

Control Number: 49225



Item Number: 96

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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'
NINTH 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 Ninth 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: 

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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 1st day of May 2020.



John J. Carlton

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

**OUTSIDE CITY RATEPAYERS'
NINTH 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 9-1. Please identify and produce the documentation showing the itemization for the hours worked by Mr. Jackson and his team on a daily basis, as referenced on page 16 (Bates labeled as 0684), lines 6-7 of the Direct Testimony of Georgia N. Crump.

RATEPAYERS' REQUEST TO CITY 9-2. Please identify and produce the detailed calculations and supporting documentation for the \$25,595 in legal fees for Docket No. 48448 referenced on page 13 (Bates labeled as 0681), lines 20-22 of the Direct Testimony of Georgia N. Crump.

RATEPAYERS' REQUEST TO CITY 9-3. Page 9 of Appendix B to the Direct Testimony of Dan V. Jackson testimony states that, "[t]he City is no longer installing ¾" meters for residential customers. 1" is the smallest meter the City will install." (See page 0141 of the Direct Testimony of Dan V. Jackson.) When did the City discontinue the installation of ¾" meters?

RATEPAYERS' REQUEST TO CITY 9-4. Please identify the page(s) in Mr. Jackson's rate study work papers that include the "source documentation and supporting calculations for the Test Year New Accounts" referenced in the City's response to Ratepayers' Request to City 5-6. (See City's Response to Ratepayers' Fifth Request for Information at p. 008.)

RATEPAYERS' REQUEST TO CITY 9-5. Please identify the page(s) in Mr. Jackson's rate study work papers that include the "source documentation and supporting calculations for the Forecast Annual New Water Accounts – Annual growth" amount of 22.4% referenced in the City's

response to Ratepayers' Request to City 5-7. (See City's Response to Ratepayers' Fifth Request for Information at p. 009.)

RATEPAYERS' REQUEST TO CITY 9-6. Please identify the page(s) in Mr. Jackson's rate study work papers that include the "source documentation and supporting calculations for the Forecast Annual New Water Accounts – Annual growth" of 22.4% inside and 0% outside referenced in the City's response to Ratepayers' Request to City 5-8. (See City's Response to Ratepayers' Fifth Request for Information at p. 010.)

RATEPAYERS' REQUEST TO CITY 9-7. To the extent not already identified and produced, please identify and produce the Impact Fee Studies and Capital Improvements Plans prepared in accordance with Chapter 395 of the Texas Local Government Code that include any projects listed in City of Celina's Supplemental Response to Staff 3-2 at Bates pages 259 – 263.

RATEPAYERS' REQUEST TO CITY 9-8. For each project listed on Table DVJ-18, on page 66 of the Direct Testimony of Dan V. Jackson, please identify the following dates:

1. The date that construction of the original facility was completed;
2. The date that the original facility was placed in service;
3. The date that each and every improvement, upgrade, repair or replacement that is related to the original facility and included in the City's proposed rate base under either the Willdan Rate Study or the City of Celina's Supplemental Response to Staff 3-2 at Bates pages 259-263 was completed; and
4. The date that each and every improvement, upgrade, repair or replacement that is related to the original facility and included in the City's proposed rate base under either the Willdan Rate Study or the City of Celina's Supplemental Response to Staff 3-2 at Bates pages 259-263 became operational.

RATEPAYERS' REQUEST TO CITY 9-9. For original facility, improvement, upgrade, repair or replacement for which a date has been identified in response to Request to City 9-8, please:

1. Describe the original facility, improvement, upgrade, repair or replacement in detail and
2. Provide the actual cost of construction related to that original facility, improvement, upgrade, repair or replacement.

RATEPAYERS' REQUEST TO CITY 9-10. For each project listed on Table DVJ-32, on page 95 of the Direct Testimony of Dan V. Jackson, please identify the following dates:

1. The date that construction of the original facility was completed;
2. The date that the original facility was placed in service;
3. The date that each and every improvement, upgrade, repair or replacement that is related to the original facility and included in the City's proposed rate base under either

the Willdan Rate Study or the City of Celina's Supplemental Response to Staff 3-2 at Bates pages 259-263 was completed; and

4. The date that each and every improvement, upgrade, repair or replacement that is related to the original facility and included in the City's proposed rate base under either the Willdan Rate Study or the City of Celina's Supplemental Response to Staff 3-2 at Bates pages 259-263 became operational.

RATEPAYERS' REQUEST TO CITY 9-11. For original facility, improvement, upgrade, repair or replacement for which a date has been identified in response to Request to City 9-8, please:

1. Describe the original facility, improvement, upgrade, repair or replacement in detail and
2. Provide the actual cost of construction related to that original facility, improvement, upgrade, repair or replacement.