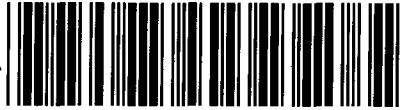


Control Number: 45870



Item Number: 113

Addendum StartPage: 0

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FORMAL COMPLAINT OF  
ADC WEST RIDGE L.P. AND  
CENTER FOR HOUSING RESOURCES,  
INC. AGAINST THE CITY OF FRISCO

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BEFORE THE STATE OFFICE OF  
FILED  
FILING CLERK  
ADMINISTRATIVE HEARINGS

**CITY OF FRISCO'S RESPONSE TO COMMISSION STAFF'S  
FIRST REQUEST FOR INFORMATION RFI NOS. 1-1 THROUGH RFI NOS. 1-14**

COMES NOW the City of Frisco ("City" or "Frisco") and files these Responses to the Commission Staff's First Request for Information ("RFI") Nos. 1-1 through Nos. 1-14, served on December 5, 2016. The City agrees that the responses may be treated as if the answers were filed under oath.

Respectfully submitted,

**Russell & Rodriguez, L.L.P.**  
1633 Williams Drive, Building 2, Suite 200  
Georgetown, Texas 78628  
(512) 930-1317  
(866) 929-1641 (Fax)

**Abernathy Roeder Boyd & Hullett, P.C.**

Richard Abernathy  
State Bar No. 00809500  
1700 Redbud Blvd., Suite 300  
McKinney, Texas 75069  
(214) 544-4000  
(214) 544-4040 (Fax)

/s/ Arturo D. Rodriguez, Jr.  
ARTURO D. RODRIGUEZ, JR.  
State Bar No. 00791551

**ATTORNEYS FOR THE CITY OF FRISCO**

113

**SOAH DOCKET NO. 473-16-4619.WS  
PUC DOCKET NO. 45870**

<b>FORMAL COMPLAINT OF</b>	§	<b>BEFORE THE STATE OFFICE OF</b>
<b>ADC WEST RIDGE L.P. AND</b>	§	
<b>CENTER FOR HOUSING RESOURCES,</b>	§	
<b>INC. AGAINST THE CITY OF FRISCO</b>	§	<b>ADMINISTRATIVE HEARINGS</b>

**STAFF RFI NO. 1-1:**

Explain how the Complainants are not compliant with the City of Frisco’s applicable ordinances, regulation, and rules regarding new water and wastewater service. Provide a copy of reference to all the City of Frisco’s applicable ordinances, regulations, and rules regarding new water and wastewater service.

**Response:** Complainants allegedly complain that they seek retail water and sewer service to a development proposed on Lot 2, as defined in their Amended Petition in this docket. The City approved the preliminary plat and proposed utility plan for Lot 2; submitted by Complainants’ representative. The preliminary plat determines the general layout of the subdivision, the adequacy of public facilities needed to serve Lot 2, and the overall compliance with the land division. The proposed utility plan shows the general routing of the sewer and water lines to the approved connections for water and sewer service, as proposed by Complainants. After the preliminary plat approval, the applicant must submit a Development Application and Civil Construction Plans to the Development Services Department of the City. As of the date of this response, the Complainants have not submitted a Development Application and only more recently have (December 19<sup>th</sup>) submitted Civil Construction Plans.

The Development Application is necessary to begin the comprehensive internal review of the Civil Construction Plans for compliance with the previous submitted preliminary plat, proposed utility plan, City Engineering Standards and Subdivision Ordinance. If an applicant complies with these steps and constructs and dedicates the public improvements as shown on those approved plans and required by City regulations, and the improvements are accepted by the City including the final plat, the Complainants will be qualified applicants for retail water and sewer service.

The subject property is located within the City’s extraterritorial jurisdiction and subject to the City’s Subdivision Ordinance. The City’s Subdivision Ordinance provides that the extension of public facilities, including water and sewer service are at the expense of the developer, and that the developer shall dedicate easements, on and off-site improvements that are necessary to adequately serve the proposed development. The plans for extension of water and wastewater facilities shall be prepared in accordance with the City’s Engineering Standards. Currently, Lot 2 is governed by a preliminary plat and proposed utility plan. The property owner did not seek to proceed with the development process prior to filing the instant complaint. The Complainants have chosen not to follow the City’s process for submission of construction plans for review nor have they received approval of the construction

plans as required by the City's Subdivision Ordinance. Please note, that on December 19, 2016, at 6:44 pm, Sanchez Engineering, Complainants purported engineering firm, submitted Civil Construction Plans without a development application to Mr. Toyin Fawehinmi, Senior Civil Engineer with the City of Frisco. Sanchez Engineering was notified to submit a development application in order to begin the internal review process. Prior to this latest event, any plans that were submitted to the City were limited to a requirement in the Right of Way Management Ordinance for the limited purposes allowed in the Right of Way Management Ordinance and do not constitute a filing for the requirements to meet the Engineering Standards in the Subdivision Ordinance. In short, the Complainants have not followed the City's processes applicable to Lot 2 that would result in the approval of the development in receiving water and/or sewer service from the City. A copy of the applicable ordinances were previously provided in response to Complainants' RFIs. See response to Complainant's Responses to RFI Nos. 66 and 67.

Prepared/sponsored by: To be supplemented

**SOAH DOCKET NO. 473-16-4619.WS  
PUC DOCKET NO. 45870**

<b>FORMAL COMPLAINT OF ADC WEST RIDGE L.P. AND CENTER FOR HOUSING RESOURCES, INC. AGAINST THE CITY OF FRISCO</b>	<b>§ § § §</b>	<b>BEFORE THE STATE OFFICE OF  ADMINISTRATIVE HEARINGS</b>
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**STAFF RFI NO. 1-2:**

Explain the specific actions must be taken by Complainants to become a Qualified Service Applicant in order to receive water and wastewater service from the City of Frisco.

**Response:** See response to Staff RFI No. 1-1 above.

Prepared/sponsored by:        To be supplemented

**SOAH DOCKET NO. 473-16-4619.WS  
PUC DOCKET NO. 45870**

**FORMAL COMPLAINT OF  
ADC WEST RIDGE L.P. AND  
CENTER FOR HOUSING RESOURCES,  
INC. AGAINST THE CITY OF FRISCO**

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**BEFORE THE STATE OFFICE OF  
  
ADMINISTRATIVE HEARINGS**

**STAFF RFI NO. 1-3:**

State whether any of part of the real property on which the contested service connection would be placed has been annexed by the City of Frisco. If any part of such real property has been annexed by the City of Frisco, provide appropriate Documents that evidence annexation.

**Response:** It has not been annexed.

Prepared/sponsored by: To be supplemented

**SOAH DOCKET NO. 473-16-4619.WS  
PUC DOCKET NO. 45870**

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**STAFF RFI NO. 1-4:**

What is the necessary infrastructure, if any, that the Complainants must construct or dedicate to the City of Frisco in order to become a Qualified Service Applicant.

**Response:** The City cannot answer specifically until there is a review of the Construction Plans. However, generally speaking, off-site improvements would include a 12 inch water line and an 8 inch wastewater line to the point of connection with the City's existing infrastructure. See response to Staff RFI No. 1-1.

Prepared/sponsored by: To be supplemented

**SOAH DOCKET NO. 473-16-4619.WS  
PUC DOCKET NO. 45870**

**FORMAL COMPLAINT OF  
ADC WEST RIDGE L.P. AND  
CENTER FOR HOUSING RESOURCES,  
INC. AGAINST THE CITY OF FRISCO**

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**BEFORE THE STATE OFFICE OF  
  
ADMINISTRATIVE HEARINGS**

**STAFF RFI NO. 1-5:**

**WITHDRAWN**



**SOAH DOCKET NO. 473-16-4619.WS  
PUC DOCKET NO. 45870**

<b>FORMAL COMPLAINT OF ADC WEST RIDGE L.P. AND CENTER FOR HOUSING RESOURCES, INC. AGAINST THE CITY OF FRISCO</b>	<b>§ § § §</b>	<b>BEFORE THE STATE OFFICE OF  ADMINISTRATIVE HEARINGS</b>
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**STAFF RFI NO. 1-6:**

Explain the process and procedures by which the City of Frisco reviews and approves individuals or entities seeking to be Qualified Service Applicants.

