



Control Number: 49366



Item Number: 13

Addendum StartPage: 0

PUC DOCKET NO. 49366

**PETITION OF FROST BANK
NATIONAL BANK, AS TRUSTEE
OF THE FREEMAN EDUCATIONAL
FOUNDATION TO AMEND THE
CITY OF SAN MARCOS' WATER
CERTIFICATE OF CONVENIENCE
AND NECESSITY IN HAYS COUNTY
BY EXPEDITED RELEASE**

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PUBLIC UTILITY COMMISSION
OF TEXAS
FILING CLERK
1:39

**CITY OF SAN MARCOS'S RESPONSE TO COMISSION STAFF'S
FIRST REQUEST FOR INFORMATION RFI NOS. 1-1 THROUGH RFI NOS. 1-4**

COMES NOW the City of San Marcos ("City" or "San Marcos") and files these Responses to the Commission Staff's First Request for Information ("RFI") Nos. 1-1 through Nos. 1-4, served on May 1, 2019. The City agrees that the responses may be treated as if the answers were filed under oath.

Respectfully submitted,

Russell & Rodriguez, L.L.P.
1633 Williams Drive, Building 2, Suite 200
Georgetown, Texas 78628
(512) 930-1317
(866) 929-1641 (Fax)

/s/ Arturo D. Rodriguez, Jr.
ARTURO D. RODRIGUEZ, JR.
State Bar No. 00791551

ATTORNEY FOR THE CITY OF SAN MARCOS

13

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CERTIFICATE OF CONVENIENCE	§	
AND NECESSITY IN HAYS COUNTY	§	
BY EXPEDITED RELEASE	§	

STAFF RFI NO. 1-1:

Please provide any contracts for water or sewer service to the Frost Bank property.

Response:

OBJECTION: The City objects to the instructions and mischaracterization of 16 Tex. Admin. Code § 22.144 as articulated in the first paragraph of the RFI request. The Staff asserts that answers are to be provided, pursuant to the rule, within 10 days unless the Presiding Officer provides for a different time period. The City objects to this characterization as 16 Tex. Admin. Code § 22.144(c)(1) states that a response shall be provided within 20 days. Only upon a demonstration of good cause may the response time be altered. In this cause, no good cause has been shown and no change in response time has been requested or ordered. Thus, the deadline to respond is appropriately May 21, 2019. However, without waiving the objection, the City provides the following response:

None.

Prepared/sponsored by: Tom Taggart, Director

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STAFF RFI NO. 1-2:

Please provide any bills for water or sewer service to the Frost Bank property.

Response:

OBJECTION: The City objects to the instructions and mischaracterization of 16 Tex. Admin. Code § 22.144 as articulated in the first paragraph of the RFI request. The Staff asserts that answers are to be provided, pursuant to the rule, within 10 days unless the Presiding Officer provides for a different time period. The City objects to this characterization as 16 Tex. Admin. Code § 22.144(c)(1) states that a response shall be provided within 20 days. Only upon a demonstration of good cause may the response time be altered. In this cause, no good cause has been shown and no change in response time has been requested or ordered. Thus, the deadline to respond is appropriately May 21, 2019. However, without waiving the objection, the City provides the following response:

None.

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STAFF RFI NO. 1-3:

