

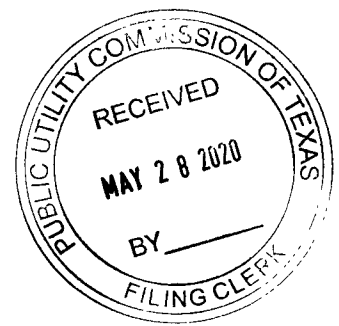


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**SOAH DOCKET NO. 473-20-1554.WS  
DOCKET NO. 49225**

<b>PETITION BY OUTSIDE CITY RATEPAYERS APPEALING THE WATER RATES ESTABLISHED BY THE CITY OF CELINA</b>	§ § § §	<b>PUBLIC UTILITY COMMISSION  OF TEXAS</b>
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**CITY OF CELINA'S SECOND REQUEST FOR INFORMATION TO  
OUTSIDE CITY RATEPAYERS**

To: Petitioner, Outside City Ratepayers, by and through its attorneys of record, Randall B. Wilburn and Helen S. Gilbert, Gilbert Wilburn PLLC, 7000 North MoPac Blvd., Suite 200, Austin, Texas 78731 & John J. Carlton and Kelli A. N. Carlton, The Carlton Law Firm, P.L.L.C., 4301 Westbank Drive, Suite B-130, Austin, Texas 78746.

Now comes the CITY OF CELINA ("City") and serves this, their Second Request for Information to the Outside City Ratepayers ("Ratepayers") pursuant to 16 Tex. Admin. Code Ann. § 22.144 ("TAC") and request the following information and answering to the following questions be provided under oath.

**I. DEFINITIONS**

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

1. "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 cope by another construction.
2. "City" means the City of Celina.
3. "Communication(s)" 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. "Concern," "reflect(ing)," "related to," or "relating to," "regarding," and similar terms mean addressing, analyzing, referring, discussing, mentioning in any way, explaining,

supporting, describing, forming the basis for, or being logically or causally connected in any way with the subject of these discovery requests.

5. “Developer” or “Developers” means any or all of the following: LFC Devco GH LLC or LFC Devco Sage LLC III or Forestar/ RPG Land Company, LLC or LFC Land Company, LLC, or LFC Development Company, LLC.
6. “Document” means any written, typed, printed, recorded, graphic or photographic matter, or sound reproductions, however produced or reproduced, including copies, or computer or data processing inputs or outputs in whatever form, or any means of electronic storage of information. These include, but are not limited to, all letters, telegrams, cables, wires, notes, studies, memoranda, accounts, invoices, ledgers, books, publications, diagrams, statements, drafts, transcripts, agreements, contracts, minutes, records, diaries, voice recordings, journals, logs, work papers, manuals, calendars, governmental forms, computer or data processing inputs or printouts, microfiche or microfilm recordings, statistical compilations, slides, photographs, negatives, motion pictures or other films, samples or other physical objects of whatever nature, whether originals or reproductions, now or formerly in your possession, custody or control, or in the possession, custody or control of any employee, agent, representative, servant or attorney acting on your behalf. The term "document" also includes every copy where the copy is not an identical reproduction of the original or where the copy contains any commentary, marginal comment or any notation that may not appear in the original. A document is deemed within your control if you have ownership, possession, custody, or constructive possession of the document, or a superior right to compel the production from a third party (including an agent, authority or representative). The term "document" also includes electronic and magnetic data which are to be produced in native format, or a format mutually agreed to by the responding party and the requesting party.
7. When the term “identify” is used:
  - (1) When used in reference to a natural person, "identify" means that you should state that person's full name, address and telephone number.
  - (2) When used with respect to a “document,” as defined above, "identify" means that you should state the date, subject and substance, author, type of document, (e.g., letter, telegram, memorandum, computer printout, sound reproduction, chart, photograph, film, etc.), its present location and the identity of each of its present custodians and shall include all documents including those that you may claim are privileged. If any document was, but no longer is, in your possession or subject to your control, state whether it is (a) missing or lost; (b) was destroyed; (c) was transferred voluntarily or involuntarily to others; or (d) otherwise disposed of, and in each such instance explain the circumstances surrounding any authorization for such disposition.

- (3) When used in respect to any meeting or conversation, "identify" means that you should state the date and specific location of the meeting or conversation plus the "identification" of all persons present, attending, participating, witnessing or having knowledge of the meeting or conversation.
  - (4) When used in respect to an occurrence, event or happening, "identify" means that you should describe in detail what occurred or transpired at the occurrence, event or happening; the date, specific location and duration of the occurrence, event or happening and identify all persons present, attending, participating, witnessing or having knowledge of the occurrence, event or happening.
  - (5) When used in respect to a statement, "identify" means that you should state the substance of the statement; the date and specific location of the statement; and the "identity" of all persons present, witnessing, making or having knowledge of the statement.
- 8. "Person" or "Persons" includes natural persons, firms, partnerships, associations, joint ventures, corporations and any other form of business organization or arrangement, as well as governmental or quasi-governmental agencies.
  - 9. "PUC" or "Commission" refer to the Public Utility Commission of Texas.
  - 10. "Ratepayers," "Outside City Ratepayers," or "Outside Ratepayers" means and refers to the petitioners in this proceeding, being the water and wastewater customers of the City of Celina residing outside of the corporate limits of the municipality.
  - 11. "UTRWD" means and refers to the Upper Trinity Regional Water District.
  - 12. "Workpapers" refers to detailed calculations, formulas, supporting assumptions, and all other documents typically referred to as "workpapers" used to support testimony in a regulated rate case before the Commission.
  - 13. "You" or "Your" refers to the Outside City Ratepayers, including any predecessor in interest or any alias, its agents, employees, attorneys, investigators, contractors, and all others "persons" acting for said party.

## **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 discovery requests 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 a discovery request by referring to a specific document or record, the reference 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 Tex. R. Civ. P. 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 Tex. R. Civ. P. 192.7(b), please identify (by name, address and telephone number) the person whom you believe to have such possession, custody or control.

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

You are under a duty to supplement any responses that are incomplete or incorrect when made. 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 made or (2) although correct and complete when made, is no longer correct and complete, and the circumstances are such that failure to amend the response is in substance misleading.

Respectfully submitted,

**DAVIDSON TROILO REAM & GARZA, P.C.**

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Austin, Texas 78701

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By: /s/ Scott Smyth

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**ATTORNEYS FOR CITY OF CELINA**

**CERTIFICATE OF SERVICE**

I hereby certify that this document has been served on all parties of record on this 28th day of May, 2020, via hand delivery, facsimile, electronic mail, overnight mail, U.S. mail, and/or Certified Mail Return Receipt Requested.

/s/ Scott Smyth

Scott Smyth

**SOAH DOCKET NO. 473-20-1554.WS  
DOCKET NO. 49225**

<b>PETITION BY OUTSIDE CITY</b>	§	
<b>RATEPAYERS APPEALING THE</b>		
<b>WATER RATES ESTABLISHED BY</b>	§	<b>PUBLIC UTILITY COMMISSION</b>
<b>THE CITY OF CELINA</b>	§	<b>OF TEXAS</b>
	§	

**CITY OF CELINA’S FIRST REQUEST FOR INFORMATION TO  
OUTSIDE CITY RATEPAYERS**

**I. REQUESTS FOR INFORMATION**

**CITY 2-1.** Please provide the names of all persons who assisted in the preparation of the prefiled testimony presented by any person on behalf of the Outside Ratepayers.

**CITY 2-2.** For each person providing prefiled testimony on behalf of the Outside Ratepayers, please identify and explain all experience, engagements with, and work for the City of Celina, including but not limited to the City’s water and wastewater system.

**CITY 2-3.** For each person providing prefiled testimony on behalf of the Outside Ratepayers, provide the dates and times of any and all visits to any site associated with the City’s water and wastewater system.

**CITY 2-4.** Please produce all Excel spreadsheets or other documents in unlocked, executable form, used to develop any exhibits, analysis, opinions or conclusions of each person providing prefiled testimony on behalf of the Outside Ratepayers, with all formulae and links intact.

**CITY 2-5.** To the extent not provided in workpapers already filed with the ratepayers’ testimony, please provide any documents, data, and workpapers associated with the development of the testimony of each person providing testimony on behalf of the Outside Ratepayers.

**CITY 2-6.** To the extent not provided in workpapers already filed with the ratepayers' testimony, please provide any documents, data, and workpapers which support, are relevant, or are associated with the development of the testimony of each person providing testimony on behalf of the Outside Ratepayers.

**CITY 2-7.** To the extent not already provided, please provide the final testimony, underlying data, and exhibits in both paper and electronic (Microsoft Word, Excel or equivalent software) form for each person providing testimony on behalf of the Outside Ratepayers. For all Microsoft Excel or equivalent software documents, please provide the worksheets with all links and formulas embedded in the worksheets used to create and manipulate the data in the worksheet active.

