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PUBLIC UTILITY COMMISSION
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COMPLAINT OF CERTAIN § BEFORE THE PUBLIC UTILITY
MEMBERS OF RIO ANCHO §
HOMEOWNERS ASSOCIATION § COMMISSION OF TEXAS
AGAINST AQUA TEXAS, INC. §

AQUA TEXAS, INC.'S FIRST REQUEST FOR INFORMATION

To: Complainants (Francis T. Rossi, James Justin Pogue, Julie Browse, Kenneth W. Cline, Diana S. Cline, David Amador, Marshall Ault, Chester Jackson, Virginia Jackson, Eric Robinson, Bruce Brown, Sue Brown, David Meyers, Doreen Meyers, Rob Myers, Casey Cobb, Ashlie Cobb, Daniel Winans, Andrea Winans, Samuel Cox, Jaime Torres, and Dustin Torres), by and through their attorneys of record, Russell S. Johnson, MCGINNIS LOCHRIDGE LLP, 600 Congress Ave., Ste. 2100, Austin, Texas 78701.

Pursuant to 16 Texas Administrative Code ("TAC") §22.141, §22.144, Aqua Texas, Inc. hereby serves the following First Requests for Information to Complainants (Francis T. Rossi, James Justin Pogue, Julie Browse, Kenneth W. Cline, Diana S. Cline, David Amador, Marshall Ault, Chester Jackson, Virginia Jackson, Eric Robinson, Bruce Brown, Sue Brown, David Meyers, Doreen Meyers, Rob Myers, Casey Cobb, Ashlie Cobb, Daniel Winans, Andrea Winans, Samuel Cox, Jaime Torres, and Dustin Torres).

Respectfully submitted,

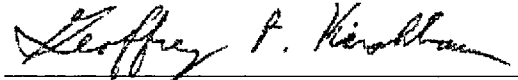
By: 

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ATTORNEYS FOR AQUA TEXAS, INC.

CERTIFICATE OF SERVICE

I hereby 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 April 9, 2021 in accordance with the Orders Suspending Rules issued in Project No. 50664.



Geoffrey P. Kirshbaum

INSTRUCTIONS

1. The following paragraphs include instructions and definitions that apply to the requests for information that are contained in this discovery request. Unless otherwise clearly indicated within the context of a specific request for information (RFI) herein, the definition of each term provided below applies whether the term is used or defined in the singular or plural.
2. You are directed to answer the following written questions fully and in writing, based on all information reasonably available to you or your attorney at the time your response is made. In those instances when you choose to answer an RFI propounded herein by referring to a specific document or record, you are instructed to specify the same in sufficient detail to permit Aqua Texas, Inc. to locate and identify the records or documents from which the answer is to be ascertained as readily as could you.
3. You are under a continuing duty to supplement your answers to these RFIs if you discover that they were incomplete or incorrect when made, or if you discover that they are no longer complete and correct. Supplementation must be made reasonably promptly after you discover the need for supplementation.
4. Identify all persons who provided information for the answer to each request for information at the conclusion of each response. Also identify which witness will sponsor the answer at trial.
5. Singular forms of words shall be taken as including the plural, and plural forms shall be taken as including the singular.

DEFINITIONS

For purposes of responding to these Requests, the following definitions apply:

- (a) "Aqua" means Aqua Texas, Inc.
- (b) "Complainants" means Francis T. Rossi, James Justin Pogue, Julie Browse, Kenneth W. Cline, Diana S. Cline, David Amador, Marshall Ault, Chester Jackson, Virginia Jackson, Eric Robinson, Bruce Brown, Sue Brown, David Meyers, Doreen Meyers, Rob Myers, Casey Cobb, Ashlie Cobb, Daniel Winans, Andrea Winans, Samuel Cox, Jaime Torres, and Dustin Torres.
- (c) The "Commission" means the Public Utility Commission of Texas.
- (d) "Communication" means any oral or written utterance, notation or statement of any nature whatsoever, by and to whomsoever made, including, but not limited to, correspondence, conversations, dialogues, discussions, interviews, consultations, agreements and other understandings between or among two or more persons.
- (e) "Describe" and "identify," when referring to a person are defined to require that you state the following:
 1. The full name.

2. The present or last known residential address.
3. The present or last known residential and office telephone numbers.
4. The present occupation, job title, employer, and employer's address at the time of the event or period referred to in each particular request.
5. In the case of any person other than an individual, identify the officer, employee, or agent most closely connected with the subject matter of the request and identify the officer who is responsible for supervising that officer or employee.

(f) "Describe" and "identify," when referring to a document, are defined to require that you state the following:

1. The nature (*e.g.*, letter, handwritten note) of the document.
2. The title or heading that appears on the document.
3. The date of the document and the date of each addendum, supplement, or other addition or change.
4. The identity of the author and of the signer of the document, and of the person on whose behalf or at whose request or direction the document was prepared or delivered.
5. The present location of the document, and the name, address, position, or title, and telephone number of the person or persons having custody of the document.
6. The number of pages or other description of the size of the document.

(g) "Describe" and "identify," when referring to a communication, are defined to require that you state the following:

1. If any part of the communication was written, to identify the document or documents which refer to or evidence the communication.
2. If the communication was non-written, to identify the persons participating in the communication and to state the date, manner, place and substance of the communication.

(h) "Document" or "documents" shall mean every original (or copies if you do not have the originals) and each non-identical copy, whether different from the original because of marginal notes or other material inserted therein or attached thereto, or otherwise, and all drafts and notes (whether typed or handwritten or otherwise) made or prepared in connection with such document,

whether used or not and both sides thereof, of any written, recorded or graphic matter, however produced or reproduced, of any kind of description, whether sent or received or neither, including, but not limited to: papers, books, letters, correspondence, telegrams, cables, telex messages, memoranda, notes, invoices (including all bills and statements of account), credit memos, debit memos, notations, work papers, transcripts, minutes, and minutes books, corporate resolutions, reports, notes and recordings of telephone or other conversations or of interviews or of conferences or other meetings, telephone call slips or messages, bank statements, deposit slips, bank checks or drafts, confirmations or other evidence of bank wire transfers of funds, purchase, repurchase and sale confirmations, affidavits, statements, summaries, opinions, reports, studies, analysis, evaluations, contracts, agreements, books of account, ledgers, journals, statistical records, calendars, desk calendars, appointment books, diaries, lists, tabulations, sound recordings, computer printouts, data processing input and output, information contained in computer hard disks or other computer hardware or on floppy disks, films, microfilms, photographs, maps, charts, accounts, handwritten notes or memoranda, intraoffice or interoffice memoranda, financial statements and reports thereto, mailgrams, video recordings, travel vouchers, credit card receipts, and all other records kept by electronic, photographic, or mechanical means, and things similar to any of the foregoing, however denominated.

(i) "Person" means any natural person, corporation, firm, association, partnership, joint venture, proprietorship, governmental body, or any other organization, business, or legal entity, and all predecessors or successors in interest.

(j) "Possession, custody or control" of an item means that the person either has physical possession of the item or has a right to possession that is equal or superior to the person who has physical possession of the item.

(k) "Relating to," "regarding," "referring to," "concerning," or "pertaining to" shall mean directly or indirectly mentioning or describing, pertaining to, being connected with, or reflecting upon a stated subject matter, document, event or person.

(l) "Representative" means any and all agents, employees, servants, officers, directors, attorneys, or other persons acting or purporting to act on your behalf.

(m) "You," "your," or "yourself," means the party to whom these requests are addressed, as well as to each of its members, employees, parents, predecessors, subsidiaries and affiliates, each of its present and former officers, employees, agents, representatives and attorneys, and each person acting or purporting to act on its behalf.

(n) "And" means and/or. "Or" means and/or.

AQUA 1-1 Please provide the legal theories and, in general, the factual bases of your claims (without marshaling all evidence that may be offered at trial).

RESPONSE:

AQUA 1-2 Please provide the name, address, and telephone number of persons having knowledge of relevant facts and a brief statement of each identified person's connection with the case.

RESPONSE:

AQUA 1-3 Please provide a copy—or a description by category and location—of all documents, electronically stored information, and tangible things that you have in your possession, custody, or control, and that may be used to support your claims, unless the use would be solely for impeachment.

RESPONSE:

AQUA 1-4 Please provide the name, and if, not previously provided, the address, and telephone number of each witness you may present at trial other than solely for impeachment—separately identifying those you expect to present and those you may call if the need arises.

RESPONSE:

AQUA 1-5 Please provide an identification of each document or other exhibits you may present at trial other than solely for impeachment, including summaries of other evidence—separately identifying those items you expect to offer and those you may offer if the need arises.

RESPONSE:

AQUA 1-6 For any testifying expert, please provide the following:

- a. The expert's name, address, and telephone number.
- b. The subject matter on which the expert will testify.
- c. The general substance of the expert's mental impressions and opinions and a brief summary of the basis for them, or if the expert is not retained by, employed by, or otherwise subject to your control, documents reflecting such information.
- d. If the expert is retained by, employed by, or otherwise subject to your control:
 - i. All documents, tangible things, reports, models, or data compilations that have been provided to, reviewed by, or prepared by or for the expert in anticipation of the expert's testimony;

- ii. The expert's current resume and bibliography;
- iii. The expert's qualifications, including a list of all publications authored in the previous 10 years;
- iv. Except when the expert is your attorney and is testifying to attorney fees, a list of all other cases in which, during the previous four years, the expert testified as an expert at trial or by deposition; and
- v. A statement of the compensation to be paid for the expert's study and testimony in the case.

RESPONSE:

AQUA 1-7 During the events described in Exhibit 2 to your Second Amended Complaint, "Water Issues," was an Aqua Texas water-use restriction schedule in effect for the Rio Ancho subdivision?

RESPONSE:

AQUA 1-8 During the events described in Exhibit 2 to your Second Amended Complaint, titled "Water Issues," did you comply with an Aqua Texas water-use restriction schedule in effect for the Rio Ancho subdivision?

RESPONSE:

AQUA 1-9 During the events described in Exhibit 2 to your Second Amended Complaint, titled "Water Issues," did other Rio Ancho subdivision homeowners comply with an Aqua Texas water-use restriction schedule in effect for the Rio Ancho subdivision?

RESPONSE:

AQUA 1-10 During the events described in Exhibit 2 to your Second Amended Complaint, titled "Water Issues," if other Rio Ancho subdivision homeowners did not comply with an Aqua Texas water-use restriction schedule in effect for the Rio Ancho subdivision, please identify those homeowners and their service addresses, if known.

RESPONSE:

AQUA 1-11 If you contend that during the events described in Exhibit 2 to your Second Amended Complaint, titled "Water Issues," any Aqua Texas water-use restriction schedule in effect for the Rio Ancho subdivision was unlawful, please state the basis for your contention.

RESPONSE:

AQUA 1-12 Did any of the events described in Exhibit 2 to your Second Amended Complaint, titled “Water Issues,” occur at a time when an Aqua Texas water conservation schedule was not in effect for the Rio Ancho subdivision? If so, please identify those events.

RESPONSE:

AQUA 1-13 For the period between July 20, 2018 and July 20, 2020, what was the capacity needed to meet the reasonable local demand characteristics, including reasonable quantities of water for outside usage and livestock, for Aqua Texas customers in the Rio Ancho subdivision. Please provide the basis for your response.

RESPONSE:

AQUA 1-14 For the period between July 20, 2018 and July 20, 2020, what was a reasonable level of water demand for customers in the Rio Ancho subdivision? Please provide the basis for your response.

RESPONSE:

AQUA 1-15 For the period between July 20, 2018 and July 20, 2020, what was an unreasonable level of water demand for customers in the Rio Ancho subdivision? Please provide the basis for your response.

RESPONSE:

AQUA 1-16 For the period between July 20, 2018 and July 20, 2020, what was the maximum reasonable level of water demand for customer outside water usage in the Rio Ancho subdivision? Please provide the basis for your response.

RESPONSE: