



Control Number: 47897



Item Number: 201

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

**APPLICATION OF FOREST GLEN
UTILITY COMPANY FOR AUTHORITY
TO CHANGE RATES**

**BEFORE THE
PUBLIC UTILITY COMMISSION
OF TEXAS**

**CECIL PERKINS' FIRST REQUEST REQUEST FOR
INFORMATION TO FOREST GLEN UTILITY COMPANY**

TO: Forest Glen Utility Company

COMES NOW, Cecil Perkins serves this, the First Request 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 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 requested documents within 20-days of service in accordance with the Texas Rules of Civil Procedure and the Procedural Rules of the PUC. Forest Glen may and is encouraged to produce responsive documents in electronic format.

Respectfully submitted,

Cecil J. Perkins
196 Misty Dawn
Castroville, Texas 78009
210-380-1919
cecilsgroup@gmail.com

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PUBLIC UTILITY COMMISSION
CASTROVILLE, TEXAS

By: _____



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CERTIFICATE OF SERVICE

I, Cecil Perkins, 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 2nd day of July 2018.

By: 
Cecil J. Perkins
INTERVENOR

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 herein above 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.
5. "PID" means Public Improvement District.
6. "Yancey" means Yancey Water Supply Corporation.

REQUEST FOR ADMISSION

Request for Admission No. 1-1: Admit, in addition to receiving cost for services from Potranco Ranch homeowners, FGU has receives income from Potranco Ranch homebuilders upon connection of water services.

RESPONSE:

Request for Admission No. 1-2: Admit, in addition to FGU receiving cost for monthly services from Potranco Ranch homeowners, FGU receives annual income from Potranco Ranch homeowners through the Potranco Ranch Public Improvement District for service expansion and improvements.

RESPONSE:

Request for Admission No. 1-3: Admit, the Potranco Ranch Public Improvement District fee is collected by FGU in the same matter as property tax for homeowners.

RESPONSE:

Request for Admission No. 1-4: Admit, money collected annually by FGU through the Potranco Ranch Public Improvement District is not a tax.

RESPONSE:

Request for Admission: No. 1-5 Admit, prior to January 1, 2016, the sewer rate charged by FGU was a variable rate.

RESPONSE:

Request for Admission No. 1-6: Admit, prior to January 1, 2016, FGU communicated the sewer rate was calculated using Yancey's water rates plus a 60% up-charge.

RESPONSE:

Request for Admission No. 1-7: Admit, using incorrect Yancey water rate information could result in a miscalculation of cost of services by FGU to Potranco Ranch homeowners.

RESPONSE:

Request for Admission No. 1-8: Admit, the \$12 sewer rate (\$12.12 per Yancey) charged by FGU between 2013 and 2015, as stated in FGU's rate increase letter dated October 7, 2015, pertained to homebuilders and not homeowners.

RESPONSE:

Request for Admission No. 1-9: Admit, billing line-item descriptions are not consistent among all FGU customers receiving the same services.

RESPONSE:

Request for Admission No. 1-10: Admit, paying more for non-potable water than potable water is unreasonable.

RESPONSE:

Request for Admission No. 1-11: Admit, a monthly recurring cost of \$21.10 for the "Reuse Meter" is highly expensive and unreasonable as compared to the cost of services provided.

RESPONSE:

Request for Admission No. 1-12: Admit, the cost FGU's reusable water and sewer services cost are more than potable water services.

RESPONSE:

Request for Admission No. 1-13: Admit, the affidavit attached to the "Notice of Proposed Rate Change," effective July 6, 2018, was notarized on May 30, 2018 and signed by FGU executive on June 1, 2018.

RESPONSE:

Request for Admission No. 1-14: Admit, a business interest exists between Mr. Harry Hausman, FGU Manager, with the following: Hausman Holdings LLC, Forest Glen Utility Company, 320 Potranco Ranch LLC, and Yancey Water Supply Corporation.

RESPONSE:

Request for Admission No. 1-15: Admit to receiving an email on October 13, 2015 from Mr. Cecil Perkins, requesting a copy of the contractual agreement between FGU and Mr. Perkins for water services and being referred to the HOA Declaration of Covenants, Conditions and Restrictions for the requested information.

RESPONSE:

Request for Admission No. 1-16: Admit, FGU's "Wastewater and Reuse Water Service Agreements" was sent to Potranco Ranch customers starting in January 2016.

RESPONSE: