



Control Number: 50200



Item Number: 1985

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SOAH DOCKET NO. 473-20-3110.WS
PUC DOCKET NO. 50200



APPLICATION UNDINE
TEXAS, LLC AND UNDINE
TEXAS ENVIRONMENTAL,
LLC FOR AUTHORITY TO
CHANGE RATES

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Country Vista Homeowners
Committee (CVHC)

CVHC FIRST REQUEST FOR INFORMATION TO UNDINE TEXAS, LLC AND
UNDINE TEXAS ENVIRONMENTAL, LLC

QUESTION NOS. CVHC 1-1 THROUGH 1-15

Pursuant to 16 Texas Administrative Code (TAC) § 22.144 of the Commission's Procedural Rules, the Country Vista Homeowners Committee (CVHC) requests that Undine Texas, LLC and Undine Texas Environmental, LLC 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.

Please provide your answers electronically addressed to my email sbradford51@gmail.com and filed to the Commission's Interchange e-file system at <https://interchange.puc.texas.gov/filer>. If required, send original and three copies of your answers to the questions below to the Filing Clerk, Public Utility Commission of Texas, 1701 N. Congress Avenue, P.O. Box 13326, Austin, Texas 78711-3326.

Dated: May 18, 2020

Respectfully,
Country Vista Homeowners Committee

Stephen Bradford
Authorized Representative

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DEFINITIONS

1) "UT", "Company", or "you" refers to Undine Texas, LLC and any person acting or purporting to act on their behalf, including without limitation, attorneys, agents, advisors, investigators, representatives, employees or other persons.

2) "UTE", "Company", or "you" refers to Undine Texas Environmental, LLC and any person acting or purporting to act on their behalf, including without limitation, attorneys, agents, advisors, investigators, representatives, employees or other persons.

3) "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 the 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.

4) "TCEQ", refers to the Texas Commission on Environmental Quality (TCEQ) as the environmental agency for the state of Texas.

5) "CV WWTP", refers to the Country Vista Waste Water Treatment Plant located at 329 Meadow Oaks Dr., Burleson, Texas being Lot 8 of Block 8 of the Country Vista Subdivision of Johnson County, Texas; CCN 21019.

6) "CVHC", refers to the Country Vista Homeowners Committee as the authorized representative of all resident homeowners of the Country Vista Subdivision of Johnson County, Texas.

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INSTRUCTIONS

- 1) Pursuant to 16 TAC § 22.144(c)(2), CVHC requests 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) CVHC requests that each item of information be made available as it is completed, rather than upon completion of all information requested.**

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- 1-1 When was the CV WWTP constructed? Please identify who designed it, who built it, and who installed it. At the time of installation what was the minimum plant life expectancy?**
- 1-2 In 2013, EMCAD Water and Wastewater LLC (EMCAD) represented by Don Clayton purchased the assets of Country Vista WWTP, LLC, holder of CCN #21019¹. In 2016 Undine acquired EMCAD², then represented by Donald Clayton. Please admit or deny the Don(ald) Clayton representing EMCAD is one and the same person as Donald J. Clayton who testified on behalf of your application for authority to change rates.**
- 1-3 If you admit to 1-2 above, please identify all other facilities in your application that were acquired from entities fully or partially owned or controlled by Don(ald) Clayton.**
- 1-4 In Undine's application for approving the purchase of voting stock in Emcad, Docket No. 45745 it states in Attachment "H" "THERE ARE NO KNOWN CAPITAL IMPROVEMENTS NEEDED AT THIS TIME". With regards to CV WWTP what capital improvements were subsequently determined to be needed and what were the associated costs?**
- 1-5 Please reference the Direct Testimony of William Andrew (Andy) Thomas 5:13-18. Please describe in detail how due diligence was performed on CV WWTP. Please provide copies of all due diligence reports on CV WWTP. Included in your response internally generated memos and/or emails, consultant's reports and/or appraisals, and correspondence with former owners and/or sellers.**
- 1-6 If you admit to 1-2 above, please list all violations of TCEQ rules and regulations at CV WWTP from Emcad's 2013 acquisition to date, that resulted in remediation costing in excess of \$500. Please include the date and nature of the violation, the actions needed to remediate the violations, the date the remediation was performed and copies of the invoice(s) for the required remediation. If you deny 1-2 above, please provide the same information from your 2016 acquisition to date.**

¹ PUC Docket No. 42993

² PUC Docket No. 45745

1-7 Please reference Attachment Staff 3-2. It appears the only non-recurring Contract Services Expenses for CV WWTP in the test year were \$142.95 for change out of Mission radio, \$241 for fence repair, and \$303 to pull and clean pump #2. Is that correct? If not please identify any other non-recurring expenses in the test year attributable to CV WWTP.