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PETITION BY THE CITY OF LORENA, §
SPRING VALLEY WATER SUPPLY §
CORPORATION, AND CITY OF WACO §
FOR APPROVAL AND ENFORCEMENT §
OF AGREEMENT DESIGNATING §
SERVICE AREA UNDER TEXAS WATER §
CODE §13.248 IN MCLENNAN COUNTY §

BEFORE THE PUBLIC
UTILITY COMMISSION
OF TEXAS

**CITY OF LORENA'S, SPRING VALLEY WATER SUPPLY
CORPORATION'S, AND CITY OF WACO'S FIRST JOINT
APPLICANTS' REQUEST FOR ADMISSION AND FIRST JOINT
APPLICANTS' REQUEST FOR INFORMATION TO INTERVENOR**


The City of Lorena, Texas ("Lorena"), Spring Valley Water Supply Corporation ("Spring Valley WSC"), and City of Waco, Texas ("Waco")(collectively, the "Joint Applicants"), pursuant to 16 Texas Administrative Code ("TAC") §22.144, request that Michael and Doug Dutschmann ("Intervenors"), by and through their attorneys of record, provide the following information and answer the following questions under oath. The questions shall be answered in sufficient detail to fully present all of the relevant facts, within the time limit provided by the Presiding Officer or within 20 days, if the Presiding Officer has not provided a time limit. Please copy the question immediately above the answer to each question. These questions are continuing in nature, and if there is a relevant change in circumstances, submit an amended answer, under oath, as a supplement to your original answer. State the name of the witness in this cause who will sponsor the answer to the question and can vouch for the truth of the answer.

Provide an original and three copies of your answers to these discovery requests to the Filing Clerk, Public Utility Commission of Texas, 1701 N. Congress Avenue, P.O. Box 13326, Austin, Texas 78712-3326.

Dated November 11, 2019

Respectfully submitted,

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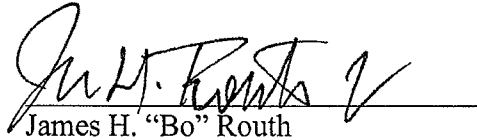
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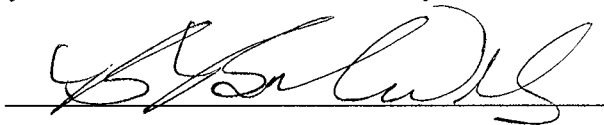
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CERTIFICATE OF SERVICE

I certify that a copy of this document was served on all parties of record in this proceeding on this 20th day of December, 2019, by hand delivery, via facsimile, and/or mailed by U.S. First Class Mail.



DOCKET NO. 49097
CITY OF LORENA'S, SPRING VALLEY WATER SUPPLY CORPORATION'S, AND
CITY OF WACO'S FIRST JOINT APPLICANTS' REQUESTS FOR ADMISSION AND FIRST
JOINT APPLICANTS' REQUESTS FOR INFORMATION TO INTERVENOR

DEFINITIONS

- 1) "**You**" and/or "**Your**" means the Intervenor, Michael Dutschmann and Doug Dutschmann, individually or collectively, and all related persons, employees, agents, representatives, affiliated entities (including, without limitation, DMDC, LLC), and predecessors or successors in interest to your Land.
- 2) "**Land**" means those certain five (5) tracts of land described in that certain Warranty Deed from Sheila Dutschmann to DMDC, LLC, dated November 27, 2017, and copy of which is attached hereto as **Exhibit A**.
- 3) "**Document**" includes any written, recorded, or graphic matter, however produced or reproduced, including but not limited to correspondence, telegrams, contracts, agreements, notes in any form, memoranda, diaries, voice recording tapes, microfilms, pictures, computer media, work papers, calendars, minutes of meetings or other writings or graphic matter, including copies containing marginal notes or variations of any of the foregoing, now or previously in your possession. In the event any documents requested by this Request for Information have been transferred beyond the Your control, describe the circumstances under which the document was destroyed or transferred and provide an exact citation to the subject document. In the event that documents containing the exact information do not exist, but documents do exist which contain portions of the required information or which contain substantially similar information, then the definition of "documents" shall include the documents which do exist and these documents will be provided.

DOCKET NO. 49097
CITY OF LORENA'S, SPRING VALLEY WATER SUPPLY CORPORATION'S,
AND CITY OF WACO'S FIRST JOINT APPLICANTS' REQUESTS FOR
ADMISSION AND FIRST JOINT APPLICANTS' REQUESTS FOR
INFORMATION TO INTERVENOR

INSTRUCTIONS

- 1) Pursuant to 16 TAC § 22.144(c)(2), Joint Applicants requests that answers to the requests for information be made under oath.
- 2) Please copy the question immediately above the answer to each question. State the name of the witness in this cause who will sponsor the answer to the question and can vouch for the truth of the answer.
- 3) These questions are continuing in nature, and if there is a relevant change in circumstances, submit an amended answer, under oath, as a supplement to your original answer.
- 4) Words used in the plural shall also be taken to mean and include the singular. Words used in the singular shall also be taken to mean and include the plural.
- 5) The present tense shall be construed to include the past tense, and the past tense shall be construed to include the present tense.
- 6) 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 or copies, subject matter of the document, and the basis upon which such privilege is claimed.
- 7) Pursuant to 16 TAC § 22.144(h)(4), if the response to any request is voluminous, please provide a detailed index of the voluminous material.
- 8) Joint Applicants requests that each item of information be made available as it is completed, rather than upon completion of all information requested.

JOINT APPLICANTS' FIRST REQUESTS FOR ADMISSION ("RFA")

- JA-RFA 1-1: Admit/deny that You have requested water service for any portion of the Land from Waco prior to the Joint Applicants filing the Application?
- JA-RFA 1-2: Admit/deny that You have requested water service for any portion of the Land from Lorena prior to the Joint Applicants filing the Application?
- JA-RFA 1-3: Admit/deny that You have requested water service for any portion of the Land from Spring Valley WSC prior to the Joint Applicants filing the Application?
- JA-RFA 1-4: Admit/deny that You have requested water service for any portion of the Land from Waco after the Joint Applicants filed the Application?
- JA-RFA 1-5: Admit/deny that You have requested water service for any portion of the Land from Lorena after the Joint Applicants filed the Application?
- JA-RFA 1-6: Admit/deny that You have requested water service for any portion of the Land from Spring Valley WSC after the Joint Applicants filed the Application?
- JA-RFA 1-7: Admit/deny that Waco or Lorena currently has water utility infrastructure installed that can furnish retail water service to any portion of Your Land?
- JA-RFA 1-8: Admit/deny that You want the boundaries of Spring Valley WSC's water CCN to be modified to include the Land, in whole or in part.
- JA-RFA 1-9: Admit/deny that the Land is comprised of five (5) tracts of land (and being McLennan County Appraisal District Property Identification Numbers 129525, 129528, 129529, 129530, and 129531).
- JA-RFA 1-10: Admit/deny that the Land is described in that certain Warranty Deed from Sheila Dutschmann to DMDC, LLC, dated November 27, 2017, and copy of which is attached hereto as **Exhibit A**.
- JA-RFA 1-11: Admit/deny that DMDC LLC, a Texas limited liability company, is the record owner of the Land.
- JA-RFA 1-12: Admit/deny that the City of Waco subdivision ordinances applies to Your Land.
- JA-RFA 1-13: Admit/deny that You have applied for a preliminary plat of the Land from Waco.
- JA-RFA 1-14: Admit/deny that Waco has approved a preliminary plat of the Land.

- JA-RFA 1-15: Admit/deny that Waco-approved subdivision final plat of the Land has not been recorded in McLennan County, Texas.
- JA-RFA 1-16: Admit/deny that the development of the Land is subject to the jurisdiction of McLennan County, Texas.
- JA-RFA 1-17: Admit/deny that You have applied for a preliminary plat of the Land from McLennan County, Texas.
- JA-RFA 1-18: Admit/deny that McLennan County, Texas has approved a preliminary plat of the Land.
- JA-RFA 1-19: Admit/deny that you have failed to comply with the City of Waco subdivision ordinance with respect to the subdivision of your Land.
- JA-RFA 1-20: Admit/deny that Lorena's subdivision ordinance applies to the Land.
- JA-RFA 1-21: Admit/deny that You have applied for a preliminary plat of the Land from Lorena under Lorena's subdivision ordinance.
- JA-RFA 1-22: Admit/deny that Lorena has approved a preliminary plat of the Land.
- JA-RFA 1-23: Admit/deny that a Lorena-approved subdivision final plat of your Land has not been recorded in McLennan County, Texas.

JOINT APPLICANTS' FIRST REQUESTS FOR INFORMATION ("RFI")

- JA-RFI 1-1 If you answered admit to RFA's 1-1, 1-2, 1-3, 1-4, 1-5, and/or 1-6, then please provide a copy of your application for water service and any amendments or supplements thereto that you submitted to Waco, Lorena, and/or Spring Valley WSC.
- JA-RFI 1-2 If you answered admit to RFA's 1-1, 1-2, 1-3, 1-4, 1-5, and/or 1-6, then please explain whether each application(s) that you submitted to Waco, Lorena, and/or Spring Valley WSC was/is approved, denied, or pending.
- JA-RFI 1-3 If you answered admit to RFA's 1-1, 1-2, 1-3, 1-4, 1-5, and/or 1-6, then please provide a copy of all water service contracts provided by Waco, Lorena, or Spring Valley WSC to you in response to any of those water service applications.
- JA-RFI 1-4 If you answered admit to RFA's 1-1, 1-2, 1-3, 1-4, 1-5, and/or 1-6, then please provide a copy of any correspondence from the applicable Joint Applicant(s) indicating whether the application for water service was approved or denied by that Joint Applicant(s).

- JA-RFI 1-5 Explain whether You are seeking standard or non-standard retail water service to the Land.
- JA-RFI 1-6 Provide any and all correspondence between You and any of the Joint Applicants requesting water service at the Land, at any time since You took ownership of the Land.
- JA-RFI 1-7 Provide any and all correspondence between you and the Commission concerning the Application.
- JA-RFI 1-8 Describe the level of water service you are requesting for your Land?
- JA-RFI 1-9 How many water meters do You want on the Land at this time?
- JA-RFI 1-10 For what purpose(s) do You need potable water at the Land?
- JA-RFI 1-11 Is the Land within the extra-territorial jurisdiction or corporate limits of a municipality? If so, which municipality?
- JA-RFI 1-12 Is the Land within the water CCN boundaries of any Joint Applicants? If so, which Applicants?
- JA-RFI 1-13 Is it Your contention that the Land is subject to the subdivision ordinances of Waco? Explain the basis for your contention.
- JA-RFI 1-14 Is it Your contention that the Land is subject to the subdivision ordinances of Lorena? Explain the basis for your contention.
- JA-RFI 1-15 If You answered admit to RFA's 1-13, 1-17, and/or 1-21, then please provide a copy of the application for a preliminary plat and any correspondence between You and (i) Waco, (ii) Lorena, and/or (iii) McLennan County concerning such preliminary plat application.
- JA-RFI 1-16 Is it your position that if you receive retail water service from Spring Valley that you do not need to comply with the subdivision ordinances of Waco or Lorena? If that is Your position, then explain the basis for Your position.