

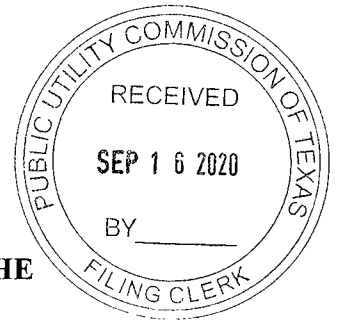


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**PETITION OF COLORADO RIVER
PROJECT, LLC TO AMEND SWWC
UTILITIES, INC. DBA HORNSBY BEND
UTILITY'S CERTIFICATE OF
CONVENIENCE AND NECESSITY IN
TRAVIS COUNTY BY EXPEDITED
RELEASE**

**BEFORE THE
PUBLIC UTILITY COMMISSION
OF TEXAS**

**SWWC UTILITIES, INC. DBA HORNSBY BEND UTILITY COMPANY'S
FIRST REDACTED REQUEST FOR INFORMATION TO
COLORADO RIVER PROJECT, LLC**

SWWC Utilities, Inc. d/b/a Hornsby Bend Utility Company (HBUC) files its First Redacted Request for Information (RFI) to Colorado River Project, LLC (CRP) in the above-styled docket. CRP is hereby requested to furnish one copy of all items of information enumerated on the attached sheets directly to the undersigned attorney at the offices of Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701 within twenty (20) calendar days. These requests shall be deemed continuing so as to require further and supplemental responses if CRP receives or generates additional information within the scope of these requests between the time of the original response and the time of the hearing. Also, where data is requested, provide it in hard copy and Excel format with all formulas intact.

DEFINITIONS AND INSTRUCTIONS

- A. "CRP" refers to Colorado River Project, LLC, its parents, affiliates, subsidiaries, and any person acting or purporting to act on its or their behalf, including without limitation, attorneys, agents, advisors, investigators, representatives, employees, or other persons.
- B. "HBUC" means SWWC Utilities, Inc. d/b/a Hornsby Bend Utility Company.
- C. "SWWC" means SWWC Utilities, Inc.
- D. "MOMARK" means MG Realty Investments, LLC, its parents, affiliates, subsidiaries, and any person acting or purporting to act on its or their behalf, including without limitation, attorneys, agents, advisors, investigators, representatives, employees, or other persons.

- E. “Tesla” means Tesla, Inc., its parents, affiliates, subsidiaries, and any person acting or purporting to act on its or their behalf, including without limitation, attorneys, agents, advisors, investigators, representatives, employees, or other persons.
- F. “Affiliate” means an entity that controls, is controlled by, or is under common control with a party, where “control” means the power to direct or cause the direction of an entity’s management and policies through ownership or control of at least 50% of its voting securities or ownership interest.
- G. “NDA” means a non-disclosure agreement, confidentiality agreement, or any contract, agreement, or arrangement by which one or more parties agree not to disclose certain confidential or proprietary information or trade secrets that such parties have shared with each other, or any agreement containing provisions binding parties not to disclose confidential or proprietary information or trade secrets that they have shared with each other.
- H. “CDM” means CDM Smith, Inc, its parents, affiliates, subsidiaries, and any person acting or purporting to act on its or their behalf, including without limitation, attorneys, agents, advisors, investigators, representatives, employees, or other persons.
- I. “Retail Public Utility” means any person, corporation, public utility, water supply or sewer service corporation, municipality, political subdivision or agency operating, maintaining, or controlling in this state facilities for providing potable water service or sewer service, or both, for compensation.
- J. The term “document” 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 document is a separate document within the meaning of this term.

- K. The terms “and” and “or” shall be construed both disjunctively and conjunctively as necessary to make the request inclusive rather than exclusive.
- L. “Each” shall be construed to include the word “every” and “every” shall be construed to include the word “each.”
- M. “Any” shall be construed to include “all” and “all” shall be construed to include “any.”
- N. The term “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.
- O. The term “including,” or one of its inflections, means and refers to “including but not limited to.”
- P. The term “CRP Property” refers to the approximately 2,122.27 acres of land owned by CRP that is the subject of the streamlined release petition within the boundaries of HBUC’s water Certificate of Convenience and Necessity (“CCN”) No. 11978 and sewer CCN No. 20650 in Travis County.
- Q. 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.
- R. The present tense shall be construed to include the past tense, and the past tense shall be construed to include the present tense.
- S. 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.

- T. Pursuant to 16 Tex. Admin Code § 22.144(h)(4), if the response to any request is voluminous, please provide a detailed index of the voluminous material.
- U. 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.

Respectfully submitted,

**LLOYD GOSSELINK ROCHELLE
& TOWNSEND, P.C.**
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/s/ Lambeth Townsend

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**ATTORNEYS FOR SWWC UTILITIES, INC.
DBA HORNSBY BEND UTILITY COMPANY**

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 September 16, 2020, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Lambeth Townsend

LAMBETH TOWNSEND

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HBUC'S FIRST REDACTED RFI TO CRP

- HBUC 1-1 Admit or deny that CRP is a subsidiary of Tesla.
- HBUC 1-2 If your answer to HBUC 1-1 is anything but an unqualified admission, please provide the basis for your denial to HBUC 1-1.
- HBUC 1-3 Admit or deny that Tesla is the ultimate parent business entity of CRP.
- HBUC 1-4 If your answer to HBUC 1-3 is anything but an unqualified admission, please provide the basis for your denial to HBUC 1-3.
- HBUC 1-5 Admit or deny that CRP is an affiliate of Tesla.
- HBUC 1-6 If your answer to HBUC 1-5 is anything but an unqualified admission, please provide the basis for your denial to HBUC 1-5.
- HBUC 1-7 Admit or deny that HBUC has a service connection adjacent to the CRP Property line proximate to the Austin Colony subdivision intended solely for the purpose of serving the CRP Property.
- HBUC 1-8 If your answer to HBUC 1-7 is anything but an unqualified admission, please provide the basis for your denial to HBUC 1-7.
- HBUC 1-9 
- HBUC 1-10 
- HBUC 1-11 
- HBUC 1-12 
- HBUC 1-13 
- HBUC 1-14 

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HBUC'S FIRST REDACTED RFI TO CRP

HBUC 1-15

[REDACTED]

HBUC 1-16

[REDACTED]

HBUC 1-17

[REDACTED]

HBUC 1-18

[REDACTED]

HBUC 1-19

[REDACTED]

HBUC 1-20

[REDACTED]

HBUC 1-21

[REDACTED]

HBUC 1-22

[REDACTED]

HBUC 1-23

[REDACTED]

HBUC 1-24

[REDACTED]

HBUC 1-25

[REDACTED]

HBUC 1-26

[REDACTED]

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HBUC'S FIRST REDACTED RFI TO CRP

HBUC 1-27 [REDACTED]

HBUC 1-28 [REDACTED]

HBUC 1-29 [REDACTED]

HBUC 1-30 [REDACTED]

HBUC 1-31 [REDACTED]

HBUC 1-32 [REDACTED]

HBUC 1-33 Admit or deny that CRP has at no time discussed a voluntary CCN release with HBUC.

HBUC 1-34 If your answer to HBUC 1-33 is anything but an unqualified admission, please provide the basis for your denial to HBUC 1-33.

HBUC 1-35 Admit or deny that CRP is aware that HBUC and the City of Austin have an agreement in place to resolve CCN disputes and clarify the service areas to be served by the City of Austin and HBUC, respectively.

HBUC 1-36 If your answer to HBUC 1-35 is anything but an unqualified admission, please provide the basis for your denial to HBUC 1-35.

HBUC 1-37 Admit or deny that CRP has reviewed the City of Austin and HBUC agreement referenced in HBUC 1-35.

HBUC 1-38 If your answer to HBUC 1-37 is anything but an unqualified admission, please provide the basis for your denial to HBUC 1-37.

HBUC 1-39 Confirm the date and method by which the City of Austin and HBUC agreements were obtained by CRP.

HBUC 1-40 Before filing CRP's petition in this docket, did Tesla or CRP engage in discussion with the City of Austin regarding the City of Austin providing water and wastewater service to the CRP Property? If so, provide the dates of any meetings

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HBUC'S FIRST REDACTED RFI TO CRP

or discussions between Tesla or CRP and the City of Austin regarding the City of Austin providing such services, including the names of all individuals attending the discussions or meetings and the name of the party initiating such discussions.

- HBUC 1-41 Please provide all communications and documents related to any meetings identified in HBUC 1-40.
- HBUC 1-42 Admit or deny that the Public Utility Commission is required to award compensation to HBUC by CRP pursuant to Texas Water Code § 13.2541 if CRP's petition is granted and HBUC proves that it is entitled to compensation.
- HBUC 1-43 If your answer to HBUC 1-42 is anything but an unqualified admission, please provide the basis for your denial to HBUC 1-42.
- HBUC 1-44 Admit or deny that CRP is barred under Texas Water Code § 13.2541(a) from receiving water and sewer service at the CRP Property from another Retail Public Utility until such time that just and adequate compensation required by the Public Utility Commission has been paid to HBUC.
- HBUC 1-45 If your answer to HBUC 1-44 is anything but an unqualified admission, please provide the basis for your denial to HBUC 1-44.