avoiding this narrowly-tailored request. In this case, it is unclear whether any portion of the TPDES Permit Application GVSUD believes will be rendered useless or valueless because GVSUD still intends to pursue the TPDES Permit and construct the wastewater treatment plant, regardless of whether the land Cibolo seeks to decertify is ultimately decertified. The Appraisal only references the TPDES Permit Application in general, non-precise terms, and even then, the discussion is limited to the cost associated with preparing the Application. In no way does the Appraisal demonstrate what portions of the Application or the cost associated therewith (assuming, arguendo, that costs of preparing the Application are relevant at this phase of the proceeding, which the City claims it is not) would be rendered useless or valueless. Therefore, GVSUD's response to Cibolo RFI 4-3 is nonresponsive. Such non-response is damaging to the City and is an abuse of the discovery process, as it currently tries to prepare its rebuttal testimony.

Cibolo RFI 4-4 Please explain the basis for your answer to Cibolo RFI 4-3.

GVSUD Response See GVSUD's response to Cibolo RFI 4-3 and GVSUD's appraisal.

Again, GVSUD did not even attempt to provide an explanation of how it reached its response to Cibolo RFI 4-3. Only referencing its Response to Cibolo RFI 4-3, which only references its Appraisal, which only generally discusses GVSUD's TPDES Permit Application—namely, the cost associated with its preparation—does not suffice to explain the basis for the non-existent identification of those portions of the GVSUD's TPDES Permit Application rendered useless or valueless by decertification. Apparently, GVSUD was hoping that in responding in such a manner, no one would notice that no response to discovery, document, or testimony filed in this proceeding has ever provided a basis for any particular portion of GVSUD's TPDES Permit Application being rendered useless or valueless. Regardless of their intent, GVSUD's response to Cibolo RFI 4-4 is nonresponsive. Such non-response is damaging to the City and is an abuse of the discovery process, as it currently tries to prepare its rebuttal testimony.

Cibolo RFI 4-7	Please identify the specific portion(s) of GVSUD's IH 10 Industrial Park Water Service Feasibility Study that you contend would be rendered useless or valueless by decertification of the service area colored in light blue in Attachment 1 to these Requests.
GVSUD 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 decertification as of the date of the Appraisal. Values identified in the appraisal will need to be updated as part of the second phase of this hearing.

The City's specific, pointed request seeks clarification on which particular portions of GVSUD's IH 10 Industrial Park Water Service Feasibility Study would be rendered useless or valueless. Rather than identifying which portions of the Study—a portion of the GVSUD Appraisal—that would no longer be of use or value to GVSUD by page range or section number, GVSUD's response merely refers the City to GVSUD's Appraisal in its entirety. Again,

GVSUD is clearly avoiding this narrowly-tailored request. The IH 10 Industrial Park Water Service Feasibility Study is limited to service of water in a particular area; it is not readily apparent which portions of the Study would be affected by decertification of property from a *wastewater* certificate of convenience and necessity ("CCN"). Naturally, the Appraisal does nothing to inform such a determination. Therefore, GVSUD's unsubstantiated reference thereto is nonresponsive to Cibolo RFI 4-7. Such non-response is damaging to the City and is an abuse of the discovery process, as it currently tries to prepare its rebuttal testimony.

Cibolo RFI 4-8 Please explain the basis for your answer to Cibolo RFI 4-7.

GVSUD Response See GVSUD's response to Cibolo RFI 4-7 and GVSUD's appraisal.

GVSUD fails to even attempt to provide an explanation of how it reached its response to Cibolo RFI 4-7. Only referencing its Response to Cibolo RFI 4-7, which only references its Appraisal, which does not discuss GVSUD's IH 10 Water Service Feasibility Study in any detail, much less particularly describe those portions that would be rendered useless or valueless, is insufficient to respond to the City's request. As discussed hereinabove, no response to discovery, document, or testimony filed in this proceeding has ever provided a basis for any particular portion of GVSUD's IH 10 Water Service Feasibility Study being rendered useless or valueless by decertification of property from a sewer CCN, and this response still fails to make such a showing, despite a specific request to do so. Therefore, GVSUD's response to Cibolo RFI 4-8 is nonresponsive. Such non-response is damaging to the City and is an abuse of the discovery process, as it currently tries to prepare its rebuttal testimony.

