



Control Number: 49189



Item Number: 181

Addendum StartPage: 0

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

**APPLICATION OF THE CITY OF  
AUSTIN DBA AUSTIN WATER FOR  
AUTHORITY TO CHANGE WATER  
AND WASTEWATER RATES**

§  
§  
§  
§

2019 NOV 14 PM 2:33  
**BEFORE THE STATE OFFICE**  
PUBLIC UTILITY COMMISSION  
**FILED**  
**ADMINISTRATIVE HEARINGS**

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

COMES NOW, the City of Austin (City) d/b/a Austin Water (AW or Austin Water) and files this fourth 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

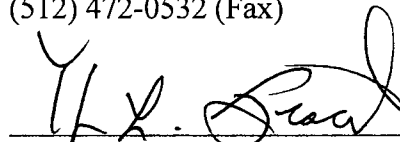
document; (d) the date the document was prepared; (e) the author and/or signatory of the document; (f) the identity of the persons to whom the document was sent; and (g) the present custodian of the document.

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)



---

THOMAS L. BROCATO

[tbrocato@lglawfirm.com](mailto:tbrocato@lglawfirm.com)

State Bar No. 03039030

CHRISTOPHER L. BREWSTER

[cbrewster@lglawfirm.com](mailto:cbrewster@lglawfirm.com)

State Bar No. 24043570

W. PATRICK DINNIN

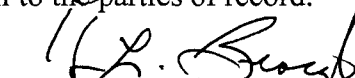
[pdinnin@lglawfirm.com](mailto:pdinnin@lglawfirm.com)

State Bar No. 24097603

ATTORNEYS FOR THE CITY OF AUSTIN

### **CERTIFICATE OF SERVICE**

I hereby certify that on November 14, 2019, a true and correct copy of the foregoing document was transmitted by electronic mail to the parties of record.



---

THOMAS L. BROCATO

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

**AUSTIN WATER'S FOURTH**  
**RFI TO DISTRICTS**

**AW 4-1.** In the testimony of Mr. Malish, he provides Exhibit DM-2, bates pages 20-24, which includes annual fiscal year water purchases for each District from 2011 to 2019. Please provide the source documents for these amounts. Additionally, please provide the starting and ending months for the Districts' fiscal year.

**AW 4-2.** Exhibits JJJ-4 page 2 of 2 and JJJ-5 page 2 of 2 document the dollar amounts of the District's recommended cost of service adjustments. Is the dollar amount for each adjustment shown in these exhibits developed by modifying the AW water and wastewater models solely for the adjustment in question? Or, do the dollar amounts shown for each adjustment reflect the cumulative impact of all adjustments?

**AW 4-3.** Exhibit JJJ-4 page 2 of 2 lists the AW requested cost of service for the districts as:

North Austin MUD = \$1,510,802

Northtown MUD = \$1,243,682

Water District 10 = \$3,986,712

Wells Branch MUD = \$2,073,619

In contrast, the actual AW requested cost of service from the Errata Water model is:

North Austin MUD = \$1,524,057

Northtown MUD = \$1,256,716

Water District 10 = \$4,024,313

Wells Branch MUD = \$2,096,795

Please explain the differences noted above.

**AW 4-4.** Refer to Exhibit JJJ-4A and Exhibit JJJ-5A. Explain the exact process used to Normalize Consumption, to arrive at the data/values Mr. Joyce recommends for use and in support of Water Adjustment #2 (Exhibit JJJ-4A) and Wastewater Adjustment #1 (Exhibit JJJ-5A).

**AW 4-5.** In Water Adjustment #3 (Exhibit JJJ-4A), Mr. Joyce adds back water assets that had been previously excluded by AW. Describe the process used to determine the appropriateness of adding back each individual asset.

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

**AUSTIN WATER'S FOURTH**  
**RFI TO DISTRICTS**

- AW 4-6.** In Water Adjustment #4 (Exhibit JJJ-4A), Mr. Joyce reflects water meter flow equivalencies previously used in Docket No. 42857. Explain, why the recommended flow rate equivalencies better reflect the actual operational characteristics of the AW system, and thus, are more appropriate to use from a cost allocation perspective.
- AW 4-7.** In Wastewater Adjustment #3 (Exhibit JJJ-5A), Mr. Joyce excluded any allocation of I/I to wholesale customers. Explain why this is appropriate from an operational and cost allocation perspective.