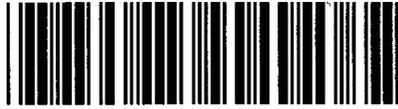




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FORMAL COMPLAINT OF KER-SEVA,  
LTD. AGAINST THE  
CITY OF FRISCO, TEXAS

§ BEFORE THE  
§ STATE OFFICE OF  
§ ADMINISTRATIVE HEARINGS

PUBLIC UTILITY COMMISSIO  
FILING CLERK

**CITY OF FRISCO'S THIRD SET OF REQUESTS FOR INFORMATION AND  
REQUESTS FOR ADMISSION**

COMES NOW, the City of Frisco, Texas ("City" or "Frisco"), and file this their Third Set of Requests for Information ("RFIs") to Ker-Seva Ltd., ADC West Ridge, LP and Center for Housing Resources, Inc., 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 Exhibit A should be served on the undersigned counsel for the City at the address indicated within twenty (20) days of service hereof.

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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**CERTIFICATE OF SERVICE**

I hereby certify that on this 4th day of November, 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  
P.O. Box 13326  
Austin, Texas 78711-3326  
sam.chang@puc.texas.gov  
(512) 936-7261  
(512) 936-7268 Fax

*Via facsimile*

Leonard Dougal  
Jackson Walker L.L.P.  
100 Congress, Suite 1100  
Austin, Texas 78701  
ldougal@jw.com  
(512) 236-2233  
(512) 391-2112 Fax

*Via facsimile*

/s/ Arturo D. Rodriguez, Jr.  
ARTURO D. RODRIGUEZ, JR.

## EXHIBIT A

### DEFINITIONS

The following definitions are applicable to the RFIs and Requests for Admissions.

1. "City" or "Frisco" refers to the City of Frisco, Texas.
2. "Ker-Seva" refers to Ker Seva, Ltd., its officers, employees, consultants, agents, attorneys, and affiliates to the extent such persons are acting for or on behalf of Ker Seva, Ltd.
3. "ADC West Ridge" refers to ADC West Ridge, LP, its officers, employees, consultants, agents, attorneys, and affiliates to the extent such persons are acting for or on behalf of ADC West Ridge, LP.
4. "Center for Housing Resources" refers to Center for Housing Resources, Inc., its officers, employees, consultants, agents, attorneys, and affiliates to the extent such persons are acting for or on behalf of Center for Housing Resources, Inc.
5. "Complainants" refers to Ker Seva Ltd., ADC West Ridge, LP, and Center for Housing Resources, Inc. collectively or independently.
6. "Property" refers to the approximately 8.5 acres of land in Collin County, Texas, identified as the "Property" in that certain Annexation Agreement, contained in Exhibit C to the Second Amended Formal Complaint Against the City of Frisco, Texas, filed Ker-Seva Ltd., ADC West Ridge, LP and Center for Housing Resources, Inc. in this docket.
7. "Lot 1" refers to the portion of the Property with the address of 9421 Westridge Boulevard, identified as Lot 1, Block A.
8. "Lot 2" refers to the portion of the Property with the address of 9331 Westridge Boulevard, identified as Lot 2, Block A.
9. "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, email, 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.

10. "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.
11. "Describe" means to provide a detailed narrative concerning the information which is the subject of the RFI.
12. "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.
13. 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.
14. "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.

## **B. 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 Public Utility Commission of Texas and the Texas Rules of Civil Procedure.
4. In accordance with 16 Tex. Admin. Code Sec. 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 Sec. 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. Unless otherwise noted in a specific request, the time period applicable to the requests are January 1, 2008, to the present.
12. PLEASE TAKE FURTHER NOTICE that the 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.

### **C. REQUESTS FOR INFORMATION**

**REQUEST FOR INFORMATION NO. 195:** Please produce all documents that relate to communications, written or oral, with Frisco, including, but not limited to Stacy Brown and John Lettelleir, requesting a meeting to gain support and financing for a 9% tax credit application to the TDHC and all documents relating to the response from Frisco, including, but not limited to, Stacy Brown and John Lettelleir.

#### **RESPONSE:**

**REQUEST FOR INFORMATION NO. 196:** Please identify your efforts to contact representatives of Frisco regarding the Property or the basis of your complaint against Frisco in this docket. Please produce all documents that relate to such effort.

#### **RESPONSE:**

**REQUEST FOR INFORMATION NO. 197:** Please identify your efforts to contact Susan Fletcher regarding the Property or the basis of your complaint against Frisco in this docket. Please produce all documents that relate to such effort.

