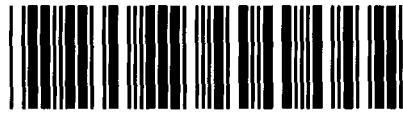


Control Number: 49189



Item Number: 62

Addendum StartPage: 0

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

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2019 SEP 19 PM 1:14  
PUC DOCKET NO. 49189  
SOAH DOCKET NO. 473-19-6297.WS

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

**NORTH AUSTIN MUNICIPAL UTILITY DISTRICT NO. 1,  
NORTHTOWN MUNICIPAL UTILITY DISTRICT,  
TRAVIS COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 10, AND  
WELLS BRANCH MUNICIPAL UTILITY DISTRICTS'  
MOTION TO COMPEL CITY OF AUSTIN TO RESPOND TO INTERVENORS' 1<sup>ST</sup>  
AND 2<sup>ND</sup> REQUEST FOR INFORMATION AS REQUIRED BY COMMISSION RULES**

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 (the "Intervenors") and file this Motion to Compel Responses to Intervenors' First and Second Requests for Information ("Requests") to the City of Austin ("City").

**I. BACKGROUND**

On August 8 and 9, 2019, the Intervenors filed their First and Second Requests to the City, respectively. Included in the First Requests were the following inquiries:

1. **DISTRICTS 1-2:** Please provide the names, address, and telephone number of persons having knowledge of relevant facts, and a brief statement of each identified person's connection with the Application.

**DISTRICTS 1-3:** Please provide the following information for any testifying expert:

- (1) The expert's name, address, and telephone number;

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- (2) the subject matter on which the expert will testify;
- (3) the general substance of the expert's mental impressions and opinions and a brief summary of the basis for them, or if the expert is not retained by, or employed by, or otherwise subject to the control of the responding party, documents reflecting such information;
- (4) if the expert is retained by, employed, by or otherwise subject to the control of the responding party:
  - (A) All documents, tangible things, reports, models, or data compilations that have been provided to, reviewed by, or prepared by or for an expert in anticipation of the expert's testimony; and
  - (B) The expert's current resume and bibliography.

**DISTRICTS 1-7:** Please produce all documents relevant to this matter that were provided, reviewed or created by or relied upon by any testifying expert.

The Second Request included the following inquiries, which were responded to in the exact same manner as the first:

- 2. **DISTRICTS 2-1:** To the extent not provided in work papers already filed with the Application, please provide copies of the source documents, data, and work papers associated with the development of the Application. Please provide the underlying data and exhibits in both paper and electronic (Microsoft Excel Worksheet) forms. For all the Microsoft Excel documents, please provide the worksheets with links intact and include all formulas embedded in the worksheets.

**DISTRICTS 2-5:** Please provide bond documents for all debt included in the rate filing package that support the debt service coverage requested in the Application.

City responded to the First Request on August 28, 2019 by including a DVD with "Voluminous Attachments" which include a scanned image of the disc, and a simple list of the files imprinted thereon that are responsive to the requests listed above.<sup>1</sup> On September 3, 2019, City filed its Response to Intervenor's Second Request, also including a scanned image of a DVD with a list of files included on the disc that are responsive to the requests listed above. This DVD was also labeled as a "Voluminous Attachment."<sup>2</sup> Copies of the relevant pages from City's responses to Intervenor's First Request for Information and Intervenor's Second Request for Information are attached to this Motion as Exhibit "A" and Exhibit "B." Neither of the produced

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<sup>1</sup> See City of Austin D/B/A Austin Water's Response to Districts' First Request for Information at 14 (Aug. 28, 2019).

<sup>2</sup> See City of Austin D/B/A Austin Water's Response to Districts' Second Request for Information at 8 (Sept. 3, 2019).

DVDs included any index or list of the documents, their length or date, who prepared them, nor a description. Furthermore, the City specifically described the items on the discs as “Voluminous.”

## **II. VOLUMINOUS DOCUMENT INDEX**

Commission Procedural Rule 16 Tex. Admin. Code § 22.144(h)(4) (TAC) requires:

(4) The party providing the voluminous material shall file with its response a detailed index of the voluminous material responsive to a particular question and shall organize the responses and material to enable parties to efficiently review the material, including labeling of material by request for information number and subparts and sequentially numbering the material responsive to a particular question. The index shall include:

- (A) information sufficient to locate each individual document by page number, file number, and box number;
- (B) the date of each document;
- (C) the title of the document, or, if none exists, a description of the document;
- (D) the name of the preparer of each document; and
- (E) the length of each document.

Under the requirements of 16 TAC § 22.144(h)(4), the City should have included in their Response: (1) information sufficient to locate each individual document by page number, file number, and box number; (2) the date of each document; (3) the title of the document or description of the document; (4) the name of the preparer of each document; and (4) the length of each document. The City has failed to comply with the rule by not including a simple list of the documents that includes no information about where the document is, the date it was created, a title or description of the document, who prepared it, nor the length. City has insisted that these productions are sufficient to comply with 16 TAC § 22.144(h)(4), but they are clearly not. Furthermore, the City has admitted that the DVDs contain voluminous documents as it used that exact wording to describe the discs in response to both the First and Second Requests.

Intervenors urge the Administrative Law Judges to compel the City to fully comply with the requirements of 16 TAC § 22.144(h)(4) and include an index that contains information required by the rule.

### **III. PRAYER**

WHEREFORE, PREMISES CONSIDERED, Intervenor 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 pray that the Administrative Law Judges issue an Order Compelling the City to respond to Intervenor's First and Second Requests for Information as required by 16 TAC § 22.144(h)(4) and grant Intervenor other such relief to which they may be entitled.

Respectfully submitted,



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John J. Carlton

Randall B. Wilburn  
State Bar No. 24033342  
Helen Gilbert  
State Bar No. 00786263  
7000 North MoPac Blvd., Suite 200  
Austin, Texas 78731  
Telephone: (512) 535-1661  
Facsimile: (512) 535-1678

John J. Carlton  
State Bar No. 03817600  
The Carlton Law Firm, P.L.L.C.  
4301 Westbank Drive, Suite B-130  
Austin, Texas 78746  
Telephone: (512) 614-0901  
Facsimile: (512) 900-2855

**ATTORNEYS FOR INTERVENORS**

### **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 19<sup>th</sup> day of September, 2019.

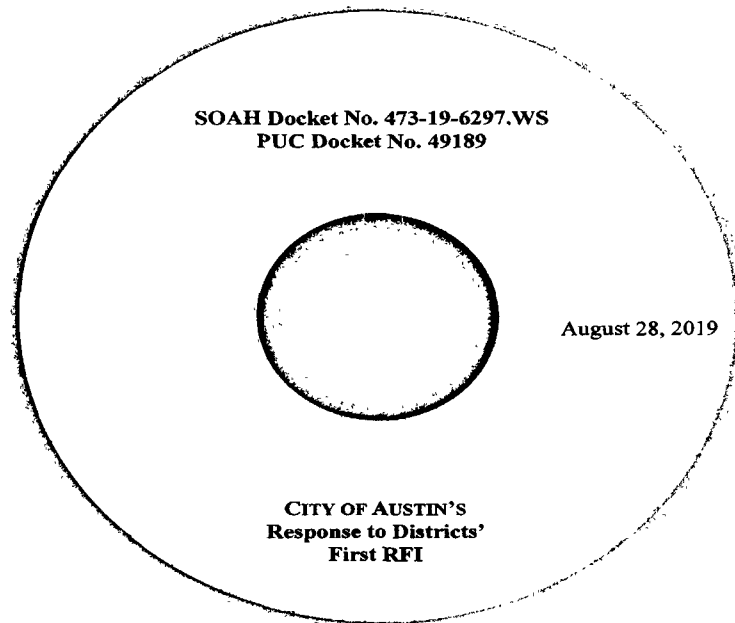






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John J. Carlton

## **EXHIBIT A**

### **VOLUMINOUS ATTACHMENTS PROVIDED ON CD**



 AW\_1-2\_Attachment\_1.pdf  
 AW\_1-3(4)(A)\_Attachment\_1.pdf  
 AW\_1-3(4)(A)\_Attachment\_2.pdf  
 AW\_1-3(4)(A)\_Attachment\_3.pdf  
 AW\_1-3(4)(A)\_Attachment\_4.pdf  
 AW\_1-3(4)(A)\_Attachment\_5.pdf  
 AW\_1-3(4)(A)\_Attachment\_6.pdf  
 AW\_1-7\_Attachment\_1.PDF

## EXHIBIT B

### VOLUMINOUS ATTACHMENTS PROVIDED ON CD



- |                          |                          |  |   |
|--------------------------|--------------------------|--|---|
| AW 2-1 Attachment 1.pdf  | AW 2-1 Attachment 41.pdf | AW 2-1 Attachment 81.pdf   | AW 2-1 Attachment 121-Rever Place MUD_180128.xls                                  |
| AW 2-1 Attachment 2.pdf  | AW 2-1 Attachment 42.pdf | AW 2-1 Attachment 82.pdf   | AW 2-1 Attachment 122-Schedule B-D-1, unupdate_support xls                        |
| AW 2-1 Attachment 3.pdf  | AW 2-1 Attachment 43.pdf | AW 2-1 Attachment 83.pdf   | AW 2-1 Attachment 123-Schedule B-D-4 working Results                              |
| AW 2-1 Attachment 4.pdf  | AW 2-1 Attachment 44.pdf | AW 2-1 Attachment 84.pdf   | AW 2-1 Attachment 124-Schedule B-D-7 working Results                              |
| AW 2-1 Attachment 5.pdf  | AW 2-1 Attachment 45.pdf | AW 2-1 Attachment 85.pdf   | AW 2-1 Attachment 125-Schedule B-D-9_support_mod.xlsx                             |
| AW 2-1 Attachment 6.pdf  | AW 2-1 Attachment 46.pdf | AW 2-1 Attachment 86.pdf   | AW 2-1 Attachment 126-Split for Other Payroll Information_Number of Employees.xls |
| AW 2-1 Attachment 7.pdf  | AW 2-1 Attachment 47.pdf | AW 2-1 Attachment 87-WFHWorksheetBonds.xls   | AW 2-1 Attachment 127-Split for Other Payroll Information_Number of Employees.xls |
| AW 2-1 Attachment 8.pdf  | AW 2-1 Attachment 48.pdf | AW 2-1 Attachment 88-WFHWorksheetBonds.xls   | AW 2-1 Attachment 128.pdf   |
| AW 2-1 Attachment 9.pdf  | AW 2-1 Attachment 49.pdf | AW 2-1 Attachment 89-WFHWorksheetBonds.xls   | AW 2-1 Attachment 129-Split for Other Payroll Information_Number of Employees.xls |
| AW 2-1 Attachment 10.pdf | AW 2-1 Attachment 50.pdf | AW 2-1 Attachment 90-WFHWorksheetBonds.xls   | AW 2-4 Attachment 1-COS Model B6 Account Growth to B-D_8.16.19_Final.xls          |
| AW 2-1 Attachment 11.pdf | AW 2-1 Attachment 51.pdf | AW 2-1 Attachment 91-2018-19 WFWF Rev 0918 COS Submittal.xls                       | AW 2-4 Attachment 2-COS Worksheet Crosswalk 8.16.19_FINAL.xls                     |
| AW 2-1 Attachment 12.pdf | AW 2-1 Attachment 52.pdf | AW 2-1 Attachment 92-2019 Debt Earm to COS.xls                                     | AW 2-4 Attachment 3-COS Water Crosswalk 8.16.19_FINAL.xls                         |
| AW 2-1 Attachment 13.pdf | AW 2-1 Attachment 53.pdf | AW 2-1 Attachment 93-AW Request Data Download 2018.xls                             | AW 2-5 Attachment 1-WFHWorksheetBonds.xls   |
| AW 2-1 Attachment 14.pdf | AW 2-1 Attachment 54.pdf | AW 2-1 Attachment 94-Back up for Schedule B-D-7.xls                                | AW 2-5 Attachment 2-WFHWorksheetBonds.xls   |
| AW 2-1 Attachment 15.pdf | AW 2-1 Attachment 55.pdf | AW 2-1 Attachment 95-Back up for OC 6/18.xls                                       | AW 2-5 Attachment 3-WFHWorksheetBonds.xls   |
| AW 2-1 Attachment 16.pdf | AW 2-1 Attachment 56.pdf | AW 2-1 Attachment 96-CP 2018 Actuals.xls   | AW 2-5 Attachment 4-WFHWorksheetBonds.xls   |
| AW 2-1 Attachment 17.pdf | AW 2-1 Attachment 57.pdf | AW 2-1 Attachment 97-Copy of B08548-SA - Monthly Actuals by Fund - Jan2019.xls     | AW 2-5 Attachment 5-CUBS_2016_AWU Defalcations.xls                                |
| AW 2-1 Attachment 18.pdf | AW 2-1 Attachment 58.pdf | AW 2-1 Attachment 98-Copy of Debt Model_PY 2019-2020_11.14.18.xlsx                 | AW 2-5 Attachment 6-ENVIRONMENTAL REMEDIATION BREAKOUT FY16 and beyond.xls        |
| AW 2-1 Attachment 19.pdf | AW 2-1 Attachment 59.pdf | AW 2-1 Attachment 99-Copy of F50818 Bond Counsel-From Controller.xls               | AW 2-1 Attachment 7-NWAustin MUD_Final_111718.xls                                 |
| AW 2-1 Attachment 20.pdf | AW 2-1 Attachment 60.pdf | AW 2-1 Attachment 100-Copy of FY16-FY19 AW TK Change_PUC Request_Bonds.xls         | AW 2-5 Attachment 8-PB_187084.xls   |
| AW 2-1 Attachment 21.pdf | AW 2-1 Attachment 61.pdf | AW 2-1 Attachment 101-Copy of FY19 AW TK PUC update through 5.31.2019.xls          | AW 2-5 Attachment 9-Rever Place MUD_180128.xls                                    |
| AW 2-1 Attachment 22.pdf | AW 2-1 Attachment 62.pdf | AW 2-1 Attachment 102-Copy of FY2018 Class 8 to FY2019 Approved by Object Code.xls | AW 2-5 Attachment 10.pdf  |
| AW 2-1 Attachment 23.pdf | AW 2-1 Attachment 63.pdf | AW 2-1 Attachment 103 Copy of WFWF TB From Controller - Copy.xls                   | AW 2-5 Attachment 11.pdf  |
| AW 2-1 Attachment 24.pdf | AW 2-1 Attachment 64.pdf | AW 2-1 Attachment 104-CUBS_2016_AWU Defalcations.xls                               | AW 2-5 Attachment 12.pdf  |
| AW 2-1 Attachment 25.pdf | AW 2-1 Attachment 65.pdf | AW 2-1 Attachment 105-ENVIRONMENTAL REMEDIATION BREAKOUT FY16 and beyond.xls       | AW 2-5 Attachment 13.pdf  |
| AW 2-1 Attachment 26.pdf | AW 2-1 Attachment 66.pdf | AW 2-1 Attachment 106-F50818FINAL.xls  | AW 2-5 Attachment 14.pdf  |
| AW 2-1 Attachment 27.pdf | AW 2-1 Attachment 67.pdf | AW 2-1 Attachment 107-F50817_Final.xls   | AW 2-5 Attachment 15.pdf  |
| AW 2-1 Attachment 28.pdf | AW 2-1 Attachment 68.pdf | AW 2-1 Attachment 108-F50818 Statements as of 1.31.19 from Controller.xls          | AW 2-5 Attachment 16.pdf  |
| AW 2-1 Attachment 29.pdf | AW 2-1 Attachment 69.pdf | AW 2-1 Attachment 109-FY 2018-19 WFWF Rev 0918_Adjusted.xls                        | AW 2-5 Attachment 17.pdf  |
| AW 2-1 Attachment 30.PDF | AW 2-1 Attachment 70.pdf | AW 2-1 Attachment 110-FY18 dump with vendor name donations.xls                     | AW 2-5 Attachment 18.pdf  |
| AW 2-1 Attachment 31.pdf | AW 2-1 Attachment 71.pdf | AW 2-1 Attachment 111-FY18 dump with vendor name donations.xls                     | AW 2-5 Attachment 19.pdf  |
| AW 2-1 Attachment 32.pdf | AW 2-1 Attachment 72.pdf | AW 2-1 Attachment 112-FY18 dump with vendor name donations.xls                     | AW 2-5 Attachment 20.pdf  |
| AW 2-1 Attachment 33.pdf | AW 2-1 Attachment 73.pdf | AW 2-1 Attachment 113-FY19 AW Changes_PUC Request_45dayupdate_9.31.19_support.xls  | AW 2-5 Attachment 21.pdf  |
| AW 2-1 Attachment 34.pdf | AW 2-1 Attachment 74.pdf | AW 2-1 Attachment 114-FY19-20 CP Budget Approval.xls                               | AW 2-5 Attachment 22.pdf  |
| AW 2-1 Attachment 35.pdf | AW 2-1 Attachment 75.pdf | AW 2-1 Attachment 115-FY2018-19 AW Revenue thru 0818.xls                           | AW 2-5 Attachment 23.pdf  |
| AW 2-1 Attachment 36.pdf | AW 2-1 Attachment 76.pdf | AW 2-1 Attachment 116-B-D-9-1c_payrollcalculation.xls                              | AW 2-5 Attachment 24.PDF  |
| AW 2-1 Attachment 37.pdf | AW 2-1 Attachment 77.pdf | AW 2-1 Attachment 117-B-D-10 Schedule Working Results                              | AW 2-5 Attachment 25.pdf  |
| AW 2-1 Attachment 38.pdf | AW 2-1 Attachment 78.pdf | AW 2-1 Attachment 118-NWAustin MUD_Final_111718.xls                                | AW 2-5 Attachment 26.pdf  |
| AW 2-1 Attachment 39.pdf | AW 2-1 Attachment 79.pdf | AW 2-1 Attachment 119-QBWA_journcal.xls  | AW 2-5 Attachment 27.pdf  |
| AW 2-1 Attachment 40.pdf | AW 2-1 Attachment 80.pdf | AW 2-1 Attachment 120-PB_187084.xls  | AW 2-1 Attachment 28.pdf  |