



Control Number: 45870



Item Number: 91

Addendum StartPage: 0

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

RECEIVED

2016 DEC -5 PM 3:39

PUBLIC UTILITY
CLERK

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

BEFORE THE STATE OFFICE OF
ADMINISTRATIVE HEARINGS

NOTICE OF INTENTION
TO TAKE ORAL DEPOSITION OF
MR. JACK STOWE

TO: Mr. Jack Stowe, by and through ADC Westridge L.P. and the Center for Housing Resources, Inc., and their attorney of record, Leonard Dougal, Jackson Walker, L.L.P., 100 Congress, Suite 1100, Austin, Texas, 78701.

PLEASE TAKE NOTICE THAT the City of Frisco ("City"), by and through its attorney, intends to take the oral deposition of Mr. Jack Stowe on January 9, 2017, at 9:30 a.m. at the law offices of Jackson Walker, L.L.P., 100 Congress, Suite 1100, Austin, Texas, 78701 pursuant to P.U.C. Procedural Rule 22.123. The deposition will be taken before a court reporter, and shall continue from day-to-day until completed. The deposition and any documents produced at or prior to such deposition may be used as evidence at the hearing on the merits. A representative of your choice is invited to attend and cross-examine you, as the witness. Please be advised that a City representative and any City expert witness with knowledge related to the area of your testimony, and any City attorney and/or paralegal may attend this deposition.

Mr. Jack Stowe is further commanded to produce at said time and place set forth above, the following books, records, papers, document, or other tangible things:

- a. All documents provided to, reviewed by, or prepared by or for Jack Stowe when responding on behalf of ADC Westridge L.P. and the Center for Housing Resources, Inc. to any requests, submittals, or communications with any employee or representative of the City of Frisco, Texas or anyone working on behalf of the City of Frisco related to the development of the property at 9331 Westridge Blvd. in Collin County, Texas.

- b. To the extent not already produced in written discovery in this docket, all written communications between Jack Stowe and any employee, agent, or representative of the City of Frisco relating to this proceeding. To the extent attorney client privileged communications are responsive to this request, please provide a log in compliance with the PUC Rules and the Texas Rules of Civil Procedure.
- c. To the extent not already produced in written discovery in this docket, all written communications between Jack Stowe and any employee, agent, or representative of the City of Frisco relating to the development of the property at 9331 Westridge Blvd. in Collin County, Texas. To the extent attorney client privileged communications are responsive to this request, please provide a log in compliance with the PUC Rules and the Texas Rules of Civil Procedure.
- d. All deposition, hearing, or trial testimony of Mr. Jack Stowe in any proceedings before any state or federal court or state or federal agency relating to Mr. Stowe's opinions regarding certificates of convenience and necessity for water and/or sewer service.
- e. All documents reviewed by, or prepared by or for Jack Stowe, which leads him to an opinion regarding "the requirements to obtain water and sewer service from a retail public utility and the obligations placed on a CCN holder to provide continuous and adequate water and sewer service" as stated in *Complainants' Supplemental Response to Order No. 3 and Rule 194.2 Expert Disclosures* on October 26, 2016, in this docket.
- f. All documents reviewed by, or prepared by or for Jack Stowe, which leads him to an opinion regarding "Complainants are qualified service applicants that submitted an application for utility services, and that the City of Frisco has not complied with its obligations to provide utility services" as stated in *Complainants' Supplemental Response to Order No. 3 and Rule 194.2 Expert Disclosures* on October 26, 2016, in this docket.

This notice and subpoena duces tecum was issued upon agreement of the parties, and the parties have waived the requirement of the issuance of a commission. This notice, as mailed to Mr. Jack Stowe through Leonard Dougal shall serve as a subpoena as authorized by Rule 176 of the Texas Rules of Civil Procedure.

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 5th day of December, 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 15th 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.