



Control Number: 47897



Item Number: 198

Addendum StartPage: 0

PUC DOCKET NO. 47897
SOAH DOCKET NO. 473-18-3008.WS

RECEIVED

2018 JUL -3 AM 9:34

Application for Intervenor's Against
Forest Glen Utility for Authority to Change Sewage Rates
Before the Public Utility Commission of Texas

PUBLIC UTILITY COMMISSION
FILING CLERK

FLEMING D. MITCHELL REQUESTS INFORMATION
TO FOREST GLEN UTILITY COMPANY

COMES NOW, Fleming D. Mitchell serves this, its Second Requests for Information, to Forest Glen Utility Company, pursuant to Chapter 2001 of the Texas Government Code, the Texas Rules of Civil Procedure, and applicable rules and regulations of the Public Utility Commission of Texas (PUC" or "Commission") and the State Office of Administrative Hearings (SOAH").

You are requested to answer in complete detail and in writing each of the following Requests For Information, as well as produce the requested documents, within 20 days of service in accordance with the Texas Rules of Civil Procedure and the Procedural Rules of the PUC at the offices of the undersigned counsel, or at such other time and place as agreed between counsel. Forest Glen Utility Company may and is encouraged to produce responsive documents in an electronic format.

Respectfully submitted,
Fleming D. Mitchell
163 Sunrise Hill
Castroville, TX 78009
210-887-6045
mitch9130@gmail.com

CERTIFICATE OF SERVICE

I, Fleming D. Mitchell, hereby certify that I have or will serve a true and correct copy of the foregoing document via hand delivery, facsimile, electronic mail, overnight mail, U.S. mail, or Certified Mail Return Receipt Requested on all parties on the 29th of June 2018.

By: _____


Fleming D. Mitchell

INSTRUCTIONS

- a) Singular and masculine forms of any noun or pronoun shall embrace and be applied as the plural or as the feminine or neuter, as appropriate to the context, and vice versa.
- b) Each category following is to be construed and responded to independently and is not to be referenced to any other item herein for the purposes of limitation.
- c) Documents produced pursuant to this request shall be tendered either in the precise form or manner in which they are kept in the usual course of business or organized and labeled to correspond with the category that follows these requests.
- d) Any use herein of the word "including shall be construed as "including, but not limited to."
- e) Any use herein of the words "and" or "or" shall be construed either conjunctively or disjunctively as necessary to bring within the scope of these requests any documents that might otherwise be considered outside its scope.
- f) Any use herein of the words "any" or "all" shall be construed generally to mean "each and every," but shall be construed either broadly or narrowly as necessary to bring within the scope of these requests any documents that might otherwise be considered outside its scope.
- g) The requirements of the Texas Rules of Civil Procedure shall be strictly complied with. All documents within the scope of these requests shall be as they are kept in the usual course of business or shall be organized and labeled to correspond to the categories of these requests.
- h) If any party named hereinabove has ever had any of the documents referred to herein in her possession, custody or control, but does not now, that party is requested to state the following with respect to each such document:
 - (1) The present location thereof, if known, or all reasons why the party cannot or does not know of the location thereof;
 - (2) The date each such document left possession, custody or control of the party;

- (3) The reasons why each such document is not now in the possession, custody, or control of the party;
- (4) The name and address of all persons having knowledge about the matters inquired about in the immediately preceding paragraphs (1) through (3).

(i) Any document requested herein has been destroyed, you are requested to describe in detail the circumstances of and reasons for such destruction, and to produce all documents that relate to either the circumstances or the reasons for such destruction.

(j) If any document requested herein is withheld under claim or privilege, or is not produced for whatever reason, you are requested:

1. The state with specificity the claim of privilege or other reason used to withhold production; and,
2. To identify each such document by date, author, and subject matter, without ruling on the privilege or other reason asserted.

You are further requested to produce those portions of any such document which are not subject to the claim of privilege or other reason for non-production by excising or otherwise protecting the portions for which a privilege is asserted, if such a technique does not result in disclosing the contents of the portions for which some privilege is asserted.

(k) These discovery requests are continuing in nature. If further information or documents come into your possession or are brought to your attention during preparation for trial or during trial, supplementation of your responses may be required.

(l) Except where otherwise specified or indicated by context, each category following requests information for the period from the time when you first had any contact or communication with the Respondent to the date of the production of the documents, subject to the duty to supplement.

(m) Unless otherwise defined, the specific terms used in these discovery requests shall have the same meaning as the definitions contained in chapter 13 of the Texas Water Code, the Public Utility Commission of Texas regulations implementing those laws and the bylaws of Avalon Water Supply and Sewer Services Corporation.

(n) Pursuant to 30 Tex. Admin. Code ("TAC") § 22.144(c)(2), answer to the requests for information shall be made under oath.

DEFINITIONS

1. "You" and "your" means Forest Glen Utility Company as well as your attorneys, employees, independent contractors, representatives, consultants, affiliates, and expert witnesses.
2. "FGU" means Forest Glen Utility Company, applicant in the above-docketed rate case.
3. "Commission" "PUC" means the Public Utility Commission of Texas with jurisdiction over this matter, PUC Docket No. 47897.

4. "Document" or "documents" means and refers to all writings, data, data compilations, correspondence, electronic transmissions, email, electronically stored data and data compilations, and all versions and modifications of same.

**PUC DOCKET NO. 47897
SOAH DOCKET NO. 473-18-3008.WS**

**FLEMING D. MITCHELL'S FIRST
REQUESTS FOR INFORMATION TO
FOREST GLEN UTILITY COMPANY**

Request for Admission No. 1-1: Admit FGU has never charged more than \$12.00 prior to the January 2016 increase to \$35.00.

Response:

Request for Admission No. 1-2: Admit residents of Potranco Ranch Subdivision were not swayed toward use of the dual system by being informed it would be cheaper.

Response:

Request for Admission No. 1-3: Admit residents of Potranco Ranch Subdivision are being assessed a flat rate whether or not water has been used.

Response:

Request for Admission No. 1-4: Admit residents of Potranco Ranch Subdivision rates are not equal to other subdivisions in the area using Yancey Water.

Response:

Request for Admission No. 1-5: Admit FGU does not afford residents of Potranco Ranch Residents ample time to respond to request (i.e. attempt to increase rates).

Response:

Request for Admission No. 1-6: Admit FGU's expenses far exceed that of which is received from residents of Potranco Ranch Subdivision.

Response:

Request for Admission No. 1-7: Admit FGU does not have a proactive approach to communicating with all members of Potranco Ranch Subdivision residents.

Response:

Request for Admission No. 1-8: Admit FGU sends threatening letters to terminate water usage and charge for reconnection of residents of Potranco Ranch Subdivision when such notifications due not afford residents sufficient time to protest.

Response:

Request for Admission No. 1-9: Admit FGU considers residents of Potranco Ranch Subdivision as elite residents such as those who reside in such places as The Dominion, etc.

Response:

Request for Admission No. 1-10: Admit FGU failed to expand its wastewater treatment plant prior to accepting service for the expansion.

Response:

Request for Admission No. 1-11: Admit FGU rates are aligned with over users of Yancey Water.

Response:

Request for Admission No. 1-12: Admit FGU is aware that quite a few residents in Potranco Ranch Subdivision are either active duty or retired military and are looked at as an avenue to charge unfair fees.