



Control Number: 51864



Item Number: 11

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DOCKET NO. 51864

**APPLICATION OF THE CITY OF
MIDLOTHIAN TO AMEND ITS
WATER CERTIFICATE OF
CONVENIENCE AND NECESSITY IN
ELLIS COUNTY**

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**PUBLIC UTILITY COMMISSION
OF TEXAS**

2021 MAY 25 AM 9:40

**COMMISSION STAFF'S SECOND REQUEST FOR INFORMATION
TO THE CITY OF MIDLOTHIAN
QUESTION NOS. STAFF 2-1 THROUGH 2-2**

Pursuant to 16 Texas Administrative Code § 22.144 (TAC), the Staff of the Public Utility Commission of Texas (Staff) requests that the City of Midlothian by and through its attorney of record, provide the following information and answer the following question(s) under oath. The question(s) shall be answered in sufficient detail to fully present all of the relevant facts, within the time limit provided by the Presiding Officer or within 20 days, if the Presiding Officer has not provided a time limit. Please copy the question immediately above the answer to each question. These question(s) are continuing in nature, and if there is a relevant change in circumstances, submit an amended answer, under oath, as a supplement to your original answer. State the name of the witness in this cause who will sponsor the answer to the question and can vouch for the truth of the answer.

Provide responses to the Requests for Information by filing with the Commission solely through the Interchange on the Commission's website and provide notice, by email, to all other parties that the pleading or document has been filed with the Commission, unless otherwise ordered by the presiding officer pursuant to the Order Suspending Rules in Docket No. 50664.

Dated: May 25, 2021

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Rachelle Nicolette Robles
Division Director

Eleanor D'Ambrosio
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/s/ Kevin R. Bartz
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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 May 25, 2021, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Kevin R. Bartz
Kevin R. Bartz

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DEFINITIONS

- A. "City" or "you" refers to the City of Midlothian and any person acting or purporting to act on their behalf, including without limitation, attorneys, agents, advisors, investigators, representatives, employees or other persons.
- B. "Document" includes any written, recorded, or graphic matter, however produced or reproduced, including but not limited to correspondence, telegrams, contracts, agreements, notes in any form, memoranda, diaries, voice recording tapes, microfilms, pictures, computer media, work papers, calendars, minutes of meetings or other writings or graphic matter, including copies containing marginal notes or variations of any of the foregoing, now or previously in your possession. In the event any documents requested by this Request for Information have been transferred beyond the Company's control, describe the circumstances under which the document was destroyed or transferred and provide an exact citation to the subject document. In the event that documents containing the exact information do not exist, but documents do exist which contain portions of the required information or which contain substantially similar information, then the definition of "documents" shall include the documents which do exist and these documents will be provided.

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INSTRUCTIONS

- 1) Pursuant to 16 TAC § 22.144(c)(2), Staff requests that answers to the requests for information be made under oath.
- 2) Please copy the question immediately above the answer to each question. State the name of the witness in this cause who will sponsor the answer to the question and can vouch for the truth of the answer.
- 3) These questions are continuing in nature, and if there is a relevant change in circumstances, submit an amended answer, under oath, as a supplement to your original answer.
- 4) 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.
- 5) The present tense shall be construed to include the past tense, and the past tense shall be construed to include the present tense.
- 6) 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.
- 7) Pursuant to 16 TAC § 22.144(g)(4), if the response to any request is voluminous, please provide a detailed index of the voluminous material.
- 8) Staff requests that each item of information be made available as it is completed, rather than upon completion of all information requested.

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Background: As stated in Commission Staff's Recommendation on Administrative Completeness and Proposed Procedural Schedule filed on March 31, 2021, the requested area overlaps with the certificated service area of Mountain Peak Special Utility District (Mountain Peak SUD), CCN No. 10908. The certificated service area for Mountain Peak SUD is a facility line + 200 feet service line that runs through the requested area. On April 21, 2021, the City provided an agreement between the City and Mountain Peak SUD. **The agreement does not state if Mountain Peak SUD agrees to dual certification or decertification.**

Staff 2-1 Please provide written documentation from Mountain Peak SUD affirmatively stating that it is agreeing to dual certification in the requested area. If the requested documentation does not exist, please respond with a statement indicating so.

Staff 2-2 As an alternative to the document requested in Staff 1-1, please provide written documentation from Mountain Peak SUD affirmatively stating that it is agreeing to decertification of the facility + 200 feet service line in the requested area. If the requested documentation does not exist, please respond with a statement indicating so.