Cibolo RFI 4-9 Please identify the specific portion(s) of the Woods of St. Claire Subdivision Water Feasibility Study that you contend would be rendered useless or valueless by decertification of the service area colored in light blue in Attachment 1 to these Requests.

GVSUD 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 decertification as of the date of the Appraisal. Values identified in the appraisal will need to be updated as part of the second phase of this hearing.

The City's specific, pointed request seeks clarification on which particular portions of GVSUD's Woods of St. Claire Subdivision Water Feasibility Study that, in GVSUD's opinion, would be rendered useless or valueless. Rather than identifying which portions of the Study—a portion of the GVSUD Appraisal—that would no longer be of use or value to GVSUD by page range or section number, GVSUD's response merely refers the City to GVSUD's Appraisal in its entirety. As per usual, GVSUD is clearly avoiding this narrowly-tailored request. The Woods of St. Claire Subdivision Water Feasibility Study is limited to service of water in a particular area; it is not readily apparent which portions of the Study would be affected by decertification of property from a *wastewater* CCN. The Appraisal does nothing to inform such a determination. Therefore, GVSUD's unsubstantiated reference thereto is nonresponsive to Cibolo RFI 4-9. Such non-response is damaging to the City and is an abuse of the discovery process, as it currently tries to prepare its rebuttal testimony.

Cibolo RFI 4-10 Please explain the basis for your answer to Cibolo RFI 4-9.

GVSUD Response See GVSUD's response to Cibolo RFI 4-9 and GVSUD's appraisal.

GVSUD fails to even attempt to provide an explanation of how it reached its response to Cibolo RFI 4-9. Only referencing its Response to Cibolo RFI 4-9, which only references its Appraisal, which does not discuss GVSUD's Woods of St. Claire Subdivision Water Feasibility Study in any detail, much less particularly describe those portions that would be rendered useless or valueless, is insufficient to respond to the City's request. As discussed hereinabove, no

response to discovery, document, or testimony filed in this proceeding has ever provided a basis for any particular portion of GVSUD's Woods of St. Claire Subdivision Water Feasibility Study being rendered useless or valueless by decertification of property from a sewer CCN, and this response still fails to make such a showing, despite a specific request to do so. Therefore, GVSUD's response to Cibolo RFI 4-10 is nonresponsive. Such non-response is damaging to the City and is an abuse of the discovery process, as it currently tries to prepare its rebuttal testimony.

Cibolo RFI 4-11 Please identify any other specific items you contend are property interests related to GVSUD's wastewater system planning and design activities that would be rendered useless or valueless by decertification of the service area colored in light blue in Attachment 1 to these Requests.

GVSUD 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 decertification as of the date of the Appraisal. Values identified in the appraisal will need to be updated as part of the second phase of this hearing.

The City's specific, pointed request seeks clarification on precisely what interests of GVSUD related to wastewater system planning and design activities are alleged to be rendered useless or valueless. GVSUD's passive reference to its Appraisal in its entirety does not provide any such clarification. The Appraisal, although it mentions some wastewater system planning and design activities, only discusses such activities generally and does not specifically identify each activity that GVSUD claims is property. If GVSUD cannot even identify with any degree of particularity what those interests are, then it is impossible to make a determination on whether such interests are property and whether it would be rendered useless and valueless by decertification. This response to Cibolo RFI 4-11 is therefore nonresponsive. Such non-

response is damaging to the City and is an abuse of the discovery process, as it currently tries to prepare its rebuttal testimony.

Cibolo RFI 4-12 For any item identified in Cibolo RFI 4-11, please identify the specific portions of that item that you contend would be rendered useless or valueless by decertification of the service area colored in light blue in Attachment 1 to these Requests.

