

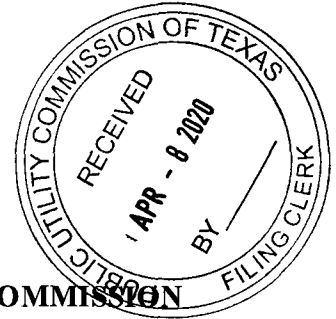
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SOAH DOCKET NO. 473-20-1554.WS
PUC DOCKET NO. 49225



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

OUTSIDE CITY RATEPAYERS'
FOURTH 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 Fourth 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.

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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 9th day of April 2020.



John J. Carlton

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

**OUTSIDE CITY RATEPAYERS'
FOURTH 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, 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

RATEPAYERS' REQUEST TO CITY 4-1. Please provide the final fiscal year 2018 year-to-date actual revenue and expenditures at 9/30/2018 for the Water/Sewer Fund in the same level of detail as the budget provided for the Rate Study in Bates # 23488 – 23495 in the City's Response to Ratepayers First RFI.

RATEPAYERS' REQUEST TO CITY 4-2. Please identify and explain all known and measurable changes to the actual fiscal year 2018 data provided in response to the previous question necessary to adjust that data to fiscal year 2019.

RATEPAYERS' REQUEST TO CITY 4-3. Please explain how the City Council monitored the actual performance of the Water/Sewer Fund against the budget in fiscal year 2018.

RATEPAYERS' REQUEST TO CITY 4-4. Please identify and produce the documentation provided to the City Council to enable the council members to monitor the actual performance of the Water/Sewer Fund against the budget in fiscal year 2018.

RATEPAYERS' REQUEST TO CITY 4-5. Please identify and produce the documentation showing actual fiscal year 2018 year-to-date revenues and expenses provided to the City Council in September 2018 and October 2018.

RATEPAYERS' REQUEST TO CITY 4-6. When was a draft version of the City's fiscal year 2018 Comprehensive Annual Financial Report first available to the City?

RATEPAYERS' REQUEST TO CITY 4-7. Please produce the first draft of the City's fiscal year 2018 Comprehensive Annual Financial Report referenced in the previous request.

RATEPAYERS' REQUEST TO CITY 4-8. Please describe the Water/Sewer Fund financial data routinely provided to the City Council and produce those documents provided to the City Council in September 2018 and October 2018.

RATEPAYERS' REQUEST TO CITY 4-9. Please describe the process used to develop the salary amounts for the Water/Sewer Fund in the fiscal year 2018 budget and produce the detailed calculations for each salary amount in that budget.

RATEPAYERS' REQUEST TO CITY 4-10. Please describe, identify and produce any amendments to the fiscal year 2018 Water/Sewer Fund Budget.

RATEPAYERS' REQUEST TO CITY 4-11. Please identify and produce the documentation supporting the \$352,000 amount of the Transfer to the General Fund from the Water/Sewer Fund in the fiscal year 2018 budget.

RATEPAYERS' REQUEST TO CITY 4-12. Please describe the "W / S Revenue Transfer" of \$175,000 in the fiscal year 2018 budget.

RATEPAYERS' REQUEST TO CITY 4-13. Please identify and produce the documentation supporting the \$175,000 amount of the W / S Revenue Transfer in the Water/Sewer Fund in the fiscal year 2018 budget.

RATEPAYERS' REQUEST TO CITY 4-14. Please identify and produce the City's capitalization policy applicable to the Water/Sewer Fund.

RATEPAYERS' REQUEST TO CITY 4-15. Please describe the cost contained in \$470,400 amount of Water Meters (Acct 202-521-03-5207) in the fiscal year 2018 budget.

RATEPAYERS' REQUEST TO CITY 4-16. Please explain, identify and provide the calculations used to develop the \$470,400 amount of Water Meters (Acct 202-521-03-5207) in the fiscal year 2018 budget.

RATEPAYERS' REQUEST TO CITY 4-17. Please explain what amount of the \$470,400 in Water Meters (Acct 202-521-03-5207) in the fiscal year 2018 budget was capitalized.

RATEPAYERS' REQUEST TO CITY 4-18. Please explain, identify and provide the calculations used to develop the \$2,111,200 in "UTRWD H2O" (Acct# 202-521-09-5740) in the fiscal year 2018 budget and produce the underlying documents used to support the component amounts of that calculation.

RATEPAYERS' REQUEST TO CITY 4-19. Please produce the contract applicable to the calculation in the previous request.

RATEPAYERS' REQUEST TO CITY 4-20. Please explain why Water Operations Engineering (Acct# 202-521-02-5149) is budgeted at \$0 while Sewer Operations Engineering (Acct# 202-522-09-5149) is budgeted at \$185,000 in the fiscal year 2018 budget.

RATEPAYERS' REQUEST TO CITY 4-21. Are the Water and Sewer Operations Engineering costs amounts in the fiscal year 2018 Budget expected to recur at the same level in future years?

RATEPAYERS' REQUEST TO CITY 4-22. Please identify the amounts of the Water and Sewer Operations Engineering cost categories that were capitalized in fiscal year 2018.

RATEPAYERS' REQUEST TO CITY 4-23. Please identify and produce the calculations used to develop the \$872,000 in "UTRWD Sewer" (Acct# 202-522-09-5740) in the fiscal year 2018 budget and provide the underlying documents used to support the component amounts of that calculation.

RATEPAYERS' REQUEST TO CITY 4-24. Please identify and produce the contract applicable to the calculation in the previous request.

RATEPAYERS' REQUEST TO CITY 4-25. Please identify and explain the calculations used to develop the \$789,531 in "UTRWD-Doe Branch Debt" (Acct# 202-502-09-5102) in the fiscal year 2018 budget and produce the underlying documents used to support the component amounts of that calculation.

RATEPAYERS' REQUEST TO CITY 4-26. Please produce the contract applicable to the calculation in the previous request.

RATEPAYERS' REQUEST TO CITY 4-27. Please identify and explain the calculations used to develop the \$347,506 in "UTRWD-Hain Trunk Debt Payment" (Acct# 202-502-09-5103) in the fiscal year 2018 budget and produce the underlying documents used to support the component amounts of that calculation.

RATEPAYERS' REQUEST TO CITY 4-28. Please produce the contract applicable to the calculation in the previous request.

RATEPAYERS' REQUEST TO CITY 4-29. Please identify and explain the calculations used to develop the \$45,326 in "UTRWD-Joint Capital Costs" (Acct# 202-502-09-5104) in the fiscal year 2018 budget and produce the underlying documents used to support the component amounts of that calculation.

RATEPAYERS' REQUEST TO CITY 4-30. Please produce the contract applicable to the calculation in the previous request.