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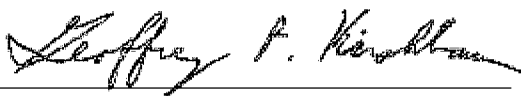
COMPLAINT OF CERTAIN MEMBERS OF RIO ANCHO HOMEOWNERS ASSOCIATION AGAINST AQUA TEXAS, INC.	§ § § §	BEFORE THE PUBLIC UTILITY COMMISSION OF TEXAS
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**AQUA’S SUPPLEMENTAL RESPONSES TO COMPLAINANTS’
FIRST REQUEST FOR INFORMATION**

To: Complainants, by and through their attorney of record, Russell S. Johnson, MCGINNIS LOCHRIDGE LLP, 600 Congress Ave., Suite 2100, Austin, Texas 78701.

Aqua Texas, Inc. (Aqua) serves the following Supplemental Responses to the Complainants’ First Request for Information. Aqua stipulates that the following responses to RFIs may be treated by all parties as if the answer was filed under oath.

Respectfully submitted,

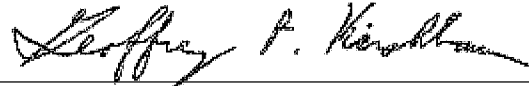
By: 

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ATTORNEY FOR AQUA TEXAS, 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 August 27, 2021, in accordance with the Orders Suspending Rules issued in Project No. 50664.

A handwritten signature in black ink, reading "Geoffrey P. Kirshbaum". The signature is written in a cursive style with a horizontal line extending from the end of the name.

Geoffrey P. Kirshbaum

SUPPLEMENTAL RESPONSES TO REQUESTS FOR INFORMATION

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

RESPONSE: As set forth in the prefiled direct and rebuttal testimony and attachments of Aqua Texas, Inc.'s witnesses, Aqua Texas, Inc.'s Rio Ancho Subdivision water system (PWS ID No.0270141) complies with TCEQ minimum public drinking water system standards and the standard set forth in 16 TAC § 24.205(1). Further, Aqua Texas has properly implemented its TCEQ-approved drought contingency plan during the relevant time period set forth in the PUC Preliminary Order. Therefore, the PUC should take no action in response to the Complaint.

Prepared by: Geoffrey P. Kirshbaum
Sponsored by: Scot W. Foltz
William Peña, P.E.
Robert L. Laughman
Brian R. Tolle

SUPPLEMENTAL RESPONSES TO REQUESTS FOR INFORMATION

RFI 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:

Please see the prefiled direct and rebuttal testimony and attachments of Scot W. Foltz, William Peña, P.E., Robert L. Laughman, and Brian R. Tolle which describe each witness's knowledge of relevant facts. Each witness and other individuals disclosed below may be reached through Aqua Texas, Inc.'s counsel and has personal knowledge of relevant facts.

Mr. Foltz is Aqua Texas, Inc.'s Compliance Manager. Mr. Foltz has knowledge related to Aqua Texas, Inc.'s Rio Ancho Subdivision water system facilities, compliance with TCEQ and PUC requirements, and the issues raised by Complainants with respect to system adequacy and drought contingency plan implementation.

Mr. Peña with Green Civil Design, LLC was retained by Aqua Texas, Inc. to opine on the Complainants' allegations regarding Rio Ancho Subdivision water system adequacy, drought contingency plan implementation, and customer consumption.

Mr. Laughman is Aqua Texas, Inc.'s President. He is familiar with the issues raised by Complainants with respect to the Rio Ancho Subdivision water system and Aqua Texas, Inc.'s response to same.

Mr. Tolle is a Field Supervisor for Aqua Texas, Inc. supervising Rio Ancho Subdivision water system operations. He is familiar with the Rio Ancho Subdivision water system facilities, drought contingency plan implementation, and customer consumption.

Mr. Brent C. Reeh is Aqua Texas, Inc.'s Central Texas Area Manager. He is generally familiar with the Rio Ancho Subdivision water system facilities, drought contingency plan implementation, and customer consumption.

Mr. Frederick (Fred) Noe is a Facility Operator I for Aqua Texas, Inc. who was assigned to the Rio Ancho Subdivision water system in August 2019 and is familiar with its facilities, drought contingency plan implementation, and customer consumption since the time his assignment began.

Mr. Larry Black is a Facility Operator 3 for Aqua Texas, Inc. who was assigned to the Rio Ancho Subdivision water system until mid-August 2019 during the July 20, 2018 to July 20, 2020 relevant time period and is familiar

SUPPLEMENTAL RESPONSES TO REQUESTS FOR INFORMATION

with its facilities, drought contingency plan implementation, and customer consumption during that time.

Mr. Michael Merka was an Aqua Texas, Inc. Field Supervisor assigned to the Rio Ancho Subdivision water system prior to the time of Mr. Tolle's assignment during the July 20, 2018 to July 20, 2020 time period. Mr. Merka is now retired and is no longer with Aqua Texas, Inc.

Customers of the Rio Ancho Subdivision water system are presumed to be familiar with their water consumption.

Prepared by:	Geoffrey P. Kirshbaum
Sponsored by:	Scot W. Foltz
	William Peña, P.E.
	Robert L. Laughman
	Brian R. Tolle

SUPPLEMENTAL RESPONSES TO REQUESTS FOR INFORMATION

RFI 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:

Documents, information and tangible things that may be used to support Aqua Texas, Inc.'s response to Complainants' allegations in this case are included in the prefiled direct and rebuttal testimony and attachments of Aqua Texas, Inc. witnesses. Additional responsive documents were produced in response to Commission Staff's 1st Request for Information to Aqua Texas, Inc. and attached to Aqua Texas, Inc.'s Response to Complainants' First Requests for Information as Aqua 000441 – Aqua 000768; RFI 1-8 Rio Ancho Daily Reading Analysis July 2020; RFI 1-15 Customer Complaints; RFI 1-19 After Hours Complaints; and RFI 1-19 Complaints 2018 to Present 6-2-2021.

Prepared by:
Sponsored by:

Geoffrey P. Kirshbaum
Scot W. Foltz
William Peña, P.E.
Robert L. Laughman
Brian R. Tolle

SUPPLEMENTAL RESPONSES TO REQUESTS FOR INFORMATION

RFI 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: Please see Aqua Texas, Inc.’s pre-filed direct and rebuttal testimony and attachments. Aqua may offer the documents produced in response to Commission Staff’s 1st Request for Information to Aqua Texas, Inc. and attached to Aqua Texas, Inc.’s Response to Complainants’ First Requests for Information as Aqua 000441 – Aqua 000768; RFI 1-8 Rio Ancho Daily Reading Analysis July 2020; RFI 1-15 Customer Complaints; RFI 1-19 After Hours Complaints; and RFI 1-19 Complaints 2018 to Present 6-2-2021 if the need arises.

Prepared by: Geoffrey P. Kirshbaum
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SUPPLEMENTAL RESPONSES TO REQUESTS FOR INFORMATION

- RFI 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: Please see Aqua Texas, Inc.'s pre-filed direct and rebuttal testimony and attachments. Additional responsive documents were produced in response to Commission Staff's 1st Request for Information to Aqua Texas, Inc. and attached to Aqua Texas, Inc.'s Response to Complainants' First Requests for Information as Aqua 000441 – Aqua 000768; RFI 1-8 Rio Ancho Daily Reading Analysis July 2020; RFI 1-15 Customer Complaints; RFI 1-19 After Hours Complaints; and RFI 1-19 Complaints 2018 to Present 6-2-2021.

Prepared by: Geoffrey P. Kirshbaum
Sponsored by: Scot W. Foltz
William Peña, P.E.
Robert L. Laughman
Brian R. Tolle

SUPPLEMENTAL RESPONSES TO REQUESTS FOR INFORMATION

RFI 1-10

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:

The number of connections in the Rio Ancho Subdivision water system has increased over time, but in July 2020 there were 162 connections. Nevertheless, Mr. Pena has analyzed capacity needed for 207 connections at full build out. Thus, that capacity is sufficient for 162 connections too. Please see prefiled direct testimony of William Peña, P.E. at Aqua 000023, Lines 13 through 21, and Aqua 00027, Lines 10 through 18 and attachments referenced therein. Please see also the prefiled rebuttal testimony of William Peña, P.E., Green Civil Design, L.L.C. at page 4, line 4 through page 11, line 5.

Additionally, please see prefiled direct testimony and attachments of Scot W. Foltz, Aqua Texas, Inc. Compliance Manager, at Aqua 000084, Line 12 through Aqua 000085, Line 11 discussing facility capacity issues.

Prepared and Sponsored by: William Peña, P.E., Green Civil Design, L.L.C.
Scot W. Foltz, Aqua Texas, Inc. Compliance Manager

SUPPLEMENTAL RESPONSES TO REQUESTS FOR INFORMATION

RFI 1-11 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: Please see prefiled direct testimony of William Peña, P.E. at Aqua 00024, Line 18 through Aqua 000027, Line 2 and attachments referenced therein. Please see also the prefiled rebuttal testimony of William Peña, P.E., Green Civil Design, L.L.C. at page 4, line 4 through page 11, line 5.

Prepared and Sponsored by: William Peña, P.E., Green Civil Design, L.L.C.

SUPPLEMENTAL RESPONSES TO REQUESTS FOR INFORMATION

RFI 1-12 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: Customer water demand in excess of the values discussed in the prefiled direct testimony of William Peña, P.E. at Aqua 00024, Line 18 through Aqua 00027, Line 2, and attachments referenced therein, was unreasonable. Please see also the prefiled rebuttal testimony of William Peña, P.E., Green Civil Design, L.L.C. at page 4, line 4 through page 11, line 5.

Prepared and Sponsored by: William Peña, P.E., Green Civil Design, L.L.C.

SUPPLEMENTAL RESPONSES TO REQUESTS FOR INFORMATION

RFI 1-13 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: Mr. William Peña, P.E., Green Civil Design, LLC, has estimated the domestic or indoor usage for the Rio Ancho Subdivision water system based on winter usage in 2018/2019 and 2019/2020 at 229 gpd/connection. Please see prefiled direct testimony and attachments of William Peña, P.E. at Attachment WP-4. Subtracting this amount from the total reasonable peak daily flow discussed in Attachment WP-4 of 765 gpd/connection yields a maximum reasonable outdoor use of 536 gpd/connection. Please see also prefiled direct testimony of William Peña, P.E. at Aqua 00024, Line 18 through Aqua 000027, Line 2 and attachments referenced therein and the prefiled rebuttal testimony of William Peña, P.E., Green Civil Design, L.L.C. at page 4, line 4 through page 11, line 5.

Prepared and Sponsored by: William Peña, P.E., Green Civil Design, L.L.C.