



Control Number: 45870



Item Number: 36

Addendum StartPage: 0

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

RECEIVED

COMPLAINT OF KER-SEVA LTD.
AGAINST THE CITY OF FRISCO

§
§

BEFORE THE STATE OFFICE OF
ADMINISTRATIVE HEARINGS
PUBLIC UTILITY COMMISSION
FILING CLERK

CITY OF FRISCO'S RESPONSES TO KER-SEVA, LTD., ADC WEST RIDGE VILLAS, L.P., AND CENTER FOR HOUSING RESOURCES, INC.'S FIRST SET OF REQUESTS FOR INFORMATION AND REQUESTS FOR ADMISSION

The City of Frisco ("City" or "Frisco") and files these Responses to the First Set of Requests for Information ("RFI") and Requests for Admission ("RFA") of Ker-Seva Ltd., ADC West Ridge Villas, LP and Center for Housing Resources, Inc. ("Complainants") served on June 30, 2016. The City initially filed objections to the RFIs and RFAs and requested a Protective Order on July 11, 2016. The City subsequently withdrew the objections and agreed to respond by August 11, 2016. This response is timely filed. The City agrees that the responses may be treated as if the answers were filed under oath.

The City and Complainants agreed to amend some of the requests which are reflected herein. Additionally, the definition of "Property" was agreed to refer to as: the approximately 8.5 acres of land in Collin County, Texas identified as the "Property" in the Annexation Agreement between the City of Frisco and Baljeet K. Jawanda and Daljit S. Hundle on or about October 13, 2006, and said Annexation Agreement is attached as Exhibit C to the Complaint, Item No. 1 in this docket.

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

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REQUESTS FOR INFORMATION AND REQUESTS FOR ADMISSION**

Request for Information No. 1: (AMENDED AS AGREED) 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. Attorney-client communications or work product are not being requested. A privilege log, if any, is limited to January 1, 2015 to present.

RESPONSE: See documents and privilege log contained on the attached disk.

Prepared/sponsored by: To be supplemented

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Request for Information No. 2: (AMENDED AS AGREED) 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 I or Lot 2, between January 1, 2009, and the present. Attorney-client communications or work product are not being requested. A privilege log, if any, is limited to January 1, 2015 to present.

RESPONSE: See documents and privilege log contained on the attached disk. Additional responsive documents and privilege log are produced in response to RFI #1.

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Request for Information No. 3: (AMENDED AS AGREED) 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 I or Lot 2, between January 1, 2009, and the present. Attorney-client communications or work product are not being requested. A privilege log, if any, is limited to January 1, 2015 to present.

RESPONSE: See documents and privilege log are produced in response to RFI No. 1.

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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: After a diligent search, no items have been identified that are responsive to the request.

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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: After a diligent search, no items have been identified that are responsive to the request.

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Request for Information No. 6: (AMENDED AS AGREED) 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. This request is limited geographically to the area within the Frisco water and sewer CCN but is allegedly being served by the City of McKinney. Further, the documents requested are service related agreements. Documents such as billing records, late payment notices, etc. are not being requested.

RESPONSE: After a diligent search, no items have been identified that are responsive to the request.

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Request for Information No. 7: (AMENDED AS AGREED) 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. This request is limited geographically to the area within the Frisco water and sewer CCN but is allegedly being served by the City of McKinney. Further, the documents requested are service related agreements. Documents such as billing records, late payment notices, etc. are not being requested.

RESPONSE: After a diligent search, no items have been identified that are responsive to the request.

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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: See documents contained on the attached disk.

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Request for Information No. 9: (AMENDED AS AGREED) 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. The scope of the request is limited to one mile of the Property.

RESPONSE: After a diligent search, no items have been identified that are responsive to the request.

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Request for Information No. 10: (AMENDED AS AGREED) Please produce all documents relating to the capacity of Frisco’s sewer facilities to serve the proposed West Ridge Villas on Lot 2.

RESPONSE: After a diligent search, no items have been identified that are responsive to the request.

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Request for Information No. 11: (AMENDED AS AGREED) Please produce all documents relating to the capacity of Frisco's water facilities to serve the proposed West Ridge Villas on Lot 2.

RESPONSE: After a diligent search, no items have been identified that are responsive to the request.

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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: After a diligent search, no items have been identified that are responsive to the request.

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Request for Information No. 13: (AMENDED AS AGREED). Please produce all documents relating to the preliminary plat approved by Frisco in 2015 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: See documents contained on the attached disk.

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Request for Information No. 14: (AMENDED AS AGREED) 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 referred to in Request for Information No. 13.

RESPONSE: See documents contained on the attached disk.

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

RESPONSE: After a diligent search, no items have been identified that are responsive to the request.

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Request for Information No. 16: (AMENDED AS AGREED) 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 directly south of the Property and adjacent thereto and on which a RV-Boat storage facility was planned.

RESPONSE: After a diligent search, no items have been identified that are responsive to the request.

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Request for Information No. 17: (AMENDED AS AGREED) Please produce all documents between January 1, 2009, and the present relating to the provision of water or sewer service to Lot 1. The documents requested are service related agreement. Documents such as billing records, late payment notices, etc. are not being requested.

RESPONSE: After a diligent search, no items have been identified that are responsive to the request.

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Request for Information No. 18: (AMENDED AS AGREED) 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. The documents requested are service related agreement. Documents such as billing records, late payment notices, etc. are not being requested.

RESPONSE: After a diligent search, no items have been identified that are responsive to the request.

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Request for Information No. 19: (AMENDED AS AGREED) 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. The documents requested are service related agreement. Documents such as billing records, late payment notices, etc. are not being requested.

RESPONSE: After a diligent search, no items have been identified that are responsive to the request.

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Request for Information No. 20: (AMENDED AS AGREED) 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. Attorney-client communications or work product are not being requested.

RESPONSE: See documents produced in response to RFI No. 1.

Prepared/sponsored by: To be supplemented

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Request for Information No. 21: (AMENDED AS AGREED) Please produce all documents from January 1, 2011, to the present, 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: After a diligent search, no items have been identified that are responsive to the request.

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

RESPONSE: To the best of Frisco’s knowledge, admit.

Prepared/sponsored by: To be supplemented

By agreement, responses to Requests for Admission Nos. 2-6 will be produced at a later date.

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Request for Admission No. 7: (AMENDED AS AGREED) 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. The Annexation Agreement referred to herein is the same Annexation Agreement referred to in the definition of "Property."

RESPONSE: Deny.

Prepared/sponsored by: To be supplemented

CERTIFICATE OF SERVICE

I hereby certify that on this 11th day of August, 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
1701 N. Congress Avenue
Austin, Texas
(512) 936-7261
(512) 936-7268 Fax

Mr. Leonard Dougal
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.