

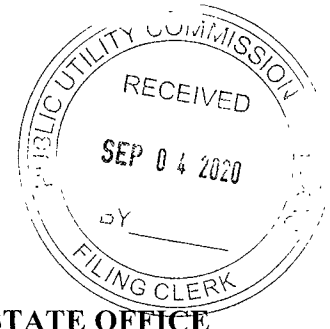
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SOAH DOCKET NO. 473-19-5674.WS
PUC DOCKET NO. 49351



RATEPAYERS' APPEAL OF THE § **BEFORE THE STATE OFFICE**
DECISION BY BEAR CREEK SPECIAL §
UTILITY DISTRICT TO CHANGE § **OF**
RATES §
§ **ADMINSTRATIVE HEARINGS**

**RATEPAYERS' FIRST REQUEST FOR INFORMATION
TO BEAR CREEK SPECIAL UTILITY DISTRICT (BEAR CREEK SUD)
QUESTION NOS. RATEPAYERS 1-1 THROUGH 1-58**

Pursuant to 16 Texas Administrative Code (TAC) § 22.144, the Ratepayers of the Bear Creek Special Utility District ("Ratepayers") requests that Bear Creek Special Utility District (Bear Creek SUD) by and through its attorneys of record, provide the following information and answer the following question(s) under oath. The question(s) shall be answered in sufficient detail to fully present all of the relevant facts, within the time limit provided by the Presiding Officer or within 20 days, if the Presiding Officer has not provided a time limit. Please copy the question immediately above the answer to each question. These question(s) are continuing in nature, and if there is a relevant change in circumstances, submit an amended answer, under oath, as a supplement to your original answer. State the name of the witness in this cause who will sponsor the answer to the question and can vouch for the truth of the answer. Provide an original and three copies of your answers to the questions to the Filing Clerk, Public Utility Commission of Texas, 1701 N. Congress Avenue, P.O. Box 13326, Austin, Texas 78711-3326.

Dated: September 4, 2020

Respectfully submitted,

**RATEPAYERS OF THE BEAR CREEK
SPECIAL UTILITY DISTRICT**

Deborah Fato, Co-Ratepayer Representative
Michaelangelo Dillon, Co-Ratepayer Representative

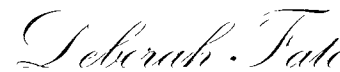


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CERTIFICATE OF SERVICE

I certify that, unless otherwise ordered by the presiding officer, notice of the filing of this document was provided to all parties of record via electronic mail on September 4, 2020, in accordance with the Order Suspending Rules, issued in Project No. 50664.



Deborah Fato

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**RATEPAYERS' FIRST REQUEST FOR INFORMATION
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DEFINITIONS

A. "Bear Creek SUD", "Company", or "you" refers to Bear Creek Special Utility District and any other person acting or purporting to act on their behalf, including without limitation, attorneys, agents, advisors, investigators, representatives, employees or other persons.

B. "Document" includes any written, recorded, or graphic matter, however produced or reproduced, including but not limited to correspondence, telegrams, contracts, agreements, notes in any form, memoranda, diaries, voice recording tapes, microfilms, pictures, computer media, work papers, calendars, minutes of meetings or other writings or graphic matter, including copies containing marginal notes or variations of any of the foregoing, now or previously in your possession. In the event any documents requested by this Request for Information have been transferred beyond the Company's control, describe the circumstances under which the document was destroyed or transferred and provide an exact citation to the subject document. In the event that documents containing exact information do not exist, but documents do exist which contain portions of the required information or which contain substantially similar information, then the definition of "documents" shall include the documents which do exist and these documents will be provided.

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**RATEPAYERS' FIRST REQUEST FOR INFORMATION
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QUESTION NOS. RATEPAYERS 1-1 THROUGH 1-58**

INSTRUCTIONS

- 1) Pursuant to 16 TAC § 22.144(c)(2), Ratepayers request that answers to the requests for information be made under oath.
- 2) Please copy the question immediately above the answer to each question. State the name of the witness in this cause who will sponsor the answer to the question and can vouch for the truth of the answer.
- 3) These questions are continuing in nature, and if there is a relevant change in circumstances, submit an amended answer, under oath, as a supplement to your original answer.
- 4) Words used in the plural shall also be taken to mean and include the singular. Words used in the singular shall also be taken to mean and include the plural.
- 5) The present tense shall be construed to include the past tense, and the past tense shall be construed to include the present tense.
- 6) If any document is withheld under any claim of privilege, please furnish a list identifying each document for which a privilege is claimed, together with the following information: date, sender, recipients or copies, subject matter of the document, and the basis upon which such privilege is claimed.
- 7) Pursuant to 16 TAC § 22.144(h)(4), if the response to any request is voluminous, please provide a detailed index of the voluminous material.
- 8) Ratepayers request that each item of information be made available as it is completed, rather than upon completion of all information requested.

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**RATEPAYERS' FIRST REQUEST FOR INFORMATION
TO BEAR CREEK SPECIAL UTILITY DISTRICT (BEAR CREEK SUD)
QUESTION NOS. RATEPAYERS 1-1 THROUGH 1-58**

For all questions, responses should be limited to information available to Bear Creek Special Utility District's (Bear Creek SUD) Board of Directors at the time the decision to change rates, as approved in Ordinance No. 2018-006, adopted October 9, 2018, was made. Please provide the date the information was available. Cost, debt, and all other information should be separated into those costs used to provide utility services appealable under Texas Water Code (TWC) § 13.043 and those costs used to provide services that are not appealable under TWC § 13.043, if any.

- Ratepayers 1-1 State the authority upon which you rely when you claim the SUD is “exempt” from its requirement to refund deposit monies which the Ratepayer neglected to leave a forwarding address upon closeout of its account under Chapter 49 of the Texas Water Code.
- Ratepayers 1-2 State the authority upon which you rely when you claim the SUD is “exempt” from its requirement to refund deposit monies which the Ratepayer neglected to leave a forwarding address upon closeout of its account under Chapter 65 of the Texas Water Code.
- Ratepayers 1-3 State the authority upon which you rely when you claim the SUD is “exempt” from its requirement to refund deposit monies which the Ratepayer neglected to leave a forwarding address upon closeout of its account under the Texas Commission on Environmental Quality Water Supply Division’s *Water District Financial Management Guide* revised March 2004.
- Ratepayers 1-4 State the authority upon which you rely when you claim the SUD is “exempt” from its requirement to refund deposit monies which the Ratepayer neglected to leave a forwarding address upon closeout of its account under the *Rate Order Certificate of Convenience and Necessity No. 10066 Collin County, Texas* adopted December 10, 2013, Amended October 9, 2018.
- Ratepayers 1-5 State where on the Bear Creek Special Utility District website (www.bearcreeksud.com) that it states the authority upon which you rely when you claim the SUD is “exempt” from its requirement to refund deposit monies which the Ratepayer neglected to leave a forwarding address upon closeout of its account, as President Herman Stork told

Director Deborah Fato (“you can find it on the website”) at the Board of Directors meeting held in the summer of 2020.

- Ratepayers 1-6 State the authority upon which you rely when you claim that you are “exempt” from being governed by the Utilities Code, Title 4, Subtitle B, Chapter 183, Section 183.001(2) which defines as ““Utility” means a person, firm, company, corporation, receiver, or trustee who furnishes water, electric, gas, or telephone service.”
- Ratepayers 1-7 State the authority upon which you rely when you claim that you are “exempt” from being governed by the Utilities Code, Title 4, Subtitle B, Chapter 183, Section 183.002 which requires the payment of interest on the deposit from the time the deposit is made.
- Ratepayers 1-8 State the authority upon which you rely when you claim that you are “exempt” from being governed by the Utilities Code, Title 4, Subtitle B, Chapter 183, Section 183.006 which defines the Criminal Penalty of both payment of a fine and confinement in jail if a person violates this chapter, as President Herman Stork called out “We’re exempt!” loudly from the back of the room for all in attendance to hear when this topic was brought up at the October 8, 2019 Ratepayers’ Town Hall Meeting.
- Ratepayers 1-9 State the authority upon which you rely when you claim the SUD is “exempt” from having to refund deposit monies for ratepayers who close their accounts but fail to leave a forwarding address, “because the Lavon Post Office doesn’t forward SUD mail” as General Manager Camille Reagan stated in a 2020 Board meeting in response to Director Deborah Fato’s direct question as to why the SUD cannot simply mail a deposit refund check to the ratepayer’s last known address.
- Ratepayers 1-10 Provide a copy of each Board of Directors meeting minutes in which the subject of Ratepayer Deposits was listed as an Agenda item and discussed (for the years 2015 through 2020).
- Ratepayers 1-11 Provide a copy of each Board of Directors meeting Agenda in which the subject of Ratepayer Deposits was listed as a topic for discussion (for the years 2015 through 2020).
- Ratepayers 1-12 State why you have continually denied Director Deborah Fato’s multiple requests to place a discussion on the topic of ‘Deposits’ on the monthly Board of Directors meeting agenda, especially after President Herman Stork denied the last request at the August 18, 2020 board meeting by stating “We don’t need to talk about that.”
- Ratepayers 1-13 State what ‘other things’ the SUD uses any forfeited or otherwise not refunded Ratepayer deposit money for, as explained by President Herman

Stork to Director Deborah Fato at the August 18, 2020 Board of Directors' meeting when he said "We use that money for other things," one example of which was said to pay water bills of other non-paying Ratepayers.

- Ratepayers 1-14 For the calendar year 2005, state
- (1) how many ratepayer accounts were closed;
 - (2) how many ratepayers received a refund of some or all of their deposit;
 - (3) how many ratepayers did not receive a refund; and
 - (4) how many forfeited deposits were sent to the Texas State Comptroller.
- Ratepayers 1-15 For the calendar year 2006, state
- (1) how many ratepayer accounts were closed;
 - (2) how many ratepayers received a refund of some or all of their deposit;
 - (3) how many ratepayers did not receive a refund; and
 - (4) how many forfeited deposits were sent to the Texas State Comptroller.
- Ratepayers 1-16 For the calendar year 2007, state
- (1) how many ratepayer accounts were closed;
 - (2) how many ratepayers received a refund of some or all of their deposit;
 - (3) how many ratepayers did not receive a refund; and
 - (4) how many forfeited deposits were sent to the Texas State Comptroller.
- Ratepayers 1-17 For the calendar year 2008, state
- (1) how many ratepayer accounts were closed;
 - (2) how many ratepayers received a refund of some or all of their deposit;
 - (3) how many ratepayers did not receive a refund; and
 - (4) how many forfeited deposits were sent to the Texas State Comptroller.
- Ratepayers 1-18 For the calendar year 2009, state
- (1) how many ratepayer accounts were closed;
 - (2) how many ratepayers received a refund of some or all of their deposit;
 - (3) how many ratepayers did not receive a refund; and
 - (4) how many forfeited deposits were sent to the Texas State Comptroller.
- Ratepayers 1-19 For the calendar year 2010, state
- (1) how many ratepayer accounts were closed;
 - (2) how many ratepayers received a refund of some or all of their deposit;
 - (3) how many ratepayers did not receive a refund; and
 - (4) how many forfeited deposits were sent to the Texas State Comptroller.
- Ratepayers 1-20 For the calendar year 2011, state
- (1) how many ratepayer accounts were closed;
 - (2) how many ratepayers received a refund of some or all of their deposit;
 - (3) how many ratepayers did not receive a refund; and
 - (4) how many forfeited deposits were sent to the Texas State Comptroller.

- Ratepayers 1-21 For the calendar year 2012, state
- (1) how many ratepayer accounts were closed;
 - (2) how many ratepayers received a refund of some or all of their deposit;
 - (3) how many ratepayers did not receive a refund; and
 - (4) how many forfeited deposits were sent to the Texas State Comptroller.
- Ratepayers 1-22 For the calendar year 2013, state
- (1) how many ratepayer accounts were closed;
 - (2) how many ratepayers received a refund of some or all of their deposit;
 - (3) how many ratepayers did not receive a refund; and
 - (4) how many forfeited deposits were sent to the Texas State Comptroller.
- Ratepayers 1-23 For the calendar year 2014, state
- (1) how many ratepayer accounts were closed;
 - (2) how many ratepayers received a refund of some or all of their deposit;
 - (3) how many ratepayers did not receive a refund; and
 - (4) how many forfeited deposits were sent to the Texas State Comptroller.
- Ratepayers 1-24 For the calendar year 2015, state
- (1) how many ratepayer accounts were closed;
 - (2) how many ratepayers received a refund of some or all of their deposit;
 - (3) how many ratepayers did not receive a refund; and
 - (4) how many forfeited deposits were sent to the Texas State Comptroller.
- Ratepayers 1-25 For the calendar year 2016, state
- (1) how many ratepayer accounts were closed;
 - (2) how many ratepayers received a refund of some or all of their deposit;
 - (3) how many ratepayers did not receive a refund; and
 - (4) how many forfeited deposits were sent to the Texas State Comptroller.
- Ratepayers 1-26 For the calendar year 2017, state
- (1) how many ratepayer accounts were closed;
 - (2) how many ratepayers received a refund of some or all of their deposit;
 - (3) how many ratepayers did not receive a refund; and
 - (4) how many forfeited deposits were sent to the Texas State Comptroller.
- Ratepayers 1-27 For the calendar year 2018, state
- (1) how many ratepayer accounts were closed;
 - (2) how many ratepayers received a refund of some or all of their deposit;
 - (3) how many ratepayers did not receive a refund; and
 - (4) how many forfeited deposits were sent to the Texas State Comptroller.
- Ratepayers 1-28 Admit or deny that the Lavon Water Supply Corporation has ever tendered any unclaimed or forfeited Ratepayer deposit monies to the Texas State Comptroller.

- Ratepayers 1-29 Admit or deny that the Lavon Special Utility District has ever tendered any unclaimed or forfeited Ratepayer deposit monies to the Texas State Comptroller.
- Ratepayers 1-30 Admit or deny that the Bear Creek Special Utility District has ever tendered any unclaimed or forfeited Ratepayer deposit monies to the Texas State Comptroller.
- Ratepayers 1-31 For the new development of Abston Hills, please state how much in total deposit money you anticipate to collect once all 6,000 connections are established.
- Ratepayers 1-32 For the new development of Abston Hills, please state how much in total meter sales you anticipate to collect once all 6,000 connections are established.
- Ratepayers 1-33 For the new development of Lakepointe (Single Family), please state how much in total deposit money you anticipate to collect once all 630 connections are established.
- Ratepayers 1-34 For the new development of Lakepointe (Single Family), please state how much in total meter sales you anticipate to collect once all 630 connections are established.
- Ratepayers 1-35 For the new development of Lakepointe (Multiple Family), please state how much in total deposit money you anticipate to collect once all 150 connections are established.
- Ratepayers 1-36 For the new development of Lakepointe (Multiple Family), please state how much in total meter sales you anticipate to collect once all 150 connections are established.
- Ratepayers 1-37 For the new development of Crestridge Meadows, please state how much in total deposit money you anticipate to collect once all 274 connections are established.
- Ratepayers 1-38 For the new development of Crestridge Meadows, please state how much in total meter sales you anticipate to collect once all 274 connections are established.
- Ratepayers 1-39 For the new development of Traditions at Grand Heritage, please state how much in total deposit money you anticipate to collect once all 97 connections are established.

- Ratepayers 1-40 For the new development of Traditions at Grand Heritage, please state how much in total meter sales you anticipate to collect once all 97 connections are established.
- Ratepayers 1-41 For the new development of Traditions at Grand Heritage West, please state how much in total deposit money you anticipate to collect once all 84 connections are established.
- Ratepayers 1-42 For the new development of Traditions at Grand Heritage West, please state how much in total meter sales you anticipate to collect once all 84 connections are established.
- Ratepayers 1-43 For the new development of Bear Creek Phase 3, 4, 5, please state how much in total deposit money you anticipate to collect once all 454 connections are established.
- Ratepayers 1-44 For the new development of Bear Creek Phase 3, 4, 5, please state how much in total meter sales you anticipate to collect once all 454 connections are established.
- Ratepayers 1-45 For the new development of Cameron Family Trust, please state how much in total deposit money you anticipate to collect once all 148 connections are established.
- Ratepayers 1-46 For the new development of Cameron Family Trust, please state how much in total meter sales you anticipate to collect once all 148 connections are established.
- Ratepayers 1-47 For the new development of Moores Lake, please state how much in total deposit money you anticipate to collect once all 39 connections are established.
- Ratepayers 1-48 For the new development of Moores Lake, please state how much in total meter sales you anticipate to collect once all 39 connections are established.
- Ratepayers 1-49 For the new development of Lavon Farms, please state how much in total deposit money you anticipate to collect once all 150 connections are established.
- Ratepayers 1-50 For the new development of Lavon Farms, please state how much in total meter sales you anticipate to collect once all 150 connections are established.

- Ratepayers 1-51 For the new development of MUD No. 5, please state how much in total deposit money you anticipate to collect once all 896 connections are established.
- Ratepayers 1-52 For the new development of MUD No. 5, please state how much in total meter sales you anticipate to collect once all 896 connections are established.
- Ratepayers 1-53 For the new development of Lavon 678 Development, please state how much in total deposit money you anticipate to collect once all 300 connections are established.
- Ratepayers 1-54 For the new development of Lavon 678 Development, please state how much in total meter sales you anticipate to collect once all 300 connections are established.
- Ratepayers 1-55 For the President Boulevard Extension, state how much in total meter sales was or will be paid to establish that 1 connection.
- Ratepayers 1-56 For the O'Reilly's Auto Store, state how much in total meter sales was or will be paid to establish those 2 connections.
- Ratepayers 1-57 For the 7-Eleven Store, state how much in total meter sales was or will be paid to establish those 3 connections.
- Ratepayers 1-58 State the reason why you continue to charge the \$35 'service fee' to an account which has been closed, and you wait for up to 45 days and then deduct the last month's 'service fee' from any deposit refunded to a Ratepayer who did provide a forwarding address.