



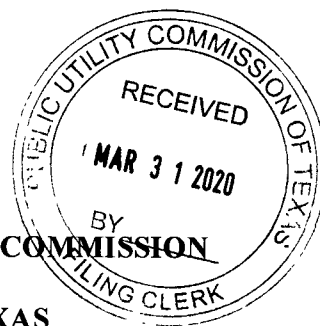
Control Number: 49225



Item Number: 73

Addendum StartPage: 0

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




PETITION BY OUTSIDE CITY §
RATEPAYERS APPEALING THE § PUBLIC UTILITY COMMISSION
WATER AND WASTEWATER RATES § OF TEXAS
ESTABLISHED BY THE CITY OF §
CELINA §

**OUTSIDE CITY RATEPAYERS’
SECOND REQUEST FOR INFORMATION TO CITY OF CELINA**

To: Respondent, City of Celina, by and through its attorneys of record, Scott Smyth and Patrick W. Lindner, Davidson Troilo Ream & Garza, P.C., 919 Congress Avenue, Suite 810, Austin, Texas 78701.

COME NOW, the Outside City Ratepayers (“Petitioners”) and serve this, their Second Request for Information to the City of Celina pursuant to 16 Tex. Admin. Code Ann. § 22.144 (TAC) and request the following information and answers to the following questions be provided under oath.

Respectfully submitted,

By: 


Randall B. Wilburn
State Bar No. 24033342
Helen S. Gilbert
State Bar No. 00786263
GILBERT WILBURN PLLC
7000 North MoPac Blvd., Suite 200
Austin, Texas 78731
rbw@gwtxlaw.com
hgilbert@gwtxlaw.com
Telephone: (512) 535-1661
Facsimile: (512) 535-1678

John J. Carlton
State Bar No. 03817600
Kelli A. N. Carlton
State Bar No. 15091175
The Carlton Law Firm, P.L.L.C.
4301 Westbank Drive, Suite B-130
Austin, Texas 78746
john@carltonlawaustin.com
kelli@carltonlawaustin.com
Telephone: (512) 614-0901
Facsimile: (512) 900-2855

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 31st day of March 2020.



John J. Carlton

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

**OUTSIDE CITY RATEPAYERS'
SECOND REQUEST FOR INFORMATION TO CITY OF CELINA**

**I.
DEFINITIONS**

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

1. The words “and” and “or” shall be construed either conjunctively or disjunctively, as required by the context, to bring within the scope of these discovery requests any response or document that might be deemed outside its scope by another construction.
2. “City” means the City of Celina.
3. “Communication” shall mean and include every manner or means of transmittal, disclosure, transfer, or exchange of information, and every form of transmission, disclosure, transfer or exchange of information, whether orally, electronically, or by document, and whether face-to-face, by telephone, mail, personal delivery, computer or otherwise.
4. “Concerning,” “relating to,” or “regarding,” and similar terms mean addressing, analyzing, referring, discussing, mentioning in any way, explaining, supporting, describing, forming the basis for, or being logically or casually connected in any way with the subject of these discovery requests.
5. “Describe,” “describe in detail” or “explain” means to give a complete and full description concerning the matter about which the inquiry is made in narrative form, including all facts and opinions known and held relating to what is requested to be described, and (i) to identify of each person or entity involved or having any knowledge of each fact or opinion that relates to what is so described, (ii) to identify each document evidencing the answer or response given or relating, referring or pertaining to said subject-matter in any way, and (iii) all relevant or material dates and time periods, specifying the way in which said dates or time periods are pertinent to the subject-matter described.
6. “Document” means any documents or tangible items made discoverable by Texas Rule of Civil Procedure 192.3, and includes all originals, electronic and non-identical copies of any and all documents, papers, books, accounts, writings, drawings, graphs, charts, maps, surveys, photographs, electronic or videotape recordings, electronic mail (e-mail), phone records, recordings, models, data and other data compilations from which information can be obtained and translated by you, if necessary, into reasonably useable form and tangible things. Documents and data are “electronic” if they exist in a medium that can be read through the use of computers. Such media include cache memory, magnetic disks (such as computer hard drives or floppy disks), optical disks (such as DVDs or CDs), and magnetic tapes. *See Tex. R. Civ. P. 192.3 (2019).*

7. “Fiscal year” means and refers to the City’s fiscal year.
8. To “identify” an individual means to state the following about that individual: (i) the person’s full name; (ii) the person’s job title or former job title; (iii) the person’s job (or former job) duties and responsibilities; (iv) the individual’s superior(s); (v) current or last known telephone number(s); and (vi) current or last known business and home addresses.
9. To “identify” a person as defined herein, other than an individual, means to provide the following information: (i) the entity’s full and correct legal name; (ii) the nature of the entity’s structure and/or organization; (iii) the address and telephone number of its principal offices and, if applicable, the state in which it is incorporated; and (iv) its principal line(s) of business or activity.
10. To “identify” an act, event, occurrence, or communication means the following: (i) to state its date; (ii) to identify the persons that were parties to and/or witnesses of the act, event, occurrence, or communication; (iii) to describe where and how it took place; and (iv) to identify any document that constitutes or refers to such act, event, occurrence, or communication.
11. To “identify” a document means the following: (i) the electronic file name, if any; (ii) to identify its author; (iii) to identify its addressees, if any; (iii) to state the date of its preparation; and (iv) to describe its subject matter.
12. “Person” or “Persons” means any natural person, corporation, association, firm, partnership, or other business or legal entity and officers, employees, agents, attorneys, servants or representatives of such entity, as the context requires.
13. “Petition” means and refers to the petition that is the subject of SOAH Docket No. 473-20-1554.WS and PUC Docket No. 49225.
14. “Preliminary Order” means and refers to that certain Preliminary Order entered by the Commission on January 17, 2020, in this proceeding, SOAH Docket No. 473-20-1554.WS and PUC Docket No. 49225.
15. “PUC” or “Commission” refers to the Public Utility Commission of Texas and all predecessor agencies with similar responsibilities, including the Texas Commission on Environmental Quality, Texas Natural Resource Conservation Commission, Texas Water Commission, and Texas Department of Health.
16. “Ratepayers” means and refers to the petitioners in this proceeding, being the water and wastewater customers of the City of Celina residing outside the corporate limits of the municipality.
17. “Relate” or “relating to” means making or including a statement about, discussing, describing, reflecting, consisting of, constituting, comprising or in any way concerning in whole or in part the subject or thing.

18. “Statement” means and includes any written or graphic statement signed or otherwise adopted or approved by the user in making it, and stenographic, mechanical, electrical or other recording or transcription thereof, which is a substantially verbatim recital of an oral statement by the person making it and contemporaneously recorded.
19. “You,” “your” and “City” means and refers to the City of Celina, as well as its officers, employees, affiliates, and expert witnesses.

II.

INSTRUCTIONS

1. These discovery requests must be answered in strict compliance with the orders of the Administrative Law Judge hearing this Docket, the Texas Rules of Civil Procedure, and the rules of the PUC.
2. Your answers to the discovery requests must be answered separately and fully in writing, and the answers must be signed and verified under oath by the person making the answers.
3. In those instances when the responding party chooses to answer a discovery request by referring to a specific document or record, the specification must be in sufficient detail to permit the requesting party to locate and identify the records and/or documents from which the answer is to be ascertained as readily as the party served with the request.
4. Whenever you are asked in these discovery requests to describe, identify, provide or produce documents, the term “documents” is not limited to documents in your actual or constructive possession, custody or control (as defined by Tex. R. Civ. P. 192.7(b)), but also includes all documents that you know to exist or which have existed or which you have reason to suspect to be in existence or to have been in existence, irrespective of whether the document is one intended for or transmitted internally by you or intended for or transmitted to any other person or entity, including without limitation any governmental agency, department, administrative entity, or their personnel.
5. Whenever you are asked in these discovery requests to describe or identify documents that once existed, but which no longer exist, in addition to identifying the documents, please indicate the approximate date and the circumstances under which the documents ceased to exist. Whenever you are asked in these discovery requests to describe or identify documents that are not in your actual or constructive possession, custody or control, as those terms are defined in Tex. R. Civ. P. 192.7(b), please identify (by name, address and telephone number) the person whom you believe to have such possession, custody or control.
6. If a discovery request calls upon you to state your legal or factual contentions and/or the legal or factual basis for your contentions in this lawsuit, you should respond in accordance with Tex. R. Civ. P. 192.3(j). Such requests do not seek to require you to marshal all of your evidence.
7. As used in these discovery requests, the singular and masculine form of a noun or pronoun includes the plural form, the feminine, or the neuter form, where appropriate.

8. As used in these discovery requests, the past tense includes the present tense where the express meaning of the request is not distorted by that usage, and the verb form of a noun or pronoun may be used as appropriate in a particular context.

III.
DUTY TO SUPPLEMENT

You are under a duty to supplement any responses that are incomplete or incorrect when made. Furthermore, you are under a duty to amend your responses within a reasonable time after you obtain information on the basis of which you know that a response either (1) was incorrect or incomplete when made or (2) although correct and complete when made, is no longer correct and complete, and the circumstances are such that failure to amend the response is in substance misleading.

IV.
REQUESTS FOR INFORMATION

For Ratepayers' Request to City 2-1 through 2-15, please refer to City of Celina's Supplemental Response to Staff 3-2 at Bates pages 259 – 263:

RATEPAYERS' REQUEST TO CITY 2-1. Please identify the funding source for each asset listed.

