

Control Number: 45870



Item Number: 64

Addendum StartPage: 0

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

2016 NOV -7 PM 1:45
BEFORE THE STATE OFFICE OF
ADMINISTRATIVE HEARINGS
PRACTICE THE CLERK
FILING CLERK

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

COMES NOW the City of Frisco ("City" or "Frisco") and files these Responses to the Third Set of Requests for Information ("RFI") and Requests for Admission ("RFA") of Ker-Seva Ltd., ADC West Ridge, LP and Center for Housing Resources, Inc. ("Complainants") served on October 18, 2016.

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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**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**

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REQUESTS FOR INFORMATION

Request for Information No. 66: [AMENDED AS AGREED] Please produce any ordinances, regulations, rules, or policies which Frisco contends prohibit Lot 2 from receiving water service from the existing infrastructure adjacent to Lot 2 identified in Exhibit "A" hereto and circled in a dashed line.

Response: See documents produced in response to RFI Nos. 23 and 50.

Prepared/sponsored by: To be supplemented

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Request for Information No. 67: [AMENDED AS AGREED] Please produce any ordinances, regulations, rules, or policies which Frisco contends prohibit Lot 2 from receiving sewer service from the existing infrastructure adjacent to Lot 2 identified in Exhibit "A" hereto and circled in a dashed line.

Response: See documents produced in response to RFI Nos. 23 and 50.

Prepared/sponsored by: To be supplemented

**SOAH DOCKET NO. 473-16-4619.WS
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Request for Information No. 68: [AMENDED AS AGREED] Please produce all documents supporting Frisco's contention that Lot 2 cannot receive water and/or sewer service from the existing infrastructure adjacent to Lot 2 identified in Exhibit "A" hereto and circled in dashed line.

Response: See documents produced in response to RFI Nos. 23 and 50.

Prepared/sponsored by: To be supplemented

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Request for Information No. 69: [AMENDED AS AGREED] Please explain the general factual bases for Frisco's contention that Lot 2 cannot receive water and/or sewer service from the existing infrastructure adjacent to Lot 2 identified in Exhibit "A" hereto and circled in a dashed line.

Response: Lot 2 is located within the City’s water and sewer CCNs. In order to receive service, a qualified applicant must abide by the City’s regulations relating to the provision of water and sewer service. As such, Lot 2 must connect to infrastructure as previously explained to Ker Seva, Ltd.

Prepared/sponsored by: To be supplemented

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Request for Information No. 70: Please explain the general factual bases for Frisco's contention that Lot 1 is permitted to receive water and sewer service through the infrastructure adjacent to Lot 2 identified in Exhibit "A" hereto but Lot 2 is not permitted to receive water and sewer service through the infrastructure adjacent to Lot 2 identified in Exhibit "A" hereto and circled in a dashed line.

Response: Lot 2 is located within the City’s water and sewer CCNs. In order to receive service, a qualified applicant must abide by the City’s regulations relating to the provision of water and sewer service. As such, Lot 2 must connect to infrastructure as previously explained to Ker Seva, Ltd.

Prepared/sponsored by: To be supplemented

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Request for Information No. 71: Please produce a map identifying the location of the Rowlett Sanitary Sewer Interceptor Line and the location of the City of Frisco's metering station and tap as described in the Interlocal Agreement attached as Exhibit "B" hereto.

Response: This request is subject to an objection by the City.

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Request for Information No. 72: Please produce a map identifying the location of the City of Frisco's Point or Points of Delivery as defined in Section 6 of the water supply agreement attached hereto as Exhibit "C."

Response: This request is subject to an objection by the City.

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Request for Information No. 73: Please produce all documents relating to any agreement currently in effect between Frisco and any other person or entity which relates to the sharing of, or provides authorization for use of any water lines.

Response: This request is subject to an objection by the City.

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Request for Information No. 74: Please produce all documents identifying Frisco's existing water lines, whether located within Frisco's CCN or outside. For purposes of this request, Frisco's "existing water lines" means any lines for which Frisco owns, operates, has authorization to use, or any portion is reserved to serve Frisco's needs, for provision of water service.

Response: This request is subject to an objection by the City.

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Request for Information No. 75: Please produce all documents identifying Frisco's existing sewer lines, whether located within Frisco's CCN or outside. For purposes of this request, Frisco's "existing sewer lines" means any lines for which Frisco owns, operates, has authorization, to use, or any portion is reserved to serve Frisco's needs, for provision of sewer service.

