



Control Number: 49225



Item Number: 83

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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


**OUTSIDE CITY RATEPAYERS'
FIFTH 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 Fifth 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

**OUTSIDE CITY RATEPAYERS'
FIFTH 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. “Willdan Rate Study” means and refers to the 2018 *Water and Wastewater Rate Study and Financial Forecast* for the City of Celina.
20. “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 5-1. Please produce the City's chart of accounts at the lowest level of detail.

RATEPAYERS' REQUEST TO CITY 5-2. Please refer to the City's Supplemental Response to the Commission Staff's Third Request for Information 3-2 at Bates page 41. Please explain the purpose of the "Month of Adjustment" input on line 3. Please describe in detail how this number affects revenues, revenue requirements, and rates for fiscal year 2018.

RATEPAYERS' REQUEST TO CITY 5-3. Please refer to the City's Supplemental Response to the Commission Staff's Third Request for Information 3-2 at Bates page 57. Please describe in detail how the water rate block percentages (yellow highlights) were developed and identify and produce the source documentation and the calculations supporting each rate block percentage for each customer class. If no supporting data exists, please so state.

RATEPAYERS' REQUEST TO CITY 5-4. Please refer to the City's Response to Ratepayers' First Request for Information 1-19 at "Rate Calculator" Tab in the Wastewater - Customer & Usage Data section. Please describe how the wastewater rate block percentages (yellow highlights) were developed and identify and produce the source documentation and the calculations supporting each rate block percentage for each customer class. If no supporting data exists, please so state.

RATEPAYERS' REQUEST TO CITY 5-5. Please refer to the City's Supplemental Response to the Commission Staff's Third Request for Information 3-2 at Bates page 174. Please identify and produce the source documentation supporting the water meter count by meter size and

class shown in the yellow highlight. Please include any calculations necessary to tie to the numbers input in this section on page 174.

RATEPAYERS' REQUEST TO CITY 5-6. Please refer to the City's Supplemental Response to the Commission Staff's Third Request for Information 3-2 at Bates page 174. Please identify and produce the source documentation and any supporting calculations for the Test Year New Accounts (200 Residential Inside, 50 Residential Outside, 15 Commercial Inside, and 2 Commercial Outside). If no supporting data exists, please so state.

RATEPAYERS' REQUEST TO CITY 5-7. Please refer to the City's Supplemental Response to the Commission Staff's Third Request for Information 3-2 at Bates page 174. Please identify and produce the source documentation and any supporting calculations for the Forecast Annual New Water Accounts – Annual Growth input amount of 22.4%. If no supporting data exists, please so state.

RATEPAYERS' REQUEST TO CITY 5-8. Please refer to the City's Supplemental Response to the Commission Staff's Third Request for Information 3-2 at Bates page 178. Please identify and produce the source documentation and any supporting calculations for the Forecast New WW Accounts – Annual Growth input amount of 22.4% for Inside Customers and 0.0% for Outside Customers. If no supporting data exists, please so state.

RATEPAYERS' REQUEST TO CITY 5-9. Please refer to the City's Supplemental Response to the Commission Staff's Third Request for Information 3-2 at Bates page 176. Please identify and produce the source documentation and any supporting calculations for the monthly Test Year Water Consumption amounts by rate class input in the yellow highlighted area.

RATEPAYERS' REQUEST TO CITY 5-10. Please refer to the City's Supplemental Response to the Commission Staff's Third Request for Information 3-2 at Bates page 178. Please identify and produce the source documentation supporting the wastewater meter count by meter size and class shown in the yellow highlight. Please include any calculations necessary to tie to the numbers input in this section on page 178.

RATEPAYERS' REQUEST TO CITY 5-11. Please refer to the City's Supplemental Response to the Commission Staff's Third Request for Information 3-2 at Bates page 178. Please identify and produce the source documentation and any supporting calculations for the Test Year New Accounts (200 Residential Inside, 0 Residential Outside, 15 Commercial Inside, and 0 Commercial Outside). If no supporting data exists, please so state.

RATEPAYERS' REQUEST TO CITY 5-12. Please refer to the City's Supplemental Response to the Commission Staff's Third Request for Information 3-2 at Bates page 179. Please identify and produce the source documentation and any supporting calculations for the monthly Wastewater billing units by rate class input in the yellow highlighted area.

RATEPAYERS' REQUEST TO CITY 5-13. Please refer to the City's Supplemental Response to the Commission Staff's Third Request for Information 3-2 at Bates page 179. Please identify and produce the source documentation and any supporting calculations for the Test Year Adjustment Factor of -7.5% input in the yellow highlighted area. If no supporting data exists, please so state.

RATEPAYERS' REQUEST TO CITY 5-14. Is the cost of the 2018 Willdan Rate Study included in the protested rates?

RATEPAYERS' REQUEST TO CITY 5-15. Was all water usage metered during the fiscal year 2018? If not, please describe the unmetered usage and identify an estimate of the volume of unmetered water used, if available.

RATEPAYERS' REQUEST TO CITY 5-16. Was all metered water usage billed during the fiscal year 2018? If not, please describe the unbilled usage and identify the volume of unbilled water used, if available.

RATEPAYERS' REQUEST TO CITY 5-17. Does the City have any irrigation-only meters? If so, please identify the quantity of water billed to irrigation-only meters by month during the fiscal year 2018.

RATEPAYERS' REQUEST TO CITY 5-18. Please refer to the City's Response to Ratepayers' First Request for Information at Bates page 21443. Please produce the response provided to NewGen for Question No. 23.

RATEPAYERS' REQUEST TO CITY 5-19. Please refer to the City's Response to Ratepayers' First Request for Information at Bates page 21443. Please produce the response provided to NewGen for Question No. 24.

RATEPAYERS' REQUEST TO CITY 5-20. Please refer to the City's Response to Ratepayers' First Request for Information at Bates page 21444. Please produce the response provided to NewGen for Question No. 32.

RATEPAYERS' REQUEST TO CITY 5-21. In electronic format, please produce monthly water production and/or purchased volumes from October 1, 2016 to September 30, 2018.

RATEPAYERS' REQUEST TO CITY 5-22. In electronic format, please produce monthly water sales volumes from October 1, 2016 to September 30, 2018.

RATEPAYERS' REQUEST TO CITY 5-23. Please produce a data file (in electronic format) that shows, **on a monthly basis by customer**, the following information from April 1, 2017 to September 30, 2018:

- a. Customer Name (redacted as necessary)

- b. Customer Account Number
- c. Inactive or Active Status of Account
- d. Customer Class Designation (residential, commercial, etc)
- e. Applicable Rate Code or Class
- f. Inside or Outside City Designation
- g. Number of Units associated with meter if multi-family or multi-unit customer
- h. Water Meter Size
- i. Volume of Water Metered
- j. Volume of Water Billed
- k. Total Charges for Water Service

RATEPAYERS' REQUEST TO CITY 5-24. Please produce a data file (in electronic format) that shows, **on a monthly basis by customer**, the following information from April 1, 2017 to September 30, 2018:

- a. Customer Name (redacted as necessary)
- b. Customer Account Number
- c. Inactive or Active Status of Account
- d. Customer Class Designation (residential, commercial, etc)
- e. Applicable Rate Code or Class
- f. Inside or Outside City Designation
- g. Number of Units associated with meter if multi-family or multi-unit customer
- h. Water Meter Size
- i. Volume of Wastewater Flow Billed
- j. Total Charges for Wastewater Service

RATEPAYERS' REQUEST TO CITY 5-25. Please identify any and all of the City's customers that have a wastewater meter, and produce the monthly wastewater volumes metered and billed from these customers from April 2017 to September 2018.