GVSUD 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 decertification as of the date of the Appraisal. Values identified in the appraisal will need to be updated as part of the second phase of this hearing.

The City's request seeks clarification on what particular portion of any other identified interest related to wastewater system planning and design activities will be rendered useless or valueless upon decertification. Because the Appraisal fails to even identify such interests with any degree of particularity, the Appraisal correspondingly fails to demonstrate what portions of those still unidentified interests will be rendered useless or valueless. As such, GVSUD's response to Cibolo RFI 4-12 is nonresponsive. Such non-response is damaging to the City and is an abuse of the discovery process, as it currently tries to prepare its rebuttal testimony.

Cibolo RFI 4-13 Please identify the specific "lost revenues" you contend would be rendered useless or valueless by decertification of the service area colored in light blue in Attachment 1 to these Requests.

GVSUD 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 decertification as of the date of the Appraisal. Values identified in the appraisal will need to be updated as part of the second phase of this hearing.

The City's specific, pointed request seeks clarification on precisely what revenues that, in GVSUD's opinion, would be rendered useless or valueless by decertification. Rather than

identifying revenues that would no longer be collected by GVSUD, GVSUD's response merely refers the City to GVSUD's Appraisal in its entirety. GVSUD is clearly avoiding this narrowly-tailored request. The impetus of this request is that GVSUD's Appraisal does nothing to inform what specific revenues will be rendered useless and valueless upon decertification. The discussion of lost revenues in the Appraisal is general and does specifically identify what revenues will be lost and, more importantly, how such revenues will be lost upon decertification. Therefore, GVSUD's response to Cibolo RFI 4-13 is nonresponsive. Such non-response is damaging to the City and is an abuse of the discovery process, as it currently tries to prepare its rebuttal testimony.

Cibolo RFI 4-14 Please identify all specific items you would characterize as "investments" in a future GVSUD wastewater system.

GVSUD 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 decertification as of the date of the Appraisal. Values identified in the appraisal will need to be updated as part of the second phase of this hearing.

The City's request seeks clarification on testimony put forth by GVSUD's witness that refer to interests, activities, planning, expenditures and more as "investments" to better understand what GVSUD claims is an "investment" that is also property that will be rendered useless and valueless by decertification. The term "investment" is used in the testimony as a catchall provision for all of the steps that GVSUD has taken to date to arrive at this proceeding regarding its provision of sewer service. It is unclear, however, which of these "investments" GVSUD contends is property that would be rendered useless or valueless. GVSUD's Appraisal does not refer to the items contained therein as "investments", so a passive reference thereto does nothing to clarify what portions of the Appraisal GVSUD considers an "investment." Moreover,

GVSUD's response does not even use the word "investment"; it merely states that the Appraisal contains all "real and personal property of GVSUD that would be rendered useless or valueless by the decertification." As that phrase is used by GVSUD, however, "investment" could include more than just property. Therefore, GVSUD's response to Cibolo 4-14 is nonresponsive. Such non-response is damaging to the City and is an abuse of the discovery process, as it currently tries to prepare its rebuttal testimony.

Cibolo RFI 4-16 In your response to Cibolo 2-28, you identify GVSUD's Water Revenue Bonds, Series 2014 as relating to the design and construction of sewer infrastructure. Please provide an explanation for that answer in light of GVSUD's response to Cibolo RFI 2-13.

GVSUD Response GVSUD did not identify "Water Revenue Bonds, Series 2014" in its response to Cibolo 2-28.

The City's request incorrectly referred to the bond series as Series 2014, when the correct series is Series 2003. In the context of GVSUD's response to Cibolo RFI 2-28 in which GVSUD itself identifies the correct bond series, the intent of RFI 4-16 is clear. In other words, the discrepant bond series in the request is not so significant as to make it unclear as to what bond the City was referring. At the very least, upon review of its response to Cibolo RFI 2-28 and the specific bond documents referenced therein, GVSUD would have at least noticed a discrepancy warranting a clarification from the City. GVSUD, however, made no attempt to reach out to the City as required under 16-TAC § 22.144(d) to obtain clarification and negotiate diligently and in good faith. Rather, GVSUD merely avoided its obligation to respond to the City's request. Therefore, GVSUD's response to Cibolo RFI 4-16 is nonresponsive. Such non-response is damaging to the City and is an abuse of the discovery process, as it currently tries to prepare its rebuttal testimony.

