

Control Number: 49367



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PETITION OF OUT OF DISTRICT §
RATEPAYERS APPEALING THE §
WATER RATES ESTABLISHED BY §
THE EL PASO WATER CONTROL §
AND IMPROVEMENT DISTRICT NO. §

PUBLIC UTILITY COMMISSION

2019 JUN 20 PM 2:13
PUBLIC UTILITY COMMISSION
OF TEXAS FILING CLERK

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**COMMISSION STAFF’S AGREED MODIFICATIONS TO STAFF’S
SECOND REQUESTS FOR INFORMATION**

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas, representing the public interest and files this request. In support thereof, Staff would show the following:

I. BACKGROUND

On March 22, 2019, out-of-district ratepayers (Ratepayers) of the El Paso Water Control and Improvement District No. 4 (the District) filed a petition contesting a rate action that was effective January 1, 2019. The petition was filed pursuant to 16 Tex. Admin Code (TAC) § 24.103 and Tex. Water Code (TWC) § 13.043.

On June 17, 2019, the District filed objections to Staff’s Second Request for Information (RFIs). Under 16 TAC § 22.144(e) Staff’s response to the objections is due no later than five working days after the objection is received. On June 21, 2019, Staff filed a request for extension, as Staff and the District had come to an agreement to extend Staff’s deadline for filing a motion to compel from June 21, 2019 to June 28, 2019. This pleading, therefore, is timely filed.

II. AGREED MODIFICATIONS

Staff has conferred with counsel for the District regarding the objections to Staff’s Second Requests for Information. Staff and the District have come to an agreement on all of the questions for which objections were raised. The remaining questions, 2-2, 2-11, 2-12, 2-13, 2-14, 2-15, 2-16, 2-17 were not objected to and remain unchanged. After negotiations, Staff’s RFIs 2-1, 2-3, 2-4, 2-5, 2-6, 2-7, 2-8, 2-9, and 2-10 have been altered as follows:

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Staff 2-1:

- a. Please provide the WCID's financial and capital expenditures for 2015.
- b. Please provide any budgets created during or prior to 2015 that projected financial and capital expenditures for the years 2016, 2017, and 2018.

Staff 2-3:

- a. Please provide the amount of regulatory assessment fees paid to the Texas Commission on Environmental Quality for 2015. If included in WCID's audited financial statements, please indicate the name of the expense account in which it is included on the statement of revenues, expenses and changes in net position.
- b. Please provide the amount of regulatory assessment fees that WCID projected to pay to the Texas Commission on Environmental Quality for the years 2016 through 2018. Specifically, projections that were created during or prior to 2015. If included in WCID's audited financial statements, please indicate the name of the expense account in which it is included on the statement of revenues, expenses and changes in net position.

Staff 2-4:

Please provide the general ledger for the year ending in 2015.

Staff 2-5:

Please provide contracts or agreements between the WCID and any service provider for both water and sewer for the year 2015. The contracts specifically pertain to any arrangement to purchase water, groundwater, sewer, and sewer treatment.

Staff 2-6:

- a. Provide WCID's W-2 forms and 1099 forms for salaries and contract labor for 2015. *Please use the confidential filing process available through the Public Utility Commission's Central Records for confidential information including tax returns, wages and other confidential information. Please redact all social security numbers.*
- b. Please provide any projected labor expenditures or costs created prior to or during 2015 for the years 2016, 2017, and 2018.

Staff 2-7:

Please provide the existing monthly operations reports kept pursuant to 30 Tex. Admin. Code (TAC) § 290 for the year 2015.

Staff 2-8:

- a. Please provide the following information for the year 2015:
 - i. Total number of gallons pumped and billed;
 - ii. Number of connections and meter sizes;
 - iii. Other income (tap fees, late fee, reconnect fee, etc.); and,
 - iv. A breakdown of usage for the usage tiers (zero-3,000 gallons, 3,001-15,000, 15,001-34,000, 34,001-1,000,000 and over 1,000,000).
- b. Please provide any projections that existed prior to or during 2015 for the years 2016, 2017, and 2018 for the following information:
 - i. Total number of gallons pumped and billed;
 - ii. Number of connections and meter sizes;
 - iii. Other income (tap fees, late fee, reconnect fee, etc.); and,
 - iv. A breakdown of usage for the usage tiers (zero-3,000 gallons, 3,001-15,000, 15,001-34,000, 34,001-1,000,000 and over 1,000,000).

Staff 2-9:

- a. Please provide the amount of revenue collected through the base or fixed charge for the year ending December 31, 2015 for both water and sewer.
- b. Please provide any projected revenue collections through base or fixed charge that existed during or prior to the year ending in December 31, 2015 for the years 2016, 2017, 2018 for both water and sewer.

Staff 2-10:

- a. Please provide the amount of revenue collected through the gallonage or usage charge for the years ending December 31, 2015 for both water and sewer.
- b. Please provide the projected amount of revenue collected through the gallonage or usage charge that existed during or prior to 2015 for the years 2016, 2017, 2018 for both water and sewer.

III. CONCLUSION

Staff respectfully requests an order consistent with this pleading.

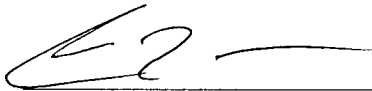
Dated: June 28, 2019

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

Stephen Mack
Managing Attorney



Creighton R. McMurray
State Bar No. 24109536
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7275
(512) 936-7268 (facsimile)
creighton.mcmurray@puc.texas.gov

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CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on this the 28th of June, 2019 in accordance with 16 TAC § 22.74.



Creighton R. McMurray