



## **Filing Receipt**

**Filing Date - 2024-02-16 01:36:52 PM**

**Control Number - 52310**

**Item Number - 116**

**PUC DOCKET NO. 52310  
SOAH DOCKET NO. 473-23-02390.WS**

<b>PETITION OF ROSE HILL</b>	§	
<b>SPECIAL UTILITY DISTRICT</b>	§	<b>PUBLIC UTILITY COMMISSION</b>
<b>FOR A CEASE AND DESIST</b>	§	
<b>ORDER AGAINST THE CITY OF</b>	§	<b>OF TEXAS</b>
<b>TERRELL, TEXAS FOR</b>	§	
<b>UNAUTHORIZED WATER</b>	§	
<b>SERVICE</b>	§	

**CITY OF TERRELL’S RESPONSE TO ROSE HILL SPECIAL UTILITY DISTRICT’S  
AMENDED THIRD REQUESTS FOR INFORMATION 3-1 THROUGH 3-5 AND 3-9**

To: Rose Hill Special Utility District, by and through its attorney of record, Andrew S. “Drew” Miller, Kemp Smith LLP, 2905 San Gabriel St, Suite 205, Austin, Texas 78705

COMES NOW, the City of Terrell (City), by and through its undersigned attorneys of record, and files this Response to Rose Hill Special Utility District’s (District) Third Requests for Information (RFIs) 3-1 through 3-5 and 3-9. Pursuant to 16 Texas Administrative Code § 22.144(c)(2)(F), the City agrees and stipulates that all parties may treat the responses as if the answers were filed under oath. The parties conferred about the City’s objections to the District’s Third RFIs, and on January 24, 2024, the District delivered its Amended Third Requests for Information to the City. The parties were not able to resolve the City’s objections to RFIs 3-6, 3-7, and 3-8, thus the City filed its objections to RFIs 3-6 through 3-8 that same day. The District did not file a Motion to Compel responses to RFIs 3-6 through 3-8. On February 2, 2024, the parties filed a Fourth Amended Rule 11 Agreement, agreeing to a deadline of February 16, 2024, for the City to supplement its response to RFI 2-10, respond to RFIs 2-1 through 2-9, and the District’s Third RFIs. Therefore, the City responds to the amended RFIs 3-1 through 3-5, and RFI 3-9 with the information provided herein.

Respectfully submitted,

**LLOYD GOSSELINK ROCHELLE &  
TOWNSEND, P.C.**

816 Congress Avenue, Suite 1900  
Austin, Texas 78701  
(512) 322-5800  
(512) 472-0532 (Fax)

DAVID J. KLEIN  
State Bar No. 24041257  
dklein@lglawfirm.com

/s/ Danielle Lam  
DANIELLE LAM  
State Bar No. 24121709  
dlam@lglawfirm.com

GABRIELLE C. SMITH  
State Bar No. 24093172  
gsmith@lglawfirm.com

**ATTORNEYS FOR CITY OF TERRELL**

**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 February 16, 2024, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Danielle Lam  
Danielle Lam

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**CITY OF TERRELL'S RESPONSE TO ROSE HILL SPECIAL UTILITY DISTRICT'S  
AMENDED RFIS 3-1 THROUGH 3-9**

**ROSE HILL 3-1** For the time period from January 1, 2010, to the present, please identify all customers that the City provides (or has provided) water service to and that are located within the 232-Acre Area that are in addition to the Listed Customers, including, but not limited to those customers that began receiving water service from the City since September 2022.

**RESPONSE:** A list of customers is attached hereto as **Attachment A**, filed confidentially pursuant to Tex. Util. Code § 182.052.

Pursuant 16 Tex. Admin. Code § 22.144(h) regarding production of voluminous materials, due to the size of the production responsive to this request, the City is producing an index of responsive documents and concurrently sending a link via electronic mail to download the materials through the large files transfer system of the City's counsel. The documents responsive to this request have also been sent to the Public Utility Commission of Texas's (Commission) Central Records Division, and will be uploaded to and made available through the Commission's Interchange. Responsive documents that may be considered confidential pursuant to Texas Utilities Code § 182.052 as it includes customer information, the Homeland Security Act (Texas Government Code § 418.181) as it pertains to critical infrastructure, and/or any other reason under the Public Information Act, are submitted to the Commission confidentially.

Prepared by: DJ Brouwer, P.E., CFM, Director of Utilities, City of Terrell  
Danielle Lam, Attorney for City of Terrell

Sponsored by: DJ Brouwer, P.E., CFM, Director of Utilities, City of Terrell

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**ROSE HILL 3-2** For all Listed Customers, please provide all service requests and billing records from the start of service through the present.

**RESPONSE:** Pursuant 16 Tex. Admin. Code § 22.144(h) regarding production of voluminous materials, due to the size of the production responsive to this request, the City is producing an index of responsive documents and concurrently sending a link via electronic mail to download the materials through the large files transfer system of the City's counsel. The documents responsive to this request have also been sent to the Commission's Central Records Division, and will be uploaded to and made available through the Commission's Interchange. Responsive documents that may be considered confidential pursuant to Texas Utilities Code § 182.052 as it includes customer information, the Homeland Security Act (Texas Government Code § 418.181) as it pertains to critical infrastructure, and/or any other reason under the Public Information Act, are submitted to the Commission confidentially.

Prepared by: DJ Brouwer, P.E., CFM, Director of Utilities, City of Terrell  
Danielle Lam, Attorney for City of Terrell

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**ROSE HILL 3-3** For all customers identified in response to RFI Rose Hill 3-1, please provide all service requests and billing records from the start of service through the present.

**RESPONSE:** Pursuant 16 Tex. Admin. Code § 22.144(h) regarding production of voluminous materials, due to the size of the production responsive to this request, the City is producing an index of responsive documents and concurrently sending a link via electronic mail to download the materials through the large files transfer system of the City's counsel. The documents responsive to this request have also been sent to the Commission's Central Records Division, and will be uploaded to and made available through the Commission's Interchange. Responsive documents that may be considered confidential pursuant to Texas Utilities Code § 182.052 as it includes customer information, the Homeland Security Act (Texas Government Code § 418.181) as it pertains to critical infrastructure, and/or any other reason under the Public Information Act, are submitted to the Commission confidentially.

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Danielle Lam, Attorney for City of Terrell

Sponsored by: DJ Brouwer, P.E., CFM, Director of Utilities, City of Terrell

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**ROSE HILL 3-4** Please provide all service requests and billing records from the start of service through the present for the following customers: Ulta, located at 650 American Wy, Terrell, Texas 75160.

**RESPONSE:** Pursuant 16 Tex. Admin. Code § 22.144(h) regarding production of voluminous materials, due to the size of the production responsive to this request, the City is producing an index of responsive documents and concurrently sending a link via electronic mail to download the materials through the large files transfer system of the City's counsel. The documents responsive to this request have also been sent to the Commission's Central Records Division, and will be uploaded to and made available through the Commission's Interchange. Responsive documents that may be considered confidential pursuant to Texas Utilities Code § 182.052 as it includes customer information, the Homeland Security Act (Texas Government Code § 418.181) as it pertains to critical infrastructure, and/or any other reason under the Public Information Act, are submitted to the Commission confidentially.

Prepared by: DJ Brouwer, P.E., CFM, Director of Utilities, City of Terrell  
Danielle Lam, Attorney for City of Terrell

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**ROSE HILL 3-5** For any billing record provided in response to RFI Rose Hill 2-10, RFI Rose Hill 3-2, RFI Rose Hill 3-3, Or RFI Rose Hill 3-4 that pertains to service provided by or through more than one meter, please specify that number and the size(s) of each of the meters covered by each such billing record.

**RESPONSE:** Pursuant 16 Tex. Admin. Code § 22.144(h) regarding production of voluminous materials, due to the size of the production responsive to this request, the City is producing an index of responsive documents and concurrently sending a link via electronic mail to download the materials through the large files transfer system of the City's counsel. The documents responsive to this request have also been sent to the Commission's Central Records Division, and will be uploaded to and made available through the Commission's Interchange. Responsive documents that may be considered confidential pursuant to Texas Utilities Code § 182.052 as it includes customer information, the Homeland Security Act (Texas Government Code § 418.181) as it pertains to critical infrastructure, and/or any other reason under the Public Information Act, are submitted to the Commission confidentially.

Prepared by: DJ Brouwer, P.E., CFM, Director of Utilities, City of Terrell  
Danielle Lam, Attorney for City of Terrell

Sponsored by: DJ Brouwer, P.E., CFM, Director of Utilities, City of Terrell



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**ROSE HILL 3-9** If the City alleges that Rose Hill has consented in writing to changes to or the amendment of Rose Hill's CCN to decertify or transfer all or part of the 232-Acre Area from Rose Hill's CCN to the City's certificated area, please state the facts upon which the City relies in support of this allegation.

**RESPONSE:** The District's predecessor, Rose Hill Water Supply Corporation (Corporation), signed a certain Memorandum of Agreement, dated February 25, 2005, with the City which states "The Corporation will allow the City to acquire a portion of the Corporation's CCN covering the Terrell Market Center, comprising of approximately 181.5 acres. As part of the sale, transfer or merger application to the TCEQ, the Corporation will also consent to the transfer to the City the portion of the Corporation's CCN area which includes the Tanger Outlet Center." In exchange, the City agreed to support legislation to convert the Corporation into the District and transfer the rights to 39 million gallons per year of water supply capacity for the corporation to receive from North Texas Municipal Water District.

The District signed a certain Memorandum of Agreement, dated October 21, 2008, with the City which states "The District will decertify the portion of the District's [water CCN] covering the area north of CR 305 and west of CR 304 but south of Interstate 20 (approximately 350 acres) ... [and] the acreage owned by Randall Noe ... at the southeast intersection of Rose Hill Road and Interstate 20." The District also agreed it "will decertify the CCN area owned by Estess, Sheid, Arnold ... located south of the Tanger Outlet Mall that currently is in Rose Hill's CCN and transfer to the City in exchange for the 680 foot long, 30 inch diameter water encasement ... that runs under I-20 at CR 305." In exchange, the City also agreed to transfer the rights to an additional 61 million gallons per year of water supply capacity for the District to receive from North Texas Municipal Water District, to be added to the original 39 million gallons per year to make the total transfer 100 million gallons per year.

Prepared by: John Godwin, Special Consultant, City of Terrell  
Danielle Lam, Attorney for City of Terrell

Sponsored by: John Godwin, Special Consultant, City of Terrell

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Index to Production.xlsx

Please see the ZIP file for this Filing on the PUC Interchange in order to access these files.

Contact [centralrecords@puc.texas.gov](mailto:centralrecords@puc.texas.gov) if you have any questions.