



Control Number: 45870



Item Number: 77

Addendum StartPage: 0

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

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**FORMAL COMPLAINT OF KER-SEVA §  
LTD., ADC WEST RIDGE L.P., AND §  
CENTER FOR HOUSING RESOURCES, §  
INC. AGAINST THE CITY OF FRISCO §**

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

**REQUESTS FOR SUBPOENA FOR DEPOSITIONS ON WRITTEN QUESTIONS**

TO THE HONORABLE ADMINISTRATIVE LAW JUDGES:

The City of Frisco ("Frisco") files these Requests for Subpoena for Deposition on Written Questions pursuant to Public Utility Commission ("PUC") Procedural Rule 22.145. Frisco hereby requests a subpoena to take deposition on written questions of the following entities:

1. The Sanchez Advisory Group, LLC<sup>1</sup>
2. Cross Engineering Consultants, Inc.<sup>2</sup>
3. KWA Construction, LP<sup>3</sup>
4. Weir Bros. Partners, LLC<sup>4</sup>

All deponents have either designed, developed, or constructed all or parts of the proposed development on the property Complainants<sup>5</sup> allege have been denied water service. The City needs the documents to determine the scope of the development on the property from a capacity standpoint. Additionally, there have been assertions that one or all have attempted to connect to water and/or sewer connections when Complainants have not established themselves as qualified applicants.

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<sup>1</sup> A copy of the requested subpoena for issuance is contained in Exhibit A, attached hereto.  
<sup>2</sup> A copy of the requested subpoena for issuance is contained in Exhibit B, attached hereto.  
<sup>3</sup> A copy of the requested subpoena for issuance is contained in Exhibit C, attached hereto.  
<sup>4</sup> A copy of the requested subpoena for issuance is contained in Exhibit D, attached hereto.  
<sup>5</sup> Complainants are ADC West Ridge, LP and Center for Housing Resources, Inc.

77

**Party Requesting:**

City of Frisco

**Date of Request:**

November 21, 2016

**Telephone Number:**

(512) 930-1317 (Counsel for Frisco)  
(469) 424-5900 (Sanchez Group)  
(972) 562-4409 (Cross)  
(214) 978-0177 (KWA)  
(972) 556-9696 (Weir Bros.)

**SOAH Docket No. and Style of Case:**

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

**Witness to be Subpoenaed:** Custodian of Records for each entity identified above

**Address and/or Probable location:**

For The Sanchez Advisory Group, LLC:  
2000 N. McDonald Street  
McKinney, Texas 75071

For Cross Engineering Consultants, Inc.:  
131 S. Tennessee  
McKinney 75069

For KWA Construction, LP:  
16800 Westgrove Drive, Suite 400  
Addison, Texas 75001

For Weir Bros. Partners, LLC  
10721 Luna Road  
Dallas, Texas 75220

1. **Have the witnesses been asked to appear at the deposition?** Depositions on written questions are being requested. The purpose of the deposition by written questions is to simply verify the authenticity of any documents produced.
2. **Explain the relevance of the witness' testimony and/or documents.** The City needs the documents to determine the scope of the development on the property from a capacity standpoint. Additionally, there have been assertions that one or all have attempted to connect to water and/or sewer connections when Complainants have not established themselves as qualified applicants.
3. **Is the information requested of the witness available from another source.** No. The City requested the information from Complainants. Complainants have objected and resisted production of the documents. See Exhibit E.

4. **Estimate the number of days that this witness will be needed:** Long enough to prepare the deposition on written questions and deliver them to the requested location.

5. **Estimate the total travel mileage from the witness' residence to the deposition location:**

Only depositions on written questions are being requested

6. **Witness fee.** The City will tender the appropriate witness fee to the deponents.

7. **What date is the date and time of the deposition:** December 23, 2016, at 10:00 a.m.

8. **List the documents you would like the witness to produce:**

See Exhibit A to each subpoena draft submitted.

The City respectfully requests the issuance of the subpoenas as requested above.

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**

## CERTIFICATE OF SERVICE

I hereby certify that on this 21<sup>st</sup> 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:

State Office of Administrative Hearings  
300 West 15<sup>th</sup> Street, Suite 502  
Austin, Texas 78701  
(512) 475-4993  
(512) 322-2061 Fax

Meitra Farhadi  
Administrative Law Judge  
State Office of Administrative Hearings  
300 West 15th St., Suite 502  
Austin, Texas 78701  
(512) 475-4993  
(512) 322-2061- *Via Facsimile*

Mr. Sam Chang  
Public Utility Commission of Texas  
1701 N. Congress Avenue  
Austin, Texas  
(512) 936-7261  
*Via Electronic Mail*

Mr. Ali Abazari  
Ms. Mallory Beck  
Jackson Walker, LLP  
100 Congress Avenue, Suite 1100  
Austin, Texas 78701  
(512) 236-2000  
*Via Electronic Mail*

William G. Newchurch  
Administrative Law Judge  
State Office of Administrative Hearings 300  
West 15th St., Suite 502  
Austin, Texas 78701  
(512) 475-4993  
(512) 322-2061- *Via Facsimile*

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

## **EXHIBIT A**

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

<b>FORMAL COMPLAINT OF KER-SEVA</b>	<b>§</b>	<b>BEFORE THE STATE OFFICE OF</b>
<b>LTD., ADC WEST RIDGE L.P., AND</b>	<b>§</b>	
<b>CENTER FOR HOUSING RESOURCES,</b>	<b>§</b>	
<b>INC. AGAINST THE CITY OF FRISCO</b>	<b>§</b>	<b>ADMINISTRATIVE HEARINGS</b>

**SUBPOENA**

TO: ANY SHERIFF OR CONSTABLE OF THE STATE OF TEXAS, OR TO ANY OTHER PERSON WHO IS NOT A PARTY AND IS NOT LESS THAN EIGHTEEN YEARS OF AGE

GREETINGS: You are hereby authorized, commanded, and required, pursuant to TEX GOV'T CODE ANN § 2001.089 and the Rules of Procedure of the Public Utility Commission of Texas to summon:

Records Manager  
The Sanchez Advisory Group, LLC  
2000 N. McDonald Street  
McKinney, Texas 75071

By and through its registered agent:  
J. Martin Sanchez  
14677 Midway Road, Ste. 106  
Addison, Texas 75001

to appear before Abernathy, Roeder, Boyd & Hullett, P.C., at 1700 Redbud Blvd., Suite 300, McKinney, Texas 75069 at 10:00 a.m. on December 23, 2016, in order to give deposition on written questions in the above styled administrative proceeding, to attend from day to day until lawfully discharged.

SAID ABOVE NAMED WITNESS IS FURTHER COMMANDED to produce at said time and place set forth above, the following books, papers, documents, or other tangible things, to wit:

Items listed in the attached Exhibit A.

**FAILURE BY ANY PERSON WITHOUT ADEQUATE EXCUSE TO OBEY A SUBPOENA SERVED UPON THAT PERSON MAY RESULT IN THE INITIATION OF ENFORCEMENT PROCEEDINGS AND MAY BE PUNISHED IN ACCORDANCE WITH CIVIL AND/OR CRIMINAL SANCTIONS IN PROCEEDINGS BROUGHT IN DISTRICT COURT.**

DO NOT FAIL to return this writ to said Administrative Law Judge, with return thereon, showing the manner of execution.

Issued this \_\_\_\_\_ day of \_\_\_\_\_, 2016, at the request of Arturo D. Rodriguez, Jr., Attorney for Respondent, City of Frisco, in said proceeding.

---

METTRA FARHADI or  
WILLIAM G. NEWCHURCH  
ADMINISTRATIVE LAW JUDGE  
STATE OFFICE OF ADMINISTRATIVE  
HEARINGS



### RETURN OF SERVICE

Came to hand on the \_\_ day of \_\_\_\_\_ 2016, at \_\_\_\_\_ o' clock \_\_\_\_\_ .m.

Executed at \_\_\_\_\_, within the County of \_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ .m. on the \_\_\_\_\_ day of \_\_\_\_\_ 2016, by delivering to the within named witness, \_\_\_\_\_, in person, a true copy of this subpoena.

To certify which witness my hand officially.

\_\_\_\_\_  
SHERIFF/CONSTABLE/AUTHORIZED PERSON  
\_\_\_\_\_ County, Texas

## CERTIFICATE OF SERVICE

I hereby certify that on this 21st 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:

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State Office of Administrative  
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Public Utility Commission of Texas  
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Austin, Texas  
(512) 936-7261  
*Via Electronic Mail*

Meitra Farhadi  
Administrative Law Judge  
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Mr. Leonard Dougal  
Mr. Ali Abazari  
Ms. Mallory Beck  
Jackson Walker, LLP  
100 Congress Avenue, Suite 1100  
Austin, Texas 78701  
(512) 236-2000  
*Via Electronic Mail*

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

## **EXHIBIT A**

### **SUBPOENA FOR PRODUCTION OF DOCUMENTS**

The following instructions and definitions apply to the Subpoena and your responses thereto.

#### **INSTRUCTIONS**

1. These requests are continuing in nature and require supplementary responses if you or your attorney obtain information which reveals that your responses were incorrect or incomplete when made or that your responses are no longer correct or complete.

2. If any document requested herein has been destroyed, you are requested to describe in detail the circumstances of and reasons for such destruction and to produce all documents which relate to either the circumstances or the reasons for such destruction.

3. If any document requested herein is withheld under claim of privilege or is not produced for whatever reason, you are instructed to comply with Rule 193.3 of the Texas Rules of Civil Procedure and (i) to state with specificity the claim of privilege or other reason used to withhold production, and (ii) to identify each such document by date, author, addressee, persons or entities copied, persons or entities who reviewed the document, and subject matter, without disclosing its contents, in a manner sufficient to allow it to be described to the Administrative Law Judge for ruling on the privilege or other reason asserted. You are further requested to produce those portions of any such documents which are not subject to a claim of privilege or other reason for non-production by excising or otherwise protecting the portions for which privilege is asserted, if such a technique does not result in disclosing the contents of the portions for which some privilege is asserted. Also, for each document you claim is not discoverable, state the date of the document; the name, job title, and address of the person who prepared it; the name, job title, and address of the person to whom it was addressed or circulated, or who saw it; the name, job title, and address of the person now in possession of the document; a description of the subject matter of the document; and the present location and the custodian for the document.

4. Unless otherwise specified, the documents requested cover the period since January 1, 2008 until present.

#### **DEFINITIONS**

1. The term "Person" as used herein includes individuals, general partnerships, limited partnerships, corporations, governmental units, and any other form of business entity or association, as the case may be.
2. "Documents" is defined broadly to include all originals and all non-identical copies of all written, typed, printed, recorded, or graphic matter, as well as all attachments, addenda, and appendices thereto, of any nature or description whatsoever, wherever located, and in whatever form or condition, in both hard copy and electronic format.

As the context requires, "documents" includes tangible things of every kind and description, which may be non-documentary in nature.

Pursuant to Rule 196.4 of the Texas Rules of Civil Procedure, request is made for the production of all data or information that exists in electronic or magnetic form. Request is also made for this data to be produced in hard-copy (paper) form.

3. "Communications" means any exchange of information, whether written or oral, including, but not limited to, exchanges of information in conversation (both face to face and telephonic) and correspondence.
4. The term "Concerning" shall mean referring to, evidencing, reflecting, constituting or supporting.
5. "You" or "Sanchez" shall refer to the Sanchez Advisory Group, LLC, and as the context requires, includes its present and former predecessors, successors, affiliates, parents, subsidiaries, agents, assigns, officers, directors, employees, attorneys, representatives, and/or any person or entity acting or purporting to act in concert with it, on its behalf, or under its control, directly or indirectly.
6. "City" or "Frisco" refers to the City of Frisco, Texas.
7. "Ker-Seva" refers to Ker Seva, Ltd., and as the context requires, includes its present and former predecessors, successors, affiliates, parents, subsidiaries, agents, assigns, officers, directors, employees, attorneys, representatives, and/or any person or entity acting or purporting to act in concert with it, on its behalf, or under its control, directly or indirectly.
8. "ADC West Ridge" refers to ADC West Ridge, LP, and as the context requires, includes its present and former predecessors, successors, affiliates, parents, subsidiaries, agents, assigns, officers, directors, employees, attorneys, representatives, and/or any person or entity acting or purporting to act in concert with it, on its behalf, or under its control, directly or indirectly.
9. "Center for Housing Resources" refers to Center for Housing Resources, Inc., and as the context requires, includes its present and former predecessors, successors, affiliates, parents, subsidiaries, agents, assigns, officers, directors, employees, attorneys, representatives, and/or any person or entity acting or purporting to act in concert with it, on its behalf, or under its control, directly or indirectly.
10. "Complainants" refers to Ker Seva Ltd., ADC West Ridge, LP, and Center for Housing Resources, Inc. collectively or independently.
11. "Lot 2" refers to the property with the address of 9331 Westridge Boulevard, Collin County, Texas.

#### **REQUESTED DOCUMENTS OR TANGIBLE ITEMS**

1. All documents, including but not limited to, any and all reports, notes, contracts, agreements, memorandum, communications, electronic mail, texts, or other correspondence pertaining to Ker-Seva Ltd., ADC West Ridge, LP and/or Center for Housing Resources, Inc., collectively or individually.
2. All documents, including but not limited to, any and all reports, notes, contracts, agreements, memorandum, communications, electronic mail, texts, or other correspondence pertaining to Lot 2.

3. All documents reflecting communications between you and Ker-Seva Ltd., concerning Lot 2 or any adjacent property.
4. All documents reflecting communications between you and ADC West Ridge, LP, concerning Lot 2 or any adjacent property.
5. All documents reflecting communications between you and Center for Housing Resources, Inc., concerning Lot 2 or any adjacent property.
6. All documents reflecting communications between you and any other person or entity, including the cities of McKinney and Frisco and the county of Collin, concerning Lot 2 or any adjacent property.

## **EXHIBIT B**

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

<b>FORMAL COMPLAINT OF KER-SEVA LTD., ADC WEST RIDGE L.P., AND CENTER FOR HOUSING RESOURCES, INC. AGAINST THE CITY OF FRISCO</b>	<b>§ § § §</b>	<b>BEFORE THE STATE OFFICE OF   ADMINISTRATIVE HEARINGS</b>
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**SUBPOENA**

TO: ANY SHERIFF OR CONSTABLE OF THE STATE OF TEXAS, OR TO ANY OTHER PERSON WHO IS NOT A PARTY AND IS NOT LESS THAN EIGHTEEN YEARS OF AGE

GREETINGS: You are hereby authorized, commanded, and required, pursuant to TEX GOV'T CODE ANN § 2001.089 and the Rules of Procedure of the Public Utility Commission of Texas to summon:

Records Manager  
Cross Engineering Consultants, Inc.  
131 S. Tennessee  
McKinney 75069

By and through its registered agent:  
Jon David Cross  
131 S. Tennessee  
McKinney 75069

to appear before Abernathy, Roeder, Boyd & Hullett, P.C., at 1700 Redbud Blvd., Suite 300, McKinney, Texas 75069 at 10:00 a.m. on December 23, 2016, in order to give deposition on written questions in the above styled administrative proceeding, to attend from day to day until lawfully discharged.

SAID ABOVE NAMED WITNESS IS FURTHER COMMANDED to produce at said time and place set forth above, the following books, papers, documents, or other tangible things, to wit:

Items listed in the attached Exhibit A.

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Issued this \_\_\_\_\_ day of \_\_\_\_\_, 2016, at the request of Arturo D. Rodriguez, Jr., Attorney for Respondent, City of Frisco, in said proceeding.

---

METTRA FARHADI or  
WILLIAM G. NEWCHURCH  
ADMINISTRATIVE LAW JUDGE  
STATE OFFICE OF ADMINISTRATIVE  
HEARINGS



**RETURN OF SERVICE**

Came to hand on the\_\_day of\_\_\_\_2016, at\_\_\_\_o' clock\_\_\_\_.m.

Executed at \_\_\_\_\_, within the County of \_\_\_\_\_, at  
\_\_\_\_\_ o'clock \_\_\_\_\_ .m. on the \_\_\_\_\_ day of \_\_\_\_\_ 2016, by  
delivering to the within named witness, \_\_\_\_\_, in person, a true copy of this  
subpoena.

To certify which witness my hand officially.

\_\_\_\_\_  
SHERIFF/CONSTABLE/AUTHORIZED PERSON  
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/s/ Arturo D. Rodriguez, Jr.  
ARTURO D. RODRIGUEZ, JR.

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6. "City" or "Frisco" refers to the City of Frisco, Texas.
7. "Ker-Seva" refers to Ker Seva, Ltd., and as the context requires, includes its present and former predecessors, successors, affiliates, parents, subsidiaries, agents, assigns, officers, directors, employees, attorneys, representatives, and/or any person or entity acting or purporting to act in concert with it, on its behalf, or under its control, directly or indirectly.
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## **EXHIBIT C**

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<b>FORMAL COMPLAINT OF KER-SEVA LTD., ADC WEST RIDGE L.P., AND CENTER FOR HOUSING RESOURCES, INC. AGAINST THE CITY OF FRISCO</b>	<b>§ § § §</b>	<b>BEFORE THE STATE OFFICE OF   ADMINISTRATIVE HEARINGS</b>
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**SUBPOENA**

TO: ANY SHERIFF OR CONSTABLE OF THE STATE OF TEXAS, OR TO ANY OTHER PERSON WHO IS NOT A PARTY AND IS NOT LESS THAN EIGHTEEN YEARS OF AGE

GREETINGS: You are hereby authorized, commanded, and required, pursuant to TEX GOV'T CODE ANN § 2001.089 and the Rules of Procedure of the Public Utility Commission of Texas to summon:

Records Manager  
KWA Construction, LP  
16800 Westgrove Drive, Suite 400  
Addison, Texas 75001

By and through its registered agent:  
Daniel H. Bruce  
16800 Westgrove Drive, Suite 400  
Addison, Texas 75001

to appear before Abernathy, Roeder, Boyd & Hullett, P.C., at 1700 Redbud Blvd., Suite 300, McKinney, Texas 75069 at 10:00 a.m. on December 23, 2016, in order to give deposition on written questions in the above styled administrative proceeding, to attend from day to day until lawfully discharged.

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\_\_\_\_\_  
METTRA FARHADI or  
WILLIAM G. NEWCHURCH  
ADMINISTRATIVE LAW JUDGE  
STATE OFFICE OF ADMINISTRATIVE  
HEARINGS



### RETURN OF SERVICE

Came to hand on the \_ day of \_\_\_\_\_ 2016, at \_\_\_\_\_ o' clock \_\_\_\_\_ .m.

Executed at \_\_\_\_\_, within the County of \_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ .m. on the \_\_\_\_\_ day of \_\_\_\_\_ 2016, by delivering to the within named witness, \_\_\_\_\_, in person, a true copy of this subpoena.

To certify which witness my hand officially.

\_\_\_\_\_  
SHERIFF/CONSTABLE/AUTHORIZED PERSON  
\_\_\_\_\_ County, Texas

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Mr. Sam Chang  
Public Utility Commission of Texas  
1701 N. Congress Avenue  
Austin, Texas  
(512) 936-7261  
*Via Electronic Mail*

Meitra Farhadi  
Administrative Law Judge  
State Office of Administrative  
Hearings 300 West 15th St., Suite  
502  
Austin, Texas 78701  
(512) 475-4993  
(512) 322-2061- *Via Facsimile*

Mr. Leonard Dougal  
Mr. Ali Abazari  
Ms. Mallory Beck  
Jackson Walker, LLP  
100 Congress Avenue, Suite 1100  
Austin, Texas 78701  
(512) 236-2000  
*Via Electronic Mail*

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

## **EXHIBIT A**

### **SUBPOENA FOR PRODUCTION OF DOCUMENTS**

The following instructions and definitions apply to the Subpoena and your responses thereto.

#### **INSTRUCTIONS**

1. These requests are continuing in nature and require supplementary responses if you or your attorney obtain information which reveals that your responses were incorrect or incomplete when made or that your responses are no longer correct or complete.
2. If any document requested herein has been destroyed, you are requested to describe in detail the circumstances of and reasons for such destruction and to produce all documents which relate to either the circumstances or the reasons for such destruction.
3. If any document requested herein is withheld under claim of privilege or is not produced for whatever reason, you are instructed to comply with Rule 193.3 of the Texas Rules of Civil Procedure and (i) to state with specificity the claim of privilege or other reason used to withhold production, and (ii) to identify each such document by date, author, addressee, persons or entities copied, persons or entities who reviewed the document, and subject matter, without disclosing its contents, in a manner sufficient to allow it to be described to the Administrative Law Judge for ruling on the privilege or other reason asserted. You are further requested to produce those portions of any such documents which are not subject to a claim of privilege or other reason for non-production by excising or otherwise protecting the portions for which privilege is asserted, if such a technique does not result in disclosing the contents of the portions for which some privilege is asserted. Also, for each document you claim is not discoverable, state the date of the document; the name, job title, and address of the person who prepared it; the name, job title, and address of the person to whom it was addressed or circulated, or who saw it; the name, job title, and address of the person now in possession of the document; a description of the subject matter of the document; and the present location and the custodian for the document.
4. Unless otherwise specified, the documents requested cover the period since January 1, 2008 until present.

#### **DEFINITIONS**

1. The term "Person" as used herein includes individuals, general partnerships, limited partnerships, corporations, governmental units, and any other form of business entity or association, as the case may be.
2. "Documents" is defined broadly to include all originals and all non-identical copies of all written, typed, printed, recorded, or graphic matter, as well as all attachments, addenda, and appendices thereto, of any nature or description whatsoever, wherever located, and in whatever form or condition, in both hard copy and electronic format.

As the context requires, "documents" includes tangible things of every kind and description, which may be non-documentary in nature.

Pursuant to Rule 196.4 of the Texas Rules of Civil Procedure, request is made for the production of all data or information that exists in electronic or magnetic form. Request is also made for this data to be produced in hard-copy (paper) form.

3. "Communications" means any exchange of information, whether written or oral, including, but not limited to, exchanges of information in conversation (both face to face and telephonic) and correspondence.
4. The term "Concerning" shall mean referring to, evidencing, reflecting, constituting or supporting.
5. "You" or "KWA" shall refer to KWA Construction, LP, and as the context requires, includes its present and former predecessors, successors, affiliates, parents, subsidiaries, agents, assigns, officers, directors, employees, attorneys, representatives, and/or any person or entity acting or purporting to act in concert with it, on its behalf, or under its control, directly or indirectly.
6. "City" or "Frisco" refers to the City of Frisco, Texas.
7. "Ker-Seva" refers to Ker Seva, Ltd., and as the context requires, includes its present and former predecessors, successors, affiliates, parents, subsidiaries, agents, assigns, officers, directors, employees, attorneys, representatives, and/or any person or entity acting or purporting to act in concert with it, on its behalf, or under its control, directly or indirectly.
8. "ADC West Ridge" refers to ADC West Ridge, LP, and as the context requires, includes its present and former predecessors, successors, affiliates, parents, subsidiaries, agents, assigns, officers, directors, employees, attorneys, representatives, and/or any person or entity acting or purporting to act in concert with it, on its behalf, or under its control, directly or indirectly.
9. "Center for Housing Resources" refers to Center for Housing Resources, Inc., and as the context requires, includes its present and former predecessors, successors, affiliates, parents, subsidiaries, agents, assigns, officers, directors, employees, attorneys, representatives, and/or any person or entity acting or purporting to act in concert with it, on its behalf, or under its control, directly or indirectly.
10. "Complainants" refers to Ker Seva Ltd., ADC West Ridge, LP, and Center for Housing Resources, Inc. collectively or independently.
11. "Lot 2" refers to the property with the address of 9331 Westridge Boulevard, Collin County, Texas.

#### **REQUESTED DOCUMENTS OR TANGIBLE ITEMS**

1. All documents, including but not limited to, any and all reports, notes, contracts, agreements, memorandum, communications, electronic mail, texts, or other correspondence pertaining to Ker-Seva Ltd., ADC West Ridge, LP and/or Center for Housing Resources, Inc., collectively or individually.
2. All documents, including but not limited to, any and all reports, notes, contracts, agreements, memorandum, communications, electronic mail, texts, or other correspondence pertaining to Lot 2.

3. All documents reflecting communications between you and Ker-Seva Ltd., concerning Lot 2 or any adjacent property.
4. All documents reflecting communications between you and ADC West Ridge, LP, concerning Lot 2 or any adjacent property.
5. All documents reflecting communications between you and Center for Housing Resources, Inc., concerning Lot 2 or any adjacent property.
6. All documents reflecting communications between you and any other person or entity, including the cities of McKinney and Frisco and the county of Collin, concerning Lot 2 or any adjacent property.

## **EXHIBIT D**

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

<b>FORMAL COMPLAINT OF KER-SEVA</b>	<b>§</b>	<b>BEFORE THE STATE OFFICE OF</b>
<b>LTD., ADC WEST RIDGE L.P., AND</b>	<b>§</b>	
<b>CENTER FOR HOUSING RESOURCES,</b>	<b>§</b>	
<b>INC. AGAINST THE CITY OF FRISCO</b>	<b>§</b>	<b>ADMINISTRATIVE HEARINGS</b>

**SUBPOENA**

TO: ANY SHERIFF OR CONSTABLE OF THE STATE OF TEXAS, OR TO ANY OTHER PERSON WHO IS NOT A PARTY AND IS NOT LESS THAN EIGHTEEN YEARS OF AGE

GREETINGS: You are hereby authorized, commanded, and required, pursuant to TEX GOV'T CODE ANN § 2001.089 and the Rules of Procedure of the Public Utility Commission of Texas to summon:

Records Manager  
Weir Bros. Partners, LLC  
P.O. Box 541793  
Dallas, Texas 75354

By and through its registered agent:  
Mike Weir  
10721 Luna Road  
Dallas, Texas 75220

to appear before Abernathy, Roeder, Boyd & Hullett, P.C., at 1700 Redbud Blvd., Suite 300, McKinney, Texas 75069 at 10:00 a.m. on December 23, 2016, in order to give deposition on written questions in the above styled administrative proceeding, to attend from day to day until lawfully discharged.

SAID ABOVE NAMED WITNESS IS FURTHER COMMANDED to produce at said time and place set forth above, the following books, papers, documents, or other tangible things, to wit:

Items listed in the attached Exhibit A.

**FAILURE BY ANY PERSON WITHOUT ADEQUATE EXCUSE TO OBEY A SUBPOENA SERVED UPON THAT PERSON MAY RESULT IN THE INITIATION OF ENFORCEMENT PROCEEDINGS AND MAY BE PUNISHED IN ACCORDANCE WITH CIVIL AND/OR CRIMINAL SANCTIONS IN PROCEEDINGS BROUGHT IN DISTRICT COURT.**

DO NOT FAIL to return this writ to said Administrative Law Judge, with return thereon, showing the manner of execution.

Issued this \_\_\_\_\_ day of \_\_\_\_\_, 2016, at the request of Arturo D. Rodriguez, Jr., Attorney for Respondent, City of Frisco, in said proceeding.

\_\_\_\_\_  
METTRA FARHADI or  
WILLIAM G. NEWCHURCH  
ADMINISTRATIVE LAW JUDGE  
STATE OFFICE OF ADMINISTRATIVE  
HEARINGS



**RETURN OF SERVICE**

Came to hand on the \_\_ day of \_\_\_\_\_ 2016, at \_\_\_\_\_ o' clock \_\_\_\_\_ .m.

Executed at \_\_\_\_\_, within the County of \_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ .m. on the \_\_\_\_\_ day of \_\_\_\_\_ 2016, by delivering to the within named witness, \_\_\_\_\_, in person, a true copy of this subpoena.

To certify which witness my hand officially.

\_\_\_\_\_  
SHERIFF/CONSTABLE/AUTHORIZED PERSON  
\_\_\_\_\_ County, Texas

## CERTIFICATE OF SERVICE

I hereby certify that on this 21st 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:

State Office of Administrative Hearings  
300 West 15<sup>th</sup> Street, Suite 502  
Austin, Texas 78701  
(512) 475-4993  
(512) 322-2061 Fax

William G. Newchurch  
Administrative Law Judge  
State Office of Administrative  
Hearings 300 West 15th St., Suite  
502  
Austin, Texas 78701  
(512) 475-4993  
(512) 322-2061- *Via Facsimile*

Mr. Sam Chang  
Public Utility Commission of Texas  
1701 N. Congress Avenue  
Austin, Texas  
(512) 936-7261  
*Via Electronic Mail*

Meitra Farhadi  
Administrative Law Judge  
State Office of Administrative  
Hearings 300 West 15th St., Suite  
502  
Austin, Texas 78701  
(512) 475-4993  
(512) 322-2061- *Via Facsimile*

Mr. Leonard Dougal  
Mr. Ali Abazari  
Ms. Mallory Beck  
Jackson Walker, LLP  
100 Congress Avenue, Suite 1100  
Austin, Texas 78701  
(512) 236-2000  
*Via Electronic Mail*

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

## **EXHIBIT A**

### **SUBPOENA FOR PRODUCTION OF DOCUMENTS**

The following instructions and definitions apply to the Subpoena and your responses thereto.

#### **INSTRUCTIONS**

1. These requests are continuing in nature and require supplementary responses if you or your attorney obtain information which reveals that your responses were incorrect or incomplete when made or that your responses are no longer correct or complete.

2. If any document requested herein has been destroyed, you are requested to describe in detail the circumstances of and reasons for such destruction and to produce all documents which relate to either the circumstances or the reasons for such destruction.

3. If any document requested herein is withheld under claim of privilege or is not produced for whatever reason, you are instructed to comply with Rule 193.3 of the Texas Rules of Civil Procedure and (i) to state with specificity the claim of privilege or other reason used to withhold production, and (ii) to identify each such document by date, author, addressee, persons or entities copied, persons or entities who reviewed the document, and subject matter, without disclosing its contents, in a manner sufficient to allow it to be described to the Administrative Law Judge for ruling on the privilege or other reason asserted. You are further requested to produce those portions of any such documents which are not subject to a claim of privilege or other reason for non-production by excising or otherwise protecting the portions for which privilege is asserted, if such a technique does not result in disclosing the contents of the portions for which some privilege is asserted. Also, for each document you claim is not discoverable, state the date of the document; the name, job title, and address of the person who prepared it; the name, job title, and address of the person to whom it was addressed or circulated, or who saw it; the name, job title, and address of the person now in possession of the document; a description of the subject matter of the document; and the present location and the custodian for the document.

4. Unless otherwise specified, the documents requested cover the period since January 1, 2008 until present.

#### **DEFINITIONS**

1. The term "Person" as used herein includes individuals, general partnerships, limited partnerships, corporations, governmental units, and any other form of business entity or association, as the case may be.
2. "Documents" is defined broadly to include all originals and all non-identical copies of all written, typed, printed, recorded, or graphic matter, as well as all attachments, addenda, and appendices thereto, of any nature or description whatsoever, wherever located, and in whatever form or condition, in both hard copy and electronic format.

As the context requires, "documents" includes tangible things of every kind and description, which may be non-documentary in nature.

Pursuant to Rule 196.4 of the Texas Rules of Civil Procedure, request is made for the production of all data or information that exists in electronic or magnetic form. Request is also made for this data to be produced in hard-copy (paper) form.

3. "Communications" means any exchange of information, whether written or oral, including, but not limited to, exchanges of information in conversation (both face to face and telephonic) and correspondence.
4. The term "Concerning" shall mean referring to, evidencing, reflecting, constituting or supporting.
5. "You" or "Wier" shall refer to Weir Bros. Partners, LLC, and as the context requires, includes its present and former predecessors, successors, affiliates, parents, subsidiaries, agents, assigns, officers, directors, employees, attorneys, representatives, and/or any person or entity acting or purporting to act in concert with it, on its behalf, or under its control, directly or indirectly.
6. "City" or "Frisco" refers to the City of Frisco, Texas.
7. "Ker-Seva" refers to Ker Seva, Ltd., and as the context requires, includes its present and former predecessors, successors, affiliates, parents, subsidiaries, agents, assigns, officers, directors, employees, attorneys, representatives, and/or any person or entity acting or purporting to act in concert with it, on its behalf, or under its control, directly or indirectly.
8. "ADC West Ridge" refers to ADC West Ridge, LP, and as the context requires, includes its present and former predecessors, successors, affiliates, parents, subsidiaries, agents, assigns, officers, directors, employees, attorneys, representatives, and/or any person or entity acting or purporting to act in concert with it, on its behalf, or under its control, directly or indirectly.
9. "Center for Housing Resources" refers to Center for Housing Resources, Inc., and as the context requires, includes its present and former predecessors, successors, affiliates, parents, subsidiaries, agents, assigns, officers, directors, employees, attorneys, representatives, and/or any person or entity acting or purporting to act in concert with it, on its behalf, or under its control, directly or indirectly.
10. "Complainants" refers to Ker Seva Ltd., ADC West Ridge, LP, and Center for Housing Resources, Inc. collectively or independently.
11. "Lot 2" refers to the property with the address of 9331 Westridge Boulevard, Collin County, Texas.

#### **REQUESTED DOCUMENTS OR TANGIBLE ITEMS**

1. All documents, including but not limited to, any and all reports, notes, contracts, agreements, memorandum, communications, electronic mail, texts, or other correspondence pertaining to Ker-Seva Ltd., ADC West Ridge, LP and/or Center for Housing Resources, Inc., collectively or individually.
2. All documents, including but not limited to, any and all reports, notes, contracts, agreements, memorandum, communications, electronic mail, texts, or other correspondence pertaining to Lot 2.

3. All documents reflecting communications between you and Ker-Seva Ltd., concerning Lot 2 or any adjacent property.
4. All documents reflecting communications between you and ADC West Ridge, LP, concerning Lot 2 or any adjacent property.
5. All documents reflecting communications between you and Center for Housing Resources, Inc., concerning Lot 2 or any adjacent property.
6. All documents reflecting communications between you and any other person or entity, including the cities of McKinney and Frisco and the county of Collin, concerning Lot 2 or any adjacent property. -

# **EXHIBIT E**

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

<b>FORMAL COMPLAINT OF KER-SEVA LTD. AGAINST THE CITY OF FRISCO, TEXAS</b>	<b>§ § §</b>	<b>BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS</b>
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**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.<sup>1</sup> 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.<sup>2</sup>

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").<sup>3</sup> Pursuant to Rule 22.144(d), legal counsel for Frisco and Complainants diligently conducted

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<sup>1</sup> Complaint (April 19, 2016).

<sup>2</sup> Amended Formal Complaint (June 17, 2016); Second Amended Formal Complaint (July 1, 2016).

<sup>3</sup> 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.<sup>4</sup>

### **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  
Leonard Dougal State Bar No. 06031400  
Mallory Beck - State Bar No. 24073899  
100 Congress, Suite 1100  
Austin, Texas 78701  
E: ldougal@jw.com  
T: (512) 236 2233  
F: (512) 391-2112

ATTORNEYS FOR COMPLAINANTS  
KER-SEVA, LTD., ADC WEST RIDGE L.P.,  
AND CENTER FOR HOUSING  
RESOURCES, INC.

---

<sup>4</sup> 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 15<sup>th</sup> St., Suite 502  
Austin, Texas 78701  
(512) 475-4993  
(512) 322-2061 - Fax

***Via U.S. First Class Mail***

  
\_\_\_\_\_  
Mallory Beck

# **Exhibit “A”**

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

FORMAL COMPLAINT OF KER-SEVA, § ~~RECEIVED~~ 3:36  
LTD. AGAINST THE § STATE OFFICE OF  
CITY OF FRISCO, TEXAS § 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 & 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 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:**