



Control Number: 46120



Item Number: 29

Addendum StartPage: 0

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

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BEFORE THE  
PUBLIC UTILITY COMMISSION  
OF TEXAS

**MOUNTAIN PEAK SPECIAL UTILITY DISTRICT'S  
OBJECTIONS TO THE CITY OF MIDLOTHIAN'S  
SECOND SET OF REQUESTS FOR INFORMATION AND  
REQUEST FOR ADMISSION TO  
MOUNTAIN PEAK SPECIAL UTILITY DISTRICT**

TO: City of Midlothian, by and through its Attorneys of Record, Paul Gonzalez and Patrick Lindner, Davidson Troilo, Ream & Garza, P.C.

NOW COMES, Mountain Peak Special Utility District ("Mountain Peak") and, pursuant to PUC Procedural Rule 22.144 serves its Objections to the City of Midlothian's Second Set of Requests for Information and Request for Admission to Mountain Peak Special Utility District. In support thereof, Mountain Peak would respectfully show as follows:

**INTRODUCTION**

In Docket No. 44394, an approximately 97.7-acre tract of land (the "Amended Park Property") owned by the City of Midlothian ("Midlothian") was decertified from Mountain Peak's water CCN.<sup>1</sup> The instant proceeding is about the compensation that is owed to Mountain Peak under Texas Water Code § 13.254 due to the decertification.

On October 17, 2016, Midlothian served its Second Set of Requests for Information and Requests for Admission to Mountain Peak Special Utility District including 31 Requests for Information and 2 Requests for Admission.<sup>2</sup> Pursuant to Rule 22.144(d), legal counsel for Midlothian and Mountain Peak diligently conducted negotiations in good faith and, while some

<sup>1</sup> *Petition of City of Midlothian to Amend Mountain Peak Special Utility District's Certificate of Convenience and Necessity by Expedited Release in Ellis County*, Docket No. 44394 (May 1, 2015). Mountain Peak has appealed this decertification, and the appeal remains pending in district court in Travis County, Texas. See *Mountain Peak Special Utility Dist. v. Public Utility Comm'n of Tex.*, No. D-1-GN-15-002843 (200<sup>th</sup> Judicial Dist. Ct., Travis County, Tex., July 14, 2015).

<sup>2</sup> Midlothian's Second Set of RFI and RFA to Mountain Peak SUD (Oct. 17, 2016). A copy of these requests is attached hereto as Exhibit "A."

disputes were resolved through clarifications or revisions, others remain unresolved. These objections are filed within ten calendar days of Mountain Peak's receipt of the discovery requests by Midlothian.

### **OBJECTIONS**

**Definition L.** Unless specifically defined in this document, other definitions may be found in the Rules and Regulations for Public Water Systems prepared by the Water Supply Division of the TCEQ, Publication RG-195 (revised November 2015) and available at [www.tceq.texas.gov/publications/rg/rg-195.html](http://www.tceq.texas.gov/publications/rg/rg-195.html), or in the rules or forms promulgated by the TCEQ.

**Objection:** Mountain Peak objects to this definition on the grounds that it is vague and ambiguous, overly broad and unduly burdensome. This definition asks Mountain Peak to look through a guidance document promulgated by the Texas Commission on Environmental Quality ("TCEQ") and all the rules and regulations or forms of TCEQ for definitions to potentially any term not already defined within Midlothian's discovery requests.

**RFI No. 2-7:** [AMENDED AS AGREED] Provide your Provided Production Capacity ("PPPC") in millions of gallons per day ("MGD") on or about May 1 of each year since 2006 and identify ~~each facility~~ each well and water supply interconnection to Mountain Peak providing a portion of your PPC in each year, including the amount of capacity provided.

**Objection:** Mountain Peak objects to this Request as vague and ambiguous in that Provided Production Capacity is not a defined term. Further, "PPPC" does not appear to be an acronym for Provided Production Capacity according to the TCEQ's Drinking Water Watch Database which refers to the Provided Production Capacity as the PPRC. For purposes of responding to this Request, Mountain Peak understands the Request to seek information about the PPRC.

Mountain Peak also objects to this Request because it is overly broad and unduly burdensome to require Mountain Peak to collect the requested data for each year from 2006 through the present.

**RFI No. 2-8:** Provide your maximum daily demand ("MDD") in MGD for each year since 2006 and identify the date it occurred, your basis for calculating each MDD, the sources of supply used to meet each MDD, and the amount of supply on that day from each source.

**Objection:** Mountain Peak objects to this Request because it is overly broad and unduly burdensome to require Mountain Peak to collect the requested data for each year from 2006 through the present. Mountain Peak further objects to this Request to the extent it seeks the amount of supply on a given day from each source. This portion of this Request is unduly burdensome and not relevant nor reasonably calculated to lead to the discovery of admissible evidence.

**RFI No. 2-9:** Identify your water wells as of (a) the end of 2006, (b) May 1, 2015, and (c) today; including, for each well, its location, depth and diameter, the date it was placed into operation, the cost of construction, its as-constructed and current peak capacity, and dates when it has been inactive/unavailable.

**Objection:** Mountain Peak objects to this Request to the extent it seeks the dates when each water well has been inactive/unavailable. This portion of this Request is not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Furthermore, it is unduly burdensome for Mountain Peak to identify each date when a well may have been placed out of service for any reason.

**RFI No. 2-10:** Identify your elevated storage tanks as of (a) the end of 2006, (b) May 1, 2015, and (c) today; including, for each tank, the date placed into operation, the cost of construction, its capacity, overflow elevation, and dates when it has been inactive/unavailable.

**Objection:** Mountain Peak objects to this Request to the extent it seeks the overflow elevation and the dates when each elevated has been inactive/unavailable. This portion of this Request is not relevant and not reasonably calculated to lead to the discovery of admissible evidence. Furthermore, it is unduly burdensome for Mountain Peak to identify each date when a storage tank may have been placed out of service for any reason.

**RFI No. 2-11:** If you cannot unequivocally admit the foregoing request (RFA No. 1-5) [that the usefulness or value of the facilities to Mountain Peak located within the Amended Park Property have not decreased as a result of decertification], explain the factual basis for your belief that the usefulness or value of the facilities has decreased as a result of the decertification, identifying specifically which facilities were affected and the amount of any decrease in usefulness or value.

**Objection:** This Request improperly requires Mountain Peak to marshal its evidence and the evidence it intends to offer at trial in violation of Tex. R. Civ. P. 197.

**RFI No. 2-16:** [AMENDED AS AGREED] Provide all reports on your water distribution system and water supply prepared since ~~2000~~ 2006, including, but not limited to, water master plan reports. This request is limited to exclude water quality reports and other reports specifically requested in other RFIs, e.g., annual financial reports and audit reports. The focus is on water master plan-type of reports, but also including reports pertaining to projected system demand or capacity that might pertain to a segment of Mountain Peak's system since 2006.

**Objection:** Mountain Peak objects to this Request even as amended on the grounds that it is overly broad and unduly burdensome in seeking all reports on Mountain Peak's water distribution system and water supply prepared since 2006. Although Midlothian did narrow this Request to exclude certain examples of clearly irrelevant reports, this Request remains overly broad and unduly burdensome. Further, it lacks sufficient specificity and therefore constitutes a "fishing expedition." See *Loftin v. Martin*, 776 S.W.2d 145, 148 (Tex. 1989). Subject to and without waiving this objection, Mountain Peak will produce its water master plan reports since 2006.

**RFI No. 2-20:** [AMENDED AS AGREED] Provide reports, and correspondence ~~and other documents~~ since 2000 relating to the adequacy of fire flow within all or a portion of your water distribution system.

**Objection:** Mountain Peak objects to this Request even as amended because it is overly broad and unduly burdensome in seeking all reports and correspondence since 2000 relating to the adequacy of fire flow within any portion of Mountain Peak's water distribution system. Although Midlothian did narrow this Request to exclude all other documents, this Request remains overly broad and unduly burdensome. Further, it lacks sufficient specificity and therefore constitutes a "fishing expedition." See *Loftin v. Martin*, 776 S.W.2d 145, 148 (Tex. 1989). Finally, Mountain Peak objects to this Request because it is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

**RFI No. 2-23:** [AMENDED AS AGREED] Identify actions you have taken to improve fire flow since 2000 within all or a portion of your water distribution system, including dates such actions were taken, the costs for installing new water lines, providing additional water storage, installing service pumps, and obtaining increased water supply capacity in order to provide sufficient fire flow capability.

**Objection:** Mountain Peak objects to this Request even as amended because it is overly broad and unduly burdensome in seeking all actions to improve fire flow within any part of Mountain Peak's water distribution system. Although Midlothian did narrow this Request to limit it for the past 16 years, this Request remains overly broad and unduly burdensome. Further, it lacks sufficient specificity and therefore constitutes a "fishing expedition." See *Loftin v. Martin*, 776 S.W.2d 145, 148 (Tex. 1989). Finally, Mountain Peak objects to this Request because it is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

Respectfully submitted,

JACKSON WALKER L.L.P.

By: Mallory Beck  
Leonard Dougal State Bar No: 06031400  
Mallory Beck - State Bar No. 24073899  
100 Congress, Suite 1100  
Austin, Texas 78701  
E: ldougal@jw.com  
T: (512) 236 2233  
F: (512) 391-2112

David A. Miller – State Bar No: 14067025  
MILLER MENTZER WALKER, P.C.  
P.O. Box 130  
Palmer, Texas 75152  
E: dmiller@milmen.com  
T: (972) 845-2222  
F: (972) 845-3398

ATTORNEYS FOR MOUNTAIN PEAK  
SPECIAL UTILITY DISTRICT

**CERTIFICATE OF SERVICE**

I hereby certify that on the 27th day of October 2016, a true and correct copy of the foregoing document was served on the individuals listed below by facsimile.

Patrick W. Lindner

*Attorney for City of Midlothian, Texas*

Paul M. Gonzalez

Davidson, Troilo, Ream, & Garza, P.C.

601 NW Loop 410, Suite 100

San Antonio, Texas 78216

Telephone: (210) 349-6484

Facsimile: (210) 349-0041

Email: plindner@davidsontroilo.com

Sam Chang

*Attorney for the Public Utility Commission of Texas*

Stephen Mack

Attorney-Legal Division

Public Utility Commission

1701 N. Congress

P.O. Box 13326

Austin, Texas 78711-3326

sam.chang@puc.texas.gov

stephen.mack@puc.texas.gov

512-936-7261

512-936-7442

512-936-7268 (Facsimile)

  
Mallory Beck

# EXHIBIT "A"



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P.U.C. DOCKET NO. 46120  
SOAH DOCKET NO. 473-16-5823.WS

PUBLIC UTILITY COMM  
ING CLERK

CITY OF MIDLOTHIAN NOTICE OF § BEFORE THE STATE OFFICE  
INTENT TO PROVIDE WATER §  
SERVICE TO LAND DECERTIFIED § OF  
FROM MOUNTAIN PEAK SPECIAL §  
UTILITY DISTRICT § ADMINISTRATIVE HEARINGS

**CITY OF MIDLOTHIAN'S  
SECOND SET OF REQUESTS FOR INFORMATION  
AND REQUEST FOR ADMISSION TO  
MOUNTAIN PEAK SPECIAL UTILITY DISTRICT**

To: Mountain Peak Special Utility District ("Mountain Peak"), by and through its Attorney of Record:

Leonard Dougal  
Mallory Beck  
JACKSON WALKER, LLP  
100 Congress, Suite 1100  
Austin, Texas 78701

David A. Miller  
MILLER MENTZER WALKER, PC  
P. O. BOX 130  
Palmer, Texas 75152

The City of Midlothian, Texas, ("Midlothian" or "City") propounds the following Second Set of Requests for Information ("RFIs") and Requests for Admission ("RFAs") to Mountain Peak. You are hereby requested to answer the following written discovery separately, in writing, and, as for the Requests for Information, under oath, and, for this discovery, within twenty (20) days of the date of service, to the Law Offices of Davidson Troilo Ream & Garza, P.C., Attn: Paul M. Gonzalez, 601 N.W. Loop 410, Suite 100, San Antonio, Texas 78216. The written discovery questions are attached to this document and are incorporated for all purposes.

**DEFINITIONS AND INSTRUCTIONS**

A. When the word "documents" is used, it means any written, typed, printed, recorded, graphic or photographic matter, or sound reproductions, however produced or reproduced, including copies, or computer or data processing inputs or outputs in whatever form, or any means of electronic storage of information. These include, but are not limited to, all letters, telegrams, cables, wires, notes, studies, memoranda, accounts, invoices, ledgers, books, publications, diagrams, statements, drafts, transcripts, agreements, contracts, minutes, records, diaries, voice recordings, journals, logs, work papers, manuals, calendars, governmental forms, computer or data processing inputs or printouts, microfiche or microfilm recordings, statistical

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compilations, slides, photographs, negatives, motion pictures or other films, samples or other physical objects of whatever nature, whether originals or reproductions, now or formerly in your possession, custody or control, or in the possession, custody or control of any employee, agent, representative, servant or attorney acting on your behalf. The term "documents" also includes every copy where the copy is not an identical reproduction of the original or where the copy contains any commentary, marginal comment or any notation that may not appear in the original. A document is deemed within your control if you have ownership, possession, custody, or constructive possession of the document, or a superior right to compel the production from a third party (including an agent, authority or representative). The term "documents" also includes electronic and magnetic data which are to be produced in native format, or a format mutually agreed to by the responding party and the requesting party.

B. When "identify", "identity", or "identification" is used in these discovery requests:

(1) When used in reference to a natural person; "identify", "identity"; or "identification" means that you should state that person's full name, address and telephone number.

(2) When used with respect to a "document," as defined above, "identify", "identity", or "identification" means that you should state the date, subject and substance, author, type of document, (e.g., letter, telegram, memorandum, computer printout, sound reproduction, chart, photograph, film, etc.); its present location and the identity of each of its present custodians and shall include all documents including those that you may claim are privileged. If any document was, but no longer is, in your possession or subject to your control, state whether it is (a) missing or lost; (b) was destroyed; (c) was transferred voluntarily or involuntarily to others; or (d) otherwise disposed of, and in each such instance explain the circumstances surrounding any authorization for such disposition.

(3) When used in respect to any meeting or conversation, "identify", "identity", or "identification" means that you should state the date and specific location of the meeting or conversation plus the "identification" of all persons present, attending, participating, witnessing or having knowledge of the meeting or conversation.

(4) When used in respect to an occurrence, event or happening, "identify", "identity", or "identification" means that you should describe in detail what occurred or transpired at the occurrence, event or happening; the date, specific location and duration of the occurrence, event or happening and identify all persons present, attending, participating, witnessing or having knowledge of the occurrence, event or happening.

(5) When used in respect to a statement, "identify", "identity", or "identification" means that you should state the substance of the statement; the date and specific location of the statement; and the "identity" of all persons present, witnessing, making or having knowledge of the statement.

C. "Person" or "Persons" includes natural persons; firms, partnerships; associations, joint ventures, corporations and any other form of business organization or arrangement, as well as governmental or quasi-governmental agencies.

D. "You" or "Your" refers to the Mountain Peak Special Utility District, including its predecessor in interest, the Mountain Peak Water Supply Corporation, and either's board of directors, management, staff, agents or contractors.

E. "Park Property" refers to the approximately 97.7 acre property owned by the City of Midlothian, Texas, that was the subject of decertification in PUC Docket No. 44394, which is the subject of the notice to serve in this proceeding.

F. "Mountain Peak" refers to You, as defined herein.

G. "City" or "Midlothian" refers to the City of Midlothian, Texas.

H. Unless the context clearly provides otherwise, "decertification" refers to the action taken by the Public Utility Commission of Texas in Docket No. 44394 to remove the Park Property from the certificated water service area of Mountain Peak.

I. "Facilities" means all the plant and equipment of a retail public utility, including all tangible and intangible real and personal property without limitation, and any and all means and instrumentalities in any manner owned, operated, leased, licensed, used, controlled, furnished, or supplied for, by, or in connection with the business of any retail public utility. Texas Water Code § 13.002(9).

J. "Maximum daily demand" has the meaning provided in 30 Texas Administrative Code ("TAC") § 290.38(43).

K. "TCEQ" means the Texas Commission on Environmental Quality or its predecessor in interest.

L. Unless specifically defined in this document, other definitions may be found in the Rules and Regulations for Public Water Systems prepared by the Water Supply Division of the TCEQ, Publication RG-195 (revised November 2015) and available at [www.tceq.texas.gov/publications/rg/rg-195.html](http://www.tceq.texas.gov/publications/rg/rg-195.html), or in the rules or forms promulgated by the TCEQ.

M. With specific regard to the request for production of any documents or tangible things for inspection, copying or photographing, the following additional instructions apply:

(1) If the document(s) requested cannot be fully and completely produced even with the help of your attorney or any expert that you may hire, then please state the reasons why you cannot produce the requested documents and also state what effort was made by you to try to obtain the requested document(s).

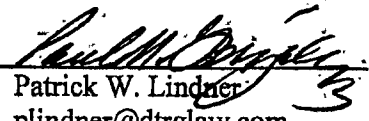
(2) If any document or tangible thing requested to be identified was, but no longer is, in your possession or control, or if it is no longer even in existence, please state whether the document is missing or lost, destroyed, in the possession or control of others (and, if so, whom), or otherwise disposed of.

(3) THE ORIGINAL OF EACH ITEM REQUESTED IS TO BE PRODUCED IF POSSIBLE, FOR INSPECTION AND COPYING BY THIS PARTY. IF YOU DO NOT HAVE THE ORIGINAL, STATE THE LOCATION OF THE ORIGINAL.

Respectfully submitted,

DAVIDSON, TRÓILO, REAM & GARZA, P.C.  
601 NW Loop 410, Suite 100  
San Antonio, Texas 78216  
Telephone: (210) 349-6484  
Facsimile: (210) 349-0041

By:

  
Patrick W. Lindner  
[plindner@dtgrlaw.com](mailto:plindner@dtgrlaw.com)  
State Bar No. 12367850  
Paul M. González  
[pgonzalez@dtgrlaw.com](mailto:pgonzalez@dtgrlaw.com)  
State Bar No. 00796652  
Richard Lindner  
State Bar No. 24065626  
[rlindner@dtgrlaw.com](mailto:rlindner@dtgrlaw.com)

ATTORNEYS FOR CITY OF MIDLOTHIAN

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of this document was served on all parties of record in this proceeding on October 17, 2016, in the following manner: by facsimile.

  
Paul M. Gonzalez

P.U.C. DOCKET NO. 46120  
SOAH DOCKET NO. 473-16-5823.WS

CITY OF MIDLOTHIAN NOTICE OF § BEFORE THE STATE OFFICE  
INTENT TO PROVIDE WATER §  
SERVICE TO LAND DECERTIFIED § OF  
FROM MOUNTAIN PEAK SPECIAL §  
UTILITY DISTRICT § ADMINISTRATIVE HEARINGS

**CITY OF MIDLOTHIAN'S  
SECOND SET OF REQUESTS FOR INFORMATION  
AND REQUESTS FOR ADMISSION TO  
MOUNTAIN PEAK SPECIAL UTILITY DISTRICT**

Request for Information No. 2-1.

Excluding the acreage of the Park Property, what was the approximate total area (in square miles or acres) of Mountain Peak's service area under CCN No. 10908 as of May 1, 2015.

Request for Information No. 2-2.

To the extent not provided in response to Midlothian's RFI No. 1-4, identify any water service facilities of Mountain Peak *within* the Park Property, including for each facility:

- (a) The facility's use and available capacity as of May 1, 2015;
- (b) Identification of any remaining debt service for loans/bonds to finance design and/or construction as of May 1, 2015; and
- (c) Any changes to the facility's use and available capacity since May 1, 2015.

Request for Information No. 2-3.

To the extent not provided in response to Midlothian's RFI No. 1-7, identify any water service facilities of Mountain Peak *within 1000 feet* of (but not on or within) the Park Property, including for each facility:

- (a) The facility's use and available capacity as of May 1, 2015; and
- (b) Identification of any remaining debt service for loans/bonds to finance design and/or construction as of May 1, 2015 and
- (c) Any changes to the facility's use and available capacity since May 1, 2015.

Request for Information No. 2-4.

To the extent not provided in response to Midlothian's RFI No. 1-15, provide any maps showing the location and nature of the facilities that make up Mountain Peak's water system, indicating interconnections, transmission and distribution lines, pumping facilities, water wells, and storage facilities as they existed on or about May 1, 2015.

Request for Information No. 2-5.

To the extent not provided in response to Midlothian's RFI No. 1-19, identify Mountain Peak's debt, including, any unpaid balance as of (a) May 1, 2015 and (b) today.

Request for Information No. 2-6.

To the extent not provided in your response to Midlothian's RFI No. 1-30, identify any facility or other property Mountain Peak claims was rendered useless or valueless, in whole or in part, as the result of decertification of the Park Property, including, for each facility or other property:

- (a) Information on remaining debt service for loans or bonds to finance design and/or construction as of (i) May 1, 2015 and (ii) today.

Request for Information No. 2-7.

Provide your Provided Production Capacity ("PPPC") in millions of gallons per day ("MGD") on or about May 1 of each year since 2006 and identify each facility providing a portion of your PPPC in each year, including the amount of capacity provided.

Request for Information No. 2-8.

Provide your maximum daily demand ("MDD") in MGD for each year since 2006 and identify the date it occurred, your basis for calculating each MDD, the sources of supply used to meet each MDD, and the amount of supply on that day from each source.

Request for Information No. 2-9.

Identify your water wells as of (a) the end of 2006, (b) May 1, 2015, and (c) today; including, for each well, its location, depth and diameter, the date it was placed into operation, the cost of construction, its as-constructed and current peak capacity, and dates when it has been inactive/unavailable.

Request for Information No. 2-10.

Identify your elevated storage tanks as of (a) the end of 2006, (b) May 1, 2015, and (c) today; including, for each tank, the date placed into operation, the cost of construction, its capacity, overflow elevation, and dates when it has been inactive/unavailable.

Request for Information No. 2-11.

Identify your ground storage tanks as of (a) the end of 2006, (b) May 1, 2015, and (c) today; including, for each tank, the date placed into operation, the cost of construction, its capacity, overflow elevation, and dates when it has been inactive/unavailable.

Request for Information No. 2-12.

Identify the number of your total and active retail water service connections, by year, since 2000.

Request for Admission No. 2-1.

Admit that you have not received a waiver from the TCEQ to provide production capacity less than 0.6 gallons per minute ("gpm") per connection (30 TAC § 290.45) since 2000?

Request for Information No. 2-13.

As to any waiver from the TCEQ related to production capacity you have obtained since 2000, identify the reason(s) for the waiver, the date(s) such waiver was effective, the delivery capacity you were allowed to deliver under such waiver, and provide a copy of such waiver.

Request for Information No. 2-14.

Provide a map of your water distribution system, including interconnections, transmission and distribution lines, pumping facilities, water wells, and storage facilities as of 2000, 2010 and today.

Request for Information No. 2-15.

Provide a map or other document indicating plans to add, improve or expand facilities used in your water distribution system, including interconnections, transmission and distribution lines, pumping facilities, water wells, and storage facilities as of 2000, 2010, May 1, 2015, and today.

Request for Admission No. 2-2.

Admit that Midlothian acquired the Park property on November 9, 2010.

Request for Information No. 2-16.

Provide all reports on your water distribution system and water supply prepared since 2000, including, but not limited to, water master plan reports.

Request for Information No. 2-17.

Provide all current contracts you have for the purchase of water and any contracts in effect at any time since 2006.

Request for Information No. 2-18.

Provide copies of your annual financial reports and audits since 2006.

Request for Information No. 2-19.

Provide a copy of your annual budgets, as originally approved and as amended, since 2006.

Request for Information No. 2-20.

Provide reports, correspondence and other documents since 2000 relating to the adequacy of fire flow within all or a portion of your water distribution system.

Request for Information No. 2-21.

Please produce all correspondence or documents exchanged between you and any person who may be called to present expert testimony in this case.

Request for Information No. 2-22.

If you contend that any of your legal expenses and professional fees other than any related to this proceeding should be included as part of the compensation that Midlothian should pay, state the factual and legal basis for your contention.

Request for Information No. 2-23.

Identify actions you have taken to improve fire flow within all or a portion of your water distribution system, including dates such actions were taken, the costs for installing new water lines, providing additional water storage, installing service pumps, and obtaining increased water supply capacity in order to provide sufficient fire flow capability.

Request for Information No. 2-24.

Please produce the curriculum vitae of each witness you may call to present expert testimony in this case or by deposition.

Request for Information No. 2-25.

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.

Request for Information No. 2-26.

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.

Request for Information No. 2-27.

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 witness 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.

Request for Information No. 2-28.

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.

Request for Information No. 2-29.

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.

Request for Information No. 2-30.

Please produce all documents containing or reflecting any admissions or statements and/or admissions You contend were made by Midlothian relating to the issues in this proceeding.

Request for Admission No. 2-3.

Admit that you are currently a borrower of funds from, and indebted to, the United States of America on one or more debt instruments through the United States Department of Agriculture.

Request for Interrogatory No. 2-31.

To the extent you admit, in whole or in part, the foregoing request (RFA No. 2-3), provide documents evidencing any loan to you from, and your indebtedness to, the United States of America on any debt instruments through the United States Department of Agriculture.