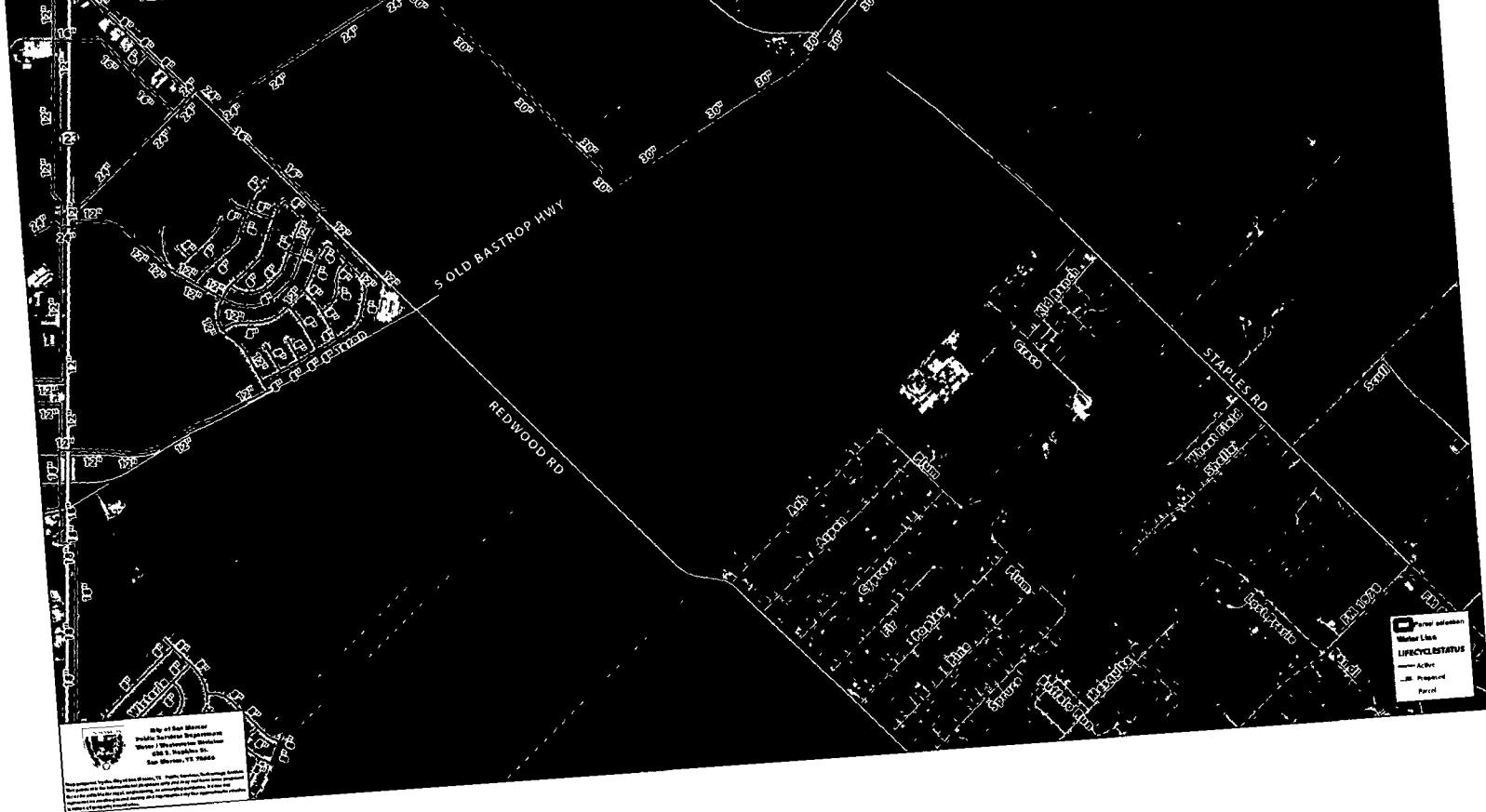
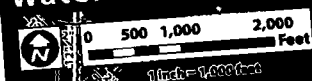
Please provide any other documents that shows evidence of water or sewer service from the City of San Marcos to the Frost Bank property.

Response:

OBJECTION: The City objects to the instructions and mischaracterization of 16 Tex. Admin. Code § 22.144 as articulated in the first paragraph of the RFI request. The Staff asserts that answers are to be provided, pursuant to the rule, within 10 days unless the Presiding Officer provides for a different time period. The City objects to this characterization as 16 Tex. Admin. Code § 22.144(c)(1) states that a response shall be provided within 20 days. Only upon a demonstration of good cause may the response time be altered. In this cause, no good cause has been shown and no change in response time has been requested or ordered. Thus, the deadline to respond is appropriately May 21, 2019. However, without waiving the objection, the City provides the following response:

See attached Exhibit No. 1. The City is a retail public utility as defined in 16 Tex. Admin. Code § 24.3(59). As a retail public utility, the City has provided service to the Frost Bank property, pursuant to 16 Tex. Admin. Code § 24.3(62).

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STAFF RFI NO. 1-4:

Identify the time period(s) during which the Frost Bank property received water or sewer service.

Response:

OBJECTION: The City objects to the instructions and mischaracterization of 16 Tex. Admin. Code § 22.144 as articulated in the first paragraph of the RFI request. The Staff asserts that answers are to be provided, pursuant to the rule, within 10 days unless the Presiding Officer provides for a different time period. The City objects to this characterization as 16 Tex. Admin. Code § 22.144(c)(1) states that a response shall be provided within 20 days. Only upon a demonstration of good cause may the response time be altered. In this cause, no good cause has been shown and no change in response time has been requested or ordered. Thus, the deadline to respond is appropriately May 21, 2019. However, without waiving the objection, the City provides the following response:

The City installed the 30" water line that borders the Frost Bank property in 2005. More recently, a 12" line was installed near the Frost Bank property in 2017.

Prepared/sponsored by: Tom Taggart, Director

CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of May, 2019, a true and correct copy of the foregoing document has been sent via facsimile, first class mail, or hand-delivered to the following counsel of record:

Mr. Patrick D. Todd
Public Utility Commission of Texas
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(512) 936-7261
(512) 936-7268 Fax
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P O BOX 2950
SAN ANTONIO, TX 78299-2950

/s/ Arturo D. Rodriguez, Jr.

ARTURO D. RODRIGUEZ, JR.