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APPLICATION OF RIO CONCHO
AVIATION, INC. FOR A
RATE/TARIFF CHANGE

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BEFORE THE STATE OFFICE OF THE COMMISSION
OF
ADMINISTRATIVE HEARINGS

**RIO CONCHO AVIATION, INC.'S
OBJECTION TO AND MOTION TO STRIKE PORTIONS OF
RATEPAYER, ROY GEER'S, DIRECT TESTIMONY**

COMES NOW, Rio Concho Aviation, Inc. ("Rio Concho") and files this Objection to and Motion to Strike Portions of Ratepayer, Roy Geer's, Direct Testimony. Rio Concho would respectfully show the following:

I.

BACKGROUND

Rio Concho filed an application to increase its water rates with the Commission on March 22, 2016. On August 18, 2016, Ratepayer, Roy Geer, filed direct testimony and exhibits. SOAH Order No. 4, issued on June 21, 2016, established a deadline of August 26, 2016 for filing objections to Ratepayers direct. This response is therefore timely filed.

II.

OBJECTIONS

A. Geer Testimony, Answer at page 3, line 8.

Rio Concho objects to the response because it is simple speculation. As a fact witness, this witness must only testify to factual matters on which the witness has personal knowledge. Tex. R. Evid. 602. He does not have personal knowledge of nor is he an expert qualified to testify about the need or use of property for the water system. His opinion testimony on these issues is simply speculation and prohibited from being admitted into the record under either Rule 701 or Rule 702.

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B. Geer Testimony, Answer at page 4, line 15-17.

Rio Concho objects to the response because it is simple speculation. As a fact witness, this witness must only testify to factual matters on which the witness has personal knowledge. Tex. R. Evid. 602. He does not have personal knowledge of nor is he an expert qualified to testify about the need or use of a vehicle for the water system. His opinion testimony on these issues is simply speculation and prohibited from being admitted into the record under either Rule 701 or Rule 702.

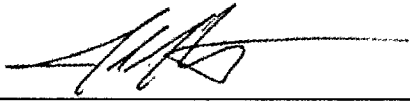
C. Geer Testimony, Answer at page 5, line 2-4.

Rio Concho objects to the response because it is simple speculation. As a fact witness, this witness must only testify to factual matters on which the witness has personal knowledge. Tex. R. Evid. 602. He does not have personal knowledge of nor is he an expert qualified to testify about the financial statements and return on investment for the water system. His opinion testimony on these issues is simply speculation and prohibited from being admitted into the record under either Rule 701 or Rule 702.

**IV.
PRAYER**

Rio Concho respectfully requests that the Judge sustain its objections, enter an order excluding and striking the Testimony of Roy Geer as requested above and grant such and further relief to which it may be entitled.

Respectfully submitted,

By: 
John J. Carlton

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ATTORNEY FOR RIO CONCHO AVIATION, INC.

CERTIFICATE OF SERVICE

I hereby certify that I have served or will serve a true and correct copy of the foregoing document via hand delivery, facsimile, electronic mail, overnight mail, U.S. mail and/or Certified Mail Return Receipt Requested to all parties on this the 26th day of August, 2016.


John Carlton