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PUC DOCKET NO. 56589

PETITION BY RESIDENTS OF GRAND LAKES MUNICIPAL UTILITY DISTRICT NO. 2 APPEALING THE WATER RATES ESTABLISHED BY THE DISTRICT'S BOARD OF DIRECTORS	§ § § § §	BEFORE THE PUBLIC UTILITY COMMISSION OF TEXAS

REQUEST FOR PRODUCTION – DISCLOSURE – INFORMATION

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* Attorney Jamie Mauldin, Lloyd Gosselink Rochelle & Townsend	jmauldin@lglawfirm.com
* Attorney Kevin Pierce, PUCT's Legal Division	kevin.pierce@puc.texas.gov
* PUCT's Legal Division	legalsupportstaff@puc.texas.gov

(1) Evidence disclosed on 7/10/2024 [56589-124] showed that PUCT's attorney Kevin Pierce had, during the period May 15 – June 28, twenty-five emails and one phone call (on May 20, 2024) with the MUD's attorneys Jamie Mauldin / Richard Arnett (Lloyd Gosselink Rochelle Townsend). In the email exchanges (*see* Exhibit 1 for a sample), Pierce presented himself as a biased, prejudiced, conflicted, compromised attorney begging for attention; and a secretary to the MUD's attorneys, alerting them to specific pleadings so that they take action. While his role at the PUCT is to advocate the general public's interests, Pierce acted as the MUD's attorney and petitioners' counterparty, being overjoyed about wanting to unlawfully and unfairly dismiss a meritorious petition (rate appeal) we filed with the PUCT. As early as June 5, 2024, Pierce told Mauldin that he was "taking some additional time to make sure everything is airtight." On June 17, eleven days before delivering his baseless comments [56589-83], Pierce informed Mauldin that he intends to move for dismissal of the petition. Pierce did the same on June 26, two days before filing his comments. Attorney Jamie Mauldin took full advantage of Pierce, emailing him on June 17, 2024 and asking: "Do you know yet how your [Subject Matter Experts] SMEs will be commenting on the petition? Give me a call to discuss if you'd like."

(2) The interaction between the two attorneys is a criminal offense under Texas Government Code § 21.013(e)/(f) and Texas Penal Code, Title 8, § 39.02(a)(1) "Abuse of Official Capacity" and § 36.04(a) "Improper Influence". Additionally, the interaction is a breach of Texas Code of Judicial Conduct, Texas Disciplinary Rules of Professional Conduct, and 16 Texas Administrative Code § 22.161(c)(6).

(3) Despite three formal motions (motion to disqualify, motion for sanctions, and motion for contempt), ALJ Kate Moore Marx did not take action against PUCT's attorney Kevin Pierce. The ALJ breached her responsibilities under Canon 3D(2) of the Texas Code of Judicial Conduct.

Canon 3: Performing the Duties of Judicial Office Impartially and Diligently
D. Disciplinary Responsibilities
(2) A judge who receives information clearly establishing that a lawyer has committed a violation of the Texas Disciplinary Rules of Professional Conduct should take appropriate action. A judge having knowledge that a lawyer has committed a violation of the Texas Disciplinary Rules of Professional Conduct that raises a substantial question as to the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects shall inform the Office of the General Counsel of the State Bar of Texas or take other appropriate action.

(4) Complaints and requests to PUCT's management to discipline attorney Kevin Pierce and report him to the State Bar and the authorities were ignored despite a legal, moral, ethical, and civic obligation to act.

(5) The PUCT (Chairman, Commissioners, ALJ, and a number of its counsels and attorneys) breached every element of the Texas Code of Judicial Conduct, even if such code is not meant for administrative agencies. Canons 1, 2, 3, and 6 in said code set the standard for what is expected of individuals entrusted arbiters of facts, evidence, and law. With knowledge, will, and deliberate intent, the PUCT (Chairman, Commissioners, ALJ, and a number of its counsels and attorneys) chose to disregard such principles.

Texas Code of Judicial Conduct

Canon 1: Upholding the Integrity and Independence of the Judiciary
Canon 2: Avoiding Impropriety and the Appearance of Impropriety in All of the Judge's Activities
Canon 3: Performing the Duties of Judicial Office Impartially and Diligently
  B: Adjudicative Responsibilities
  C: Administrative Responsibilities
  D: Disciplinary Responsibilities
Canon 6: Compliance with the Code of Judicial Conduct
  II: Attorneys – Any lawyer who contributes to the violation of Canons 3B(7), 3B(10), 4D(4), 5, or 6C(2), or other relevant provisions of this Code, is subject to disciplinary action by the State Bar of Texas.

(6) The PUCT (Chairman, Commissioners, ALJ, and a number of its counsels and attorneys) breached as well a good number of the rules of Texas Disciplinary Rules of Professional Conduct.

Texas Disciplinary Rules of Professional Conduct

Preamble: A Lawyer's Responsibilities
Recitals 1, 4, 5, 8, and 9.

III. Advocate
Rule 3.01. Meritorious Claims and Contentions
Rule 3.02. Minimizing the Burdens and Delays of Litigation
Rule 3.03. Candor Toward the Tribunal
Rule 3.04. Fairness in Adjudicatory Proceedings
Rule 3.05. Maintaining Impartiality of Tribunal
Rule 3.07. Trial Publicity
Rule 4.01. Truthfulness in Statements to Others
Rule 4.04. Respect for Rights of Third Persons
Rule 8.03. Reporting Professional Misconduct
Rule 8.04. Misconduct

IV. Non-Client Relationships
Rule 4.01. Truthfulness in Statements to Others
Rule 4.04. Respect for Rights of Third Persons

VIII. Maintaining the Integrity of the Profession
Rule 8.03. Reporting Professional Misconduct
Rule 8.04. Misconduct

(7) Outsiders do not know the extent of the PUCT – MUD phone call of May 20, 2024 and its impact on (i) the MUD's attitude, follow-up, and motion to dismiss [56589-48 (6/4/2024)]; and (ii) the PUCT's treatment of the case: PFD of 7/23/2024 [56589-167], Memo of 8/14/2024 [56589-205], and Final order of 8/15/2024 [56589-210].

PRAYER

(8) By 8/23/2024, the Public Utility Commission of Texas produces a full, certified transcript of the unlawful May 20, 2024 phone call among PUCT's attorney Kevin Pierce and MUD's attorneys Jamie Mauldin / Richard Arnett. Denial and defiance will be very costly for the PUCT, which will ultimately be forced to produce the transcript via a Travis County District Court order.

Katy, Texas on the 18th day of August 2024.

Respectfully submitted,
on behalf of Grand Lakes MUD No. 2 ratepayers

George J. Wakileh, Ph.D.
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Katy, TX 77494-6590
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CERTIFICATE OF SERVICE

I certify that the filing of this pleading is notified to all parties of record via e-mail on August 18, 2024.

George J. Wakileh, Ph.D.

Exhibit 1

Monday, June 17, 2024 2:31 PM
Kevin,
Thanks for sending. In advance of the deadlines next week (6/29), is there anything we should discuss on procedural schedule? Do you know yet how your SMEs will be commenting on the petition?
Give me a call to discuss if you'd like.
Thanks,
Jamie [Mauldin]
Principal
Lloyd Gosselink Rochelle & Townsend, P.C.

Monday, June 17, 2024 3:47 PM
Good afternoon Jamie,
Just as a point of clarification the ALJ moved the deadlines to July 1, so we have a little more time to prepare everything.
I'm not 100% finished with my review, both on my own and through my reviewers, but I think that we're likely to move for dismissal and therefore not recommend a procedural schedule until the motions to dismiss are addressed.
Best Regards,
Kevin Pierce
Attorney, Legal Division
Public Utility Commission of Texas

Wednesday, June 26, 2024 9:08 AM
Hi Kevin,
I was just looking at my calendar and wanted to confirm that we don't need to confer on scheduling/processing for a filing Monday. I know Staff usually handles that in their recommendation but let me know if you need anything else on that.
Thanks-
Jamie [Mauldin]
Principal
Lloyd Gosselink Rochelle & Townsend, P.C.

Wednesday, June 26, 2024 12:29 PM
Good afternoon Jamie,
I appreciate you checking in. We don't believe it'll be necessary to discuss a procedural schedule at this time. Subject to some unanticipated, last-minute course-reversal I intend to move for dismissal of the petition, and a procedural schedule would be moot given that motion.
Let me know if you'd like to discuss anything else on this docket.
Best Regards,
Kevin Pierce
Attorney, Legal Division
Public Utility Commission of Texas

Wednesday, May 15, 2024 12:48 PM
... I'm also happy to hop on a call to discuss this docket if there is anything y'all want to discuss at the outset. ...

Wednesday, May 15, 2024 2:11 PM
I'll be available next Monday between 9:30-12, 3-4:30 and Tuesday between 9-10am, 11:30am- 3:30pm. Let me know if there's a time that works for you in there.

Wednesday, June 5, 2024 12:15 PM
I wanted to confirm, is GLMUD not contesting the number of valid signatures? I just want to make sure I didn't miss the argument if you made it somewhere. Thank you!

Wednesday, June 5, 2024 12:25 PM
... I hope you'll understand me taking some additional time to make sure everything is airtight and cleared with my leadership team before filing our response. ...

Monday, June 24, 2024 11:13 AM
Let me know if there are any questions or anything you wish to chat about. Thanks!

Wednesday, June 26, 2024 12:28:56 PM
Let me know if you'd like to discuss anything else on this docket.