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Item Number: 12

Addendum StartPage: 0

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**FORMAL COMPLAINT OF KER-SEVA
LTD., ADC WEST RIDGE VILLAS, L.P.,
AND CENTER FOR HOUSING
RESOURCES, INC. AGAINST THE
CITY OF FRISCO, TEXAS**

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BEFORE THE
PUBLIC UTILITY COMMISSION
FILING CLERK

**PUBLIC UTILITY COMMISSION
OF TEXAS**

**COMPLAINANTS' FIRST SET OF REQUESTS FOR INFORMATION AND
REQUESTS FOR ADMISSION**

COMES NOW, Complainants Ker-Seva Ltd., ADC West Ridge Villas, L.P., and Center for Housing Resources, Inc. (collectively, "Complainants"), and file this their First Set of Requests for Information ("RFIs") and Requests for Admission to the City of Frisco, Texas ("Frisco"), pursuant to 16 Tex. Admin. Code § 22.144(c) and (j) in this docket. Responses to the RFIs and Requests for Admission set forth in herein should be served on the undersigned counsel for Complainants at the address indicated within twenty (20) days of service hereof.

Respectfully submitted,

JACKSON WALKER L.L.P.

By: /s/Mallory Beck

Leonard Dougal - State Bar No. 06031400

Mallory Beck - State Bar No. 24073899

100 Congress, Suite 1100

Austin, Texas 78701

E: ldougal@jw.com

T: (512) 236 2233

F: (512) 391-2112

ATTORNEYS FOR COMPLAINANTS
KER-SEVA, LTD., ADC WEST RIDGE
VILLAS L.P., AND CENTER FOR HOUSING
RESOURCES, INC.

CERTIFICATE OF SERVICE

I hereby certify that the above and foregoing document was served as shown below on
this 30th day of June 2016:

Diane Callander Wetherbee
Abernathy Roeder Boyd & Hullett P.C.
1700 Redbud Blvd., Suite 300
P.O. Box 1210
McKinney, Texas 75069-1210
dwetherbee@abernathy-law.com
Attorneys for City of Frisco

Via email and U.S. First Class Mail

Sam Chang
Attorney – Legal Division
Public Utility Commission of Texas
1701 N. Congress Avenue
P. O. Box 13326
Austin, Texas 78711-3326
sam.change@puc.texas.gov
Attorneys for Public Utility Commission of Texas

Via email and U.S. First Class Mail

/s/ Mallory Beck

Mallory Beck

COMPLAINANTS' FIRST SET OF REQUESTS FOR INFORMATION

DEFINITIONS

1. "Frisco," "You," and "Your" refer to the City of Frisco, Texas, and its council persons, officers, employees, consultants, agents, attorneys, and affiliates to the extent such persons are acting for or on behalf of Frisco.
2. "Property" refers to the approximately 8.5 acres of land in Collin County, Texas, located south of Westridge Boulevard and east of Memory Lane within the extraterritorial jurisdiction and water and sewer certificates of convenience and necessity of the City of Frisco.
3. "Lot 1" refers to the portion of the Property with the address of 9421 Westridge Boulevard, identified as Lot 1, Block A.
4. "Lot 2" refers to the portion of the Property with the address of 9331 Westridge Boulevard, identified as Lot 2, Block A, and on which development of the West Ridge Villas is planned.
5. "Document" and/or "Documents" refers to all written, reported, or graphic matter within the scope of Rules 22.141 and 22.144 of the Public Utility Commission of Texas, however produced or reproduced. Without limiting the foregoing, the terms include: papers, books, accounts, drawings, graphs, charts, photographs, electronic or videotape recordings, and any other data compilations from which information can be obtained and translated, if necessary, by the person from whom information is sought, into reasonably usable form, agreements, contracts, communications, correspondence, letters, faxes, e-mail, instant message records, memoranda, records, reports, summaries, records of telephone conversations, diary entries, calendars, appointment books, drafts, notes, telephone bills or records, bills, statements, records of obligations and expenditures, invoices, lists, journals, receipts, checks, canceled checks, letters of credit, envelopes, folders, voice recordings, video recordings, electronic data, electronic media, and any other data or information that exists in written, electronic, or magnetic form.
6. "Communication" shall mean the transmittal of information (in the form of facts, ideas, inquiries, or otherwise) by any method or manner between two or more persons.
7. "Describe" means to provide a detailed narrative concerning the information which is the subject of the RFI.
8. "Relate to," "related to," or "relating to" means concerning, referring to, having a relationship with or to, pertaining to, identifying, pertinent to, describing, explaining, summarizing, or to be otherwise factually, legally, or logically connected to the subject matter of the particular request.

