



Control Number: 46069



Item Number: 37

Addendum StartPage: 0

APPLICATION OF NITSCH & SON  
UTILITY COMPANY, INC. FOR A  
RATE/TARIFF CHANGE

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PUBLIC UTILITY COMMISSION

RECEIVED  
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PUBLIC UTILITY COMMISSION  
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**NITSCH & SON UTILITY COMPANY, INC.'S  
SECOND SUPPLEMENTAL RESPONSES TO  
COMMISSION STAFF'S FIRST REQUEST FOR INFORMATION**

Applicant, Nitsch & Son Utility Company, Inc., submits the following Second Supplemental Responses to Commission Staff's First Request for Information.

**Supplemental Responses to Commission Staff's First Request for Information**

Staff 1-7      Please provide paid, detailed invoices and supporting documentation for the rate case surcharge expense.

Response:      See the attached supplemental response to Question No. Staff 1-7 providing additional invoices for Marvin B. Morgan and Willatt & Flickinger, PLLC since the date of the First Supplemental Responses were provided to the Commission Staff's First Request for Information. The invoices provide a description of the services provided through November 15, 2016.

Respectfully submitted,

WILLATT & FLICKINGER, PLLC  
Attorneys at Law  
12912 Hill Country Blvd., Suite F-232  
Austin, Texas 78738  
Telephone: (512) 476-6604  
Telecopier: (512) 469-9148

By: 

Bill Flickinger  
State Bar No. 07149050

Matthew W. McPhail  
State Bar No. 24074692

ATTORNEYS FOR NITSCH & SON UTILITY  
COMPANY, INC.

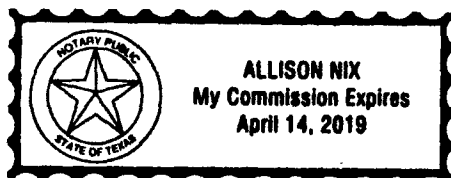
VERIFICATION

STATE OF TEXAS                   §  
  §  
COUNTY OF TRAVIS           §

I hereby verify that the foregoing Second Supplemental Responses to Commission Staff's First Request for Information No. Staff 1-7 above is true and correct.

By: Marvin B. Morgan  
Marvin B. Morgan, CPA  
Utility Consulting

SUBSCRIBED AND SWORN TO BEFORE ME this 16<sup>th</sup> day of December, 2016.




[SEAL]

Allison Nix  
Notary Public, State of Texas  
Allison Nix  
Printed Name  
My Commission Expires: 4.14.19

### CERTIFICATE OF SERVICE

I hereby certify that on December 16, 2016, the foregoing document and attachments were filed with all parties of record in this proceeding via electronic submission through the PUC Filer and via first class mail delivery of hard copies to Central Records at the PUC.

  
\_\_\_\_\_  
Bill Flickinger

**Nitsch & Son Utility Company, Inc.**  
**Supplemental Schedule II-17 A - Regulatory Expense**  
**For the Test Year Ended 12/31/2015**

Updated through 11/15/2016

**Rate Case Expenses incurred**

**Marvin B. Morgan - Consulting:**

12/6/2014	#11989	3,528.00	Previously provided PUC Staff #1-7
7/1/2015	#12005	2,200.00	Previously provided PUC Staff #1-7
8/14/2015	#12009	5,200.00	Previously provided PUC Staff #1-7
11/4/2015	#12012	6,464.00	Previously provided PUC Staff #1-7
12/28/2015	#12014	2,204.00	Previously provided PUC Staff #1-7
5/3/2016	#12022	4,536.00	Previously provided PUC Staff #1-7
6/2/2016	#12023	7,664.00	Previously provided PUC Staff #1-7
8/3/2016	#12026	1,004.00	Previously provided PUC Staff #1-7
8/3/2016	#12027 COH RFI's	4,200.00	Previously provided PUC Staff #1-7
8/25/2016	#12030	2,732.00	Previously provided PUC Staff #1-7
8/25/2016	#12031 COH RFI's	1,064.00	Previously provided PUC Staff #1-7
9/28/2016	#12035 PUC RFI's	1,400.00	Previously provided PUC Staff #1-7
9/28/2016	#12036 COH settlement	4,132.00	Previously provided PUC Staff #1-7
10/6/2016	#12037 COH settlement	3,136.00	Attached
11/15/2016	#12041 PUC RFI's	2,196.00	Attached
11/15/2016	#12042 COH settlement	1,936.00	Attached

53,596.00

**Bill Flickinger, Attorney**

6/20/2016 # NITSCH062016	2,734.20	Previously provided PUC Staff #1-7
8/18/2016 # NITSCH081816	2,198.00	Previously provided PUC Staff #1-7
8/18/2016 # NITSCH081816 COH RFI's	3,825.30	Previously provided PUC Staff #1-7
9/27/2016 #NITSCH092716 PUC RFI's	118.40	Previously provided PUC Staff #1-7
9/28/2016 #NITSCH092716 COH	3,946.28	Previously provided PUC Staff #1-7
10/6/2016 #NITSCH100616 PUC RFI's	1,412.10	Attached
10/6/2016 #NITSCH100616 COH settlement	3,494.40	Attached
11/15/2016 #NITSCH111516 PUC RFI's	3,676.10	Attached
11/15/2016 #NITSCH111516 COH settlement	3,068.74	Attached

24,473.52

**Total rate case expenses incurred**

78,069.52

**Less amounts to be recovered from inside City of Houston  
via settlement**

9,676.80

**Net recoverable incurred rate case expenses**

68,392.72

**Amortize over three years**

22,797.57

**Total Water and Sewer Customers**

1,145

**Per Customer per month for 36 months**

\$ 1.66

## Marvin B. Morgan, Utility Consulting

15009 Glen Heather Drive  
Lakeway, TX 78734-6276  
Phone (512) 346-8349

Invoice submitted to:

Nitsch and Son Utility Company, Inc.  
8131 Northline Dr.  
Houston, TX 77037

October 7, 2016

In Reference To: Rate Increase Application - City of Houston Only  
Invoice #12037

### Professional Services

	<u>Amount</u>	
9/29/2016 Rate Increase Application - Preparation for hearing in Houston		
Phone conference with Bill Flickinger and analysis of revenue generated by proposed rates		
Conference calls with COH for settlement purposes		
10/3/2016 Rate Increase Application - Analysis of COH staff offer and preparation of counter offer f		
10/4/2016 Rate Increase Application - Discuss next settlement proposal to COH		
10/5/2016 Rate Increase Application - answer question from City of Houston about revenues		
10/6/2016 Rate Increase Application - evaluate City of Houston's last settlement offer and respond		
	<u>Hours</u>	
For professional services rendered	7.84	\$3,136.00
Previous balance		\$4,132.00
Balance due		<u>\$7,268.00</u>

## Marvin B. Morgan, Utility Consulting

15009 Glen Heather Drive  
Lakeway, TX 78734-6276  
Phone (512) 346-8349

Invoice submitted to:

Nitsch and Son Utility Company, Inc.  
8131 Northline Dr.  
Houston, TX 77037

November 15, 2016

In Reference To: Rate Increase Application  
Invoice #12041

### Professional Services

	<u>Amount</u>	
10/25/2016 Rate Increase Application - Review and answer questions about application		
10/28/2016 Rate Increase Application - Review PUC 4th request for information and assign questions		
11/10/2016 Rate Increase Application - Review answers to PUC 4th request for information		
11/14/2016 Rate Increase Application - review printed PUC 4th RFI answers and sign affidavit		
11/15/2016 Rate Increase Application - update rate case expenses for PUC		
	<u>Hours</u>	
For professional services rendered	5.49	\$2,196.00
Previous balance		\$4,132.00
		<u></u>
Balance due		<u>\$6,328.00</u>

## Marvin B. Morgan, Utility Consulting

15009 Glen Heather Drive  
Lakeway, TX 78734-6276  
Phone (512) 346-8349

Invoice submitted to:

Nitsch and Son Utility Company, Inc.  
8131 Northline Dr.  
Houston, TX 77037

November 15, 2016

In Reference To: Rate Increase Application - City of Houston Only  
Invoice # 12042

### Professional Services

		<u>Amount</u>
10/13/2016	Rate Increase Application - Review of the City's proposed settlement document and prepare tariff sheets to accompany the settlement agreement	
10/18/2016	Rate Increase Application- Analysis and advice on settlement provisions	
		<u>Hours</u>
	For professional services rendered	4.84 \$1,936.00
	Previous balance	\$7,268.00
10/8/2016	Payment - thank you. Check No. 1747	(\$4,132.00)
10/22/2016	Payment - thank you. Check No. 1768	(\$3,136.00)
	Total payments and adjustments	(\$7,268.00)
	Balance due	<u>\$1,936.00</u>



