



Control Number: 46674



Item Number: 302

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SOAH DOCKET NO. 473-17-2457.WS
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PUBLIC UTILITY COMMISSION
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**APPLICATION OF SUBURBAN
UTILITY COMPANY, INC. FOR
AUTHORITY TO CHANGE RATES**

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**STATE OFFICE OF
ADMINISTRATIVE HEARINGS**

**COMMISSION STAFF'S OBJECTIONS TO SUBURBAN'S FIRST SET OF
DISCOVERY REQUESTS**

COMES NOW the Staff ("Staff") of the Public Utility Commission of Texas ("Commission"), representing the public interest, and files these Objections to Suburban Utility Company, Inc.'s ("Suburban") First Set of Discovery Requests.

I. INTRODUCTION

On February 17, 2017, Suburban filed its first discovery requests to Staff and served them on Staff.¹ Suburban has agreed by e-mail to extend the time for Staff to file its objections to these requests to March 2, 2017. These objections are timely filed.

II. OBJECTIONS

Staff objects to several of Suburban's discovery requests on the grounds that they are vague overly broad, and unduly burdensome. In addition, several of Suburban's discovery requests are not reasonably calculated to discover material regarding matters that are relevant to this proceeding.

As a general principle, the Commission's rules and the Texas Rules of Civil Procedure ("TRCP") both recognize objections on the grounds of overbreadth and burdensomeness. Specifically, the Commission's rules permit the presiding officer to limit discovery requests to protect a party from an undue burden.² Similarly, the TRCP states that "discovery should be

¹ Suburban First Discovery Requests to Staff (Feb. 17, 2017) ("Suburban First Requests").

² 16 Tex. Admin. Code § 22.142(a)(1)(D) ("TAC").

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limited” if it is determined that “the burden or expense of the proposed discovery outweighs its likely benefit.”³

The Commission’s rules also recognize that discovery may only be obtained regarding matters that are relevant to the subject matter of the proceeding.⁴ Several of Suburban’s requests are designed to discover materials that are not related to this proceeding, as discussed below. As a result, these requests are not reasonably calculated to discover material that will be relevant or admissible at the hearing in this matter.⁵

- 1. Requests for all documents or communications referring to Suburban from the past two or three years are vague, overly broad, unduly burdensome, and are not reasonably calculated to discover material regarding matters that are relevant to this proceeding. Similarly, requests directly generally to “the PUC and its Staff” are vague, overly broad, and unduly burdensome.**

A. Identification of objectionable requests

Suburban’s request for information (“RFI”) 1-15 and request for production (“RFP”) 1-25 amount to fishing expeditions to obtain documents relating to matters that are not the subject of this proceeding.⁶ Requests for all documents or communications referring to Suburban from the past two or three years are vague, overly broad, unduly burdensome, and are not reasonably calculated to discover material regarding matters that are relevant to this proceeding.

Further, several of Suburban’s other discovery requests are worded vaguely such that they could be interpreted in a burdensome manner. Several requests are directed to “the PUC and its Staff.”⁷ In addition, some are directed only to “the PUC.”⁸ Further, some of Suburban’s requests

³ Tex. R. Civ. Proc. 192.4(b). The Commission’s rules state that “[p]arties may obtain discovery regarding any matter, not privileged or exempted under . . . the Texas Rules of Civil Procedure” 16 TAC § 22.141(a).

⁴ 16 TAC § 22.141(a).

⁵ See Tex. R. Civ. Proc. 192.4(b).

⁶ The text of all objectionable requests is provided in the appendix to these objections.

⁷ Specifically, Staff objects to this language in Suburban’s RFIs 1-3, 1-4, 1-5, 1-6, 1-7, 1-8, and 1-13 and in Suburban’s RFPs 1-6, 1-7, 1-8, 1-10, 1-11, 1-12, 1-14, 1-15, 1-16, 1-17, 1-18, 1-19, 1-20, and 1-23.

⁸ Specifically, Staff objects to this language in Suburban’s RFIs 1-2, 1-9, 1-10, 1-11, and 1-14 and in RFPs 1-1, 1-3, 1-4, 1-9, and 1-21.

are directed to “the PUC Staff and its attorneys”⁹ or to “the PUC and any of its Staff, including its attorneys.”¹⁰ Others are directed merely to “you.”¹¹ These varying constructions have resulted in vagueness and ambiguity regarding the personnel targeted by Suburban’s requests. Staff has conferred with Suburban regarding this matter, but Suburban has refused to identify with specificity which personnel or divisions within the Commission from which Suburban intends to request production of documents.

Finally, to the extent Suburban RFP 1-23 requests the same material as any of Suburban’s other discovery requests, and Staff would raise the same objections to Suburban RFP 1-23 as it raises regarding each of Suburban’s other discovery requests.

B. Objections

Requests for all documents that refer in any way to Suburban are overly broad, unduly burdensome, and are not reasonably calculated to lead to the discovery of relevant material. This fishing expedition may be interpreted to request any document anywhere in the Commission’s offices that, for example, simply lists Suburban among the investor-owned utilities regulated by the Commission, indicates whether Suburban has filed its annual report, or is included in the archive of utilities’ previous tariffs. The Commission performs several ministerial or administrative functions that have no bearing on the ratemaking proceeding before the Commission in this matter. Requiring Staff’s counsel to review and produce every individual item that mentions Suburban—even if Suburban is only mentioned in passing—creates undue burden and expense. As discussed below, Staff understands that the breadth in scope of these requests is motivated by Suburban’s concerns in enforcement matters other than this ratemaking proceeding.

In addition, Staff has engaged in confidential settlement discussions with an affiliate of Suburban in Docket No. 43076.¹² To the extent that Staff possesses any materials or communications that mention Suburban and that were created for settlement purposes in Docket

⁹ Specifically, Staff objects to this language in Suburban’s RFP 1-2.

¹⁰ Specifically, Staff objects to this language in Suburban’s RFP 1-25.

¹¹ Specifically, Staff objects to this language in Suburban’s RFI 1-1.

¹² *Application of Consumers Water, Inc. for a Rate/Tariff Change*, Docket No. 43076.

No. 43076, Staff objects that such materials are irrelevant to this proceeding and are confidential materials that are not subject to discovery in this proceeding.

Similarly, other language in Suburban's discovery requests tend toward vagueness and overbreadth. Suburban's definitions state that "you" and "PUC," as used in Suburban's requests, refers to "the Public Utility Commission of Texas, its officers, directors, managers, employees, its attorneys and legal staff, and its Legal Staff as well as its agents and those working in association with and/or who are affiliated with the OPUC [*sic*], as well as its associated, affiliates, employees, agents, representatives and each person acting or purporting to act on behalf of the OPUC [*sic*]." ¹³ If this definition is applied to each of Suburban's discovery requests, then its request is overly broad and would be unduly burdensome for Staff to comply with.

Several sections of the agency—including the Commissioners and their briefing attorneys—are walled off from Staff due to the Commission's prohibition on *ex parte* communications. ¹⁴ Suburban's requests indicate that Suburban appreciates the distinction between the Commissioners and the Commission's Staff. ¹⁵ Several other sections of the agency perform roles that are obviously unrelated to the Commission's ratemaking functions—including the information technology personnel, the Consumer Protection Division, and the Oversight & Enforcement Division. Requiring Staff's counsel to confer regarding this matter amongst every employee of the Commission cannot be intended only for the purpose of discovering material relevant to this proceeding.

When Staff raised its concerns with Suburban, counsel for Suburban responded by describing Suburban's concerns regarding the Commission's Oversight & Enforcement Division and a utility district, which Suburban's counsel believes have engaged in actions that are hostile to Suburban. Staff believes that the breadth in scope of Suburban's discovery requests is the result of Suburban's concerns regarding these other enforcement matters.

¹³ Suburban's First Requests at 3. Suburban later confirmed that it did not intend to request that Staff obtain material from the Office of Public Utility Counsel ("OPUC"), as discussed in Section IV below.

¹⁴ See 16 TAC § 22.3(b)(2).

¹⁵ For example, Suburban RFI 1-8 acknowledges that the "PUC" may adopt the recommendation of "the PUC and its Staff."

Suburban has also indicated that it intends to discover whether these enforcement matters will influence Staff's position in this proceeding. Without waiving any objections, for the purposes of responding to Suburban's discovery requests, Staff intends to respond as though the questions were intended to obtain material received by or in the possession of the personnel assigned to work on this matter in the Commission's Legal and Water Utilities divisions that discuss matters in this proceeding. As a result, Suburban's concerns that do relate to the conduct of this proceeding will be addressed by Staff's responses.

2. Requests for all communications, including a record of all telephone calls, conducted by Staff are overbroad and unduly burdensome.

Suburban RFI 1-15 requests identification of communications that Staff has conducted with any persons regarding Suburban during the past two years.¹⁶ Suburban defines "communication" as "any oral or written utterance, notation or statement of any nature whatsoever, by and to whomsoever made, including, but not limited to, correspondence, conversations, dialogues, discussions, interviews, consultations, agreements and other understandings between or among two or more persons" and further defines "identify," which respect to non-written communication as meaning "to identify the persons participating in the communication and to state the date, manner, place and substance of the communication."¹⁷ Suburban RFP 1-25 requests "correspondence" and not "communications," but may be intended by Suburban to request the same material.

As Staff understands these requests, any communication referring to Suburban even in passing must be logged, with details identifying persons, the date, manner, place, and substance of the communication. If Staff's counsel and counsel for OPUC discuss a draft procedural schedule or if a ratepayer asks Staff's legal assistants for help filing a pleading, Staff would be required to provide a log of such communications.

Without waiving any objections, Staff intends to respond to Suburban's request for non-written communications to the extent any such communications are relied on by Staff's witnesses

¹⁶ The text of Suburban RFI 1-15 is provided above. *Supra* n. 6.

¹⁷ Suburban's Discovery Requests at 3-4.

for their position in this proceeding by listing the persons involved and the approximate date of such non-written communications.

III. STATEMENT REGARDING NEGOTIATIONS

As required by 16 TAC § 22.144(d), Staff has negotiated diligently and in good faith with Suburban to resolve the above objections.

IV. AGREED LIMITATIONS ON SUBURBAN'S DISCOVERY REQUESTS

In addition to the above objections, Staff and Suburban have agreed to the below limitations on Suburban's discovery requests.

1. Although several of Suburban's requests mention OPUC, Suburban is not requesting that Staff get documents from OPUC, unless Staff has received documents from the OPUC and they relate to Suburban.
2. Staff and Suburban have agreed that Suburban's discovery requests do not apply to documents or communication strictly possessed by attorneys (and their support personnel, such as assistants and paralegals). Such materials do not need to be listed in a privilege log. Suburban may request production of materials received from parties outside of the Commission or from personnel who are not attorneys (and are not attorneys' support personnel), to the extent those materials are relevant to Docket No. 46674 and are not covered by some other form of privilege or objection. Without waiving any other objections, Staff agrees to respond fully regarding such materials to the extent required by law.
3. Staff and Suburban have agreed to limitations of Suburban's RFIs 1-9 and 1-10 so that Staff will not be required to provide extensive listing of relevant legal precedents. Staff will provide similar responses to those provided by Staff in Docket No. 43076 in response to Consumers Water, Inc.'s RFIs 1-10 and 1-12.¹⁸
4. Staff has not designated which personnel, if any, will provide testimony in this matter. While Staff personnel continue to evaluate the application, it is not known

¹⁸ Docket No. 43076, Commission Staff's Response to Consumers Water, Inc.'s RFIs 1-10 and 1-12 (Oct. 4, 2016).

who will be offered as an expert in this matter. As a result, Staff will be unable at this time to respond to Suburban RFP 1-3, 1-4, and 1-22 or Suburban's requests for disclosure. In addition, Staff will be unable at this time to indicate which witnesses will sponsor specific documents, as requested by Suburban RFPs 1-4, 1-6, 1-7, 1-8, 1-9, 1-10, 1-11, 1-12, 1-14, 1-15, 1-16, 1-17, 1-18, 1-19, 1-20, or 1-21. Staff and Suburban have agreed that that Staff will not be required to respond to this component of the requests identified above until Staff files its direct testimony.

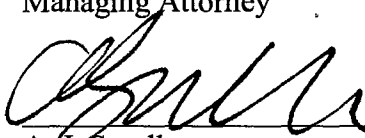
Date: March 2, 2017

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

Stephen Mack
Managing Attorney

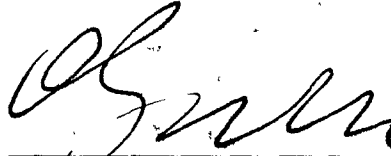


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CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on March 2, 2017 in accordance with 16 TAC § 22.74.


A. J. Smullen

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**APPLICATION OF SUBURBAN
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AUTHORITY TO CHANGE RATES**

**STATE OFFICE OF
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**APPENDIX TO COMMISSION STAFF'S OBJECTIONS TO SUBURBAN'S FIRST SET OF
DISCOVERY REQUESTS**

RFI Number	Text	Objection	Proposed Limitation
1-1	Please indicate whether or not the water rate structure proposed in SUBURBAN's Rate/Tariff Change Application are appropriate. If not, what rate structure do you claim would be appropriate.	Questions directed to "you" or "the PUC and its Staff" are vague, overly broad, unduly burdensome	Staff intends to respond as though the questions were intended to obtain material received by or in the possession of the personnel assigned to work on this matter in the Commission's Legal and Water Utilities divisions.
1-2	Please indicate if SUBURBAN should be allowed to recover reasonable and necessary rate case expenses in addition to its cost of service requested. Does the PUC agree that reasonable and necessary rate case expense should be recovered in the form of a monthly surcharge charged to the customers in addition to any cost of service? If not, what form should be use to recover reasonable and necessary rate case expense.	Questions directed to "you" or "the PUC and its Staff" are vague, overly broad, unduly burdensome	Staff intends to respond as though the questions were intended to obtain material received by or in the possession of the personnel assigned to work on this matter in the Commission's Legal and Water Utilities divisions.

1-3	Please identify if the PUC and its Staff is recommending disallowance of any expenses included in the cost of service, please provide the name and amount of each expense for which the OPUC and its Staff recommends a change and the specific reasons for disallowing any expense.	Questions directed to "you" or "the PUC and its Staff" are vague, overly broad, unduly burdensome	Staff intends to respond as though the questions were intended to obtain material received by or in the possession of the personnel assigned to work on this matter in the Commission's Legal and Water Utilities divisions.
1-4	Please indicate what measures the PUC and its Staff have taken in their analysis to fix an overall level of revenue that will permit SUBURBAN a reasonable opportunity to earn a reasonable return on its invested capital used and useful in rendering service to the public over and above its reasonable and necessary operating expenses and will preserve the financial integrity of this utility as provided for in the Texas Water Code § 13.183.	Questions directed to "you" or "the PUC and its Staff" are vague, overly broad, unduly burdensome	Staff intends to respond as though the questions were intended to obtain material received by or in the possession of the personnel assigned to work on this matter in the Commission's Legal and Water Utilities divisions.
1-5	If the percentage rate of return that the PUC and its Staff recommends is different from what appears in SUBURBAN's Rate/Tariff Change Application, please indicate the reasons for the difference and the amount of the difference.	Questions directed to "you" or "the PUC and its Staff" are vague, overly broad, unduly burdensome	Staff intends to respond as though the questions were intended to obtain material received by or in the possession of the personnel assigned to work on this matter in the Commission's Legal and Water Utilities divisions.
1-6	If the net invested capital, or rate base, that the PUC and its staff recommends is different from what appears in SUBURBAN's Rate/Tariff Change Application, please indicate the reasons for the difference and the amount of the difference.	Questions directed to "you" or "the PUC and its Staff" are vague, overly broad, unduly burdensome	Staff intends to respond as though the questions were intended to obtain material received by or in the possession of the personnel assigned to work on this matter in the Commission's Legal and Water Utilities divisions.
1-7	Please indicate any quality of service concerns the PUC and its Staff have with the water service provided by SUBURBAN. Please identify each specific concern by indicating exactly what is the concern, the exact location	Questions directed to "you" or "the PUC and its Staff" are	Staff intends to respond as though the questions were intended to obtain material received by or in the possession of the personnel

	of the concern and the length of time the quality of service concern has been occurring.	vague, overly broad, unduly burdensome	assigned to work on this matter in the Commission's Legal and Water Utilities divisions.
1-8	If the PUC and its staff is recommending that SUBURBAN not be allowed to recover the revenue requirement to perform necessary operational and billing services, please explain how SUBURBAN will be able to provide continuous and adequate service to its customers both current and future, if this recommendation is adopted by the SOAH ALJ and by the PUC.	Questions directed to "you" or "the PUC and its Staff" are vague, overly broad, unduly burdensome	Staff intends to respond as though the questions were intended to obtain material received by or in the possession of the personnel assigned to work on this matter in the Commission's Legal and Water Utilities divisions.
1-9	Please provide the underlying rules, and provisions of the Texas Water Code, if any, as well as any other legal precedent, law or rule that you claim supports the use of data outside the test year and period of known and measurable change to determine the appropriate rate of return for an investor owned utility regulated by the PUC in the State of Texas if such claims are being made by the PUC, or if the PUC plans to make such claims.	Questions directed to "you" or "the PUC and its Staff" are vague, overly broad, unduly burdensome	Staff intends to respond as though the questions were intended to obtain material received by or in the possession of the personnel assigned to work on this matter in the Commission's Legal and Water Utilities divisions.
1-10	Please provide the underlying rules, and provisions of the Texas Water Code, if any, as well as any other legal precedent, law or rule that you claim supports any claim by the PUC that the proposed Capital Improvement Surcharge is not reasonable and necessary to provide facilities capable of providing adequate and continuous service by SUBURBAN to its customers.	Questions directed to "you" or "the PUC and its Staff" are vague, overly broad, unduly burdensome	Staff intends to respond as though the questions were intended to obtain material received by or in the possession of the personnel assigned to work on this matter in the Commission's Legal and Water Utilities divisions.
1-11	Please explain in detail how SUBURBAN's capital structure is atypical of other regulated investor owned utilities in the State of Texas, and give specific examples to support this testimony if the PUC is making or plans to make such claim.	Questions directed to "you" or "the PUC and its Staff" are vague, overly broad, unduly burdensome	Staff intends to respond as though the questions were intended to obtain material received by or in the possession of the personnel assigned to work on this matter in the Commission's Legal and Water Utilities divisions.

1-12	Please identify each component of SUBURBAN as set forth in its proposed plan of improvements, repairs and upgrades that the PUC claims is not necessary and/or needed in order for the company to provide continuous and adequate water service to its customers.	Questions directed to "you" or "the PUC and its Staff" are vague, overly broad, unduly burdensome	Staff intends to respond as though the questions were intended to obtain material received by or in the possession of the personnel assigned to work on this matter in the Commission's Legal and Water Utilities divisions.
1-13	Provide the sources of funding that the PUC and its Staff claim are available to SUBURBAN in order for the company to pay for the water system improvements, upgrades and repairs as set forth in its water system improvement plans, if the PUC and its Staff claim this instant rate change application should not be granted to SUBURBAN.	Questions directed to "you" or "the PUC and its Staff" are vague, overly broad, unduly burdensome	Staff intends to respond as though the questions were intended to obtain material received by or in the possession of the personnel assigned to work on this matter in the Commission's Legal and Water Utilities divisions.
1-14	Please identify any and all persons and experts that the PUC has conferred with and/or used to review SUBURBAN's rate change application and to assist the OPUC is formulating discovery sent to SUBURBAN by the PUC.	Questions directed to "you" or "the PUC and its Staff" are vague, overly broad, unduly burdensome	Staff intends to respond as though the questions were intended to obtain material received by or in the possession of the personnel assigned to work on this matter in the Commission's Legal and Water Utilities divisions.
1-15	Please identify any and all communications that the PUC and its Staff, including its attorneys, have had with any persons, any water and sewer utilities and districts of any kind and nature and their representatives, with any attorneys either individually or who represent persons or entities or agencies, with any state and local agencies, with any state or local elected officials, and with any other entities and persons that in any way mention, reference, relate to and pertain to this rate change application by SUBURBAN and any issues involved in this proceeding, and that in any way relate, refer and	Questions directed to "you" or "the PUC and its Staff" are vague, overly broad, unduly burdensome Requests for all documents that refer to Suburban are overly broad and unduly burdensome, are not reasonably	Staff intends to respond as though the questions were intended to obtain material received by or in the possession of the personnel assigned to work on this matter in the Commission's Legal and Water Utilities divisions that discuss matters in this proceeding. Staff intends to respond to Suburban's request for non-written communications to the extent any

	pertain to SUBURBAN and its affiliates during the past two (2) years.	calculated to lead to the discovery of material relevant to this proceeding, and request materials that are confidential settlement documents used in other proceedings. Requests for a detailed log of all of Staff's non-written communications are overbroad and unduly burdensome.	such communications are relied on by Staff's witnesses for their position in this proceeding by listing the persons involved and the approximate date of such non-written communications.
RFP Number	Text	Objection	Proposed Limitation
1-1	Provide copies of all documents, tangible items and other demonstrative evidence to be used by the PUC at the final hearing in this case, trial.	Questions directed to "you" or "the PUC and its Staff" are vague, overly broad, unduly burdensome	Staff intends to respond as though the questions were intended to obtain material received by or in the possession of the personnel assigned to work on this matter in the Commission's Legal and Water Utilities divisions.
1-2	Provide copies of all studies, reports, compilations, treatises; contracts, correspondence, photographs, graphs, diagrams, maps, charts, financial statements, invoices, bids, checks, governmental records, test results, audits, and other documents reviewed and relied upon by any witness for the PUC in this cause. In providing the response to this request, please provide the original Staff	Questions directed to "you" or "the PUC and its Staff" are vague, overly broad, unduly burdensome	Staff intends to respond as though the questions were intended to obtain material received by or in the possession of the personnel assigned to work on this matter in the Commission's Legal and Water Utilities divisions.

	work papers in their original format, i.e. Excel spreadsheet, Word documents, etc. as they were reviewed by the PUC's Staff and its attorneys.		
1-3	Provide copies of all documents, studies, reports, compilations, computer programs (with associated data bases), charts, diagrams, maps, pictures, text books and other tangible materials reviewed by each testifying expert witness for the PUC used or relied upon by that expert witness in formulating any opinion to be offered at the final hearing by the PUC as expert witness testimony as well as was used by any such expert witness to support their testimony filed in this case. "Expert witness" shall be defined by Tex. R. Evid. 702 subject to the Texas Supreme Court's holding in <i>E. I. DuPont de Nemours and Co. v. Robinson</i>, 923 S. W. 2nd 549 (Tex. 1997) and the United States Supreme Court's holding in <i>Daubert v. Merrell Dow Pharmaceuticals, Inc.</i>, 509, U. S. 579, 113 S. Ct. 2786 (1993). With respect to each produced or identified items, please identify which expert witness reviewed the item and with which opinion of that expert witness the item is associated.	Questions directed to "you" or "the PUC and its Staff" are vague, overly broad, unduly burdensome	Staff intends to respond as though the questions were intended to obtain material received by or in the possession of the personnel assigned to work on this matter in the Commission's Legal and Water Utilities divisions.
1-4	Provide copies of all documents, studies, treatises, reports, compilations, computer programs (with associated data bases), charts, diagrams, maps, pictures, text books and other tangible materials reviewed by a non-testifying expert for the PUC used or relied upon by the PUC's expert witnesses in formulating any opinion to be offered at trial by the PUC and its Staff as expert witness testimony. "Expert witness" shall be defined by Tex. R. Evid. 702 subject to the Texas Supreme Court's holding in <i>E. I. DuPont de Nemours and Co. v. Robinson</i>, 923 S. W. 2nd 549 (Tex. 1997) and the United States Supreme Court's holding in <i>Daubert v.</i>	Questions directed to "you" or "the PUC and its Staff" are vague, overly broad, unduly burdensome	Staff intends to respond as though the questions were intended to obtain material received by or in the possession of the personnel assigned to work on this matter in the Commission's Legal and Water Utilities divisions.

	<i>Merrell Dow Pharmaceuticals, Inc.</i> , 509; U. S. 579, 113 S. Ct: 2786 (1993). With respect to each produced or identified items, please identify which on-testifying expert reviewed the item and with which opinion of the OPUC's expert witness the item is associated.		
1-6	Provide copies of all documentation in the possession or control of the PUC and its Staff that demonstrate that any cost, tax, assessment or expense in SUBURBAN's proposed water utility cost of service (or revenue requirement) rate application is not reasonable and necessary. With respect to each item produced, identify with specificity which cost or expense is being challenged and the expert witness that will sponsor that document and this opinion evidence at trial.	Questions directed to "you" or "the PUC and its Staff" are vague, overly broad, unduly burdensome	Staff intends to respond as though the questions were intended to obtain material received by or in the possession of the personnel assigned to work on this matter in the Commission's Legal and Water Utilities divisions.
1-7	Provide copies of all documentation in the possession or control of the PUC and its Staff that demonstrate that any item or plant or investment in SUBURBAN's proposed water utility rate base (a/k/a invested capital) is not reasonably priced or includable for ratemaking purposes. With respect to each item produced, identify with specificity which individual item of plant or investment is being challenged and the expert witness that will sponsor that document and this opinion evidence at trial.	Questions directed to "you" or "the PUC and its Staff" are vague, overly broad, unduly burdensome	Staff intends to respond as though the questions were intended to obtain material received by or in the possession of the personnel assigned to work on this matter in the Commission's Legal and Water Utilities divisions.
1-8	Provide copies of all documentation in the possession or control of the PUC and its Staff that demonstrate that any item of plant or investment in SUBURBAN's proposed water utility rate base is not used and useful for ratemaking purposes. With respect to each item produced, identify with specificity which individual item of plant or investment is being challenged and the expert witness that will sponsor that document and this opinion evidence at trial.	Questions directed to "you" or "the PUC and its Staff" are vague, overly broad, unduly burdensome	Staff intends to respond as though the questions were intended to obtain material received by or in the possession of the personnel assigned to work on this matter in the Commission's Legal and Water Utilities divisions.

1-9	Provide copies of all documentation in the possession or control of the PUC that demonstrate that any component of SUBURBAN's proposed capital structure is inappropriate for water utility ratemaking purposes in this docket. With respect to each item produced, identify with specificity which component is being challenged and the expert witness that will sponsor that document and this opinion evidence at trial.	Questions directed to "you" or "the PUC and its Staff" are vague, overly broad, unduly burdensome	Staff intends to respond as though the questions were intended to obtain material received by or in the possession of the personnel assigned to work on this matter in the Commission's Legal and Water Utilities divisions.
1-10	Provide copies of all documentation in the possession or control of the PUC and its Staff that demonstrate that any component of SUBURBAN's proposed rate of return on any water utility ratemaking purposes is inappropriate for water utility ratemaking purposes in this docket. With respect to each item produced, identify with specificity which rate of return on which component is being challenged and the expert witness that will sponsor that document and this opinion evidence at trial.	Questions directed to "you" or "the PUC and its Staff" are vague, overly broad, unduly burdensome	Staff intends to respond as though the questions were intended to obtain material received by or in the possession of the personnel assigned to work on this matter in the Commission's Legal and Water Utilities divisions.
1-11	Provide copies of all documentation in the possession or control of the PUC and its Staff that demonstrate that any component of SUBURBAN's proposed rate of return on any water utility ratemaking purposes is inappropriate for water utility ratemaking purposes in this docket. With respect to each item produced, identify with specificity which rate of return on which component is being challenged and the expert witness that will sponsor that document and this opinion evidence at trial.	Questions directed to "you" or "the PUC and its Staff" are vague, overly broad, unduly burdensome	Staff intends to respond as though the questions were intended to obtain material received by or in the possession of the personnel assigned to work on this matter in the Commission's Legal and Water Utilities divisions.
1-12	Provide copies of all documentation in the possession or control of the PUC and its Staff that demonstrate that any component of SUBURBAN's proposed rate design is inappropriate for water utility ratemaking purposes in this docket. With respect to each item produced, identify with specificity which rate design component is being	Questions directed to "you" or "the PUC and its Staff" are vague, overly broad, unduly burdensome	Staff intends to respond as though the questions were intended to obtain material received by or in the possession of the personnel assigned to work on this matter in the Commission's Legal and Water Utilities divisions.

	challenged and the expert witness that will sponsor that document and this opinion evidence at trial.		
1-14	Provide copies of all documentation in the possession or control of the PUC and its Staff that demonstrate that any non-service fee or charge (water tariff) proposed by SUBURBAN is inappropriate. With respect to each item produced, identify with specificity which fee or charge is being challenged and the expert witness that will sponsor that document and this opinion evidence at trial.	Questions directed to "you" or "the PUC and its Staff" are vague, overly broad, unduly burdensome	Staff intends to respond as though the questions were intended to obtain material received by or in the possession of the personnel assigned to work on this matter in the Commission's Legal and Water Utilities divisions.
1-15	Provide copies of all documentation in the possession or control of the PUC and its Staff that demonstrate that any component, section or provision of SUBURBAN's proposed water utility tariff should not be approved in this docket. With respect to each item produced, identify with specificity which tariff component, section or provision is being challenged and the expert witness that will sponsor that document and this opinion evidence at trial.	Questions directed to "you" or "the PUC and its Staff" are vague, overly broad, unduly burdensome	Staff intends to respond as though the questions were intended to obtain material received by or in the possession of the personnel assigned to work on this matter in the Commission's Legal and Water Utilities divisions.
1-16	Provide copies of all documentation in the possession or control of the PUC and its Staff that indicate that the improvements to SUBURBAN's water utility plant which are in SUBURBAN's plans for improvement in this case are not necessary and needed, and identify how SUBURBAN can obtain the necessary funding to make the upgrades, improvements and repairs the TCEQ would have SUBURBAN make to bring its water system into conformance with TCEQ rules, and indicate how this would be accomplished.	Questions directed to "you" or "the PUC and its Staff" are vague, overly broad, unduly burdensome	Staff intends to respond as though the questions were intended to obtain material received by or in the possession of the personnel assigned to work on this matter in the Commission's Legal and Water Utilities divisions.
1-17	Provide copies of all documentation in the possession or control of the PUC and its Staff that indicate and show how the company can make improvements to SUBURBAN's water utility plant and facilities that the State of Texas would have the company bring it into	Questions directed to "you" or "the PUC and its Staff" are vague, overly broad, unduly burdensome	Staff intends to respond as though the questions were intended to obtain material received by or in the possession of the personnel assigned to work on this matter in

	conformance with TCEQ and PUC rules and with provisions of the Texas Water Code without the use of the instant rate increase and indicate how this would be accomplished.		the Commission's Legal and Water Utilities divisions.
1-18	Provide copies of all documentation in the possession or control of the PUC and its Staff that demonstrate which rate case expenses incurred by SUBURBAN should be recoverable through rates. i.e., included in the revenue requirement or surcharged. With respect to each item produced, identify with specificity which expenses and the expert witness that will sponsor that document and this opinion evidence at trial.	Questions directed to "you" or "the PUC and its Staff" are vague, overly broad, unduly burdensome	Staff intends to respond as though the questions were intended to obtain material received by or in the possession of the personnel assigned to work on this matter in the Commission's Legal and Water Utilities divisions.
1-19	Provide copies of all documentation in the possession or control of the PUC and its Staff regarding any water utility cost of service allocations proposed by SUBURBAN that the PUC and its Staff claim are incorrect or otherwise inappropriate for ratemaking purposes in this docket. With respect to each item produced, identify with specificity each the challenged allocation and the expert witness that will sponsor that document and this opinion evidence at trial.	Questions directed to "you" or "the PUC and its Staff" are vague, overly broad, unduly burdensome	Staff intends to respond as though the questions were intended to obtain material received by or in the possession of the personnel assigned to work on this matter in the Commission's Legal and Water Utilities divisions.
1-20	Provide copies of all documentation in the possession or control of the PUC and its Staff that identify any water utility rate base allocations proposed by SUBURBAN that the PUC and its Staff believe are incorrect or otherwise inappropriate for ratemaking purposes in this docket. With respect to each item produced, identify with specificity the challenged allocation and the expert witness that will sponsor that document and this opinion evidence at trial.	Questions directed to "you" or "the PUC and its Staff" are vague, overly broad, unduly burdensome	Staff intends to respond as though the questions were intended to obtain material received by or in the possession of the personnel assigned to work on this matter in the Commission's Legal and Water Utilities divisions.
1-21	Provide copies any and all documents, materials or other items that the PUC claims that support any contention you may have that SUBURBAN cannot support the need	Questions directed to "you" or "the PUC and its Staff" are	Staff intends to respond as though the questions were intended to obtain material received by or in

	for a customer rate surcharge to make necessary capital improvements to its water utility system as set forth into its rate change application.	vague, overly broad, unduly burdensome	the possession of the personnel assigned to work on this matter in the Commission's Legal and Water Utilities divisions.
1-23	Please provide any and all documents that relate to the PUC's and its Staff's responses to the following numbered SUBURBAN Request for Information listed above; these documents to include, but not be limited to, any document, report, memoranda, email messages and any other written or electronic materials that the PUC and its Staff reviewed, used and/or know or presume that relate and/or were used to support or were reviewed in the process of the OPUC Staff attorney's testimony and/or stated positions as well as the PUC's and its Staff's responses to the Request for Information listed above.	Questions directed to "you" or "the PUC and its Staff" are vague, overly broad, unduly burdensome To the extent Suburban RFP 1-23 requests the same material as any of Suburban's other discovery requests, and Staff would raise the same objections as it raises regarding each of Suburban's other discovery requests.	Staff intends to respond as though the questions were intended to obtain material received by or in the possession of the personnel assigned to work on this matter in the Commission's Legal and Water Utilities divisions that discuss matters in this proceeding. Staff intends to respond to Suburban's request for non-written communications to the extent any such communications are relied on by Staff's witnesses for their position in this proceeding by listing the persons involved and the approximate date of such non-written communications.
1-25	Please provide copies of any and all correspondence, memoranda, letters, emails, documents, notes, messages, and any other materials received by and sent by the PUC and any of its Staff, including its attorneys, from, with and to any other persons, any water and sewer utilities and districts of any kind and nature, attorneys either individually or who represent persons or entities or agencies, any state and local agencies and departments, including, but not limited to, the Public Utility Commission of Texas and its staff, including attorneys, the Texas Commission on Environmental Quality and its	Questions directed to "you" or "the PUC and its Staff" are vague, overly broad, unduly burdensome Requests for all documents that refer to Suburban are overly broad and unduly burdensome,	Staff intends to respond as though the questions were intended to obtain material received by or in the possession of the personnel assigned to work on this matter in the Commission's Legal and Water Utilities divisions that discuss matters in this proceeding. Staff intends to respond to Suburban's request for non-written

	staff, including attorneys, and any other state and local agencies and departments, any state or local elected officials, and any other entities and persons that in any way mention, reference, relate to and pertain to this rate change application by SUBURBAN and any issues involved in this proceeding, and that in any way relate, refer and pertain to SUBURBAN and its affiliates during the past three (3) years.	are not reasonably calculated to lead to the discovery of material relevant to this proceeding, and request materials that are confidential settlement documents used in other proceedings. Requests for a detailed log of all of Staff's non-written communications are overbroad and unduly burdensome.	communications to the extent any such communications are relied on by Staff's witnesses for their position in this proceeding by listing the persons involved and the approximate date of such non-written communications.
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