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PUC DOCKET NO. 51166

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

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BEFORE THE BANKING

PUBLIC UTILITY COMMISSION

OF TEXAS

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

TO: SWWC Utilities, Inc. d/b/a Hornsby Bend Utility Company, by and through its attorney of record, Lambeth Townsend, LLOYD GOSSELINK ROCHELLE & TOWNSEND, P.C., 816 Congress Ave, Suite 1900 Austin, Texas 78701.

Colorado River Project, LLC (“CRP”) serves these Objections and Responses to SWWC Utilities, Inc. d/b/a Hornsby Bend Utility Company’s (“HBUC”) First Redacted Request for Information.

[Signature on following page.]

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Respectfully submitted,

FRANKLIN SCOTT CONWAY LLP

By /s/ John B. Scott
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ATTORNEY FOR COLORADO RIVER PROJECT,
LLC

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 October 6, 2020, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ John B. Scott
JOHN B. SCOTT

GENERAL OBJECTIONS

1. CRP objects to the definitions and instructions to the extent they seek to alter or add obligations upon CRP beyond those contained in Rules 193 and 196 of the Texas Rules of Civil Procedure.

2. CRP objects to the definition of “Tesla” as overbroad and vague to the extent that it includes persons or entities other than CRP that are not specifically identified.

3. CRP objects to the definition of “Affiliate” as overbroad and vague to the extent that it includes persons or entities other than CRP that are not specifically identified.

4. CRP objects to the definition of “document” to the extent that it would require CRP to retrieve data or information that is not reasonably available to CRP in the ordinary course of its business. Tex. R. Civ. P. 196.4.

5. CRP objects HBUC’s First Redacted Request for Information to the extent that any such Request seeks information that is already possessed by HBUC or that is equally available or readily ascertainable from some other source that is more convenient, less burdensome, or less expensive.

**SPECIFIC OBJECTIONS AND RESPONSES TO HBUC'S FIRST REDACTED
REQUEST FOR INFORMATION**

REQUEST NO. 1-1: Admit or deny that CRP is a subsidiary of Tesla.

Response: Admit.

REQUEST NO. 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.

Response: None.

REQUEST NO. 1-3: Admit or deny that Tesla is the ultimate parent business entity of CRP.

Response: CRP objects to this Request as asked and answered. Subject to and without waiving the foregoing, admit that CRP is a wholly owned subsidiary of Tesla.

REQUEST NO. 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.

Response: CRP objects to this Request as overly broad and vague.

REQUEST NO. 1-5: Admit or deny that CRP is an affiliate of Tesla.

Response: CRP objects to this Request as vague and ambiguous as to the term affiliate. Subject to and without waiving the foregoing, admit that CRP is a wholly owned subsidiary of Tesla.

REQUEST NO. 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.

Response: CRP objects to this Request as heretofore answered.

REQUEST NO. 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.

Response: CRP objects to this Request as overly broad, vague and ambiguous. Subject to and without waiving the foregoing, it was generally known that HBUC had a CCN in the area, but CRP denies that it had knowledge of the Austin Colony subdivision's proximity. CRP lacks sufficient information to either admit or deny the remainder of HBUC's Request.

REQUEST NO. 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.

Response: CRP objects to this Request as overly broad and vague. Subject to and without waiving said objection, please see Response 1-7.

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

Response: Admit.

REQUEST NO. 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.

Response: Not applicable.

REQUEST NO. 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.

Response: CRP objects to this Request as overly broad.

REQUEST NO. 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.

Response: CRP objects to this Request as overly broad, calls for speculation, and is not relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST NO. 1-37: Admit or deny that CRP has reviewed the City of Austin and HBUC agreement referenced in HBUC 1-35.

Response: Denied.

REQUEST NO. 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.

Response: CRP objects to this Request as overly broad and seeks items that are not relevant nor reasonably calculated to lead to the discovery of admissible evidence.

REQUEST NO. 1-39: Confirm the date and method by which the City of Austin and HBUC agreements were obtained by CRP.

Response: CRP objects to this Request as overly broad and seeks items that are not relevant nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing, CRP was not aware of an agreement between the City of Austin and HBUC.

REQUEST NO. 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 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.

Response: CRP objects to this Request as overly broad and seeks items that are not relevant nor reasonably calculated to lead to the discovery of admissible evidence. CRP further objects to this Request to the extent it seeks information or documents that contain confidential, proprietary, commercial or other business information that is protected from disclosure by Texas or other applicable law.

REQUEST NO. 1-41: Please provide all communications and documents related to any meetings identified in HBUC 1-40.

Response: CRP objects to this Request as overly broad and seeks items that are not relevant nor reasonably calculated to lead to the discovery of admissible evidence. CRP further objects to this Request to the extent it seeks information or documents that contain confidential, proprietary, commercial or other business information that is protected from disclosure by Texas or other applicable law.

REQUEST NO. 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.

Response: CRP objects to this Request as it calls for a legal conclusion. Subject to and without waiving said objection, denied as worded.

REQUEST NO. 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.

Response: CRP objects to this Request as overly broad and calls for a legal conclusion. CRP further objects to this Request to the extent it seeks information or documents that contain confidential, proprietary, commercial or other business information that is protected from disclosure by Texas or other applicable law.

REQUEST NO. 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.

Response: CRP objects to this Request as it calls for a legal conclusion and not a factual matters.

Subject to and without waiving said objection, CRP denies as worded.

REQUEST NO. 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.

Response: CRP objects to this Request as overly broad and calls for a legal conclusion. CRP further objects to this Request to the extent it seeks information or documents that contain confidential, proprietary, commercial or other business information that is protected from disclosure by Texas or other applicable law.