

Control Number: 47897



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Addendum StartPage: 0

Tracking Number: WGIFCKPA

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

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2018 JUL 27 AM 10:32

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

BEFORE THE
STATE OFFICE OF
ADMINISTRATIVE HEARINGS

VAN JOHNSON'S SECOND REQUEST FOR INFORMATION
TO FOREST GLEN UTILITY COMPANY

COMES NOW, Van Johnson and 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.

210

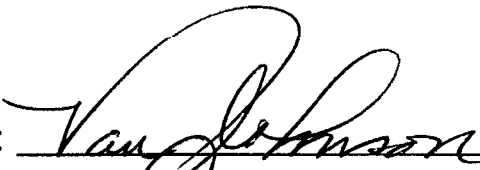
Respectfully submitted,

Van Johnson, MA, MPA
112 Sunrise Hill
Castroville, TX 78009
210-364-8317
johnsv337@gmail.com

By: _____

CERTIFICATE OF SERVICE

I, Van Johnson, 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 23rd of July 2018.

By: _____
Van Johnson

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.
5. "McMillin" means McMillin Texas Management Services, LLC.
6. "PID" means Public Improvement District.

REQUEST FOR INFORMATION

REQUEST FOR INFORMATION NO. 2-1 (RE Greenberg testimony, page 7, line 15): How is a 46% increase in sewer rate considered as a modest increase to FGU ratepayers?

RESPONSE:

REQUEST FOR INFORMATION NO. 2-2: No where in your testimony page 7, lines 23 and 24 is it mentioned that as customer base increase, the cost per customer would eventually decrease. Please explain.

RESPONSE:

REQUEST FOR INFORMATION NO. 2-3 (RE: Greenberg testimony, page 7, line 25): Further in Mr. Greenberg's testimony, it is stated at 315 customers, FGU will begin to make a profit, not 366 as alleged on line 25. Please explain the inconsistency in testimony.

RESPONSE:

REQUEST FOR INFORMATION NO. 2-4 (RE: Greenberg testimony, page 9, lines 18-19): It was stated, "In effect, the wastewater utility customers have been receiving a subsidy from the Reuse System". Please explain this unknown customer subsidy.

RESPONSE:

REQUEST FOR INFORMATION NO. 2-5 (RE: Greenberg testimony, page 11, lines 24-25): It is stated, "However, I do not want to leave the impression, as has been asked repeatedly by the Intervenor, that Forest Glen will leave its rates at \$65/mos. Are there plans to increase rates again in 2020 and 2021?"

RESPONSE:

REQUEST FOR INFORMATION NO. 2-6 (RE: Greenberg testimony, page 14, lines 3-4): Are there plans beyond build out of 366 homes for Potranco Ranch subdivision that will connect to the existing FGU WWTP for services of reuse water?

RESPONSE:

REQUEST FOR INFORMATION NO. 2-7 (RE: Greenberg testimony, page 14, lines 25-26): It was stated, "In addition, FGU receives revenues from the sale of reclaimed water". Are these revenues used to balance profits and losses?

RESPONSE:

REQUEST FOR INFORMATION NO. 2-8 (RE: Greenberg testimony, page 18, line 18): It was stated, “As of December 31, 2016, the capital investment into the WWTP was \$557,611 and \$1,388,502 for wastewater lines. Are wastewater lines included in your capital investments when these lines are handed over by the developer?

RESPONSE: