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PUC DOCKET NO. 46662
 SOAH DOCKET NO. 473-17-4964.WS

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PETITION OF THE CITIES OF § BEFORE THE STATE OFFICE
 GARLAND, MESQUITE, PLANO, §
 AND RICHARDSON APPEALING §
 THE DECISION BY NORTH TEXAS § OF
 MUNICIPAL WATER DISTRICT §
 AFFECTING WHOLESALE WATER §
 RATES § ADMINISTRATIVE HEARINGS

**THE PETITIONING CITIES' RESPONSE TO
THE NORTH TEXAS MUNICIPAL WATER DISTRICT'S MOTION TO COMPEL**

TABLE OF CONTENTS

	<u>Page</u>
I. Background.....	2
II. The District's Motion to Compel is Unfounded.....	4
A. Commission Rules Did Not Obligate the Petitioning Cities to Respond to the District's Objectionable Discovery Requests.....	4
B. The District's Discovery Requests Were Objectionable.....	5
C. The Petitioning Cities are Actively Participating in the Discovery Process.....	7
D. Commission Rules Do Not Require Identification of a Preparer or Sponsor in Responses to Requests for Admission.....	8
E. The Petitioning Cities Will Produce Sensitive Information, When Found, Under the Protective Order.....	9
III. The District's Motion to Compel is Moot.....	10
IV. The District's References to Sanctions Are Misplaced.....	10
V. Conclusion.....	12

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**THE PETITIONING CITIES’ RESPONSE TO
THE NORTH TEXAS MUNICIPAL WATER DISTRICT’S MOTION TO COMPEL**

The Cities of Garland, Mesquite, Plano, and Richardson (the “*Petitioning Cities*”) hereby respond to the motion to compel filed by the North Texas Municipal Water District (“*District*”) on November 9, 2017. This response is timely filed.¹ The Petitioning Cities respectfully request that the District’s motion be denied as both unfounded and moot.

**I.
BACKGROUND**

On October 13, 2017, the District served discovery requests seeking, among other things, the factual support and legal theories related to the Petitioning Cities’ direct case. The Petitioning Cities’ deadline to respond was November 2, just eight days before Order No. 4’s deadline for the Petitioning Cities to file their direct case. After conferring with counsel for the District, the District denied the Petitioning Cities’ request for a short extension to the November 2 discovery response deadline.

On October 23, 2017, the Petitioning Cities generally objected to the District’s discovery requests as requiring the Petitioning Cities “to provide the factual support and legal theories related to their direct case testimony and evidence in advance of the November 10, 2017 deadline

¹ The Petitioning Cities’ response deadline is November 16, 2017. 16 Tex. Admin. Code 22.144(f) (“Responses to a motion to compel shall be filed within five working days after receipt of the motion.”).

established in this proceeding.”² (The Petitioning Cities also filed specific objections on various grounds.) The November 2 discovery response deadline was thereafter postponed under the Commission’s rules.³

On November 2, notwithstanding their pending objections, the Petitioning Cities responded to many of the District’s objectionable discovery requests and produced thousands of pages of documents.⁴ Later that day, counsel for the Petitioning Cities conferred with counsel for the District and agreed to supplement responses to the objectionable requests with citations to direct case testimony and evidence by November 16, less than five working days after filing their direct case, and pledged to further supplement upon becoming aware of other responsive documents.⁵ On November 8, notwithstanding their pending objections, the Petitioning Cities supplemented their responses to the District’s discovery requests with additional thousands of pages of documents.

On November 9, the day before receiving the Petitioning Cities’ direct case, the District filed a motion to compel, stating that the Petitioning Cities “have refused to timely respond to the majority of the District’s RFIs and RFAs” and requesting an expedited ruling.⁶

² The Petitioning Cities’ Objections to the North Texas Municipal Water District’s First Requests for Information and First Requests for Admissions to the Petitioning Cities (“*Objections*”), Docket No. 46662 (Oct. 23, 2017), p. 1.

³ 16 TAC 22.144(d)(4) (“The requirement to respond to those requests, or portions thereof, to which objection is made shall be postponed until the objections are ruled upon and for such additional time thereafter as the presiding officer may direct.”).

