

Control Number: 46120



Item Number: 31

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


2016 NOV - 7 PM 2:47  
BEFORE THE  
PUBLIC UTILITY COMMISSION  
PUBLIC UTILITY COMMISSION  
OF TEXAS

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

Mountain Peak Special Utility District ("Mountain Peak") files these Responses to the City of Midlothian's ("City") Second Set of Requests for Information and Request for Admission to Mountain Peak Special Utility District, which was filed with the Public Utility Commission of Texas and served on Mountain Peak Special Utility District on October 17, 2016. These responses are timely filed. Mountain Peak Special Utility District agrees and stipulates that all parties may treat these responses as if the answers were filed under oath.

Respectfully submitted,

JACKSON WALKER L.L.P.

By:   
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**

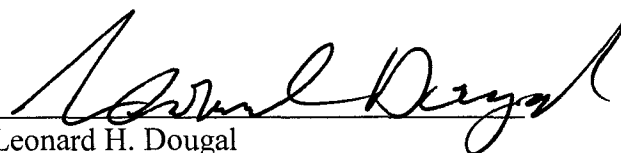
I hereby certify that on the 7th day of November 2016, a true and correct copy of the foregoing document was served on the individuals listed below by hand delivery, email, facsimile or First Class Mail.

Patrick W. Lindner  
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

*Attorney for City of Midlothian, Texas*

Sam Chang  
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)

*Attorney for the Public Utility Commission of Texas*

  
Leonard H. Dougal

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

<b>CITY OF MIDLOTHIAN NOTICE OF</b>	<b>§</b>	<b>BEFORE THE</b>
<b>INTENT TO PROVIDE WATER</b>	<b>§</b>	
<b>SERVICE TO LAND DECERTIFIED</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>FROM MOUNTAIN PEAK SPECIAL</b>	<b>§</b>	
<b>UTILITY DISTRICT</b>	<b>§</b>	<b>OF TEXAS</b>

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**City’s RFI 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.

**RESPONSE:**

Mountain Peak’s CCN area was approximately 100 square miles as of May 1, 2015.

Prepared/Sponsored by: Randel Kirk  
General Manager  
Mountain Peak Special Utility District

**PUC DOCKET NO. 46120  
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<b>CITY OF MIDLOTHIAN NOTICE OF INTENT TO PROVIDE WATER SERVICE TO LAND DECERTIFIED FROM MOUNTAIN PEAK SPECIAL UTILITY DISTRICT</b>	§ § § § §	<b>BEFORE THE  PUBLIC UTILITY COMMISSION  OF TEXAS</b>
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**City's RFI 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.

**RESPONSE:**

Pursuant to 16 Tex. Admin. Code § 22.144(c)(2)(E), please see documents previously produced in response to RFI 1-4 bates labeled MPSUD00001-00324 and MPSUD02401-02415. Discovery is ongoing, and Mountain Peak will supplement this Response.

Prepared/Sponsored by:      Randel Kirk  
   General Manager  
   Mountain Peak Special Utility District

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**City's RFI 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.

**RESPONSE:**

Pursuant to 16 Tex. Admin. Code § 22.144(c)(2)(E), please see documents previously produced in response to RFI 1-7 bates labeled MPSUD00001-00324 and MPSUD02401-02415. Discovery is ongoing, and Mountain Peak will supplement this Response.

Prepared/Sponsored by:      Randel Kirk  
   General Manager  
   Mountain Peak Special Utility District

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**City's RFI 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.

**RESPONSE:**

Pursuant to 16 Tex. Admin. Code § 22.144(c)(2)(E), please see documents previously produced in response to RFI 1-15 bates labeled MPSUD00315-00324. Discovery is ongoing, and Mountain Peak will supplement this Response.

Prepared/Sponsored by:      Randel Kirk  
   General Manager  
   Mountain Peak Special Utility District

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**City's RFA 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.

**RESPONSE:**

Pursuant to 16 Tex. Admin. Code § 22.144(c)(2)(E), please see documents previously produced in response to RFI 1-19 bates labeled MPSUD02102-02321. Discovery is ongoing, and Mountain Peak will supplement this Response.

Prepared/Sponsored by:     Randel Kirk  
   General Manager  
   Mountain Peak Special Utility District



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**City’s RFI 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.

**RESPONSE:**

Pursuant to 16 Tex. Admin. Code § 22.144(c)(2)(E), please see documents previously produced in response to RFIs 1-4, 1-5, 1-7, 1-18, and 1-19 bates labeled MPSUD00001-00324, MPSUD02102-02321, and MPSUD02401-02415. Discovery is ongoing, and Mountain Peak will supplement this Response.

Prepared/Sponsored by:      Randel Kirk  
   General Manager  
   Mountain Peak Special Utility District

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**City’s 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 PPPC in each year, including the amount of capacity provided.

**RESPONSE:**

Subject to Mountain Peak’s objection to this Request, Mountain Peak responds: Mountain Peak’s Provided Production Capacity (“PPRC”) is currently 5.09 MGD and is comprised of:

Facility	Production Capacity
Well No. 1	395 gallons per minute (GPM)
Well No. 2	250 GPM
Well No. 3	170 GPM
Well No. 4	415 GPM
Well No. 5	655 GPM
Well No. 6	650 GPM
Well No. 9a	175 GPM
Well No. 2a	132 GPM
Contracted water supply from Midlothian through contract dated December 10, 1996	1.0 MGD
<b>Total</b>	<b>5.09 MGD</b>

Prepared/Sponsored by:      Randel Kirk  
    General Manager  
    Mountain Peak Special Utility District

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**City’s 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.

**RESPONSE:**

Subject to Mountain Peak’s objection to this Request, Mountain Peak responds: Maximum daily demand is determined by daily meter reading reports. The sources of supply used to meet Mountain Peak’s current maximum daily demand are its groundwater wells and surface water supplies identified in its response to RFI No. 2-7. Mountain Peak’s MDD for each year since 2006:

Year	MDD	Date Occurred
2016	4.151 MGD	August 9, 2016
2015	4.447 MGD	July 26, 2015
2014	3.110 MGD	July 9, 2014
2013	2.965 MGD	September 10, 2013
2012	3.058 MGD	June 30, 2012
2011	3.95 MGD	May 9, 2011
2010	3.059 MGD	June 26, 2010
2009	3.028 MGD	July 17, 2009
2008	3.913 MGD	July 7, 2008
2007	2.706 MGD	July 10, 2007
2006	3.146 MGD	July 22, 2006

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    General Manager  
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**BEFORE THE  
  
PUBLIC UTILITY COMMISSION  
  
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**City's 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.

**RESPONSE:**

Subject to Mountain Peak's objection to this Request, Mountain Peak responds:

<b>Facility</b>	<b>Location (Longitude / Latitude)</b>	<b>Depth</b>	<b>Diameter</b>	<b>Date Placed into Service</b>	<b>Cost of Construction</b>	<b>Rated Capacity (GPM)</b>	<b>Tested Capacity (GPM)</b>
Well No. 1	-97.023785 / 32.421564	2411	10 ¾	November 1970	Will Supplement	300	385
Well No. 2	-97.002552 / 32.442287	2420	10 ¾	February 1976	Will Supplement	185	250
Well No. 3	-97.032119 / 32.318535	2200	10 ¾	April 1980	Will Supplement	175	175
Well No. 4	-97.009885 / 32.417639	2408	10 ¾	August 1989	Will Supplement	370	415
Well No. 5	-96.999986 / 32.460228	2415	14	April 3, 2005	Will Supplement	650	655
Well No. 6	-97.010265 / 32.435268	2410	14	February 6, 2004	Will Supplement	650	650

Well No. 9a	-97.01055 / 32.435625	779	10	June 16, 2015	Will Supplement	200	175
Well No. 2a	-97.002652 / 32.442153	792	10	August 20, 2014	Will Supplement	150	132

Prepared/Sponsored by:      Randel Kirk  
    General Manager  
    Mountain Peak Special Utility District

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**City's 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.

**RESPONSE:**

Subject to Mountain Peak's objection to this Request, Mountain Peak responds:

Facility	Date Placed into Service	Cost of Construction	Overflow Elevation (feet)	Capacity (Million Gallons)
ST7776	2001	Will Supplement	150	0.3
ST7777	1991	Will Supplement	133	0.3
ST7963	2008	Will Supplement	129	1.0

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    General Manager  
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**City’s RFI 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.

**RESPONSE:**

Subject to Mountain Peak’s objection to this Request, Mountain Peak responds:

Facility	Date Placed into Service	Cost of Construction	Overflow Elevation (feet)	Capacity (Million Gallons)
ST7775	1980	Will Supplement	14	0.085
ST7778	1980	Will Supplement	13	0.035
ST7779	1992	Will Supplement	N/A	0.0065
ST7780	1976	Will Supplement	24	0.21
ST7781	1972	Will Supplement	24	0.21
ST7782	1989	Will Supplement	44	0.5
ST7961	2004	Will Supplement	24	1.0
ST7962	2005	Will Supplement	24	0.5

Prepared/Sponsored by:      Randel Kirk  
    General Manager  
    Mountain Peak Special Utility District

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City's RFI No. 2-12. [AMENDED AS AGREED] Identify the number of your total and active retail water service connections, by year, since ~~2000~~ 2006.

**RESPONSE:**

Year	Total Connections	Active Connections
2006	3,007	2,958
2007	3,266	3,227
2008	3,387	3,369
2009	3,433	3,402
2010	3,477	3,457
2011	3,522	3,495
2012	3,631	3,602
2013	3,827	3,785
2014	4,027	3,991
2015	4,332	4,280
2016	4,553	4,504

Prepared/Sponsored by: **Randel Kirk**  
 General Manager  
 Mountain Peak Special Utility District



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**City's RFA No. 2-1.**                    [AMENDED AS AGREED] Admit that you have not received a waiver in effect since 2006 from the TCEQ to provide production capacity less than 0.6 gallons per minute ("gpm") per connection (30 TAC § 290.45) ~~since 2000?~~

**RESPONSE:**

Admit.

Prepared/Sponsored by:        Randel Kirk  
  General Manager  
  Mountain Peak Special Utility District

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**City's RFI No. 2-13.** [AMENDED AS AGREED] As to any waiver in effect since 2006 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.

**RESPONSE:**

Please see the response to RFA 2-1.

Prepared/Sponsored by:      Randel Kirk  
   General Manager  
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**City’s RFI 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.

**RESPONSE:**

Pursuant to 16 Tex. Admin. Code § 22.144(c)(2)(E), please see documents previously produced in response to RFI 1-15, RFI 1-16 bates labeled MPSUD00315-00324. Discovery is ongoing, and Mountain Peak will supplement this Response.

Prepared/Sponsored by:      Randel Kirk  
   General Manager  
   Mountain Peak Special Utility District



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**BEFORE THE PUBLIC UTILITY COMMISSION OF TEXAS**

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**City's RFA No. 2-2.** Admit that Midlothian acquired the Park Property on November 9, 2010.

**RESPONSE:**

After a reasonable inquiry and based on information known or easily obtainable to Mountain Peak, Mountain Peak cannot admit or deny.

Prepared/Sponsored by: **Randel Kirk  
General Manager  
Mountain Peak Special Utility District**

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City's 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.

**RESPONSE:**

Subject to Mountain Peak's objection to this Request, please see the documents bates labeled MPSUD02477-02522 and enclosed herein.

Prepared/Sponsored by: Randel Kirk  
General Manager  
Mountain Peak Special Utility District

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**City’s RFI No. 2-17.**            [AMENDED AS AGREED] Provide all current contracts you have for the purchase of water ~~and any contracts~~ in effect at any time since 2006.

**RESPONSE:**

Please see the documents previously produced in response to RFI 1-14 bates labeled MPSUD00325-00357.

Prepared/Sponsored by:        Randel Kirk  
  General Manager  
  Mountain Peak Special Utility District

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

**City's RFI No. 2-18.**                    [AMENDED AS AGREED] Provide copies of your annual financial reports and audits since ~~2006~~ 2013.

**RESPONSE:**

Please see the documents bates labeled MPSUD02523-02957 and produced herein.

Prepared/Sponsored by:            Randel Kirk  
  General Manager  
  Mountain Peak Special Utility District



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

<b>CITY OF MIDLOTHIAN NOTICE OF INTENT TO PROVIDE WATER SERVICE TO LAND DECERTIFIED FROM MOUNTAIN PEAK SPECIAL UTILITY DISTRICT</b>	<b>§ § § § §</b>	<b>BEFORE THE  PUBLIC UTILITY COMMISSION  OF TEXAS</b>
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**MOUNTAIN PEAK SPECIAL UTILITY DISTRICT'S RESPONSES TO  
CITY OF MIDLOTHIAN'S SECOND SET OF REQUESTS FOR INFORMATION AND  
REQUEST FOR ADMISSION TO MOUNTAIN PEAK SPECIAL UTILITY DISTRICT**

**City's RFI No. 2-19.**            [AMENDED AS AGREED] Provide a copy of your annual budgets,  
as originally approved and as amended, since ~~2006~~ 2013.

**RESPONSE:**

Please see the documents bates labeled MPSUD02958-02989 and produced herein.

Prepared/Sponsored by:      Randel Kirk  
   General Manager  
   Mountain Peak Special Utility District

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

<b>CITY OF MIDLOTHIAN NOTICE OF INTENT TO PROVIDE WATER SERVICE TO LAND DECERTIFIED FROM MOUNTAIN PEAK SPECIAL UTILITY DISTRICT</b>	§ § § § §	<b>BEFORE THE  PUBLIC UTILITY COMMISSION  OF TEXAS</b>
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**MOUNTAIN PEAK SPECIAL UTILITY DISTRICT'S RESPONSES TO  
CITY OF MIDLOTHIAN'S SECOND SET OF REQUESTS FOR INFORMATION AND  
REQUEST FOR ADMISSION TO MOUNTAIN PEAK SPECIAL UTILITY DISTRICT**

**City's 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.

**RESPONSE:**

Subject to a ruling on Mountain Peak's pending objection, Mountain Peak will supplement this response, if necessary.

Prepared/Sponsored by:            To be supplemented.

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

<b>CITY OF MIDLOTHIAN NOTICE OF INTENT TO PROVIDE WATER SERVICE TO LAND DECERTIFIED FROM MOUNTAIN PEAK SPECIAL UTILITY DISTRICT</b>	§ § § § §	<b>BEFORE THE  PUBLIC UTILITY COMMISSION  OF TEXAS</b>
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**MOUNTAIN PEAK SPECIAL UTILITY DISTRICT’S RESPONSES TO  
CITY OF MIDLOTHIAN’S SECOND SET OF REQUESTS FOR INFORMATION AND  
REQUEST FOR ADMISSION TO MOUNTAIN PEAK SPECIAL UTILITY DISTRICT**

**City’s RFI 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.

**RESPONSE:**

Mountain Peak will supplement this response, if necessary, when its experts have been designated.

Prepared/Sponsored by:        To be supplemented.

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

<b>CITY OF MIDLOTHIAN NOTICE OF INTENT TO PROVIDE WATER SERVICE TO LAND DECERTIFIED FROM MOUNTAIN PEAK SPECIAL UTILITY DISTRICT</b>	§ § § § §	<b>BEFORE THE  PUBLIC UTILITY COMMISSION  OF TEXAS</b>
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**MOUNTAIN PEAK SPECIAL UTILITY DISTRICT'S RESPONSES TO  
CITY OF MIDLOTHIAN'S SECOND SET OF REQUESTS FOR INFORMATION AND  
REQUEST FOR ADMISSION TO MOUNTAIN PEAK SPECIAL UTILITY DISTRICT**

**City's RFI 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.

**RESPONSE:**

Mountain Peak contends that its legal expenses and professional fees related to the decertification in PUC Docket No. 44394 should be included in part of the compensation that Midlothian should pay. Those fees were incurred as a direct result of the decertification which is the subject of the compensation to be determined in this docket.

Prepared/Sponsored by:      Randel Kirk  
   General Manager  
   Mountain Peak Special Utility District

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

<b>CITY OF MIDLOTHIAN NOTICE OF INTENT TO PROVIDE WATER SERVICE TO LAND DECERTIFIED FROM MOUNTAIN PEAK SPECIAL UTILITY DISTRICT</b>	§ § § § §	<b>BEFORE THE  PUBLIC UTILITY COMMISSION  OF TEXAS</b>
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**MOUNTAIN PEAK SPECIAL UTILITY DISTRICT'S RESPONSES TO  
CITY OF MIDLOTHIAN'S SECOND SET OF REQUESTS FOR INFORMATION AND  
REQUEST FOR ADMISSION TO MOUNTAIN PEAK SPECIAL UTILITY DISTRICT**

**City's 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.

**RESPONSE:**

Subject to a ruling on Mountain Peak's pending objection, Mountain Peak will supplement this response, if necessary.

Prepared/Sponsored by:        To be supplemented.

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

<b>CITY OF MIDLOTHIAN NOTICE OF INTENT TO PROVIDE WATER SERVICE TO LAND DECERTIFIED FROM MOUNTAIN PEAK SPECIAL UTILITY DISTRICT</b>	<b>§ § § § §</b>	<b>BEFORE THE  PUBLIC UTILITY COMMISSION  OF TEXAS</b>
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**MOUNTAIN PEAK SPECIAL UTILITY DISTRICT'S RESPONSES TO  
CITY OF MIDLOTHIAN'S SECOND SET OF REQUESTS FOR INFORMATION AND  
REQUEST FOR ADMISSION TO MOUNTAIN PEAK SPECIAL UTILITY DISTRICT**

**City's RFI No. 2-24.**                      Please produce the curriculum vitae of each witness you may call to present expert testimony in this case or by deposition.

**RESPONSE:**

Mountain Peak will supplement this response, if necessary, when its experts have been designated.

Prepared/Sponsored by:              To be supplemented.

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

<b>CITY OF MIDLOTHIAN NOTICE OF</b>	<b>§</b>	<b>BEFORE THE</b>
<b>INTENT TO PROVIDE WATER</b>	<b>§</b>	
<b>SERVICE TO LAND DECERTIFIED</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>FROM MOUNTAIN PEAK SPECIAL</b>	<b>§</b>	
<b>UTILITY DISTRICT</b>	<b>§</b>	<b>OF TEXAS</b>

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

**City’s RFI 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.

**RESPONSE:**

Mountain Peak will supplement this response, if necessary, when its experts have been designated.

Prepared/Sponsored by:        To be supplemented.

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

<b>CITY OF MIDLOTHIAN NOTICE OF INTENT TO PROVIDE WATER SERVICE TO LAND DECERTIFIED FROM MOUNTAIN PEAK SPECIAL UTILITY DISTRICT</b>	§ § § § §	<b>BEFORE THE  PUBLIC UTILITY COMMISSION  OF TEXAS</b>
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**MOUNTAIN PEAK SPECIAL UTILITY DISTRICT'S RESPONSES TO  
CITY OF MIDLOTHIAN'S SECOND SET OF REQUESTS FOR INFORMATION AND  
REQUEST FOR ADMISSION TO MOUNTAIN PEAK SPECIAL UTILITY DISTRICT**

**City's RFI 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.

**RESPONSE:**

Mountain Peak will supplement this response, if necessary, when its experts have been designated.

Prepared/Sponsored by:      To be supplemented.



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

<b>CITY OF MIDLOTHIAN NOTICE OF</b>	<b>§</b>	<b>BEFORE THE</b>
<b>INTENT TO PROVIDE WATER</b>	<b>§</b>	
<b>SERVICE TO LAND DECERTIFIED</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>FROM MOUNTAIN PEAK SPECIAL</b>	<b>§</b>	
<b>UTILITY DISTRICT</b>	<b>§</b>	<b>OF TEXAS</b>

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

**City’s RFI 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.

**RESPONSE:**

Mountain Peak will supplement this response, if necessary, when its experts have been designated.

Prepared/Sponsored by:        To be supplemented.

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

<b>CITY OF MIDLOTHIAN NOTICE OF</b>	<b>§</b>	<b>BEFORE THE</b>
<b>INTENT TO PROVIDE WATER</b>	<b>§</b>	
<b>SERVICE TO LAND DECERTIFIED</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>FROM MOUNTAIN PEAK SPECIAL</b>	<b>§</b>	
<b>UTILITY DISTRICT</b>	<b>§</b>	<b>OF TEXAS</b>

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

City's RFI 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.

**RESPONSE:**

Mountain Peak will supplement this response, if necessary, when its impeachment or rebuttal witnesses have been identified.

Prepared/Sponsored by:            To be supplemented.

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

<b>CITY OF MIDLOTHIAN NOTICE OF INTENT TO PROVIDE WATER SERVICE TO LAND DECERTIFIED FROM MOUNTAIN PEAK SPECIAL UTILITY DISTRICT</b>	§ § § § §	<b>BEFORE THE  PUBLIC UTILITY COMMISSION  OF TEXAS</b>
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**MOUNTAIN PEAK SPECIAL UTILITY DISTRICT’S RESPONSES TO  
CITY OF MIDLOTHIAN’S SECOND SET OF REQUESTS FOR INFORMATION AND  
REQUEST FOR ADMISSION TO MOUNTAIN PEAK SPECIAL UTILITY DISTRICT**

**City’s RFI 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.

**RESPONSE:**

No such documents exist at this time. Mountain Peak will supplement this response, if necessary.

Prepared/Sponsored by:        To be supplemented.

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

<b>CITY OF MIDLOTHIAN NOTICE OF INTENT TO PROVIDE WATER SERVICE TO LAND DECERTIFIED FROM MOUNTAIN PEAK SPECIAL UTILITY DISTRICT</b>	§ § § § §	<b>BEFORE THE  PUBLIC UTILITY COMMISSION  OF TEXAS</b>
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**MOUNTAIN PEAK SPECIAL UTILITY DISTRICT'S RESPONSES TO  
CITY OF MIDLOTHIAN'S SECOND SET OF REQUESTS FOR INFORMATION AND  
REQUEST FOR ADMISSION TO MOUNTAIN PEAK SPECIAL UTILITY DISTRICT**

**City's RFI 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.

**RESPONSE:**

Please see documents submitted by or pertaining to Midlothian as filed in PUC Docket No. 44394, available on the PUC Interchange, as filed in the appeal to state district court in Cause No. D-1-GN-15-002843, *Mountain Peak Special Utility District v. Public Utility Commission of Texas*, pending in the 200<sup>th</sup> Judicial District Court, Travis County, Texas, as filed in TNRCC Docket No. 96-1192-UCR, *Amending the Certificate of Convenience and Necessity (CCN No. 10908) issued to Mountain Peak Water Supply Corporation*, and as filed in TNRCC Docket No. 97-0457-UCR, *In the Matter of the Application of the City of Midlothian to Amend Certificate of Convenience and Necessity No. 11706 in Ellis County, Texas*. Further, responsive documents will include documents (if any) produced by Mountain Peak in this proceeding.

Prepared/Sponsored by:      Randel Kirk  
  General Manager  
  Mountain Peak Special Utility District

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

<b>CITY OF MIDLOTHIAN NOTICE OF INTENT TO PROVIDE WATER SERVICE TO LAND DECERTIFIED FROM MOUNTAIN PEAK SPECIAL UTILITY DISTRICT</b>	§ § § § §	<b>BEFORE THE  PUBLIC UTILITY COMMISSION  OF TEXAS</b>
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**MOUNTAIN PEAK SPECIAL UTILITY DISTRICT'S RESPONSES TO  
CITY OF MIDLOTHIAN'S SECOND SET OF REQUESTS FOR INFORMATION AND  
REQUEST FOR ADMISSION TO MOUNTAIN PEAK SPECIAL UTILITY DISTRICT**

**City's RFA 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.

**RESPONSE:**

Admit.

Prepared/Sponsored by:      Randel Kirk  
   General Manager  
   Mountain Peak Special Utility District

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

<b>CITY OF MIDLOTHIAN NOTICE OF INTENT TO PROVIDE WATER SERVICE TO LAND DECERTIFIED FROM MOUNTAIN PEAK SPECIAL UTILITY DISTRICT</b>	<b>§ § § § §</b>	<b>BEFORE THE  PUBLIC UTILITY COMMISSION  OF TEXAS</b>
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**MOUNTAIN PEAK SPECIAL UTILITY DISTRICT'S RESPONSES TO  
CITY OF MIDLOTHIAN'S SECOND SET OF REQUESTS FOR INFORMATION AND  
REQUEST FOR ADMISSION TO MOUNTAIN PEAK SPECIAL UTILITY DISTRICT**

**City's RFI 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.

**RESPONSE:**

Please see the documents previously produced in response to RFI 1-19 and bates labeled MPSUD02102-02321 and filed in PUC Docket No. 44394.

Prepared/Sponsored by:     Randel Kirk  
  General Manager  
  Mountain Peak Special Utility District

**DOCUMENTS RESPONSIVE TO THE CITY OF MIDLOTHIAN'S SECOND SET OF  
REQUESTS FOR INFORMATION**

**ARE CONTAINED ON A CD**

**ATTACHED TO**

**MOUNTAIN PEAK SPECIAL UTILITY DISTRICT'S DOCUMENT PRODUCTION  
LOG TO CITY OF MIDLOTHIAN'S SECOND SET OF REQUESTS FOR  
INFORMATION**

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

<b>CITY OF MIDLOTHIAN NOTICE OF INTENT TO PROVIDE WATER SERVICE TO LAND DECERTIFIED FROM MOUNTAIN PEAK SPECIAL UTILITY DISTRICT</b>	§ § § § §	<b>BEFORE THE  PUBLIC UTILITY COMMISSION  OF TEXAS</b>
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**MOUNTAIN PEAK SPECIAL UTILITY DISTRICT'S  
DOCUMENT PRODUCTION LOG  
TO CITY OF MIDLOTHIAN'S REQUESTS FOR INFORMATION**

<b>City of Midlothian RFI #</b>	<b>Responsive Bates Numbers</b>
Produced 10/24/2016	
1-4, 1-5, 1-7, 1-18	MPSUD00001-00296 MPSUD02401-02415
1-4, 1-5, 1-7, 1-18, 1-22	MPSUD00297-00314
1-4, 1-5, 1-7, 1-15, 1-18, 1-21, 1-22, 1-23	MPSUD00315-00324
1-14	MPSUD00325-00357
1-16	MPSUD02416-02456
1-16, 1-17, 1-18, 1-23, 1-26, 1-27	MPSUD00358-00359
1-17	MPSUD00360-02101
1-19	MPSUD02102-02321
1-20	MPSUD02322-02323
1-21, 1-22, 1-23	MPSUD02324-02364 MPSUD02457-02476
1-21, 1-22, 1-23, 1-24, 1-25	MPSUD02457-02476
1-24	MPSUD02365-02391
1-26, 1-27	MPSUD02392-02394
1-28	MPSUD02395-02400



Produced 11/07/2016	
2-16	MPSUD02477-02522
2-18	MPSUD02523-02957
2-19	MPDUD02958-02989

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

Mountain Peak Special Utility District's Responses to  
City of Midlothian's Second Set of Requests for  
Information and Requests for Admission to  
Mountain Peak Special Utility District



Documents Produced by Mountain Peak Special  
Utility District in Response to:  
City of Midlothian's RFI 2-16;  
Bates Labeled MPSUD 02477 – MPSUD 02522)  
City of Midlothian's RFI 2-18;  
Bates Labeled MPSUD 02523 – MPSUD 02957)  
City of Midlothian's RFI 2-19  
Bates Labeled MPSUD 02958 – MPSUD 02989)