#### **RESPONSE:**

**REQUEST FOR INFORMATION NO. 198:** Please identify all communications with Susan Fletcher regarding the Property or the basis of your complaint against Frisco in this docket. Please produce all documents that relate to such communications.

#### **RESPONSE:**

**REQUEST FOR INFORMATION NO. 199:** Please state the factual basis for your contention that that Frisco “unexpectedly called and held an unnecessary public hearing on the West Ridge Villas 9% Tax Credit Application.” Please produce all documents that relate to such contention.

#### **RESPONSE:**

**REQUEST FOR INFORMATION NO. 200:** Please state the factual basis for your contention that Stacy Brown promised to place “affordable developments” on the February 13, 2015 agenda of the Frisco City Council. Please produce all documents that relate to such contention.

#### **RESPONSE:**

**REQUEST FOR INFORMATION NO. 201:** Please produce all documents that relate to any “revised design exhibits” that were submitted to John Lettelleir or Stacy Brown for review and a meeting on or about February 20, 2015.

**RESPONSE:**

**REQUEST FOR INFORMATION NO. 202:** Please produce the factual basis for your contention that on February 24, 2015, John Lettelleir stated or indicated that he would not have time to review the submission of February 20, 2015 by you before the Frisco City Council meeting on March 20, 2015 because he didn’t want to “expend staff resources” before Frisco City Council input. Please produce all documents that relate to such contention.

**RESPONSE:**

**REQUEST FOR INFORMATION NO. 203:** Please identify the factual basis for your contention that Frisco beginning in March 2015 “refused requests for a pre-construction meeting, any meeting with city staff, or even an administrative review of the proposed preliminary site plan [or] a Preliminary Plat application.” Please produce all documents that relate to such contention.

**RESPONSE:**

**REQUEST FOR INFORMATION NO. 204:** Please identify the factual basis for your contention that on or about March 2, 2015 “Frisco failed to support the 9% HTC Application stating they could not support a development that would not otherwise be approved if it were not a tax credit deal due to the site being less than 5 acres as required by MF-19 zoning requirements.” Please produce all documents that relate to such contention.

**RESPONSE:**

**REQUEST FOR INFORMATION NO. 205:** Please state the factual basis for your contention that on or about March 2, 2015, Frisco took action to “preempt any ‘vested rights’ and prevent the proposed MF-19 affordable development.” Please produce all documents that relate to such contention.

**RESPONSE:**

**REQUEST FOR INFORMATION NO. 206:** Please state the factual basis for your contention that on or about March 2, 2015, the Frisco City Council “modified the draft Consolidated Plan originally presented at the February 17, 2015 meeting moving the subject property from the ETJ into the city limits and showing future planned land use as single family.” Please produce all documents that relate to such contention.

**RESPONSE:**

**REQUEST FOR INFORMATION NO. 207:** Please state the factual basis for your contention that on or about March 16, 2015, Frisco did not make available to the Plaintiff any application or processes that would establish vested rights. Please produce all documents that relate to such contention.

**RESPONSE:**

**REQUEST FOR INFORMATION NO. 208:** Please state the factual basis that relate to your contention that on or about March 2, 2015 a “Preliminary Plat is not required by the [Frisco] Subdivision Ordinance for commercial construction.” Please produce all documents that relate to such contention.

**RESPONSE:**

**REQUEST FOR INFORMATION NO. 209:** All documents that relate to Frisco staff’s comments to the Preliminary Plat submitted by you for the Property or any part thereof.

**RESPONSE:**

**REQUEST FOR INFORMATION NO. 210:** Please identify the factual basis for your contention that you submitted all revisions to the Preliminary Plat for the Property or any part thereof before 12:00 pm on March 3, 2015. Please produce all documents that relate to such contention.

**RESPONSE:**

**REQUEST FOR INFORMATION NO. 211:** Please produce all documents that you received from Collin County in response to any Public Information Request made by the you to Collin County.

**RESPONSE:**

**REQUEST FOR INFORMATION NO. 212:** Please produce all documents that relate to your request for permit applications from Collin County for the Property or any part thereof.

**RESPONSE:**

**REQUEST FOR INFORMATION NO. 213:** Please produce all documents that relate to your request for permit applications from Frisco for the Property or any part thereof.

**RESPONSE:**

**REQUEST FOR INFORMATION NO. 214:** Please produce all documents that relate to your request for permit applications from Collin County for the Property or any part thereof.

**RESPONSE:**

**REQUEST FOR INFORMATION NO. 215:** Please produce documents that relate to your request for permit applications from the City of McKinney, Texas for the Property or any part thereof.

**RESPONSE:**

**REQUEST FOR INFORMATION NO. 216:** Please produce all documents that relate to communications between Plaintiff and George Hill regarding the Property or the basis of the complaint that is the subject of this proceeding.

**RESPONSE:**

**REQUEST FOR INFORMATION NO. 217:** Please produce all documents that relate to communications between you and Rick Dwoarshack regarding the Property or the basis of the complaint that is the subject of this proceeding.

**RESPONSE:**

**REQUEST FOR INFORMATION NO. 218:** Please produce all documents that relate to communications between you and Luis Gonzales regarding the Property or the basis of the complaint that is the subject of this proceeding.

**RESPONSE:**

**REQUEST FOR INFORMATION NO. 219:** Please produce all documents that relate to communications between you and Tracy Homfield regarding the Property or the basis of the complaint that is the subject of this proceeding.

**RESPONSE:**

**REQUEST FOR INFORMATION NO. 220:** Please produce all documents that relate to communications between you and Amy Matthews regarding the Property or the basis of the complaint that is the subject of this proceeding.

**RESPONSE:**

**REQUEST FOR INFORMATION NO. 221:** Please produce all documents that relate to communications between you and Toyin Fawehinmi regarding the Property or the basis of the complaint that is the subject of this proceeding.

**RESPONSE:**

**REQUEST FOR INFORMATION NO. 222:** Please produce all documents that relate to communications between you and Jastinder Jawanda regarding the Property or the basis of the complaint that is the subject of this proceeding.

**RESPONSE:**

**REQUEST FOR INFORMATION NO. 223:** Please produce all documents that relate to communications between you and Nell Lange regarding the Property or the basis of the complaint that is the subject of this proceeding.

**RESPONSE:**

**REQUEST FOR INFORMATION NO. 224:** All documents that relate to communications between you and Chris Goulette regarding the Property or the basis of the complaint that is the subject of this proceeding.

**RESPONSE:**

**REQUEST FOR INFORMATION NO. 225:** All documents that relate to communications between you and Frisco Utility Billing Department regarding the Property or the basis of the complaint that is the subject of this proceeding.

**RESPONSE:**

**REQUEST FOR INFORMATION NO. 226:** All documents that relate to communications between you and Weir Brothers Contracting, LLC. regarding the Property or the basis of the complaint that is the subject of this proceeding.

**RESPONSE:**

**REQUEST FOR INFORMATION NO. 227:** All documents that relate to communications between you and KWA Construction regarding the Property or the basis of the complaint that is the subject of this proceeding.

**RESPONSE:**

**REQUEST FOR INFORMATION NO. 228:** All documents that relate to communications between you and Joe Thomason regarding the Property or the basis of the complaint that is the subject of this proceeding.

**RESPONSE:**

**REQUEST FOR INFORMATION NO. 229:** All documents that relate to communications between you and the City of McKinney regarding the Property or the basis of the complaint that is the subject of this proceeding.

**RESPONSE:**

**REQUEST FOR INFORMATION NO. 230:** All documents that relate to communications between you and the City of McKinney Police Department regarding the Property or the basis of the complaint that is the subject of this proceeding.

**RESPONSE:**

**REQUEST FOR INFORMATION NO. 231:** All documents that relate to communications between you and Randy Roland regarding the Property or the basis of the complaint that is the subject of this proceeding.

**RESPONSE:**

**REQUEST FOR INFORMATION NO. 232:** All documents that relate to communications between you and the City of McKinney Engineering Department regarding the Property or the basis of the complaint that is the subject of this proceeding.

**RESPONSE:**

**REQUEST FOR INFORMATION NO. 233:** All documents that relate to communications between you and Chris Hill regarding the Property or the basis of the complaint that is the subject of this proceeding.

**RESPONSE:**

**REQUEST FOR INFORMATION NO. 234:** All documents that relate to communications between you and Stan Fulks regarding the Property or the basis of the complaint that is the subject of this proceeding.

**RESPONSE:**

**REQUEST FOR INFORMATION NO. 235:** All documents that relate to communications between you and Ryan Hahn regarding the Property or the basis of the complaint that is the subject of this proceeding.

**RESPONSE:**

**REQUEST FOR INFORMATION NO. 236:** All documents that relate to communications between you and John Conine regarding the Property or the basis of the complaint that is the subject of this proceeding.

**RESPONSE:**

**REQUEST FOR INFORMATION NO. 237:** All documents that relate to communications between you and Wesley and/or Susan Williams regarding the Property or the basis of the complaint that is the subject of this proceeding.

**RESPONSE:**

**REQUEST FOR INFORMATION NO. 238:** All documents that relate to communications between you and Timothy and/or Teresa Legat regarding the Property or the basis of the complaint that is the subject of this proceeding.

**RESPONSE:**