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**SOAH DOCKET NO 4733-18-3008.WS
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**APPLICATION OF FOREST GLEN
UTILITY COMPANY FOR
AUTHORITY TO CHANGE RATES**

**BEFORE THE
STATE OFFICE OF ADMINISTRATIVE
HEARINGS**

**MOTION TO NULLIFY FGU ATTEMPT TO STRIKE TESTIMONY OF
FLEMING MITCHELL**

COMES NOW, FLEMING MITCHELL (Potranco Ranch FGU Customer) for reuse water files a motion to nullify FGU's attempt to strike my Prefiled Testimony and Exhibits in support thereof. The following information is submitted in my support.

I

BACKGROUND

On May 18, 2018, the State Office of Administrative Hearings ("SOAH") held the Prehearing Conference in this matter and named parties, including Intervenor Fleming Mitchell. Mr. Mitchell submitted his Testimony and supporting Exhibits.

II

MOTION TO NULLIFY

Page 1 & 1-2

- a. Purpose of Testimony, page 1. Intervenor Mitchell never professed to be an expert in this case, as stated by the FGU. Mr. Mitchell stated issues in relations to the out of control expenses for waste water usage and that water usage exceeds use of electricity. Intervenor Mitchell produced an Audit Report from Yancey Water Corporation which supported fees. Reuse water rates fluctuated from month to month unlike what FGU claims when they stated it was a flat \$12.00 fee. 2 It is unfair and unreasonable for FGU to assert that Intervenor Mitchell is fabricating his statement by stating I have no personal knowledge and that it is beyond reasonable and unfair. I realize this fact each month I receive a bill.**

- b. Testimony, pages 1-2. Water consumption directly affect cost of usage of reuse water and therefore is relevant. I take exception to the fact that FGU again asserts that a conversation between Mr. Mitchel and Mr. Ruben Correa with Wall Homes is "hearsay". I take exception to FGU questioning my integrity.***

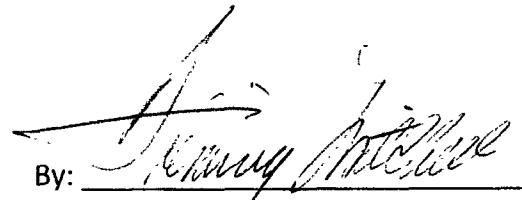
FGU failed to address their lack of timely submission of notifications of intent to increase rates to customers. (See Exhibit submitted with testimony).

III PRAYER

WHEREFORE, PREMISES CONSIDERED, Fleming Mitchell respectfully requests the ALJ nullify FGU's Motion to Strike and Objections to Direct Testimony and Exhibits of Intervenor Fleming Mitchell in its entirety as noted above at the hearing for this matter, and such and further relief to which it may be entitled.

Respectfully submitted,

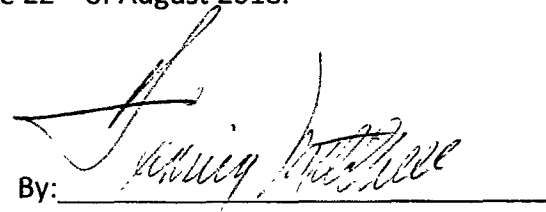
Fleming Mitchell
163 Sunrise Hill
Castroville, TX 78009-3439
210-887-6045
mitch9130@gmail.com

By: 
Fleming Mitchell, Intervenor

Homeowner
Potranco Ranch Sub-Division Homeowner

CERTIFICATE OF SERVICE

I hereby certify that I have or will serve a true and correct copy of the foregoing document via hand delivery, facsimile, electronic mail, or overnight mail, U.S. mail, or Certified Mail Return Receipt Requested on all parties on the 22nd of August 2018.

By: 
Fleming Mitchell