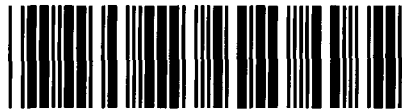




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PETITION BY OUTSIDE CITY
RATEPAYERS APPEALING THE
WATER RATES ESTABLISHED BY
THE CITY OF CELINA

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PUBLIC UTILITY COMMISSION

2019 OCT -7 AM 10: 54

OF TEXAS

PUBLIC UTILITY COMMISSION
FILING CLERK

ORDER NO. 5
GRANTING MOTION TO COMPEL RESPONSES TO
COMMISSION STAFF'S FIFTH REQUESTS FOR INFORMATION

This Order addresses Commission Staff's motion to compel filed on September 26, 2019. In the Requests for Information (RFIs) at issue, Commission Staff requests the Microsoft Excel spreadsheets showing the calculations underlying various studies and cost allocations provided by the City of Celina in support of its rates. In each case, the city responded that it did not possess the data requested because the city "has not contracted with its consultant to obtain such spreadsheets in any format other than PDF," but that it "would plan to enter into an agreement with the consultant to obtain access to such highly sensitive confidential spreadsheets" in the future, "if and when" it prepares its direct testimony. In its response to the motion to compel, the city asserts that its consultant "has declined to provide the native formats of its highly sensitive confidential spreadsheets" to the city.

For the reasons stated in Commission Staff's motion and in Petitioners' response thereto filed October 2, 2019, the administrative law judge (ALJ) concludes that the motion to compel should be granted. The city's assertion that the data requested is not within its possession, custody, or control is unpersuasive. The city cannot conceal the data underlying its rates by making an arrangement with its contractor to effectively conceal that data from scrutiny.

The motion to compel is granted. To the extent that the City of Celina's responses to Commission Staff RFIs 5-1 through 5-3 constitute objections, those objections are overruled. The city is ordered to provide the information requested in RFIs 5-1 through 5-3 by October 28, 2019.¹

Signed at Austin, Texas the 24 day of October 2019.

PUBLIC UTILITY COMMISSION OF TEXAS



HUNTER BURKHALTER
CHIEF ADMINISTRATIVE LAW JUDGE

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¹ Petitioners' response to the motion to compel mentioned Commission Staff's motion to compel its third RFIs, filed some months ago. The ALJ was, frankly, confused by the pleadings as to whether all issues raised in that motion had been resolved among the parties. If it feels it still needs a ruling on the motion, Commission Staff is invited to re-urge the motion to compel on the third set of RFIs and clarify the disputes still remaining that require a ruling from the ALJ.