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PETITION BY OUTSIDE CITY  
RATEPAYERS APPEALING THE  
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THE CITY OF CELINA

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PUBLIC UTILITY COMMISSION

OF TEXAS

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**RESPONSE OF THE CITY OF CELINA TO COMMISSION STAFF'S MOTION TO  
COMPEL STAFF'S REQUEST FOR INFORMATION 5-1 THROUGH 5-3**

TO THE HONORABLE ADMINISTRATIVE LAW JUDGE:

Now comes CITY OF CELINA ("CELINA") and files this its Response to Commission Staff's Motion to Compel and shows the following:

1. Commission Staff served its Fifth Request for Information on CELINA on September 3, 2019. CELINA'S Responses to Commission Staff's Fifth RFIs were timely filed on September 23, 2019.

2. CELINA responded to Commission Staff's requests stating that it did not have the requested documents.

3. Staff argues that CELINA has objected to the RFIs, labeling CELINA's responses as an "outside the City's possession, custody, or control" objection. However, CELINA did not object to the RFIs. CELINA forthrightly provided a full, true, and accurate response to each RFI. CELINA simply does not possess the documents that Staff seeks.

4. Staff then incorrectly asserts that "the City has the ability to contract with its consultants in order to provide these spreadsheets." CELINA has made no such assertion, nor is such a statement true. As of this date, CELINA's consultant has declined to provide the native formats of its highly sensitive confidential spreadsheets to CELINA, despite CELINA's requests. CELINA continues to negotiate with the consultant on this issue.

5. The Texas Rules of Civil Procedure do not require CELINA to produce information it does not possess and is unable to procure. CELINA is cognizant of its duty to supplement its responses.

WHEREFORE, PREMISES CONSIDERED, CELINA requests that Commission Staff's Motion to Compel be denied and for such other and further relief to which CELINA may be justly entitled.

Respectfully submitted,

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**ATTORNEYS FOR CITY OF CELINA**

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing document has been served on all parties of record on this 4th day of October, 2019, in accordance with 16 Tex. Admin. Code § 22.74.

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