



Control Number: 49189



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

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PUBLIC UTILITY COMMISSION
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APPLICATION OF THE CITY OF	§	BEFORE THE STATE OFFICE
AUSTIN DBA AUSTIN WATER FOR	§	
AUTHORITY TO CHANGE WATER	§	
AND WASTEWATER RATES FOR	§	
NORTH AUSTIN MUNICIPAL	§	
UTILITY DISTRICT NO. 1,	§	
NORTHTOWN MUNICIPAL UTILITY	§	OF
DISTRICT, TRAVIS COUNTY WATER	§	
CONTROL & IMPROVEMENT	§	
DISTRICT NO. 10, AND WELLS	§	
BRANCH MUNICIPAL UTILITY	§	
DISTRICT IN WILLIAMSON AND	§	
TRAVIS COUNTIES	§	ADMINISTRATIVE HEARINGS

**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
FIFTH REQUEST FOR INFORMATION TO CITY OF AUSTIN DBA AUSTIN WATER**

To: Respondent, City of Austin dba Austin Water, by and through its attorney of record, Thomas L. Brocato, Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701.

COME NOW, 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 (collectively, the "Districts") and serve this, their Fifth Request for Information to the City of Austin dba Austin Water pursuant to 16 Tex. Admin. Code Ann. § 22.144 (TAC), and request the following information and answers to the following questions be provided under oath.

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 28th day of August, 2019.



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 FIFTH
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**

For requests 5-1 through 5-8 below, please see the attached Exhibit “A”, responses that the City of Austin provided to Petitioners’ RFIs 3-11 and 3-12 in *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* (“Docket No. 42857”). 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*, Docket 42857, City of Austin’s *Seventh Supplemental Response to Petitioners’ Third Request for Production of Documents*, No. 120, at 7904-06; (Sept. 29, 2014).

DISTRICTS’ REQUEST TO CITY 5-1. Admit or Deny that Austin Water’s response to RFIs 3-11 and 3-12 in Docket 42857 classified water mains measuring 24 inches and greater in diameter as “Transmission.” See *id.*

DISTRICTS’ REQUEST TO CITY 5-2. Admit or deny that Austin Water’s response to RFIs 3-11 and 3-12 in Docket 42857 classified water mains measuring less than 24 inches in diameter as “Distribution.” See *id.*

DISTRICTS' REQUEST TO CITY 5-3. Admit or deny that Austin Water classified water mains measuring 16 inches and greater in diameter as "Transmission" on Table 72-2. *See Application of the City of Austin to Change Water and Wastewater Rates*, Docket No. 2, *AW Water COS Model Docket 48189.xlsx*, Table 72-2 (April 15, 2019).

DISTRICTS' REQUEST TO CITY 5-4. Please describe in detail the explanation, justification, reasons supporting, and basis for Austin Water not disclosing its change in classification of "Transmission" water mains from 24 inches to 16 inches. *See Exhibit "A"*.

DISTRICTS' REQUEST TO CITY 5-5. Identify and produce all documents relating to any rationale or communication relating to Austin Water's policy regarding its classification of "Transmission" water mains, from September 5, 2014, to present. *See Exhibit "A"*.

DISTRICTS' REQUEST TO CITY 5-6. Identify and produce all documents or any other information that Austin Water relied upon or referenced in any manner, whether created internally or externally, that supported Austin Water's proposed reclassification of "Transmission" water mains from 24 inches to 16 inches. *See Exhibit "A"*.

DISTRICTS' REQUEST TO CITY 5-7. Identify and produce the revenue requirements for each of the Petitioners after re-running the *AW Water COS Model Docket 49189.xlsx*, using the classifications of 24 inches and greater as Transmission Mains, and less than 24 inches as Distribution Mains. *See Application of the City of Austin to Change Water and Wastewater Rates*, Docket No. 2, *AW Water COS Model Docket 48189.xlsx*.

DISTRICTS' REQUEST TO CITY 5-8. Identify and produce the complete and full inventory of Water Transmission Mains from January 1, 2018, noting the length of each pipe by diameter.

DISTRICTS' REQUEST TO CITY 5-9. Identify and produce the complete and full inventory of Water Distribution Mains from January 1, 2018, noting the length of each pipe by diameter.

EXHIBIT A

SOAH DOCKET NO. 473-14-5138

PUC DOCKET NO. 42857

PETITION OF NORTH AUSTIN	§	BEFORE THE STATE OFFICE
UTILITY DISTRICT NO. 1,	§	
NORTHTOWN MUNICIPAL UTILITY	§	
DISTRICT, TRAVIS COUNTY WATER	§	
CONTROL AND IMPROVEMENT	§	
DISTRICT NO. 10 AND WELLS	§	OF
BRANCH MUNICIPAL UTILITY	§	
DISTRICT, FROM THE RATEMAKING	§	
ACTIONS OF THE CITY OF AUSTIN	§	
AND REQUEST FOR INTERIM RATES	§	
IN WILLIAMSON AND TRAVIS	§	
COUNTIES	§	ADMINISTRATIVE HEARINGS

SOAH DOCKET NO. 473-14-5138

PUC DOCKET NO. 42867

PETITION OF NORTH AUSTIN	§	BEFORE THE STATE OFFICE
MUNICIPAL UTILITY DISTRICT NO.	§	
1, NORTHTOWN MUNICIPAL	§	
UTILITY DISTRICT, AND WELLS	§	
BRANCH MUNICIPAL UTILITY	§	
DISTRICT FROM THE RATEMAKING	§	OF
ACTIONS OF THE CITY OF AUSTIN	§	
AND REQUEST FOR INTERIM RATES	§	
IN WILLIAMSON AND TRAVIS	§	
COUNTIES	§	ADMINISTRATIVE HEARINGS

**CITY OF AUSTIN'S SEVENTH SUPPLEMENTAL RESPONSE
TO PETITIONERS' THIRD REQUEST FOR PRODUCTION OF DOCUMENTS**

TO: Wells Branch MUD, Travis County WCID No. 10, Northtown MUD, and North Austin Utility District No. 1, through its attorneys of record, Randall Wilburn, Attorney at Law, 3000 South IH 35, Suite 150, Austin, Texas 78704; and John J. Carlton, The Carlton Law Firm, PLLC, 2705 Bee Cave Road, Suite 200, Austin, Texas 78746.

COMES NOW, the City of Austin, (herein sometimes referred to as "City," "Austin" or "Respondent"), in the above styled and docketed consolidated wholesale water and wholesale wastewater rate appeal proceeding and serves this, the City of Austin's Seventh Supplemental

Response to Petitioners' Third Request for Production of Documents in response to Petitioners' Third Request for Production of Documents, on all parties to this Proceeding.

I. RESPONSES TO REQUESTS FOR PRODUCTION SUBJECT TO RIGHT TO AMEND OR SUPPLEMENT

Each of these responses is submitted pursuant to applicable law and rules. Additionally, Austin reserves the right to amend or supplement this response in accordance with applicable rules.

II. RESPONSES TO REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 3-11. Please provide the inventory of Water Transmission Mains from 2012 showing length of pipe by diameter.

SUPPLEMENTAL RESPONSE: See the attached GIS Water Mains Report, Austin RPD Resp. 7904-7906.

REQUEST FOR PRODUCTION NO. 3-12 Please provide the inventory of Water Distribution Mains from 2012 showing length of pipe by diameter.

SUPPLEMENTAL RESPONSE: See documents produced in response to Request for Production No. 3-11.

REQUEST FOR PRODUCTION NO. 3-56. Please provide any documents showing the same type of data as shown on Ms. Gross' Exhibit 8 for all of AWU's customers.

RESPONSE: See also, the attached City of Austin and Wholesale Participation Request, Austin RPD Resp. 7903.

REQUEST FOR PRODUCTION NO. 3-57. Please provide any documents showing the time period covered for the data presented in Ms. Gross' Exhibit 8.

RESPONSE: See documents produced in response to Request for Production No. 3-56. The time period is 1997 to present for wholesale customers.

REQUEST FOR PRODUCTION NO. 3-63. Please provide all documents supporting the statement made on page 21, lines 22-23 of Mr. Giardina's testimony that "...this range of cash funding is fairly typical in the local government utility industry."

Response to Request No. 3-11

<u>Distribution</u>						
<u>Record Count</u>	<u>Diameter</u>	<u>Owner</u>	<u>Operational Status</u>	<u>Feet</u>	<u>Miles</u>	
94	0.00	CITY	AB	2,310	0.44	
20,645	0.00	CITY	IS	580,683	109.98	
2	0.00	CITY	OUT	46	0.01	
414	0.00	CITY	PRAB	12,600	2.39	
229	0.00	CITY	PROP	5,180	0.98	
7	0.75	CITY	AB	3,281	0.62	
43	0.75	CITY	IS	2,218	0.42	
3	0.75	CITY	PRAB	281	0.05	
44	1.00	CITY	AB	9,364	1.77	
564	1.00	CITY	IS	34,610	6.55	
12	1.00	CITY	PRAB	687	0.13	
35	1.00	CITY	PROP	1,655	0.31	
29	1.25	CITY	AB	6,870	1.30	
41	1.25	CITY	IS	3,191	0.60	
4	1.25	CITY	PRAB	284	0.05	
24	1.50	CITY	AB	5,446	1.03	
77	1.50	CITY	IS	5,989	1.13	
6	1.50	CITY	PRAB	1,352	0.26	
24	1.50	CITY	PROP	249	0.05	
1,058	2.00	CITY	AB	331,952	62.87	
4,513	2.00	CITY	IS	334,700	63.39	
6	2.00	CITY	OUT	408	0.08	
219	2.00	CITY	PRAB	21,660	4.10	
163	2.00	CITY	PROP	6,035	1.14	
235	2.25	CITY	AB	159,456	30.20	
723	2.25	CITY	IS	118,663	22.47	
53	2.25	CITY	PRAB	12,103	2.29	
2	2.25	CITY	PROP	31	0.01	
2	2.50	CITY	AB	107	0.02	
68	2.50	CITY	IS	18,023	3.41	
1	2.50	CITY	PROP	12	0.00	
4	3.00	CITY	AB	1,132	0.21	
275	3.00	CITY	IS	12,727	2.41	
6	3.00	CITY	PRAB	162	0.03	
22	3.00	CITY	PROP	592	0.11	
303	4.00	CITY	AB	46,185	8.75	
7,281	4.00	CITY	IS	391,185	74.09	
354	4.00	CITY	PRAB	27,695	5.25	
416	4.00	CITY	PROP	11,360	2.15	
11	5.00	CITY	IS	452	0.09	
1	5.25	CITY	IS	15	0.00	
2,785	6.00	CITY	AB	704,431	133.41	
56,623	6.00	CITY	IS	5,414,953	1,025.56	
1	6.00	CITY	OUT	169	0.03	
1,854	6.00	CITY	PRAB	194,494	36.84	
4,129	6.00	CITY	PROP	93,282	17.67	
1,059	8.00	CITY	AB	271,441	51.41	
39,800	8.00	CITY	IS	5,719,458	1,083.23	
677	8.00	CITY	PRAB	67,608	12.80	
2,818	8.00	CITY	PROP	264,469	50.09	
20	10.00	CITY	AB	6,556	1.24	
340	10.00	CITY	IS	22,671	4.29	
8	10.00	CITY	PRAB	201	0.04	

15	10.00	CITY	PROP	158	0.03
757	12.00	CITY	AB	211,503	40.06
21,826	12.00	CITY	IS	2,982,940	564.95
355	12.00	CITY	PRAB	31,092	5.89
1,932	12.00	CITY	PROP	164,681	31.19
65	14.00	CITY	AB	48,379	9.16
238	14.00	CITY	IS	43,819	8.30
21	14.00	CITY	PRAB	731	0.14
10	14.00	CITY	PROP	73	0.01
122	16.00	CITY	AB	36,856	6.98
7,026	16.00	CITY	IS	1,181,903	223.85
3	16.00	CITY	OUT	655	0.12
70	16.00	CITY	PRAB	7,330	1.39
789	16.00	CITY	PROP	111,067	21.04
1	18.00	CITY	AB	174	0.03
11	18.00	CITY	IS	280	0.05
36	20.00	CITY	AB	9,402	1.78
632	20.00	CITY	IS	124,700	23.62
52	20.00	CITY	PRAB	4,299	0.81
34	20.00	CITY	PROP	7,315	1.39
3	21.00	CITY	AB	1,629	0.31
17	21.00	CITY	IS	10,908	2.07
182,142				19,910,575	3,771

Transmission					
<u>Record Count</u>	<u>Diameter</u>	<u>Owner</u>	<u>Operational Status</u>	<u>Feet</u>	<u>Miles</u>
108	24.00	CITY	AB	32,170	6.09
3,712	24.00	CITY	IS	855,330	161.99
62	24.00	CITY	PRAB	10,810	2.05
324	24.00	CITY	PROP	69,863	13.23
23	30.00	CITY	AB	10,977	2.08
470	30.00	CITY	IS	153,966	29.16
3	30.00	CITY	OUT	852	0.16
2	30.00	CITY	PRAB	409	0.08
15	30.00	CITY	PROP	524	0.10
27	36.00	CITY	AB	8,333	1.58
739	36.00	CITY	IS	285,183	54.01
4	36.00	CITY	PRAB	767	0.15
56	36.00	CITY	PROP	16,664	3.16
18	42.00	CITY	AB	5,248	0.99
293	42.00	CITY	IS	90,949	17.23
27	42.00	CITY	PROP	15,743	2.98
1	45.00	CITY	IS	13	0.00
41	48.00	CITY	AB	27,134	5.14
891	48.00	CITY	IS	498,848	94.48
1	48.00	CITY	OUT	303	0.06
40	48.00	CITY	PROP	14,307	2.71
1	54.00	CITY	AB	212	0.04
106	54.00	CITY	IS	53,080	10.05
38	54.00	CITY	PROP	17,858	3.38
27	60.00	CITY	IS	13,080	2.48
7	66.00	CITY	AB	1,674	0.32
99	66.00	CITY	IS	63,004	11.93
2	66.00	CITY	PRAB	567	0.11
8	66.00	CITY	PROP	865	0.16
1	72.00	CITY	AB	476	0.09
28	72.00	CITY	IS	24,222	4.59
6	84.00	CITY	PROP	34,552	6.54
3	108.00	CITY	PROP	4,563	0.86
7,183				2,312,548	438