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

BEFORE THE STATE OFFICE
OF
ADMINISTRATIVE HEARINGS

ROY GEER'S

RESPONSE TO RIO CONCHO'S OBJECTION TO AND MOTION TO
STRIKE A PORTION OF RATEPAYER, ROY GEER'S DIRECT TESTIMONY

**I.
TEXAS RULES OF EVIDENCE,**

Rule 602; Need for Personal Knowledge

A witness may testify to a matter only if evidence is introduced sufficient to support a finding that the witness has personal knowledge of the matter. Evidence to prove personal knowledge may consist of the witness's own testimony. This rule does not apply to a witness's expert testimony under Rule 703.

Rule 701; Opinion Testimony by Lay Witnesses

If a witness is not testifying as an expert, testimony in the form of an opinion is limited to one that is:

- (a) rationally based on the witness's perception, and
- (b) helpful to clearly understanding the witness's testimony or to determining a fact in issue.

Rule 702. Testimony by Expert Witnesses

A witness who is qualified as an expert by knowledge, skill, experience, training, or education may testify in the form of an opinion or otherwise if the expert's scientific, technical, or other specialized knowledge will help the trier of fact to understand the evidence or to determine a fact in issue.

II.

**Mr. GEER objects to the motion to strike the following
testimonies applying the above Rules.**

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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 Rule 702..

- A. Mr. Geer was a member of the board at the time in question. He was also involved in the paving that was done on the airport at that time. Rio Concho did resurface the property around the fuel pump area and then striped it for the helicopter landing area "and airplane parking area. Those areas are not part of the water facilities as can be seen satellite photos.

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.

- A. The Audi crossovers are considered luxury automobiles along with Mercedes and BMW. This class of automobiles would not normally be considered a work vehicle.

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.

- A. My opinion is valid under Rule 701 or Rule 702 as it is a rational conclusion of my study of the 2015 P&L statement for Rio Concho. It also helps to clarify the facts in this case.