



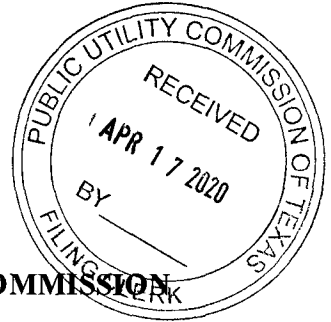
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SOAH DOCKET NO. 473-20-1554.WS
PUC DOCKET NO. 49225



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'
SEVENTH 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 Seventh 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: 


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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 17th day of April 2020.



John J. Carlton

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

**OUTSIDE CITY RATEPAYERS'
SEVENTH 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 7-1. Did the City engage an expert to generate the information requested in Staff Request for Information No. 4-4?

- a. If the answer is yes, please identify where in the City's Direct Testimony that the requested information is located.
- b. If the answer is no, please explain why the City failed to respond to the Commission Staff's request.

RATEPAYERS' REQUEST TO CITY 7-2. Did the City engage an expert to generate the information requested in Staff Request for Information No. 4-5?

- a. If the answer is yes, please identify where in the City's Direct Testimony that the requested information is located.
- b. If the answer is no, please explain why the City failed to respond to the Commission Staff's request.

RATEPAYERS' REQUEST TO CITY 7-3. Please refer to the City's Supplemental Response to the Commission Staff's Third Request for Information 3-2 at Bates page 197.

- a. Please explain the purpose of the 50% Billed Consumption Adjustment Factor for 2018 and 2019.
- b. Please describe in detail how these numbers were developed and identify and produce the source documentation and the supporting calculation(s).

RATEPAYERS' REQUEST TO CITY 7-4. Please refer to the City's Supplemental Response to the Commission Staff's Third Request for Information 3-2 at Bates page 197. Please

describe how the \$428,200 demand charge for 2018 was developed and identify and produce the source documentation and the supporting calculation(s).

RATEPAYERS' REQUEST TO CITY 7-5. Please refer to the City's Supplemental Response to the Commission Staff's Third Request for Information 3-2 at Bates page 197.

- a. Please explain the purpose of the Subscribed Capacity amounts of 2.5 for 2018 and 3.5 for 2019.
- b. Please describe in detail how these numbers were developed and identify and produce the source documentation and the supporting calculation(s).

RATEPAYERS' REQUEST TO CITY 7-6. Please refer to the City's Supplemental Response to the Commission Staff's Third Request for Information 3-2 at Bates page 197. Please describe how the UTRWD estimated annual increases of 11.1% (in hidden cell on Excel spreadsheet) for 2018 and 5.0% for 2019 were developed and identify and produce the source documentation and the supporting calculation(s).

RATEPAYERS' REQUEST TO CITY 7-7. Please refer to the City's Supplemental Response to the Commission Staff's Third Request for Information 3-2 at Bates page 197.

- a. Please explain what is meant by the "Full Volume Rate" of \$1.11 for FY 2017.
- b. Please describe in detail how this number was developed and identify and produce the source documentation and the supporting calculation(s).

RATEPAYERS' REQUEST TO CITY 7-8. On Table DVJ-21 in Mr. Jackson's direct testimony, please identify and produce the supporting documents for the calculation of the interest rate for each bond issue listed and indicate on those documents which numbers were used to derive the interest rates in Table DVJ-21.

RATEPAYERS' REQUEST TO CITY 7-9. Please refer to the City's Supplemental Response to the Commission Staff's Third Request for Information 3-2 at Bates page 173. Please identify and produce the source documentation and the supporting calculations for each of the following 2019 "accelerators":

a. Dir Population Increase	1.3%
b. CPI Inflation	3.0%
c. Expense Increase Premium	5.0%
d. Other Non-Rate Revenues	1.5%
e. Postage	2.5%
f. Indirect Economy Based Increase	1.5%

g. Credit Card Charges	5.0%
h. Salary Increase	3.0%
i. Salary Plus Insurance	8.0%

RATEPAYERS' REQUEST TO CITY 7-10. Please produce a copy of Mr. Lanning's presentation "Contributions In Aid of Construction – Past, Present and Future" – AWWA Conference, June 2000, Denver CO listed in Appendix A of Mr. Jackson's direct testimony.

RATEPAYERS' REQUEST TO CITY 7-11. Please produce a copy of Mr. Lanning's presentation "Inside-Outside Rates: Refinements in the M1 Manual" AWWA 2012 Annual Conference listed in Appendix A of Mr. Jackson's direct testimony.

RATEPAYERS' REQUEST TO CITY 7-12. Please produce Mr. Lanning's employment history including dates of employment at each employer.

RATEPAYERS' REQUEST TO CITY 7-13. Please refer to City's Response to Staff's 3-5 at Bates page 537. Please identify the origin of the \$3,951,559 in Capital Contributions and produce the documentation supporting this amount.

RATEPAYERS' REQUEST TO CITY 7-14. Please refer to City's Response to Staff's 3-5 at Bates page 537. Please identify the origin of the \$907,706 in Transfers in (out) and produce the documentation supporting this amount.