**Response:** See response to Staff RFI No. 1-1.

Prepared/sponsored by:      To be supplemented

**SOAH DOCKET NO. 473-16-4619.WS  
PUC DOCKET NO. 45870**

<b>FORMAL COMPLAINT OF ADC WEST RIDGE L.P. AND CENTER FOR HOUSING RESOURCES, INC. AGAINST THE CITY OF FRISCO</b>	<b>§ § § §</b>	<b>BEFORE THE STATE OFFICE OF  ADMINISTRATIVE HEARINGS</b>
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**STAFF RFI NO. 1-7:**

Provide a copy of all correspondence and any accompanying Documents exchanged between the City of Frisco and the Complainants regarding the Complainants' attempts to become a Qualified Service Applicant.

**Response:** Communications between the parties have been produced in response to Complainants' RFI No. 1. Additionally, see response to Staff RFI No. 1-1. Thus, the City contends that Complainants have not sought to become a Qualified Service Applicant.

Prepared/sponsored by:        To be supplemented

**SOAH DOCKET NO. 473-16-4619.WS  
PUC DOCKET NO. 45870**

<b>FORMAL COMPLAINT OF ADC WEST RIDGE L.P. AND CENTER FOR HOUSING RESOURCES, INC. AGAINST THE CITY OF FRISCO</b>	<b>§ § § §</b>	<b>BEFORE THE STATE OFFICE OF  ADMINISTRATIVE HEARINGS</b>
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**STAFF RFI NO. 1-8:**

State whether the City of Frisco has the capacity and the capability to provide water and wastewater service to the Complainants in the event the Complainants become a Qualified Service Applicant.

**Response:** Yes.

Prepared/sponsored by:        To be supplemented

**SOAH DOCKET NO. 473-16-4619.WS  
PUC DOCKET NO. 45870**

<b>FORMAL COMPLAINT OF</b>	§	<b>BEFORE THE STATE OFFICE OF</b>
<b>ADC WEST RIDGE L.P. AND</b>	§	
<b>CENTER FOR HOUSING RESOURCES,</b>	§	
<b>INC. AGAINST THE CITY OF FRISCO</b>	§	<b>ADMINISTRATIVE HEARINGS</b>

**STAFF RFI NO. 1-9:**

List all specific improvements and their corresponding costs that would be required by the City of Frisco in order to provide water and wastewater service to the Complainants' Lot 2. Cite to all applicable ordinances, regulations, and rules that require such improvements.

**Response:** See responses to Staff RFI No. 1-1 and 1-4 above. The cost to connect are the responsibility of the property owner/developer.

