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## ADMINISTRATIVE HEARINGS

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Respectfully submitted,



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**COUNSEL FOR DISTRICTS**

**CERTIFICATE OF SERVICE**

I hereby certify that I have served or will serve a true and correct copy of the foregoing document via hand delivery, facsimile, electronic mail, overnight mail, U.S. mail and/or Certified Mail Return Receipt Requested to all parties on this the 28<sup>th</sup> day of August, 2019.



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Randall B. Wilburn / John J. Carlton

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

**NORTH AUSTIN MUNICIPAL UTILITY DISTRICT NO. 1,  
NORTHTOWN MUNICIPAL UTILITY DISTRICT,  
TRAVIS COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 10,  
AND WELLS BRANCH MUNICIPAL UTILITY DISTRICT'S FOURTH  
REQUEST FOR INFORMATION TO CITY OF AUSTIN DBA AUSTIN WATER**

**I.  
DEFINITIONS**

The following definitions apply herein unless otherwise indicated by the content or expressly stated:

1. The words “and” and “or” shall be construed either conjunctively or disjunctively, as required by the context, to bring within the scope of these discovery requests any response or document that might be deemed outside its scope by another construction.
2. “AW” or “Austin Water” means the City of Austin DBA Austin Water.
3. “Communication” shall mean and include every manner or means of transmittal, disclosure, transfer, or exchange of information, and every form of transmission, disclosure, transfer or exchange of information, whether orally, electronically, or by document, and whether face-to-face, by telephone, mail, personal delivery, computer or otherwise.
4. “Concerning,” “relating to,” or “regarding,” and similar terms mean addressing, analyzing, referring, discussing, mentioning in any way, explaining, supporting, describing, forming the basis for, or being logically or casually connected in any way with the subject of these discovery requests.
5. “Describe” or “describe in detail” means to give a complete and full description concerning the matter about which the inquiry is made, including the full name, address, and telephone number(s) of the person(s) involved, dates, times, places, and other particulars, including all relevant documents and observations which make the answers to these written discovery requests fair and meaningful.
6. “Document” means any documents or tangible items made discoverable by Texas Rule of Civil Procedure 192.3, and includes all originals and non-identical copies of any and all documents, papers, books, accounts, writings, drawings, graphs, charts, maps, surveys, photographs, electronic or videotape recordings, electronic mail (e-mail), phone records, recordings, other data compilations from which information can be obtained and translated by you, if necessary, into reasonably useable form and tangible things.
7. To “identify” an individual means to state the following about that individual: (i) the person’s full name; (ii) the person’s job title or former job title; (iii) the person’s job (or

former job) duties and responsibilities; (iv) the individual's superior(s); (v) current or last known telephone number(s); and (vi) current or last known business and home addresses.

8. To "identify" a person as defined herein other than an individual means to provide the following information: (i) the entity's full and correct legal name; (ii) the nature of the entity's structure and/or organization; (iii) the address and telephone number of its principal offices and, if applicable, the state in which it is incorporated; and (iv) its principal line(s) of business or activity.
9. To "identify" an act, event, occurrence, or communication means the following: (i) to state its date; (ii) to identify the persons that were parties to and/or witnesses of the act, event, occurrence, or communication; (iii) to describe where and how it took place; and (iv) to identify any document that constitutes or refers to such act, event, occurrence, or communication.
10. To "identify" a document means the following: (i) to identify all files in which it and all copies of it are found; (ii) to identify its author; (iii) to identify its addressees, if any; (iv) to identify those persons who received a copy thereof; (v) to identify its current custodian or the person that had last known possession, custody, or control thereof; (vi) to state the date of its preparation; and (vii) to state its general subject matter giving a reasonably detailed description thereof.
11. "Docket 42857" refers to *Petition of the North Austin Municipal Utility District No. 1, Northtown Municipal Utility District, Travis County Water Control and Improvement District No. 10, and Wells Branch Municipal District from the Ratemaking Actions of the City of Austin and Request for Interim Rates in Williamson and Travis Counties*, Docket 42857 (Sept. 5, 2014).
12. "Person" or "Persons" means any natural person, corporation, association, firm, partnership, or other business or legal entity and officers, employees, agents, attorneys, servants or representatives of such entity, as the context requires.
13. "Petitioners" refers to, collectively, North Austin Municipal Utility District No. 1, Northtown Municipal Utility District, Travis County Water Control & Improvement District No. 10, and Wells Branch Municipal Utility District.
14. "Districts" means and refers to North Austin Municipal Utility District No. 1, Northtown Municipal Utility District, Travis County Water Control & Improvement District No. 10, and Wells Branch Municipal Utility District.
15. "PUC" or "Commission" refers to the Public Utility Commission of Texas and all predecessor agencies with similar responsibilities, including the Texas Commission on Environmental Quality, Texas Natural Resource Conservation Commission, Texas Water Commission, and Texas Department of Health.
16. "Relate" or "relating to" means making or including a statement about, discussing, describing, reflecting, consisting of, constituting, comprising or in any way concerning in whole or in part the subject or thing.

17. “Service” has the same meaning as defined by Texas Water Code § 13.002(21) (2019).
18. “Statement” means and includes any written or graphic statement signed or otherwise adopted or approved by the user in making it, and stenographic, mechanical, electrical or other recording or transcription thereof, which is a substantially verbatim recital of an oral statement by the person making it and contemporaneously recorded.
19. “You” or “your” means and refers to the City of Austin, and any person or entity acting or purporting to act on its behalf, including, without limitation, attorneys, agents, advisors, consultants, investigators, representatives, employees, or other persons.

## **II.**

### **INSTRUCTIONS**

1. These discovery requests must be answered in strict compliance with the orders of the Administrative Law Judge hearing this Docket, the Texas Rules of Civil Procedure, and the rules of the PUC.
2. Your answers to the interrogatories must be answered separately and fully in writing, and the answers must be signed and verified under oath by the person making the answers.
3. In those instances when the responding party chooses to answer an interrogatory by referring to a specific document or record, the specification must be in sufficient detail to permit the requesting party to locate and identify the records and/or documents from which the answer is to be ascertained as readily as the party served with the request.
4. Whenever you are asked in these discovery requests to describe, identify, or produce documents, the term “documents” is not limited to documents in your actual or constructive possession, custody or control (as defined by Texas Rule of Civil Procedure 192.7(b)), but also includes all documents that you know to exist or which have existed, or which you have reason to suspect to be in existence or to have been in existence, irrespective of whether the document is one intended for or transmitted internally by you or intended for or transmitted to any other person or entity, including without limitation any governmental agency, department, administrative entity, or their personnel.
5. Whenever you are asked in these discovery requests to describe or identify documents that once existed but which no longer exist, in addition to identifying the documents, please indicate the approximate date and the circumstances under which the documents ceased to exist. Whenever you are asked in these discovery requests to describe or identify documents that are not in your actual or constructive possession, custody, or control, as those terms are defined in Texas Rule of Civil Procedure 192.7(b), please identify (by name, address, and telephone number) the person whom you believe to have such possession, custody, or control.
6. If a discovery request calls upon you to state your legal or factual contentions and/or the legal or factual basis for your contentions in this lawsuit, you should respond in accordance with Texas Rule of Civil Procedure 192.3(j). Such requests do not seek to require you to marshal all of your evidence.

7. As used in these discovery requests, the singular and masculine form of a noun or pronoun includes the plural, feminine, or the neuter form, where appropriate.
8. As used in these discovery requests, the past tense includes the present tense where the express meaning of the request is not distorted by that usage, and the verb form of a noun or pronoun may be used as appropriate in a particular context.

### **III.** **DUTY TO SUPPLEMENT**

You are under a duty to supplement any responses that are incomplete or incorrect when submitted. Furthermore, you are under a duty to amend your responses within a reasonable time after you obtain information on the basis of which you know that a response either (1) was incorrect or incomplete when submitted or, (2) although correct and complete when submitted, is no longer correct and complete, and the circumstances are such that failure to amend the response is, in substance, misleading.

### **IV.** **REQUESTS FOR INFORMATION**

On page 19, lines 4-5 of his prefiled testimony, Mr. Giardina indicated that depreciation plays a role in the determination of rates for all Austin Water (“AW”) customers. *See Application of the City of Austin to Change Water and Wastewater Rates (“City’s Application”), Direct Testimony of Richard Giardina*, at 19 (April 15, 2019). In Table 3 of his prefiled testimony, Mr. Gonzales provides a schedule of the ranges of useful lives utilized for the depreciation calculations for various types of assets. *See id.*, *Direct Testimony of Jose Gonzales*, at 42.

**DISTRICTS’ REQUEST TO CITY 4-1.** Describe in detail and identify and produce any documents relating to the depreciation methods used to calculate annual depreciation amounts and depreciation reserves. A complete response will not neglect to describe in detail and identify and produce documents relating to each of the factors that were considered in arriving at estimates of service life and dispersion by account. *See id.*

**DISTRICTS’ REQUEST TO CITY 4-2.** Identify and produce a comprehensive detailed description of any and all changes made in method of depreciation since Docket No. 42857, specifically September 5, 2014, indicating when such change was implemented, and identify and produce any documents concerning why the change in method of depreciation was implemented. *See Petition of the 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 from the Ratemaking Actions of the City of Austin and Request for Interim Rates in Williamson and Travis Counties, Petitioners Second Supplemental Request for Disclosure*, Docket 42857 (Sept. 5, 2014).

**DISTRICTS' REQUEST TO CITY 4-3.** Identify and produce a complete copy of depreciation studies used for each of the following:

- a. Provide all documents relating to the original and estimated survivor curves and a tabular presentation of the original life table plotted on the chart for each account where the retirement rate method of analysis is utilized.
- b. Provide all documents relating to the surviving original cost at historic test year-end by vintage by account and include applicable depreciation reserves and accruals. Please provide and describe in detail the calculations for all categories of plant that are in AW's possession, including in service as well as other all other categories of plant, such as contributions in aid of construction and customers' advances for construction.
- c. Identify and produce a comparison of the calculated depreciation reserve used for ratemaking purposes verses the book reserve by account at the end of the test year, and describe in detail all explanations, justifications, and bases for the differences, providing any documents or any other information that supports the explanation for the differences.
- d. Identify and produce a schedule by account and depreciable group and related documents that describe in detail the survivor curve and annual accrual rate estimated to be appropriate:
  - i. For the purposes of this filing.
  - ii. For the purposes of the most recent rate increase filing prior to the current proceedings.
- e. Identify and produce all documents relating to gross salvage, cost of removal, and net salvage for the five most recent calendar or fiscal years by account.

**DISTRICTS' REQUEST TO CITY 4-4.** Please identify and produce the revenue requirements for each of the Petitioners based on re-running the AW Water COS Model Docket 49189.xlsx, changing the depreciable life of all treatment facilities to 5 years. *See City's Application, AW Water COS Model Docket 49189.xlsx.*

**DISTRICTS' REQUEST TO CITY 4-5.** Please identify and produce the revenue requirements for each of the Petitioners based on re-running the AW Water COS Model Docket 49189.xlsx, changing the depreciable life of all distribution mains to 100 years. *See id.*