

Control Number: 46120



Item Number: 49

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

2016 DEC 16 PM 3:17

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

Pursuant to Order No. 4, Mountain Peak Special Utility District ("Mountain Peak") files these Supplemental Responses to the City of Midlothian's ("City") Second Set of Requests for Information and Request for Admission to Mountain Peak Special Utility District. 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.

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ATTORNEYS FOR MOUNTAIN PEAK  
SPECIAL UTILITY DISTRICT

**CERTIFICATE OF SERVICE**

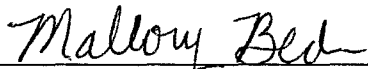
I hereby certify that on the 16th day of December 2016, a true and correct copy of the foregoing document was served on the individuals listed below by hand delivery, email, facsimile or First Class Mail.

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\_\_\_\_\_  
Mallory Beck

**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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CITY OF MIDLOTHIAN'S SECOND SET OF REQUESTS FOR INFORMATION AND  
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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. Please also see documents produced in response to Mountain Peak's supplemental response to RFI 1-4 and bates labeled MPSUD03291-03406. Discovery is ongoing, and Mountain Peak will supplement this response, if necessary.

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. Please also see documents produced in response to Mountain Peak's supplemental response to RFI 1-7 and bates labeled MPSUD03291-03406. Discovery is ongoing, and Mountain Peak will supplement this response, if necessary.

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



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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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**MOUNTAIN PEAK SPECIAL UTILITY DISTRICT'S RESPONSES TO  
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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. Please also see documents produced in response to Mountain Peak's supplemental response to RFI 1-30 and bates labeled MPSUD03291-03406. Discovery is ongoing, and Mountain Peak will supplement this response, if necessary.

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

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**MOUNTAIN PEAK SPECIAL UTILITY DISTRICT’S RESPONSES TO  
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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:**

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>

Mountain Peak’s PPRC from 2006 through the present is:

Year	PPRC
2016	5.09 MGD
2015	5.09 MGD
2014	4.6684 MGD
2013	4.6684 MGD
2012	4.4684 MGD



2011	4.4684 MGD
2010	4.4684 MGD
2009	4.4684 MGD
2008	4.4684 MGD
2007	4.1684 MGD
2006	4.1684 MGD

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:**

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

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

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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	\$170,000.00	300	385
Well No. 2	-97.002552 / 32.442287	2420	10 ¾	February 1976	\$260,000.00	185	250
Well No. 3	-97.032119 / 32.318535	2200	10 ¾	April 1980	\$300,000.00	175	175
Well No. 4	-97.009885 / 32.417639	2408	10 ¾	August 1989	\$500,000.00	370	415
Well No. 5	-96.999986 / 32.460228	2415	14	April 3, 2005	\$500,000.00	650	655
Well No. 6	-97.010265 / 32.435268	2410	14	February 6, 2004	\$500,000.00	650	650

Well No: 9a	-97.01055 / 32.435625	779	10	June 16, 2015	240,000.00	200	175
Well No. 2a	-97.002652 / 32.442153	792	10	August 20, 2014	217,850.00	150	132

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

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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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**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. 2-10.** 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	\$500,000.00	150	0.3
ST7777	1991	\$600,000.00	133	0.3
ST7963	2008	\$1,500,000.00	129	1.0

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. 2-11.**

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:

<b>Facility</b>	<b>Date Placed into Service</b>	<b>Cost of Construction</b>	<b>Overflow Elevation (feet)</b>	<b>Capacity (Million Gallons)</b>
ST7775	1980	\$85,000.00	14	0.085
ST7778	1980	\$35,000.00	13	0.035
ST7779	1992	\$10,000.00	N/A	0.0065
ST7780	1976	\$200,000.00	24	0.21
ST7781	1972	\$200,000.00	24	0.21
ST7782	1989	\$500,000.00	44	0.5
ST7961	2004	\$750,000.00	24	1.0
ST7962	2005	\$500,000.00	24	0.5

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

PUC DOCKET NO. 46120  
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CITY OF MIDLOTHIAN NOTICE OF § BEFORE THE  
INTENT TO PROVIDE WATER §  
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FROM MOUNTAIN PEAK SPECIAL §  
UTILITY DISTRICT § 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**

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:**

Please see the documents produced herein and bates labeled MPSUD03505-03509. Discovery is ongoing, and Mountain Peak will supplement this response, as necessary.