⁴ The Petitioning Cities’ Response to the North Texas Municipal Water District’s First Requests for Information and First Requests for Admissions to the Petitioning Cities, Docket No. 46662 (Nov. 2, 2017).

⁵ Attachment 1 (“I plan to file a supplemental response by November 16 with citations to the direct case testimony that will be filed by Order No. 4’s November 10 deadline, which is consistent with the Petitioning Cities’ general objection and responses. The supplemental responses will include citations to direct case testimony and supporting exhibits. If we become aware of other documents that are responsive, then of course we will supplement with those, too.”).

⁶ North Texas Municipal Water District’s Motion to Compel (“*Motion*”), Docket No. 46662 (Nov. 9, 2017).

On November 13, the Petitioning Cities supplemented their responses to the District's discovery requests with citations to its direct case testimony and evidence and produced hundreds of pages of additional documents.

II.
THE DISTRICT'S MOTION TO COMPEL IS UNFOUNDED

The District's motion suggests that the Petitioning Cities are "abusing the discovery process" by "refus[ing] to respond to the District's discovery requests."⁷ That suggestion is unfounded. The Petitioning Cities have responded, are responding, and have never said they would do anything other than fully respond to the District's discovery requests. This discovery dispute is about *timing*.

A. Commission Rules Did Not Obligate the Petitioning Cities to Respond to the District's Objectionable Discovery Requests

The District's motion presumes that the "timely" response deadline for the discovery requests that the Petitioning Cities objected to was November 2.⁸ The District's position apparently is that because it "fully responded" to objectionable discovery requests, the Petitioning Cities should have, too.⁹ But the Petitioning Cities declining to follow suit on November 2 as to the requests to which it had objected does not violate Commission rules. In fact, when objections are filed, the Commission's rules state that the deadline to respond to discovery requests "to which objection is made **shall be postponed until the objections are ruled upon** and for such additional

⁷ Motion, pp. 2, 5.

⁸ Motion, p. 4 ("**Based on these objections**, the Petitioning Cities in response to 39 RFIs and 6 RFAs directed the District to the Petitioning Cities' direct testimony, which will not be filed until November 10, 2017—**more than a week after the deadline for *timely* discovery responses under the Commission's rules.**") (emphasis added).

⁹ Motion, p. 3 ("The District attempted to confirm that the Petitioning Cities would provide full and complete responses to discovery notwithstanding the Petitioning Cities' general objection. This is the same approach the District has taken regarding its own general objections.")

time thereafter as the presiding officer may direct.”¹⁰ Thus, the Commission’s rules did not require the Petitioning Cities to respond at all to the District’s objectionable requests on November 2.

In the interest of narrowing the discovery dispute,¹¹ however, the Petitioning Cities in fact responded to many of the District’s objectionable discovery requests on November 2 and produced thousands of pages of documents.¹² Further, later that day, counsel for the Petitioning Cities conferred with counsel for the District and agreed to supplement responses to the objectionable requests with citations to direct case testimony and evidence by November 16, less than five working days after filing their direct case, and pledged to further supplement upon becoming aware of other responsive documents.¹³ Indeed, on November 8 the Petitioning Cities filed supplemental responses to the District’s discovery requests with additional thousands of pages of documents.

After filing its objections, the Commission’s rules postponed the Petitioning Cities’ deadline to respond to the District’s objectionable requests. Under these facts, the basis for the District’s motion—that “[t]he Petitioning Cities’ refusal to respond to the District’s discovery requests constitutes abuse of the discovery process”¹⁴—is unfounded.

B. The District’s Discovery Requests Were Objectionable

Order No. 4 establishes a November 10 deadline for the Petitioning Cities to file their direct case.¹⁵ Most of the District’s discovery requests called for the Petitioning Cities to provide the factual support and legal theories underpinning their direct case before Order No. 4’s deadline. In

¹⁰ 16 TAC 22.144(d)(4) (emphasis added).

¹¹ 16 TAC 22.144(d)(5) (“In the interests of narrowing discovery disputes, the responding party may agree to provide certain information sought by a request while objecting to the provision of other information sought by the request.”).

¹² The Petitioning Cities’ Response to the North Texas Municipal Water District’s First Requests for Information and First Requests for Admissions to the Petitioning Cities, Docket No. 46662 (Nov. 2, 2017).

¹³ Attachment 1 (“I plan to file a supplemental response by November 16 with citations to the direct case testimony that will be filed by Order No. 4’s November 10 deadline, which is consistent with the Petitioning Cities’ general objection and responses. The supplemental responses will include citations to direct case testimony and supporting exhibits. If we become aware of other documents that are responsive, then of course we will supplement with those, too.”).

¹⁴ Motion, p. 5.

¹⁵ SOAH Order No. 4, Docket No. 46662 (Aug. 28, 2017).

the District's own words, "the information the District requests in the 45 unanswered RFIs and RFAs is directly related to assertions included in the Petitioning Cities' Petition and the relevant public interest issues in the Commission's rules."¹⁶

Under Texas Rule of Civil Procedure 192.4, discovery may be limited when it "is obtainable from some other source that is more convenient, less burdensome, or less expensive," or when "the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case"¹⁷ As the Petitioning Cities stated in their objections, it was inherently unfair and burdensome to ask the Petitioning Cities to respond to discovery requests that called for essentially all of the factual support and legal theories underpinning their direct case before the factual support and legal theories underpinning their direct case were required to be formulated and filed with the Commission.¹⁸ Further, considering the "needs of the case"—specifically, that the District's direct case deadline is two and one-half months away (January 26, 2018)—the Petitioning Cities' request for a short extension to the response deadline and their ground for the general objection was reasonable, as evidenced by other parties agreeing to modestly extend the Petitioning Cities' discovery response deadlines after serving discovery requests on the Petitioning Cities before the Petitioning Cities' direct case deadline.¹⁹

The District did not file a motion to compel after receiving the Petitioning Cities' objections on October 23. The District instead filed its motion to compel and request for "expedited ruling" on November 9, stating that "it has a right to understand the nature of the Petitioning Cities' claims in order to marshal evidence necessary to prepare its own direct case and

¹⁶ Motion, p. 8.

¹⁷ Tex. R. Civ. P. 192.4(a)-(b).

¹⁸ Objections, pp. 1-2.

¹⁹ The Petitioning Cities' Notice of Filing Rule 11 Agreement, Docket No. 46662 (Nov. 1, 2017) ("The new agreed deadline for the Petitioning Cities' responses shall be November 16, 2017."); Attachment 2 (PUC Staff agreeing to extend response deadline to November 22).

show that the challenged rate is not adverse to the public interest,”²⁰ which was the day before the Petitioning Cities’ fully laid out their “claims” by filing their entire direct case.

C. The Petitioning Cities are Actively Participating in the Discovery Process

The District’s motion suggests that the Petitioning Cities are not participating in the discovery process.²¹ Its motion, for example, states that “the Petitioning Cities do not intend on ever providing full responses.”²² That is not the case.

On September 20, 2017, the District served a Rule 194 disclosure on the Petitioning Cities.²³ The Petitioning Cities timely responded on October 10, 2017, listing its fact and expert witnesses and the topics on which the Petitioning Cities expected their experts would testify.²⁴ On November 9, 2017, as the Petitioning Cities were finalizing the factual bases and legal theories underpinning their direct case, the Petitioning Cities supplemented their response, updating the topics on which the Petitioning Cities’ witnesses would testify and producing documents reviewed by their experts in preparing testimony.²⁵

On October 13, 2017, the District served requests for information and requests for admission on the Petitioning Cities. The Petitioning Cities responded on November 2, producing thousands of pages of documents.²⁶ The Petitioning Cities supplemented their response on November 8—the day before the District filed its motion—with additional thousands of pages of

²⁰ Motion, p. 9.

²¹ Motion, p. 6 (“The District did not, however, expect discovery disputes to arise due to an outright refusal by the Petitioning Cities—the parties who filed this case—to participate in the discovery process except on their own terms and their own timelines.”).

²² Motion, p. 5.

²³ North Texas Municipal Water District’s Request for Disclosure to Cities of Garland, Mesquite, Plano and Richardson, Docket No. 46662 (Sept. 20, 2017).

²⁴ The Petitioning Cities’ Rule 194 Disclosures, Docket No. 46662 (Oct. 10, 2017).

²⁵ The Petitioning Cities’ Supplemental Rule 194 Disclosures, Docket No. 46662 (Nov. 9, 2017).

²⁶ The Petitioning Cities’ Response to the North Texas Municipal Water District’s First Requests for Information and First Requests for Admissions to the Petitioning Cities, Docket No. 46662 (Nov. 2, 2017).

documents.²⁷ The Petitioning Cities again supplemented their response with citations to direct case testimony and with hundreds more documents on November 13.²⁸ The Petitioning Cities have pledged specifically to the District to further supplement “[i]f we become aware of other documents that are responsive.”²⁹

The Petitioning Cities are fully and actively participating in the discovery process. The District’s motion is unfounded.

D. Commission Rules Do Not Require Identification of a Preparer or Sponsor in Responses to Requests for Admission

Commission rules differentiate requests for information from requests for admissions.³⁰ Indeed, the District’s discovery requests include one section entitled “Requests for Information” and another section separately entitled “Requests for Admission.” The District’s motion informs the judges that “the Petitioning Cities failed to include a preparer or sponsor for *any* of the responses to the District’s RFAs, which is a violation of Commission Rule 22.144(c)(2)(A).”³¹ The District’s motion was the first time the Petitioning Cities were made aware of the District’s position, and the Petitioning Cities respectfully disagree with its position.

Section 22.144(c) of the Commission’s discovery rules pertain to “requests for information.” With respect to requests for information under *subsection (c)*, the Commission’s rules state that “[e]ach response to discovery *under this subsection* shall identify the preparer or

²⁷ The Petitioning Cities’ First Supplemental Response to the North Texas Municipal Water District’s First Requests for Information Question Nos. 1-24, 1-25, 1-26, 1-33, 1-50, 1-60, and 1-61, Docket No. 46662 (Nov. 8, 2017).

²⁸ The Petitioning Cities’ Second Supplemental Response to the North Texas Municipal Water District’s First Requests for Information, Docket No. 46662 (Nov. 13, 2017).

²⁹ Attachment 1 (“If we become aware of other documents that are responsive, then of course we will supplement with those, too.”).

³⁰ 16 TAC 22.141(b) (“Parties may obtain discovery by *requests for information*, which include requests for inspection or production of documents or things, *requests for admissions*, and depositions by oral examination.”) (emphasis added).

³¹ Motion, p. 4.

person under whose direct supervision the response was prepared, and the sponsoring witness, if any.”³² The Petitioning Cities’ responses to the District’s requests for information complied.

On the other hand, Section 22.144(j) of the Commission’s discovery rules pertain to “requests for admission of facts.” With respect to requests for admission of facts under *subsection (j)*, the Commission’s rules do not require identification of a preparer or sponsor, stating only that “[r]equests for admission of facts shall be made in accordance with the Texas Rules of Civil Procedure.”³³ Neither the Commission’s rules nor the Texas Rules of Civil Procedure require identification of a preparer or sponsor in responses to requests for admissions.³⁴

The District’s motion is unfounded.

E. The Petitioning Cities Will Produce Sensitive Information, When Found, Under the Protective Order

The District’s motion also expresses the concern that the Petitioning Cities may be withholding “highly sensitive” documents and that the Petitioning Cities should be required to produce them under protective order.³⁵ The District’s motion was the first time the Petitioning Cities were made aware of the District’s concern. The Petitioning Cities are not withholding any such documents and, **as stated in their objections**, the Petitioning Cities will produce such documents, when found, “pursuant to the protective order issued in this docket.”³⁶ Indeed, at the time of the District’s filing, the Petitioning Cities were the only party in this case to have filed protective order certifications.³⁷

³² 16 TAC 22.144(c)(1) (emphasis added).

³³ 16 TAC 22.144(j).

³⁴ See, e.g., *Guzman v. Carnevale*, 964 S.W. 2d 311, 313-14 (Tex. App.—Corpus Christi 1998, no pet.) (verifications have not been required for responses to requests for admissions since 1984).

³⁵ Motion, p. 15 (“The Petitioning Cities have not asserted that any circumstances exist that justify withholding such information. To the extent, confidential or highly sensitive information has been withheld, the Petitioning Cities should be ordered to provide such information immediately.”).

³⁶ Objections, p. 2.

³⁷ The Petitioning Cities’ Protective Order Certifications, Docket No. 46662 (Nov. 1, 2017).

The District's motion is unfounded.

III.
THE DISTRICT'S MOTION TO COMPEL IS MOOT

The Petitioning Cities' generally objected to the District's discovery requests as requiring the Petitioning Cities "to provide the factual support and legal theories related to their direct case testimony and evidence in advance of the November 10, 2017 deadline established in this proceeding."³⁸ But the Petitioning Cities agreed to supplement their discovery responses with citations to direct case testimony and evidence by November 16, less than five working days after filing their direct case, and pledged to further supplement upon becoming aware of other responsive documents.³⁹ The Petitioning Cities supplemented their discovery responses accordingly, along with hundreds of pages of additional responsive documents not included in their direct case, on November 13.⁴⁰ Thus, even if the District's motion to compel regarding the Petitioning Cities' general objection was not unfounded, the District's discovery dispute is moot as there is nothing to compel.

IV.
THE DISTRICT'S REFERENCES TO SANCTIONS ARE MISPLACED

Under these facts, it is disconcerting that the District's motion accuses the Petitioning Cities of abusing the discovery process and raises the possibility of sanctions. Considering the seriousness of these accusations, the Petitioning Cities feel compelled to briefly explain why the authorities for sanctions cited by the District are inapposite.

- Citing to *AEP Tex. Cent. Co. v. Pub. Util. Comm'n*, the District stated that "[t]he Commission has altogether excluded testimony for failure to produce documents

³⁸ Objections, p. 1.

³⁹ Attachment 1 ("I plan to file a supplemental response by November 16 with citations to the direct case testimony that will be filed by Order No. 4's November 10 deadline, which is consistent with the Petitioning Cities' general objection and responses. The supplemental responses will include citations to direct case testimony and supporting exhibits.").

⁴⁰ The Petitioning Cities' Second Supplemental Response to the North Texas Municipal Water District's First Requests for Information, Docket No. 46662 (Nov. 13, 2017).

requested during discovery.”⁴¹ In that case, it was discovered **during the merits hearing** that a party had not produced “sixty to one hundred boxes of responsive materials.”⁴² In contrast, the District has nearly two and one-half months to propound discovery on the Petitioning Cities before its direct case is due (January 26, 2018), and the merits hearing in this case isn’t until next May.

- Citing to a SOAH Proposal for Decision (“**PFD**”),⁴³ the District stated that it has been determined “that the probative value and credibility of testimony given after a party fails to timely provide adequate discovery responses can be so severely diminished as to deprive the party of its ability to meet its burden of proof altogether.”⁴⁴ This PFD appears to be related to whether information presented by a witness **in rebuttal testimony** had been provided during the discovery process. In contrast, the Petitioning Cities just filed their entire direct case, the District’s direct case isn’t due until next year (January 26, 2018), the deadline to propound discovery on any party’s direct case isn’t until next March, and rebuttal testimony is not due until next April.
- Citing to a SOAH order regarding a motion to compel, the District stated that “a SOAH ALJ has noted that failure to submit required discovery responses may result in the imposition of sanctions”⁴⁵ In the cited order, the judge compelled discovery responses from a party who “ha[d] failed to timely respond to many pending discovery requests, despite being given extensions of time to respond,” and stated that **failure to comply with the order** “may result in the imposition of sanctions”⁴⁶ In contrast, the Petitioning Cities have not failed to comply with such an order.
- Citing to a SOAH PFD, the District stated that “SOAH ALJs have sanctioned parties who refuse to timely respond to discovery requests by striking testimony or precluding a party’s participation in an evidentiary hearing entirely”⁴⁷ In that case, the SOAH ALJ had compelled a party to respond to discovery requests and, **after the party failed**

⁴¹ Motion, pp. 13-14.

⁴² *AEP Tex. Cent. Co. v. Pub. Util. Comm’n*, 258 S.W.3d 272, 298 (Tex. App.—Austin June 27, 2008, pet. granted), rev’d in part on other grounds, 345 S.W.3d 60 (Tex. 2011) (“During the hearing before the Commissioners, Commission staff introduced Sollosy’s expert report into evidence. . . . After Sollosy’s testimony and report were introduced into evidence, it was discovered that Navigant, in its responses to the parties’ requests for information (RFIs), had failed to produce documents responsive to the parties’ RFIs. . . . Navigant’s general counsel . . . admitted that Navigant’s responses to the RFIs were misleading and incomplete because several boxes of material related to Navigant’s prior involvement with electric generation asset sales, as well as information relied upon by Sollosy in forming his opinions regarding TCC’s asset sales and preparing his expert report, had not been produced. Navigant’s general counsel indicated that there were potentially sixty to one hundred boxes of responsive materials that had not been produced.”).

⁴³ Application of Central Power and Light Company for Authorization to Change Rates, Docket No. 14965, PFD at 5-6 (Aug. 6, 1997).

⁴⁴ Motion, p. 14.

⁴⁵ Motion, p. 14.

⁴⁶ Docket No. 28813, Order No. 20 (July 21, 2004) (“Cap Rock shall submit, by **July 29, 2004**, responses to the discovery requests that are the subject of the motions to compel. **Failure to do so may result in the imposition of sanctions, as appropriate.**”) (emphasis in original).

⁴⁷ Motion, p. 14.

to comply with the judge's order, the judge imposed sanctions.⁴⁸ In contrast, the Petitioning Cities have not failed to comply with such an order.

- Citing to another SOAH PFD, the District stated that “SOAH ALJs have sanctioned parties who refuse to timely respond to discovery requests by striking testimony or precluding a party’s participation in the hearing entirely.”⁴⁹ This PFD only states, in relevant part, that “Mr. David Yepez was also designated a party, but sanctions were imposed against him for discovery abuse that precluded his participation in the evidentiary hearing.”⁵⁰ The PFD provides no context for Mr. Yepez’s discovery abuses.

The “authorities” cited by the District are simply inapposite.

V. CONCLUSION

Under the Commission’s discovery rules, a party need not respond to a discovery request to which it has objected unless compelled to do so. The District’s motion (mis)characterizes the Petitioning Cities’ conduct as an “abuse of the discovery process,” but the Petitioning Cities’ conduct is fully consistent with the Commission’s discovery rules. Further, the Petitioning Cities have now filed their direct case and supplemented their discovery responses with citations to direct case testimony and with many other responsive documents. The Petitioning Cities have pledged specifically to the District to further supplement if any other responsive documents are found.⁵¹ With respect to the District’s dispute with the Petitioning Cities’ general objection, there is nothing to compel.

⁴⁸ *Tex. Dep’t of Licensing & Regulation v. Merlin Transp., Inc.*, SOAH Docket No. 452-14-3330.TOW, PFD at p. 4 (Feb. 19, 2016) (“The ALJ granted Staff’s motions to compel and ... directed, ‘Respondent shall submit complete discovery responses no later than September 12, 2014,’ and set a prehearing conference for September 12, 2014, to address Petitioner’s request for sanctions if Respondent failed to provide discovery as ordered. Respondent failed to provide the ordered discovery and ... the ALJ imposed a variety of sanctions against Respondent.”).

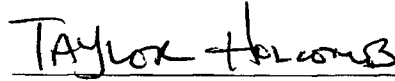
⁴⁹ Motion, p. 14.

⁵⁰ *Application of U.S. Ecology Texas, Inc. for a Class 3 Modification to its Permit and Compliance Plan for a Commercial Hazardous and Non-Hazardous Industrial Solid Waste Management Facility in Nueces County, Texas*, SOAH Docket No. 582-09-1971, Proposal for Decision at 2 (Sept. 22, 2009).

⁵¹ Attachment 1 (“If we become aware of other documents that are responsive, then of course we will supplement with those, too.”).

The Petitioning Cities respectfully request that the District's motion be denied as both unfounded and moot.

Respectfully submitted,



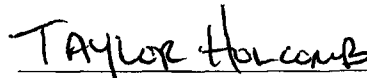
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CERTIFICATE OF SERVICE

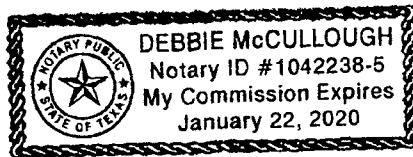
I certify that a true and correct copy of this document was served on all parties of record via e-mail, regular mail, hand-delivery, or fax on November 13, 2017.


Taylor Holcomb

Before me, the undersigned authority, on this day personally appeared Taylor Holcomb, who, being by me first duly sworn, stated on his oath that he has read the foregoing instrument, "The Petitioning Cities' Response to the North Texas Municipal Water District's Motion to Compel" and that the facts contained therein are true and correct to the best of his information and belief.

Taylor Holcomb
Taylor Holcomb

Sworn to and subscribed before me on the 13th day of November 2017 by Taylor Holcomb, to certify which witness my hand and seal of office.



Debbie McCullough
Notary Public, State of Texas

Attachment 1

Holcomb, Taylor

From: Holcomb, Taylor
Sent: Thursday, November 2, 2017 7:27 PM
To: 'Kate Norman'
Subject: RE: Docket No. 46662 - follow up on discovery responses

Good evening, Kate,

I confirmed that we will be able to provide the voluminous materials electronically tomorrow. As we discussed, I plan to file a supplemental response by November 16 with citations to the direct case testimony that will be filed by Order No. 4's November 10 deadline, which is consistent with the Petitioning Cities' general objection and responses. The supplemental responses will include citations to direct case testimony and supporting exhibits. If we become aware of other documents that are responsive, then of course we will supplement with those, too.

Taylor

From: Kate Norman [mailto:kate.norman@pcrllp.com]
Sent: Thursday, November 2, 2017 5:34 PM
To: Holcomb, Taylor <tholcomb@velaw.com>
Subject: Docket No. 46662 - follow up on discovery responses

Taylor,

Thanks for discussing the questions I had about the Petitioning Cities' discovery responses related to the District's concerns that the answers are not responsive to the District's RFIs/RFAs.

I know you're working to figure out how soon you can provide the voluminous materials electronically. We understand that because the voluminous documents are part of the discovery responses, they were available as of 3pm today/the due date. So, if they can't be provided electronically by tomorrow, we will send someone to your office tomorrow to make copies of the documents. Please let me know ASAP so we can make plans for tomorrow.

You also let me know that the District will be providing supplemental responses on November 16. How did you determine that date? Also, did I understand our discussion and your filed responses to mean those supplemental responses will contain only citations to the Petitioning Cities' direct testimony?

Thanks,
Kate

Kate Norman
Parsley Coffin Renner LLP
98 San Jacinto Blvd., Suite 1450
Austin, Texas 78701
512.879.0969
Fax: 512.879.0912

Attachment 2

Holcomb, Taylor

From: Lill, Landon <Landon.Lill@puc.texas.gov>
Sent: Friday, October 20, 2017 6:41 AM
To: Holcomb, Taylor
Subject: Re: Extension to discovery deadline

Confirmed

On Oct 20, 2017 6:03 AM, "Holcomb, Taylor" <tholcomb@velaw.com> wrote:

WARNING: EXTERNAL SENDER. Always be cautious when clicking links or opening attachments. NEVER provide your user ID or password.

Landon,

We received your discovery requests and are coordinating with our clients to get documents. However, as we discussed last week, we are also busy preparing our direct case (due November 10) and so would like additional time to provide you responsive documents. Would you please reply to this email and confirm that the November 22 deadline that we discussed is agreeable to you?

Thanks in advance!

Taylor

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