9. The words “and” and “or” shall be construed either conjunctively or disjunctively as required by the context to bring within the scope of these requests any document that might be deemed outside its scope by another construction.
10. “Person” shall mean any natural person, corporation, proprietorship, partnership, professional corporation, joint venture, association, group, governmental agency, or agent, whether foreign or domestic or any other entity.

INSTRUCTIONS

1. These Requests for Information and Requests for Admission are governed by the definitions and instructions contained in the Public Utility Commission of Texas’ rules and the Texas Rules of Civil Procedure, which are supplemented as permitted by the specific instructions and definitions herein.
2. Written responses to these Requests for Information and Requests for Admission should be served twenty (20) days after service of these Requests upon you.
3. Your responses should conform to the rules of the Texas Public Utility Commission and the Texas Rules of Civil Procedure.
4. In accordance with 16 Tex. Admin. Code § 22.144, each RFI shall be answered separately, shall identify the preparer and the sponsoring witness, shall be preceded by the RFI, and all responses shall be filed under oath.
5. Each document that is made available for review in response to these RFIs shall be produced as it is kept in the usual course of business (i.e., in the file folder or binder in which the documents were located when the request was served) or the documents shall be organized or labeled to correspond to the category of documents requested.
6. If the documents requested herein include electronic data and magnetic data, they shall be produced in their native format with all metadata intact.
7. When answering these RFIs, you are requested to furnish all information available to you, including information in the possession of your attorneys, investigators, consultants, employees, agents, representatives, or any other person acting on your behalf, and not merely such information as is held or known by you personally.
8. In the event any document or other thing referred to in these RFIs is not in your possession, custody, or control, specify what disposition was made of it and identify the person or entity who now has possession, custody, or control of the document or thing.
9. If you object to any RFI or Request for Admission, you must comply with 16 Tex. Admin. Code § 22.144(d), and you must contact the undersigned so that the parties may negotiate diligently and in good faith prior to the filing of an objection. Objections must be filed within ten (10) calendar days of receipt of these Requests.

10. Any agreement to extend the time to respond to these Requests for Information and Requests for Admission must be in writing. No extensions of time to object to any of the individual document requests should be presumed or assumed unless the agreement between counsel to extend the response date is specifically set forth in writing.
11. PLEASE TAKE FURTHER NOTICE that these RFIs are continuing in nature. Your answers and responses must include all documents that are currently in your possession, custody, and control and that come into your possession, custody, or control in the future.

REQUESTS FOR INFORMATION

Request for Information No. 1: Please produce all documents evidencing any communication between Frisco and the City of McKinney, Texas, or any other third party, relating to the Property, including Lot 1 or Lot 2, between January 1, 2009, and the present.

Response:

Request for Information No. 2: Please produce all documents evidencing internal communications within Frisco, including, but not limited to, between and among any employees, officers, directors, or councilpersons of Frisco, relating to the Property, including Lot 1 or Lot 2, between January 1, 2009, and the present.

Response:

Request for Information No. 3: Please produce all documents evidencing any communication between Frisco and any consultants of Frisco, including but not limited to Freese and Nichols and Kimley-Horn, relating to the Property, including Lot 1 or Lot 2, between January 1, 2009, and the present.

Response:

Request for Information No. 4: Please produce all documents relating to any agreement between Frisco and the City of McKinney, Texas, relating to the provision of water or sewer service to the Property, including Lot 1 or Lot 2, between January 1, 2009, and the present.

Response:

Request for Information No. 5: Please produce all documents relating to any agreement between Frisco and the City of McKinney, Texas, relating to the provision of water or sewer service by the City of McKinney, Texas, within Frisco's water CCN or sewer CCN, between January 1, 2009, and the present.

Response:

Request for Information No. 6: Please produce all documents relating to any agreement currently in effect between Frisco and any other person or entity which relates to the provision or supply of sewer treatment capacity to Frisco.

Response:

Request for Information No. 7: Please produce all documents relating to any agreement currently in effect between Frisco and any other person or entity which relates to the provision or supply of raw water, treated water, or water treatment capacity to Frisco.