RATEPAYERS' REQUEST TO CITY 2-2. Please explain the rationale for including the cost of the Drainage Master Plan (original cost of \$264,100) in the utility rate base. Why is this asset not included in the assets of the Streets Department which manages storm sewers and drainage right of way?

RATEPAYERS' REQUEST TO CITY 2-3. Please explain why the cost of the Drainage Master Plan (original cost of \$264,100) is allocated 50/50 to water and wastewater rate base.

RATEPAYERS' REQUEST TO CITY 2-4. Please explain why the cost of the Preston Hills Retaining Wall (original cost of \$32,880) is allocated 50/50 to water and wastewater rate base.

RATEPAYERS' REQUEST TO CITY 2-5. Please explain why the cost of the Vacuum Jetter & Trailer (original cost of \$56,833) is allocated 50/50 to water and wastewater rate base.

RATEPAYERS' REQUEST TO CITY 2-6. Please explain why the cost of the 2018 Peterbilt JM458011 Vacuum Camera Truck (original cost of \$373,794) is allocated 50/50 to water and wastewater rate base.

RATEPAYERS' REQUEST TO CITY 2-7. Please explain why the cost of the Downtown WWTP – Prof Services (original cost of \$629,444) is allocated 50/50 to water and wastewater rate base.

RATEPAYERS' REQUEST TO CITY 2-8. Please describe in detail the five assets included in Asset A/C#: 103 – Service Area (GRWSC).

RATEPAYERS' REQUEST TO CITY 2-9. Please explain why the costs of the assets listed in Asset A/C#: - CIP; Working Capital, Inventory & Prepaid Balance are not included in the asset values on page 49 of the City's 2017 CAFR (Celina Response to Staff 3-5, Bates 408), other than CWIP which is included in both.

RATEPAYERS' REQUEST TO CITY 2-10. Please explain how you ensured that none of the asset costs listed in Asset A/C#: - CIP; Working Capital, Inventory & Prepaid Balance are double-counted in the \$19,284,479 CWIP balance.

RATEPAYERS' REQUEST TO CITY 2-11. Please describe and state the cost of each project in the \$19,284,479 requested CWIP balance.

RATEPAYERS' REQUEST TO CITY 2-12. Please provide the date that each project in the \$19,284,479 requested CWIP balance was placed in service.

RATEPAYERS' REQUEST TO CITY 2-13. Please explain why the inclusion of CWIP in rate base is necessary to the financial integrity of the City's water and wastewater utility.

RATEPAYERS' REQUEST TO CITY 2-14. Please explain and provide any documents that support your contention that the major projects under construction at 9/30/17 have been efficiently and prudently managed.

RATEPAYERS' REQUEST TO CITY 2-15. Please provide invoices for the following assets:

Description	Original Cost
Construction Work In Progress Sept. 30, 2017	19,284,479
Southeast Sector Sewer Line	11,150,493
Celina Road/Downtown Pump Station	5,862,690
Southeast Sector Water Line	3,941,909
Light Farms Water Tower Project	3,248,102
Sewer Plant Improvement TWDB PROJECT	2,221,711
SE Sector Sewer Line to PAWC	1,815,801
2 MGD Elevated Storage tanks	1,519,590
2 MGD Elevated Storage Tank	1,146,602
Easements - SE Sector Water & Sewer Line	1,023,928
AMI Meter Replacement Project	1,066,821
18' WATER LINE DOWNTOWN PUMP STATION	1,377,559
CISD SEWER LINE	1,168,348
UTRWD PUMP STATION	1,322,574
N PRESTON LAKES WATERLINE	1,164,682

RATEPAYERS' REQUEST TO CITY 2-16. To the extent not provided in work papers already filed with the City's testimony, please provide copies of the source documents, data, and work papers associated with the development of the testimony. Please provide the underlying data and exhibits in both paper and electronic (Microsoft Excel Worksheet) forms. For the Microsoft Excel documents, please provide the worksheets with all links and formulas embedded in the worksheets and used to create and manipulate the data in the worksheet active.

RATEPAYERS' REQUEST TO CITY 2-17. To the extent not provided in work papers already filed and related to the Direct Testimony of Dan V. Jackson, Jason Gray and Georgia N. Crump, please provide copies of any articles, publications, regulatory decisions (outside of Texas), reference material, and documents cited in testimony or footnotes. If the referenced source is a book, please provide a copy of the relevant section of the book.

RATEPAYERS' REQUEST TO CITY 2-18. Please provide a copy of the wastewater collection system map as it existed at the time the City Council adopted the rates that are the basis of the Petition.

RATEPAYERS' REQUEST TO CITY 2-19. Please provide a copy of the water system distribution map as it existed at the time the City Council adopted the rates that are the basis of the Petition.