



Control Number 45870



Item Number 41

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

2016 AUG 09 PM 2:56
PUBLIC UTILITY COMMISSION
FILING CLERK

CITY OF FRISCO's ORDER NO. 3 RESPONSE TO TRCP 194.2 DISCLOSURES

COMES NOW the City of Frisco ("City" or "Frisco") and files this Response to the Disclosures in Texas Rules of Civil Procedure No. 194.2 pursuant to Order No. 3, except for testifying experts. This response is timely filed. 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

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

**COMPLAINT OF KER-SEVA LTD. § BEFORE THE STATE OFFICE OF
AGAINST THE CITY OF FRISCO § ADMINISTRATIVE HEARINGS**

CITY OF FRISCO's ORDER NO. 3 RESPONSE TO TRCP 194.2 DISCLOSURES

REQUEST:

194.2 (a) The correct names of the parties to this proceeding;

RESPONSE:

Frisco believes that the parties have been identified properly as listed in Order No. 3 in this docket.

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

**COMPLAINT OF KER-SEVA LTD. § BEFORE THE STATE OFFICE OF
AGAINST THE CITY OF FRISCO § ADMINISTRATIVE HEARINGS**

CITY OF FRISCO's ORDER NO. 3 RESPONSE TO TRCP 194.2 DISCLOSURES

REQUEST

194.2 (b) The name, address, and telephone number of any potential parties;

RESPONSE:

Frisco believes that all potential parties have been named and admitted as parties.

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

COMPLAINT OF KER-SEVA LTD. AGAINST THE CITY OF FRISCO	§ §	BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS
--	----------------	---

CITY OF FRISCO's ORDER NO. 3 RESPONSE TO TRCP 194.2 DISCLOSURES

REQUEST

194.2 (c) The legal theories and, in general, the factual bases of the responding party's claims or defense.

RESPONSE:

1. Ker Seva, Ltd. is a not a proper party to this proceeding as it is not an affected party to any issue or outcome in this proceeding.
2. None of the complainants in this proceeding are consumers or qualified applicants of water or sewer service from the City of Frisco. As such, the PUC has no jurisdiction to decide any service related issues as they relate to any of the complainants.
3. As a municipality, the City of Frisco is not a 'utility' as defined in Texas Water Code Chapter 13 or applicable PUC rules.
4. The complainants have not filed a complaint properly pursuant to PUC Rules to be granted any relief sought.
5. Without jurisdiction, the complaint should be dismissed.

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

**COMPLAINT OF KER-SEVA LTD. § BEFORE THE STATE OFFICE OF
AGAINST THE CITY OF FRISCO § ADMINISTRATIVE HEARINGS**

CITY OF FRISCO'S ORDER NO. 3 RESPONSE TO TRCP 194.2 DISCLOSURES

REQUEST

194.2 (d) The amount and any method of calculating economic damages;

RESPONSE:

No damages are being sought in this proceeding.

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

**COMPLAINT OF KER-SEVA LTD. § BEFORE THE STATE OFFICE OF
AGAINST THE CITY OF FRISCO § ADMINISTRATIVE HEARINGS**

CITY OF FRISCO’S ORDER NO. 3 RESPONSE TO TRCP 194.2 DISCLOSURES

REQUEST

e. The name, address, and telephone number of persons having knowledge of relevant facts, and a brief statement of each person’s connection with the case.

RESPONSE:

Stacy Brown
Amy Mathews
John Webb
Toyin Fawehinmi
Lori Chapin
Craig Deputy
Jenny Page
Richard Kindred
John Lettellier
Gary Hartwell
Kevin Grant
George Purefoy
Henry Hill
Nell Lange

Members of the Frisco City Council
c/o Russell & Rodriguez, LLP
1633 Williams Drive, Suite 200
Georgetown, Texas 78628
(512) 930-1317

Members of the Frisco staff or City Council whose job duties may have required attention to the complaint or an ancillary issue thereto.

Arturo D. Rodriguez, Jr.
Chelsea Braud
Russell & Rodriguez, LLP
1633 Williams Drive, Suite 200
Georgetown, Texas 78628
(512) 930-1317
Legal counsel for Frisco in this proceeding.

Diane Wetherbee
Richard Abernathy
Abernathy, Roeder, Boyd & Hullett, PC
1700 Redbud Blvd. Suite 300
McKinney, Texas 75069
(214) 544-4000
Legal counsel for Frisco.

Terri L. Anderson
347 Walnut Grove Lane
Coppell, Texas 75019
(972) 567-4620
Ms. Anderson is with ADC West Ridge, LP

Jastinder Jawanda
10247 Warren Parkway
Frisco, Texas 75035
Mr. Jawanda is with Ker-Seva, Ltd.

Mark Houser
740 E. Campbell Rd. Suite 800
Richardson, Texas 75081
Mr. Houser is the City Attorney for the City of McKinney

Sam Chang
Public Utility Commission of Texas
1701 N. Congress Avenue
Austin, Texas
(512) 936-7261
Attorney for the Executive Director of the Public Utility Commission

Mr. Leonard Dougal
Ms. Mallory Beck
Jackson Walker, LLP
100 Congress Avenue, Suite 1100
Austin, Texas 78701
(512) 236-2000
Attorneys for the Complainants

Members of PUC staff that have reviewed the complaint

Frisco incorporates any other person identified by any other party as a person with knowledge of relevant facts in this proceeding.

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

**COMPLAINT OF KER-SEVA LTD. § BEFORE THE STATE OFFICE OF
AGAINST THE CITY OF FRISCO § ADMINISTRATIVE HEARINGS**

CITY OF FRISCO'S ORDER NO. 3 RESPONSE TO TRCP 194.2 DISCLOSURES

REQUEST

194.2 (g) Any indemnity and insuring agreements described in Rule 192.3(f).

RESPONSE:

None.

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

**COMPLAINT OF KER-SEVA LTD. § BEFORE THE STATE OFFICE OF
AGAINST THE CITY OF FRISCO § ADMINISTRATIVE HEARINGS**

CITY OF FRISCO's ORDER NO. 3 RESPONSE TO TRCP 194.2 DISCLOSURES

REQUEST

194.2 (h) Any settlement agreements described in Rule 192.3(g).

RESPONSE:

None.

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

**COMPLAINT OF KER-SEVA LTD. § BEFORE THE STATE OFFICE OF
AGAINST THE CITY OF FRISCO § ADMINISTRATIVE HEARINGS**

CITY OF FRISCO's ORDER NO. 3 RESPONSE TO TRCP 194.2 DISCLOSURES

REQUEST

194.2(i) Any witness statements described in Rule 192.3(g)

RESPONSE:

None.

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

**COMPLAINT OF KER-SEVA LTD. § BEFORE THE STATE OFFICE OF
AGAINST THE CITY OF FRISCO § ADMINISTRATIVE HEARINGS**

CITY OF FRISCO's ORDER NO. 3 RESPONSE TO TRCP 194.2 DISCLOSURES

Texas Rule of Civil Procedure Rules 194.2 (j)-(l) are inapplicable to this proceeding.

CERTIFICATE OF SERVICE

I hereby certify that on this 19th 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.