Cibolo RFI 4-26 Refer to page 10, line 20 through page 11, line 7 in the direct testimony of David "Pat" Allen ("Mr. Allen's Direct"). Please provide documentation identifying:

- (a) growth in GVSUD's wastewater customer base;
- (b) growth in wastewater usage within GVSUD's service area;
- (c) that portion of the 11,000 customer connections attributable to wastewater service;
- (d) that portion of the 33,000 individuals who are wastewater customers; and
- (e) the nature of GVSUD's wastewater customers (i.e. residential, light commercial, industrial, or other).

GVSUD Response Cibolo has misconstrued GVSUD's testimony. After a diligent search, GVSUD has not identified any documents responsive to this request. See GVSUD's response to Cibolo RFA 1-1 and 1-3.

The City's request seeks to clarify whether and to what extent GVSUD has wastewater customers. Previous discovery responses have indicated that GVSUD currently has no wastewater customers and has not identified any potential customers. Mr. Allen's testimony, however, generally refers to customers and is written in such a way that it suggests that GVSUD does, in fact, have wastewater customers. Thus, the City has not misconstrued testimony. Rather, the City is reading the testimony as written, and seeks further information to ensure that the status of GVSUD's wastewater customer base has not changed since the testimony suggests otherwise, yet the City has not received a supplemental discovery response from GVSUD on that matter. Stating that the City misconstrued the plain language of the testimony and referring to discovery responses that were limited in time to a date well before this request is a disingenuous attempt to avoid providing an accurate and complete response. At the very least, upon review of this RFI, if GVSUD felt that this RFI misconstrues its testimony, then GVSUD should have attempted to reach out to the City as required under 16 TAC § 22.144(d) to obtain clarification and negotiate diligently and in good faith. GVSUD did not engage the City in such negotiations.

Rather, GVSUD merely avoided its obligation to respond to the City's request. Therefore, GVSUD has not met the threshold requirements to object to the request and must respond to the request accordingly. As such, GVSUD's response to Cibolo RFI 4-26 is nonresponsive and is an abuse of the discovery process.

Cibolo RFI 4-27 Refer to page 11, line 25 through page 12, line in Mr. Allen's Direct. Please provide documentation identifying:

- (a) the referenced wastewater customers/constituents;
- (b) specific "investments" that will be rendered useless or valueless by decertification;
- (c) the referenced "remaining customers"; and
- (d) the increased costs for "remaining customers".

GVSUD Response The question does not provide a proper page and line reference. Subject thereto:

- (a) Cibolo has misconstrued GVSUD's testimony. After a diligent search, GVSUD has not identified any documents responsive to this request. See GVSUD's response to Cibolo RFA 1-1 and 1-3.
- (b) 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 decertification as of the date of the Appraisal. Values identified in the appraisal will need to be updated as part of the second phase of this hearing.
- (c) The reference was to all current water customers and all future wastewater customers. See GVSUD-1 at 100014-100018. See also the attached GVSUD Operations Report.
- (d) The reference was to all current water customers and all future wastewater customers. See GVSUD-1 at 100014-100018. See also the attached GVSUD Operations Report.

The City's RFI quotes specific portions of Mr. Allen's testimony for which it sought additional information. GVSUD's evasive comment regarding the line citations is thus irrelevant and a thinly-veiled attempt to avoid responding to yet another request. At the very least, upon review of this RFI, if GVSUD felt that this RFI, in light of the missing line number was

confusing, then GVSUD should have attempted to reach out to the City as required under 16 TAC § 22.144(d) to obtain clarification and negotiate diligently and in good faith. GVSUD did not engage the City in such negotiations. Rather, GVSUD merely avoided its obligation to respond to the City's request. Therefore, GVSUD has not met the threshold requirements to object to the request and must respond to the request accordingly. As such, GVSUD's response to Cibolo RFI 4-27 is nonresponsive and is an abuse of the discovery process.

(a) The City's request seeks to clarify whether and to what extent GVSUD has wastewater customers. Previous discovery responses have indicated that GVSUD currently has no wastewater customers and has not identified any potential customers. Mr. Allen's testimony, however, generally refers to customers and is written in such a way that it suggests that GVSUD does, in fact, have wastewater customers. Thus, the City has not misconstrued testimony. Rather, the City is reading the testimony as written, and seeks further information to ensure that the status of GVSUD's wastewater customer base has not changed since the testimony suggests otherwise, yet the City has not received a supplemental discovery response from GVSUD on that matter. Stating that the City misconstrued the plain language of the testimony and referring to discovery responses that were limited in time to a date well before this request is a disingenuous attempt to avoid providing an accurate and complete response. As such, GVSUD's response to Cibolo RFI 4-27 is nonresponsive.

To the extent that GVSUD is attempting to object to the request or receive clarification on the scope of the request, GVSUD is obligated to first negotiate diligently and in good faith concerning this discovery request pursuant to 16 TAC § 22.144(d). GVSUD did not engage the City in such negotiations. Therefore, GVSUD has not met the threshold requirements to object to the request and must respond to the request accordingly.

(b) The City's request seeks clarification on testimony put forth by GVSUD's witness that refer to interests, activities, planning, expenditures and more as "investments" to better understand what GVSUD claims is an "investment" that is also property that will be rendered useless and valueless by decertification. The term "investment" is used in the testimony as a catchall provision for all of the steps that GVSUD has taken to date to arrive at this proceeding regarding its provision of sewer service. It is unclear, however, which of these "investments" GVSUD contends is property that would be rendered useless or valueless. GVSUD's Appraisal does not refer to the items contained therein as "investments", so a passive reference thereto does nothing to clarify what portions of the Appraisal GVSUD considers an "investment." Moreover, GVSUD's response does not even use the word "investment": it merely states that the Appraisal contains all "real and personal property of GVSUD that would be rendered useless or valueless by the decertification." As that phrase is used by GVSUD, however, "investment" could include more than just property. Therefore, GVSUD's response to Cibolo 4-27(b) is nonresponsive.

GVSUD's response to Cibolo RFI 4-27 (a) and (b) are nonresponsive and constitute an abuse of the discovery process, as the City attempts to prepare its rebuttal testimony.

Cibolo RFI 4-28 Refer to page 23, lines 10-11 in Mr. Allen's Direct. Please provide documentation identifying the referenced "current and future customers" to be provided with wastewater service.

GVSUD Response Cibolo has misconstrued GVSUD's testimony. After a diligent search, GVSUD has not identified any documents responsive to this request. See GVSUD's response to Cibolo RFA 1-1 and 1-3.

The City's request seeks to clarify whether and to what extent GVSUD has wastewater customers. Previous discovery responses have indicated that GVSUD currently has no wastewater customers and has not identified any potential customers. Mr. Allen's testimony,

however, generally refers to customers and is written in such a way that it suggests that GVSUD does, in fact, have wastewater customers. Thus, the City has not misconstrued testimony. Rather, the City is reading the testimony as written, and seeks further information to ensure that the status of GVSUD's wastewater customer base has not changed since the testimony suggests otherwise, yet the City has not received a supplemental discovery response from GVSUD on that matter. Stating that the City misconstrued the plain language of the testimony and referring to discovery responses that were limited in time to a date well before this request is a disingenuous attempt to avoid providing an accurate and complete response. As such, GVSUD's response to Cibolo RFI 4-28 is nonresponsive.

To the extent that GVSUD is attempting to object to the request or receive clarification on the scope of the request, GVSUD is obligated to first negotiate diligently and in good faith concerning this discovery request pursuant to 16 TAC § 22.144(d). GVSUD did not engage the City in such negotiations and its actions amount to an abuse of the discovery process, as the City attempts to prepare its rebuttal testimony. Therefore, GVSUD has not met the threshold requirements to object to the request and must respond to the request accordingly.

**Cibolo RFI 4-29 Refer to page 12, line 17 through page 13, line 1 in Mr. Allen's Direct:
Please provide documentation identifying:**

- (a) GVSUD's "rapidly-growing base" of water customers;**
- (b) GVSUD's "rapidly-growing base" of wastewater customers;
and**
- (c) the referenced "current and future customers".**

GVSUD Response

- (a) See GVSUD 100142 – 100147 See also the attached GVSUD Operations Report.**
- (b) Cibolo has misconstrued GVSUD's testimony. After a diligent search, GVSUD has not identified any documents responsive to this request. See GVSUD's response to Cibolo RFA 1-1 and 1-3.**

(c) See GVSUD's response to subparts (a) and (b).

(b) The City's request seeks to clarify whether and to what extent GVSUD has wastewater customers. Previous discovery responses have indicated that GVSUD currently has no wastewater customers and has not identified any potential customers. Mr. Allen's testimony, however, generally refers to customers and is written in such a way that it suggests that GVSUD does, in fact, have wastewater customers. Thus, the City has not misconstrued testimony. Rather, the City is reading the testimony as written, and seeks further information to ensure that the status of GVSUD's wastewater customer base has not changed since the testimony suggests otherwise, yet the City has not received a supplemental discovery response from GVSUD on that matter. Stating that the City misconstrued the plain language of the testimony and referring to discovery responses that were limited in time to a date well before this request is a disingenuous attempt to avoid providing an accurate and complete response. As such, GVSUD's response to Cibolo RFI 4-29(b) is nonresponsive and is an abuse of the discovery process.

To the extent that GVSUD is attempting to object to the request or receive clarification on the scope of the request, GVSUD is obligated to first negotiate diligently and in good faith concerning this discovery request pursuant to 16 TAC § 22.144(d). GVSUD did not engage the City in such negotiations. Therefore, GVSUD has not met the threshold requirements to object to the request and must respond to the request accordingly.

III. CONCLUSION

The City made the foregoing requests to get from GVSUD what it has failed to provide to date: a clear, specific inventory of all particular portions of particular interests it claims are property that will be rendered useless or valueless by decertification. It is impossible for this proceeding to move forward if GVSUD will not be forthcoming with such information because

the substance of these requests goes to the very heart of this proceeding. The City has attempted to encourage a better understanding of GVSUD's alleged property interests and how they are rendered useless or valueless by decertification in order to have a meaningful dialogue through this hearing. GVSUD's series of nonresponsive answers to the City's very narrowly-tailored requests to that end only impedes the progress of this proceeding. The City respectfully requests that the Administrative Law Judge grant this Motion to Compel GVSUD to Respond to the City's Fourth Requests for Information, and grant the City any and all other relief to which it is justly entitled, including, additional time to provide its rebuttal testimony in this matter.

Respectfully submitted,

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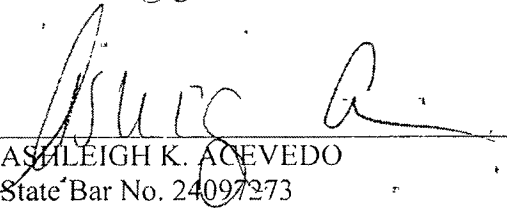
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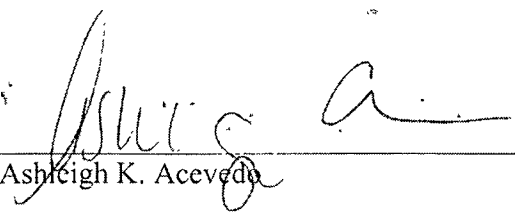
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ATTORNEYS FOR CITY OF CIBOLO

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was transmitted by e-mail, fax, hand-delivery and/or regular, first class mail on this 2nd day of December, 2016, to the parties of record.



Ashleigh K. Acevedo