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Item Number: 16

Addendum StartPage: 0

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TCEQ DOCKET NO. 2013-1735-UCR

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PUBLIC UTILITY COMMISSION
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APPLICATION OF DOUGLAS
UTILITY COMPANY TO
CHANGE WATER AND SEWER
RATE/TARIFF IN HARRIS
COUNTY, TEXAS

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BEFORE THE STATE OFFICE
OF
ADMINISTRATIVE HEARINGS

DOUGLAS UTILITY COMPANY'S RESPONSE
TO RAINBOW HOUSING ASSISTANCE CORPORATION'S MOTION TO COMPEL
TO THE HONORABLE PENNY WILKOV, ADMINISTRATIVE LAW JUDGE:

Comes now Douglas Utility Company ("Douglas") which provides its response to Rainbow Housing Assistance Corporation's ("Rainbow") Motion to Compel.

Rainbow's Motion and its attachments fairly reflect the exchange of discovery between Douglas and Rainbow and their attorneys' attempts to resolve this dispute. In the interest of brevity, Douglas shall not repeat its arguments but refers the Court to the attachments to Rainbow's motion.

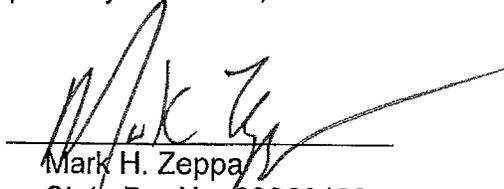
This dispute boils down to the assertion of Rainbow's counsel that a privately owned utility applicant for a rate change is compelled to use the TCEQ model application form without variation. This is not true. It is the applicant which has the burden of proof in a rate case. The TCEQ cannot constrain how the applicant meets that burden by the imposition of an application form that may not be deviated. Rainbow cites no rule, Regulatory Guidance or case precedent that supports its position because there are none. Rate change

applicants routinely file additional or modified information in their application. It should be remembered that this application has undergone and passed administrative review by the Executive Director before the case every got to SOAH.

Douglas has adequately answered Rainbow's requests. Rainbow may not like the answers but they are what they are.

Douglas prays that Rainbows' motion to compel be denied.

Respectfully submitted,

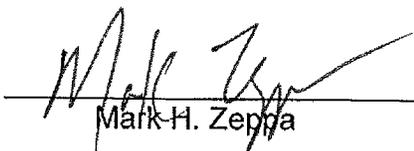
By: 

Mark H. Zeppa
State Bar No. 22260100
Law Offices of Mark H. Zeppa, PC
4833 Spicewood Springs Road #202
Austin, Texas 78759-8435
(512) 346-4011, Fax (512) 346-6847

ATTORNEY FOR DOUGLAS UTILITY CO.

CERTIFICATE OF SERVICE

I, Mark H. Zeppa, hereby certify that copies of the foregoing were provided to the parties of record as shown on the Service List below on May 19, 2014, by First Class Mail, Facsimile Transmission, hard delivery, or electronic transmission.


Mark H. Zeppa

Garrett Arthur
TCEQ
Office of Public Interest Counsel
PO Box 13087 – MC 103
Austin TX 78711-3087
(512) 239-5757, (512) 239-6377 (Fax)
Garrett.arthur@tceq.texas.gov

Brian MacLeod
TCEQ
PO Box 13087 – MC 175
Austin TX 78711-3087
(512) 239-0750, (512) 239-0606 (Fax)
bmacleod@tceq.texas.gov

John L. Wilson
McGinnis Lochridge, LLP
600 Congress Avenue, Suite 2100
Austin TX 78701
(512) 495-6015, (512) 505-6315 (Fax)
jwilson@mcginnislaw.com

Karl E. Wolfe
5523 Mendota Lane
Houston TX 77032
(713) 301-7149, (713) 301-7149 (Cell)
kwolffsr@att.net

ALJ Penny Wilkov
SOAH
Efiled at www.soah.texas.gov

TCEQ Docket Clerk
Efiled at www.tceq.texas.gov