Prepared/sponsored by:      To be supplemented

**SOAH DOCKET NO. 473-16-4619.WS  
PUC DOCKET NO. 45870**

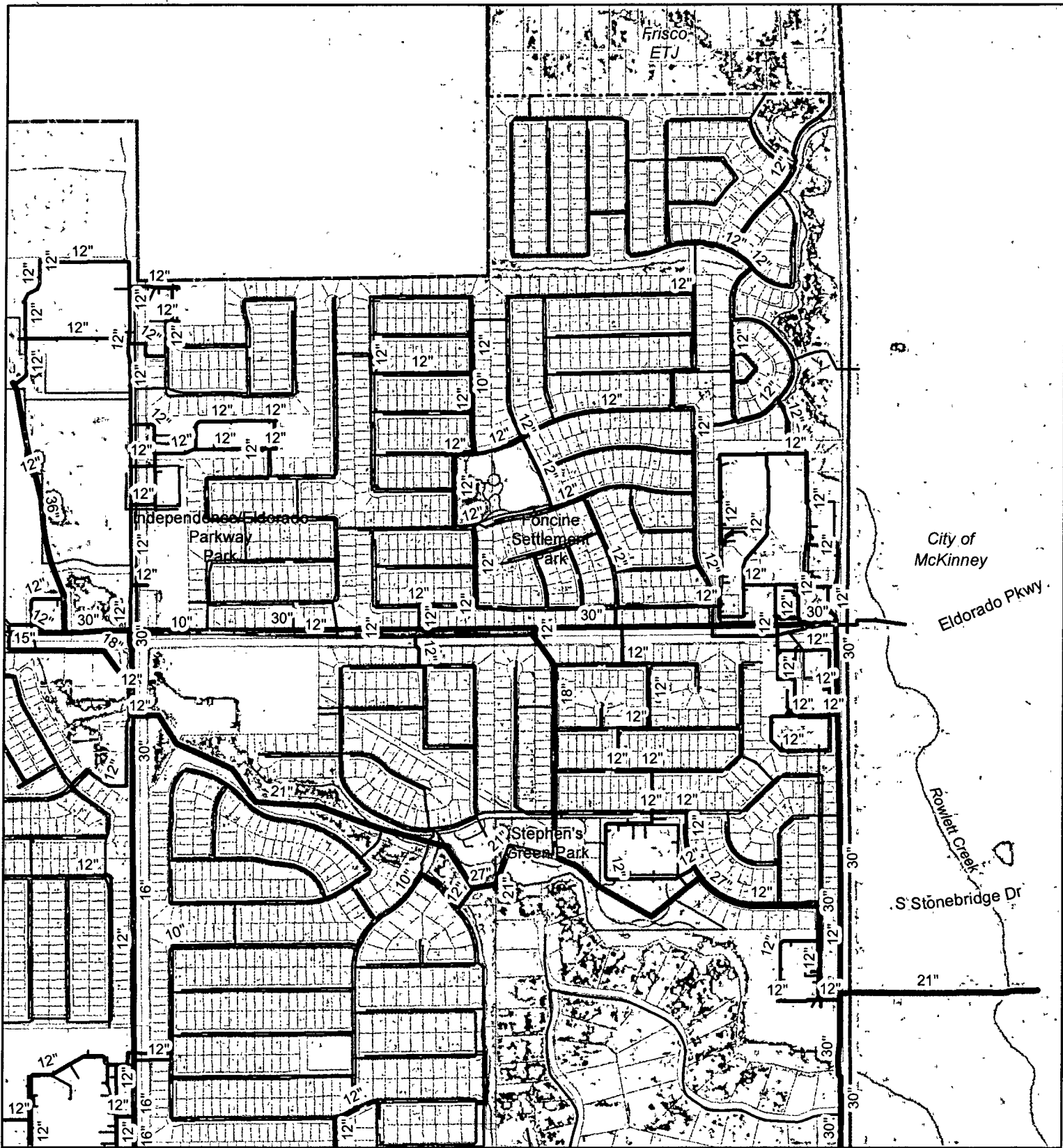
<b>FORMAL COMPLAINT OF ADC WEST RIDGE L.P. AND CENTER FOR HOUSING RESOURCES, INC. AGAINST THE CITY OF FRISCO</b>	<b>§ § § §</b>	<b>BEFORE THE STATE OFFICE OF  ADMINISTRATIVE HEARINGS</b>
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**STAFF RFI NO. 1-10:**

Provide full size facility maps that are to scale for all water and sewer infrastructure that the City of Frisco has installed in its service area surrounding Complainants' Lot 2. These maps should show distribution lines, transmission lines, interconnections, and the public water and wastewater systems that provide service to the City of Frisco's service area surrounding Complainants' Lot 2. Identify all of the City of Frisco's facilities and lines in its service area surrounding Complainants' Lot 2 that could provide water and wastewater service to Complainants' Lot 2.

