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PUBLIC UTILITY COMMISSION  
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**PUC DOCKET NO. 49367**

**SOAH DOCKET NO. 473-19-5831.WS**

PETITION BY OUT OF DISTRICT	§	PUBLIC UTILITY COMMISSION
RATEPAYERS APPEALING THE	§	
WATER RATES ESTABLISHED BY	§	OF TEXAS
THE EL PASO WATER CONTROL	§	
AND IMPROVEMENT DISTRICT NO. 4	§	

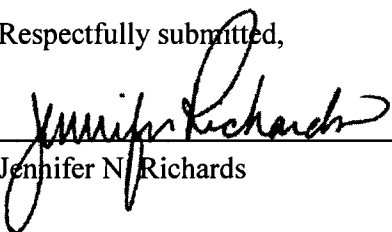
**RATEPAYERS' THIRD REQUEST FOR INFORMATION  
TO EL PASO WATER CONTROL AND IMPROVEMENT DISTRICT NO. 4**

To: El Paso Water Control and Improvement District No. 4, by and through its attorney of record, Drew Miller, Kemp Smith LLP, 919 Congress Ave., suite 1305, Austin, TX 78701.

Pursuant to 16 Texas Administrative Code § 22.144, Mesa Del Norte Ratepayers request that the El Paso Water Control and Improvement District No. 4 (the District) provide through its attorneys of record the following information and answer the following questions under oath. The questions shall be answered in twenty days, unless a Hearings Examiner sets a different schedule. Please copy each question and provide the answer after the question. These questions are continuing in nature, and if there is a relevant change in the answer, or if the answer was incomplete and additional documents or information are available and responsive, submit an amended or supplemental answer within five working days of discovering the new information.

Provide an original and three copies of your answers to the filing clerk for the Public Utility Commission of Texas, 1701 N. Congress Ave., P.O. Box 13326, Austin, Texas, 78712-3326. Ratepayers may be served answers electronically.

Respectfully submitted,

  
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 Jennifer N. Richards

Ull

TEXAS RIO GRANDE LEGAL AID, INC.  
1331 Texas Ave.  
El Paso, Texas 79901  
Telephone: (915) 585-5100  
Fax: (915) 544-3789  
Jennifer N. Richards  
Bar No. 24107975  
JRichards@trla.org  
Christopher Benoit  
Bar No. 24068653  
cbenoit@trla.org

Amy R. Johnson  
Law Offices of Amy R. Johnson  
5836 SE Madison St.  
Portland, OR 97215  
Tel. 503-939-2996  
Bar No. 10679550  
[amy@savagejohnson.com](mailto:amy@savagejohnson.com)

ATTORNEYS FOR RATEPAYERS

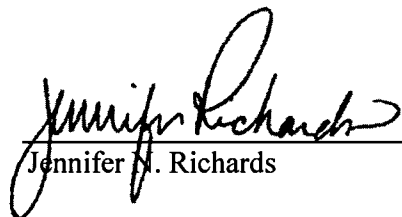
**SOAH DOCKET NO. 473-19-5831.WS  
PUC DOCKET NO. 49637**

**CERTIFICATE OF SERVICE**

I certify that Ratepayers' First Request for Information was served by mail, facsimile, or electronic mail on the following counsel on the 7th of October 2019 as required by 16 TAC § 22.74.

Creighton McMurray  
1701 N. Congress Ave.  
P. O. Box 13326  
Austin, TX 78711-3326  
Creighton.McMurray@puc.texas.gov

Drew Miller  
Kemp Smith  
919 Congress Ave., suite 1305  
Austin, TX 78701  
Drew.Miller@kempsmith.com

  
\_\_\_\_\_  
Jennifer N. Richards

**SOAH DOCKET NO. 473-19-5831.WS  
PUC DOCKET NO. 49367**

**Ratepayers' Third Request for Information  
To El Paso Water Control and Improvement District No. 4**

**Instructions**

1. Responses should be provided under oath, pursuant to 16 TAC § 22.144(c)(2).
2. For each question, please copy the question and provide the answer immediately following. State the name of the witness who will sponsor the answer to each question and who can testify to the truth of the answer.
3. These questions are continuing in nature, and if there is a relevant change in the answer, or if the answer was incomplete and other documents are available and responsive, submit an amended or supplemental answer within five working days of discovering the new information.
4. Words in the plural include the singular. Past tense shall be construed to include present tense, and vice versa.
5. If any document is withheld due to a claim of privilege, please furnish a list of each document for which a privilege is claimed along with a privilege log, detailing: a description of the subject matter of the document; the type of document (e.g., email, memo); date of the document; length of document; all recipients and drafters of the document; and basis for privilege.
6. 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.
7. Please contact Amy Johnson or Jennifer Richards, if there are reasonable accommodations Ratepayers might extend to lessen the burden of document production on the District.