Response: This request is subject to an objection by the City.

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Request for Information No. 76: Please produce a copy of the retail water service application required to be completed in order for a multi-family housing development to receive retail water service from the City of Frisco within its extraterritorial jurisdiction and water CCN.

Response: After a diligent search, there are no documents response to this request. However, when a qualified applicant meets all conditions precedent to service, then a Commercial Water Application is submitted for review by the City. Such an application was produced in response to RFI No. 1.

Prepared/sponsored by: To be supplemented

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Request for Information No. 77: Please produce a copy of the retail sewer service application required to be completed in order for a multi-family housing development to receive retail sewer service from the City of Frisco within its extraterritorial jurisdiction and sewer CCN.

Response: After a diligent search, there are no documents response to this request. However, when a qualified applicant meets all conditions precedent to service, then a Commercial Water Application is submitted for review by the City. Such an application was produced in response to RFI No. 1.

Prepared/sponsored by: To be supplemented

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Request for Information No. 78: Please produce all documents related to any approvals for the development, platting, and/or provision of water or sewer service to the property located directly east of Lot 2 on Westridge Boulevard which currently contains a storage facility, including all communications between the City of Frisco and the owner and/or developer of that property.

Response: After a diligent search, there are no documents response to this request.

Prepared/sponsored by: To be supplemented

**SOAH DOCKET NO. 473-16-4619.WS
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Request for Information No. 79: Please identify any utility easements obtained by Frisco through its powers of eminent domain.

Response: After a diligent search, there are no documents response to this request.

Prepared/sponsored by: To be supplemented

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Request for Information No. 80: Please produce all documents responsive to Request for Information No. 79.

Response: After a diligent search, there are no documents response to this request.

Prepared/sponsored by: To be supplemented

**SOAH DOCKET NO. 473-16-4619.WS
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Request for Information No. 81: Please identify any Frisco water meters, whether master meters, connection meters, or any other meter, located along Custer Road between Westridge Boulevard and El Dorado Parkway.

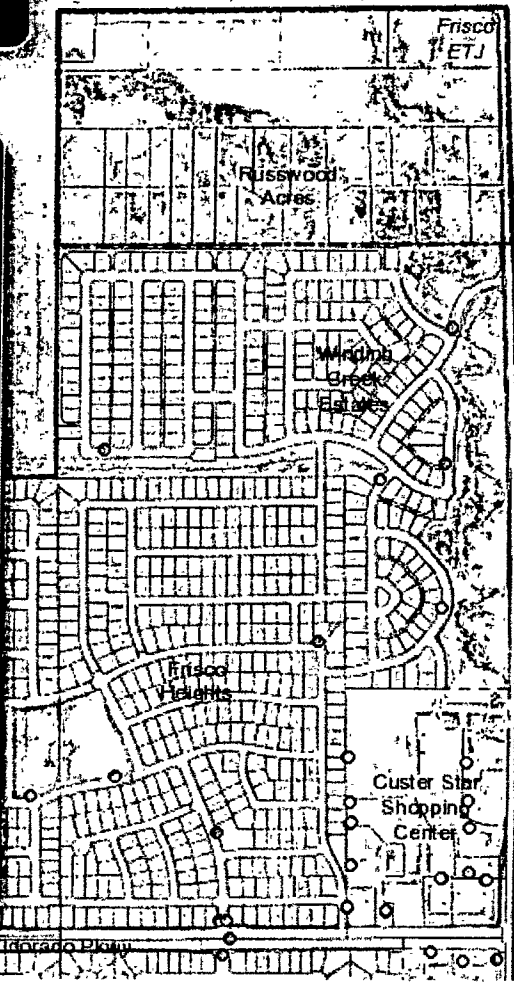
Response: See responsive document attached.

Prepared/sponsored by: To be supplemented



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Request for Information No. 82: Please produce any current easement templates as referenced in the City's letter dated March 1, 2015 attached as Exhibit "D" hereto.

Response: See responsive document attached.

Prepared/sponsored by: To be supplemented

AFTER RECORDING RETURN TO:
Engineering Services Department
City of Frisco, Texas
6101 Frisco Square Blvd.; 3rd Floor East
Frisco, Texas 75034

“NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVERS’ LICENSE NUMBER.”

SANITARY SEWER EASEMENT

STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS
COUNTY OF _____ §

That _____, (“Grantor”), whether one or more, for and in consideration of the sum of TEN DOLLARS (\$10.00) cash in hand to Grantor paid by the **CITY OF FRISCO, TEXAS**, a home rule municipality, (“Grantee”) the receipt and sufficiency of which are hereby acknowledged, does hereby GRANT, SELL AND CONVEY unto Grantee the easement and right to construct, reconstruct, operate, repair, re-build, replace, relocate, alter, remove and perpetually maintain City of Frisco-owned utility facilities (“Facilities”), together with all incidental improvements, and all necessary laterals in, upon and across certain real property owned by Grantor and located in the City of Frisco, _____ County, Texas, as more particularly depicted on and described in Exhibit “A”, attached hereto and incorporated herein for all purposes (“Easement Property”). As part of the grant hereby made, it is agreed between the parties hereto that any stone, earth, gravel or caliche which may be excavated in the opening, construction or maintenance of said channel or utility easement may be removed from said premises by Grantee.

TO HAVE AND TO HOLD the same perpetually unto the Grantee, its successors and assigns, together with the right and privilege at all times to enter the Easement Property, or any part thereof, for the purpose of constructing, reconstructing, operating, repairing, re-building, replacing, relocating, altering, removing and perpetually maintaining the Facilities, and all incidental improvements and for making connections therewith.

Grantor does hereby bind itself and its successors to WARRANT AND FOREVER DEFEND all and singular the Easement Property unto Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through or under Grantor, but not otherwise.

Grantee, its successors and assigns, shall have the right to construct, reconstruct and perpetually maintain additional Facilities at all times in the future within the Easement Property. If Grantee is unable to access the Easement Property due to physical barriers or conditions, then the Grantee, its successors and assigns, shall have, and are hereby granted, the right of ingress and egress over that portion of the Grantor's adjacent property within fifteen feet (15') of the Easement Property as is reasonably necessary to and for the limited purpose of accessing the Easement Property herein granted ("Ingress/Egress Easement").

Grantee will at all times after doing any work in connection with the construction, operation or repair of the Facilities, restore the surface of the Ingress/Egress Easement and Easement Property as close to the condition in which it was found before such work was undertaken as is reasonably practicable, except for trees, shrubs and structures within the Easement Property that were removed as a result of such work.

There are no liens, attachments, or other encumbrances which will affect the title or right of the Grantor to convey this easement to the Grantee for the purposes as described herein. If such condition does exist, a signature with acknowledgment shall be included and made a part of this document conveying the rights and privileges contained herein.

The easement rights and privileges granted herein are non-exclusive, but Grantor covenants that Grantor will not convey any other easement or conflicting rights within the area covered by this grant which unreasonably interfere with Grantee's rights granted herein and provided all such other grants comply with all applicable local, state and federal laws, ordinances, rules, regulations and/or requirements, as they exist, may be amended or in the future arising. Grantee will not unreasonably deny a request to encroach on the Easement Property.

Further, Grantor shall not place any improvement or take any action, permanent or temporary, which may cause damage or jeopardize the integrity of the Facilities and/or which will affect and/or interfere, in any way, the rights granted herein. Grantee, may, due to the necessity of repair and maintenance of the Facilities, remove and keep removed any and all improvements to the extent necessary to make repairs. Grantee will not be responsible for loss of improvements due to failure or maintenance of the Facilities.

This instrument shall be binding upon, and inure to the benefit of, Grantee and Grantor, and their respective successors or assigns.

This instrument may be executed in a number of identical counterparts, each of which shall be deemed an original for all purposes.

EXECUTED on the dates appearing in the acknowledgements below, however, to be effective on this ____ day of _____, 2016.

GRANTOR:

By: _____

Printed Name: _____

AGREED AND ACCEPTED:
CITY OF FRISCO, TEXAS

By: _____
George Purefoy, City Manager

THE STATE OF TEXAS §
 §
COUNTY OF _____ §

BEFORE ME, the undersigned authority, on this day personally appeared _____, _____ of _____, a _____, known to me to be the person whose name is subscribed to the foregoing instrument, and who acknowledged to me that he is the duly authorized representative of said corporation and that he executed the same for the purposes and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this ____ day of _____, 2016.

Notary Public, State of Texas
My commission expires: _____

THE STATE OF TEXAS §
 §
COUNTY OF COLLIN §

BEFORE ME, the undersigned authority, on this day personally appeared George Purefoy, City Manager for and on behalf of the **CITY OF FRISCO, TEXAS**, a Texas home rule municipality; he acknowledged to me he is the duly authorized representative of the City of Frisco, Texas and that he executed said instrument for the purposes and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this ____ day of _____, 2016.

Notary Public, State of Texas
My commission expires: _____

**INSERT APPROPRIATE LIENHOLDER INFORMATION FOR
EXISTING EASEMENTS AND LIENHOLDERS
(TO ENSURE SUBORDINATION)**

SANITARY SEWER EASEMENT
Project Number:

EXHIBIT "A"
Legal Description and Depiction of Easement Property

SOAH DOCKET NO. 473-16-4619.WS
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Request for Information No. 83: Please produce all correspondence or documents exchanged between you and any person who may be called to present expert testimony in this case.

Response: This request is subject to an objection by the City.

Prepared/sponsored by: To be supplemented

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Request for Information No. 84: Please produce the curriculum vitae of each witness you may call to present expert testimony in this case or by deposition.

Response: This request is subject to an objection by the City.

Prepared/sponsored by: To be supplemented

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Request for Information No. 85: Please produce the curriculum vitae of each consulting expert whose opinions, impressions or work product have been reviewed by a testifying expert in connection with the issues presented in this proceeding.

Response: This request is subject to an objection by the City.

Prepared/sponsored by: To be supplemented

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Request for Information No. 86: Please produce all documents prepared, considered, reviewed, or relied upon by each testifying expert and/or consulting expert whose opinions or impressions have been reviewed by a testifying expert or whose work has formed the basis; in whole or in part, for the mental impressions and opinions of an expert who may be called to testify.

Response: This request is subject to an objection by the City.

Prepared/sponsored by: To be supplemented

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Request for Information No 87: Please produce all documents relating to the charges or expenses you have incurred as result of the work done by any expert who may be called to testify as a witnesses in this proceeding and by each consulting expert whose opinions or impressions have been reviewed by a testifying expert or whose work has formed the basis, in whole or in part, for the mental impressions and opinions of a testifying expert.

Response: This request is subject to an objection by the City.

Prepared/sponsored by: To be supplemented

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Request for Information No. 88: Please produce all documents relating to all impeachment or rebuttal witnesses that you call to testify at a hearing in this proceeding, the necessity of whose can be reasonably anticipated before the hearing.

Response: This request has been withdrawn.

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Request for Information No. 89: Please produce all writings, drawings, graphs, charts, maps, photographs, or other tangible items intended to be used by You as exhibits, including demonstrative exhibits, in a hearing in this proceeding.

Response: This request has been withdrawn.

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Request for Information No. 90: Please produce all documents containing or reflecting any admissions or statements and/or admissions you contend were made by Complainants or their representative relating to the issues in this proceeding.

Response: This request has been withdrawn.

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REQUESTS FOR ADMISSION

Request for Admission No. 36: Admit that Frisco owns the water and sewer infrastructure directly adjacent to the Property as depicted in Exhibit "A" and circled in a black dashed line.

Response: Deny.

Prepared/sponsored by: To be supplemented

**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 RESPONSES TO KER-SEVA, LTD., ADC WEST RIDGE, L.P.,
AND CENTER FOR HOUSING RESOURCES, INC.’S THIRD SET OF
REQUESTS FOR INFORMATION AND REQUESTS FOR ADMISSION**

Request for Admission No. 37: Admit that water service to all properties located south of Westridge Blvd east of Memory Lane and West of Custer Road in the ETJ and water and sewer CCNs of Frisco (as depicted in attached Map by the red hashed area) is provided by connections to City of McKinney water lines.

Response: With the information available and known, Frisco can neither admit nor deny.

Prepared/sponsored by: To be supplemented

**SOAH DOCKET NO. 473-16-4619.WS
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REQUESTS FOR INFORMATION AND REQUESTS FOR ADMISSION**

Request for Admission No. 38: Admit that sewer service to all properties located south of Westridge Blvd east of Memory Lane and West of Custer Road in the ETJ and water and sewer CCNs of Frisco (as depicted in attached Map by the red hashed area) is provided by connections to City of McKinney water lines.

Response: With the information available and known, Frisco can neither admit nor deny.

Prepared/sponsored by: To be supplemented

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

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

Request for Admission No. 39: Admit that water service to all properties located along Plum Lane in the ETJ and water and sewer CCNs of Frisco is provided by connections to City of McKinney water lines.

Response: With the information available and known, Frisco can neither admit nor deny.

Prepared/sponsored by: To be supplemented

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

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

Request for Admission No. 40: Admit that sewer service to all properties located along Plum Lane in the ETJ and water and sewer CCNs of Frisco is provided by connections to City of McKinney water lines.

Response: With the information available and known, Frisco can neither admit nor deny.

Prepared/sponsored by: To be supplemented

**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 RESPONSES TO KER-SEVA, LTD., ADC WEST RIDGE, L.P.,
AND CENTER FOR HOUSING RESOURCES, INC.’S THIRD SET OF
REQUESTS FOR INFORMATION AND REQUESTS FOR ADMISSION**

Request for Admission No. 41; Admit that water service to the RV and Boat Storage facility located directly south of the Property in the ETJ and water and sewer CCNs of Frisco is provided by connections to City of McKinney water lines.

Response: With the information available and known, Frisco can neither admit nor deny.

Prepared/sponsored by: To be supplemented

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

Request for Admission No. 42: Admit that the City of Frisco does not own any water lines along Custer Road between Westridge Blvd and Eldorado Parkway.

Response: Deny.

Prepared/sponsored by: To be supplemented

**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 RESPONSES TO KER-SEVA, LTD., ADC WEST RIDGE, L.P.,
AND CENTER FOR HOUSING RESOURCES, INC.’S THIRD SET OF
REQUESTS FOR INFORMATION AND REQUESTS FOR ADMISSION**

Request for Admission No. 43: Admit that the City of Frisco does not own any sewer lines along Custer Road between Westridge Blvd and Eldorado Parkway.

Response: Deny.

Prepared/sponsored by: To be supplemented

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

**COMPLAINT OF KER-SEVA LTD. § BEFORE THE STATE OFFICE OF
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**CITY OF FRISCO’S RESPONSES TO KER-SEVA, LTD., ADC WEST RIDGE, L.P.,
AND CENTER FOR HOUSING RESOURCES, INC.’S THIRD SET OF
REQUESTS FOR INFORMATION AND REQUESTS FOR ADMISSION**

Request for Admission No. 44: Admit that the City of Frisco does not operate any water lines along Custer Road between Westridge Blvd and Eldorado Parkway.

Response: Deny.

Prepared/sponsored by: To be supplemented

**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 RESPONSES TO KER-SEVA, LTD., ADC WEST RIDGE, L.P.,
AND CENTER FOR HOUSING RESOURCES, INC.’S THIRD SET OF
REQUESTS FOR INFORMATION AND REQUESTS FOR ADMISSION**

Request for Admission No. 45: Admit that the City of Frisco does not operate any sewer lines along Custer Road between Westridge Blvd and Eldorado Parkway.

Response: Deny.

Prepared/sponsored by: To be supplemented

**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**

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AND CENTER FOR HOUSING RESOURCES, INC.’S THIRD SET OF
REQUESTS FOR INFORMATION AND REQUESTS FOR ADMISSION**

Request for Admission No. 46: Admit that the City of Frisco does not have any rights to Use water lines along Custer Road between Westridge Blvd and Eldorado Parkway.

Response: Deny.

Prepared/sponsored by: To be supplemented

**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 RESPONSES TO KER-SEVA, LTD., ADC WEST RIDGE, L.P.,
AND CENTER FOR HOUSING RESOURCES, INC.’S THIRD SET OF
REQUESTS FOR INFORMATION AND REQUESTS FOR ADMISSION**

Request for Admission No. 47: Admit that the City of Frisco does not have any rights to use sewer lines along Custer Road between Westridge Blvd and Eldorado Parkway.

Response: Deny.

Prepared/sponsored by: To be supplemented

**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 RESPONSES TO KER-SEVA, LTD., ADC WEST RIDGE, L.P.,
AND CENTER FOR HOUSING RESOURCES, INC.’S THIRD SET OF
REQUESTS FOR INFORMATION AND REQUESTS FOR ADMISSION**

Request for Admission No. 48: Admit that the City of Frisco does not have any capacity rights to the water line along Custer Road between Westridge Blvd and Eldorado Parkway.

Response: Deny.

Prepared/sponsored by: To be supplemented

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

Request for Admission No. 49: Admit that the City of Frisco does not have any capacity rights to the sewer line along Custer Road between Westridge Blvd and Eldorado Parkway.

Response: Deny.

Prepared/sponsored by: To be supplemented

CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of November, 2016, a true and correct copy of the foregoing document has been sent via electronic mail, facsimile, first class mail, or hand-delivered to the following counsel of record:

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/s/ Arturo D. Rodriguez, Jr.

ARTURO D. RODRIGUEZ, JR.