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

BEFORE THE STATE OFFICE OF
PUBLIC UTILITY COMMISSION

ADMINISTRATIVE HEARINGS

NOTICE OF INTENTION
TO TAKE ORAL DEPOSITION OF
MR. LEVI WILD

TO: Mr. Levi Wild, 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. Levi Wild on January 4, 2017, at 9:30 a.m. at the law offices of Jackson Walker, L.L.P., 2323 Ross Ave., Suite 600, Austin, Texas, 75201 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. Levi Wild 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 Levi Wild 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 Levi Wild 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 Levi Wild 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. Wild in any proceedings before any state or federal court or state or federal agency relating to Mr. Wild's opinions regarding certificates of convenience and necessity for water and/or sewer service.
- e. All documents reviewed by, or prepared by or for Levi Wild, which leads him to an opinion regarding the potential impact of ADC Westridge L.P. and/or the Center for Housing Resources, Inc.'s "proposed development on the utility systems of the City of McKinney and the City of Frisco" 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 Levi Wild, which leads him to an opinion "that there is sufficient capacity within an existing sewer line along Westridge Boulevard to serve Complainants' proposed development" as stated in *Complainants' Supplemental Response to Order No. 3 and Rule 194.2 Expert Disclosures* on October 26, 2016, in this docket.
- g. All documents reviewed by, or prepared by or for Levi Wild, which leads him to an opinion that "the water and sewer facilities owned by the City of Frisco and located next to the proposed development are sufficient to serve the proposed development" as stated in *Complainants' Supplemental Response to Order No. 3 and Rule 194.2 Expert Disclosures* on October 26, 2016, in this docket.
- h. All documents reviewed by, or prepared by or for Levi Wild, which leads him to an opinion that "there are other avenues of connecting to the City of Frisco's water and sewer systems that are more efficient and reasonable than the avenue proposed by the City of Frisco" as stated in *Complainants' Supplemental Response to Order No. 3 and Rule 194.2 Expert Disclosures* on October 26, 2016, in this docket.
- i. All documents reviewed by, or prepared by or for Levi Wild, which identifies the avenue of connecting to the City of Frisco's water and sewer systems that was proposed by the City of Frisco as identified in Item h above.

- j. All documents reviewed by, or prepared by or for Levi Wild, which leads him to an opinion that “connecting to the City’s of Frisco’s water and sewer infrastructure as proposed by the City of Frisco is not reasonable or necessary” as stated in *Complainants’ Supplemental Response to Order No. 3 and Rule 194.2 Expert Disclosures* on October 26, 2016, in this docket.
- k. All documents reviewed by, or prepared by or for Levi Wild, which identifies the water and sewer infrastructure proposed by the City of Frisco as identified in Item j above.

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. Levi Wild through Leonard Dougal shall serve as a subpoena as authorized by Rule 176 of the Texas Rules of Civil Procedure.

Respectfully submitted,

Russell & Rodríguez, L.L.P.
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Georgetown, Texas 78628
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/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
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(512) 322-2061 Fax

Meitra Farhadi
Administrative Law Judge
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/s/ Arturo D. Rodriguez, Jr.
ARTURO D. RODRIGUEZ, JR.