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PUC DOCKET NO. 46120
SOAH DOCKET NO. 473-16-5823.WS

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CITY OF MIDLOTHIAN NOTICE OF §
INTENT TO PROVIDE WATER §
SERVICE TO LAND DECERTIFIED §
FROM MOUNTAIN PEAK SPECIAL §
UTILITY DISTRICT §

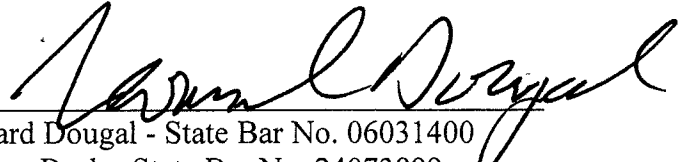
BEFORE THE
PUBLIC UTILITY COMMISSION
FILING CLERK
PUBLIC UTILITY COMMISSION
OF TEXAS

MOUNTAIN PEAK SPECIAL UTILITY DISTRICT'S FIRST SET OF REQUESTS FOR INFORMATION TO THE CITY OF MIDLOTHIAN, TEXAS

Pursuant to PUC Proc. Rule 22.144, Mountain Peak Special Utility District ("Mountain Peak") hereby files its First Set of Requests for Information ("RFIs") to the City of Midlothian, Texas ("Midlothian"). Responses to the RFIs set forth in Exhibit "A" hereto should be served on the undersigned counsel for Mountain Peak at the address indicated within twenty (20) days of service hereof. Exhibit "A" is attached hereto and incorporated herein for all purposes.

Respectfully submitted,

JACKSON WALKER L.L.P.

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ATTORNEYS FOR MOUNTAIN PEAK
SPECIAL UTILITY DISTRICT

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CERTIFICATE OF SERVICE

I hereby certify that on the 23rd day of September 2016, a true and correct copy of the foregoing document was served on the individuals listed below by hand delivery, email, facsimile or First Class Mail.

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Leonard H. Dougal

EXHIBIT "A"

DEFINITIONS

1. "Midlothian," "You," or "Your" refer to the City of Midlothian, Texas, its mayor, city council members, officers, employees, consultants, agents, attorneys, and affiliates to the extent such other persons are acting for or on behalf of Midlothian.
2. "Document" and/or "Documents" refers to all written, reported, or graphic material within the scope of Rule 192 of the Texas Rules of Civil Procedure, however produced or reproduced. Without limiting the foregoing, the terms include the following: agreements, contracts, communications, correspondence, letters, faxes, e-mail, instant message records, text 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, or folders voice recordings, voice recordings, electronic data, electronic media, and any other data or information that exists in written, electronic, or magnetic form.
3. "Communication" refers to any oral or written utterance, notation, or statement of any nature whatsoever, by or to whomsoever made, and every manner or means of disclosure, transfer, or exchange of information, whether orally or by document, whether in person, in writing, by telephone, by cell phone, or otherwise, including, but not limited to: correspondence, conversation, dialogues, discussions, interviews, consultations, agreements, telegrams, telexes, cables, memorandum, electronic mail, hand-deliveries, facsimile, or other understandings and exchanges of ideas or information between two or more persons.
4. "Relate to," "related to," or "relating to" means concerning, relating to, referring to, having a relationship with or to, pertaining to, identifying, describing, explaining, summarizing, or to be otherwise factually, legally or logistically connected to the subject matter of the particular request.
5. "LUE" or "Living Unit Equivalent" means the quantity of water consumed by one single-family residential unit, or its equivalent, in gallons of potable water per day, based on a 30-day average.
6. "Subject Tract" means the property subject to decertification in PUC Docket No. 44394, which was described as an approximately 97.7-acre tract of land.

INSTRUCTIONS

1. Your responses should conform to the Texas Rules of Civil Procedure and/or the rules of procedure of the Public Utility Commission of Texas.
2. 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.
3. If the documents requested herein include electronic data and magnetic data, they shall be produced in their native format with all metadata intact.
 4. 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.
 5. 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.
 6. If you withhold any requested documents or information — including redactions of portions of documents — pursuant to an applicable privilege, provide a privilege log describing the documents, communications, or things withheld or redacted with sufficient specificity that the applicability of the privilege or protection may be assessed. See TEX. R. CIV. P. 193.3.
 7. PLEASE TAKE FURTHER NOTICE that these 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.

REQUESTS FOR INFORMATION

RFI No. 1. Please produce the December 16, 2013, Memorandum prepared by Freese and Nichols related to the Midlothian Community Park Water Assessment, including all exhibits and attachments.

Response:

RFI No. 2. Please produce all documents related to the December 16, 2013, Memorandum prepared by Freese and Nichols related to the Midlothian Community Park Water Assessment (the "Memorandum"), including but not limited to, all communications with Freese and Nichols, all drafts or earlier versions of the Memorandum or any part thereof, and all documents reflecting any information supplied to Freese and Nichols in preparing the Memorandum.

Response:

RFI No. 3. Please produce all evaluations, assessments, written communications, or reports relating to the provision of water service to the Subject Tract, including, but not limited to, any updates of the December 16, 2013, Memorandum prepared by Freese and Nichols related to the Midlothian Community Park Water Assessment.

Response:

RFI No. 4. Please produce all correspondence, notes and documents of any kind reflecting or relating to communications between You and Mountain Peak relating to the provision of water service to the Subject Tract.

Response:

RFI No. 5. Please produce all documents relating to Midlothian's consideration of or decision to not obtain water service from Mountain Peak for Midlothian's proposed development on the Subject Tract.

Response:

RFI No. 6. Please provide all documents relating to Midlothian's proposed or actual development of the Subject Tract, including, but not limited to, all development plats or plans and construction plans for the Subject Tract, reports or analyses prepared and the minutes of any meetings at which it was discussed.

Response:

RFI No. 7. Please produce all correspondence, notes, and documents of any kind (including communications) reflecting or relating to Midlothian's proposed development on the Subject Tract, including, but not limited to, documents reflecting the

anticipated construction, completion, and opening of Midlothian's proposed development on the Subject Tract.

Response:

RFI No. 8. Please describe the number of LUEs to be served on the Subject Tract.

Response:

RFI No. 9. Please provide all documents relating to your response to RFI No. 8.

Response:

RFI No. 10. Please provide all documents relating to plans for the provision of water service to the Subject Tract or any property within Mountain Peak's CCN, other than for an industrial customer within the Dual Certificated Area.

Response:

RFI No. 11. Please provide all documents related to the conveyance of the Subject Tract to Midlothian, including any and all communications between Midlothian and the seller of the Subject Tract.

Response:

RFI No. 12. Please produce all documents relating to any development plans approved by Midlothian for the Subject Tract or for property of which the Subject Tract was a portion in the last 10 years.

Response:

RFI No. 13. Please provide all documents supporting or relating to any assertion that any of Mountain Peak's property has or will be rendered useless or valueless to Mountain Peak as a result of the decertification of the Subject Tract.

Response:

RFI No. 14. Please provide all documents supporting or relating to any assertion that none of Mountain Peak's property has or will be rendered useless or valueless to Mountain Peak as a result of the decertification of the Subject Tract.

Response:

RFI No. 15. Please produce all correspondence or documents exchanged between you and any person who may be called to present expert testimony in this case.

Response:

RFI No. 16. Please produce the curriculum vitae of each witness you may call to present expert testimony in this case or by deposition.

Response:

RFI No. 17. Please produce the curriculum vitae of each consulting expert whose opinions, impressions or work product have been reviewed by a testifying expert in connection with the issues presented in this proceeding.

Response:

RFI No. 18. Please produce all documents prepared, considered, reviewed, or relied upon by each testifying expert and/or consulting expert whose opinions or impressions have been reviewed by a testifying expert or whose work has formed the basis, in whole or in part, for the mental impressions and opinions of an expert who may be called to testify.

Response:

RFI No. 19. Please produce all documents relating to the charges or expenses you have incurred as result of the work done by any expert who may be called to testify as a witnesses in this proceeding and by each consulting expert whose opinions or impressions have been reviewed by a testifying expert or whose work has formed the basis, in whole or in part, for the mental impressions and opinions of a testifying expert.

Response:

RFI No. 20. Please produce all documents relating to all impeachment or rebuttal witnesses that you may call to testify at a hearing in this proceeding, the necessity of whose testimony can be reasonably anticipated before the hearing.

Response:

RFI No. 21. Please produce all writings, drawings, graphs, charts, maps, photographs, or other tangible items intended to be used by You as exhibits, including demonstrative exhibits, in a hearing in this proceeding.

Response:

RFI No. 22. Please produce all documents containing or reflecting any admissions or statements and/or admissions you contend were made by Mountain Peak Special Utility District relating to the issues in this proceeding.

Response: