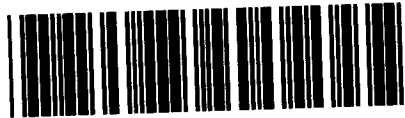


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Item Number: 22

Addendum StartPage: 0

House Bill (HB) 1600 and Senate Bill (SB) 567 83rd
Legislature, Regular Session, transferred the functions
relating to the economic regulation of water and sewer
utilities from the TCEQ to the PUC effective
September 1, 2014

Received:

May 21 2010 03:00pm

43722

May-21-10 02:58pm

From-ARMBRUST & BROWN, L.L.P.

5124352360

095 P 02/06 F-891

ARMBRUST & BROWN, L.L.P.

ATTORNEYS AT LAW

2010 DEC 19 AM 9:53

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JOHN J. CARLTON
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May 21, 2010

VIA FACSIMILE (512) 475-4994

Richard Wilfong
Administrative Law Judge
State Office of Administrative Hearings
300 W. 15th Street, Suite 502
Austin, Texas 78701

Re SOAH Docket No 582-09-4288; TCEQ Docket No. 2009-0505-UCR; Application of Double Utilities Company, Inc. to Change Water Rate Tariff for Service in Hill, Palo Pinto, and Johnson Counties

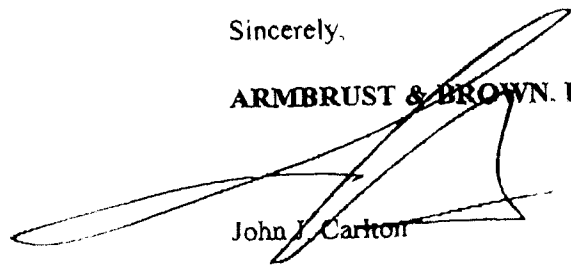
Dear Judge Wilfong:

Pursuant to Order No. 4, enclosed for filing in the above referenced case is Double Diamond Utilities Co.'s Response to White Bluff Subdivision Ratepayers' Objections.

Thank you for your attention to this matter. If you have any questions, please do not hesitate to contact me

Sincerely,

ARMBRUST & BROWN, L.L.P.



John J. Carlton

Enclosure

cc: Parties of Record

/

T-085 P 03/06 F-831
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SOAH DOCKET NO. 582-09-4288

TCEQ DOCKET NO. 2009-0505-UCR

MAY 21 2010 3:36

CHIEF CLERK'S OFFICE

APPLICATION OF DOUBLE
DIAMOND UTILITIES COMPANY,
INC. TO CHANGE WATER RATE
TARIFF FOR SERVICE IN HILL, PALO
PINTO, AND JOHNSON COUNTIES

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BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

**DOUBLE DIAMOND UTILITIES CO.'S RESPONSE TO
WHITE BLUFF SUBDIVISION RATEPAYERS' OBJECTIONS**

TO THE HONORABLE ADMINSTRATIVE LAW JUDGE

COMES NOW, Double Diamond Utilities, Co. ("DDU") and files its response to White Bluff Subdivision Ratepayers' Objections to Double Diamond Utility Company's Direct Case in the above-styled matter.

**I.
Introduction**

DDU filed its prefiled testimony and exhibits on March 1, 2010, in accordance with the procedural schedule established in Order No. 2 issued by the Administrative Law Judge. Objections to all prefiled testimony and exhibits were due on May 7, 2010, 67 days after DDU's testimony and exhibits were filed. White Bluff Subdivision Ratepayer's ("WBSR") filed their objections at then end of business on May 7, 2010. Responses to Objections are due by 3:00 pm on May 21, 2010.

**II.
Response**

WBSR's objections are general in nature and do not specifically cite any testimony or evidence offered by DDU. A general objection is no objection at all. *Murphy v. Waldrip*, 692, S.W.2d 584, 591 (Tex.App.—Fort Worth 1985, writ ref'd n.r.e.). Under the Texas Rules of Evidence, which apply to this case, and establishes Texas case law, a party must make a specific

objection to evidence. See TRE 103(a)(1); Sciarilla v. Osborne, 946 S.W.2d 919, 924 (Tex.App.—Beaumont 1997, pet. denied.); and McCormick v. Texas Commerce Bank, 751 S.W.2d 887, 890 (Tex. App.—Houston [14th Distr.] 1988, writ denied). A specific objection enables the court to understand the challenge, permits the court to make an informed ruling, and gives the party offering the evidence the opportunity to remedy the defect and offer it again in admissible form. McKinney v. National Un. Fire Ins. Co., 772 S.W.2d 72, 74 (Tex. 1989). A general objection to a unit of evidence as a whole, which does not point out specifically the portion objected to, is insufficient. See Cherokee Water Co. V. Gregg County Appraisal Dist., 773 SW.2d 949 (Tex.App.—Tyler 1989), *aff'd*, 801 S.W.2d 872 (Tex. 1990)

DDU has no opportunity to respond to the general nature of the objections filed by WBSR and no opportunity to remedy any defect because DDU does not know the specific testimony or exhibits to which WBSR objects. Consequently WBSR's general objections should be overruled, and DDU's testimony should be admitted into the record in its entirety.

III. Prayer

DDU requests that WBSR's Objection to DDU's Direct Case be overruled in their entirety and that DDU's prefiled testimony and exhibits be admitted into the record in their entirety because no other party filed objections to DDU's prefiled testimony and exhibits. If WBSR's objections are not overruled in their entirety, DDU requests that the Administrative Law Judge order WBSR to file specific objections and allow DDU at least ten days to respond.

Respectfully submitted,



~~JOHN J. CARLTON~~

State Bar No. 03817600

ARMBRUST & BROWN, L.L.P.

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**ATTORNEY FOR DOUBLE DIAMOND
UTILITIES CO.**

CERTIFICATE OF SERVICE

By my signature above, I hereby certify that a true and correct copy of the foregoing was delivered via facsimile, via first class mail, via electronic mail or by hand delivery on the 21st day of May, 2010 to the following:

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5124352360

T-085 P.01/06 F-031

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FACSIMILE COVER PAGE

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RE: SOAH Docket No. 582-09-4288; TCEQ Docket No. 2009-0505-UCR; Application of Double Diamond Utilities Company, Inc. to Change Water Rate Tariff for Service in Hill, Palo Pinto, and Johnson Counties

ATTACHMENTS Double Diamond Utilities Co.'s Response to White Bluff Subdivision Ratepayers' Objections

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE (COLLECT), AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U. S. POSTAL SERVICE. THANK YOU.
375252-1 12/03/2009