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SOAH DOCKET NO. 473-17-0685.WS
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APPLICATION OF PK-RE
DEVELOPMENT COMPANY, INC.
d/b/a 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

STATE OFFICE COMMISSION
FILING CLERK

OF

ADMINISTRATIVE HEARINGS

UNDINE'S OBJECTIONS TO GREENSHORES ON LAKE AUSTIN
PROPERTY OWNERS' ASSOCIATION, INC.'S
FIRST REQUEST FOR PRODUCTION

Pursuant to 16 Tex. Admin. Code ("TAC") § 22.144(d), Undine Development LLC ("Undine") files this Objection to the First Request for Production ("RFP") of Greenshores on Lake Austin Property Owners' Association, Inc. ("Greenshores"), Question RFP No. 1.5.

Undine received Greenshores First RFP on December 16, 2016. Pursuant to an agreement with counsel for Greenshores, objections, if any, are due on January 9, 2017. Thus, these objections are timely filed.

Counsel for Undine has discussed these objections with counsel for Greenshores, but no resolution was reached.

Respectfully submitted,

**LLOYD GOSSELINK ROCHELLE
& TOWNSEND, P.C.**

816 Congress Avenue, Suite 1900

Austin, Texas 78701

(512) 322-5800

(512) 472-0532 (Fax)

gcrump@lglawfirm.com

jmauldin@lglawfirm.com



GEORGIA N. CRUMP

State Bar No. 05185500

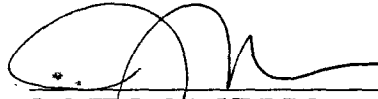
JAMIE L. MAULDIN

State Bar No. 24065694

ATTORNEYS FOR UNDINE DEVELOPMENT LLC

CERTIFICATE OF SERVICE

I hereby certify that on January 9, 2017, true and correct copy of the foregoing document has been served on all parties of record in accordance with 16 Tex. Admin. Code § 22.74.


JAMIE L. MAULDIN

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Undine's Objections to Greenshores First RFP

Greenshores RFP 1-5 Please produce all documents concerning communications between PK-RE or its affiliates and Undine or its affiliates.

Objection

Undine objects to this RFP on the basis that it is overbroad, requests irrelevant materials, and constitutes a “fishing expedition.”¹ The request is overbroad because it could have been more narrowly tailored to avoid including tenuous information. *See, e.g., In re CSX Corp.*, 124 S.W.3d 149, 153 (Tex. 2003) (“A central consideration in determining overbreadth is whether the request could have been more narrowly tailored to avoid including tenuous information and still obtain the necessary, pertinent information.”).

Counsel for the requesting party offered to limit the scope of this RFP to documents concerning communications between PK-RE and Undine related to (i) this docket, (ii) the acquisition of the water and utility systems by Undine, and (iii) negotiation of the agreement between PK-RE and Undine. However, even as proposed to be limited, Undine continues to object to this RFP as overbroad and as it not limited in time, place, and seeks communications unrelated to the Commission's review of Undine's ability to provide adequate financial, managerial, and technical capability for providing continuous and adequate service, which are the issues to be determined by the Commission in this proceeding. Additionally, the requesting party has not identified the relevance of communications regarding the negotiation of the purchase agreement, or communications leading up to the proposed acquisition of the utility by Undine, nor has it identified how any such communications could assist the Commission in determining the qualifications of Undine under the provisions of Texas Water Code § 13.301. *See e.g., In re National Lloyds Insurance Company*, 2016 WL 6311286, at *5 (Tex. Oct. 28, 2016 (orig. proceeding)). *See, also*, the Preliminary Order in this matter.

¹ 16 Tex. Admin. Code § 22.141(a); Tex. R. Civ. Proc. 192.4(b).