**WILLATT & FLICKINGER, PLLC**  
**ATTORNEYS AT LAW**

12912 HILL COUNTRY BLVD., SUITE F-232 • AUSTIN, TEXAS 78738 • (512) 476-6604 • FAX (512) 469-9148

October 6, 2016

Mr. Glenn Nitsch  
Nitsch & Son Utility Company, Inc.  
17414 Spicewood Spring Lane  
Spring, Texas 77379

**INVOICE # NITSCH100616**

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FOR PROFESSIONAL SERVICES RENDERED since the date of last billing in connection with the Nitsch & Son Utility Company, Inc. rate case:

PUC APPLICATION

BILL FLICKINGER

10/06/16      Continue revising responses to PUC's Second Request for Information. (0.5 Hours).

Attorney BF: 0.5 Hours

ALLISON NIX

09/30/16      Receive and review PUC's Third Set of RFIs, and forward same to Glenn Nitsch and Marvin Morgan with cover email. (0.2 Hours).

10/04/16      Receive, review and respond to email from Glenn Nitsch in connection with preparation of responses to the PUC's Second Set of RFIs. (0.3 Hours).  
Continue preparation of responses to PUC's Second Set of RFIs. (2.3 Hours).

10/05/16      Email verifications to be signed to Glenn Nitsch and Marvin Morgan for inclusion in the response to the PUC's Second Set of RFIs. (0.2 Hours). Office conference with Marvin Morgan for execution of verification for PUC response. (0.2 Hours). Receive and review emails from Glenn Nitsch providing information responsive to PUC's Second Set of RFIs. Continue preparation of responses to PUC's Second Set of RFIs. (0.9 Hours).

10/06/16      Continue compiling documentation for submission of responses to PUC. Draft and send email to Glenn Nitsch requesting legible copies of certain attachments. (2.5 Hours). Finalize responses to the PUC's Second Set of RFIs and e-file same. Proceed to the PUC for filing of hard copies. (1.7 Hours).

Legal Assistant AN: 8.3 Hours

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CITY OF HOUSTON APPLICATION

BILL FLICKINGER

- 09/28/16     Receive and review various emails from Marvin Morgan and Glenn Nitsch on offer by City of Houston. (0.5 Hours). Telephone conference with Marvin Morgan on same. (0.3 Hours). Draft email to attorney Alton Hall requesting additional information to evaluate the City's offer. (0.5 Hours). Receive, review and respond to email from Alton Hall on possible settlement of City of Houston rate case, and telephone conference with Marvin Morgan on same. (0.4 Hours).
- 09/29/16     Receive and review emails from Alton Hall and Marvin Morgan on proposed settlement of City of Houston rate case and follow-up email to Marvin Morgan on same. (0.3 Hours). Telephone conference with Marvin Morgan on same. (0.3 Hours). Email Alton Hall to clarify settlement proposal in City of Houston rate case. (0.4 Hours). Additional email to Alton Hall on pending settlement offer. (0.2 Hours). Telephone conference with Marvin Morgan on same. (0.3 Hours). Telephone conference with Glenn Nitsch on same. (0.3 Hours). Office conference with Marvin Morgan on possible settlement with City of Houston. (0.8 Hours). Conference call with City of Houston representatives on settlement. (0.5 Hours). Additional telephone conferences with Alton Hall on possible extension of effective date to allow for further settlement discussions and on postponement of October 5, 2016 hearing. (0.3 Hours). Email to Alton Hall on same. (0.2 Hours). Receive and review email from Alton Hall with counterproposal on rate case (Houston), and review same in detail with Marvin Morgan. (0.8 Hours). Draft follow-up email to Alton Hall on same. (0.3 Hours). Telephone conference with Glenn Nitsch on same. (0.2 Hours).
- 10/04/16     Receive and review email from Marvin Morgan on possible settlement of rate case in City of Houston, and telephone conference with him on same. (0.4 Hours). Draft email to Alton Hall with counteroffer in rate case at the City of Houston. (0.5 Hours). Additional telephone conference with Marvin Morgan on same. (0.2 Hours). Receive and review additional email from Marvin Morgan on possible settlement, and continue drafting counteroffer to Alton Hall. (0.4 Hours).
- 10/05/16     Receive, review and respond to email from Alton Hall on review of settlement offers. (0.2 Hours). Telephone conference with Marvin Morgan on same. (0.2 Hours). Receive, review and respond to additional emails from Alton Hall on settlement of rate case, and meet with Marvin Morgan on same. (0.4 Hours).

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10/06/16      Receive, review and respond to email from Alton Hall on possible settlement of City of Houston rate case, and telephone conference with Marvin Morgan on same. (0.4 Hours).

Attorney BF: 9.3 Hours

ALLISON NIX

09/28/16      Receive and review emails from Marvin Morgan in connection with his review of the settlement proposed by the City of Houston. (0.2 Hours). Receive and review email from Glenn Nitsch providing comments from his attendance at last night's public meeting in connection with the City of Houston rate case. (0.2 Hours). Telephone conference with Alisa Talley with the City of Houston wanting to set up conference call with all parties. (0.2 Hours). Receive and review additional emails from Marvin Morgan with his suggested counterproposal to the City of Houston's settlement offer. (0.2 Hours). Receive and review email from Marvin Morgan providing updated rate case expenses for submission to the City of Houston. (0.2 Hours).

09/29/16      Receive and review emails from Alton Hall requesting additional information for the City of Houston's review of the utility's counterproposal. (0.2 Hours). Continue preparation of supplemental responses to City of Houston's Third Set of RFIs providing updated rate case expenses. (1.0 Hours). Office conference with Marvin Morgan for verification of supplemental RFI responses to City of Houston. (0.2 Hours). Finalize and send supplemental RFI responses to City of Houston via email and via FedEx. (0.5 Hours).

Legal Assistant AN: 2.9 Hours

Attorney BF: 9.8 Hours @ \$325.00 per hour	\$3,185.00
Legal Assistant AN: 11.2 Hours @ \$125.00 per hour	\$1,400.00

October 6, 2016

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CLIENT EXPENSES

908 PUC Photocopies @ \$.20 each	\$181.60	
61 Color PUC Photocopies @ \$.50 each	\$30.50	
412 Houston Photocopies @ \$.20 each	\$82.40	
54 Color Houston Photocopies @ \$.50 each	\$27.00	
	Total Client Expenses	\$321.50
	TOTAL AMOUNT DUE	\$4,906.50

ALLOCATION OF LEGAL FEES AND EXPENSES

PUC Rate Case Filing (0.5 Hours Attorney time @ \$325.00 per hour + 8.3 Hours Legal Assistant time @ \$125.00 per hour + \$212.10 in Client Expenses)	\$1,412.10
City of Houston Rate Case Filing (9.3 Hours Attorney time @ \$325.00 per hour + 2.9 Hours Legal Assistant time @ \$125.00 per hour + \$109.40 in Client Expenses)	\$3,494.40

**WILLATT & FLICKINGER, PLLC**  
**ATTORNEYS AT LAW**

12912 HILL COUNTRY BLVD., SUITE F-232 • AUSTIN, TEXAS 78738 • (512) 476-6604 • FAX (512) 469-9148

November 15, 2016

Mr. Glenn Nitsch  
Nitsch & Son Utility Company, Inc.  
17414 Spicewood Spring Lane  
Spring, Texas 77379

**INVOICE # NITSCH111516**

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FOR PROFESSIONAL SERVICES RENDERED since the date of last billing in connection with the Nitsch & Son Utility Company, Inc. rate case:

PUC APPLICATION

BILL FLICKINGER

- 10/28/16 Telephone conference with Marvin Morgan on Fourth Set of RFIs from the PUC on rate case. (0.2 Hours). Telephone conference with Glenn Nitsch on PUC's Fourth RFIs. (0.2 Hours).
- 11/14/16 Continue revising responses to PUC Staff's Fourth RFIs in rate case, and meet with Marvin Morgan on same. (1.2 Hours).
- 11/15/16 Continue revising responses to the PUC's Fourth RFIs. (0.3 Hours).

Attorney BF: 1.9 Hours

ALLISON NIX

- 10/07/16 Send copy of the Responses to the PUC's Second Set of RFIs to Glenn Nitsch and Marvin Morgan with cover email. (0.2 Hours).
- 10/11/16 Receive, review and respond to email from Glenn Nitsch regarding hard copies of documents responsive to the PUC's Second Set of RFIs. (0.2 Hours).
- 10/14/16 Receive and review email from Marvin Morgan providing his comments responsive to the PUC's Third Set of RFIs. (0.2 Hours). Continue preparation of responses to PUC's Third Set of RFIs. (0.7 Hours).
- 10/18/16 Send verifications to Glenn Nitsch and Marvin Morgan for signature for inclusion in responses to PUC's Third Set of RFIs. Receive, review and respond to email from Marvin Morgan in connection with same. (0.3 Hours). Continue

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- preparation of First Supplemental Responses to PUC's First Set of RFIs to update rate case expenses. (0.5 Hours). Office conference with Marvin Morgan for signature on verification for PUC's Third Set of RFIs and the First Supplemental Responses to the PUC's First Set of RFIs. (0.5 Hours).
- 10/19/16 Receive, review and respond to emails from Glenn Nitsch providing information responsive to the PUC's Third Set of RFIs. Telephone conference with Glenn Nitsch on same. Continue preparation of responses to PUC's Third Set of RFIs and First Supplemental Responses to PUC's First Set of RFIs. E-file same with the PUC, and proceed to the PUC for submission of required hard copies. (4.3 Hours).
- 10/27/16 Receive and review the PUC's Fourth Set of RFIs, and forward same to Glenn Nitsch and Marvin Morgan for review and comment. Draft and send email to Michael Crnich at the PUC requesting a Word version of the PUC's Fourth Set of RFIs. (0.5 Hours).
- 10/28/16 Receive Word version of PUC's Fourth Set of RFIs from Michael Crnich, and forward same to Marvin Morgan with cover email. (0.2 Hours). Receive and review initial responses to PUC's Fourth Set of RFIs from Marvin Morgan. (0.3 Hours).
- 11/10/16 Receive, review and respond to emails from Glenn Nitsch providing responses to the PUC's Fourth Set of RFIs. (0.4 Hours). Continue preparation of responses to the PUC's Fourth Set of RFIs. (3.7 Hours). Review the PUC's rules for submitting confidential filings. (0.3 Hours).
- 11/11/16 Receive and review copy of email from Marvin Morgan to Glenn Nitsch regarding his initial responses to the PUC's recent set of RFIs. Receive and review email from Glenn Nitsch providing an Excel spreadsheet for inclusion with responses to the PUC's Fourth Set of RFIs. (0.3 Hours). Continue preparation of responses to the PUC's Fourth Set of RFIs. (0.4 Hours). Draft and send email to Marvin Morgan to set up conference for signing of his verification for PUC RFI responses. (0.2 Hours). Draft and send email to Glenn Nitsch requesting cleaner copy of a response to the PUC's RFIs. (0.2 Hours).
- 11/14/16 Telephone conference with Marvin Morgan regarding an office conference this afternoon. (0.2 Hours). Continue preparation of responses to the PUC's Fourth Set of RFIs. Draft and send email to Glenn Nitsch providing verification for signature. (2.9 Hours). Office conference with Marvin Morgan in connection with PUC RFI responses. (0.5 Hours).

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11/15/16      Receive and review email from Glenn Nitsch providing revised answer to an RFI response and signed verification. Receive and review emails from Marvin Morgan and Glenn Nitsch on same. Continue preparation of responses to the PUC's Fourth Set of RFIs, and arrange for electronic filing of same with the PUC. Proceed to the PUC for submission of hard copies of same. (4.8 Hours).

Legal Assistant AN: 21.8 Hours

CITY OF HOUSTON APPLICATION

BILL FLICKINGER

10/07/16      Telephone conferences with Marvin Morgan on latest offer from the City of Houston. (0.4 Hours). Send email to Alton Hall with settlement offer prepared by Marvin Morgan, receive and review his response, and send follow-up email to Alton Hall. (0.3 Hours). Telephone conference with Alton Hall on settlement negotiations with City of Houston. (0.2 Hours). Receive and review email from him on same. (0.2 Hours). Telephone conferences with Marvin Morgan on same. (0.2 Hours). Send email to Alton Hall accepting City of Houston's last offer. (0.2 Hours). Receive, review and respond to email from YuShan Chang on cancellation of October 26 hearing. (0.2 Hours).

10/11/16      Telephone conference with Alton Hall on status of settlement agreement. (0.2 Hours).

10/12/16      Receive and begin review of draft settlement from Alton Hall in connection with City of Houston case. (0.3 Hours). Draft email to Marvin Morgan and Glenn Nitsch on same. (0.2 Hours). Draft preliminary response to Alton Hall on same. (0.2 Hours).

10/13/16      Continue review of draft settlement sent by Alton Hall in connection with City of Houston rate case. (0.3 Hours). Telephone conference with Marvin Morgan on same. (0.2 Hours). Receive and review emails from Glenn Nitsch and Marvin Morgan on same. (0.4 Hours).

10/14/16      Telephone conference with Glenn Nitsch on status of settlement draft. (0.2 Hours). Send email to Alton Hall with preliminary comments to his draft settlement. (0.5 Hours).

10/16/16      Send email to Marvin Morgan on revisions to tariff sheets in Houston rate case settlement. (0.3 Hours).

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- 10/17/16      Receive, review and respond to email from Alton Hall on settlement with City of Houston. (0.9 Hours). Receive, review and respond to follow-up emails from Alton Hall on same. (0.5 Hours).
- 10/18/16      Receive and review additional emails from Marvin Morgan and Glenn Nitsch on settlement with City of Houston. (0.4 Hours). Telephone conference with Marvin Morgan on same. (0.2 Hours). Send email to Alton Hall on settlement with City of Houston, and receive and review his response. (0.3 Hours). Receive, review and respond to emails from YuShan Chang with the City of Houston on revised version of settlement with the City of Houston. (0.5 Hours). Receive and review email from Marvin Morgan on same. (0.2 Hours). Email final version of settlement with the City of Houston to Glenn Nitsch for his signature. (0.2 Hours).
- 10/19/16      Send email to YuShan Chang with copy of final settlement signed by Glenn Nitsch. (0.2 Hours).

Attorney BF: 7.9 Hours

ALLISON NIX

- 10/07/16      Receive and review email from Marvin Morgan providing updated rate case expenses for use in negotiations with the City of Houston. (0.2 Hours). Continue drafting supplemental responses to the City of Houston to provide a copy of Responses to the PUC's Second Set of RFIs and updated rate case expenses. (0.9 Hours).
- 10/14/16      Receive and review emails from Glenn Nitsch and Marvin Morgan in connection with the settlement agreement with the City of Houston. (0.2 Hours).
- 11/08/16      Review Houston City Council's agenda for tomorrow in connection with settlement of rate case. Forward agenda to Glenn Nitsch and Marvin Morgan for their information. (0.3 Hours).
- 11/10/16      Draft and send email to YuShan Chang requesting confirmation of the City's approval of the rate case settlement agreement. (0.2 Hours).
- 11/11/16      Receive and review email from YuShan Chang confirming the City of Houston accepted the settlement agreement in connection with the rate case. (0.2 Hours).

Legal Assistant AN: 2.0 Hours



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Attorney BF: 9.8 Hours @ \$325.00 per hour	\$3,185.00
Legal Assistant AN: 23.8 Hours @ \$125.00 per hour	\$2,975.00

CLIENT EXPENSES

1,408 PUC Photocopies @ \$.20 each	\$281.60	
104 Color PUC Photocopies @ \$.50 each	\$52.00	
330 Houston Photocopies @ \$.20 each	\$66.00	
260 Color Houston Photocopies @ \$.50 each	\$130.00	
FedEx (Houston rate case)	\$55.24	
	Total Client Expenses	\$584.84
	TOTAL AMOUNT DUE	\$6,744.84

ALLOCATION OF LEGAL FEES AND EXPENSES

PUC Rate Case Filing (1.9 Hours Attorney time @ \$325.00 per hour + 21.8 Hours Legal Assistant time @ \$125.00 per hour + \$333.60 in Client Expenses)	\$3,676.10
City of Houston Rate Case Filing (7.9 Hours Attorney time @ \$325.00 per hour + 2.0 Hours Legal Assistant time @ \$125.00 per hour + \$251.24 in Client Expenses)	\$3,068.74