**Response:** See document attached and Bates numbered P1-001.

Prepared/sponsored by:            To be supplemented



## Water and Sewer



Created on: 12/9/2016

**DISCLAIMER.** The City of Frisco has prepared this map or information for internal use only. It is made available under the Public Information Act. Any reliance on this map or information is AT YOUR OWN RISK. Frisco assumes no liability for any errors, omissions, or inaccuracies in the map or information regardless of the cause of such or for any decision made, action taken, or action not taken in reliance upon any maps or information provided herein. Frisco makes no warranty, representation, or guarantee of any kind regarding any maps or information provided herein or the sources of such maps or information and **DISCLAIMS ALL REPRESENTATIONS AND WARRANTIES, EXPRESSED AND IMPLIED**, including the implied warranties of merchantability and fitness for a particular purpose.

**P1-001**

**SOAH DOCKET NO. 473-16-4619.WS  
PUC DOCKET NO. 45870**

**FORMAL COMPLAINT OF § BEFORE THE STATE OFFICE OF  
ADC WEST RIDGE L.P. AND §  
CENTER FOR HOUSING RESOURCES, §  
INC. AGAINST THE CITY OF FRISCO § ADMINISTRATIVE HEARINGS**

**STAFF RFI NO. 1-11:**

Confirm that the Complainants, or their predecessor-in-interest, applied to be a Qualified Service Applicant for water and wastewater service to Lot 2 on June 10, 2016.

**Response:** Deny

Prepared/sponsored by: To be supplemented

**SOAH DOCKET NO. 473-16-4619.WS  
PUC DOCKET NO. 45870**

<b>FORMAL COMPLAINT OF ADC WEST RIDGE L.P. AND CENTER FOR HOUSING RESOURCES, INC. AGAINST THE CITY OF FRISCO</b>	<b>§ § § §</b>	<b>BEFORE THE STATE OFFICE OF  ADMINISTRATIVE HEARINGS</b>
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**STAFF RFI NO. 1-12:**

Provide all Documents that the Complainants, or their predecessor-in-interest, submitted to the City of Frisco in its request to become a Qualified Service Applicant for water and wastewater service to Lot 2.

**Response:** See response to Staff RFI No. 1-7.

Prepared/sponsored by:        To be supplemented



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<b>FORMAL COMPLAINT OF ADC WEST RIDGE L.P. AND CENTER FOR HOUSING RESOURCES, INC. AGAINST THE CITY OF FRISCO</b>	<b>§ § § §</b>	<b>BEFORE THE STATE OFFICE OF  ADMINISTRATIVE HEARINGS</b>
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**STAFF RFI NO. 1-13:**

Provide all the specific reasons why the Complainants are not a Qualified Service Applicant for water and wastewater service to Lot 2.

**Response:** See response to Staff RFI No: 1-1.

Prepared/sponsored by:      To be supplemented

**SOAH DOCKET NO. 473-16-4619.WS  
PUC DOCKET NO. 45870**

<b>FORMAL COMPLAINT OF ADC WEST RIDGE L.P. AND CENTER FOR HOUSING RESOURCES, INC. AGAINST THE CITY OF FRISCO</b>	<b>§ § § §</b>	<b>BEFORE THE STATE OFFICE OF  ADMINISTRATIVE HEARINGS</b>
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**STAFF RFI NO. 1-14:**

Provide the specific issues that must be addressed by the Complainants in order to become a Qualified Service Applicant for water and wastewater to Lot 2.

**Response:** See Response to Staff RFI No. 1-1.

## CERTIFICATE OF SERVICE

I hereby certify that on this 27<sup>th</sup> day of December, 2016, a true and correct copy of the foregoing document has been sent via facsimile, first class mail, or hand-delivered to the following counsel of record:

Mr. Sam Chang  
Public Utility Commission of Texas  
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(512) 936-7268 Fax

Mr. Ali Abazari  
Jackson Walker, LLP  
100 Congress Avenue, Suite 1100  
Austin, Texas 78701  
(512) 236-2000  
(512) 236-2002 Fax

/s/ Arturo D. Rodriguez, Jr.

ARTURO D. RODRIGUEZ, JR.