



Control Number: 46256



Item Number: 1431

Addendum StartPage: 0

PUC DOCKET NO. 46256

RECEIVED.

**APPLICATION OF LIBERTY
UTILITIES (WOODMARK SEWER)
CORP. AND LIBERTY UTILITIES
(TALL TIMBERS SEWER) CORP. FOR
A RATE/TARIFF CHANGE**

§
§
§
§
§

**BEFORE THE
PUBLIC UTILITY COMMISSION**

2017 JAN -9 AM 11:46
PUBLIC UTILITY COMMISSION
FILING CLERK

**CITY OF TYLER'S SECOND REQUESTS FOR INFORMATION
TO LIBERTY UTILITIES**

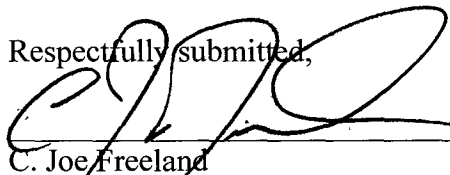
To: Liberty Utilities Corp., Liberty Utilities Service Corp., Liberty Utilities (Woodmark Sewer) Corp., and Liberty Utilities (Tall Timbers Sewer) Corp., by and through their attorney of record, Geoffrey P. Kirshbaum, Terrill & Waldrop, 810 West 10th Street, Austin, Texas 78701

Pursuant to 16 Tex. Admin. Code Ann. § 22.144 (TAC), the City of Tyler ("Tyler") requests that Liberty Utilities Corp. and its various parent, subsidiary, and affiliated entities ("Liberty Utilities") 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.

Responses should be provided to: Joe Freeland, Mathews & Freeland, LLP, 8140 N. MoPac Expy, Suite 2-260, Austin, Texas 78759.

Dated: January 9, 2017

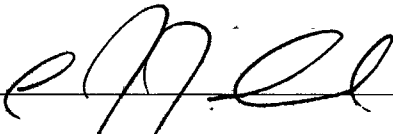
Respectfully submitted,


C. Joe Freeland
State Bar No. 07417500
Mathews & Freeland, LLP
8140 N. MoPac Expy, Suite 2-260
Austin, Texas 78759
(512) 404-7800
jfreeland@mandf.com

**ATTORNEYS FOR
CITY OF TYLER**

CERTIFICATE OF SERVICE

I certify that a copy of this Second Request for Information was served on all parties of record in this proceeding on January 9, 2017, by hand-delivery, facsimile, electronic mail, and/or First Class Mail.



C. Joe Freeland

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

**TYLER'S SECOND REQUEST FOR INFORMATION TO
LIBERTY UTILITIES UTILITY COMPANY, INC.
TYLER NO. 1-1 THROUGH NO. 1-**

DEFINITIONS

- A. "Liberty Utilities," "the Company," or "you" refers to Liberty Utilities Corp., Liberty Utilities Service Corp., Liberty Utilities (Woodmark Sewer) Corp., and Liberty Utilities (Tall Timbers Sewer) Corp., any parent or subsidiary company, any affiliated company, and any person acting or purporting to act on their behalf, including, without limitation, attorneys, agents, advisors, investigators, representatives, employees, or other persons.
- B. 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.

INSTRUCTIONS

- A. Pursuant to 16 TAC § 22.144(c)(2), Tyler 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. Tyler requests that each item of information be made available as it is completed, rather than upon compilation of all information requested.
- H. Pursuant to Tex. R. Civ. P. 196.4, Tyler 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.
- I. The terms "and" and "or" shall be construed both disjunctively and conjunctively as necessary to make the request inclusive rather than exclusive.
- J. "Each" shall be construed to include the word "every" and "every" shall be construed to include the word "each."
- K. "Any" shall be construed to include "all" and "all" shall be construed to include "any."
- L. 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.
- M. The term "including," or one of its inflections, means and refers to "including but not limited to."
- N. "Relating to," "regarding," "concerning" and similar terms mean addressing, analyzing, referring, discussing, mentioning in any way, explaining, supporting, describing, forming the basis for, or being logically or causally connected in any way with the subject of these discovery requests.
- O. "Explain the basis" means provide all information on or describe every fact, statistic, inference, estimate, consideration, conclusion, study, and analysis known to Liberty Utilities that was relied upon in support of the expressed contention, proposition, conclusion or statement.
- P. 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.
- Q. The present tense shall be construed to include the past tense, and the past tense shall be construed to include the present tense.

- R. 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.
- S. 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.
- T. If a data response is available in Excel format, provide the Excel version of the data response.
- U. 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.
- V. 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.

**TYLER'S FIRST REQUEST FOR INFORMATION
TO LIBERTY UTILITIES
TYLER NO. 1-1 THROUGH 1-45**

- Tyler 2-1. List the owners of the controlling interests in Liberty Utilities (Woodmark Sewer) Corp., and Liberty Utilities (Tall Timbers Sewer) Corp. List the dates of transfers of the controlling interests in both utilities since 2002.
- Tyler 2-2. Please provide copies of all applications made to the TCEQ or the Commission pursuant to Texas Water Code §13.302 regarding the transfers of controlling interest in Liberty Utilities (Woodmark Sewer) Corp., and Liberty Utilities (Tall Timbers Sewer) Corp. listed in response to Tyler 2-1.