



Control Number: 49351



Item Number: 116

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PUC DOCKET NO. 49351
SOAH DOCKET NO. 473-19-5674.WS

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PUBLIC UTILITY COMMISSION
CLERK

RATEPAYERS APPEAL OF THE
DECISION BY BEAR CREEK SPECIAL
UTILITY DISTRICT TO CHANGE
RATES

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BEFORE THE STATE OFFICE
OF
ADMINISTRATIVE HEARINGS

**BEAR CREEK SPECIAL UTILITY DISTRICT'S
SECOND SUPPLEMENTAL RESPONSE TO
COMMISSION STAFF'S SEVENTH REQUEST FOR INFORMATION,
QUESTION NOS. STAFF 7-3, 7-26**

COMES NOW, Bear Creek Special Utility District ("Bear Creek") and files this, its Second Supplemental Response to Commission Staff's Seventh Request for Information, Staff 7-3, 7-26. Relevant discovery procedures in the Texas Administrative Code place a party under a continuing duty to supplement its discovery response if that party acquires information that renders a response, though correct or complete when made, subsequently incorrect or incomplete. *See* 16 Tex. Admin. Code § 22.144(i).

Respectfully submitted,



JOHN J. CARLTON
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ATTORNEY FOR BEAR CREEK SPECIAL
UTILITY DISTRICT

116

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 22nd day of January 2021.



John J. Carlton

**PUC DOCKET NO. 49351
SOAH DOCKET NO. 473-19-5674.WS**

**BEAR CREEK SPECIAL UTILITY DISTRICT'S
SECOND SUPPLEMENTAL RESPONSE TO
COMMISSION STAFF'S SEVENTH REQUEST FOR INFORMATION
QUESTION NOS. STAFF 7-3, 7-26**

STAFF 7-3: Please provide an affidavit signed by each professional stating that the rate charged is the normal hourly billing rate charged by the professional, is comparable to the hourly rate charged by other professionals for similar services provided to other Texas utilities, and is the normal hourly billing rate charged by the professional for services to non-regulated entities.

RESPONSE: Responsive documents will be supplemented on or before January 14, 2021.

PRIOR SUPPLEMENTAL RESPONSE:

On January 14, 2021, *Bear Creek Special Utility District's First Supplemental Response to Commission Staff's Seventh Request for Information, Staff 7-3, 7-26, 7-27*, was filed and attached responsive documents identified as BCSUD002470-BCSUD002503.

SUPPLEMENTAL RESPONSE:

Attached please find the Supplemental Affidavit of John Carlton, identified as BCSUD002511-BCSUD002516.

Prepared by: John Carlton

Sponsored by: John Carlton

STAFF 7-26: Please provide evidence and testimony or affidavits showing the reasonableness of the cost of all professional services included in rate-case expenses, including but not limited to:

- a.) The nature, extent, and difficulty of the work done by the attorney or other professional in the rate case;
- b.) The time and labor required and expended by the attorney or other professional;
- c.) The fees or other consideration paid to the attorney or other professional for the services rendered;
- d.) The expenses incurred for lodging, meals and beverages, transportation, or other services or materials;
- e.) The nature and scope of the rate case, including:
 - (i) The size of the utility and number and type of consumers served;
 - (ii) The amount of money or value of property or interest at stake;
 - (iii) The novelty or complexity of the issues addressed;
 - (iv) The amount and complexity of discovery;
 - (v) The occurrence and length of a hearing; and
 - (vi) The specific issue or issues in the rate case and the amount of rate-case expenses reasonably associated with each issue.

RESPONSE: Responsive documents will be produced through supplemental filing on or before January 14, 2021.

PRIOR SUPPLEMENTAL RESPONSE:

On January 14, 2021, *Bear Creek Special Utility District's First Supplemental Response to Commission Staff's Seventh Request for Information, Staff 7-3, 7-26, 7-27*, was filed and attached responsive documents identified as BCSUD002470-BCSUD002503.

SUPPLEMENTAL RESPONSE:

Attached please find the Supplemental Affidavit of John Carlton, identified as BCSUD002511-BCSUD002516.

