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BEFORE THE STATE OF
FOURTH JUDICIAL CIRCUIT
FILING CLERK

OF

ADMINISTRATIVE HEARINGS

DISTRICTS' TENTH RFI TO THE CITY OF AUSTIN DBA AUSTIN WATER

Respectfully submitted,



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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 25th day of September, 2019.



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 TENTH
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. “AWU” or “Austin Water Utility” means the City of Austin DBA Austin Water.
3. “Application” means and refers to the *Statement of Intent to Change Rates and Tariffs* that is the basis of this proceeding, filed by the City of Austin on April 15, 2019.
4. “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.
5. “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.
6. “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.
7. “Document” or “documentation” 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. *See Tex. R. Civ. P. 192.3 (2019).*

8. 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.
9. 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.
10. 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.
11. 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.
12. “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).
13. “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.
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. “RFP” means the Rate Filing Package for Class A Water and Sewer Utilities used by the City in this matter.
18. “RFP Requirements” means the Commission’s Minimum Rate Filing Application Requirements for Class A Water and Sewer Utilities.
19. “Service” has the same meaning as defined by Texas Water Code § 13.002(21) (2019).
20. “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.
21. “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.
22. “Employee” means any full-time employee, part-time employee, contract employee working on a temporary or long-term basis, or consultant working for any period of time for the entity.

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. *See* Tex. R. Civ. P. 192.7(b).
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. *See id.*

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. *See Tex. R. Civ. P. 192.3(j).*
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 continuing duty to supplement your responses within five days 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 supplement the response is, in substance, misleading. *See* 16 Tex. Admin. Code § 22.144(i); Tex. R. Civ. P. 193.5(a).

IV. REQUESTS FOR INFORMATION

DISTRICTS' REQUEST TO CITY 10-1. To what customer class does AWU assign service provided to the State of Texas?

DISTRICTS' REQUEST TO CITY 10-2. How much debt service coverage does AWU collect in its charges to the State of Texas?

DISTRICTS' REQUEST TO CITY 10-3. How much water did AWU sell to the State of Texas during the test year?

DISTRICTS' REQUEST TO CITY 10-4. What were the rates charged to the State of Texas for water and wastewater service during the test year? And for FY2020?

DISTRICTS' REQUEST TO CITY 10-5. What are the rate case expenses charged to AWU customers other than the Petitioners for the Raftelis Cost of Service Models for water and wastewater identified in Mr. Giardina's letter to AWU dated November 13, 2017?

DISTRICTS' REQUEST TO CITY 10-6. What are the rate case expenses charged to AWU customers other than the Petitioners for the AW COS Models for water and wastewater that were the basis for the AW Wastewater COS Model Docket 49189.xlsm and the AW Water COS Model Docket 49189.xlsm produced in this case?

DISTRICTS' REQUEST TO CITY 10-7. Admit or deny that Greg Mezaros told representatives of Travis County WCID No. 10 that AWU intends to include those costs that the PUC disallows in its future water service contract renewal.

DISTRICTS' REQUEST TO CITY 10-8. Did AWU decrease rates for the other districts that are wholesale customers of the City consistent with the reductions that the PUC ordered in Docket No. 42857?

DISTRICTS' REQUEST TO CITY 10-9. What is the debt service coverage required in the bond covenants for each of the currently outstanding bonds or other debt instruments that funded AWU facilities?

DISTRICTS' REQUEST TO CITY 10-10. How much of AWU's rate case expenses were incurred due to the City's compliance with the Commission's Order in Docket 42857?

DISTRICTS' REQUEST TO CITY 10-11. What is the total annual budget for the reclaimed water utility?

DISTRICTS' REQUEST TO CITY 10-12. Who are the customers of the reclaimed water utility?

DISTRICTS' REQUEST TO CITY 10-13. What are the billing rates for water sold to the customers of the reclaimed water utility?

DISTRICTS' REQUEST TO CITY 10-14. What was the City's annual water loss for each of the past five fiscal years?

DISTRICTS' REQUEST TO CITY 10-15. What was the peak day demand for reclaimed water during the test year?

DISTRICTS' REQUEST TO CITY 10-16. What was the peak hour demand for reclaimed water during the test year?

DISTRICTS' REQUEST TO CITY 10-17. What was the peak day demand for potable water during the test year?

DISTRICTS' REQUEST TO CITY 10-18. Please identify all of AWU's reserve fund accounts and list the total amount in each account at the end of the test year.

DISTRICTS' REQUEST TO CITY 10-19. Please list the total amount in drainage fees paid by each City of Austin department during the test year.

DISTRICTS' REQUEST TO CITY 10-20. Is the electricity that Austin Energy provides to the State of Texas Green Choice (as referenced on page 22, line 18 of Mr. Gonzales' direct testimony) electricity?

DISTRICTS' REQUEST TO CITY 10-21. Is the electricity that Austin Energy provides to Travis County Green Choice electricity?

DISTRICTS' REQUEST TO CITY 10-22. How does AWU propose to use the funds collected to meet the proposed 1.85 debt service coverage?

DISTRICTS' REQUEST TO CITY 10-23. What was the amount of total AWU debt for the water system at the end of the test year?

DISTRICTS' REQUEST TO CITY 10-24. What was the amount of total AWU debt for the wastewater system at the end of the test year?

DISTRICTS' REQUEST TO CITY 10-25. How much additional debt will AWU incur during FY2020 for the water system?

DISTRICTS' REQUEST TO CITY 10-26. How much additional debt will AWU incur during FY 2020 for the wastewater system?

DISTRICTS' REQUEST TO CITY 10-27. Please provide a copy of the written notice provided to each water and sewer retail customer that notified those customers of any service or capital expenditure not water or sewer related that was funded in whole or in part by the customer's water or sewer bills.

DISTRICTS' REQUEST TO CITY 10-28. Please provide a copy of all indirect cost allocation plans or studies used by AWU in determining the proposed revenue requirement for water.

DISTRICTS' REQUEST TO CITY 10-29. Please provide a copy of all indirect cost allocation plans or studies used by AWU in determining the proposed revenue requirement for wastewater.

DISTRICTS' REQUEST TO CITY 10-30. Please describe in detail AWU's rate design objectives.

DISTRICTS' REQUEST TO CITY 10-31. Please provide each City Council authorization to use Water Reserve Funds approved in the past five years.

DISTRICTS' REQUEST TO CITY 10-32. How much was withdrawn from the Water Reserve Fund during the test year?

DISTRICTS' REQUEST TO CITY 10-33. How much does AWU proposed to collect in Revenue Stability Reserve Funds from each of Petitioners in FY 2020?

DISTRICTS' REQUEST TO CITY 10-34. Please list each emergency wastewater flow diversion at the Govalle Wastewater Treatment Plant over the past five years.

DISTRICTS' REQUEST TO CITY 10-35. Please provide a copy of the current TPDES discharge permit for the Govalle Wastewater Treatment Plant.

DISTRICTS' REQUEST TO CITY 10-36. What costs are included in the Non-Capital Improvement Program (CIP) capital costs (as referenced on page 26, lines 3-4 of Mr. Gonzalez' direct testimony?

DISTRICTS' REQUEST TO CITY 10-37. What is the annual subsidy for the AWU Residential CAP program?

DISTRICTS' REQUEST TO CITY 10-38. What is the method of allocating costs used by Austin Energy for billing and customer support functions?

DISTRICTS' REQUEST TO CITY 10-39. Please provide all internal Cost Allocation Plans used to allocate costs from other City departments or the general fund to AWU.

DISTRICTS' REQUEST TO CITY 10-40. How much does the City charge the State of Texas for drainage fees?

DISTRICTS' REQUEST TO CITY 10-41. Please provide a copy of each Raftelis contract and amendment with AWU since 2014.