**CITY 2-8.** For any electronic document that requires a password in any form in order to comply with RFI 2-4, 2-5, 2-6, and 2-7 above, please provide the associated password.

**CITY 2-9.** Please provide all documents and/or workpapers supporting or relevant to all exhibits, analysis, opinions and conclusions presented by each person providing prefiled testimony on behalf of the Outside Ratepayers.

**CITY 2-10.** Please identify dates of all meetings, including in-person or by other means, between any representative of the Outside Ratepayers, including but not limited to legal counsel or any person providing prefiled testimony on behalf of the Outside Ratepayers, with the Developer(s) regarding the City's water and wastewater system and/or its rates. To the extent any document includes privileged or confidential information, please provide such information in redacted form and the requisite privilege log.

**CITY 2-11.** Please produce all documents provided, discussed, reviewed by or exchanged with the Developer(s) with any representative of the Outside Ratepayers, including but not limited to legal counsel or any person providing prefiled testimony on behalf of the Outside Ratepayers, regarding the City's water and wastewater system and/or its rates. To the extent any document includes privileged or confidential information, please provide such information in redacted form and the requisite privilege log.

**CITY 2-12.** Please identify dates of all meetings, phone calls, or other communications between any representative of the Outside Ratepayers, including but not limited to any legal counsel or person providing prefiled testimony on behalf of the Outside Ratepayers, with any representative of the Public Utility Commission regarding the City's water and wastewater system and/or its



rates. Please provide all documents discussed, reviewed or exchanged during these communications. To the extent any document includes privileged or confidential information, please produce with such information redacted and the requisite privilege log.

**CITY 2-13.** For each person providing prefiled testimony on behalf of the Outside Ratepayers, provide the dates and a summary of all meetings and/or conversations with City staff, operators, engineers an any other City representative regarding the City's water and wastewater system and /or its rates. Specifically identify all City personnel with whom the person providing testimony for the Outside Ratepayers discussed and the subject matter that was discussed. If there have been no such meetings and/or conversations, please specifically state so.

**CITY 2-14.** Please provide all documents reviewed or discussed during the meetings referenced in RFI 2-13 directly above.

**CITY 2-15.** For each person providing prefiled testimony on behalf of the Outside Ratepayers, provide the dates and a summary of all meetings and/or conversations with Upper Trinity Regional Water District staff, operators, engineers an any other UTRWD representatives regarding the City of Celina's water and wastewater system and/or its rates. Specifically identify all UTRWD personnel with whom the expert discussed and the subject matter that was discussed. If there have been no such meetings and/or conversations, please specifically state so.

**CITY 2-16.** Please provide all documents reviewed or discussed during the meetings referenced in RFI 2-15 directly above.

**CITY 2-17.** For each person providing prefiled testimony on behalf of the Outside Ratepayers, provide the names of every municipal water and wastewater utility that engaged the person to prepare or participate in the preparation of a municipal water and wastewater rate study or analysis since the year 2010. Provide the dates of every identified engagement and identify whether the utility adopted the person's rate recommendations.

**CITY 2-18.** For each municipal utility identified in RFI 2-17 directly above, identify whether that utility provides service to retail residential and non-residential customers outside the city limits.

**CITY 2-19.** For each municipal utility identified in RFI 2-17 above, identify whether that utility charges a retail residential water and wastewater rate for outside customers that is **higher** than the rate charged to inside city customers. If so, identify the percentage or multiplier of the retail outside city residential rate differential. Specifically state whether the person providing prefiled testimony on behalf of the Outside Ratepayers recommended that the utility charge a retail rate to outside city customers that is higher than the inside city limit rate. Specifically state whether the utility adopted the person's recommendations.

**CITY 2-20.** For each municipal utility identified in RFI 2-17 above, identify whether that utility charges a retail residential water and wastewater rate for outside customers that is **equal** to the rate charged to inside city customers. Specifically state whether the person providing prefiled testimony on behalf of the Outside Ratepayers recommended that the utility charge a retail rate to outside city customers that is equal to the inside city limit rate. Specifically state whether the utility adopted the person's recommendations.

**CITY 2-21.** For each municipal utility identified in RFI 2-17 identify whether that utility charges a retail residential water and wastewater rate that is **lower** than the rate charged to inside city customers, and if so, identify the percentage or multiplier of the retail rate differential. Specifically state whether the utility adopted the person's recommendations.

**CITY 2-22.** For each municipal utility identified in RFI 2-17 above, specifically identify whether the utility charged different sets of outside city retail residential rates to different outside city retail residential customers. Identify the basis or justification for charging different sets of outside city retail rates to different outside city retail residential customers.

**CITY 2-23.** List every municipal water and wastewater utility in the state of Texas that any person providing prefiled testimony on behalf of the Outside Ratepayers is familiar with that charges a lower retail residential outside city water and/or wastewater rate than the rate the utility charges its inside city retail residential customers.

***One of the Ratepayer Petitioners is a board member of Collin County MUD #1. Responses to the following requests 2-24 through 2-32 are required for multiple reasons, one of which is to assess the bias of the direct testimony of Outside Ratepayers.***

**CITY 2-24.** Please provide total financial compensation levels for each Board Member of Collin County MUD #1 by year for the past five years.

**CITY 2-25.** Please list the names of each current Collin County MUD #1 Board Member, and state whether that Board Member maintains a residence in Collin County MUD #1.

**CITY 2-26.** Please produce all documents presented to or discussed by any representative of the Outside Ratepayers, including but not limited to any person providing prefiled testimony on behalf of the Outside Ratepayers, in preparation for, or attendance at, any meeting with the Board of Directors of Collin County MUD #1 regarding the City's water and wastewater system and/or its rates. To the extent any document includes privileged or confidential information, please provide such information in redacted form and the requisite privilege log.

**CITY 2-27.** Please produce any documents provided by any representative of the Outside Ratepayers, including but not limited to any person providing prefiled testimony on behalf of the Outside Ratepayers, at any time to any individual member of the Board of Directors of Collin County MUD #1 regarding the City's water and wastewater system and/or its rates. To the extent any document includes privileged or confidential information, please provide such information in redacted form and the requisite privilege log.

**CITY 2-28.** Please identify the dates of all meetings between any representative of the Outside Ratepayers, including but not limited to legal counsel or any person providing prefiled testimony on behalf of the Outside Ratepayers, with the Board of Directors of Collin County MUD #1 regarding the City's water and wastewater system and/or its rates. To the extent any document includes privileged or confidential information, please provide such information in redacted form and the requisite privilege log.

**CITY 2-29.** Please identify the dates of all meetings, phone calls or other communication between any representative of the Outside Ratepayers, including but not limited to legal counsel or any person providing prefiled testimony on behalf of the Outside Ratepayers, with any individual member of the Board of Directors of Collin County MUD #1, including but not limited to the legal counsel of the Collin County MUD #1 regarding the City's water and wastewater system and/or its rates. Please provide all documents discussed, reviewed or exchanged during these communications. To the extent any document includes privileged or confidential information, please provide such information in redacted form and the requisite privilege log.

**CITY 2-30.** Provide all invoices for all services rendered by any person providing prefiled testimony on behalf of the Outside Ratepayers. If any invoices were submitted to the Law Firm of Gilbert Wilburn PLLC, the Carlton Law Firm PLLC, Crawford & Jordan LLP, or any entity

other than Collin County MUD #1, please specifically state whether funds to pay these invoices were obtained directly or indirectly from Collin County MUD #1.

**CITY 2-31.** Please provide all invoices for all services rendered by the Law Firm of Gilbert Wilburn PLLC, the Carlton Law Firm, Crawford & Jordan LLP, and any other entity for any service related to these proceedings. Please specifically state whether funds to pay these invoices were obtained directly or indirectly from Collin County MUD #1.

**CITY 2-32.** Please specifically state whether Collin County MUD #1 has expended any funds in support of these proceedings, or in support of any person providing prefiled testimony on behalf of the Outside Ratepayers. If the answer is yes, provide a detailed listing of all funds expended, the dates, the recipients, and the purpose of the expended funds.

*In Outside Ratepayers' Direct Testimony, Outside Ratepayers provided allegedly expert opinion testimony regarding the City's debt coverage requirements. The following requests 2-33 through 2-37 are in reference to such testimony.*

**CITY 2-33.** Please provide the debt service coverage requirements for all bonds issued by Collin County MUD #1.

**CITY 2-34.** Please describe in detail the general policy of Collin County MUD #1 regarding debt service coverage for bonds it issues.

**CITY 2-35.** Please provide audited financial statements for Collin County MUD #1 for Fiscal Year 2016, 2017 and 2018. To the extent any document includes privileged or confidential information, please produce with such information redacted.

**CITY 2-36.** Please provide approved budgets by detailed line item for Collin County MUD #1 for Fiscal Years 2016, 2017 and 2018.

**CITY 2-37.** Has Collin County MUD #1 received any awards for Excellence in Financial Reporting, Budgeting, Public Finance or any other entity in the last five years?