

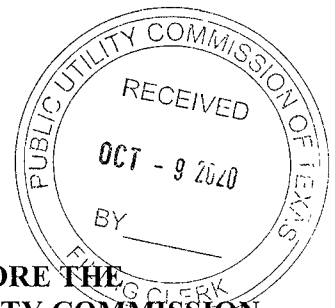


Control Number: 50569



Item Number: 29

Addendum StartPage: 0



DOCKET NO. 50569

**APPLICATION OF MSEC WASTE
WATER, INC. FOR AUTHORITY TO
CHANGE RATES**

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**BEFORE THE
PUBLIC UTILITY COMMISSION
OF TEXAS**

**MSEC WASTE WATER, INC.'S FIRST REQUEST FOR INFORMATION
TO COMMISSION STAFF**

MSEC Waste Water, Inc. (MSEC WW) requests that the Staff of the Public Utility Commission of Texas (Staff) provide all of the information requested on the attached Exhibit A, and serve a copy of its responses directly upon the offices of Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701, (512) 322-5800, the undersigned attorney, within twenty (20) days from the date of receipt of this request.

It is further requested that the requests be answered in the order in which they are presented and in as much detail as needed to fully present all relevant facts. You are requested to copy the request immediately above the response to each request. For each response, please identify the preparer or person under whose direct supervision the response was prepared. All responses must be filed under oath, unless the responding party stipulates in writing that responses to requests for information can be treated by all parties as if the answers were filed under oath.

In producing documents pursuant to this request, please indicate the specific request(s) to which the document is being produced.

These requests are continuing in nature. If you acquire information upon the basis of which you know or should know that the response was incorrect when made, or though correct or complete when made, is materially incorrect or incomplete, you are required to amend the prior response reasonably promptly after acquiring the information.

DEFINITIONS

As used herein, the following terms will have the following meanings:

A. **“Staff”** shall mean the Staff of the Public Utility Commission of Texas, and includes any directors, officers, employees, agents, advisors, attorneys or consultants working directly or indirectly with Staff, including, but not limited to, individuals, partnerships, associations, corporations or other legal or business entities.

B. **“Communication”** includes all verbal and written communications (including written records of verbal communications) of every kind, including but not limited to, telephone calls, conferences, letters and all memoranda or other documents concerning the requested item. Where communications are not in writing, provide copies of all memoranda and documents and describe in full the substance of the communication to the extent that substance is not reflected in the memoranda and documents provided and to the extent it is within the knowledge of Staff.

C. **“Concerning,”** or one of its inflections, includes the following meanings: relating to; referring to; pertaining to; regarding; discussing; mentioning; containing; reflecting; evidencing; describing; showing; identifying; providing; disproving; consisting of; supporting; contradicting; in any way legally, logically or factually connected with the matter to which the term refers; or having a tendency to prove or disprove the matter to which the term refers.

D. **“Document(s)”** shall have the broadest meaning possible under the Texas Rules of Civil Procedure and shall include, but not be limited to, the original (or a copy when the original is not available), each non-identical copy (including those which are non-identical by reason of notations or marking, or by appearing in the files of a separate person), and any books, notebooks, pamphlets, periodicals, letters, reports, memoranda, handwritten notes, notations, messages, telegrams, wires, cables, press or news wire releases, records, studies, analyses, summaries, magazines, booklets, circulars, catalogs, bulletins, instructions, operating or maintenance manuals, operating or product specifications, fabrication sheets, test data, design specifications, parts lists, calendars, day-timers, notes or records of meetings, notices, purchase orders, bills, ledgers, checks, tabulations, questionnaires, surveys, drawings, sketches, schematics, blueprints, flow sheets, working papers, charts, graphs, indices, tapes, agreements, releases, appraisals, valuations, estimates, opinions, financial statements, accounting records, income statements, photographs, films or videotapes, back-up tapes, minutes, contracts, leases, invoices, records of purchase or sale, correspondence, electronic or other transcription or tapings of or notes pertaining to telephone or personal conversations or conferences, tape recordings, electromagnetic recordings, voice mail message or transcriptions thereof, interoffice communications of all types, e-mail messages, printouts of e-mail messages, instant messages or printouts thereof, microfilms, electronic databases, CDs, DVDs, videotapes or cassettes, films, movies, computer printouts and any and all other written, printed, typed, punched, engraved, taped, filmed, recorded (electronically or otherwise), labeled, or graphic matter, of whatever description, however produced or reproduced (including computer-stored or generated data, together with instructions or programs necessary to search and retrieve such data), and shall include all attachments to (including tangible things) and enclosures with (including tangible things) any requested item, to which they are attached or with which they are enclosed, and each draft thereof. A draft of a non-identical copy is a separate document within the meaning of this

term. An electronic copy of a paper documents is a separate document within the meaning of this term.

E. **“Email” or “Emails”** shall include the entire email string and all attachments found anywhere within the email string.

F. **“Identify” or “Identification”:**

1. As to a person: When used in reference to a person or individual, the terms “identify” or “identification” mean to state his/her full name, address, and telephone number;

2. As to an entity: The terms “identify” or “identification” when used in reference to an entity such as a corporation, partnership or association, mean to state the name of the entity, its business address, telephone number, and the name of its chief executive officer and the agent for service of process;

3. As to a document: When used in reference to a document, the terms “identify” or “identification” shall include the following:

- i. The title, heading or caption of such document;
- ii. The date appearing on such document; or if no name appears, the approximate date on which the document was prepared;
- iii. A general description of the document;
- iv. The name of the person who signed the document or statement;
- v. The name of the person or persons who prepared the document;
- vi. The name of the person or persons to whom the documents was addressed and to whom the document was sent;
- vii. The physical location of the document.

G. **“Methodology”** is defined as the methods, rules and postulates employed; a particular procedure or set of procedures; the analysis of the principles or procedures of inquiry; studies and workpapers; and shall include any document, as defined herein, which reflects or was utilized in the collection, evaluation, analysis, summarization or characterization of information in connection with the subjects referred to in this proceeding.

H. **“Person”** refers to, without limiting the generality of its meaning, every natural person, corporate entity, partnership, association (whether formally organized or ad hoc), joint venture, unit operation, cooperative, municipality, commission, governmental body or agency.

I. **“Relating to” or “relate”** shall mean making or including a statement about, discussing, describing, reflecting, consisting of, constituting, comprising or any way concerning in whole or part, the subject or thing.

J. **“You,” “yours,” and “your”** refer to the Staff of the Public Utility Commission of Texas, including its directors, officers, employees, consultants, agents, and attorneys.

INSTRUCTIONS

1. Each request herein extends to any documents or information in your possession and the possession of any of the attorneys or law firms that purport to represent you in this case.

2. Each and every non-identical copy of a document, whether different from the original because of indications of the recipient(s), handwritten notes, marks, attachments, marginalia, or any other reason, is a separate document that must be produced.

3. 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.

4. If you object to any portion of a request on any ground other than privilege, you should still provide documents responsive to the remaining non-objectionable portion.

5. Separately for each request to which you object in whole or in part, describe in detail and itemize each basis of your objection.

6. If the basis of an objection to any request, or any portion thereof, is a statute, contract or other agreement, or any other obstacle to production that you claim is based in the law, please identify the basis of that purported obstacle with specificity.

7. If you claim that any document responsive to any request is lost or destroyed, (a) identify and describe such document, (b) describe how the document was lost or destroyed, and (c) identify when the document was lost or destroyed.

8. If you claim that any documents responsive to any request are already in the possession of MSEC WW, please identify the document with sufficient specificity to allow MSEC WW to locate the document.

9. If the information requested is included in previously furnished exhibits, workpapers, responses to other discovery inquiries or otherwise, in hard copy or electronic format, please furnish specific references thereto, including Bates Stamp page citations and detailed cross references.

10. The requests shall be deemed continuing so as to require additional answers if, after answering such requests, you obtain information upon the basis of which you determine that the answer was incorrect when made, or you become aware that the answer, though correct when made, is no longer true, and the circumstances are such that failure to amend the answer is in substance a knowing concealment.

11. As part of the response to each request for information, please state, at the bottom of the answer, the name of each person who participated in any way, other than providing clerical assistance, in the preparation of the response. Please also state the name of the witness in this docket who will sponsor the answer to the request and may verify the truth of the response.

12. Pursuant to Rule 196.4 of the Texas Rules of Civil Procedure, MSEC WW specifically request that any electronic or magnetic data (which is included in the definition of 'document') that is responsive to a request herein be produced on CD-ROM or flash drive, in a format that is compatible with Adobe Acrobat, Microsoft Office and/or Word Perfect and be produced with your response to these requests. MSEC WW further requests that you produce electronic copies of all paper documents, including any metadata attached to such documents, and produce all electronic originals and all responsive documents. If emails are responsive to these requests, please provide a searchable .pdf copy of the entire email string. Attachments to emails should be provided with the email in searchable .pdf form, unless it is stored in a different format, in which the attachment should be produced in its native format and provided on CD-ROM.

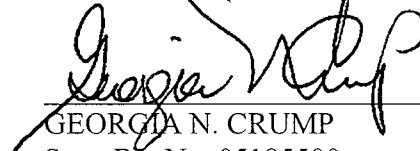
13. Words used in the plural shall also be taken to mean and include the singular. Words used in the singular shall also be taken to mean and include the plural.

14. The present tense shall be construed to include the past tense, and the past tense shall be construed to include the present tense.

Respectfully submitted,

**LLOYD GOSSELINK ROCHELLE
& TOWNSEND, P.C.**

816 Congress Avenue, Suite 1900
Austin, Texas 78701
(512) 322-5800
(512) 472-0532 (Fax)
gcrump@lglawfirm.com



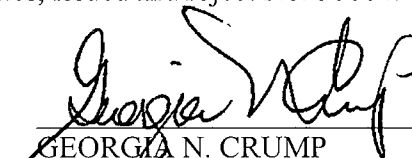
GEORGIA N. CRUMP
State Bar No. 05185500

JAMIE L. MAULDIN
State Bar No. 24065694

**ATTORNEYS FOR MSEC WASTE WATER,
INC.**

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 October 9, 2020, in accordance with the Order Suspending Rules, issued in Project No. 50664.



GEORGIA N. CRUMP

DOCKET NO. 50569

MSEC WASTE WATER, INC.'S FIRST REQUEST FOR INFORMATION
TO COMMISSION STAFF

- MSEC WW 1-1** Admit or deny that in Docket No. 49615, *Application of MSEC Enterprises, Inc., and MSEC Waste Water, Inc. for Sale, Transfer, or Merger of Facilities and Certificate Rights in Montgomery County*, Staff filed a Recommendation on Final Disposition on September 19, 2019.
- MSEC WW 1-2** Admit or deny that in Staff's Recommendation described in MSEC WW 1-1, Staff recommended approval of the Application that was the subject of that docket (Docket No. 49615).
- MSEC WW 1-3** Admit or deny that Staff's Recommendation described in MSEC WW 1-1 included a PUC Interoffice Memorandum to Sarah McDaniel, Attorney, dated September 19, 2019.
- MSEC WW 1-4** Admit or deny that the Interoffice Memorandum described in MSEC WW 1-3 was the basis, in whole or in part, for Staff's recommendation for approval of the application.
- MSEC WW 1-5** Admit or deny that in the Interoffice Memorandum described in MSEC WW 1-3, Staff stated the following: "This transaction will separate the two utilities into different legal entities."
- MSEC WW 1-6** Admit or deny that in the Interoffice Memorandum described in MSEC WW 1-3, Staff stated the following: "The separation of the two utilities is to ease administrative and regulatory burdens for the three existing sewer customers."
- MSEC WW 1-7** Admit or deny that in the Interoffice Memorandum described in MSEC WW 1-3, Staff stated the following: "Staff recommends that the Commission find that the transaction will serve the public interest and allow the Applicants to proceed with the proposed transaction."
- MSEC WW 1-8** Admit or deny that in Docket No. 49615, Commission Staff filed a recommendation on July 26, 2019, that the notice provided by MSEC Enterprises and MSEC Waste Water be found sufficient.
- MSEC WW 1-9** Admit or deny that in Docket No. 49615, Order No. 4 on July 30, 2019, found the notice provided by MSEC Enterprises and MSEC Waste Water to be sufficient.
- MSEC WW 1-10** Admit or deny that in Docket No. 49615, the Commission found in Finding of Fact No. 5 that MSEC Waste Water is a utility.

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**MSEC WASTE WATER, INC.'S FIRST REQUEST FOR INFORMATION
TO COMMISSION STAFF**

MSEC WW 1-11 Admit or deny in Docket No. 49615, the Commission concluded in Conclusion of Law No. 2 that MSEC Waste Water is a retail public utility as defined in TWC § 13.002(19) and 16 Texas Administrative Code § 24.3(59).

MSEC WW 1-12 Admit or deny that in Docket No. 49615, the Commission concluded in Conclusion of Law No. 7 that MSEC Waste Water has demonstrated adequate financial, managerial, and technical capability for providing adequate and continuous service to the requested area, as required in TWC § 13.301(b).

MSEC WW 1-13 Admit or deny that in Docket No. 49615, the Commission concluded as a matter of law (Conclusion of Law No. 8) that the sale of the sewer system and the transfer of the service area under sewer CCN 20984 to MSEC Waste Water will serve the public interest and is necessary for the service, accommodation, convenience, or safety of the public, as required by TWC §§ 13.246(b) and 13.301(d).

MSEC WW 1-14 Admit or deny that in Docket No. 49615, the Commission found in Finding of Fact 51 that the decision was not adverse to any party.

MSEC WW 1-15 Admit or deny that in Docket No. 49200, *Petition of MSEC Enterprises, Inc. for Good Cause Extension to Rate Filing Requirement in Docket No. 44740*, Staff filed a recommendation on January 27, 2020.

MSEC WW 1-16 Admit or deny that in Staff's Recommendation described in MSEC WW 1-15, Staff stated the following:

“Staff recommends that MSEC has established good cause for its requested extension of time. Under the procedural schedule adopted in Docket No. 49615, only two deadlines remain before the application may be reviewed for final administrative approval. [footnote omitted] The latter of these deadlines is February 7, 2020. Until this transaction is completed, MSEC WW will not hold the certificate of convenience and necessity and corresponding tariff that contains the rates that are the subject of the required filing and true up. Moreover, requiring MSEC to proceed with the rate change application only to have to amend the application to name MSEC WW as the applicant once Docket No. 49615 is approved, would not conserve administrative resources or promote efficiency.”

MSEC WW 1-17 Admit or deny that MSEC Waste Water, Inc. has three customers.

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**MSEC WASTE WATER, INC.'S FIRST REQUEST FOR INFORMATION
TO COMMISSION STAFF**

MSEC WW 1-18 Admit or deny that the rate filing package filed by MSEC Waste Water on March 9, 2020, in Docket No. 50569 includes an affidavit from Troy Morris, First Vice-President of MSEC Waste Water, attesting to the provision of the Notice of Proposed Rate Change to each customer or other affected party by hand delivery on or about March 6, 2020.

MSEC WW 1-19 Admit or deny that there have been no protests or interventions filed to-date in Docket No. 50569.

MSEC WW 1-20 Admit or deny that there have been no requests for public hearing filed in Docket No. 50569.

MSEC WW 1-21 If the response to any Request MSEC WW 1-1 through 1-20 is “deny,” please explain the reason for each and every denial.

MSEC WW 1-22 If the response to any Request MSEC WW 1-1 through 1-20 is “unable to admit or deny,” or the equivalent thereof, please explain the reason for such inability to admit or deny.