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PETITION OF THE CITIES OF
GARLAND, MESQUITE, PLANO AND
RICHARDSON APPEALING THE
DECISION BY NORTH TEXAS
MUNICIPAL WATER DISTRICT
AFFECTING WHOLESALE WATER
RATES

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BEFORE THE STATE OFFICE
OF
ADMINISTRATIVE HEARINGS

**CITY OF MCKINNEY'S OBJECTIONS TO COMMISSION STAFF'S
FIRST SET OF REQUESTS FOR INFORMATION**

COMES NOW, the City of McKinney ("McKinney" or "City") and hereby files its Objections to Commission Staff's First Set of Requests for Information, and would show as follows:

I. Procedural Background

A. Receipt of Commission Staff's First Set of RFIs

The City of McKinney ("City") received Commission Staff's ("Staff") First Set of Requests for Information ("RFIs") on October 10, 2017. Pursuant to an agreement with counsel for Staff, the City's objections are due October 23, 2017.

B. Good Faith Negotiations

The City and Staff, through diligent and good faith negotiations, have resolved most of their disputes regarding the Staff's First Set of the RFIs. As part of the City and Staff's agreement, Staff agreed to either withdraw or modify several of its RFIs. Nevertheless, the City continues to find Staff's RFI Nos. 1-6(b), 1-10, and 1-16 objectionable. However, the City intends to file responses to those RFIs within the applicable deadline for filing responses, and is filing these objections as a precautionary measure so as to not waive its right to object to RFIs that a party, including the Staff, may serve in the future of the same or similar scope as Staff's First Set of RFIs.

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II. Objections

Staff RFI 1-6 (b): *Pursuant to an agreement between Staff and the City, this RFI has been re-worded as follows:*

Is City serving any customers that are not inside the city limits?

b) If so, please provide the annual amount of water sold to these customers in fiscal year 2016.

Objection: The City objects to RFI 1-6(b) because the requested information is not reasonably calculated to lead to the discovery of admissible evidence. 16 Tex. Admin. Code (“TAC”) R. 22.141(a) and Tex. R. Civ. Pro. (“TRCP”) R. 192.3(a). This phase of the case concerns whether the wholesale water rates charged by the North Texas Municipal Water District (“NTMWD”) to the petitioning municipalities pursuant to the water supply contract between the NTMWD and the petitioning municipalities is in the public interest. The amount of water sold by the City of McKinney to its customers located either inside or outside its city limits is not relevant to any issue in this case. Notwithstanding this objection, the City intends to file a response to this RFI within the applicable deadline for filing responses.

Staff 1-10: Please provide the monthly percentage of water use by meter size for fiscal year 2016.

Objection: The City objects to RFI No. 1-10 because the requested information is not reasonably calculated to lead to the discovery of admissible evidence. 16 Tex. Admin. Code (“TAC”) R. 22.141(a) and Tex. R. Civ. Pro. (“TRCP”) R. 192.3(a). This phase of the case concerns whether the wholesale water rates charged by the North Texas Municipal Water District (“NTMWD”) to the petitioning municipalities pursuant to the water supply contract between the NTMWD and the petitioning cities is in the public interest. Information concerning the amount of water used by the City of McKinney’s customers, including the amount of water used by different customer classes or size of meter, is not relevant to any issue in this case. Notwithstanding this objection, the City intends to file a response to this RFI within the applicable deadline for filing responses.

Staff 1-16: *Pursuant to an agreement between Staff and the City, this RFI has been re-worded as follows:*

Please provide projections of future water demand created by the City, if any, for each year from 2012 through 2016.

Objection: The City objects to RFI No. 1-16 because the requested information is not reasonably calculated to lead to the discovery of admissible evidence. 16 Tex. Admin. Code (“TAC”) R. 22.141(a) and Tex. R. Civ. Pro. (“TRCP”) R. 192.3(a). This phase of the case concerns whether the wholesale water rates charged by the North Texas Municipal Water District (“NTMWD”) to the petitioning municipalities pursuant to the water supply contract between the NTMWD and the petitioning cities is in the public interest. Information concerning forecasts of water demand created by the City of McKinney is not relevant to any issue in this case. Notwithstanding this objection, the City intends to file a response to this RFI within the applicable deadline for filing responses.

III. Conclusion and Prayer

For the foregoing reasons, and only if the Staff files a motion to compel responses to the RFIs noted above, the City respectfully urges the ALJs to sustain the City’s Objections to Staff’s First Set of RFIs and to grant the City such other relief to which it may be entitled.

Respectfully submitted,

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**ATTORNEYS FOR THE CITY OF
MCKINNEY**

CERTIFICATE OF SERVICE

I certify that on the 23rd day of October, 2017, a true and correct copy of the ***City of McKinney's Objections to Commission Staff's First Set of Requests for Information*** was served on all parties of record by facsimile and/or first-class United States mail, postage paid.

Alfred R. Herrera by permissio.
Alfred R. Herrera *M W D*