



Control Number: 46662



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

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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

**CITY OF FARMERSVILLE'S RESPONSE TO NTMWD'S
FIRST REQUEST FOR INFORMATION AND REQUEST FOR ADMISSION**

COMES NOW the City of Farmersville, Texas ("City" or Farmersville") and files this Response to NTMWD's First Request for Information and Request for Admission.

I. Discovery Responses

The City's written responses to the above referenced discovery are attached and incorporated herein by reference. The City's responses are provided in the spirit of cooperation without waiving the City's right to contest the admissibility of any discovery response for any purpose in this proceeding. All responses may be treated as if they were made under oath, pursuant to 16 Tex. Admin. Code § 22.144(c)(2)(F). Based on an agreement between the parties, these responses are provided on December 15, 2017, and are timely filed.

If responsive documents are more than 100 pages but less than eight linear feet in length, the response will indicate that the attachment is VOLUMINOUS and, pursuant to 16 Tex. Admin. Code § 22.144(h)(2), the documents will be made available for inspection at the offices of Russell Rodriguez Hyde Bullock, LLP, 1633 Williams Drive, Suite 200, Georgetown, Texas 78628. Documents produced herein will be provided to the PUC on a DVD-ROM. All other parties may access the documents using the following link:

<https://txlocalgovlaw.sharefile.com/d-s4840938e42649479>

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Respectfully submitted,

Russell Rodriguez Hyde Bullock, L.L.P.
1633 Williams Drive, Building 2, Suite 200
Georgetown, Texas 78628
(512) 930-1317
(866) 929-1641 (Fax)

/s/ Arturo D. Rodriguez, Jr.
ARTURO D. RODRIGUEZ, JR.
State Bar No. 00791551

BRADFORD BULLOCK
State Bar No. 00793428

**ATTORNEYS FOR THE CITY OF
FARMERSVILLE**

**SOAH DOCKET NO. 473-17-4964.WS
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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	§ § § § § § §	BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS
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**CITY OF FARMERSVILLE'S RESPONSE TO NTMWD'S
FIRST REQUEST FOR INFORMATION AND REQUEST FOR ADMISSION**

NTMWD 1-1 Describe your understanding of the Petitioning Cities' dispute in this case.

RESPONSE: NTMWD provided notice of a rate increase in September 2016 to the Petitioning Cities. The Petitioning Cities appealed that rate increase asserting that the increased rate was adverse to the public interest because:

1. NTMWD has abused its monopoly power under 16 TEX. ADMIN. CODE § 24.133(a)(3); and
2. NTMWD's adopted rate is unreasonably preferential, prejudicial, and discriminatory under 16 TEX. ADMIN. CODE § 24.133(a)(4).

The Petitioning Cities' further seek that the PUC set rates and to refund the difference between the rate charged by NTMWD and the rate fixed by the PUC, plus interest at the statutory rate, from the date the Petitioning Cities filed their petition for review.

Sponsored by:	To be determined
Prepared by:	Legal Counsel

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**CITY OF FARMERSVILLE'S RESPONSE TO NTMWD'S
FIRST REQUEST FOR INFORMATION AND REQUEST FOR ADMISSION**

NTMWD 1-2 Do you agree or disagree that the Petitioning Cities' dispute directly relates to the cost allocation method in the Amendatory Contract? Please explain.

RESPONSE: The Petitioning Cities' live pleading indicates that the allocation of costs in the Amendatory Contract is unjust and disproportionate. They further allege that the cost allocation is inequitable. See Cities' Petition at 18.

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**CITY OF FARMERSVILLE'S RESPONSE TO NTMWD'S
FIRST REQUEST FOR INFORMATION AND REQUEST FOR ADMISSION**

NTMWD 1-3 Do you support a change in the Amendatory Contract cost allocation method?
Please explain.

RESPONSE: The City Council has not received a proposal or considered any changes to the cost allocation method contained in the Amendatory Contract. The City will consider any proposed changes on a case-by-case basis.

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**CITY OF FARMERSVILLE'S RESPONSE TO NTMWD'S
FIRST REQUEST FOR INFORMATION AND REQUEST FOR ADMISSION**

NTMWD 1-4 Explain the impacts to you if the Amendatory Contract cost allocation method is changed. Produce documents supporting your response.