Response:

Request for Information No. 8: Please produce a current map identifying Frisco's existing water and sewer service lines within Frisco's water CCN and sewer CCN.

Response:

Request for Information No. 9: Please produce a current map identifying private easements within Frisco's water CCN and sewer CCN which are dedicated to Frisco for the provision of water or sewer service.

Response:

Request for Information No. 10: Please produce all documents relating to the capacity of Frisco's sewer facilities to support the service of the proposed West Ridge Villas on Lot 2.

Response:

Request for Information No. 11: Please produce all documents relating to the capacity of Frisco's water facilities to support the service of the proposed West Ridge Villas on Lot 2.

Response:

Request for Information No. 12: Please produce all documents relating to the capacity of the City of McKinney to provide water or sewer service to the proposed West Ridge Villas on Lot 2.

Response:

Request for Information No. 13: Please produce all documents relating to the preliminary plat approved by Frisco and associated with Lot 2, including, but not limited to, any communications relating to the location of the utility lines identified on the preliminary plat.

Response:

Request for Information No. 14: Please produce all documents relating to the estimated costs of construction and/or appropriation of private easements for the utility lines as depicted on the preliminary plat.

Response:

Request for Information No. 15: Please produce all documents between January 1, 2015, and the present relating to the requirement to plat Derick Barch's property located south of the Property and on which a RV-Boat storage facility was planned.

Response:

Request for Information No. 16: Please produce all documents between January 1, 2015, and the present relating to the provision of water or sewer service to Derick Barch's property located south of the Property and on which a RV-Boat storage facility was planned.

Response:

Request for Information No. 17: Please produce all documents between January 1, 2009, and the present relating to the provision of water or sewer service to Lot 1.

Response:

Request for Information No. 18: Please produce all documents between January 1, 2009, and the present relating to the provision of water or sewer service to any property located on the south side of Westridge Boulevard east of Memory Lane and west of Custer Road in the extraterritorial jurisdiction and water and sewer CCNs of Frisco.

Response:

Request for Information No. 19: Please produce all documents between January 1, 2009, and the present relating to the provision of water or sewer service to the residential homes along Plum Lane located south of the Property and within the extraterritorial jurisdiction and water and sewer CCNs of Frisco.

Response:

Request for Information No. 20: Please produce all documents, including but not limited to documents evidencing communications, related to all requests for construction water service for Lot 2 between January 1, 2016, and the present.

Response:

Request for Information No. 21: Please produce all documents, including but not limited to council resolutions or letter agreements evidencing approval or agreement by Frisco, related to the acquisition by the City of McKinney, Texas, of the facilities, including water lines, associated with the former Danville Water Supply Corporation that are located within Frisco's water CCN.

Response:

REQUESTS FOR ADMISSION

Request for Admission No. 1: Admit that the City of McKinney, Texas, provides water and sewer service to Lot 1.

Response:

Request for Admission No. 2: Admit that the City of McKinney, Texas, provides water service to all properties located along the south side of Westridge Boulevard east of Memory Lane and west of Custer Road in the extraterritorial jurisdiction and water and sewer CCNs of Frisco.

Response:

Request for Admission No. 3: Admit that the City of McKinney, Texas, provides sewer service to properties, other than Lot 1, along the south side of Westridge Boulevard east of Memory Lane and west of Custer Road in the extraterritorial jurisdiction and water and sewer CCNs of Frisco.

Response:

Request for Admission No. 4: Admit that the City of McKinney, Texas, provides water service to the residential homes along Plum Lane located south of the Property and within the extraterritorial jurisdiction and water and sewer CCNs of Frisco.

Response:

Request for Admission No. 5: Admit that the City of McKinney, Texas, began providing water service to the storage facility located directly east of Lot 2 after the transfer of the area in which the storage facility is located from the water CCN of the City of McKinney, Texas, to Frisco's water CCN.

Response:

Request for Admission No. 6: Admit that the City of McKinney, Texas, currently provides water service to the storage facility located directly east of Lot 2 and within the extraterritorial jurisdiction and water and sewer CCNs of Frisco.

Response:

Request for Admission No. 7: Admit that the Property has complied with the requirement in Frisco's subdivision ordinance to be subject to an annexation agreement as evidenced by the Annexation Agreement recorded in the Collin County real property records.

Response: