



Control Number: 46120



Item Number: 38

Addendum StartPage: 0

RECEIVED

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
PUBLIC UTILITY COMMISSION
OF TEXAS

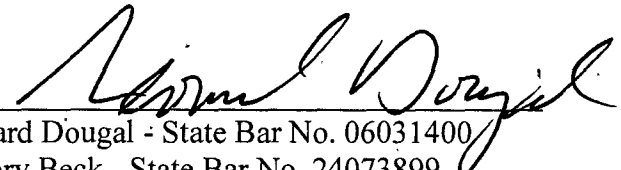
**MOUNTAIN PEAK SPECIAL UTILITY DISTRICT'S SECOND SET OF REQUESTS
FOR INFORMATION AND REQUESTS FOR ADMISSION TO THE CITY OF
MIDLOTHIAN, TEXAS**

Pursuant to PUC Proc. Rule 22.144, Mountain Peak Special Utility District ("Mountain Peak") hereby files its Second Set of Requests for Information ("RFIs") and Requests for Admission ("RFAs") to the City of Midlothian, Texas ("Midlothian"). Responses to the RFIs and RFAs set forth in Exhibit "A" hereto should be served on the undersigned counsel for Mountain Peak at the address indicated within ten (10) days of service hereof. Exhibit "A" is attached hereto and incorporated herein for all purposes.

Respectfully submitted,

JACKSON WALKER L.L.P.

By:



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ATTORNEYS FOR MOUNTAIN PEAK
SPECIAL UTILITY DISTRICT

CERTIFICATE OF SERVICE

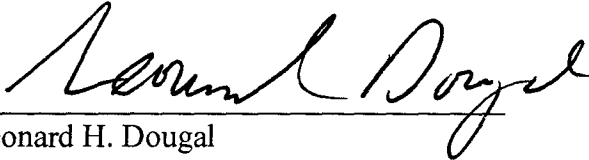
I hereby certify that on the 23rd day of November 2016, a true and correct copy of the foregoing document was served on the individuals listed below by hand delivery, email, facsimile or First Class Mail.

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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. "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.
6. "Identify" or "identification" means:
 - a. When used in reference to a natural person, that you should state that person's full name, address, and telephone number.
 - b. When used with respect to a "document," 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.
- c. When used in respect to any meeting or conversation, that you should state the date and specific location of the meeting or conversation plus the “identification” of all persons present, attending, participating, witnesses or having knowledge of the meeting or conversations.
 - d. When used in respect to an occurrence, event, or happening, 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.
 - e. When used in respect to a statement, that you should state the substance of the statement, the date and specific location of the statement, and “identify” all persons present, witnessing, making or having knowledge of the statement.

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

RFA No. 2-1. Admit that Midlothian acquired the Subject Tract on November 9, 2010.

Response:

RFI No. 2-1. Please produce all deeds, contracts, or other documents demonstrating the transfer of ownership of the Subject Tract to Midlothian.

Response:

RFA No. 2-2. Admit that Midlothian issued bonds to develop the Subject Tract into a park.

Response:

RFA No. 2-3. Admit that the bonds issued by Midlothian to develop the Subject Tract included estimated costs to provide water to the Subject Tract.

Response:

RFI No. 2-2. Please produce all communications, memoranda, evaluations, assessments, or reports evaluating the need for any bonds, loans, or other funds related to the provision of water to the Subject Tract or related to the acquisition of the Subject Tract.

Response:

RFI No. 2-3. Please produce all resolutions of the City Council of the City of Midlothian, or any subcommittee of the City Council of the City of Midlothian, approving the decision to set the Park Facilities Bond Program for voter approval.

Response:

RFI No. 2-4. Please produce all documents related to the Park Facilities Bond Program which also relate to the provision of water to the Subject Tract.

Response:

RFI No. 2-5. Please produce all planning and design documents related to the planning and design of the facilities to provide water to the Subject Tract.

Response:

RFI No. 2-6. Please identify the amount of any outstanding loans or bonds related to the provision of water to the Subject Tract.

Response:

RFA No. 2-4. Admit that Midlothian has expended public funds to provide water to the Subject Tract.

Response:

RFI No. 2-7. Please identify the total amount of public funds expended by Midlothian to date to provide water to the Subject Tract.

Response:

RFI No. 2-8. Please identify the individual expenditures of public funds by Midlothian to date to provide water to the Subject Tract and the purpose of each such expenditure.

Response: