



Control Number: 45870



Item Number: 90

Addendum StartPage: 0

SOAH DOCKET NO. 473-16-4619.WS  
P.U.C. DOCKET NO. 45870

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

§  
§  
-§

RECEIVED  
2016 DEC 5 PM 3:21  
STATE OFFICE OF  
ADMINISTRATIVE HEARINGS  
PUBLIC UTILITY COMMISSION  
CLERK

COMMISSION STAFF'S FIRST  
REQUEST FOR INFORMATION TO THE CITY OF FRISCO  
STAFF RFI NOS. 1-1 THROUGH 1-14

To: The City of Frisco, through counsel of record, Arturo Rodriguez, Jr., Russell & Rodriguez,  
L.L.P., 1633 Williamis Drive, Building 2, Suite 200, Georgetown, Texas 78628

Commission Staff of the Public Utility Commission of Texas requests that the City of  
Frisco provide responses and produce documents in response to Staff's First Request for  
Information.

Provide an original and three (3) copies of your responses to:

Public Utility Commission of Texas  
Attention: Filing Clerk  
1701 N. Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326

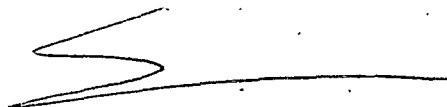
Date: December 5, 2016

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF  
TEXAS LEGAL DIVISION**

Margaret Uhlig Pemberton  
Division Director  
Legal Division

Stephen Mack  
Managing Attorney  
Legal Division



Sam Chang  
State Bar No. 24078333  
Public Utility Commission of Texas  
1701 N. Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326  
(512) 936-7261  
(512) 936-7268 (facsimile)

**SOAH DOCKET NO. 473-16-4619.WS  
P.U.C. DOCKET NO. 45870**

**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record December 5, 2016, in accordance with 16 TAC § 22.74.



Sam Chang

**COMMISSION STAFF'S FIRST  
REQUEST FOR INFORMATION TO THE CITY OF FRISCO  
STAFF RFI NOS. 1-1 THROUGH 1-14**

**INSTRUCTIONS**

1. The City of Frisco's responses to Staff's 1st RFI shall be provided within the time limit provided by the presiding officer or, if the presiding officer has not provided a time limit, within twenty (20) days.
2. The City of Frisco's responses to Staff's 1st RFI shall be in sufficient detail to fully present all of the relevant facts.
3. Each response must be made under oath and identify the person that prepared the response or the person under whose direct supervision the response was prepared. Additionally, each response must also identify the sponsoring witness, if any.
4. Copy the specific question or document request immediately above each response. With respect to the production of documents, indicate the specific document request(s) to which the documents are being produced.
5. The City of Frisco has a continuing duty to supplement its responses to Staff's 1st RFI if it acquires information upon the basis of which it knows or should know that the response was incorrect or incomplete when made or though correct or complete when made, is materially incorrect or incomplete. The City of Frisco shall amend their prior response within five (5) working days of acquiring the information.
6. If any responsive Document, Electronically Stored Information, or tangible item is withheld under any claim of privilege, provide a privilege log identifying each Document for which a privilege is claimed, together with the following information:
  - a. Date of the Document was created;
  - b. Subject matter of the Document; and
  - c. The basis upon which such privilege is claimed.
7. Electronically Stored Information and Documents in an electronic format shall be produced with metadata intact.
8. If the response to any request is voluminous, provide a detailed index of the voluminous material and the means by which Staff may obtain the voluminous material.
9. Words used in the plural shall also be taken to mean and include the singular. Words used in the singular shall also be taken to mean and include the plural.
10. The present tense shall be construed to include the past tense, and the past tense shall be construed to include the present tense.

11. The terms "and" and "or" shall be construed as either conjunctive or disjunctive as necessary to make the request inclusive rather than exclusive
12. Documents produced in response to Staff's 1st RFI shall be Bates labeled.

**COMMISSION STAFF'S FIRST  
REQUEST FOR INFORMATION TO THE CITY OF FRISCO  
STAFF RFI NOS. 1-1 THROUGH 1-14**

**DEFINITIONS**

1. "The City of Frisco" refers to the City of Frisco and any entity or person acting or purporting to act on its behalf, including without limitation, attorneys, agents, advisors, investigators, representatives, employees, independent contractors, or other persons.
2. "Complainants" refer to ADC West Ridge, L.P. and the Center for Housing Resources, Inc., individually or collectively, any entity or person acting or purporting to act on its behalf, including without limitation, attorneys, agents, advisors, investigators, representatives, employees, independent contractors, or other persons.
3. "Document" is used in its broadest sense to include, by way of illustration and not limitation, all written or graphic matter of every kind and description, whether printed, produced, or reproduced by any process (visually, magnetically, mechanically, electronically, or by hand); whether a final draft, initial draft, original copy, or reproduction; whether claimed as privileged or otherwise excludable from discovery; and whether or not in your actual or constructive possession, custody, or control. The term includes any written, recorded, or graphic matter, however produced or reproduced, including but not limited to Electronically Stored Information, correspondence, e-mails, telegrams, contracts, agreements, notes in any form, memoranda, reports, invoices, ledgers, spreadsheets, data, models, diaries, compilations, voice recording tapes, microfilms, pictures, computer media, workpapers, calendars, minutes of meetings or other writings or graphic matter, including copies containing marginal notes or variations of any of the foregoing, now or previously in your possession.
4. "Electronically Stored Information" means data that is created, altered, communicated, and stored in digital form.
5. "Lot 2" means the specific real property located at 9331 Westridge Boulevard, McKinney, Texas 75070.
6. "Qualified Service Applicant" shall have the same meaning as that in 16 Tex. Admin. Code § 24.85(a). Specifically, a "Qualified Service Applicant" is an applicant who has met all of the retail public utility's requirements contained in its tariff, schedule of rates, or service policies and regulations for extension of service including the delivery to the retail public utility of any service connection inspection certificates required by law."
7. "Regarding" includes the following meanings: relating to, pertaining to, concerning, discussing, mentioning, containing, reflecting, evidencing, describing, showing, identifying, providing, disproving, consisting of, supporting, or contracting in any way legally, logically, or factually connected with the matter to which the term refers or having a tendency to prove or disprove the matter to which the term refers.

**COMMISSION STAFF'S FIRST  
REQUEST FOR INFORMATION TO THE CITY OF FRISCO  
STAFF RFI NOS. 1-1 THROUGH 1-14**

- STAFF RFI  
NO. 1-1** Explain how the Complainants are not compliant with the City of Frisco's applicable ordinances, regulations, and rules regarding new water and wastewater service. Provide a copy or reference to all the City of Frisco's applicable ordinances, regulations, and rules regarding new water and wastewater service.
- STAFF RFI  
NO. 1-2** Explain the specific actions must be taken by Complainants to become a Qualified Service Applicant in order to receive water and wastewater service from the City of Frisco.
- STAFF RFI  
NO. 1-3** State whether any of part of the real property on which the contested service connection would be placed has been annexed by the City of Frisco. If any part of such real property has been annexed by the City of Frisco, provide appropriate Documents that evidence annexation.
- STAFF RFI  
NO. 1-4** What is the necessary infrastructure, if any, that the Complainants must construct or dedicate to the City of Frisco in order to become a Qualified Service Applicant?
- STAFF RFI  
NO. 1-5** Refer to pages 5-7 of the pre-filed direct testimony of Noah K. Hollis. State whether AEP Utilities will incur the following additional transactional costs as a result of raising capital in the public debt market:
- STAFF RFI  
NO. 1-6** Explain the process and procedures by which the City of Frisco reviews and approves individuals or entities seeking to be Qualified Service Applicants.
- STAFF RFI  
NO. 1-7** Provide a copy of all correspondence and any accompanying Documents exchanged between the City of Frisco and the Complainants regarding the Complainants' attempts to become a Qualified Service Applicant.
- STAFF RFI  
NO. 1-8** State whether the City of Frisco has the capacity and the capability to provide water and wastewater service to the Complainants in the event the Complainants become a Qualified Service Applicant.
- STAFF RFI  
NO. 1-9** List all specific improvements and their corresponding costs that would be required by the City of Frisco in order to provide water and wastewater service to the Complainants' Lot 2. Cite to all applicable ordinances, regulations, and rules that require such improvements.
- STAFF RFI  
NO. 1-10** Provide full size facility maps that are to scale for all water and sewer infrastructure that the City of Frisco has installed in its service area surrounding Complainant's Lot 2. These maps should show distribution

lines, transmission lines, interconnections, and the public water and wastewater systems that provide service to the City of Frisco's service area surrounding Complainants' Lot 2. Identify all of the City of Frisco's facilities and lines in its service area surrounding Complainants' Lot 2 that could provide water and wastewater service to Complainants' Lot 2.

**STAFF RFI  
NO. 1-11**

Confirm that the Complainants, or their predecessor-in-interest, applied to be a Qualified Service Applicant for water and wastewater service to Lot 2 on June 10, 2016.

**STAFF RFI  
NO. 1-12**

Provide all Documents that the Complainants, or their predecessor-in-interest, submitted to the City of Frisco in its request to become a Qualified Service Applicant for water and wastewater service to Lot 2.

**STAFF RFI  
NO. 1-13**

Provide the specific reasons why the Complainants are not a Qualified Service Applicant for water and wastewater service to Lot 2.

**STAFF RFI  
NO. 1-14**

Provide the specific issues that must be addressed by the Complainants in order to become a Qualified Service Applicant for water and wastewater service to Lot 2.