



Filing Receipt

Received - 2021-08-09 10:54:28 AM

Control Number - 52090

ItemNumber - 28

PUC DOCKET NO. 52090

PETITION BY REDBIRD	§	BEFORE THE
DEVELOPMENT, LLC FOR	§	
EXPEDITED RELEASE	§	
FROM WATER CCN NO. 11052	§	PUBLIC UTILITY COMMISSION
HELD BY DOBBIN PLANTERSVILLE	§	
WATER SUPPLY CORPORATION	§	OF TEXAS

REDBIRD DEVELOPMENT, LLC'S MOTION TO COMPEL

TO THE PUBLIC UTILITY COMMISSION OF TEXAS:

COMES NOW, Redbird Development, LLC (Redbird) and files this Motion to Compel Dobbin Plantersville Water Supply Corporation's (Dobbin Plantersville) responses to Redbird's First Set of Requests for Information (RFIs). Dobbin Plantersville filed objections to Redbird's RFIs on August 2, 2021. Pursuant to 16 Texas Administrative Code (TAC) § 22.144(e), the party seeking discovery shall file a motion to compel no later than five working days after the objections are received. Thus, this motion to compel is timely filed.

REDBIRD'S RESPONSE TO DOBBIN PLANTERSVILLE'S OBJECTIONS

On July 21, 2021, Redbird propounded RFIs 1-17 on Dobbin Plantersville. On July 29, 2021, Redbird filed amended RFIs on Dobbin Plantersville. On August 2, 2021, Dobbin Plantersville filed objections to RFIs 4, 5, 7, 8, and 10, which specifically state:

- 4. Please list the groundwater conservation districts within which the WSC's CCN is located and provide the annual payments made to the groundwater district(s), and the associated groundwater volumes produced for Fiscal Years Ending in 2020, 2019, and 2018 and to-date Fiscal Year 2021.**

Dobbin Plantersville objects that this RFI is irrelevant to the extent that it requests information regarding the water supply system operations in Grimes County, because it asserts that Grimes County and Montgomery County systems are separate.

Response: Information related to the water systems operations in Grimes County are relevant because Dobbin Plantersville has not provided sufficient information to demonstrate that the Grimes system and the Montgomery system are treated as completely separate systems for all purposes, including for financial reporting, debt issuances, budgets, audits and other financial reporting purposes. On the contrary, there is apparent overlap in the two Dobbin Plantersville systems; for instance, Dobbin Plantersville has a single rate for the entire district. *See* attached Notice of Rate Change. It reasonably follows that information related to Dobbin Plantersville's entire system is relevant to determine what is allocable to the area to be decertified. *See* Tex. Water Code §§ 13.254(g), 13.2541.

- 5. Please provide the annual gallons of water produced and gallons sold to customers for Fiscal Year Ended 2020, 2019, and 2018, as well as to-date Fiscal Year 2021.**

Dobbin Plantersville objects that this RFI is irrelevant to the extent that it requests information regarding the water supply system operations in Grimes County, because it asserts that Grimes County and Montgomery County systems are separate.

Response: Information related to the water systems operations in Grimes County are relevant because Dobbin Plantersville has not provided sufficient information to demonstrate that the Grimes system and the Montgomery system are treated as completely separate systems for all purposes, including for financial reporting, debt issuances, budgets, audits and other financial reporting purposes. On the contrary, there is apparent overlap in the two Dobbin Plantersville systems; for instance, Dobbin Plantersville has a single rate for the entire district. *See* attached Notice of Rate Change. It reasonably follows that information related to Dobbin Plantersville's entire system is relevant to what is allocable to the area to be decertified. *See* Tex. Water Code §§ 13.254(g), 13.2541.

7. **Please provide debt service schedules, by issuance, detailing annual payments of principal and interest remaining on each outstanding debt issue. Please indicate the projects/capital improvements funded by each outstanding bond issuance.**

Dobbin Plantersville objected to RFI 7 on the basis that it is an overbroad time period and not relevant to the proceedings.

Response: The requested information is neither overly broad nor irrelevant. The request is not overly broad because a typical debt instrument has debt service schedules included with the debt instrument, therefore, producing the schedules for the requested time period should not be overly burdensome. A typical term for government debt instruments is 20 or more years, so requesting information dating back to 2005 is reasonable. Moreover, each debt instrument and related documents should include what facilities were funded with the debt, and therefore should not be overly burdensome to produce. Further, the request is relevant because one of the compensation criteria is specifically related to the amount of debt allocable to the area being decertified. *See Texas Water Code §§ 13.254(g), 13.2541(h).*

8. **Please provide a map of the area proposed for decertification in relation to the remaining portions of the WSC System (System). On said map, please indicate all assets owned by the WSC currently used and useful in providing service to customers.**

Dobbin Plantersville objects that this RFI is irrelevant to the extent that it requests information regarding the water supply system operations in Grimes County, because it asserts that Grimes County and Montgomery County systems are separate.

Response: Information related to the water systems operations in Grimes County are relevant because Dobbin Plantersville has not provided sufficient information to demonstrate that the Grimes system and the Montgomery system are treated as completely separate systems for all purposes, including for financial reporting, debt issuances, budgets, audits and other financial

reporting purposes. On the contrary, there is apparent overlap in the two Dobbin Plantersville systems; for instance, Dobbin Plantersville has a single rate for the entire district. *See* attached Notice of Rate Change. It reasonably follows that maps of Dobbin Plantersville's entire system is relevant to what is allocable to the area to be decertified. *See* Tex. Water Code §§ 13.254(g), 13.2541.

10. Please list all active connections on the WSC's system by meter size.

Dobbin Plantersville objects that this RFI is irrelevant to the extent that it requests information regarding the water supply system operations in Grimes County, because it asserts that Grimes County and Montgomery County systems are separate.

Response: Information related to the water systems operations in Grimes County are relevant because Dobbin Plantersville has not provided sufficient information to demonstrate that the Grimes system and the Montgomery system are treated as completely separate systems for all purposes, including for financial reporting, debt issuances, budgets, audits and other financial reporting purposes. On the contrary, there is apparent overlap in the two Dobbin Plantersville systems; for instance, Dobbin Plantersville has a single rate for the entire district. *See* attached Notice of Rate Change. It reasonably follows that information related to Dobbin Plantersville's entire system, including all of its customers is relevant to determine what is allocable to the area to be decertified. *See* Tex. Water Code §§ 13.254(g), 13.2541.

CONCLUSION AND PRAYER

Redbird respectfully requests that the ALJ overrule Dobbin Plantersville's objections, grant Redbird's motion to compel Dobbin Plantersville's responses to Redbird's RFIs, and order Dobbin Plantersville to produce the requested information without delay. Redbird further requests that the ALJ grant any other and additional relief to which Redbird may be entitled.

Respectfully submitted,

Emily W. Rogers
State Bar No. 24002863
erogers@bickerstaff.com

Kimberly G. Kelley
State Bar No. 24086651
kkelley@bickerstaff.com

Bickerstaff Heath Delgado Acosta LLP
3711 S. MoPac Expressway
Building One, Suite 300
Austin, TX 78746
Telephone: (512) 472-8021
Facsimile: (512) 320-5638

BY: *Emily W. Rogers*
Emily W. Rogers

CERTIFICATE OF SERVICE

I certify that a copy of this document was served on all parties of record via email on August 9, 2021, in accordance with the requirements of 16 Tex. Admin. Code § 22.74 and PUC Order No. 2 in Docket No. 50664.

Emily W. Rogers
Emily W. Rogers