



Control Number: 46150



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DOCKET NO. 46150
SOAH DOCKET NO. 473-17-0685.WS

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APPLICATION OF PK-RE §
DEVELOPMENT COMPANY, INC. dba §
OAK SHORES WATER SYSTEM AND §
UNDINE DEVELOPMENT, LLC FOR §
SALE, TRANSFER OR MERGER OF §
FACILITIES AND CERTIFICATE §
RIGHTS IN TRAVIS COUNTY §

BEFORE THE STATE OFFICE OF
FILED CLERK
OF
ADMINISTRATIVE HEARINGS

**GREENSHORES ON LAKE AUSTIN PROPERTY
OWNERS' ASSOCIATION, INC.'S FIRST REQUESTS FOR PRODUCTION TO
PK-RE DEVELOPMENT COMPANY DBA OAK SHORES WATER SYSTEM**

TO: PK-RE Development Company, Inc. d/b/a Oak Shores Water System ("PK-RE") by and through its representative, Russell Eppright, 13301 Galleria Circle, Suite B175, Bee Cave, Texas 78738..

Pursuant to 16 Tex. Admin. Code Ann. § 22.144 (TAC), Greenshores on Lake Austin Property Owners' Association, Inc. ("Greenshores") requests that PK-RE provide the following information and answer the following question(s) under oath. The question(s) shall be answered in sufficient detail to fully present all of the relevant facts, within the time limit provided by the Presiding Officer or within 20 days, if the Presiding Officer has not provided a time limit. Please copy the question immediately above the answer to each question. These question(s) are continuing in nature, and if there is a relevant change in circumstances, submit an amended answer, under oath, as a supplement to your original answer. State the name of the witness in this cause who will sponsor the answer to the question and can vouch for the truth of the answer.

Respectfully submitted,

THE CARLTON LAW FIRM, P.L.L.C.



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ATTORNEY FOR GREENSHORES ON
LAKE AUSTIN PROPERTY OWNERS'
ASSOCIATION, INC.

CERTIFICATE OF SERVICE

I hereby certify that I have served or will serve a true and correct copy of the foregoing document via hand delivery, facsimile, electronic mail, overnight mail, U.S. mail and/or Certified Mail Return Receipt Requested to all parties on this the 16th day of December, 2016.



JOHN J. CARLTON

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**GREENSHORES ON LAKE AUSTIN POA
FIRST REQUEST FOR PRODUCTION TO PK-RE
GREENSHORES RFP NO. 1-1 THROUGH 1-21**

DEFINITIONS

- A. “PK-RE,” “the Company,” or “you” refers to PK-RE Development Company, Inc. d/b/a Oak Shores Water System and any person acting or purporting to act on their behalf, including, without limitation, attorneys, agents, advisors, investigators, representatives, employees, or other persons.
- B. “Undine” refers to Undine Development, LLC and any person acting or purporting to act on their behalf, including, without limitation, attorneys, agents, advisors, investigators, representatives, employees, or other persons.
- C. The terms “document” or “documents” are used in their broadest sense to include, by way of illustration and not limitation, all written or graphic matter of every kind and description; whether printed, stored, produced, or reproduced by any process, whether visually, magnetically, mechanically, electronically, or by hand, whether final or draft or deleted, original or reproduction, whether or not claimed to be privileged or otherwise excludable from discovery, and whether or not in your actual or constructive possession, custody, or control. The terms include, but are not limited to, writings, correspondence, telegrams, memoranda, studies, reports, surveys, statistical compilations, diagrams, schematic and other drawings, engineering plans and drawings, maps, studies, notes, calendars, tapes, computer disks, data on computer drives, existing and deleted e-mail, electronic recordings, tape recordings, cards, records, contracts, agreements, easements, invoices, licenses, diaries, journals, accounts, ledgers, pamphlets, books, publications, microfilm, microfiche, photographs, video recordings, and any other data compilations from which information can be obtained and translated, by you if necessary, into reasonably usable form. “Document” or “documents” shall also include every copy of a document where the copy contains any commentary or notation of any kind that does not appear on the original or any other copy.
- D. The terms “affiliated interest”, “affiliate” or “affiliates” has the meaning established by the Texas Water Code §13.002(2).
- E. The term “concerning,” or one of its inflections, includes the following meanings: relating to; referring to; pertaining to; regarding; discussing; mentioning; containing; reflecting; evidencing; describing; showing; identifying; providing; disproving; consisting of; supporting; contradicting; in any way legally, logically or factually connected with the matter to which the term refers; or having a tendency to prove or disprove the matter to which the term refers.
- F. The term “including,” or one of its inflections, means and refers to “including but not limited to.”

- G. “Explain the basis” means provide all information on or describe every fact, statistic, inference, estimate, consideration, conclusion, study, and analysis known to Undine that was relied upon in support of the expressed contention, proposition, conclusion or statement.

