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APPLICATION OF RIO CONCHO
AVIATION, INC. FOR A
RATE/TARIFF CHANGE

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BEFORE THE STATE OFFICE
OF

ADMINISTRATIVE HEARINGS

**COMMISSION STAFF'S RESPONSE TO RIO CONCHO AVIATION, INC.'S
THIRD REQUEST FOR INFORMATION
QUESTION NO. 3-1**

The Staff of the Public Utility Commission of Texas (Staff) stipulates that the following response(s) to request(s) for information/request(s) for admission/request(s) for disclosure/request(s) and production may be treated by all parties as if the answers were filed under oath.

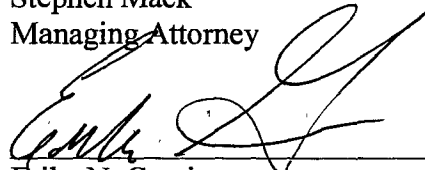
Dated: September 30, 2016

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

Stephen Mack
Managing Attorney

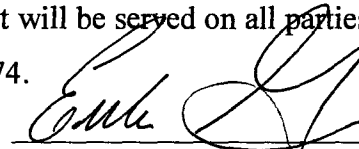


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CERTIFICATE OF SERVICE

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



Erika N. Garcia

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**COMMISSION STAFF'S RESPONSE TO RIO CONCHO AVIATION, INC.'S
THIRD REQUEST FOR INFORMATION
QUESTION NO. 3-1**

RFI 3-1: Please identify every contested application for a water or sewer rate increase for which Commission Staff has filed testimony recommending approval of more than a 50% of the requested increase in revenue requirement since September 1, 2014.

OBJECTION: Staff objects to this request on the grounds that (1) it is overbroad and unduly burdensome, and (2) it requests information that is readily available to Rio Concho at a reasonable cost. Rio Concho's request is overbroad because, in order to respond, Staff would be required to review all water or sewer rate dockets since September 1, 2014. The requested information is not maintained in the form requested, and Staff should not be required to perform an exhaustive review of the Commission's records on Rio Concho's behalf. The Commission's rules and the Texas Rules of Civil Procedure (TRCP) both recognize objections on the grounds overbreadth and burdensomeness. Specifically, the Commission's rules permit the presiding officer to limit discovery requests to protect a party from an undue burden.¹ Similarly, the TRCP states that "discovery should be limited" if it is determined that "the burden or expense of the proposed discovery outweighs its likely benefit."²

Even if Rio Concho were to limit its overbroad request, Staff would maintain its objections because Rio Concho requests information that is already available to Rio Concho at a reasonable cost.³ Rio Concho requests information that may be gleaned entirely from past Commission cases, to which Rio Concho has access through the Commission's Central Records, the Commission's Interchange, WestLaw, or other means. It is not equitable or necessary to require Staff to assist Rio Concho in obtaining these records.

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

RESPONSE: Subject to, and without waiving the foregoing objection, Staff has recently filed

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

² Tex. R. Civ. Proc. 192.4(b). The Commission's rules state that "[p]arties may obtain discovery regarding any matter, not privileged or exempted under . . . the Texas Rules of Civil Procedure . . ." 16 TAC § 22.141(a).

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

such testimony in *The Application of Corix Utilities (Texas) Inc. for a Water Rate/Tariff Change*, PUC Docket No. 45418.

Prepared by: Counsel