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RATEPAYERS' APPEAL OF THE  
DECISION BY SOUTH CENTRAL  
CALHOUN COUNTY WATER CONTROL  
AND IMPROVEMENT DISTRICT NO. 1  
TO CHANGE RATES

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PUBLIC UTILITY COMMISSION  
BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

**SOUTH CENTRAL CALHOUN COUNTY WATER CONTROL AND IMPROVEMENT  
DISTRICT NO. 1'S FIRST REQUEST FOR INFORMATION  
TO RATEPAYERS' REPRESENTATIVE  
QUESTION NOS. 1-1 THROUGH 1-9**

TO: Eric Englund, Designated Ratepayers Representative  
129 Magnolia Street, Port Lavaca, Texas 77979

South Central Calhoun County Water Control and Improvement District No. 1 ("District") propounds this First Request for Information ("RFI") to the Ratepayers represented by Eric Englund in Docket No. 47912 ("Ratepayers").

Responses to these RFIs are due within 20 calendar days after receipt of the requests as per 16 Tex. Admin. Code ("TAC") § 22.144(c)(1). Therefore, Ratepayers must serve responses to these RFIs on or before May 14, 2018. Please note that pursuant to instruction number 7, supplemental responses must be filed should the response to a question change after the date of initial filing based on further or different information.

Pursuant to 16 TAC § 22.144(c)(2)(F) District requests that the Ratepayers provide responses to the following questions under oath or specify in writing that the answers may be treated as being under oath.

**DEFINITIONS**

The following definitions apply to each of the RFIs, instructions, and definition set forth in this document:

1. A reference to "District" shall mean the South Central Calhoun County Water Control

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and Improvement District No. 1.

2. The Term “Ratepayers” shall mean the ratepayers of the District that filed a petition on December 28, 2017 with the Commission appealing a change in retail rates adopted by the District.
3. The term “Commission” refers to the Public Utility Commission of Texas.
4. The term “communication” includes all verbal and written communications (including written records of verbal communications) of every kind, including but not limited to, telephone calls, conferences, letters, electronic mail (e-mail), modem transfers, and all memoranda or other documents concerning the requested item. Where communications are not in writing, provide copies of all memoranda and documents and describe in full the substance of the communication to the extent that substance is not reflected in the memoranda and documents provided.
5. The term “concerning” includes the following meanings: relating to; referring to; pertaining to; regarding; discussing; mentioning; containing; reflecting; evidencing; describing; showing; identifying; providing; disproving; consisting of; supporting; contradicting; in any way legally, logically, or factually connected with the matter to which the term refers; or having a tendency to prove or disprove the matter to which the term refers.
6. “Documents” refers to all writings and records of every type, including e-mails or other electronic media, in the possession, control, or custody of the Ratepayers. “Documents” shall also refer to copies of documents, even though the originals of those documents are not in the possession, custody, or control of the Ratepayers, every copy of a document which contains handwritten or other notations or which otherwise does not duplicate the original or any other copy, and all attachments to any documents.
7. The term “e-mail” includes the entire string and all attachments found anywhere in the e-mail string.
8. “You” and “Your” refers to the Ratepayers and/or Eric Englund, and any person or entity acting or purporting to act on their behalf, including without limitation, attorneys, agents, advisors, investigators, representatives, employees or other persons or entities.

### **GENERAL INSTRUCTIONS**

The following General Instructions apply to each of the RFIs by the District:

1. Please provide all narrative responses in hard copy, on separate pages for each response, with the question restated at the top of the page. Where possible, please also provide responses via e-mail including all exhibits that are electronically available.
2. For each responsive answer, please identify the individual(s) responsible for its preparation, and the witness sponsoring the answer provided.

3. If a data request can be answered in whole or in part by reference to the response to a preceding or subsequent data request, so indicate. Specify the preceding or subsequent data request by participant or party and by number, and state whether it is claimed that the response to the preceding or subsequent data request is a full response to the instant data request. If not, furnish the balance of the response needed to complete a full reply.
4. In the event any document requested in this request is unavailable, describe in detail the reasons the document is unavailable.
5. When producing documents pursuant to these RFIs, designate on the document or group of documents the RFI(s) in response to which the document(s) are produced.
6. If, in answering any of these RFIs, there is any ambiguity in interpreting either the request or a definition or instruction applied thereto, please contact the District at:

Natasha Martin  
Graves, Dougherty, Hearon & Moody, P.C.  
401 Congress Avenue, Suite 2200  
Austin, Texas 78701  
Office: (512) 480-5639  
Facsimile: (512) 536-9939  
Email: [nmartin@gdhm.com](mailto:nmartin@gdhm.com)

If that is not possible, set forth the language deemed to be ambiguous and the interpretation chosen or used in responding to the request.

7. These data requests are continuing in nature and require supplemental responses when further or different information with respect to any of them is obtained.
8. Use of the singular or plural word form in a data request is not to be interpreted to exclude information or documents from the scope or intent of the specific request.
9. The terms "and" and "or" shall be construed either disjunctively or conjunctively whenever appropriate in order to bring within the scope of these requests any information or documents which might otherwise be considered to be beyond their scope.
10. If any document covered by this request is withheld for whatever reason, please furnish a list identifying all withheld documents in the following manner
  - (a) the reason for withholding;
  - (b) the date of the document;
  - (c) a brief description of the document;
  - (d) the name of each author or preparer;
  - (e) the name of each person who received the document; and
  - (f) a statement constituting the basis for withholding the document.

11. If the Ratepayers decline to respond to any request for information or data on the basis of privilege, please state as to each such request an explanation for the refusal. Identify those documents and communications that are withheld from the response to each specific data request. The identification shall be served within the time specified by the presiding examiner for this proceeding and in accordance with the Rules of the Commission, and shall:

- (a) specify the date of the document, its author(s) (with title and designation if an attorney), and recipients (with title and designation if an attorney);
- (b) contain a brief summary of the subject matter of the document; and
- (c) contain a brief statement of the reason that, in your opinion, the assertion of privilege is justified.

Respectfully submitted,

GRAVES, DOUGHERTY, HEARON & MOODY, P.C.  
401 Congress Avenue, Suite 2200  
Austin, Texas 78701  
(512) 480-5639 (telephone)  
(512) 536-9939 (facsimile)

By:



Natasha J. Martin  
Texas Bar No. 24083255  
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ATTORNEYS FOR SOUTH CENTRAL CALHOUN  
COUNTY WATER CONTROL AND IMPROVEMENT  
DISTRICT NO. 1

## **REQUESTS FOR INFORMATION**

### **Question No. District-Ratepayers 1-1**

Please provide a legible list of all names and addresses of the individuals that Eric Englund is authorized to represent in this matter.

### **Question No. District-Ratepayers 1-2**

Please provide the sewer bills for all customers for whom Eric Englund represents for the period beginning November 1, 2017 through the most recent bill. Responses to this question may be filed confidentially or redacted to protect customer information such as account numbers.

### **Question No. District-Ratepayers 1-3**

Please identify all individuals whom Eric Englund represents whose rates were grandfathered in on the effective date of the rate change due to prepayments or yearly payments of their sewer bills. Indicate which parties still have grandfathered rates (e.g., their yearly payment has not exhausted) as of the date of this request. Responses to this question may be filed confidentially or redacted to protect customer information such as account numbers.

### **Question No. District-Ratepayers 1-4**

Please identify any individuals who signed the petition filed with the Commission on December 28, 2017 who have formally or informally withdrawn their names from the petition.

### **Question No. District-Ratepayers 1-5**

Please identify any facts and/or documents upon which you base any allegation that the rate increase at issue in this appeal is unjust or unreasonable.

### **Question No. District-Ratepayers 1-6**

Please identify what actions you suggest would allow the District to provide continuous and adequate service to its customers while also addressing rising operational and maintenance costs.

### **Question No. District-Ratepayers 1-7**

Please identify what actions you suggest would allow the District to manage day-to-day office operations and administrative expenses and provide an estimate of the cost of those actions.

**Question No. District-Ratepayers 1-8**

Please provide any information concerning the District's new rates that you verbally communicated to the ratepayers when circulating the petition for appeal.

**Question No. District-Ratepayers 1-9**

Please provide the following information:

- a) the legal theories and, in general, the factual bases of the Ratepayers claims;
- b) the name, address, and telephone number of any potential parties;
- c) the name, address, and telephone number of persons having knowledge of relevant facts, and a brief statement of each identified person's connection with the case;
- d) the amount and any method of calculating economic damages;
- e) for any testifying expert:

- (1) the expert's name, address, and telephone number;
- (2) the subject matter on which the expert will testify;
- (3) the general substance of the expert's mental impressions and opinions and a brief summary of the basis for them, or if the expert is not retained by, employed by, or otherwise subject to the control of the responding party, documents reflecting such information;
- (4) if the expert is retained by, employed by, or otherwise subject to the control of the Ratepayers:

(A) all documents, tangible things, reports, models, or data compilations that have been provided to, reviewed by, or prepared by or for the expert in anticipation of the expert's testimony; and

(B) the expert's current resume and bibliography.

**CERTIFICATE OF SERVICE**

I certify that a copy of this document was served on the following parties of record on April 24, 2018 via Email.

Eric Englund  
129 Magnolia Street  
Port Lavaca, Texas 77979  
(361) 220-0795 Phone  
[eoenglund@yahoo.com](mailto:eoenglund@yahoo.com)  
*DESIGNATED RATEPAYERS REPRESENTATIVE*

Oshea Spencer  
1701 N. Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3336  
(512) 936-7289 Phone  
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*PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION*



Natasha J. Martin