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. 2-26.** 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:**

Please see documents previously produced and bates labeled MPSUD00001-00314, MPSUD00328-00338, MPSUD02324-02334, MPSUD02336, MPSUD02401-02406, MPSUD02411-02456, MPSUD02830-02957, and MPSUD02982-02989. Please also see documents produced herein and bates labeled MPSUD03516-03889. In addition, see documents in PUC Docket No. 46120, including Item No. 6, 7, 9, 10, 22, 24, 26, and 28-30 and documents in PUC Docket No. 45858, including Item No. 42. Discovery is ongoing, and Mountain Peak will supplement this response, as necessary.

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



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

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**MOUNTAIN PEAK SPECIAL UTILITY DISTRICT'S RESPONSES TO  
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**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

CITY OF MIDLOTHIAN NOTICE OF § BEFORE THE  
INTENT TO PROVIDE WATER §  
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**MOUNTAIN PEAK SPECIAL UTILITY DISTRICT'S RESPONSES TO  
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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.



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

City of Midlothian RFI #	Responsive Bates Numbers
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	MPSUD02958-02989
Produced 12/16/2016	
1-1, 1-19, 1-24, 2-5, 2-31	MPSUD02990-02992
1-1, 1-19, 1-24, 2-31	MPSUD02993-03020
1-1, 1-24	MPSUD03021-03043
1-1, 1-24, 1-25	MPSUD03044-03290
1-4, 1-5, 1-7, 1-16, 1-18, 1-30, 2-2, 2-3, 2-6	MPSUD03291-03297
1-4, 1-5, 1-7, 1-18, 1-19, 1-30, 2-2, 2-3, 2-6, 2-31	MPSUD03298-03299
1-4, 1-5, 1-7, 1-18, 1-30, 2-2, 2-3, 2-6	MPSUD03300-03395
1-4, 1-5, 1-7, 1-30, 2-2, 2-3, 2-6	MPSUD03396-03406
1-19, 2-31	MPSUD03407-03422
1-20	MPSUD03423-03504
2-21	MPSUD03505-03509
2-24	MPSUD03510-03515
2-26	MPSUD03516-03889
	<p><i>See</i></p> <p>MPSUD00001-00314  MPSUD00328-00338  MPSUD02324-02334  MPSUD02336  MPSUD02401-02406  MPSUD2411-02456  MPSUD02830-02957  MPSUD02982-02989</p> <p><i>See</i> PUC Docket No. 46140, Item No. 22  <i>See</i> PUC Docket No. 46140, Item No. 26  <i>See</i> PUC Docket No. 46140, Item No. 30  <i>See</i> PUC Docket No. 46140, Item No. 28  <i>See</i> PUC Docket No. 46140, Item No. 9  <i>See</i> PUC Docket No. 46140, Item No. 6  <i>See</i> PUC Docket No. 46140, Item No. 7  <i>See</i> PUC Docket No. 46140, Item No. 29  <i>See</i> PUC Docket No. 46140, Item No. 10</p>



	<i>See PUC Docket No. 46140, Item No. 24</i> <i>See PUC Docket No. 45848; Item No. 42</i>
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[www.jw.com](http://www.jw.com)

 Jackson Walker LLP

**Mt. Peak SUD's Supplemental  
Responses to City of Midlothian's  
First and Second Set of Requests  
for Information and Requests for  
Admission (12/16/2016)**

Austin • Dallas • Fort Worth • Houston • San Angelo • San Antonio • Texarkana

**SUPPLEMENTAL DOCUMENTS  
RESPONSIVE TO THE CITY OF  
MIDLOTHIAN'S FIRST AND SECOND  
SETS OF REQUESTS FOR  
INFORMATION ARE CONTAINED ON A  
CD ATTACHED TO MOUNTAIN PEAK  
SPECIAL UTILITY DISTRICT'S  
DOCUMENT PRODUCTION LOG**