Prepared by: John Carlton

Sponsored by: John Carlton

**SOAH DOCKET NO. 473-19-5674.WS
PUC DOCKET NO. 49351**

RATEPAYERS APPEAL OF THE DECISION BY BEAR CREEK SPECIAL UTILITY DISTRICT TO CHANGE RATES	§ § § § §	BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS
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SUPPLEMENTAL AFFIDAVIT OF JOHN CARLTON

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

BEFORE ME, the undersigned Notary Public, on this day personally appeared John Carlton, the affiant, whose identity is known to me. After I administered an oath, affiant testified as follows:

1. “My name is John Carlton. I am over 18 years of age, of sound mind, and capable of making this affidavit. The facts stated herein are within my personal knowledge and are true and correct.
2. “I am an attorney licensed to practice in the State of Texas. I was licensed to practice in 1991 and have been a civil-litigation attorney practicing in administrative and local-government law since that time. I founded The Carlton Firm, P.L.L.C. in 2011.
3. “Bear Creek Special Utility District (“Bear Creek”) retained The Carlton Law Firm, P.L.L.C. to represent it in this rate appeal. I have personal knowledge of this case and the legal work performed.
4. “It was necessary for Bear Creek to retain an attorney as well as have the assistance of other professionals and para-professionals to work on this case.
5. “I am the lawyer in charge of this case. I am the managing member of The Carlton Law Firm, P.L.L.C.

6. "I have associate attorneys who are also assigned to this case. Grayson McDaniel was licensed in 2011, and Katelyn Hammes was licensed in 2020.
7. "The paralegals and legal assistants assigned to this case (1) are qualified by education, experience, and training to perform the services required; (2) have knowledge of the legal system, principles, and procedures; (3) were supervised by an attorney; (4) performed tasks that are traditionally done by attorney; and (5) performed services that were reasonable and necessary.
8. "Bear Creek agreed to compensate me for my work based on an hourly fee of \$330, an hourly fee not to exceed \$250 per hour for our associate attorneys' work on this suit, and an hourly fee not to exceed \$175 per hour for our paralegal's services.
9. "The rates are our normal hourly billing rates charged for services to non-regulated entities and are equivalent to or less than fees customarily charged in this area for the same or similar services of a firm with The Carlton Law Firm, P.L.L.C.'s experience, reputation and ability. The rates are comparable to the hourly rates charged by other professionals for similar services provided to other Texas utilities.
10. "The attorneys, paralegals, and legal assistants to date have spent 904.5 hours (1) investigating claims; (2) drafting pleadings, questions, and responses; (3) attending hearings; and (4) taking other necessary actions to perform the legal services properly. A description of the invoices billed to Bear Creek in this case is attached as **Exhibit A**.
11. "Based on the type of controversy, the time limitations imposed, the results obtained, and the nature and length of the Firm's relationship with Bear Creek, the fees are reasonable and necessary for the services performed.

12. "The attorney fees charged in this case were necessary, reasonable, and incurred in the prosecution of this suit.

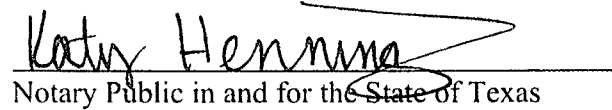
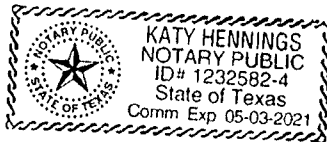
13. "The fees charged in this case are customarily charged in this area for the same or similar services for an attorney with my experience, reputation, and ability, considering the type of controversy, the time limitations imposed, and the results obtained."

FURTHER, AFFIANT SAYETH NOT.



John Carlton, Managing Member,
The Carlton Law Firm, P.L.L.C., Representing
Bear Creek Special Utility District

SWORN TO AND SUBSCRIBED before me by John Carlton on this 21st day of January 2021.



Katy Hennings
Notary Public in and for the State of Texas

SUPPLEMENTAL AFFIDAVIT OF JOHN CARLTON

Exhibit A

**BEAR CREEK SPECIAL UTILITY DISTRICT
DESCRIPTION OF THE CARLTON LAW FIRM, P.L.L.C. INVOICES
SOAH DOCKET NO. 473-19-5674.WS
PUC DOCKET NO. 49351**

Category	Desc	Name	Invoice Amount	Adjustment	Amount Requested	Hours Billed	Invoice Date	Invoice #	Bates Labeled as
Legal	Legal	The Carlton Law Firm, P.L.L.C.	\$ 1,245.50	\$ -	\$ 1,245.50	6.2	4/4/2019	4627	BCSUD001833- BCSUD001834
Legal	Legal	The Carlton Law Firm, P.L.L.C.	\$ 5,813.24	\$ -	\$ 5,813.24	28.7	5/8/2019	4716	BCSUD001835- BCSUD001838; BCSUD001975- BCSUD001977
Legal	Legal	The Carlton Law Firm, P.L.L.C.	\$ 9,866.39	\$ -	\$ 9,866.39	50.3	6/7/2019	4749	BCSUD001839- BCSUD001842; BCSUD001978- BCSUD001984
Legal	Legal	The Carlton Law Firm, P.L.L.C.	\$ 4,706.92	\$ -	\$ 4,706.92	23.9	7/9/2019	4839	BCSUD001843- BCSUD001846; BCSUD001985- BCSUD001986
Legal	Legal	The Carlton Law Firm, P.L.L.C.	\$ 9,300.74	\$ -	\$ 9,300.74	49.5	8/8/2019	4890	BCSUD001847- BCSUD001851; BCSUD001987- BCSUD001992
Legal	Legal	The Carlton Law Firm, P.L.L.C.	\$ 9,037.75	\$ (13.48)	\$ 9,024.27	32.8	9/9/2019	4966	BCSUD001852- BCSUD001855; BCSUD001993- BCSUD002001
Legal	Legal	The Carlton Law Firm, P.L.L.C.	\$ 7,461.50	\$ -	\$ 7,461.50	7.6	10/3/2019	5051	BCSUD001856- BCSUD001859
Legal	Legal	The Carlton Law Firm, P.L.L.C.	\$ 1,109.23	\$ -	\$ 1,109.23	4.5	11/6/2019	5122	BCSUD001860- BCSUD001861; BCSUD002002
Legal	Legal	The Carlton Law Firm, P.L.L.C.	\$ 118.50	\$ -	\$ 118.50	0.5	12/5/2019	5187	BCSUD001862- BCSUD001863
Legal	Legal	The Carlton Law Firm, P.L.L.C.	\$ 709.50	\$ -	\$ 709.50	2.4	1/6/2020	5242	BCSUD001864- BCSUD001865
Legal	Legal	The Carlton Law Firm, P.L.L.C.	\$ 5,016.00	\$ -	\$ 5,016.00	18.3	2/6/2020	5287	BCSUD001866- BCSUD001868

Category	Desc	Name	Invoice Amount	Adjustment	Amount Requested	Hours Billed	Invoice Date	Invoice #	Bates Labeled as
Legal	Legal	The Carlton Law Firm, P.L.L.C.	\$ 2,207.71	\$ (40.66)	\$ 2,167.05	6.2	3/6/2020	5347	BCSUD001869- BCSUD001871; BCSUD002003- BCSUD002011
Legal	Legal	The Carlton Law Firm, P.L.L.C.	\$ 4,447.47	\$ -	\$ 4,447.47	16.3	4/6/2020	5458	BCSUD001872- BCSUD001874; BCSUD002012- BCSUD002015
Legal	Legal	The Carlton Law Firm, P.L.L.C.	\$ 1,209.50	\$ -	\$ 1,209.50	3.9	5/11/2020	5474	BCSUD001875- BCSUD001876
Legal	Legal	The Carlton Law Firm, P.L.L.C.	\$ 4,278.50	\$ -	\$ 4,278.50	14.3	6/5/2020	5531	BCSUD001877- BCSUD001878
Legal	Legal	The Carlton Law Firm, P.L.L.C.	\$ 4,195.25	\$ -	\$ 4,195.25	17	7/7/2020	5574	BCSUD001879- BCSUD001881
Legal	Legal	The Carlton Law Firm, P.L.L.C.	\$ 21,826.00	\$ -	\$ 21,826.00	90.1	8/10/2020	5635	BCSUD001882- BCSUD001886
Legal	Legal	The Carlton Law Firm, P.L.L.C.	\$ 12,346.50	\$ -	\$ 12,346.50	61.5	9/8/2020	5705	BCSUD001887- BCSUD001890; BCSUD002016- BCSUD002021
Legal	Legal	The Carlton Law Firm, P.L.L.C.	\$ 11,641.00	\$ -	\$ 11,641.00	48.3	10/6/2020	5772	BCSUD001891- BCSUD001894
Legal	Legal	The Carlton Law Firm, P.L.L.C.	\$ 18,929.05	\$ -	\$ 18,929.05	84.8	11/9/2020	5846	BCSUD002030- BCSUD002036
Legal	Legal	The Carlton Law Firm, P.L.L.C.	\$ 26,376.40	\$ -	\$ 26,376.40	106.2	12/7/2020	5948	BCSUD002444- BCSUD002449
Legal	Legal	The Carlton Law Firm, P.L.L.C.	\$ 26,644.80	\$ -	\$ 26,644.80	113.4	1/7/2021	6032	BCSUD002462- BCSUD002467
Legal	Legal	The Carlton Law Firm, P.L.L.C.	\$ 28,797.00	\$ -	\$ 28,797.00	117.8	1/21/2021	6036	
			\$ 217,284.45	\$ (54.14)	\$ 217,230.31	904.5			