INSTRUCTIONS

- A. Pursuant to 16 TAC § 22.144(c)(2), Greenshores requests that answers to the requests for information be made under oath. Each answer should identify the person responsible for preparing that answer (other than the purely clerical aspects of its preparation) and the name of the witness in this proceeding who will sponsor the answer and who can vouch for its accuracy.
- B. In producing documents pursuant to this request for information, please indicate the specific request(s) to which the document is being produced.
- C. These requests are continuing in nature, and should there be a change in circumstances which would modify or change an answer supplied by you, such changed answer shall be submitted as a supplement to your original answer within five working days of acquiring the information, pursuant to 16 TAC § 22.144(i).
- D. Please answer each request and sub-request in the order in which they are listed and in sufficient detail to provide a complete and accurate answer to the request.
- E. Greenshores requests that each item of information be made available as it is completed, rather than upon compilation of all information requested.
- F. Pursuant to Tex. R. Civ. P. 196.4, Greenshores specifically requests that any electronic or magnetic data (which is included in the definition of “document”) that is responsive to a request herein be produced in a format that is compatible with Microsoft and be produced with your response to these requests.
- G. The terms “and” and “or” shall be construed both disjunctively and conjunctively as necessary to make the request inclusive rather than exclusive.
- H. “Each” shall be construed to include the word “every” and “every” shall be construed to include the word “each.”
- I. “Any” shall be construed to include “all” and “all” shall be construed to include “any.”
- J. Words used in the plural shall also be taken to mean and include the singular. Words used in the singular shall also be taken to mean and include the plural.
- K. The present tense shall be construed to include the past tense, and the past tense shall be construed to include the present tense.
- L. Pursuant to 16 TAC § 22.144(g)(4), if the response to any request is voluminous, please provide a detailed index of the voluminous material.

- M. If the information requested is included in previously furnished exhibits, workpapers, responses to other discovery inquiries or otherwise, in hard copy or electronic format, please furnish specific references thereto, including Bates Stamp page citations and detailed cross-references.
- N. If a data response is available in Excel format, provide the Excel version of the data response.
- O. If any document is withheld under any claim of privilege, please furnish a privilege log identifying each document for which a privilege is claimed, together with the following information: date and title of the document, the preparer or custodian of the information, to whom the document was sent and from whom it was received, subject matter of the document, and an explanation of the basis upon which the privilege is claimed.
- P. Words and phrases used in this request that also are used in the PUC Chapter 24 Rules shall have the same meaning as given to those words and phrases in those rules.

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GREENSHORES ON LAKE AUSTIN POA
FIRST REQUEST FOR PRODUCTION TO PK-RE
GREENSHORES RFP NO. 1-1 THROUGH 1-21

- GREENSHORES RFP NO. 1-1** Please produce all documents filed as “Confidential” with the Commission in this matter.
- GREENSHORES RFP NO. 1-2** Please produce all documents that were relied upon or form the basis for the information submitted as part of the application filed in this proceeding.
- GREENSHORES RFP NO. 1-3** Please produce all engineering plans and maps for the water and sewer utility systems that are the subject of this proceeding and required by 30 TAC §290.46(n).
- GREENSHORES RFP NO. 1-4** Please produce any agreements between PK-RE and Undine Development, LLC concerning the sale of the water and sewer utility systems that are the subject of this proceeding.
- GREENSHORES RFP NO. 1-5** Please produce any documents concerning communications between PK-RE or its affiliates and Undine or its affiliates.
- GREENSHORES RFP NO. 1-6** Please produce all documents concerning the original cost and installation or acquisition date of all assets of PK-RE for the water and sewer utility systems that are the subject of this proceeding.
- GREENSHORES RFP NO. 1-7** Please produce all documents concerning PK-RE’s ownership of any interest in real property that is necessary to provide service for the water and sewer utility systems that are the subject of this proceeding.
- GREENSHORES RFP NO. 1-8** Please produce all documents concerning communications between PK-RE and the Texas Commission on Environmental Quality for the past five years.
- GREENSHORES RFP NO. 1-9** Please produce all documents concerning the enforcement of any violations of federal, state or local laws, rules or regulations against PK-RE for the operation of the water and sewer utility systems that are the subject of this proceeding for the past five years.
- GREENSHORES RFP NO. 1-10** Please produce all documents concerning PK-RE’s compliance with any judicial decree, compliance agreement or enforcement order.

- GREENSHORES RFP NO. 1-11** Please produce all documents concerning any deficiencies or problems related to the water and sewer utility systems that are the subject of this proceeding that need correction in order to be in compliance with the rules of the Commission or the Texas Commission on Environmental Quality.
- GREENSHORES RFP NO. 1-12** Please produce all documents concerning any claims by third parties against PK-RE related to the water and sewer utility systems that are the subject of this proceeding for the past five years.
- GREENSHORES RFP NO. 1-13** Please produce all documents concerning any requests for water or sewer service from PK-RE for the past five years.
- GREENSHORES RFP NO. 1-14** Please produce all documents concerning any agreement by PK-RE to provide water or sewer service other than current customer service agreements.
- GREENSHORES RFP NO. 1-15** Please produce all documents concerning any real property owned by PK-RE or any affiliate of PK-RE that is within five miles of the area served by the water and sewer utility systems that are the subject of this proceeding.
- GREENSHORES RFP NO. 1-16** Please produce all documents concerning any PK-RE debt.
- GREENSHORES RFP NO. 1-17** Please produce all documents concerning any PK-RE communications with a third-party regarding the availability of water or sewer service from another utility.
- GREENSHORES RFP NO. 1-18** Please produce all documentation concerning the source of any funding for the construction or acquisition of the water and sewer utility systems that are the subject of this proceeding, including any customer contributions in aid of construction, and any loans, notes or other debt obligations.
- GREENSHORES RFP NO. 1-19** For any testifying expert, please produce all documents, tangible things, reports, models, or data compilations that have been provided to, reviewed by, or prepared by or for the expert in anticipation of the expert's testimony.
- GREENSHORES RFP NO. 1-20** For any testifying expert, please produce the expert's current resume and bibliography.
- GREENSHORES RFP NO. 1-21** For any testifying fact witness, please produce the witness' current resume and bibliography.