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

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

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**BEFORE THE
STATE OFFICE OF
ADMINISTRATIVE HEARINGS**

**COMPLAINANTS' OBJECTIONS TO THE CITY OF FRISCO'S FOURTH SET OF
REQUESTS FOR INFORMATION AND REQUESTS FOR ADMISSION**

COMES NOW, Ker-Seva, Ltd., ADC West Ridge, L.P. and Center for Housing Resources, Inc. (hereinafter, "Complainants") and file these Objections to the City of Frisco's Third Set of Requests for Information and Requests for Admission, pursuant to PUC Procedural Rule 22.144 and would respectfully show, as follows:

INTRODUCTION

Ker-Seva, Ltd. filed the Original Complaint under Texas Water Code §§ 13.250 and 13.254 and 16 Texas Administrative Code §§ 22.85 and 24.114 requesting that the Commission order the City of Frisco, Texas ("Frisco"), to provide continuous and adequate water and sewer service to its property located at 9331 Westridge Boulevard on which an affordable-housing complex was planned.¹ After purchasing this property, ADC West Ridge, L.P. and Center for Housing Resources, Inc. joined in Ker-Seva Ltd.'s complaint in the Amended Complaint and Second Amended Complaint filed on June 17 and July 1, respectively.²

On November 8, 2016, Frisco filed and served its Fourth Set of Requests for Information and Requests for Admission on Complainants including 2 Requests for Information ("RFIs").³ Pursuant to Rule 22.144(d), legal counsel for Frisco and Complainants diligently conducted

¹ Complaint (April 19, 2016).

² Amended Formal Complaint (June 17, 2016); Second Amended Formal Complaint (July 1, 2016).

³ City of Frisco's Fourth Set of Requests for Information and Requests for Admission (Nov. 8, 2016). A copy of Frisco's Fourth Set of Requests for Information and Requests for Admission are attached hereto as Exhibit "A."

negotiations in good faith but were unable to resolve their disputes. These objections are filed within ten calendar days of Complainants' receipt of the discovery requests from Frisco.⁴

OBJECTIONS

RFI No. 239: Please provide all contracts, agreements, emails, letters or memorandum of understandings, communications, and other commitments between you and any other party for construction, development, permitting, designing, or any other activity on Lot 2.

RFI No. 240: Please list all contractors, experts, or other individual or entity with whom you have communicated regarding the construction, development, permitting, designing, or any other activity on Lot 2.

Objection: These Requests are overly broad and unduly burdensome and seek information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence. Further, RFI No. 239's request for "all . . . communications . . . between [Complainants] and any other party for . . . any other activity on Lot 2" lacks the specificity required by Texas Rule of Civil Procedure 196.

CONCLUSION

For the reasons set forth above, Complainants object to RFI Nos. 239 and 240.

Respectfully submitted,

JACKSON WALKER L.L.P.

By: Mallory Beck
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Mallory Beck - State Bar No. 24073899
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ATTORNEYS FOR COMPLAINANTS
KER-SEVA, LTD., ADC WEST RIDGE L.P.,
AND CENTER FOR HOUSING
RESOURCES, INC.

⁴ 16 Tex. Admin. Code §§ 22.78 and 22.4 ("TAC").

CERTIFICATE OF SERVICE

I hereby certify that the above and foregoing document was served as shown below on
this 18th day of November 2016:

Art Rodriguez
Russell & Rodriguez, L.L.P.
1633 Williams Dr., Bldg. 2, Suite 200
Georgetown, Texas 78268
arodriguez@txadminlaw.com
Attorney 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.chang@puc.texas.gov
Attorney for Public Utility Commission of Texas

Via email and U.S. First Class Mail

State Office of Administrative Hearings
300 West 15th St., Suite 502
Austin, Texas 78701
(512) 475-4993
(512) 322-2061 - Fax

Via U.S. First Class Mail



Mallory Beck

Exhibit “A”

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

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§ STATE OFFICE OF
§ PUBLIC UTILITY COMMISSION
§ ADMINISTRATIVE HEARINGS

CITY OF FRISCO'S FOURTH SET OF REQUESTS FOR INFORMATION

COMES NOW, the City of Frisco, Texas ("City" or "Frisco"), and file this their Fourth 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 & Rodríguez, 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 8th 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

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 Villas, LP, its officers, employees, consultants, agents, attorneys, and affiliates to the extent such persons are acting for or on behalf of ADC West Ridge Villas, 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. "Exhibit C" refers to the attached document labeled Exhibit C, entitled "Annexation Agreement" which was executed on or about October 15, 2006.
10. "Exhibit B" refers to the attached document labeled Exhibit B, entitled "Fair Housing Complaint Timeline."

11. "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.
12. "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.
13. "Describe" means to provide a detailed narrative concerning the information which is the subject of the RFI.
14. "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.
15. 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.
16. "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. 239: Please provide all contracts, agreements, emails, letters or memorandum of understandings, communications, and other commitments between you and any other party for construction, development, permitting, designing, or any other activity on Lot 2.

Response:

Request for Information No. 240: Please list all contractors, experts, or other individual or entity with whom you have communicated regarding the construction, development, permitting, designing, or any other activity on Lot 2.

Response: