



Control Number: 49225



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



PETITION BY OUTSIDE CITY
RATEPAYERS APPEALING THE
WATER AND WASTEWATER RATES
ESTABLISHED BY THE CITY OF
CELINA

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PUBLIC UTILITY COMMISSION

OF TEXAS

**OBJECTIONS OF OUTSIDE CITY RATEPAYERS TO CITY OF CELINA'S
THIRD REQUEST FOR INFORMATION AND SECOND REQUEST FOR ADMISSION**

TO THE HONORABLE JUDGES SIANO AND QUINN:

COME NOW, the Outside City Ratepayers of the City of Celina ("Petitioners") and file these Objections to the City of Celina's Third Request for Information and Second Request for Admissions, which Petitioners received on June 4, 2020. As required by Section 22.144(d) of 16 Tex. Admin. Code ("TAC"), counsel for Petitioners reached out to counsel for the City of Celina ("City") in an effort to attempt negotiations in good faith; however, City's counsel was not available. Counsel for Petitioners will continue to attempt to negotiate with counsel for the City in good faith.

I. BACKGROUND

On June 4, 2020, the City filed and served its Third Request for Information ("RFIs") and Second Request for Admissions ("RFAs") to Petitioners, the Outside City Ratepayers. Pursuant to 16 TAC § 22.144(d), "objections to requests for information, if any, shall be filed within ten calendar days of receipt of the request for information." Ten days from June 4, 2020, is Sunday, June 14, 2020; therefore, Petitioners' Objections are due on Monday, June 15, 2020, and are timely filed.

II. OBJECTIONS TO CITY'S REQUESTS FOR INFORMATION

- A. **CITY'S RFI TO RATEPAYERS 3-1.** Please provide all invoices prepared and submitted by Expergy for services related to these proceedings. To the extent any document includes privileged or confidential information, please provide such information in redacted form, other than the name(s) and address(s) to whom the invoice is addressed, and the requisite privilege log.

The Petitioners object to this request on the following basis: The request is not relevant to the subject matter of this docket and the request seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. *K-Mart Corp.*, 937 S.W.2d at 431-32 (Tex. 1996); *see also* Tex. R. Civ. P. 192.3. Texas courts have repeatedly emphasized that discovery may not be used as a fishing expedition. *See K Mart Corp.*, 937 S.W.2d at 431; *Dillard*, 909 S.W.2d at 492 (Tex. 1995); *Texaco*, 898 S.W.2d at 815. Neither should requests for discovery be used to simply explore. *Dillard*, 909 S.W.2d at 492 (citing *Loft*, 776 S.W.2d at 145). They must be reasonably tailored to include only matters relevant to the case and must show a reasonable expectation of obtaining information that will aid in the dispute's resolution. *See American Optical*, 988 S.W.2d at 713; *Texaco*, 898 S.W.2d at 815. Here, this request has no bearing on or relation to whether the City's rates are just, reasonable, or based on the actual cost of providing service to Petitioners or the resulting Petitioners' subsidy of in-City customers. *See* TWC § 13.043(j). Further, this request does not seek information that would aid in the dispute's resolution.

- B. **CITY'S RFI TO RATEPAYERS 3-2.** Please list the dates of all meetings and/or conversations by each testifying witness with any member of the Celina City Council, or employee of the City of Celina, regarding any matter contemplated in this case.

The Petitioners object to this request on the following bases: The request is not relevant to the subject matter of this docket and the request seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. *K-Mart Corp.*, 937 S.W.2d

at 431-32 (Tex. 1996); *see also* Tex. R. Civ. P. 192.3. Texas courts have repeatedly emphasized that discovery may not be used as a fishing expedition. *See K Mart Corp.*, 937 S.W.2d at 431; *Dillard*, 909 S.W.2d at 492 (Tex. 1995); *Texaco*, 898 S.W.2d at 815. Neither should requests for discovery be used to simply explore. *Dillard*, 909 S.W.2d at 492 (citing *Loft*, 776 S.W.2d at 145). They must be reasonably tailored to include only matters relevant to the case and must show a reasonable expectation of obtaining information that will aid in the dispute's resolution. *See American Optical*, 988 S.W.2d at 713; *Texaco*, 898 S.W.2d at 815. Here, this request has no bearing on or relation to whether the City's rates are just, reasonable, or based on the actual cost of providing service to Petitioners or the resulting Petitioners' subsidy of in-City customers. *See* TWC § 13.043(j). Further, this request does not seek information that would aid in the dispute's resolution.

Additionally, the request is cumulative and duplicative, rendering a response unduly burdensome, an annoyance, and an unnecessary expense. *See* Tex. R. Civ. P. 192.4 (2019). On May 28, 2020, the City submitted a request for the same information in City's Request to Ratepayers 2-5. *See City of Celina's Second Request for Information to Outside City Ratepayers*, Docket No. 49225, at 8 (May 28, 2020). Specifically, in Request 2-13, the City asked:

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.

Id.

To the extent the materials requested here were also responsive under Request 2-13, it is cumulative and duplicative, which increases the request's burden and unreasonableness. *See* Tex.

R. Civ. P. 192.4(a) (indicating that discovery should be limited if the discovery sought is unreasonably cumulative or duplicative); *In re American Optical Corp.*, 988 S.W.2d 711, 713 (Tex. 1998) (instructing that a “trial court must make an effort to impose reasonable discovery limits” and providing examples where discovery requests were “too broad”).

This request is unduly burdensome because the responsive materials relating to meetings and conversations with City staff are obtainable from other sources that are more convenient, less burdensome, and less expensive. *Brewer & Pritchard, P.C. v. Johnson*, 167 S.W.3d 460, 466 (Tex. App.—Houston [14th Dist.] 2005, pet. denied). Because the city has better access to this information than Petitioners, no further accommodation in the interest of judicial economy is required, pursuant to Texas Rule of Civil Procedure 193.2(b). *See id.*; Tex. R. Civ. P. 193.2. As such, the City may obtain these requested records in a more convenient, less burdensome, and less expensive manner. Petitioners in no way assert that there are such documents by lodging this objection in the duty of completeness.

C. CITY’S RFI TO RATEPAYERS 3-3. Please list the dates of all Celina City Council meetings attended by each testifying witness, and the subject matters discussed by such witness at each Council meeting.

The Petitioners object to this request on the following bases: The request is not relevant to the subject matter of this docket and the request seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. *K-Mart Corp.*, 937 S.W.2d at 431-32 (Tex. 1996); *see also* Tex. R. Civ. P. 192.3. Texas courts have repeatedly emphasized that discovery may not be used as a fishing expedition. *See K Mart Corp.*, 937 S.W.2d at 431; *Dillard*, 909 S.W.2d at 492 (Tex. 1995); *Texaco*, 898 S.W.2d at 815. Neither should requests for discovery be used to simply explore. *Dillard*, 909 S.W.2d at 492 (citing *Loft*, 776 S.W.2d at 145). They must be reasonably tailored to include only matters relevant to the case and must show a

reasonable expectation of obtaining information that will aid in the dispute's resolution. *See American Optical*, 988 S.W.2d at 713; *Texaco*, 898 S.W.2d at 815. Here, this request has no bearing on or relation to whether the City's rates are just, reasonable, or based on the actual cost of providing service to Petitioners or the resulting Petitioners' subsidy of in-City customers. *See* TWC § 13.043(j). Further, this request does not seek information that would aid in the dispute's resolution.

Additionally, the request is cumulative and duplicative, rendering a response unduly burdensome, an annoyance, and an unnecessary expense. *See* Tex. R. Civ. P. 192.4 (2019). On May 28, 2020, the City submitted a request for the same information in City's Request to Ratepayers 2-13. *See City of Celina's Second Request for Information to Outside City Ratepayers*, Docket No. 49225, at 8 (May 28, 2020). Specifically, in Request 2-13, the City asked:

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.

Id.

To the extent the materials requested here were also responsive under Request 2-13, it is cumulative and duplicative, which increases the request's burden and unreasonableness. *See* Tex. R. Civ. P. 192.4(a) (indicating that discovery should be limited if the discovery sought is unreasonably cumulative or duplicative); *In re American Optical Corp.*, 988 S.W.2d 711, 713 (Tex. 1998) (instructing that a "trial court must make an effort to impose reasonable discovery limits" and providing examples where discovery requests were "too broad").

This request is unduly burdensome because the responsive materials relating to meetings and conversations with City staff are obtainable from other sources that are more convenient, less burdensome, and less expensive. *Brewer & Pritchard, P.C. v. Johnson*, 167 S.W.3d 460, 466 (Tex. App.—Houston [14th Dist.] 2005, pet. denied). Because the city has better access to this information than Petitioners, no further accommodation in the interest of judicial economy is required, pursuant to Texas Rule of Civil Procedure 193.2(b). *See id.*; Tex. R. Civ. P. 193.2. As such, the City may obtain these requested records in a more convenient, less burdensome, and less expensive manner. Petitioners in no way assert that there are such documents by lodging this objection in the duty of completeness.

D. CITY’S RFI TO RATEPAYERS 3-4. Please list the dates of all meetings and/or conversations by Mr. Jay Joyce with any member of the Celina City Council, or employee of the City of Celina, specifically regarding the City’s conservation policy.

The Petitioners object to this request on the following bases: The request is not relevant to the subject matter of this docket and the request seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. *K-Mart Corp.*, 937 S.W.2d at 431-32 (Tex. 1996); *see also* Tex. R. Civ. P. 192.3. Texas courts have repeatedly emphasized that discovery may not be used as a fishing expedition. *See K Mart Corp.*, 937 S.W.2d at 431; *Dillard*, 909 S.W.2d at 492 (Tex. 1995); *Texaco*, 898 S.W.2d at 815. Neither should requests for discovery be used to simply explore. *Dillard*, 909 S.W.2d at 492 (citing *Loft*, 776 S.W.2d at 145). They must be reasonably tailored to include only matters relevant to the case and must show a reasonable expectation of obtaining information that will aid in the dispute’s resolution. *See American Optical*, 988 S.W.2d at 713; *Texaco*, 898 S.W.2d at 815. Here, this request has no bearing on or relation to whether the City’s rates are just, reasonable, or based on the actual cost of providing service to Petitioners or the resulting Petitioners’ subsidy of in-City customers. *See*

TWC § 13.043(j). Further, this request does not seek information that would aid in the dispute's resolution.

Additionally, the request is cumulative and duplicative, rendering a response unduly burdensome, an annoyance, and an unnecessary expense. *See* Tex. R. Civ. P. 192.4 (2019). On May 28, 2020, the City submitted a request for the same information in City's Request to Ratepayers 2-13. *See City of Celina's Second Request for Information to Outside City Ratepayers*, Docket No. 49225, at 8 (May 28, 2020). Specifically, in Request 2-13, the City asked:

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.

Id.

To the extent the materials requested here were also responsive under Request 2-13, it is cumulative and duplicative, which increases the request's burden and unreasonableness. *See* Tex. R. Civ. P. 192.4(a) (indicating that discovery should be limited if the discovery sought is unreasonably cumulative or duplicative); *In re American Optical Corp.*, 988 S.W.2d 711, 713 (Tex. 1998) (instructing that a "trial court must make an effort to impose reasonable discovery limits" and providing examples where discovery requests were "too broad").

Additionally, this request also duplicates the City's Request for Information 3-2, which states "Please list the dates of all Celina City Council meetings attended by each testifying witness, and the subject matters discussed by such witness at each Council meeting." *See City of Celina's Third Request for Information and Second Request for Admission to Outside City Ratepayers*, Docket No. 49225, at 6 (June 4, 2020). Jay Joyce is a testifying witness and this request would

require Petitioners to duplicate their work for request 3-2 to respond, which increases the request's burden and unreasonableness. *See* Tex. R. Civ. P. 192.4(a) (indicating that discovery should be limited if the discovery sought is unreasonably cumulative or duplicative); *In re American Optical Corp.*, 988 S.W.2d 711, 713 (Tex. 1998) (instructing that a “trial court must make an effort to impose reasonable discovery limits” and providing examples where discovery requests were “too broad”).

This request is unduly burdensome because the responsive materials relating to meetings and conversations with City staff are obtainable from other sources that are more convenient, less burdensome, and less expensive. *Brewer & Pritchard, P.C. v. Johnson*, 167 S.W.3d 460, 466 (Tex. App.—Houston [14th Dist.] 2005, pet. denied). Because the city has better access to this information than Petitioners, no further accommodation in the interest of judicial economy is required, pursuant to Texas Rule of Civil Procedure 193.2(b). *See id.*; Tex. R. Civ. P. 193.2. As such, the City may obtain these requested records in a more convenient, less burdensome, and less expensive manner. Petitioners in no way assert that there are such documents by lodging this objection in the duty of completeness.

E. CITY’S RFI TO RATEPAYERS 3-5. Please list the dates of all visits to the sites of any of the City of Celina’s water and wastewater system assets by each testifying witness. Please list the names of any Celina city personnel who interacted with such witness and describe the subject matter of each such conversation.

The Petitioners object to this request on the following bases: The request is not relevant to the subject matter of this docket and the request seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. *K-Mart Corp.*, 937 S.W.2d at 431-32 (Tex. 1996); *see also* Tex. R. Civ. P. 192.3. Texas courts have repeatedly emphasized that discovery may not be used as a fishing expedition. *See K Mart Corp.*, 937 S.W.2d at 431; *Dillard*, 909 S.W.2d at 492 (Tex. 1995); *Texaco*, 898 S.W.2d at 815. Neither should requests for

discovery be used to simply explore. *Dillard*, 909 S.W.2d at 492 (citing *Loft*, 776 S.W.2d at 145). They must be reasonably tailored to include only matters relevant to the case and must show a reasonable expectation of obtaining information that will aid in the dispute's resolution. *See American Optical*, 988 S.W.2d at 713; *Texaco*, 898 S.W.2d at 815. Here, this request has no bearing on or relation to whether the City's rates are just, reasonable, or based on the actual cost of providing service to Petitioners or the resulting Petitioners' subsidy of in-City customers. *See* TWC § 13.043(j). Further, this request does not seek information that would aid in the dispute's resolution.

Additionally, the request is cumulative and duplicative, rendering a response unduly burdensome, an annoyance, and an unnecessary expense. *See* Tex. R. Civ. P. 192.4 (2019). On May 28, 2020, the City submitted a request for the same information in City's Request to Ratepayers 2-2, 2-3, 2-13, and 3-2. *See City of Celina's Second Request for Information to Outside City Ratepayers*, Docket No. 49225, at 8 (May 28, 2020); *See City of Celina's Third Request for Information and Second Request for Admission to Outside City Ratepayers*, Docket No. 49225, at 6 (June 4, 2020). To respond to this request, Petitioners would need to duplicate their responses from each of these requests, which increases the request's burden and unreasonableness. *See* Tex. R. Civ. P. 192.4(a) (indicating that discovery should be limited if the discovery sought is unreasonably cumulative or duplicative); *In re American Optical Corp.*, 988 S.W.2d 711, 713 (Tex. 1998) (instructing that a "trial court must make an effort to impose reasonable discovery limits" and providing examples where discovery requests were "too broad").

F. CITY'S RFI TO RATEPAYERS 3-6. In the professional resume provided by Mr. Jay Joyce, please list the year each of his listed Water and Wastewater Cost of Service Studies/Rate Studies was completed by him.

The Petitioners object to this request on the following basis: The request is not relevant to the subject matter of this docket and the request seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. *K-Mart Corp.*, 937 S.W.2d at 431-32 (Tex. 1996); *see also* Tex. R. Civ. P. 192.3. Texas courts have repeatedly emphasized that discovery may not be used as a fishing expedition. *See K Mart Corp.*, 937 S.W.2d at 431; *Dillard*, 909 S.W.2d at 492 (Tex. 1995); *Texaco*, 898 S.W.2d at 815. Neither should requests for discovery be used to simply explore. *Dillard*, 909 S.W.2d at 492 (citing *Loft*, 776 S.W.2d at 145). They must be reasonably tailored to include only matters relevant to the case and must show a reasonable expectation of obtaining information that will aid in the dispute's resolution. *See American Optical*, 988 S.W.2d at 713; *Texaco*, 898 S.W.2d at 815. Here, this request has no bearing on or relation to whether the City's rates are just, reasonable, or based on the actual cost of providing service to Petitioners or the resulting Petitioners' subsidy of in-City customers. *See* TWC § 13.043(j). Further, this request does not seek information that would aid in the dispute's resolution.

G. CITY'S RFI TO RATEPAYERS 3-10. Please provide the basis, and identify and provide all related documents, for Mr. Joyce's opinion on Page 18 of his direct testimony that a municipal utility's general fund transfers should be "based on Test Year actual expenses of the general fund."

The Petitioners object to this request because the request is cumulative and duplicative, rendering a response unduly burdensome, an annoyance, and an unnecessary expense. *See* Tex. R. Civ. P. 192.4 (2019). On May 21, 2020, the City submitted a request for the same information in City's Request to Ratepayers 1-5. *See City of Celina's First Request for Information and First Request for Admissions to Outside City Ratepayers*, Docket No. 49225, at 6 (May 21, 2020).

Specifically, in Request 1-5, the City asked for “all documents tangible things, reports, models, or data compilations that have been provided, reviewed by, or prepared by or for the expert in anticipation of the expert’s testimony.” *Id.* The documents requested here would have also been responsive under Request 1-5, which increases the request’s burden and unreasonableness. *See* Tex. R. Civ. P. 192.4(a) (indicating that discovery should be limited if the discovery sought is unreasonably cumulative or duplicative); *In re American Optical Corp.*, 988 S.W.2d 711, 713 (Tex. 1998) (instructing that a “trial court must make an effort to impose reasonable discovery limits” and providing examples where discovery requests were “too broad”).

H. CITY’S RFI TO RATEPAYERS 3-13. Please identify and provide all of the source documents for Mr. Joyce’s assertion on Page 30 of his direct testimony that none of the “PTYA” projects were under construction at 9/30/18.

The Petitioners object to this request because the request is cumulative and duplicative, rendering a response unduly burdensome, an annoyance, and an unnecessary expense. *See* Tex. R. Civ. P. 192.4 (2019). On May 21, 2020, the City submitted a request for the same information in City’s Request to Ratepayers 1-5. *See City of Celina’s First Request for Information and First Request for Admissions to Outside City Ratepayers*, Docket No. 49225, at 8 (May 21, 2020). Specifically, in Request 1-5, the City asked for “all documents tangible things, reports, models, or data compilations that have been provided, reviewed by, or prepared by or for the expert in anticipation of the expert’s testimony.” *Id.* The documents requested here would have also been responsive under Request 1-5, which increases the request’s burden and unreasonableness. *See* Tex. R. Civ. P. 192.4(a) (indicating that discovery should be limited if the discovery sought is unreasonably cumulative or duplicative); *In re American Optical Corp.*, 988 S.W.2d 711, 713 (Tex. 1998) (instructing that a “trial court must make an effort to impose reasonable discovery limits” and providing examples where discovery requests were “too broad”).

I. CITY'S RFI TO RATEPAYERS 3-20. Do you agree that the City's 47% increase in water and wastewater accounts between 2018 and 2020 represents a "known and measurable change" that should be factored into the development of the City's cost of service calculation? If your answer is "no," please explain.

The Petitioners object to this request on the following basis: The request is not relevant to the subject matter of this docket and the request seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. *K-Mart Corp.*, 937 S.W.2d at 431-32 (Tex. 1996); *see also* Tex. R. Civ. P. 192.3. Texas courts have repeatedly emphasized that discovery may not be used as a fishing expedition. See *K Mart Corp.*, 937 S.W.2d at 431; *Dillard*, 909 S.W.2d at 492 (Tex. 1995); *Texaco*, 898 S.W.2d at 815. Neither should requests for discovery be used to simply explore. *Dillard*, 909 S.W.2d at 492 (citing *Loft*, 776 S.W.2d at 145). They must be reasonably tailored to include only matters relevant to the case and must show a reasonable expectation of obtaining information that will aid in the dispute's resolution. See *American Optical*, 988 S.W.2d at 713; *Texaco*, 898 S.W.2d at 815. Here, this request has no bearing on or relation to whether the City's rates are just, reasonable, or based on the actual cost of providing service to Petitioners or the resulting Petitioners' subsidy of in-City customers. See TWC § 13.043(j). Further, this request does not seek information that would aid in the dispute's resolution.

J. CITY'S RFI TO RATEPAYERS 3-21. Do you agree that in preparing financial forecasts, it is reasonable to include an inflation factor in preparing a budget estimate for years beyond the test year? If your answer is "no," please explain.

The Petitioners object to this request on the following basis: The request is not relevant to the subject matter of this docket and the request seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. *K-Mart Corp.*, 937 S.W.2d at 431-32 (Tex. 1996); *see also* Tex. R. Civ. P. 192.3. Texas courts have repeatedly emphasized that discovery may not be used as a fishing expedition. See *K Mart Corp.*, 937 S.W.2d at 431;

Dillard, 909 S.W.2d at 492 (Tex. 1995); *Texaco*, 898 S.W.2d at 815. Neither should requests for discovery be used to simply explore. *Dillard*, 909 S.W.2d at 492 (citing *Loft*, 776 S.W.2d at 145). They must be reasonably tailored to include only matters relevant to the case and must show a reasonable expectation of obtaining information that will aid in the dispute's resolution. *See American Optical*, 988 S.W.2d at 713; *Texaco*, 898 S.W.2d at 815. Here, this request has no bearing on or relation to whether the City's rates are just, reasonable, or based on the actual cost of providing service to Petitioners or the resulting Petitioners' subsidy of in-City customers. *See* TWC § 13.043(j). Further, this request does not seek information that would aid in the dispute's resolution.

K. CITY'S RFI TO RATEPAYERS 3-22. Do you consider a general inflation factor to be a reasonable "known and measurable change" to a base or test year expense level? If your answer is "no," please explain.

The Petitioners object to this request on the following basis: The request is not relevant to the subject matter of this docket and the request seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. *K-Mart Corp.*, 937 S.W.2d at 431-32 (Tex. 1996); *see also* Tex. R. Civ. P. 192.3. Texas courts have repeatedly emphasized that discovery may not be used as a fishing expedition. *See K Mart Corp.*, 937 S.W.2d at 431; *Dillard*, 909 S.W.2d at 492 (Tex. 1995); *Texaco*, 898 S.W.2d at 815. Neither should requests for discovery be used to simply explore. *Dillard*, 909 S.W.2d at 492 (citing *Loft*, 776 S.W.2d at 145). They must be reasonably tailored to include only matters relevant to the case and must show a reasonable expectation of obtaining information that will aid in the dispute's resolution. *See American Optical*, 988 S.W.2d at 713; *Texaco*, 898 S.W.2d at 815. Here, this request has no bearing on or relation to whether the City's rates are just, reasonable, or based on the actual cost of providing service to Petitioners or the resulting Petitioners' subsidy of in-City customers. *See*

TWC § 13.043(j). Further, this request does not seek information that would aid in the dispute's resolution.

- L. CITY'S RFI TO RATEPAYERS 3-26. Regarding Page 34 Line 7 of Mr. Joyce's direct testimony, identify each point, including each page number, exhibit number, and line number in Mr. Carlson's direct testimony where he states that the water well standpipe is not used and useful as emergency (redundancy) back-up and the standpipe is not currently used. Please provide copies of all engineering analyses used to develop Mr. Carlson's and/or Mr. Joyce's conclusions regarding this assertion.**

The Petitioners object to this request because the request is cumulative and duplicative, rendering a response unduly burdensome, an annoyance, and an unnecessary expense. *See* Tex. R. Civ. P. 192.4 (2019). On May 21, 2020, the City submitted a request for the same information in City's Request to Ratepayers 1-5. *See City of Celina's First Request for Information and First Request for Admissions to Outside City Ratepayers*, Docket No. 49225, at 8 (May 21, 2020). Specifically, in Request 1-5, the City asked for "all documents tangible things, reports, models, or data compilations that have been provided, reviewed by, or prepared by or for the expert in anticipation of the expert's testimony." *Id.* The documents requested here would have also been responsive under Request 1-5, which increases the request's burden and unreasonableness. *See* Tex. R. Civ. P. 192.4(a) (indicating that discovery should be limited if the discovery sought is unreasonably cumulative or duplicative); *In re American Optical Corp.*, 988 S.W.2d 711, 713 (Tex. 1998) (instructing that a "trial court must make an effort to impose reasonable discovery limits" and providing examples where discovery requests were "too broad").

- M. CITY'S RFI TO RATEPAYERS 3-27. Regarding Page 35, Line 22 of Mr. Joyce's direct testimony, please provide all supporting documentation used by Mr. Joyce to support his assertion that the City's refundable Customer Deposits should be deducted from municipal/public (not investor owned) water/sewer utility rate base.**

The Petitioners object to this request because the request is cumulative and duplicative, rendering a response unduly burdensome, an annoyance, and an unnecessary expense. *See* Tex. R.

Civ. P. 192.4 (2019). On May 21, 2020, the City submitted a request for the same information in City's Request to Ratepayers 1-5. *See City of Celina's First Request for Information and First Request for Admissions to Outside City Ratepayers*, Docket No. 49225, at 8 (May 21, 2020). Specifically, in Request 1-5, the City asked for "all documents tangible things, reports, models, or data compilations that have been provided, reviewed by, or prepared by or for the expert in anticipation of the expert's testimony." *Id.* The documents requested here would have also been responsive under Request 1-5, which increases the request's burden and unreasonableness. *See* Tex. R. Civ. P. 192.4(a) (indicating that discovery should be limited if the discovery sought is unreasonably cumulative or duplicative); *In re American Optical Corp.*, 988 S.W.2d 711, 713 (Tex. 1998) (instructing that a "trial court must make an effort to impose reasonable discovery limits" and providing examples where discovery requests were "too broad").

N. CITY'S RFI TO RATEPAYERS 3-28. Regarding Page 35, Line 22, of Mr. Joyce's direct testimony, please provide all supporting documentation used by Mr. Joyce to determine the value of Customer Deposits in his direct testimony.

The Petitioners object to this request because the request is cumulative and duplicative, rendering a response unduly burdensome, an annoyance, and an unnecessary expense. *See* Tex. R. Civ. P. 192.4 (2019). On May 21, 2020, the City submitted a request for the same information in City's Request to Ratepayers 1-5. *See City of Celina's First Request for Information and First Request for Admissions to Outside City Ratepayers*, Docket No. 49225, at 8 (May 21, 2020). Specifically, in Request 1-5, the City asked for "all documents tangible things, reports, models, or data compilations that have been provided, reviewed by, or prepared by or for the expert in anticipation of the expert's testimony." *Id.* The documents requested here would have also been responsive under Request 1-5, which increases the request's burden and unreasonableness. *See* Tex. R. Civ. P. 192.4(a) (indicating that discovery should be limited if the discovery sought is

unreasonably cumulative or duplicative); *In re American Optical Corp.*, 988 S.W.2d 711, 713 (Tex. 1998) (instructing that a “trial court must make an effort to impose reasonable discovery limits” and providing examples where discovery requests were “too broad”).

O. CITY’S RFI TO RATEPAYERS 3-29. Regarding Page 35 of Mr. Joyce’s direct testimony, please explain and identify and provide all supporting documentation used by Mr. Joyce to determine taxes other than income should not be included in the calculation of working capital for a municipal utility.

The Petitioners object to this request because the request is cumulative and duplicative, rendering a response unduly burdensome, an annoyance, and an unnecessary expense. *See* Tex. R. Civ. P. 192.4 (2019). On May 21, 2020, the City submitted a request for the same information in City’s Request to Ratepayers 1-5. *See City of Celina’s First Request for Information and First Request for Admissions to Outside City Ratepayers*, Docket No. 49225, at 8 (May 21, 2020). Specifically, in Request 1-5, the City asked for “all documents tangible things, reports, models, or data compilations that have been provided, reviewed by, or prepared by or for the expert in anticipation of the expert’s testimony.” *Id.* The documents requested here would have also been responsive under Request 1-5, which increases the request’s burden and unreasonableness. *See* Tex. R. Civ. P. 192.4(a) (indicating that discovery should be limited if the discovery sought is unreasonably cumulative or duplicative); *In re American Optical Corp.*, 988 S.W.2d 711, 713 (Tex. 1998) (instructing that a “trial court must make an effort to impose reasonable discovery limits” and providing examples where discovery requests were “too broad”).

- P. **CITY’S RFI TO RATEPAYERS 3-33.** Please identify all Commission decisions and docket numbers referred to at Page 36 of Mr. Joyce’s direct testimony where he refers to “other water and sewer cases at the Commission” that are consistent with determining ROE in the Laguna Madre case. Indicate if Mr. Joyce testified or participated in any of these cases and provide copies of his testimony, or if such testimony is publicly accessible, provide the precise online locations such testimony is publicly accessible.

The Petitioners object to this request on the following bases: The request is not relevant to the subject matter of this docket and the request seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. *K-Mart Corp.*, 937 S.W.2d at 431-32 (Tex. 1996); *see also* Tex. R. Civ. P. 192.3. Texas courts have repeatedly emphasized that discovery may not be used as a fishing expedition. *See K Mart Corp.*, 937 S.W.2d at 431; *Dillard*, 909 S.W.2d at 492 (Tex. 1995); *Texaco*, 898 S.W.2d at 815. Neither should requests for discovery be used to simply explore. *Dillard*, 909 S.W.2d at 492 (citing *Loft*, 776 S.W.2d at 145). They must be reasonably tailored to include only matters relevant to the case and must show a reasonable expectation of obtaining information that will aid in the dispute’s resolution. *See American Optical*, 988 S.W.2d at 713; *Texaco*, 898 S.W.2d at 815. Here, this request has no bearing on or relation to whether the City’s rates are just, reasonable, or based on the actual cost of providing service to Petitioners or the resulting Petitioners’ subsidy of in-City customers. *See* TWC § 13.043(j). Further, this request does not seek information that would aid in the dispute’s resolution.

Additionally, the request is cumulative and duplicative, rendering a response unduly burdensome, an annoyance, and an unnecessary expense. *See* Tex. R. Civ. P. 192.4 (2019). On May 21, 2020, the City submitted a request for the same information in City’s Request to Ratepayers 1-5. *See City of Celina’s First Request for Information and First Request for Admissions to Outside City Ratepayers*, Docket No. 49225, at 8 (May 21, 2020). Specifically, in Request 1-5, the City asked for “all documents tangible things, reports, models, or data

compilations that have been provided, reviewed by, or prepared by or for the expert in anticipation of the expert's testimony." *Id.* The documents requested here would have also been responsive under Request 1-5, which increases the request's burden and unreasonableness. *See* Tex. R. Civ. P. 192.4(a) (indicating that discovery should be limited if the discovery sought is unreasonably cumulative or duplicative); *In re American Optical Corp.*, 988 S.W.2d 711, 713 (Tex. 1998) (instructing that a "trial court must make an effort to impose reasonable discovery limits" and providing examples where discovery requests were "too broad").

Q. CITY'S RFI TO RATEPAYERS 3-36. Regarding Page 38 of Mr. Joyce's direct testimony, please provide all engineering studies and other analyses or rationale that supports Mr. Joyce's assertion that "the utility and its inside customers maintain almost all of the control over water loss and should be therefore held accountable for any excessive water loss."

The Petitioners object to this request because the request is cumulative and duplicative, rendering a response unduly burdensome, an annoyance, and an unnecessary expense. *See* Tex. R. Civ. P. 192.4 (2019). On May 21, 2020, the City submitted a request for the same information in City's Request to Ratepayers 1-5. *See City of Celina's First Request for Information and First Request for Admissions to Outside City Ratepayers*, Docket No. 49225, at 8 (May 21, 2020). Specifically, in Request 1-5, the City asked for "all documents tangible things, reports, models, or data compilations that have been provided, reviewed by, or prepared by or for the expert in anticipation of the expert's testimony." *Id.* The documents requested here would have also been responsive under Request 1-5, which increases the request's burden and unreasonableness. *See* Tex. R. Civ. P. 192.4(a) (indicating that discovery should be limited if the discovery sought is unreasonably cumulative or duplicative); *In re American Optical Corp.*, 988 S.W.2d 711, 713 (Tex. 1998) (instructing that a "trial court must make an effort to impose reasonable discovery limits" and providing examples where discovery requests were "too broad").

R. **CITY'S RFI TO RATEPAYERS 3-41.** Regarding Page 5, Line 1 of Mr. Carlson's direct testimony, he states that his experience is in "primarily private land developments." Please identify all public water or wastewater utility system master planning, system-wide capital improvement planning, or impact fee studies that Mr. Carlson has had a lead role in or has directly participated in developing. Please provide a copy of all documents in such matters created by Mr. Carlson.

The Petitioners object to this request on the following bases: The request is not relevant to the subject matter of this docket and the request seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. *K-Mart Corp.*, 937 S.W.2d at 431-32 (Tex. 1996); *see also* Tex. R. Civ. P. 192.3. Texas courts have repeatedly emphasized that discovery may not be used as a fishing expedition. *See K Mart Corp.*, 937 S.W.2d at 431; *Dillard*, 909 S.W.2d at 492 (Tex. 1995); *Texaco*, 898 S.W.2d at 815. Neither should requests for discovery be used to simply explore. *Dillard*, 909 S.W.2d at 492 (citing *Loft*, 776 S.W.2d at 145). They must be reasonably tailored to include only matters relevant to the case and must show a reasonable expectation of obtaining information that will aid in the dispute's resolution. *See American Optical*, 988 S.W.2d at 713; *Texaco*, 898 S.W.2d at 815. Here, this request has no bearing on or relation to whether the City's rates are just, reasonable, or based on the actual cost of providing service to Petitioners or the resulting Petitioners' subsidy of in-City customers. *See* TWC § 13.043(j). Further, this request does not seek information that would aid in the dispute's resolution.

The request is also overbroad and not properly limited in time, scope, or relation to the facts at issue in this proceeding since the requests are for information occurring over the course of Collin County Municipal Utility District No. 1's life. *See* Tex. R. Civ. P. 192.4; *American Optical Corp.*, 988 S.W.2d at 713 (noting that an overly broad order compelling discovery well outside proper bounds is reviewable by mandamus). The City's definition of "Document" is broad and includes extensive categories of materials in all forms. *See City of Celina's Third Request for*

Information and Second Request for Admissions to Outside City Ratepayers, Docket No. 49225, at 2 (June 4, 2020). This combined with the requirement to identify “all public water or wastewater utility system master planning, system-wide capital improvement planning, or impact fee studies that Mr. Carlson has had a lead role in or has directly participated in developing” over the course of his entire career, as well as providing copies of any documents in such matters created by Mr. Carlson is excessive. This request is overbroad and unduly burdensome. *See* Tex. R. Civ. P. 192.4.

Additionally, the request is cumulative and duplicative, rendering a response unduly burdensome, an annoyance, and an unnecessary expense. *See* Tex. R. Civ. P. 192.4 (2019). On May 21, 2020, the City submitted a request for the same information in City’s Request to Ratepayers 1-5. *See City of Celina’s First Request for Information and First Request for Admissions to Outside City Ratepayers*, Docket No. 49225, at 8 (May 21, 2020). Specifically, in Request 1-5, the City asked for “all documents tangible things, reports, models, or data compilations that have been provided, reviewed by, or prepared by or for the expert in anticipation of the expert’s testimony” and “the expert’s current resume and bibliography..” *Id.* The documents requested here would have also been responsive under Request 1-5, which increases the request’s burden and unreasonableness. *See* Tex. R. Civ. P. 192.4(a) (indicating that discovery should be limited if the discovery sought is unreasonably cumulative or duplicative); *In re American Optical Corp.*, 988 S.W.2d 711, 713 (Tex. 1998) (instructing that a “trial court must make an effort to impose reasonable discovery limits” and providing examples where discovery requests were “too broad”).

S. CITY’S RFI TO RATEPAYERS 3-42. Please provide all written communications among Mr. Carlson and Mark Wagner, Pete Wagner, and Rick Strauss from September 1, 2006 to March 31, 2007 regarding Mr. Carlson’s recommendations and reviews of the Development Agreement.

The Petitioners object to this request on the following basis: The request is not relevant to the subject matter of this docket and the request seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. *K-Mart Corp.*, 937 S.W.2d at 431-32 (Tex. 1996); *see also* Tex. R. Civ. P. 192.3. Texas courts have repeatedly emphasized that discovery may not be used as a fishing expedition. *See K Mart Corp.*, 937 S.W.2d at 431; *Dillard*, 909 S.W.2d at 492 (Tex. 1995); *Texaco*, 898 S.W.2d at 815. Neither should requests for discovery be used to simply explore. *Dillard*, 909 S.W.2d at 492 (citing *Loft*, 776 S.W.2d at 145). They must be reasonably tailored to include only matters relevant to the case and must show a reasonable expectation of obtaining information that will aid in the dispute’s resolution. *See American Optical*, 988 S.W.2d at 713; *Texaco*, 898 S.W.2d at 815. Here, this request has no bearing on or relation to whether the City’s rates are just, reasonable, or based on the actual cost of providing service to Petitioners or the resulting Petitioners’ subsidy of in-City customers. *See* TWC § 13.043(j). Further, this request does not seek information that would aid in the dispute’s resolution.

T. CITY’S RFI TO RATEPAYERS 3-47. In his direct testimony at Page 6, Line 19, Mr. Carlson refers to the “Light Farms water system.” Please produce documentation showing the point of demarcation between the Light Farms water system” and the in-city water system. If none exist, please so state.

The Petitioners object to this request because the request is cumulative and duplicative, rendering a response unduly burdensome, an annoyance, and an unnecessary expense. *See* Tex. R. Civ. P. 192.4 (2019). On June 4, 2020, the City submitted a request for the same information in City’s Request to Ratepayers 3-43. *See City of Celina’s Third Request for Information and First*

Request for Admissions to Outside City Ratepayers, Docket No. 49225, at 12 (June 3, 2020). Specifically, in Request 1-5, the City asked for “a complete water system map of the ‘Light Farms water system’ including a list of all water infrastructure owned or operated by the ‘Light Farms system.’” *Id.* The documents requested here would have also been responsive under Request 3-43, which increases the request’s burden and unreasonableness. *See* Tex. R. Civ. P. 192.4(a) (indicating that discovery should be limited if the discovery sought is unreasonably cumulative or duplicative); *In re American Optical Corp.*, 988 S.W.2d 711, 713 (Tex. 1998) (instructing that a “trial court must make an effort to impose reasonable discovery limits” and providing examples where discovery requests were “too broad”).

U. CITY’S RFI TO RATEPAYERS 3-48. In his direct testimony at Page 7, Line 8, Mr. Carlson states that “Light Farms is essentially a stand-alone system.” Please produce documentation showing the ground or elevated storage capacity that is owned, operated, and maintained by the “Light Farms water system.” If none exist, please so state.

The Petitioners object to this request on the following bases: The request is not relevant to the subject matter of this docket and the request seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. *K-Mart Corp.*, 937 S.W.2d at 431-32 (Tex. 1996); *see also* Tex. R. Civ. P. 192.3. Texas courts have repeatedly emphasized that discovery may not be used as a fishing expedition. *See K Mart Corp.*, 937 S.W.2d at 431; *Dillard*, 909 S.W.2d at 492 (Tex. 1995); *Texaco*, 898 S.W.2d at 815. Neither should requests for discovery be used to simply explore. *Dillard*, 909 S.W.2d at 492 (citing *Loft*, 776 S.W.2d at 145). They must be reasonably tailored to include only matters relevant to the case and must show a reasonable expectation of obtaining information that will aid in the dispute’s resolution. *See American Optical*, 988 S.W.2d at 713; *Texaco*, 898 S.W.2d at 815. Here, this request has no bearing on or relation to whether the City’s rates are just, reasonable, or based on the actual cost

of providing service to Petitioners or the resulting Petitioners' subsidy of in-City customers. *See* TWC § 13.043(j). Further, this request does not seek information that would aid in the dispute's resolution.

Additionally, the request is cumulative and duplicative, rendering a response unduly burdensome, an annoyance, and an unnecessary expense. *See* Tex. R. Civ. P. 192.4 (2019). On June 4, 2020, the City submitted a request for the same information in City's Request to Ratepayers 3-43. *See City of Celina's Third Request for Information and First Request for Admissions to Outside City Ratepayers*, Docket No. 49225, at 12 (June 3, 2020). Specifically, in Request 1-5, the City asked for "a complete water system map of the 'Light Farms water system' including a list of all water infrastructure owned or operated by the 'Light Farms system.'" *Id.* The documents requested here would have also been responsive under Request 3-43, which increases the request's burden and unreasonableness. *See* Tex. R. Civ. P. 192.4(a) (indicating that discovery should be limited if the discovery sought is unreasonably cumulative or duplicative); *In re American Optical Corp.*, 988 S.W.2d 711, 713 (Tex. 1998) (instructing that a "trial court must make an effort to impose reasonable discovery limits" and providing examples where discovery requests were "too broad").

V. CITY'S RFI TO RATEPAYERS 3-49. In his direct testimony at Page 7, Line 8, Mr. Carlson states that "Light Farms is essentially a stand-alone system." Please produce documentation showing the ground or surface water pumping capacity that is owned, operated, and maintained by the "Light Farms water system." If none exist, please so state.

The Petitioners object to this request on the following bases: The request is not relevant to the subject matter of this docket and the request seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. *K-Mart Corp.*, 937 S.W.2d at 431-32 (Tex. 1996); *see also* Tex. R. Civ. P. 192.3. Texas courts have repeatedly emphasized

that discovery may not be used as a fishing expedition. See *K Mart Corp.*, 937 S.W.2d at 431; *Dillard*, 909 S.W.2d at 492 (Tex. 1995); *Texaco*, 898 S.W.2d at 815. Neither should requests for discovery be used to simply explore. *Dillard*, 909 S.W.2d at 492 (citing *Loft*, 776 S.W.2d at 145). They must be reasonably tailored to include only matters relevant to the case and must show a reasonable expectation of obtaining information that will aid in the dispute's resolution. See *American Optical*, 988 S.W.2d at 713; *Texaco*, 898 S.W.2d at 815. Here, this request has no bearing on or relation to whether the City's rates are just, reasonable, or based on the actual cost of providing service to Petitioners or the resulting Petitioners' subsidy of in-City customers. See TWC § 13.043(j). Further, this request does not seek information that would aid in the dispute's resolution.

Additionally, the request is cumulative and duplicative, rendering a response unduly burdensome, an annoyance, and an unnecessary expense. See Tex. R. Civ. P. 192.4 (2019). On June 4, 2020, the City submitted a request for the same information in City's Request to Ratepayers 3-43. See *City of Celina's Third Request for Information and First Request for Admissions to Outside City Ratepayers*, Docket No. 49225, at 12 (June 3, 2020). Specifically, in Request 1-5, the City asked for "a complete water system map of the 'Light Farms water system' including a list of all water infrastructure owned or operated by the 'Light Farms system.'" *Id.* The documents requested here would have also been responsive under Request 3-43, which increases the request's burden and unreasonableness. See Tex. R. Civ. P. 192.4(a) (indicating that discovery should be limited if the discovery sought is unreasonably cumulative or duplicative); *In re American Optical Corp.*, 988 S.W.2d 711, 713 (Tex. 1998) (instructing that a "trial court must make an effort to impose reasonable discovery limits" and providing examples where discovery requests were "too broad").

W. CITY’S RFI TO RATEPAYERS 3-50. In his direct testimony at Page 7, Line 8, Mr. Carlson states that “Light Farms is essentially a stand-alone system.” Please produce documentation showing the ground or surface water treatment capacity that is owned, operated, and maintained by the “Light Farms water system.” If none exist, please so state.

The Petitioners object to this request on the following bases: The request is not relevant to the subject matter of this docket and the request seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. *K-Mart Corp.*, 937 S.W.2d at 431-32 (Tex. 1996); *see also* Tex. R. Civ. P. 192.3. Texas courts have repeatedly emphasized that discovery may not be used as a fishing expedition. *See K Mart Corp.*, 937 S.W.2d at 431; *Dillard*, 909 S.W.2d at 492 (Tex. 1995); *Texaco*, 898 S.W.2d at 815. Neither should requests for discovery be used to simply explore. *Dillard*, 909 S.W.2d at 492 (citing *Loft*, 776 S.W.2d at 145). They must be reasonably tailored to include only matters relevant to the case and must show a reasonable expectation of obtaining information that will aid in the dispute’s resolution. *See American Optical*, 988 S.W.2d at 713; *Texaco*, 898 S.W.2d at 815. Here, this request has no bearing on or relation to whether the City’s rates are just, reasonable, or based on the actual cost of providing service to Petitioners or the resulting Petitioners’ subsidy of in-City customers. *See* TWC § 13.043(j). Further, this request does not seek information that would aid in the dispute’s resolution.

Additionally, the request is cumulative and duplicative, rendering a response unduly burdensome, an annoyance, and an unnecessary expense. *See* Tex. R. Civ. P. 192.4 (2019). On June 4, 2020, the City submitted a request for the same information in City’s Request to Ratepayers 3-43. *See City of Celina’s Third Request for Information and First Request for Admissions to Outside City Ratepayers*, Docket No. 49225, at 12 (June 3, 2020). Specifically, in Request 1-5, the City asked for “a complete water system map of the ‘Light Farms water system’ including a list of all water infrastructure owned or operated by the ‘Light Farms system.’” *Id.* The documents requested

here would have also been responsive under Request 3-43, which increases the request's burden and unreasonableness. *See* Tex. R. Civ. P. 192.4(a) (indicating that discovery should be limited if the discovery sought is unreasonably cumulative or duplicative); *In re American Optical Corp.*, 988 S.W.2d 711, 713 (Tex. 1998) (instructing that a "trial court must make an effort to impose reasonable discovery limits" and providing examples where discovery requests were "too broad").

X. CITY'S RFI TO RATEPAYERS 3-51. In his direct testimony at Page 7, Line 8, Mr. Carlson states that "Light Farms is essentially a stand-alone system." Please produce documentation showing the Certificates of Convenience and Necessity that are owned, operated, and maintained by the "Light Farms water system." If none exist, please so state.

The Petitioners object to this request on the following bases: The request is not relevant to the subject matter of this docket and the request seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. *K-Mart Corp.*, 937 S.W.2d at 431-32 (Tex. 1996); *see also* Tex. R. Civ. P. 192.3. Texas courts have repeatedly emphasized that discovery may not be used as a fishing expedition. *See K Mart Corp.*, 937 S.W.2d at 431; *Dillard*, 909 S.W.2d at 492 (Tex. 1995); *Texaco*, 898 S.W.2d at 815. Neither should requests for discovery be used to simply explore. *Dillard*, 909 S.W.2d at 492 (citing *Loft*, 776 S.W.2d at 145). They must be reasonably tailored to include only matters relevant to the case and must show a reasonable expectation of obtaining information that will aid in the dispute's resolution. *See American Optical*, 988 S.W.2d at 713; *Texaco*, 898 S.W.2d at 815. Here, this request has no bearing on or relation to whether the City's rates are just, reasonable, or based on the actual cost of providing service to Petitioners or the resulting Petitioners' subsidy of in-City customers. *See* TWC § 13.043(j). Further, this request does not seek information that would aid in the dispute's resolution.

Additionally, the request is cumulative and duplicative, rendering a response unduly burdensome, an annoyance, and an unnecessary expense. *See* Tex. R. Civ. P. 192.4 (2019). On June 4, 2020, the City submitted a request for the same information in City’s Request to Ratepayers 3-43. *See City of Celina’s Third Request for Information and First Request for Admissions to Outside City Ratepayers*, Docket No. 49225, at 12 (June 3, 2020). Specifically, in Request 1-5, the City asked for “a complete water system map of the ‘Light Farms water system’ including a list of all water infrastructure owned or operated by the ‘Light Farms system.’” *Id.* The documents requested here would have also been responsive under Request 3-43, which increases the request’s burden and unreasonableness. *See* Tex. R. Civ. P. 192.4(a) (indicating that discovery should be limited if the discovery sought is unreasonably cumulative or duplicative); *In re American Optical Corp.*, 988 S.W.2d 711, 713 (Tex. 1998) (instructing that a “trial court must make an effort to impose reasonable discovery limits” and providing examples where discovery requests were “too broad”).

Y. CITY’S RFI TO RATEPAYERS 3-52. In his direct testimony at Page 7, Line 8, Mr. Carlson states that “Light Farms is essentially a stand-alone system.” Please produce documentation showing any legal water rights, contracts or other agreements for the “Light Farms water system” to purchase or otherwise acquire any wholesale raw or treated water. If none exist, please so state.

The Petitioners object to this request on the following bases: The request is not relevant to the subject matter of this docket and the request seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. *K-Mart Corp.*, 937 S.W.2d at 431-32 (Tex. 1996); *see also* Tex. R. Civ. P. 192.3. Texas courts have repeatedly emphasized that discovery may not be used as a fishing expedition. *See K Mart Corp.*, 937 S.W.2d at 431; *Dillard*, 909 S.W.2d at 492 (Tex. 1995); *Texaco*, 898 S.W.2d at 815. Neither should requests for discovery be used to simply explore. *Dillard*, 909 S.W.2d at 492 (citing *Loft*, 776 S.W.2d at 145). They must be reasonably tailored to include only matters relevant to the case and must show a

reasonable expectation of obtaining information that will aid in the dispute's resolution. *See American Optical*, 988 S.W.2d at 713; *Texaco*, 898 S.W.2d at 815. Here, this request has no bearing on or relation to whether the City's rates are just, reasonable, or based on the actual cost of providing service to Petitioners or the resulting Petitioners' subsidy of in-City customers. *See* TWC § 13.043(j). Further, this request does not seek information that would aid in the dispute's resolution.

Additionally, the request is cumulative and duplicative, rendering a response unduly burdensome, an annoyance, and an unnecessary expense. *See* Tex. R. Civ. P. 192.4 (2019). On June 4, 2020, the City submitted a request for the same information in City's Request to Ratepayers 3-43. *See City of Celina's Third Request for Information and First Request for Admissions to Outside City Ratepayers*, Docket No. 49225, at 12 (June 3, 2020). Specifically, in Request 1-5, the City asked for "a complete water system map of the 'Light Farms water system' including a list of all water infrastructure owned or operated by the 'Light Farms system.'" *Id.* The documents requested here would have also been responsive under Request 3-43, which increases the request's burden and unreasonableness. *See* Tex. R. Civ. P. 192.4(a) (indicating that discovery should be limited if the discovery sought is unreasonably cumulative or duplicative); *In re American Optical Corp.*, 988 S.W.2d 711, 713 (Tex. 1998) (instructing that a "trial court must make an effort to impose reasonable discovery limits" and providing examples where discovery requests were "too broad").

Z. CITY'S RFI TO RATEPAYERS 3-53. In his direct testimony at Page 7, Line 8, Mr. Carlson states that "Light Farms is essentially a stand-alone system." Please produce documentation showing any employees, contracts or agreements for the "Light Farms water system" to supply or otherwise obtain the state required testing and water quality reporting of a water system. If none exist, please so state.

The Petitioners object to this request on the following bases: The request is not relevant to the subject matter of this docket and the request seeks information that is neither relevant nor

reasonably calculated to lead to the discovery of admissible evidence. *K-Mart Corp.*, 937 S.W.2d at 431-32 (Tex. 1996); *see also* Tex. R. Civ. P. 192.3. Texas courts have repeatedly emphasized that discovery may not be used as a fishing expedition. *See K Mart Corp.*, 937 S.W.2d at 431; *Dillard*, 909 S.W.2d at 492 (Tex. 1995); *Texaco*, 898 S.W.2d at 815. Neither should requests for discovery be used to simply explore. *Dillard*, 909 S.W.2d at 492 (citing *Loft*, 776 S.W.2d at 145). They must be reasonably tailored to include only matters relevant to the case and must show a reasonable expectation of obtaining information that will aid in the dispute's resolution. *See American Optical*, 988 S.W.2d at 713; *Texaco*, 898 S.W.2d at 815. Here, this request has no bearing on or relation to whether the City's rates are just, reasonable, or based on the actual cost of providing service to Petitioners or the resulting Petitioners' subsidy of in-City customers. *See* TWC § 13.043(j). Further, this request does not seek information that would aid in the dispute's resolution.

Additionally, the request is cumulative and duplicative, rendering a response unduly burdensome, an annoyance, and an unnecessary expense. *See* Tex. R. Civ. P. 192.4 (2019). On June 4, 2020, the City submitted a request for the same information in City's Request to Ratepayers 3-43. *See City of Celina's Third Request for Information and First Request for Admissions to Outside City Ratepayers*, Docket No. 49225, at 12 (June 3, 2020). Specifically, in Request 1-5, the City asked for "a complete water system map of the 'Light Farms water system' including a list of all water infrastructure owned or operated by the 'Light Farms system.'" *Id.* The documents requested here would have also been responsive under Request 3-43, which increases the request's burden and unreasonableness. *See* Tex. R. Civ. P. 192.4(a) (indicating that discovery should be limited if the discovery sought is unreasonably cumulative or duplicative); *In re American Optical Corp.*,

988 S.W.2d 711, 713 (Tex. 1998) (instructing that a “trial court must make an effort to impose reasonable discovery limits” and providing examples where discovery requests were “too broad”).

AA. CITY’S RFI TO RATEPAYERS 3-54. In his direct testimony at Page 7, Line 8, Mr. Carlson states that “Light Farms is essentially a stand-alone system.” Please produce documentation showing the water meter installation capabilities that are employed, contracted or operated by the “Light Farms water system.” If none exist, please so state.

The Petitioners object to this request on the following bases: The request is not relevant to the subject matter of this docket and the request seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. *K-Mart Corp.*, 937 S.W.2d at 431-32 (Tex. 1996); *see also* Tex. R. Civ. P. 192.3. Texas courts have repeatedly emphasized that discovery may not be used as a fishing expedition. *See K Mart Corp.*, 937 S.W.2d at 431; *Dillard*, 909 S.W.2d at 492 (Tex. 1995); *Texaco*, 898 S.W.2d at 815. Neither should requests for discovery be used to simply explore. *Dillard*, 909 S.W.2d at 492 (citing *Loft*, 776 S.W.2d at 145). They must be reasonably tailored to include only matters relevant to the case and must show a reasonable expectation of obtaining information that will aid in the dispute’s resolution. *See American Optical*, 988 S.W.2d at 713; *Texaco*, 898 S.W.2d at 815. Here, this request has no bearing on or relation to whether the City’s rates are just, reasonable, or based on the actual cost of providing service to Petitioners or the resulting Petitioners’ subsidy of in-City customers. *See* TWC § 13.043(j). Further, this request does not seek information that would aid in the dispute’s resolution.

Additionally, the request is cumulative and duplicative, rendering a response unduly burdensome, an annoyance, and an unnecessary expense. *See* Tex. R. Civ. P. 192.4 (2019). On June 4, 2020, the City submitted a request for the same information in City’s Request to Ratepayers 3-43. *See City of Celina’s Third Request for Information and First Request for Admissions to*

Outside City Ratepayers, Docket No. 49225, at 12 (June 3, 2020). Specifically, in Request 1-5, the City asked for “a complete water system map of the ‘Light Farms water system’ including a list of all water infrastructure owned or operated by the ‘Light Farms system.’” *Id.* The documents requested here would have also been responsive under Request 3-43, which increases the request’s burden and unreasonableness. *See* Tex. R. Civ. P. 192.4(a) (indicating that discovery should be limited if the discovery sought is unreasonably cumulative or duplicative); *In re American Optical Corp.*, 988 S.W.2d 711, 713 (Tex. 1998) (instructing that a “trial court must make an effort to impose reasonable discovery limits” and providing examples where discovery requests were “too broad”).

BB. CITY’S RFI TO RATEPAYERS 3-55. In his direct testimony at Page 7, Line 8, Mr. Carlson states that “Light Farms is essentially a stand-alone system.” Please produce documentation showing the water meter reading capabilities that are owned, employed, contracted or operated by the “Light Farms water system.” If none exist, please so state.

The Petitioners object to this request on the following bases: The request is not relevant to the subject matter of this docket and the request seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. *K-Mart Corp.*, 937 S.W.2d at 431-32 (Tex. 1996); *see also* Tex. R. Civ. P. 192.3. Texas courts have repeatedly emphasized that discovery may not be used as a fishing expedition. *See K Mart Corp.*, 937 S.W.2d at 431; *Dillard*, 909 S.W.2d at 492 (Tex. 1995); *Texaco*, 898 S.W.2d at 815. Neither should requests for discovery be used to simply explore. *Dillard*, 909 S.W.2d at 492 (citing *Loft*, 776 S.W.2d at 145). They must be reasonably tailored to include only matters relevant to the case and must show a reasonable expectation of obtaining information that will aid in the dispute’s resolution. *See American Optical*, 988 S.W.2d at 713; *Texaco*, 898 S.W.2d at 815. Here, this request has no bearing on or relation to whether the City’s rates are just, reasonable, or based on the actual cost of providing service to Petitioners or the resulting Petitioners’ subsidy of in-City customers. *See*

TWC § 13.043(j). Further, this request does not seek information that would aid in the dispute's resolution.

Additionally, the request is cumulative and duplicative, rendering a response unduly burdensome, an annoyance, and an unnecessary expense. *See* Tex. R. Civ. P. 192.4 (2019). On June 4, 2020, the City submitted a request for the same information in City's Request to Ratepayers 3-43. *See City of Celina's Third Request for Information and First Request for Admissions to Outside City Ratepayers*, Docket No. 49225, at 12 (June 3, 2020). Specifically, in Request 1-5, the City asked for "a complete water system map of the 'Light Farms water system' including a list of all water infrastructure owned or operated by the 'Light Farms system.'" *Id.* The documents requested here would have also been responsive under Request 3-43, which increases the request's burden and unreasonableness. *See* Tex. R. Civ. P. 192.4(a) (indicating that discovery should be limited if the discovery sought is unreasonably cumulative or duplicative); *In re American Optical Corp.*, 988 S.W.2d 711, 713 (Tex. 1998) (instructing that a "trial court must make an effort to impose reasonable discovery limits" and providing examples where discovery requests were "too broad").

CC. CITY'S RFI TO RATEPAYERS 3-56. In his direct testimony at Page 7, Line 8, Mr. Carlson states that "Light Farms is essentially a stand-alone system." Please produce documentation showing the utility bill production and collection capabilities that are employed, contracted or operated by the "Light Farms water system." If none exist, please so state.

The Petitioners object to this request on the following bases: The request is not relevant to the subject matter of this docket and the request seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. *K-Mart Corp.*, 937 S.W.2d at 431-32 (Tex. 1996); *see also* Tex. R. Civ. P. 192.3. Texas courts have repeatedly emphasized that discovery may not be used as a fishing expedition. *See K Mart Corp.*, 937 S.W.2d at 431; *Dillard*, 909 S.W.2d at 492 (Tex. 1995); *Texaco*, 898 S.W.2d at 815. Neither should requests for

discovery be used to simply explore. *Dillard*, 909 S.W.2d at 492 (citing *Loft*, 776 S.W.2d at 145). They must be reasonably tailored to include only matters relevant to the case and must show a reasonable expectation of obtaining information that will aid in the dispute's resolution. *See American Optical*, 988 S.W.2d at 713; *Texaco*, 898 S.W.2d at 815. Here, this request has no bearing on or relation to whether the City's rates are just, reasonable, or based on the actual cost of providing service to Petitioners or the resulting Petitioners' subsidy of in-City customers. *See* TWC § 13.043(j). Further, this request does not seek information that would aid in the dispute's resolution.

Additionally, the request is cumulative and duplicative, rendering a response unduly burdensome, an annoyance, and an unnecessary expense. *See* Tex. R. Civ. P. 192.4 (2019). On June 4, 2020, the City submitted a request for the same information in City's Request to Ratepayers 3-43. *See City of Celina's Third Request for Information and First Request for Admissions to Outside City Ratepayers*, Docket No. 49225, at 12 (June 3, 2020). Specifically, in Request 1-5, the City asked for "a complete water system map of the 'Light Farms water system' including a list of all water infrastructure owned or operated by the 'Light Farms system.'" *Id.* The documents requested here would have also been responsive under Request 3-43, which increases the request's burden and unreasonableness. *See* Tex. R. Civ. P. 192.4(a) (indicating that discovery should be limited if the discovery sought is unreasonably cumulative or duplicative); *In re American Optical Corp.*, 988 S.W.2d 711, 713 (Tex. 1998) (instructing that a "trial court must make an effort to impose reasonable discovery limits" and providing examples where discovery requests were "too broad").

DD. CITY'S RFI TO RATEPAYERS 3-57. In his direct testimony at Page 7, Line 8, Mr. Carlson states that "Light Farms is essentially a stand-alone system." Please produce documentation showing the water line repair or maintenance capabilities that are employed, contracted or operated by the "Light Farms water system." If none exist, please so state.

The Petitioners object to this request on the following bases: The request is not relevant to the subject matter of this docket and the request seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. *K-Mart Corp.*, 937 S.W.2d at 431-32 (Tex. 1996); *see also* Tex. R. Civ. P. 192.3. Texas courts have repeatedly emphasized that discovery may not be used as a fishing expedition. *See K Mart Corp.*, 937 S.W.2d at 431; *Dillard*, 909 S.W.2d at 492 (Tex. 1995); *Texaco*, 898 S.W.2d at 815. Neither should requests for discovery be used to simply explore. *Dillard*, 909 S.W.2d at 492 (citing *Loft*, 776 S.W.2d at 145). They must be reasonably tailored to include only matters relevant to the case and must show a reasonable expectation of obtaining information that will aid in the dispute's resolution. *See American Optical*, 988 S.W.2d at 713; *Texaco*, 898 S.W.2d at 815. Here, this request has no bearing on or relation to whether the City's rates are just, reasonable, or based on the actual cost of providing service to Petitioners or the resulting Petitioners' subsidy of in-City customers. *See* TWC § 13.043(j). Further, this request does not seek information that would aid in the dispute's resolution.

Additionally, the request is cumulative and duplicative, rendering a response unduly burdensome, an annoyance, and an unnecessary expense. *See* Tex. R. Civ. P. 192.4 (2019). On June 4, 2020, the City submitted a request for the same information in City's Request to Ratepayers 3-43. *See City of Celina's Third Request for Information and First Request for Admissions to Outside City Ratepayers*, Docket No. 49225, at 12 (June 3, 2020). Specifically, in Request 1-5, the City asked for "a-complete water system map of the 'Light Farms water system' including a list of all water infrastructure owned or operated by the 'Light Farms system.'" *Id.* The documents requested

here would have also been responsive under Request 3-43, which increases the request's burden and unreasonableness. *See* Tex. R. Civ. P. 192.4(a) (indicating that discovery should be limited if the discovery sought is unreasonably cumulative or duplicative); *In re American Optical Corp.*, 988 S.W.2d 711, 713 (Tex. 1998) (instructing that a "trial court must make an effort to impose reasonable discovery limits" and providing examples where discovery requests were "too broad").

EE. CITY'S RFI TO RATEPAYERS 3-61. Please identify each communication between Mr. Carlson and any employee of the Celina regarding any flushing of the 18-inch water line and/or the EST referred to in Mr. Carlson's direct testimony.

The Petitioners object to this request because the request is cumulative and duplicative, rendering a response unduly burdensome, an annoyance, and an unnecessary expense. *See* Tex. R. Civ. P. 192.4 (2019). On May 28, 2020, the City submitted a request for the same information in City's Request to Ratepayers 2-13. *See City of Celina's Second Request for Information to Outside City Ratepayers*, Docket No. 49225, at 8 (May 28, 2020). Specifically, in Request 2-13, the City asked:

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 and 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.

Id.

To the extent the materials requested here were also responsive under Request 2-13, it is cumulative and duplicative, which increases the request's burden and unreasonableness. *See* Tex. R. Civ. P. 192.4(a) (indicating that discovery should be limited if the discovery sought is unreasonably cumulative or duplicative); *In re American Optical Corp.*, 988 S.W.2d 711, 713

(Tex. 1998) (instructing that a “trial court must make an effort to impose reasonable discovery limits” and providing examples where discovery requests were “too broad”).

Additionally, this request is unduly burdensome because the responsive materials relating to meetings and conversations with City staff are obtainable from other sources that are more convenient, less burdensome, and less expensive. *Brewer & Pritchard, P.C. v. Johnson*, 167 S.W.3d 460, 466 (Tex. App.—Houston [14th Dist.] 2005, pet. denied). Because the city has better access to this information than Petitioners, no further accommodation in the interest of judicial economy is required, pursuant to Texas Rule of Civil Procedure 193.2(b). *See id.*; Tex. R. Civ. P. 193.2. As such, the City may obtain these requested records in a more convenient, less burdensome, and less expensive manner. Petitioners in no way assert that there are such documents by lodging this objection in the duty of completeness.

FF. CITY’S RFI TO RATEPAYERS 3-62. Regarding Mr. Carlson’s testimony on the Development Agreement, please provide all documentation in your actual or constructive possession or in the actual or constructive possession of a testifying witness regarding the initial cost estimates of \$5,467,285 for costs associated with the design and construction of the Phase I Water Facilities and the \$298,439 right-of-way acquisition costs referred to in Section 5.5 of the Development Agreement.

The Petitioners object to this request because the request is cumulative and duplicative, rendering a response unduly burdensome, an annoyance, and an unnecessary expense. *See* Tex. R. Civ. P. 192.4 (2019). On May 21, 2020, the City submitted a request for the same information in City’s Request to Ratepayers 1-5. *See City of Celina’s First Request for Information and First Request for Admissions to Outside City Ratepayers*, Docket No. 49225, at 8 (May 21, 2020). Specifically, in Request 1-5, the City asked for “all documents tangible things, reports, models, or data compilations that have been provided, reviewed by, or prepared by or for the expert in anticipation of the expert’s testimony.” *Id.* The documents requested here would have also been responsive under Request 1-5, which increases the request’s burden and unreasonableness. *See*

Tex. R. Civ. P. 192.4(a) (indicating that discovery should be limited if the discovery sought is unreasonably cumulative or duplicative); *In re American Optical Corp.*, 988 S.W.2d 711, 713 (Tex. 1998) (instructing that a “trial court must make an effort to impose reasonable discovery limits” and providing examples where discovery requests were “too broad”).

GG. CITY’S RFI TO RATEPAYERS 3-63. Please provide documentation in your actual or constructive possession or in the actual or constructive possession of a testifying witness that explains the difference in the initial cost estimate of \$5,765,724 for the design, construction and right-of-way acquisition for the Phase I Water Facilities from Section 5.5 of the Development Agreement and the total cost of \$3,082,419.12 shown for these projects on Exhibit KNC-2 of Mr. Carlson’s direct testimony.

The Petitioners object to this request because the request is cumulative and duplicative, rendering a response unduly burdensome, an annoyance, and an unnecessary expense. *See* Tex. R. Civ. P. 192.4 (2019). On May 21, 2020, the City submitted a request for the same information in City’s Request to Ratepayers 1-5. *See City of Celina’s First Request for Information and First Request for Admissions to Outside City Ratepayers*, Docket No. 49225, at 8 (May 21, 2020). Specifically, in Request 1-5, the City asked for “all documents tangible things, reports, models, or data compilations that have been provided, reviewed by, or prepared by or for the expert in anticipation of the expert’s testimony.” *Id.* The documents requested here would have also been responsive under Request 1-5, which increases the request’s burden and unreasonableness. *See* Tex. R. Civ. P. 192.4(a) (indicating that discovery should be limited if the discovery sought is unreasonably cumulative or duplicative); *In re American Optical Corp.*, 988 S.W.2d 711, 713 (Tex. 1998) (instructing that a “trial court must make an effort to impose reasonable discovery limits” and providing examples where discovery requests were “too broad”).

HH. CITY'S RFI TO RATEPAYERS 3-64. Please provide all documentation in your actual or constructive possession or in the actual or constructive possession of a testifying witness showing the amounts received by the original developer, or its successors or assigns, from the City of Celina for the Part Two grant payments referenced in the Economic Development Agreement by and between the City of Celina and Forestar/RPG Land Company LLC, which was executed concurrently with the Development Agreement on March 12, 2007.

This request is unduly burdensome because the responsive materials relating to payments by and between the City are obtainable from other sources that are more convenient, less burdensome, and less expensive. *Brewer & Pritchard, P.C. v. Johnson*, 167 S.W.3d 460, 466 (Tex. App.—Houston [14th Dist.] 2005, pet. denied). Because the city has better access to this information than Petitioners, no further accommodation in the interest of judicial economy is required, pursuant to Texas Rule of Civil Procedure 193.2(b). *See id.*; Tex. R. Civ. P. 193.2. As such, the City may obtain these requested records in a more convenient, less burdensome, and less expensive manner. Petitioners in no way assert that there are such documents by lodging this objection in the duty of completeness.

II. CITY'S RFI TO RATEPAYERS 3-65. Please provide all reports, emails, meeting notes or other communications in your actual or constructive possession or in the actual or constructive possession of a testifying witness among Kevin Carlson and Mark Wagner, Pete Wagner, Rick Strauss, and/or Bob Zollars regarding the cost associated with either the Development Agreement or Economic Development Agreement executed concurrently on March 12, 2007.

The Petitioners object to this request on the following basis: The request is not relevant to the subject matter of this docket and the request seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. *K-Mart Corp.*, 937 S.W.2d at 431-32 (Tex. 1996); *see also* Tex. R. Civ. P. 192.3. Texas courts have repeatedly emphasized that discovery may not be used as a fishing expedition. *See K Mart Corp.*, 937 S.W.2d at 431; *Dillard*, 909 S.W.2d at 492 (Tex. 1995); *Texaco*, 898 S.W.2d at 815. Neither should requests for discovery be used to simply explore. *Dillard*, 909 S.W.2d at 492 (citing *Loft*, 776 S.W.2d at 145).

They must be reasonably tailored to include only matters relevant to the case and must show a reasonable expectation of obtaining information that will aid in the dispute's resolution. *See American Optical*, 988 S.W.2d at 713; *Texaco*, 898 S.W.2d at 815. Here, this request has no bearing on or relation to whether the City's rates are just, reasonable, or based on the actual cost of providing service to Petitioners or the resulting Petitioners' subsidy of in-City customers. *See* TWC § 13.043(j). Further, this request does not seek information that would aid in the dispute's resolution.

Additionally, the request is cumulative and duplicative, rendering a response unduly burdensome, an annoyance, and an unnecessary expense. *See* Tex. R. Civ. P. 192.4 (2019). On May 21, 2020, the City submitted a request for the same information in City's Request to Ratepayers 1-5. *See City of Celina's First Request for Information and First Request for Admissions to Outside City Ratepayers*, Docket No. 49225, at 8 (May 21, 2020). Specifically, in Request 1-5, the City asked for "all documents tangible things, reports, models, or data compilations that have been provided; reviewed by, or prepared by or for the expert in anticipation of the expert's testimony." *Id.* The documents requested here would have also been responsive under Request 1-5, which increases the request's burden and unreasonableness. *See* Tex. R. Civ. P. 192.4(a) (indicating that discovery should be limited if the discovery sought is unreasonably cumulative or duplicative); *In re American Optical Corp.*, 988 S.W.2d 711, 713 (Tex. 1998) (instructing that a "trial court must make an effort to impose reasonable discovery limits" and providing examples where discovery requests were "too broad").

III. OBJECTIONS TO CITY'S REQUESTS FOR ADMISSIONS

- A. **CITY'S RFA TO RATEPAYERS 2-1.** Admit or deny that the project shown as 18" W constructed in 2009 at a cost of \$852,327.12 on Exhibit KNC-2 of Mr. Carlson's direct testimony is the same project shown on the Development Agreement as Phase I Proposed Water Line.

The Petitioners object to this request because this request exceeds the scope permissible under Tex. R. Civ. P. 198.1 and is therefore improper. Requests for admission may be used to elicit "statements of opinion or of fact or the application of law to fact." Tex. R. Civ. P. 198.1. Requests of Petitioners to admit the validity of their claims and concede any defenses are not intended to be resolved through requests for admission. *Marino*, 355 S.W.3d at 632; *Stelly*, 927 S.W.2d at 622. Requests for admission were meant to eliminate "matters about which there is no real controversy, but which may be difficult or expensive to prove." *Stelly*, 927 S.W.2d at 622. Discovery rules were not designed as traps for the unwary, nor should they be construed to prevent Petitioners from presenting the truth. *Id.* Whether or not the claims outlined in this request were waived is an improper request and therefore the Petitioners object. Requests for admission were simply never intended for this purpose. *See Marino*, 355 S.W.3d at 632. Accordingly, Petitioners object to this request.

- B. **CITY'S RFA TO RATEPAYERS 2-2.** Admit or deny that the project shown as WATER TOWER constructed in 2008 at a cost of \$2,230,092.00 on Exhibit KNC-2 of Mr. Carlson's direct testimony is the same project shown on the Development Agreement as Phase I 1.0MG ELEVATED STORAGE TANK.

The Petitioners object to this request because this request exceeds the scope permissible under Tex. R. Civ. P. 198.1 and is therefore improper. Requests for admission may be used to elicit "statements of opinion or of fact or the application of law to fact." Tex. R. Civ. P. 198.1. Requests of Petitioners to admit the validity of their claims and concede any defenses are not intended to be resolved through requests for admission. *Marino*, 355 S.W.3d at 632; *Stelly*, 927 S.W.2d at 622. Requests for admission were meant to eliminate "matters about which there is no real controversy,

but which may be difficult or expensive to prove.” *Stelly*, 927 S.W.2d at 622. Discovery rules were not designed as traps for the unwary, nor should they be construed to prevent Petitioners from presenting the truth. *Id.* Whether or not the claims outlined in this request were waived is an improper request and therefore the Petitioners object. Requests for admission were simply never intended for this purpose. *See Marino*, 355 S.W.3d at 632. Accordingly, Petitioners object to this request.

C. CITY’S RFA TO RATEPAYERS 2-3. Admit or deny that in his review of the Development Agreement Mr. Carlson read Section 2.1(f), which states in part that the original Developers and all future land owners agree to abide by the Retail Utility Policies of the City of Celina.

The Petitioners object to this request on the following bases: The request is not relevant to the subject matter of this docket and the request seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. *K-Mart Corp.*, 937 S.W.2d at 431-32 (Tex. 1996); *see also* Tex. R. Civ. P. 192.3. Discovery must be reasonably tailored to include only matters relevant to the case and must show a reasonable expectation of obtaining information that will aid in the dispute’s resolution. *See American Optical*, 988 S.W.2d at 713; *Texaco*, 898 S.W.2d at 815. Here, this request has no bearing on or relation to whether the City’s rates are just, reasonable, or based on the actual cost of providing service to Petitioners or the resulting Petitioners’ subsidy of in-City customers. *See* TWC § 13.043(j). Further, this request does not seek information that would aid in the dispute’s resolution.

Further, this request exceeds the scope permissible under Tex. R. Civ. P. 198.1 and is therefore improper. Requests for admission may be used to elicit “statements of opinion or of fact or the application of law to fact.” Tex. R. Civ. P. 198.1. Requests of Petitioners to admit the validity of their claims and concede any defenses are not intended to be resolved through requests for admission. *Marino*, 355 S.W.3d at 632; *Stelly*, 927 S.W.2d at 622. Requests for admission were

meant to eliminate “matters about which there is no real controversy, but which may be difficult or expensive to prove.” *Stelly*, 927 S.W.2d at 622. Discovery rules were not designed as traps for the unwary, nor should they be construed to prevent Petitioners from presenting the truth. *Id.* Whether or not the claims outlined in this request were waived is an improper request and therefore the Petitioners object. Requests for admission were simply never intended for this purpose. *See Marino*, 355 S.W.3d at 632. Accordingly, Petitioners object to this request.

D. CITY’S RFA TO RATEPAYERS 2-4. Admit or deny that in his review of the Development Agreement Mr. Carlson read Section 2.10, which states in part that the original Developers and all future land owners “...waive any and all claims against the City regarding the validity or enforceability of...water rates described in this Agreement.”

The Petitioners object to this request on the following bases: The request is not relevant to the subject matter of this docket and the request seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. *K-Mart Corp.*, 937 S.W.2d at 431-32 (Tex. 1996); *see also* Tex. R. Civ. P. 192.3. Discovery must be reasonably tailored to include only matters relevant to the case and must show a reasonable expectation of obtaining information that will aid in the dispute’s resolution. *See American Optical*, 988 S.W.2d at 713; *Texaco*, 898 S.W.2d at 815. Here, this request has no bearing on or relation to whether the City’s rates are just, reasonable, or based on the actual cost of providing service to Petitioners or the resulting Petitioners’ subsidy of in-City customers. *See* TWC § 13.043(j). Further, this request does not seek information that would aid in the dispute’s resolution.

Further, this request exceeds the scope permissible under Tex. R. Civ. P. 198.1 and is therefore improper. Requests for admission may be used to elicit “statements of opinion or of fact or the application of law to fact.” Tex. R. Civ. P. 198.1. Requests of Petitioners to admit the validity of their claims and concede any defenses are not intended to be resolved through requests for admission. *Marino*, 355 S.W.3d at 632; *Stelly*, 927 S.W.2d at 622. Requests for admission were

meant to eliminate “matters about which there is no real controversy, but which may be difficult or expensive to prove.” *Stelly*, 927 S.W.2d at 622. Discovery rules were not designed as traps for the unwary, nor should they be construed to prevent Petitioners from presenting the truth. *Id.* Whether or not the claims outlined in this request were waived is an improper request and therefore the Petitioners object. Requests for admission were simply never intended for this purpose. *See Marino*, 355 S.W.3d at 632. Accordingly, Petitioners object to this request.

E. CITY’S RFA TO RATEPAYERS 2-5. Admit or deny that in his review of the Development Agreement, Mr. Carlson read Section 5.2, which states in part “The City, at its sole cost and expense (including, but not limited to, water and sanitary sewer impact fees collected by the City) will construct such additional water and sanitary sewer Facilities, if any, that are located outside of the RPG Property and that are required to provide capacity for service to the remaining connections required for Full Development in accordance with the Demand Projections, up to a maximum of 2700 residential units.”

The Petitioners object to this request on the following bases: The request is not relevant to the subject matter of this docket and the request seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. *K-Mart Corp.*, 937 S.W.2d at 431-32 (Tex. 1996); *see also* Tex. R. Civ. P. 192.3. Discovery must be reasonably tailored to include only matters relevant to the case and must show a reasonable expectation of obtaining information that will aid in the dispute’s resolution. *See American Optical*, 988 S.W.2d at 713; *Texaco*, 898 S.W.2d at 815. Here, this request has no bearing on or relation to whether the City’s rates are just, reasonable, or based on the actual cost of providing service to Petitioners or the resulting Petitioners’ subsidy of in-City customers. *See* TWC § 13.043(j). Further, this request does not seek information that would aid in the dispute’s resolution.

Further, this request exceeds the scope permissible under Tex. R. Civ. P. 198.1 and is therefore improper. Requests for admission may be used to elicit “statements of opinion or of fact or the application of law to fact.” Tex. R. Civ. P. 198.1. Requests of Petitioners to admit the validity

of their claims and concede any defenses are not intended to be resolved through requests for admission. *Marino*, 355 S.W.3d at 632; *Stelly*, 927 S.W.2d at 622. Requests for admission were meant to eliminate “matters about which there is no real controversy, but which may be difficult or expensive to prove.” *Stelly*, 927 S.W.2d at 622. Discovery rules were not designed as traps for the unwary, nor should they be construed to prevent Petitioners from presenting the truth. *Id.* Whether or not the claims outlined in this request were waived is an improper request and therefore the Petitioners object. Requests for admission were simply never intended for this purpose. *See Marino*, 355 S.W.3d at 632. Accordingly, Petitioners object to this request.

F. **CITY’S RFA TO RATEPAYERS 2-6.** Admit or deny that in his review of the Development Agreement, Mr. Carlson read Section 6.3 Rates, which reads in part “The retail water rates charged to customers located within the RPG Property shall not exceed 150% of those rates duly adopted and uniformly charged by the City for “in-city” service.”

The Petitioners object to this request on the following bases: The request is not relevant to the subject matter of this docket and the request seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. *K-Mart Corp.*, 937 S.W.2d at 431-32 (Tex. 1996); *see also* Tex. R. Civ. P. 192.3. Discovery must be reasonably tailored to include only matters relevant to the case and must show a reasonable expectation of obtaining information that will aid in the dispute’s resolution. *See American Optical*, 988 S.W.2d at 713; *Texaco*, 898 S.W.2d at 815. Here, this request has no bearing on or relation to whether the City’s rates are just, reasonable, or based on the actual cost of providing service to Petitioners or the resulting Petitioners’ subsidy of in-City customers. *See* TWC § 13.043(j). Further, this request does not seek information that would aid in the dispute’s resolution.

Further, this request exceeds the scope permissible under Tex. R. Civ. P. 198.1 and is therefore improper. Requests for admission may be used to elicit “statements of opinion or of fact or the application of law to fact.” Tex. R. Civ. P. 198.1. Requests of Petitioners to admit the validity

of their claims and concede any defenses are not intended to be resolved through requests for admission. *Marino*, 355 S.W.3d at 632; *Stelly*, 927 S.W.2d at 622. Requests for admission were meant to eliminate “matters about which there is no real controversy, but which may be difficult or expensive to prove.” *Stelly*, 927 S.W.2d at 622. Discovery rules were not designed as traps for the unwary, nor should they be construed to prevent Petitioners from presenting the truth. *Id.* Whether or not the claims outlined in this request were waived is an improper request and therefore the Petitioners object. Requests for admission were simply never intended for this purpose. *See Marino*, 355 S.W.3d at 632. Accordingly, Petitioners object to this request.

G. CITY’S RFA TO RATEPAYERS 2-7. Admit or deny that the original developer, its successors or assigns, received \$5,780,000.00 from the City of Celina for Part Two of the Economic Development Agreement in consideration for the costs the original developer paid for the 18-inch water transmission main and the 1MG elevated storage tank referenced in Mr. Carlson’s direct testimony.

The Petitioners object to this request on the following bases: The request is not relevant to the subject matter of this docket and the request seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. *K-Mart Corp.*, 937 S.W.2d at 431-32 (Tex. 1996); *see also* Tex. R. Civ. P. 192.3. Discovery must be reasonably tailored to include only matters relevant to the case and must show a reasonable expectation of obtaining information that will aid in the dispute’s resolution. *See American Optical*, 988 S.W.2d at 713; *Texaco*, 898 S.W.2d at 815. Here, this request has no bearing on or relation to whether the City’s rates are just, reasonable, or based on the actual cost of providing service to Petitioners or the resulting Petitioners’ subsidy of in-City customers. *See* TWC § 13.043(j). Further, this request does not seek information that would aid in the dispute’s resolution.

Further, this request exceeds the scope permissible under Tex. R. Civ. P. 198.1 and is therefore improper. Requests for admission may be used to elicit “statements of opinion or of fact or the application of law to fact.” Tex. R. Civ. P. 198.1. Requests of Petitioners to admit the validity

of their claims and concede any defenses are not intended to be resolved through requests for admission. *Marino*, 355 S.W.3d at 632; *Stelly*, 927 S.W.2d at 622. Requests for admission were meant to eliminate “matters about which there is no real controversy, but which may be difficult or expensive to prove.” *Stelly*, 927 S.W.2d at 622. Discovery rules were not designed as traps for the unwary, nor should they be construed to prevent Petitioners from presenting the truth. *Id.* Whether or not the claims outlined in this request were waived is an improper request and therefore the Petitioners object. Requests for admission were simply never intended for this purpose. *See Marino*, 355 S.W.3d at 632.

Additionally, this request is unduly burdensome because the responsive information is obtainable from other sources that are more convenient, less burdensome, and less expensive. *Brewer & Pritchard, P.C. v. Johnson*, 167 S.W.3d 460, 466 (Tex. App.—Houston [14th Dist.] 2005, pet. denied). Because the City has better access to this information than Petitioners, no further accommodation in the interest of judicial economy is required, pursuant to Texas Rule of Civil Procedure 193.2(b). *See id.*; Tex. R. Civ. P. 193.2. As such, the City may obtain the requested information in a more convenient, less burdensome, and less expensive manner. Petitioners in no way assert that it has information by lodging this objection in the duty of completeness. Accordingly, Petitioners object to this request.

H. CITY’S RFA TO RATEPAYERS 2-8. Admit or deny that the original developer, its successors or assigns, received \$230,000.00 from the City of Celina in refunded Water Impact Fees in fulfillment of Celina’s obligations under Section 3.3 of the Economic Development Agreement and Section 5.5(d) of the Development Agreement.

The Petitioners object to this request on the following bases: The request is not relevant to the subject matter of this docket and the request seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. *K-Mart Corp.*, 937 S.W.2d at 431-32 (Tex. 1996); *see also* Tex. R. Civ. P. 192.3. Discovery must be reasonably tailored to

include only matters relevant to the case and must show a reasonable expectation of obtaining information that will aid in the dispute's resolution. *See American Optical*, 988 S.W.2d at 713; *Texaco*, 898 S.W.2d at 815. Here, this request has no bearing on or relation to whether the City's rates are just, reasonable, or based on the actual cost of providing service to Petitioners or the resulting Petitioners' subsidy of in-City customers. *See* TWC § 13.043(j). Further, this request does not seek information that would aid in the dispute's resolution.

Further, this request exceeds the scope permissible under Tex. R. Civ. P. 198.1 and is therefore improper. Requests for admission may be used to elicit "statements of opinion or of fact or the application of law to fact." Tex. R. Civ. P. 198.1. Requests of Petitioners to admit the validity of their claims and concede any defenses are not intended to be resolved through requests for admission. *Marino*, 355 S.W.3d at 632; *Stelly*, 927 S.W.2d at 622. Requests for admission were meant to eliminate "matters about which there is no real controversy, but which may be difficult or expensive to prove." *Stelly*, 927 S.W.2d at 622. Discovery rules were not designed as traps for the unwary, nor should they be construed to prevent Petitioners from presenting the truth. *Id.* Whether or not the claims outlined in this request were waived is an improper request and therefore the Petitioners object. Requests for admission were simply never intended for this purpose. *See Marino*, 355 S.W.3d at 632.

Additionally, this request is unduly burdensome because the responsive information is obtainable from other sources that are more convenient, less burdensome, and less expensive. *Brewer & Pritchard, P.C. v. Johnson*, 167 S.W.3d 460, 466 (Tex. App.—Houston [14th Dist.] 2005, pet. denied). Because the City has better access to this information than Petitioners, no further accommodation in the interest of judicial economy is required, pursuant to Texas Rule of Civil Procedure 193.2(b). *See id.*; Tex. R. Civ. P. 193.2. As such, the City may obtain the requested

information in a more convenient, less burdensome, and less expensive manner. Petitioners in no way assert that it has information by lodging this objection in the duty of completeness. Accordingly, Petitioners object to this request.

I. CITY'S RFA TO RATEPAYERS 2-9. Admit or deny that the original developer, its successors or assigns, received \$270,000.00 from the City of Celina in refunded Sewer Impact Fees in fulfillment of Celina's obligations under Section 3.3 of the Economic Development Agreement and Section 5.6(d) of the Development Agreement.

The Petitioners object to this request on the following bases: The request is not relevant to the subject matter of this docket and the request seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. *K-Mart Corp.*, 937 S.W.2d at 431-32 (Tex. 1996); *see also* Tex. R. Civ. P. 192.3. Discovery must be reasonably tailored to include only matters relevant to the case and must show a reasonable expectation of obtaining information that will aid in the dispute's resolution. *See American Optical*, 988 S.W.2d at 713; *Texaco*, 898 S.W.2d at 815. Here, this request has no bearing on or relation to whether the City's rates are just, reasonable, or based on the actual cost of providing service to Petitioners or the resulting Petitioners' subsidy of in-City customers. *See* TWC § 13.043(j). Further, this request does not seek information that would aid in the dispute's resolution.

Further, this request exceeds the scope permissible under Tex. R. Civ. P. 198.1 and is therefore improper. Requests for admission may be used to elicit "statements of opinion or of fact or the application of law to fact." Tex. R. Civ. P. 198.1. Requests of Petitioners to admit the validity of their claims and concede any defenses are not intended to be resolved through requests for admission. *Marino*, 355 S.W.3d at 632; *Stelly*, 927 S.W.2d at 622. Requests for admission were meant to eliminate "matters about which there is no real controversy, but which may be difficult or expensive to prove." *Stelly*, 927 S.W.2d at 622. Discovery rules were not designed as traps for the unwary, nor should they be construed to prevent Petitioners from presenting the truth. *Id.*

Whether or not the claims outlined in this request were waived is an improper request and therefore the Petitioners object. Requests for admission were simply never intended for this purpose. *See Marino*, 355 S.W.3d at 632.

Additionally, this request is unduly burdensome because the responsive information is obtainable from other sources that are more convenient, less burdensome, and less expensive. *Brewer & Pritchard, P.C. v. Johnson*, 167 S.W.3d 460, 466 (Tex. App.—Houston [14th Dist.] 2005, pet. denied). Because the City has better access to this information than Petitioners, no further accommodation in the interest of judicial economy is required, pursuant to Texas Rule of Civil Procedure 193.2(b). *See id*; Tex. R. Civ. P. 193.2. As such, the City may obtain the requested information in a more convenient, less burdensome, and less expensive manner. Petitioners in no way assert that it has information by lodging this objection in the duty of completeness. Accordingly, Petitioners object to this request.

J. CITY’S RFA TO RATEPAYERS 2-10. Admit or deny that the original developer, its successors or assigns, received \$1,000,000.00 from the City of Celina for Part Three of the Economic Development Agreement and pursuant to Section 6.3 of the Development Agreement, calculated as the first \$1,000,000.00 of the portion of the retail water rates for “in-city” service collected by the City from the customers in Light Farms.

The Petitioners object to this request on the following bases: The request is not relevant to the subject matter of this docket and the request seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. *K-Mart Corp.*, 937 S.W.2d at 431-32 (Tex. 1996); *see also* Tex. R. Civ. P. 192.3. Discovery must be reasonably tailored to include only matters relevant to the case and must show a reasonable expectation of obtaining information that will aid in the dispute’s resolution. *See American Optical*, 988 S.W.2d at 713; *Texaco*, 898 S.W.2d at 815. Here, this request has no bearing on or relation to whether the City’s rates are just, reasonable, or based on the actual cost of providing service to Petitioners or the

resulting Petitioners' subsidy of in-City customers. *See* TWC § 13.043(j). Further, this request does not seek information that would aid in the dispute's resolution.

Further, this request exceeds the scope permissible under Tex. R. Civ. P. 198.1 and is therefore improper. Requests for admission may be used to elicit "statements of opinion or of fact or the application of law to fact." Tex. R. Civ. P. 198.1. Requests of Petitioners to admit the validity of their claims and concede any defenses are not intended to be resolved through requests for admission. *Marino*, 355 S.W.3d at 632; *Stelly*, 927 S.W.2d at 622. Requests for admission were meant to eliminate "matters about which there is no real controversy, but which may be difficult or expensive to prove." *Stelly*, 927 S.W.2d at 622. Discovery rules were not designed as traps for the unwary, nor should they be construed to prevent Petitioners from presenting the truth. *Id.* Whether or not the claims outlined in this request were waived is an improper request and therefore the Petitioners object. Requests for admission were simply never intended for this purpose. *See Marino*, 355 S.W.3d at 632.

Additionally, this request is unduly burdensome because the responsive information is obtainable from other sources that are more convenient, less burdensome, and less expensive. *Brewer & Pritchard, P.C. v. Johnson*, 167 S.W.3d 460, 466 (Tex. App.—Houston [14th Dist.] 2005, pet. denied). Because the City has better access to this information than Petitioners, no further accommodation in the interest of judicial economy is required, pursuant to Texas Rule of Civil Procedure 193.2(b). *See id.*; Tex. R. Civ. P. 193.2. As such, the City may obtain the requested information in a more convenient, less burdensome, and less expensive manner. Petitioners in no way assert that it has information by lodging this objection in the duty of completeness. Accordingly, Petitioners object to this request.

K. CITY'S RFA TO RATEPAYERS 2-11. Admit or deny that the original developer, its successors or assigns, received \$3,450,000.00 from the City of Celina for Part Four of the Economic Development Agreement in consideration for the costs the original developer paid for the offsite wastewater facilities Mr. Carlson refers to in his direct testimony.

The Petitioners object to this request on the following bases: The request is not relevant to the subject matter of this docket and the request seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. *K-Mart Corp.*, 937 S.W.2d at 431-32 (Tex. 1996); *see also* Tex. R. Civ. P. 192.3. Discovery must be reasonably tailored to include only matters relevant to the case and must show a reasonable expectation of obtaining information that will aid in the dispute's resolution. *See American Optical*, 988 S.W.2d at 713; *Texaco*, 898 S.W.2d at 815. Here, this request has no bearing on or relation to whether the City's rates are just, reasonable, or based on the actual cost of providing service to Petitioners or the resulting Petitioners' subsidy of in-City customers. *See* TWC § 13.043(j). Further, this request does not seek information that would aid in the dispute's resolution.


Further, this request exceeds the scope permissible under Tex. R. Civ. P. 198.1 and is therefore improper. Requests for admission may be used to elicit "statements of opinion or of fact or the application of law to fact." Tex. R. Civ. P. 198.1. Requests of Petitioners to admit the validity of their claims and concede any defenses are not intended to be resolved through requests for admission. *Marino*, 355 S.W.3d at 632; *Stelly*, 927 S.W.2d at 622. Requests for admission were meant to eliminate "matters about which there is no real controversy, but which may be difficult or expensive to prove." *Stelly*, 927 S.W.2d at 622. Discovery rules were not designed as traps for the unwary, nor should they be construed to prevent Petitioners from presenting the truth. *Id.* Whether or not the claims outlined in this request were waived is an improper request and therefore the Petitioners object. Requests for admission were simply never intended for this purpose. *See Marino*, 355 S.W.3d at 632.

Additionally, this request is unduly burdensome because the responsive information is obtainable from other sources that are more convenient, less burdensome, and less expensive. *Brewer & Pritchard, P.C. v. Johnson*, 167 S.W.3d 460, 466 (Tex. App.—Houston [14th Dist.] 2005, pet. denied). Because the City has better access to this information than Petitioners, no further accommodation in the interest of judicial economy is required, pursuant to Texas Rule of Civil Procedure 193.2(b). *See id.*; Tex. R. Civ. P. 193.2. As such, the City may obtain the requested information in a more convenient, less burdensome, and less expensive manner. Petitioners in no way assert that it has information by lodging this objection in the duty of completeness. Accordingly, Petitioners object to this request.

IV. PRAYER

WHEREFORE, PREMISES CONSIDERED, Petitioners, Outside City Ratepayers of the City of Celina, respectfully request the Administrative Law Judges sustain Petitioners' objections to the City of Celina's Third Request for Information and Second Request for Admissions, and grant such other and further relief to which Petitioners may be entitled.

Respectfully submitted,

By: 


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ATTORNEYS FOR PETITIONERS

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 15th day of June 2020.



John J. Carlton