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APPLICATION OF W.E. VLASEK § BEFORE THE STATE OFFICE  
FOR AUTHORITY TO CHANGE RATES § PUBLIC UTILITY COMMISSION  
§ OF FILING CLERK  
ADMINISTRATIVE HEARINGS

**W.E. VLASEK'S SECOND REQUEST FOR  
INFORMATION TO THE COMMISSION AND ITS STAFF**

TO: The Public Utility Commission of Texas and its Staff, by and through Alexander Petak,  
Staff Attorney, attorney of record, Public Utility Commission of Texas, 1701 North  
Congress Avenue, P.O. Box 13326, Austin, Texas 78711-3326

Applicant W.E. VLASEK is filing these Second Request for Information to the Commission and  
and its Staff. Pursuant to 16 Tex. Admin. Code Ann. §§22.141 - 22.145, the Texas Rules of Civil  
Procedure, Procedure §§190 -198, and 1 TAC §155.251 of the rules of the State Office of Administrative  
Hearings, Applicant W.E. VLASEK requests that the PUBLIC UTILITY COMMISSION of TEXAS  
("COMMISSION") and its Staff provide the following information and answer the following questions  
under oath. Documents, disclosures, admissions and other tangible items requested hereunder shall be  
delivered to the undersigned attorney of record for W.E. VLASEK at his address listed below within twenty  
(20) days of the receipt of these requests.

All definitions and instructions governing discovery in the Texas Rules of Civil Procedures, the  
procedural rules of the COMMISSION and the procedural rules of the State Office of Administrative  
Hearings (SOAH) and the presiding Administrative Law Judge's orders shall apply to these Request for  
Information ("RFIs") Unless written requests for clarification are received by the undersigned, it shall be  
presumed that all requests are fully and completely understood.

If the answer to any request consists of a document(s) obtained by the answering party from  
W.E. VLASEK it shall not be necessary to produce the document. It shall only be necessary to describe the  
document by identifying the page and volume of the rate change application where the document is located.  
If the document is not part of the rate change application, the answering party shall describe the document,  
its date, subject matter and when and how it was obtained from W.E. VLASEK. If the requested document  
is found in the public records of the COMMISSION or other governmental agency, the answering party  
shall describe the exact location, file name and custodian from whom the specific referenced document can

be obtained.

These questions and request are continuing in nature, and if there is any relevant change in circumstances, the COMMISSION and its Staff are to submit an amended and/or supplemented answer under oath to supplement each of their original answers to these questions and requests. Please state the name of the witness(s) in this cause who will sponsor the answers to each question, and who can vouch for the truth of the answer.

Respectfully submitted this <sup>22<sup>nd</sup></sup> day of July, 2019.

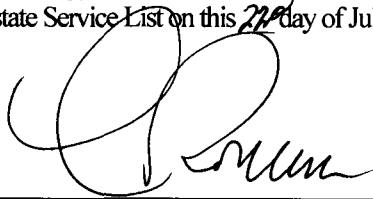


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ATTORNEY FOR W.E. VLASEK, Applicant

### **CERTIFICATE OF SERVICE**

I, hereby certify that a true and correct copy of these W.E. Vlasek Second Request for Information were served on all required parties on the below state Service List on this <sup>22<sup>nd</sup></sup> day of July, 2019.



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W.E. VLAEK'S SECOND  
REQUEST FOR INFORMATION TO THE COMMISSION AND ITS STAFF

I.  
DEFINITIONS

1. As used herein, the terms "you," "your," or "yourself," or "COMMISSION" refer to and mean the Texas Public Utility Commission, its officers, directors, managers, employees, its attorneys and legal staff, and all Staff members its Legal Staff as well as its agents and those working in association with and/or who are affiliated with the COMMISSION, as well as its associates, affiliates, employees, agents, representatives and each person acting or purporting to act on behalf of the COMMISSION.

2. As used herein, the term "representative" means any and all agents, employees, servants, officers, directors, attorneys, or other persons acting or purporting to act on your behalf.

3. As used herein, the term "person" means any natural individual in any capacity whatsoever or any entity or organization, including divisions, departments and other units therein, and shall include, but not be limited to, a public or private corporation, partnership, joint venture, voluntary or unincorporated association, organization, proprietorship, trust, estate, governmental agency, commission, bureau, municipality or department.

4. As used herein, the term "document" means any medium upon which information can be recorded or retrieved, and includes, without limitation, the original and each copy, regardless of origin and location, of any book, pamphlet, periodical, letter, memorandum (including any memorandum or report of a meeting or conversation), invoice, bill, order form, receipt, financial statement, accounting entry, diary, calendar, telex, telegram, cable, facsimile transmission, report, record, contract, agreement, study, handwritten note, draft, working paper, chart, paper, print, laboratory record, drawing, sketch, graph, index, list, tape, photograph, microfilm, data sheet or data processing card, computer tape or disk, or any other written, recorded, transcribed, punched, taped, filmed or graphic matter, however produced or reproduced, which is in your possession, custody or control, or which has been, but is no longer, in your possession, custody, or control. The term "document" further means a copy of any document, as referred to above, if such copy contains notes, writings or is in any way different from or an alteration of the original document.

5. As used herein, the term "communication" means any oral or written utterance, notation or statement of any nature whatsoever, by and to whomsoever made, including, but not limited to, correspondence, conversations, dialogues, discussions, interviews, consultations, agreements and other understandings between or among two or more persons.

6. As used herein, the terms "identification," "identify," or "identity," when used in reference to: (a) a natural individual- require you to state his or her full name and residential and business address; (b) a corporation - require you to state its full corporate name and any names under which it does business, its state of incorporation, the address of its principal place of business, and the addresses of all of its offices; (c) a business - require you to state the full name or style under which the business is conducted, its business address or addresses, the types of businesses in which it is engaged, the geographic areas in which it conducts those business, and the identity of the person or persons who own, operate, and control the business; (d) a document - require you to state the number of pages and the nature of the document (e.g., letter or memorandum), its title, its date, the name or names of its authors and recipients, and its present location and custodian; (e) a communication - require you, if any part of the communication was

written, to identify the document or documents which refer to or evidence the communication, and, to the extent that the communication was non-written, to identify the persons participating in the communication and to state the date, manner, place and substance of the communication.

7. As used herein the term “water utility tariff” means the rate change application filed by W.E. VLASEK in this case, which is the basis of this action.

8. As used herein, the term “TCEQ” means the Texas Commission on Environmental Quality.

9. As used herein, the term “Financial Review” is the financial review that the Staff conducted on the W.E. VLASEK’s water utility and water systems, and water business that the Staff claimed and told the Administrative Law Judge (“ALJ”) from the State Office of Administrative Hearings (“SOAH”) was grounds to initially suspend the utilities’ rates in this case.

## **II.** **INSTRUCTIONS**

1. With respect to each request, in addition to supplying the information requested, you are to identify all documents that support, refer to or evidence the subject matter of each request and your answer thereto.

2. If any or all documents identified herein are no longer in your possession, custody or control because of destruction, loss or any other reason, then do the following with respect to each and every such document: (a) describe the nature of the document (e.g., letter or memorandum); (b) state the date of the document; (c) identify the persons who sent and received the original and a copy of the document; (d) state in as much detail as possible the contents of the document; and (e) state the manner and date of disposition of the document.

3. If you contend that any material or information responsive to any of the interrogatories is privileged, state in response that: (a) the information or material responsive to the interrogatories has been withheld; (b) the interrogatory to which the information or material relates; and (c) the privilege or privileges asserted.

4. Any answer stating the requested document or information will be provided only in prefiled testimony is insufficient and violates the discovery rules covering these proceedings. W.E. VLASEK is interested in learning what documents or information underlies and supports the opinions and facts the COMMISSION and its Staff will be presenting at trial in its prefiled testimony. This information must be presented before prefiled testimony and supplemented up to the trial

5. These request are to be considered continuing in nature and you are under a duty to timely supplement any response given to such requests as required by COMMISSION and SOAH procedural rules and pursuant to Rule 193 of the Texas Rules of Civil Procedure.

## **III.** **SECOND REQUEST FOR INFORMATION, AND** **REQUEST FOR PRODUCTION**

## **REQUESTS FOR INFORMATION**

**REQUEST NO. 1** Please identify all issues that the Staff claims to have found in the course of or as a result of the Financial Review that the Staff plans to or may use to support the testimony of any witnesses in this case.

**REQUEST No. 2** Please identify all issues that the Staff claims to have found in the Financial Review that the Staff will or may use in any testimony in the final hearing in this case.

**REQUEST No. 3.** Please identify each Staff member who was involved in the Financial Review and the duties of each of these Staff members involved in the Financial Review, and identify any information they discovered during the course or as a result of the Financial Review.

## **REQUEST FOR PRODUCTION**

**REQUEST FOR PRODUCTION NO. 1** Provide copies of all studies, reports, compilations, treatises, contracts, correspondence, photographs, graphs, diagrams, maps, charts, financial statements, invoices, bids, checks, governmental records, test results, audits, and other documents reviewed in the course of the Financial Review, and which will be used and relied upon by any witness for you in this cause. In providing the response to this request, please provide the original Staff work papers in their original format, i.e. Excel spreadsheet, Word documents, etc as they were reviewed by you.