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APPEAL OF WATER AND SEWER §
RATES CHARGED BY THE §
TOWN OF WOODLOCH §
CCN NOS. 12312 AND 20141 §
§

BEFORE THE STATE OFFICE
OF
ADMINISTRATIVE HEARINGS

**OUTSIDE RATE-PAYER'S RESPONSE TO TOWN OF WOODLOCH'S OBJECTIONS
TO THE DIRECT TESTIMONY AND SUPPLEMENTAL DIRECT TESTIMONY OF
CATHERINE LEWKOWSKI**

TO THE HONORABLE ADMINISTRATIVE LAW JUDGE:

Catherine Lewkowski, one of three representatives of the outside rate payers of the Town of Woodloch, files this response to the Town of Woodloch's Objections to the Direct Testimony of Catherine Lewkowski and the Supplemental Direct Testimony of Catherine Lewkowski.

The Town of Woodloch seeks to strike almost all of my testimony by asserting it contains multiple instances of impermissible opinion by a lay witness. TRE 701 does not exclude all opinions of lay witnesses. A lay witness may provide opinions that are rationally based on a witness's perception and are helpful to clearly understanding the witness's testimony or to determining a fact in issue. TRE 602 provides that a witness may not testify unless evidence is introduced sufficient to support a finding that the witness has personal knowledge of the matter. The Town of Woodloch seeks to disqualify my direct testimony and my supplemental direct testimony as a layman with no qualifications, experience, or personal knowledge.

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I have reviewed and studied all of the documents, discovery, motions, testimonies and evidence produced in this case. I have many years of experience in the accounting field having worked in the accounting departments of two banks and a hospital services corporation. I have worked on budgets, profit and loss reports, salaries, tax payments, and financial statements, accounts payable and receivable and assisted in annual audits. I also have 10 years' experience as the Legal Assistant to the Juvenile Prosecutor in the Montgomery County Attorney's Office. The opinions stated in my testimony are the same opinions that any rational person would draw under these same circumstances. My personal knowledge is based on my experience of being a Woodloch customer for over 22 years and as being a representative of the outside rate payers in this case as well as a previous water rate appeal case in 2008. The commission does not require that a testifying witness be an accountant, economist, attorney, engineer, an expert in regulated ratemaking, or any other specific occupation. Under TRE 702, a person may qualify as an expert by knowledge, skill, experience, training, or education. I meet these qualifications based on my experience in rate appeal proceedings, other legal proceedings, and my accounting background.

My testimony does offer opinions as to the beliefs and fact situations of Woodloch's customers as I am a customer and I represent other customers of Woodloch. Every portion of my testimony is true and relevant to this case. In fact, the PUC Staff has recommended several of the same recommendations I made in my direct testimony. These include one class of customer, separating accounting books, reducing the revenue requirement and discontinuing pass through fees. I did not reveal any confidential mediation discussions in my testimony as all testimony and evidence regarding rate discussions pertain to the settlement negotiations made **after** the first attempt at mediation was cancelled and **before** the second attempt at mediation began.

All of the opinions, observations and recommendations that I have made in my direct testimony and supplemental direct testimony are the same that any reasonable person would make after examining the general ledgers, budgets and all other financial statements and evidence produced by Woodloch. By excluding my testimony, the utility customers' rights to participate in this rate appeal proceeding are lost.

In conclusion, the outside ratepayers of the Town of Woodloch would respectfully request that the Town of Woodloch's Objections to Direct Testimony of Cathy Lewkowski be denied. Further, we would respectfully request that the Woodloch's Objections to Supplemental Direct Testimony of Cathy Lewkowski also be denied.

Respectfully Submitted,



Catherine Lewkowski
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Conroe, TX 77385
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CERTIFICATE OF SERVICE

I certify that a true and correct copy of this document has been sent by first class mail to all parties of record on this the 18th day of May, 2015.



Catherine Lewkowski