



Control Number: 46120



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

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PUBLIC UTILITY COMMISSION  
STATE OFFICE

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 RESPONSES TO  
MOUNTAIN PEAK SPECIAL UTILITY DISTRICT'S  
SECOND REQUESTS FOR INFORMATION AND REQUESTS FOR ADMISSION**

To: Mountain Peak Special Utility District, Respondent in the above-referenced matter, 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  
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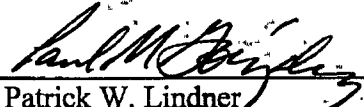
NOW COMES CITY OF MIDLOTHIAN, TEXAS ("Midlothian"), in the above-styled proceeding, and serves its Responses to Mountain Peak Special Utility District's ("Mountain Peak" or "MPSUD") Second Set of Requests for Information ("RFIs") and Request for Admission ("RFA"). Mountain Peak served this set of discovery on November 23, 2016. Under deadlines established in SOAH Order No. 2 and pursuant to PUC Proc. R. 22.4, these responses are timely filed.

Midlothian's responses are made subject to its previously filed objections.<sup>1</sup> Midlothian stipulates that the responses to requests for information provided can be treated by all parties as if the answers were filed under oath. Midlothian reserves the right to amend or supplement its responses.

<sup>1</sup> See City of Midlothian's Objections to Mountain Peak Special Utility District's Second Request for Information and Admissions (Nov. 30, 2016).

Respectfully submitted,

DAVIDSON TROILO 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  
State Bar No. 12367850  
Paul M. González  
State Bar No. 00796652  
Richard Lindner  
State Bar No. 24065626

ATTORNEYS FOR CITY OF MIDLOTHIAN

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of this document was served on the parties of record in this proceeding on December 5, 2016, by email and facsimile.

  
Paul M. González

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**MPSUD RFA No. 2-1:**

Admit that Midlothian acquired the Subject Tract on November 9, 2010.

**RESPONSE:**

Subject to Midlothian's objection to this Request: admit.

Prepared/Sponsored by:

Michael Adams  
Executive Director of Engineering & Utilities  
City of Midlothian

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**MPSUD RFI No. 2-1:**

Please produce all deeds [and], contracts, ~~or other documents~~ demonstrating the transfer of ownership of the Subject Tract to Midlothian.

**RESPONSE:**

Subject to Midlothian's pending objections to this Request: any responsive deed is equally available to Mountain Peak through county records and, if Midlothian's objection is overruled, Midlothian will supplement this response as necessary.

Prepared/Sponsored by:

Michael Adams  
Executive Director of Engineering & Utilities  
City of Midlothian

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**MPSUD RFA No. 2-2:**

Admit that Midlothian issued bonds to develop the Subject Tract into a park.

**RESPONSE:**

Subject to Midlothian's pending objections to this Request: admitted that Midlothian issued bonds to develop Midlothian's park system and that a portion of such bond funds were ultimately utilized to acquire and develop the Subject Tract; otherwise, denied.

Prepared/Sponsored by:

Michael Adams  
Executive Director of Engineering & Utilities  
City of Midlothian

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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>§ § § § §</b>	<b>BEFORE THE STATE OFFICE   OF  ADMINISTRATIVE HEARINGS</b>
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**CITY OF MIDLOTHIAN'S RESPONSES TO  
MOUNTAIN PEAK SPECIAL UTILITY DISTRICT'S  
SECOND REQUESTS FOR INFORMATION AND REQUEST FOR ADMISSION**

**MPSUD 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:**

Subject to Midlothian's pending objections to this Request: denied.

Prepared/Sponsored by:

Michael Adams  
Executive Director of Engineering & Utilities  
City of Midlothian

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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>§ § § § §</b>	<b>BEFORE THE STATE OFFICE    OF   ADMINISTRATIVE HEARINGS</b>
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**CITY OF MIDLOTHIAN'S RESPONSES TO  
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SECOND REQUESTS FOR INFORMATION AND REQUEST FOR ADMISSION**

**MPSUD 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:**

Subject to Midlothian's pending objections to this Request, Midlothian will supplement this response as necessary.

Prepared/Sponsored by: To be determined.



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**MPSUD 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:**

Subject to Midlothian's pending objections to this Request, Midlothian will supplement this response as necessary.

Prepared/Sponsored by: To be determined.

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**MPSUD 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:**

Subject to Midlothian's pending objections to this Request, Midlothian will supplement this response as necessary.

Prepared/Sponsored by: To be determined.

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**MPSUD 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:**

Subject to Midlothian's pending objections to this Request, Midlothian will supplement this response as necessary.

Prepared/Sponsored by: To be determined.

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**MPSUD 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:**

Subject to Midlothian's pending objections to this Request, Midlothian will supplement this response as necessary.

Prepared/Sponsored by: To be determined.

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**MPSUD RFA No. 2-4:**

Admit that Midlothian has expended public funds to provide water to the Subject Tract.

**RESPONSE:**

Subject to Midlothian's pending objections to this Request: admitted.

Prepared/Sponsored by:

Michael Adams  
Executive Director of Engineering & Utilities  
City of Midlothian

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**MPSUD 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:**

Subject to Midlothian's pending objections to this Request, Midlothian will supplement this response as necessary.

Prepared/Sponsored by: To be determined.

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**MPSUD 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:**

Subject to Midlothian's pending objections to this Request, Midlothian will supplement this response as necessary.

Prepared/Sponsored by: To be determined.