

Control Number: 49189



Item Number: 175

Addendum StartPage: 0

**SOAH DOCKET NO. 473-19-6297.WS
PUC DOCKET NO. 49189**

**APPLICATION OF THE CITY OF § BEFORE THE STATE OFFICE
AUSTIN DBA AUSTIN WATER FOR § OF
AUTHORITY TO CHANGE WATER §
AND WASTEWATER RATES § ADMINISTRATIVE HEARINGS**

**CITY OF AUSTIN D/B/A AUSTIN WATER'S
FIRST REQUEST FOR INFORMATION TO DISTRICTS**

COMES NOW, the City of Austin (City) d/b/a Austin Water (AW or Austin Water) and files this first request for Information (RFI) to North Austin Municipal Utility District No. 1, Northtown Municipal Utility District, Travis County Water Control and Improvement District No. 10, and Wells Branch Municipal Utility District (Districts) in the above-styled docket. Districts is hereby requested to furnish one copy of all items of information enumerated on the attached sheets directly to the offices of Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701, (512) 322-5800, the undersigned attorney, within five (5) calendar days. These requests are continuing in nature, and should there be, for any reason, a change in circumstances which would modify or change an answer supplied by you, such changed answer should be submitted immediately as a supplement to your original answer pursuant to 16 Tex. Admin. Code (TAC) § 22.155(i). Please answer each request and sub-request in the order in which they are listed and in sufficient detail to provide a complete and accurate answer to the request. Also, where data is requested, provide it in hard copy and Excel format with all formulas intact.

I. DEFINITIONS AND INSTRUCTIONS

A. "Austin Water" and "AW," refer to the City of Austin d/b/a Austin Water, including its directors, officers, employees, consultants, agents, advisors, and attorneys.

B. "City" refers to the City of Austin, including its various departments, offices, officers, employees, consultants, agents, and attorneys, other than Austin Water.

C. "Districts," "you," "yours," and "your" refer to North Austin Municipal Utility District No. 1, Northtown Municipal Utility District, Travis County Water Control and Improvement District No. 10, and Wells Branch Municipal Utility District, including each

District's parents, affiliates and subsidiaries, and any person acting or purporting to act on its behalf, including without limitation, directors, officers, employees, consultants, agents, attorneys, advisors, investigators, representatives, or other persons.

D. The term 'document' shall have the broadest meaning possible under the Texas Rules of Civil Procedure and shall include, but not be limited to, the original (or a copy when the original is not available), each non-identical copy (including those which are non-identical by reason of notations or marking, or by appearing in the files of a separate person), and any books, notebooks, pamphlets, periodicals, letters, reports, memoranda, handwritten notes, notations, messages, telegrams, wires, cables, press or news wire releases, records, studies, analyses, summaries, magazines, booklets, circulars, catalogs, bulletins, instructions, operating or maintenance manuals, operating or product specifications, fabrication sheets, test data, design specifications, parts lists, calendars, day-timers, notes or records of meetings, notices, purchase orders, bills, ledgers, checks, tabulations, questionnaires, surveys, drawings, sketches, schematics, blueprints, flow sheets, working papers, charts, graphs, indices, tapes, agreements, releases, appraisals, valuations, estimates, opinions, financial statements, accounting records, income statements, photographs, films or videotapes, back-up tapes, minutes, contracts, leases, invoices, records of purchase or sale, correspondence, electronic or other transcription or tapings of or notes pertaining to telephone or personal conversations or conferences, tape recordings, electromagnetic recordings, voice mail message or transcriptions thereof, interoffice communications of all types, e-mail messages, printouts of e-mail messages, instant messages or printouts thereof, microfilms, electronic databases, CDs, DVDs, videotapes or cassettes, films, movies, computer printouts and any and all other written, printed, typed, punched, engraved, taped, filmed, recorded (electronically or otherwise), labeled, or graphic matter, of whatever description, however produced or reproduced (including computer-stored or generated data, together with instructions or programs necessary to search and retrieve such data), and shall include all attachments to (including tangible things) and enclosures with (including tangible things) any requested item, to which they are attached or with which they are enclosed, and each draft thereof. A draft of a non-identical copy is a separate document within the meaning of this term. An electronic copy of a paper documents is a separate document within the meaning of this term.

E. Pursuant to Rule 196.4 of the Texas Rules of Civil Procedure, Austin Water specifically requests that any electronic or magnetic data (which is included in the definition of 'document') that is responsive to a request herein be produced on CD-ROM or flash drive, in a format that is compatible with Adobe Acrobat, Microsoft Office and/or Word Perfect and be produced with your response to these requests. Austin Water further requests that you produce electronic copies of all paper documents, including any metadata attached to such documents, and produce all electronic originals and all responsive documents. If emails are responsive to these requests, please provide a searchable .pdf copy of the entire email string. Attachments to emails should be provided with the email in searchable .pdf form, unless it is stored in a different format, in which the attachment should be produced in its native format and provided on CD-ROM.

F. The terms 'and' and 'or' shall be construed both disjunctively and conjunctively as necessary to make the request inclusive rather than exclusive.

G. 'Each' shall be construed to include the word 'every' and 'every' shall be construed to include the word 'each.'

H. 'Any' shall be construed to include 'all' and 'all' shall be construed to include 'any.'

I. The term 'concerning,' or one of its inflections, 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.

J. The term 'including,' or one of its inflections, means and refers to 'including but not limited to.'

K. 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.

L. The present tense shall be construed to include the past tense, and the past tense shall be construed to include the present tense.

M. 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.

N. Pursuant to 16 Tex. Admin. Code § 22.144(h)(4), if the response to any request is voluminous, please provide a detailed index of the voluminous material. However, please continue to provide, in native format, the digital version of the file. If the voluminous response is an Excel file, please provide the response in hard copy and Excel format with all formulas intact.

O. If the information requested is included in previously furnished exhibits, workpapers, responses to other discovery inquiries or otherwise, in hard copy or electronic format, please furnish specific references thereto, including Bates Stamp page citations and detailed cross references.

P. The term 'email' or 'emails' include the entire email string and all attachments found anywhere within the email string. Please refer to paragraph "E." regarding specific instructions for producing such items.

Q. The term "Application" means and refers to the Application of the City of Austin d/b/a Austin Water for Authority to Change Water and Wastewater Rates, filed in Commission Docket No. 49189 on April 15, 2019.

R. The term "Commission" means the Public Utility Commission of Texas.

S. The term "SOAH" means the State Office of Administrative Hearings.

II. INSTRUCTIONS

1. Each request herein extends to any documents or information in your possession and the possession of any of the attorneys or law firms that purport to represent you in this case.

2. Each and every non-identical copy of a document, whether different from the original because of indications of the recipient(s), handwritten notes, marks, attachments, marginalia, or any other reason, is a separate document that must be produced.

3. If you object to any portion of a request on the ground of privilege, answer the non-privileged portion of the Request by providing such non-privileged information as is responsive.

4. If you object to any portion of a request on any ground other than privilege, you should still provide documents responsive to the remaining non-objectionable portion.

5. Separately for each request to which you object in whole or in part, describe in detail and itemize each basis of your objection.

6. If the basis of an objection to any request, or any portion thereof, is a statute, contract or other agreement, or any other obstacle to production that you claim is based in the law, please identify the basis of that purported obstacle with specificity.

7. Each request herein shall be construed independently, and no request shall be viewed as limiting the scope of any other request. Please indicate where any portion of your document production in response to a request has been covered in your production in response to another request, and please specify the request numbers at issue.

8. If you claim that any document responsive to any request is lost or destroyed, (a) identify and describe such document, (b) describe how the document was lost or destroyed, and (c) identify when the document was lost or destroyed.

9. If you claim that any documents responsive to any request are already in the possession of Austin Water, please identify the document with sufficient specificity to allow Austin Water to locate the document.

10. The requests shall be deemed continuing so as to require additional answers if, after answering such requests, you obtain information upon the basis of which you determine that the answer was incorrect when made, or you become aware that the answer, though correct when made, is no longer true, and the circumstances are such that failure to amend the answer is in substance a knowing concealment.

11. Any document that is withheld from production pursuant to a claim of attorney client, work product, party communication or investigative privilege shall be identified and shall be segregated and maintained for in camera submission, and a list identifying such withheld documents shall be furnished at the time and place of production. Such list shall state with respect to each document: (a) the privilege under which the document is being withheld; (b) a description of the type of document; (c) a description of the subject matter and purpose of the

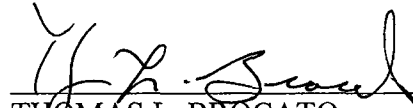
document; (d) the date the document was prepared; (e) the author and/or signatory of the document; (f) the identity of the persons to whom the document was sent; and (g) the present custodian of the document.

12. As part of the response to each request for information, please state, at the bottom of the answer, the name of each person who participated in any way, other than providing clerical assistance, in the preparation of the response. Please also state the name of the witness in this docket who will sponsor the answer to the request and may verify the truth of the response.

Respectfully submitted,

**LLOYD GOSSELINK ROCHELLE
& TOWNSEND, P.C.**

816 Congress Avenue, Suite 1900
Austin, Texas 78701
(512) 322-5800
(512) 472-0532 (Fax)



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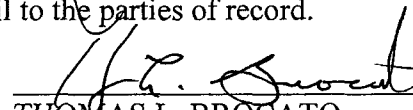
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ATTORNEYS FOR THE CITY OF AUSTIN

CERTIFICATE OF SERVICE

I hereby certify that on November 8, 2019, a true and correct copy of the foregoing document was transmitted by electronic mail to the parties of record.



THOMAS L. BROCATO

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AUSTIN WATER'S FIRST
RFI TO DISTRICTS

- AW 1-1.** Please provide the following information for any testifying expert:
- a. All documents, tangible things, reports, models, or data compilations that have been reviewed by the expert in anticipation of the expert's testimony. For the rate filing package filed by Austin Water in this proceeding, do not provide the documents but instead list the portions of the rate filing package (including any updates) reviewed by the witness, including the specific pages reviewed (provide Bates Stamp numbers). For discovery responses that have been provided by Austin Water in this proceeding, do not provide the documents but instead list the discovery response, including the specific pages reviewed by the witness (provide Bates Stamp numbers);
 - b. All documents, tangible things, reports, models, or data compilations that have been provided by or for the expert in anticipation of the expert's testimony. For the rate filing package filed by Austin Water in this proceeding, do not provide the documents but instead list the portions of the rate filing package (including any updates) provided to the witness, including the specific pages provided (provide Bates Stamp numbers). For discovery responses that have been provided by Austin Water in this proceeding, do not provide the documents but instead list the discovery response, including the specific pages provided to the witness (provide Bates Stamp numbers); and
 - c. The expert's current resume and bibliography.
- AW 1-2.** If not provided with your direct testimony in this case, please provide, in native format, all workpapers and documents supporting the testimony of each witness filing testimony on your behalf in this proceeding.
- AW 1-3.** For each of your testifying experts in this case, please provide (to the extent not provided earlier):
- a. Copies of all prior testimony, articles, speeches, published materials and peer review materials written by the testifying expert, from 2013 to the present.
- AW 1-4.** To the extent not provided in workpapers please provide copies of any articles, publications, regulatory decisions (outside of Texas), reference material, and documents cited in testimony or footnotes. If the referenced source is a book, please provide a copy of the relevant section of the book.
- AW 1-5.** Refer to the Direct Testimony of Jay Joyce at page 30, line 4. Please provide all calculations that support the ROE figure stated here.
- AW 1-6.** What debt service coverage ratio results from the Districts' recommended disallowances in this case? If the answer is other than 1.25x, explain the reason(s) for the difference.