## DEFINITIONS

- a. "District" or "you" means the El Paso Water Control and Improvement District No. 4, and any person acting on its behalf, including attorneys, advisors, agents, board members, employees, testifying experts, investigators, representatives, or other persons acting on behalf of the District.
- b. "Affidavit" or "Mr. Chuck Loy's Affidavit" means the affidavit signed by Mr. Chuck Loy and attached to the District's response to the Ratepayers' Motion for Summary Decision and Request for Interim Rates.
- c. "And" and "or" should be read "and/or."
- d. "Model" means any spreadsheet, workbook, or document used to design, allocate, evaluate, or analyze any rates and all inputs used in developing the spreadsheet, workbook, or document.
- e. The term "document" as used herein means the original where available, and otherwise a carbon copy, Xerox copy or other copy, in addition to each non-identical copy (whether different from the original because of marginal notes, or other materials inserted therein or attached thereto, or otherwise) of each item of correspondence, letters, memoranda, messages, notes, reports, cables, telegrams, photographs, films, tapes, and all other written communications of every kind and character, notes, recording tape, recording disc or other records of oral communications, microfilm, graphs, worksheets, schedules, exhibits, demonstrative aids, letters, contracts, agreements, leases and other instruments or documents of title, maps, logs, summaries, printouts, charts, tables, publications, compilations, minutes books, diaries, tax returns, work papers, lists, tapes, video tapes, x-rays, electrocardiograms or medical records, any other data compilations from which information can be obtained and

translated, if necessary, by the responding person, into reasonable usable form, and all other papers, writings or tangible things in the actual or constructive possession, custody or control of the deponent.

- f. "Rate" means water and wastewater rates charged by the District for its services.

### **Requests**

1. Please provide Table 2 from Mr. Chuck Loy's affidavit in its original excel format with all of its formulas and links intact. Please provide all supporting documents to this table including all schedules, supporting calculations, and/or models in their original excel format with all formulas and links intact.
2. Please provide all supporting documentation for the statement from Mr. Chuck Loy's Affidavit in Section 3, Page 2 which states, "...in this case, currently, for one foot of water main installed per customer inside the District boundary, there is 1.6 feet of water main installed for an outside customer. The same holds true for the District's wastewater customers, with 1.5 feet of collection main installed outside as compared with inside."
3. In paragraph 4 of his affidavit, Mr. Chuck Loy writes: "...the M-1 Manual recommends that the 'Utility Basis' be used to calculate rates for outside customers as opposed to the 'Cash Basis'..." In Table 2 of the affidavit, Mr. Loy uses the "Cash Basis" to reach a "preliminary" estimate of the Outside/Inside Differential Factor. Please list all reasons why Mr. Loy chose to use the "Cash Basis" instead of the "Utility Basis" in calculating this estimate in Table 2.
4. In paragraph 5 of the Mr. Loy's affidavit he states: "No detailed inside/outside cost of service study was performed at that time because one was not needed, the outcome was known, and it would double the cost of the rate study". Please provide the following information:
  - a. Please explain how the outcome of the rate study was known prior to the Study being conducted. Provide any supporting documentation.
  - b. Please provide all bids gathered by the District for the performance of the Study
  - c. Please provide the contract between the District and the consultant selected to conduct the referenced study inclusive of the Study's proposed pricing and final scope of work
5. Specific to Table 2 in Mr. Loy's affidavit, please provide all debt service schedules which support the provided figures for principal and interest payments associated with Outside District projects or, if estimated, any assumptions underlying the debt service figures. If principal and interest payments from a given issuance are allocated between inside and

outside district customers, please provide the method and basis, including all supporting documentation, specific to the allocation calculation.

6. Please provide the 2016 capital budget Mr. Loy used in his affidavit for developing Table 2. Please provide this document in its original excel format with all formulas and links intact.
7. Specific to paragraph 7, Pages 5 and 6, of Mr. Loy's affidavit, please provide a copy of the referenced analysis of 563 cities that provide water and sewer service with usage over 5,000 gallons and all supporting documentation in their original, native format. For documents in Microsoft excel, please provide these documents with all formulas and links intact.
8. Please provide the following documents indicated by bates page below in their original excel format with all formulas and links intact.
  - a. DIST002319-DIST002328
  - b. DIST002329-DIST002335
  - c. DIST002338-DIST002347
  - d. DIST002348-DIST002360
  - e. DIST002363-DIST002417
  - f. DIST002435-DIST002590
  - g. DIST002591-DIST002593
  - h. DIST002709-DIST002813
  - i. DIST003027-DIST003038
  - j. DIST003039-DIST003041
  - k. DIST003042-DIST003044
  - l. DIST003045-DIST003047
  - m. DIST003048-DIST003050
  - n. DIST003095
  - o. DIST003100-DIST003105