



Control Number: 47976



Item Number: 1055

Addendum StartPage: 0

SOAH DOCKET NO. 473-18-3006.WS
PUC DOCKET NO. 47976

RECEIVED

2018 NOV -2 AM 10:22

APPLICATION OF LIBERTY
UTILITIES (SILVERLEAF WATER)
LLC FOR AUTHORITY TO CHANGE
WATER AND SEWER RATES

§
§
§
§
§

BEFORE THE STATE OFFICE

STATE UTILITY COMMISSION
FILING CLERK

OF

ADMINISTRATIVE HEARINGS

**LIBERTY UTILITIES (SILVERLEAF WATER) LLC'S
THIRD REQUEST FOR INFORMATION
TO OFFICE OF PUBLIC OF PUBLIC UTILITY COUNSEL**

Liberty Utilities (Silverleaf Water) LLC ("Company") hereby serves its Third Request for Information on Office of Public Utility Counsel pursuant to Commission Procedural Rules 22.141-.145, 16 Tex. Admin. Code Ch. 22.

Respectfully submitted,

SHAPIRO LAW FIRM, P.C.

By: 

Jay L. Shapiro (State Bar No. 24105397)
1819 E. Morten Avenue, Suite 280
Phoenix, AZ 85020
jay@shaplawaz.com

and

LAW OFFICES OF MARK H. ZEPPA, P.C.

Mark H. Zeppa (State Bar No. 22260100)
4833 Spicewood Springs Road, Suite 202
Austin, TX 78759
markzeppa@austin.twcbc.com

Attorneys for Liberty Utilities
(Silverleaf Water) LLC

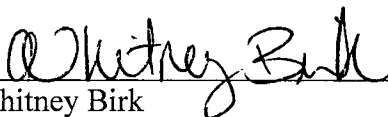
*Liberty Utilities (Silverleaf Water) LLC's
Third Request for Information to Office of Public Utility Counsel
SOAH Docket No. 473-18-3006.WS; PUC Docket No. 47976*

1 of 5

1055

Certificate of Service

I, Whitney Birk, Paralegal to Jay L. Shapiro, certify that a copy of this document was served on November 2, 2018 by hand-delivery, facsimile, electronic mail and/or First Class Mail.


Whitney Birk

Definitions

1. “APUC” means Algonquin Power & Utilities Corp.
2. “CAPM” means capital asset pricing model.
3. “Company” or “Liberty Silverleaf” means Liberty Utilities (Silverleaf Water) LLC.
4. “Document” includes all written matter of every kind and description, whether draft or final, original or reproduction, including but not limited to, correspondence, memoranda, notes, transcripts, contracts, agreements, memoranda of telephone conversations or personal conversations, notices, reports, rules, regulations, facsimile messages, minutes of meetings, interoffice communications, tapes for visual or audio reproduction, drawings, graphs, charts, electronic mail message, and other compilations from which information can be obtained. The term “document” includes all copies of the document which contain any additional writing, underlining, notes, deletions, or any other markings or notations, or otherwise not identical copies of the original.
5. “DT” means Direct Testimony filed in this proceeding on October 5, 2018.
6. “GBRA” means Guadalupe-Blanco River Authority.
7. “Identify” when used in referring to a person, shall mean to state the following with regard to the person: (a) name; (b) last known address; (c) residence and business telephone numbers; (d) relationship to you; and (e) occupation at the date of this RFI.
8. “Identify” and “identity” with respect to a document mean to state the name or title of the document, the type of document (e.g., letter, memorandum, telegram, computer input or output, chart, etc.), its date, the person(s) who authored it, the person(s) who signed it, the person(s) to whom it was addressed, the person(s) to whom it was sent, its general subject matter, its present location, and its present custodian. If any such document was in your or your witnesses’ possession or subject to your control, but is no longer, state what disposition was made of it and explain the circumstances surrounding, and the authorization for, such disposition, and state the date or approximate date of such disposition.