RESPONSE: The City cannot explain the impacts on a change without first knowing the change that has been adopted. The City would need to know of the specific change in order to evaluate its impact.

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**CITY OF FARMERSVILLE’S RESPONSE TO NTMWD’S
FIRST REQUEST FOR INFORMATION AND REQUEST FOR ADMISSION**

NTMWD 1-5 Explain your understanding of the impacts to other non-Petitioning Member Cities if the Amendatory Contract cost allocation method is changed.

RESPONSE: The City cannot explain the impacts on a change on other entities without first knowing the change that has been adopted.

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**CITY OF FARMERSVILLE’S RESPONSE TO NTMWD’S
FIRST REQUEST FOR INFORMATION AND REQUEST FOR ADMISSION**

NTMWD 1-6 Do you agree or disagree that a change in the Amendatory Contract cost allocation method will cause some Member Cities to pay more system costs than they are currently paying and some pay less? Please explain.

Response: The request requires the City to speculate as to the impacts on other Member Cities. The City has not performed that type of analysis.

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**CITY OF FARMERSVILLE’S RESPONSE TO NTMWD’S
FIRST REQUEST FOR INFORMATION AND REQUEST FOR ADMISSION**

NTMWD 1-7 Describe your efforts to address the Petitioning Cities’ dispute with the Amendatory Contract cost allocation method.

RESPONSE: NTMWD has hosted many meetings in recent years where the cost allocation methodology was raised. The City has fully participated at such meetings as time and resources have allowed. Discussions have been ongoing. The City has not taken a position on any particular change. Any proposals would need to be approved by our City Council.

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Prepared by:	Legal Counsel

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**CITY OF FARMERSVILLE’S RESPONSE TO NTMWD’S
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NTMWD 1-8 Do you agree or disagree that the District has attempted to facilitate efforts among the Member Cities to resolve the Petitioning Cities’ dispute with the Amendatory Contract cost allocation method? Please explain.

RESPONSE: NTMWD has hosted numerous meetings wherein the Petitioning Cities’ dispute with the Amendatory Contract cost allocation method has been discussed.

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**CITY OF FARMERSVILLE'S RESPONSE TO NTMWD'S
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NTMWD 1-9 Is there any other action the District could have taken to resolve the Petitioning Cities' dispute with the Amendatory Contract cost allocation method prior to the filing of the Petition? Please explain.

RESPONSE: The request requires the City to speculate on how the Petitioning Cities and other Member Cities would respond to a particular action. The City cannot state with any certainty if there was any other action NTMWD could have taken to resolve the Petitioning Cities' dispute with the Amendatory Contract cost allocation method prior to the filing of the Petition.

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Prepared by:	Legal Counsel

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**CITY OF FARMERSVILLE'S RESPONSE TO NTMWD'S
FIRST REQUEST FOR INFORMATION AND REQUEST FOR ADMISSION**

NTMWD 1-10 Explain your preferred outcome in this case.

RESPONSE: The City would prefer a settled outcome in this case.

Sponsored by: To be determined
Prepared by: Legal Counsel

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**CITY OF FARMERSVILLE’S RESPONSE TO NTMWD’S
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NTMWD 1-11 Do you have concerns about how the interests of your retail water customers will be impacted by this case, and if so, what role do you believe the PUC should play in protecting those interests? Please explain.

RESPONSE: The City is always concerned about the rates charged to its retail customers. Regarding the role the PUC should play in protecting those interests, the PUC’s role is enumerated in Chapter 13 of the Texas Water Code and 16 Tex. Admin. Code Chapter 24.

Sponsored by: To be determined
Prepared by: Legal Counsel

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**CITY OF FARMERSVILLE’S RESPONSE TO NTMWD’S
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NTMWD 1-12 Do you have concerns about how the interests of your wholesale water customers, if any, will be impacted by this case, and if so, what role do you believe the PUC should play in protecting those interests? Please explain.

RESPONSE: The City does not have any wholesale customers.

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Prepared by: Legal Counsel

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**CITY OF FARMERSVILLE'S RESPONSE TO NTMWD'S
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NTMWD 1-13 Provide the amount of your city's annual operating budget for fiscal years 2012 through 2017.

RESPONSE: See the documents identified as responsive to NTMWD RFI 1-13.

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**CITY OF FARMERSVILLE’S RESPONSE TO NTMWD’S
FIRST REQUEST FOR INFORMATION AND REQUEST FOR ADMISSION**

NTMWD 1-14 Identify any other communities to which you provide wholesale water service and provide copies of current contract.

RESPONSE: None.

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Prepared by: Legal Counsel

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**CITY OF FARMERSVILLE’S RESPONSE TO NTMWD’S
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NTMWD 1-15 Provide the median household income of your residents for the years 2012 through 2017. Provide supporting documents.

RESPONSE: The City does not prepare such information.

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Prepared by: Legal Counsel

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**CITY OF FARMERSVILLE’S RESPONSE TO NTMWD’S
FIRST REQUEST FOR INFORMATION AND REQUEST FOR ADMISSION**

NTMWD 1-16 Provide the median household income for the communities you may serve on a wholesale basis for the years 2012 through 2017, if known. Provide supporting documents.

RESPONSE: The City does not have any wholesale water customers.

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Prepared by: Legal Counsel

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**CITY OF FARMERSVILLE'S RESPONSE TO NTMWD'S
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NTMWD 1-17 Provide your population for the years 2012 through 2017. Provide supporting documents.

RESPONSE: The City does not prepare this sort of information as a matter of its normal business.

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Prepared by: Legal Counsel

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**CITY OF FARMERSVILLE'S RESPONSE TO NTMWD'S
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NTMWD 1-18 Provide the population for other communities you may serve on a wholesale basis for the years 2012 through 2017, if known. Provide supporting documents.

RESPONSE: The City does not have any wholesale water customers.

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Prepared by: Legal Counsel

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**CITY OF FARMERSVILLE’S RESPONSE TO NTMWD’S
FIRST REQUEST FOR INFORMATION AND REQUEST FOR ADMISSION**

NTMWD 1-19	Explain your understanding of how NTMWD’s calculation of the Protested Rate incorporates the Amendatory Contract cost allocation model.
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RESPONSE:	The City is still reviewing the Petition, discovery responses, and pleadings in this matter. The City has not made any conclusions regarding how the Protested Rate incorporates the Amendatory Contract cost allocation model.
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Sponsored by:	To be determined
Prepared by:	Legal Counsel

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**CITY OF FARMERSVILLE’S RESPONSE TO NTMWD’S
FIRST REQUEST FOR INFORMATION AND REQUEST FOR ADMISSION**

NTMWD 1-20 Explain whether you agree or disagree that the method NTMWD used to calculate the Protested Rate was consistent with the provisions of the Amendatory Contract.

RESPONSE: The City is still reviewing the Petition, discovery responses, testimony, and pleadings in this matter. The City has not made any conclusions regarding whether the method NTMWD used to calculate the Protested Rate was consistent with the provisions of the Amendatory Contract.

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**CITY OF FARMERSVILLE'S RESPONSE TO NTMWD'S
FIRST REQUEST FOR INFORMATION AND REQUEST FOR ADMISSION**

NTMWD 1-21 Do you contend that the Amendatory Contract is adverse to the public interest; if yes, on what bases listed in 16 TAC § 24.133? For each basis, explain how the Amendatory Contract is adverse to the public interest.

RESPONSE: The City has not made such a contention.

Sponsored by: To be determined
Prepared by: Legal Counsel

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**CITY OF FARMERSVILLE'S RESPONSE TO NTMWD'S
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NTMWD 1-22 On what bases other than those listed in 16 TAC § 24.133 do you contend that the Amendatory Contract is adverse to the public interest, if you so contend? For each basis, explain how the Amendatory Contract is adverse to the public interest.

RESPONSE: The City has not made such a contention.

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**CITY OF FARMERSVILLE'S RESPONSE TO NTMWD'S
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NTMWD 1-23 If you contend that any provision of the Amendatory Contract should be modified in order to not adversely affect the public interest, explain what modifications could be made to make such a provision not adversely affect the public interest.

RESPONSE: The City has not made such a contention.

Sponsored by: To be determined
Prepared by: Legal Counsel

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**CITY OF FARMERSVILLE'S RESPONSE TO NTMWD'S
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NTMWD 1-24 Do you contend that the Protested Rate is adverse to the public interest; if yes, on what bases listed in 16 TAC § 24.133? For each basis, explain how the Protested Rate adversely affects the public interest.

RESPONSE: The City has not made such a contention.

Sponsored by: To be determined
Prepared by: Legal Counsel

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**CITY OF FARMERSVILLE'S RESPONSE TO NTMWD'S
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NTMWD 1-25 On what cases other than those listed in 16 TAC § 24.133 do you contend that the Protested Rate adversely affects the public interest? If you so contend, for each basis, explain how the Protested Rate adversely affects the public interest.

RESPONSE: The City has not made such a contention.

Sponsored by: To be determined
Prepared by: Legal Counsel

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**CITY OF FARMERSVILLE’S RESPONSE TO NTMWD’S
FIRST REQUEST FOR INFORMATION AND REQUEST FOR ADMISSION**

NTMWD 1-26 What rate, or range of rates, would not be adverse to the public interest?
Provide all documents and communications providing a basis for your
response.

RESPONSE: The City is still reviewing the Petition, discovery responses, testimony, and
pleadings in this matter. The City has not come to a conclusion yet.

Sponsored by: To be determined
Prepared by: Legal Counsel

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**CITY OF FARMERSVILLE’S RESPONSE TO NTMWD’S
FIRST REQUEST FOR INFORMATION AND REQUEST FOR ADMISSION**

NTMWD 1-27	Describe and explain whether you believe the Protested Rate is prejudicial, preferential, and discriminatory.
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RESPONSE:	The City is still reviewing the Petition, discovery responses, testimony, and pleadings in this matter. The City has not come to a conclusion yet.
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Prepared by:	Legal Counsel

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**CITY OF FARMERSVILLE’S RESPONSE TO NTMWD’S
FIRST REQUEST FOR INFORMATION AND REQUEST FOR ADMISSION**

NTMWD 1-28 Describe and explain whether you believe the Protested Rate is prejudicial, preferential, or discriminatory to you, as compared to the wholesale water rate NTMWD charges wholesale water customers other than the Member Cities.

RESPONSE: The City is still reviewing the Petition, discovery responses, testimony, and pleadings in this matter. The City has not come to a conclusion yet.

Sponsored by: To be determined
Prepared by: Legal Counsel

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**CITY OF FARMERSVILLE'S RESPONSE TO NTMWD'S
FIRST REQUEST FOR INFORMATION AND REQUEST FOR ADMISSION**

NTMWD 1-29 Produce your annual budget, financial statements, and accounting information for your water system for each fiscal year from 2012 through 2017.

RESPONSE: See documents identified as responsive to NTMWD RFI No. 1-13 and RFI No. 1-33.

Sponsored by: To be determined
Prepared by: Legal Counsel

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

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

**CITY OF FARMERSVILLE'S RESPONSE TO NTMWD'S
FIRST REQUEST FOR INFORMATION AND REQUEST FOR ADMISSION**

NTMWD 1-30 Describe your capital improvements program for your water system for fiscal years 2012 through 2017 and explain the significant capital improvements you have made to your water system during this period and that are proposed in the future for your current planning period. Provide supporting documents.

RESPONSE: The City does not have a current capital improvements plan at this time.

Sponsored by: To be determined
Prepared by: Legal Counsel

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

PETITION OF THE CITIES OF GARLAND, MESQUITE, PLANO AND RICHARDSON APPEALING THE DECISION BY NORTH TEXAS MUNICIPAL WATER DISTRICT AFFECTING WHOLESALE WATER RATES	§ § § § § § §	BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS
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**CITY OF FARMERSVILLE'S RESPONSE TO NTMWD'S
FIRST REQUEST FOR INFORMATION AND REQUEST FOR ADMISSION**

NTMWD 1-31 Identify and describe any objections you have to NTMWD's capital improvement program as described in documents provided by NTMWD in response to Staff RFI 1-4, specifically at Bates ranges Staff RFI 1-4-00000618 through Staff RFI 1-4-00000638 and Staff RFI 1-4-00035029 through Staff RFI 1-4-00035045, as well as the natively produced Excel file beginning at bates page Staff RFI 1-4-00032738.

RESPONSE: The City is still evaluating all discovery produced in this docket. The City has not taken a position on NTMWD's capital improvements program at this time.

Sponsored by: To be determined
Prepared by: Legal Counsel

**CITY OF FARMERSVILLE'S RESPONSE TO NTMWD'S
FIRST REQUEST FOR INFORMATION AND REQUEST FOR ADMISSION**

PETITION OF THE CITIES OF GARLAND, MESQUITE, PLANO AND RICHARDSON APPEALING THE DECISION BY NORTH TEXAS MUNICIPAL WATER DISTRICT AFFECTING WHOLESALE WATER RATES	§ § § § § § §	BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS
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**COMMISSION NTMWD'S FIRST REQUEST FOR INFORMATION TO
CITY OF FARMERSVILLE
QUESTION NOS. NTMWD 1-1 THROUGH NTMWD 1-17**

NTMWD 1-32 Do you contend that any of the components of the NTMWD capital improvement program are not needed? Explain the answer in detail.

RESPONSE: The City has not made such a contention.

Sponsored by: To be determined
Prepared by: Legal Counsel

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

PETITION OF THE CITIES OF GARLAND, MESQUITE, PLANO AND RICHARDSON APPEALING THE DECISION BY NORTH TEXAS MUNICIPAL WATER DISTRICT AFFECTING WHOLESALE WATER RATES	§ § § § § § §	BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS
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**CITY OF FARMERSVILLE’S RESPONSE TO NTMWD’S
FIRST REQUEST FOR INFORMATION AND REQUEST FOR ADMISSION**

NTMWD 1-33 Produce your annual overall municipal budget, financial statements and audits for each fiscal year from 2012 through 2017.

RESPONSE: See documents identified as responsive to NTMWD RFI No. 1-13 and RFI No. 1-33.

Sponsored by: To be determined
Prepared by: Legal Counsel

**SOAH DOCKET NO. 473-17-4964.WS
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PETITION OF THE CITIES OF	§	BEFORE THE STATE OFFICE
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AFFECTING WHOLESALE WATER	§	
RATES	§	ADMINISTRATIVE HEARINGS

**CITY OF FARMERSVILLE'S RESPONSE TO NTMWD'S
FIRST REQUEST FOR INFORMATION AND REQUEST FOR ADMISSION**

NTMWD 1-34 Provide all data, documents, and communications reflecting your projected water demands for the years 2017 through 2027.

RESPONSE: The City does not have any documents to satisfy this request.

Sponsored by: To be determined
Prepared by: Legal Counsel

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

PETITION OF THE CITIES OF GARLAND, MESQUITE, PLANO AND RICHARDSON APPEALING THE DECISION BY NORTH TEXAS MUNICIPAL WATER DISTRICT AFFECTING WHOLESALE WATER RATES	§ § § § § § §	BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS
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**CITY OF FARMERSVILLE’S RESPONSE TO NTMWD’S
FIRST REQUEST FOR INFORMATION AND REQUEST FOR ADMISSION**

NTMWD 1-35	Produce all data, documents, and communications reflecting your projected population growth for your water service area for the years 2017 through 2027. Provide supporting documents.
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RESPONSE: The City does not have any documents that satisfy this request.

Sponsored by:	To be determined
Prepared by:	Legal Counsel

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

PETITION OF THE CITIES OF	§	BEFORE THE STATE OFFICE
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AFFECTING WHOLESALE WATER	§	
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**CITY OF FARMERSVILLE'S RESPONSE TO NTMWD'S
FIRST REQUEST FOR INFORMATION AND REQUEST FOR ADMISSION**

NTMWD 1-36 Explain the circumstances that led you to become a Member City of NTMWD.

RESPONSE: The City Council voted to become a member city.

Sponsored by: To be determined
Prepared by: Legal Counsel

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

PETITION OF THE CITIES OF GARLAND, MESQUITE, PLANO AND RICHARDSON APPEALING THE DECISION BY NORTH TEXAS MUNICIPAL WATER DISTRICT AFFECTING WHOLESALE WATER RATES	§ § § § § § §	BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS
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**CITY OF FARMERSVILLE'S RESPONSE TO NTMWD'S
FIRST REQUEST FOR INFORMATION AND REQUEST FOR ADMISSION**

NTMWD 1-37 Do you believe that it has been a benefit to your city to be a Member City of NTMWD? Please explain.

RESPONSE: Being a Member City has certain benefits that customer cities/entities do not have, such as lower wholesale water rate and the ability to appoint members to the NTMWD Board of Directors.

Sponsored by: To be determined
Prepared by: Legal Counsel

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

PETITION OF THE CITIES OF GARLAND, MESQUITE, PLANO AND RICHARDSON APPEALING THE DECISION BY NORTH TEXAS MUNICIPAL WATER DISTRICT AFFECTING WHOLESALE WATER RATES	§ § § § § § §	BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS
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**CITY OF FARMERSVILLE’S RESPONSE TO NTMWD’S
FIRST REQUEST FOR INFORMATION AND REQUEST FOR ADMISSION**

NTMWD 1-38 Do you believe the creation and operation of NTMWD has been a benefit to the region encompassing the Member Cities? Please explain.

RESPONSE: The City has not analyzed NTMWD’s impact on the region.

Sponsored by: To be determined
Prepared by: Legal Counsel

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

PETITION OF THE CITIES OF GARLAND, MESQUITE, PLANO AND RICHARDSON APPEALING THE DECISION BY NORTH TEXAS MUNICIPAL WATER DISTRICT AFFECTING WHOLESALE WATER RATES	§ § § § § § §	BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS
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**CITY OF FARMERSVILLE’S RESPONSE TO NTMWD’S
FIRST REQUEST FOR INFORMATION AND REQUEST FOR ADMISSION**

NTMWD RFA 1-1 Admit or deny that the Amendatory Contract requires the allocation of wholesale water system costs among the Member Cities based on the highest historic annual use of each Member City over the contract term. If deny, provide a detailed explanation of your response.

RESPONSE: Admit.

Sponsored by: To be determined

Prepared by: Legal Counsel

**SOAH DOCKET NO. 473-17-4964.WS
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PETITION OF THE CITIES OF	§	BEFORE THE STATE OFFICE
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**CITY OF FARMERSVILLE'S RESPONSE TO NTMWD'S
FIRST REQUEST FOR INFORMATION AND REQUEST FOR ADMISSION**

NTMWD RFA 1-2 Admit or deny that NTMWD must adhere to the Member City cost allocation method in the Amendatory Contract when setting rates charged to Member Cities. If deny, provide a detailed explanation of your response.

RESPONSE: Admit that NTMWD alleges its adherence to the cost allocation method in the Amendatory Contract when setting rates charges to Member Cities.

Sponsored by: To be determined
Prepared by: Legal Counsel

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

PETITION OF THE CITIES OF GARLAND, MESQUITE, PLANO AND RICHARDSON APPEALING THE DECISION BY NORTH TEXAS MUNICIPAL WATER DISTRICT AFFECTING WHOLESALE WATER RATES	§ § § § § § §	BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS
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**CITY OF FARMERSVILLE’S RESPONSE TO NTMWD’S
FIRST REQUEST FOR INFORMATION AND REQUEST FOR ADMISSION**

NTMWD RFA 1-3 Admit or deny that if the Member City cost allocation method provided for in the Amendatory Contract is changed so that the Petitioning Cities pay a lower cost allocation, some of the Member Cities that are not Petitioning Cities will pay a higher cost allocation. If deny, provide a detailed explanation of your response.

RESPONSE: Deny. However, the City admits that the outcome is possible.

Sponsored by: To be determined
Prepared by: Legal Counsel

**SOAH DOCKET NO. 473-17-4964.WS
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PETITION OF THE CITIES OF	§	BEFORE THE STATE OFFICE
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RATES	§	ADMINISTRATIVE HEARINGS

**CITY OF FARMERSVILLE'S RESPONSE TO NTMWD'S
FIRST REQUEST FOR INFORMATION AND REQUEST FOR ADMISSION**

NTMWD RFA 1-4 Admit or deny that all Member Cities must agree to any amendment of the Amendatory Contract. If deny, provide a detailed explanation of your response.

RESPONSE: Admit.

Sponsored by: To be determined
Prepared by: Legal Counsel

**SOAH DOCKET NO. 473-17-4964.WS
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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	§ § § § § § §	BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS
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**CITY OF FARMERSVILLE'S RESPONSE TO NTMWD'S
FIRST REQUEST FOR INFORMATION AND REQUEST FOR ADMISSION**

NTMWD RFA 1-5 Admit or deny that NTMWD cannot unilaterally reform and/or amend any provision in the Amendatory Contract. If deny, provide a detailed explanation of your response.

RESPONSE: Admit.

Sponsored by: To be determined

Prepared by: Legal Counsel

**SOAH DOCKET NO. 473-17-4964.WS
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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	§ § § § § § §	BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS
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**CITY OF FARMERSVILLE'S RESPONSE TO NTMWD'S
FIRST REQUEST FOR INFORMATION AND REQUEST FOR ADMISSION**

NTMWD RFA 1-6 Admit or deny that NTMWD is bound by the Amendatory Contract. If your response is anything other than an unqualified admit, provide a detailed explanation of your response.

RESPONSE: Admit.

Sponsored by: To be determined
Prepared by: Legal Counsel

**SOAH DOCKET NO. 473-17-4964.WS
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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	§ § § § § § §	BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS
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**CITY OF FARMERSVILLE’S RESPONSE TO NTMWD’S
FIRST REQUEST FOR INFORMATION AND REQUEST FOR ADMISSION**

NTMWD RFA 1-7 Admit or deny that NTMWD has facilities discussions among the Member Cities to amend the Amendatory Contract within the last five (5) years. If deny, provide a detailed explanation of your response.

RESPONSE: Admit.

Sponsored by: To be determined
Prepared by: Legal Counsel

**SOAH DOCKET NO. 473-17-4964.WS
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PETITION OF THE CITIES OF	§	BEFORE THE STATE OFFICE
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**CITY OF FARMERSVILLE’S RESPONSE TO NTMWD’S
FIRST REQUEST FOR INFORMATION AND REQUEST FOR ADMISSION**

NTMWD RFA 1-8 Admit or deny that NTMWD has an obligation to continuously meet the water supply demand of the Member Cities. If deny, provide a detailed explanation of your response.

RESPONSE: Admit.

Sponsored by: To be determined

Prepared by: Legal Counsel

**SOAH DOCKET NO. 473-17-4964.WS
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PETITION OF THE CITIES OF	§	BEFORE THE STATE OFFICE
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RATES	§	ADMINISTRATIVE HEARINGS

**CITY OF FARMERSVILLE’S RESPONSE TO NTMWD’S
FIRST REQUEST FOR INFORMATION AND REQUEST FOR ADMISSION**

NTMWD RFA 1-9 Admit or deny that NTMWD’s wholesale water service accommodates Member Cities’ growth. If deny, provide a detailed explanation of your response.

RESPONSE: Admit.

Sponsored by: To be determined

Prepared by: Legal Counsel

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

PETITION OF THE CITIES OF GARLAND, MESQUITE, PLANO AND RICHARDSON APPEALING THE DECISION BY NORTH TEXAS MUNICIPAL WATER DISTRICT AFFECTING WHOLESALE WATER RATES	§ § § § § § §	BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS
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**CITY OF FARMERSVILLE’S RESPONSE TO NTMWD’S
FIRST REQUEST FOR INFORMATION AND REQUEST FOR ADMISSION**

NTMWD RFA 1-10 Admit or deny that NTMWD does not have a mechanism to control the Member Cities’ growth. If deny, provide a detailed explanation of your response.

RESPONSE: Admit.

Sponsored by: To be determined
Prepared by: Legal Counsel

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

PETITION OF THE CITIES OF GARLAND, MESQUITE, PLANO AND RICHARDSON APPEALING THE DECISION BY NORTH TEXAS MUNICIPAL WATER DISTRICT AFFECTING WHOLESALE WATER RATES	§ § § § § § §	BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS
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**CITY OF FARMERSVILLE’S RESPONSE TO NTMWD’S
FIRST REQUEST FOR INFORMATION AND REQUEST FOR ADMISSION**

NTMWD RFA 1-11 Admit or deny that the Protested Rate is a rate charged pursuant to a written contact. If deny, provide a detailed explanation of your response.

RESPONSE: Admit.

Sponsored by: To be determined

Prepared by: Legal Counsel

CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of December, 2017, a 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.

/s/ Arturo D. Rodriguez, Jr.
ARTURO D. RODRIGUEZ, JR.