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APPLICATION OF TIMBERCREST PARTNERS LLC FOR AUTHORITY TO CHANGE RATES	§ § §	BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS
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COMMISSION STAFF'S MOTION TO COMPEL

On January 17, 2020, Timbercrest Partners, LLC (Timbercrest) filed an application for authority to change its retail water and sewer rates under Texas Water Code (TWC) §§ 13.1871 and 13.1872(c)(2) and 16 Texas Administrative Code (TAC) §§ 24.25-.44.

On August 5, 2020, Staff submitted its first request for information (RFI) to Timbercrest. Staff submitted a second and third set of RFIs to Timbercrest on February 25, 2021 and March 5, 2021. On March 18, 2021, the Commission administrative law judge (ALJ) filed Order No. 10 granting Staff's motion to compel Timbercrest's responses to questions Staff 1-3, 1-8, 1-9, and 1-11, and Timbercrest has not responded to the motion to compel. Timbercrest has also failed to respond to Staff's Second and Third RFIs.

I. MOTION TO COMPEL

Staff moves to compel Timbercrest's responses to questions Staff 1-3, 1-8, 1-9, and 1-11, Staff's Second RFI, and Staff's Third RFI. Timbercrest has not raised any objections to the questions asked by Staff, and therefore, has not provided any basis for failing to respond. As described in detail below, Staff has negotiated in good faith to provide Timbercrest additional time, but further delays are impairing Staff's ability to thoroughly analyze Timbercrest's requested rate increase.

Under 16 Texas Administrative Code (TAC) § 22.144(c)(1), a party must respond to requests for information (RFI) within twenty days of receipt of the request. Staff filed its First RFI to Timbercrest on August 5, 2020. Twenty days after August 5, 2020 is August 25, 2020. Therefore, Timbercrest's responses were due to be filed by August 25, 2020. Staff attempted to communicate with Timbercrest both before and after Order No. 10 compelled Timbercrest to respond to Staff's First RFI. Staff communicated with Timbercrest on February 9, 2021 that Timbercrest's responses to Staff 1-3 and Staff 1-8 were inadequate. Staff communicated to

Timbercrest on March 4, 2021 that Timbercrest's responses to Staff 1-9 and Staff 1-11 were also inadequate and needed to be supplemented. Timbercrest was then compelled to respond to Staff's RFI questions Staff 1-3, 1-8, 1-9, and 1-11 in Order No. 10, filed on March 18, 2021.

Staff reached out to Timbercrest via email on March 22, 2021 to again reiterate that Staff 1-3, 1-8, 1-9, and 1-11 still had not been answered. Further, Staff has attempted to call counsel for Timbercrest multiple times, but could not leave a voicemail, as counsel for Timbercrest's voice mailbox is full. As illustrated by this timeline, Staff has acted in good faith to give Timbercrest ample time to fully respond to Staff's First RFI. Therefore, Staff respectfully requests that the ALJ compel Timbercrest to respond to Staff's First RFI Staff 1-3, 1-8, 1-9, and 1-11.

Staff filed Staff's Second RFI on February 25, 2021. Under 16 TAC § 22.144(c)(1), responses to Staff's Second RFI were due on March 17, 2021. Staff communicated to Timbercrest on March 22, 2021, that the responses to Staff's Second RFI were past due. Staff reiterated a willingness to work with Timbercrest to get those responses filed in a timely manner. Timbercrest did not respond to Staff's email reiterating a desire to work with Timbercrest on filing the responses to Staff's Second RFI. Further, Staff has attempted to call counsel for Timbercrest multiple times regarding Staff's Second RFI, but Staff remained unable to leave a voicemail, as counsel for Timbercrest's voicemail box was full. As with their First RFI, Staff has acted in good faith for a second time to give Timbercrest ample time to fully respond to Staff's Second RFI. Therefore, Staff respectfully requests that the ALJ compel Timbercrest to respond to Staff's Second RFI in its entirety.

Staff filed Staff's Third RFI on March 5, 2021. Under 16 TAC § 22.144(c)(1), responses to Staff's Third RFI were due on March 25, 2021. For its Third RFI, Staff communicated via email to Timbercrest on March 22, 2021, that responses were due in three days. Staff again reiterated a willingness to work with Timbercrest to get those responses filed in a timely manner. Timbercrest did not respond to Staff's email reiterating a desire to work with Timbercrest on its filing of responses to Staff's Third RFI. Further, as with the above described instances, Staff has attempted to call counsel for Timbercrest multiple times regarding Staff's Third RFI but cannot leave a voicemail because counsel for Timbercrest's voicemail box is full. Staff acted in good faith for a third time to give Timbercrest ample time to fully respond to Staff's Third RFI. Therefore, Staff respectfully requests that the ALJ compel Timbercrest to respond to Staff's Third RFI in its entirety.

II. CONCLUSION

For the reasons detailed above, Staff respectfully requests that the ALJ compel Timbercrest to respond to Staff's First RFI, questions Staff 1-3, 1-8, 1-9 and 1-11, Staff's Second RFI in its entirety, and Staff's Third RFI in its entirety.

Date: May 10, 2021

PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION

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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 May 10, 2021, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Robert Dakota Parish
Robert Dakota Parish