



Control Number: 46245



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SOAH DOCKET NO. 473-17-0119.WS
PUC DOCKET NO. 46245

APPLICATION OF DOUBLE § BEFORE THE STATE OFFICE
DIAMOND UTILITY COMPANY, INC. § OF
FOR WATER AND SEWER § ADMINISTRATIVE HEARINGS
RATE/TARIFF CHANGE §

DOUBLE DIAMOND UTILITY COMPANY, INC.'S
SECOND REQUEST FOR INFORMATION TO
THE WHITE BLUFF RATEPAYERS' GROUP

COMES NOW, Double Diamond Utility Company, Inc. ("DDU") and files its Second Request for Information to the White Bluff Ratepayers' Group ("WBRG") pursuant to 16 Tex. Admin. Code Ann. § 22.144 (TAC), and requests the following information and answers to the following question(s) be provided under oath within 14 days, as required by SOAH Order No. 2.

Respectfully submitted,



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ATTORNEY FOR DOUBLE DIAMOND
UTILITY COMPANY, INC.

RECORDED
2017 SEP 29 PM 2:39
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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 29th day of September, 2017.

John Carlton

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**SOAH DOCKET NO. 473-17-0119.WS
PUC DOCKET NO. 46245**

**DDU'S SECOND REQUEST FOR INFORMATION TO THE WHITE BLUFF
RATEPAYERS' GROUP**

DEFINITIONS

The following definitions apply herein unless otherwise indicated by the content or expressly stated:

1. The words “and” and “or” shall be construed either conjunctively or disjunctively as required by the context to bring within the scope of these discovery requests any response or document that might be deemed outside its scope by another construction.
2. “Communication” shall mean and include every manner or means of transmittal, disclosure, transfer, or exchange of information, and every form of transmission, disclosure, transfer or exchange of information, whether orally, electronically, or by document and whether face-to-face, by telephone, mail, personal delivery, by computer or otherwise.
3. “Describe” or “describe in detail” means to give a complete and full description concerning the matter about which the inquiry is made, including the full name, address, and telephone number(s) of the person(s) involved, dates, times, places, and other particulars, including all relevant documents and observations, which make the answers to these written discovery requests fair and meaningful.
4. “Document” means any documents or tangible items made discoverable by Rule 192.3 of the Texas Rules of Civil Procedure, and includes all originals and non-identical copies of any and all documents, papers, books, accounts, writings, drawings, graphs, charts, maps, surveys, photographs, electronic or videotape recordings, electronic mail (e-mail), phone records, recordings, other data compilations from which information can be obtained and translated, if necessary, by you into reasonably useable form and tangible things.
5. To “identify” an individual means to state the following about that individual: (i) the person's full name; (ii) the person's job title or former job title; (iii) the person's job (or former job) duties and responsibilities; (iv) the individual's superior(s); (v) current or last known telephone number(s); and (vi) current or last known business and home addresses.
6. To “identify” a person as defined herein other than an individual means to provide the following information: (i) the entity's full and correct legal name; (ii) the nature of the entity's structure and/or organization; (iii) the address and telephone number of its principal offices and, if applicable, the state in which it is incorporated; and (iv) its principal line(s) of business or activity.
7. To “identify” an act, event, occurrence, or communication means the following: (i) to state its date; (ii) to identify the persons that were parties to and/or witnesses of the act, event, occurrence, or communication; (iii) to describe where and how it took place; and

(iv) to identify any document that constitutes or refers to such act, event, occurrence, or communication.

8. To “identify” a document means the following: (i) to identify all files in which it and all copies of it are found; (ii) to identify its author; (iii) to identify its addressees, if any; (iv) to identify those persons who received a copy thereof; (v) to identify its current custodian or the person that had last known possession, custody, or control thereof; (vi) to state the date of its preparation; and (vii) to state its general subject matter giving a reasonably detailed description thereof.
9. “Person” or “Persons” means any natural person, corporation, association, firm, partnership, or other business or legal entity and officers, employees, agents, attorneys, servants or representatives of such entity as the context requires.
10. “Application” refers to the Application for Application of Double Diamond Utility Company, Inc. for Water and Sewer Rate/Tariff Change
11. “Proceeding” refers to these dockets, which are State Office of Administrative Hearings SOAH Docket No. 473-17-0119.WS and PUC Docket No. 46245.
12. “Rate” has the same meaning as defined by Texas Water Code § 13.002(17).
13. “Relate” or “relating to” means making or including a statement about, discussing, describing, reflecting, consisting of, constituting, comprising or in any way concerning in whole or in part the subject or thing.
14. “Service” has the same meaning as defined by Texas Water Code § 13.002(21).
15. “Statement” shall mean and include any written or graphic statement signed or otherwise adopted or approved by the user in making it, and stenographic, mechanical, electrical or other recording or transcription thereof which is a substantially verbatim recital of an oral statement by the person making it and contemporaneously recorded.
16. “PUC” or “Commission” refers to the Public Utility Commission of Texas and all predecessor agencies with similar responsibilities, including the Texas Commission on Environmental Quality, Texas Natural Resource Conservation Commission, Texas Water Commission and Texas Department of Health.
17. “WBRG,” “You” and “your” refers to the White Bluff Ratepayers’ Group.

II. **INSTRUCTIONS**

1. These discovery requests must be answered in strict compliance with the orders of the Administrative Law Judge hearing this Docket, the Texas Rules of Civil Procedure and the rules of PUC.
2. Your answers to the interrogatories must be answered separately and fully in writing, and the answers must be signed and verified under oath by the person making the answers.
3. In those instances when the responding party chooses to answer an interrogatory by referring to a specific document or record, the specification must be in sufficient detail to permit the requesting party to locate and identify the records and/or documents from which the answer is to be ascertained as readily as the party served with the request.
4. Whenever you are asked in these discovery requests to describe, identify or produce documents, the term “documents” is not limited to documents in your actual or constructive possession, custody or control (as defined by Tex. R. Civ. P. 192.7(b)), but also includes all documents that you know to exist or which have existed or which you have reason to suspect to be in existence or to have been in existence, irrespective of whether the document is one intended for or transmitted internally by you or intended for or transmitted to any other person or entity, including without limitation any governmental agency, department, administrative entity, or their personnel.
5. Whenever you are asked in these discovery requests to describe or identify documents that once existed, but which no longer exist, in addition to identifying the documents, please indicate the approximate date and the circumstances under which the documents ceased to exist. Whenever you are asked in these discovery requests to describe or identify documents that are not in your actual or constructive possession, custody or control, as those terms are defined in Tex. R. Civ. P. 192.7(b), please identify (by name, address and telephone number) the person whom you believe to have such possession, custody or control.
6. If a discovery request calls upon you to state your legal or factual contentions and/or the legal or factual basis for your contentions in this lawsuit, you should respond in accordance with Tex. R. Civ. P. 192.3(j). Such requests do not seek to require you to marshal all of your evidence.
7. As used in these discovery requests, the singular and masculine form of a noun or pronoun includes the plural form, the feminine, or the neuter form, where appropriate.
8. As used in these discovery requests, the past tense includes the present tense where the express meaning of the request is not distorted by that usage, and the verb form of a noun or pronoun may be used as appropriate in a particular context.

III. **DUTY TO SUPPLEMENT**

You are under a duty to supplement any responses that are incomplete or incorrect when made. Furthermore, you are under a duty to amend your responses within a reasonable time after you obtain information on the basis of which you know that a response either (1) was incorrect or incomplete when made or (2) although correct and complete when made, is no longer correct and complete, and the circumstances are such that failure to amend the response is in substance misleading.

IV. **REQUESTS FOR INFORMATION**

DDU REQUEST WBRG 2-1: Please provide all documents supporting your position that in 2015 it was “common practice in real estate development to finance construction of sewage facilities by the contribution method..., with the cost of such construction reflected in the price paid by the purchasers of homes in the finished development.”

DDU REQUEST WBRG 2-2: Please explain in detail the definition of “funded” as used in Tables NDH-1 and NDH-2.

DDU REQUEST WBRG 2-3: Please provide all documents relating to the definition of “funded” provided in response to WBRG 2-1.

DDU REQUEST WBRG 2-4: Please provide all documents relating to your position that the assets listed as transactions in table NDH-1 and NDH-2 should not be considered from the invested capital of the utility.

DDU REQUEST WBRG 2-5: Please provide all documents supporting your position that the any of the assets listed as transactions in table NDH-1 and NDH-2 were sourced from capital that originated from lot sales.

DDU REQUEST WBRG 2-6: Please provide all documents relating to “funding” for the assets listed as transactions in table NDH-1 and NDH-2.

DDU REQUEST WBRG 2-7: Please explain in detail the type of documents that would be used to show the source of the capital used to purchase the assets originated from utility rates.

DDU REQUEST WBRG 2-8: Please explain in detail how the recommended 2% amount on page 47, line 3 of Ms. Heddin’s testimony was calculated?

DDU REQUEST WBRG 2-9: Please identify and describe in detail any rate study prepared by Ms. Heddin for an investor-owned utility, including the name of the investor-owned utility, the application number, the agency with jurisdiction, and the date of filing.

DDU REQUEST WBRG 2-10: Referencing point #3 on WBRG000080, please identify any instances where DDU treated expenditures for the water and sewer systems as current expenses rather than capitalizing and depreciating the expenditures. Provide any documents used to respond to this request.

DDU REQUEST WBRG 2-11: Referencing point #3 on WBRG000080, please identify any documents that demonstrate that some of Double Diamond's expenditures for the water and sewer systems were capitalized and depreciated rather than treated like current expenses? Provide any documents used to respond to this request.

DDU REQUEST WBRG 2-12: Please identify any other dockets that Ms. Heddin is aware of at the TCEQ or PUCT, other than PUCT Docket No. 804, where developer contributions were imputed or treated in a manner different than the manner proposed by the DDU.

DDU REQUEST WBRG 2-13: Please identify any other dockets that Ms. Heddin is aware of at the TCEQ or PUCT, other than PUCT Docket No. 804, where the amount of developer contributions was a contested issue in the docket.

DDU REQUEST WBRG 2-14: Please identify the source of Exhibit WBRG-1G.