9. “List,” “describe,” “explain,” “specify” or “state” shall mean to set forth fully, in detail, and unambiguously each and every fact of which you have knowledge which is relevant to the answer called for by the RFI.
10. “OPUC” means Office of Public Utility Counsel and any person purporting to act on its behalf including, without limitation, attorneys, agents, advisors, representatives, employees or other persons.
11. “Resort” means Silverleaf Resorts, Inc., the owner of the Utility (as defined herein) who is the applicant in this rate case prior to the acquisition by Liberty Utilities Co.
12. “RFI” means Request for Information.
13. “TCEQ” means Texas Commission on Environmental Quality.
14. “Utility” means the utility that is now the Company (as defined above) prior to the time the assets were acquired by Liberty Utilities Co.
15. “Utility assets” means the assets of the utility that is now the Company (as defined above) prior to the time the assets were acquired by Liberty Utilities Co.
16. “You” and “Your” refers to Office of Public Utility Counsel as defined above.

Instructions

1. These instructions and definitions apply to this RFI. Unless otherwise clearly indicated within the context of a specific RFI herein, the definition of each term provided below applies whether the term is used or defined in the singular or plural.
2. Please start each response on a separate page and copy the request immediately above.
3. State the name of the witness in this proceeding who will sponsor the answer and who can vouch for the truth of the answer.
4. Please answer the following written questions fully and in writing, based on all information reasonably available to you at the time your response is made.

5. Please answer each question based upon your knowledge, information, or belief, and any answer that is based upon information or belief should be stated as such.
6. In instances where you choose to answer an RFI by referring to a specific document or record, please specify the same in sufficient detail so that Liberty Silverleaf may locate and identify the record or document.
7. If the response to any question is voluminous, please provide an index to the materials contained in the response.
8. If any document is withheld under any claim of privilege, please furnish a list identifying each document for which a privilege is claimed, together with the following information: date, sender, recipients, recipients or copies, subject matter of the document, and the basis upon which such privilege is claimed.
9. These questions are continuing in nature. You are under a continuing duty to supplement your answers to these RFIs if there is a change in circumstances or facts, or if you discover that they are no longer complete and correct. In such an instance, please supplement your response promptly after you discover the need for supplementation.

SOAH DOCKET NO. 473-18-3006.WS
PUC DOCKET NO. 47976

LIBERTY UTILITIES (SILVERLEAF WATER) LLC'S
THIRD REQUEST FOR INFORMATION
TO OFFICE OF PUBLIC UTILITY COUNSEL

- LS 3.1** Please define “normal” utility service as such phrase is used by OPUC in its testimony and its responses to the Company’s RFIs.
- LS 3.2** Referencing OPUC’s response to Company RFA LS 1.4, does the response mean that if APUC funds are used for capital improvements for the Company, customers do benefit from access to such capital?
- LS 3.3** Following up OPUC’s response to Company RFA LS 1.5, please explain why OPUC has not evaluated the necessity of investor relations expenses if such expenses are being included in the cost of service in this rate case.
- LS 3.4** Admit that OPUC has no basis for its recommendation to disallow investor relations expenses because OPUC has not evaluated the necessity of such expense. If you deny this request for admission, please state the basis for the denial with specificity.
- LS 3.5** Admit that the Company’s current tariff, which includes the rate for the Holly Lake Ranch quad, was lawfully approved by the Commission. If you deny this request for admission, please state the basis for the denial with specificity.
- LS 3.6** Admit that the rate for the Holly Lake Ranch quad remains legally in effect. If you deny this request for admission, please state the basis for the denial with specificity.
- LS 3.7** Admit that the rate for the Holly Lake Ranch quad is reasonable because it was a lawfully approved rate that was not subject to appeal or other challenge. If you deny this request for admission, please state the basis for the denial with specificity.
- LS 3.8** If OPUC believes that the current rate for the Holly Lake Ranch quad is unlawful, why hasn’t OPUC challenged the rate with the Commission or in court? Please explain your answer.

LS 3.9 Admit that the Resort failed to record contributed capital during the time the Utility and/or Utility assets were owned by the Resort. If you deny this request for admission, please state the basis for the denial with specificity.

LS 3.10 On what basis does Mr. Ekrut testify at 35:6-7 of his direct testimony that the Resort's investment in the Utility plant "was made via contributed capital in the [U]tility"? Please explain your answer and provide any supporting documents.