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SOAH DOCKET NO. 473-18-3008.WS
PUC DOCKET NO. 47897

APPLICATION OF FOREST GLEN
UTILITY COMPANY FOR AUTHORITY
TO CHANGE RATES

2018 AUG 31 AM 11:28
BEFORE THE
PUBLIC UTILITY COMMISSION
OF TEXAS

**MOTION TO NULLIFY FGU ATTEMP TO STRIKE PREFILED TESTMONY OF
DENNIS M. BROWN**

COMES NOW, Dennis M. Brown (FGU Potranco Ranch Customer) for Reuse water files this Motion to Nullify FGU attempt to Strike and Objections to the Prefiled Testimony and Exhibits of Dennis M. Brown and in support thereof, would respectfully show the following:

Respectfully submitted,

Dennis M. Brown
285 Barden Parkway
Castroville, TX 78009
210-859-9343
dennisb51@sbcglobal.net

By: Dennis M. Brown

CERTIFICATE OF SERVICE

I, Dennis M. Brown, hereby certify that I have or will serve a true and correct copy of the foregoing document via hand delivery, facsimile, electronic mail, overnight mail, U.S. mail, or Certified Mail Return Receipt Requested on all parties on the 23 August 2018.

By: Dennis M. Brown
Dennis M. Brown
INTERVENOR

I. DEFINITIONS

1. "You" "They" and "your means Forest Glen Utility Company as well as your attorneys, employees, independent contractors, representatives, consultants, affiliates, and expert witnesses.
2. "FGU" means Forest Glen Utility Company, applicant in the above-docketed rate case.
3. "Commission "PUC" means the Public Utility Commission of Texas with jurisdiction over this matter, PUC Docket No. 47897.

II. BACKGROUND

On May 18, 2018, the State Office of Administrative Hearings ("SOAH") held the Prehearing Conference in this matter and named parties, including Intervenor Dennis M. Brown. Mr. Brown and each of the three (3) other intervenors participated in the hearing fully and agreed to the due dates established in the procedural schedule included in SOAH Order No. 2. The date given for the Intervenor's Testimony was 9 Aug 2018. Dennis M. Brown's Testimony was accepted by the PUC Interchange on the evening of 8 August 2018 at approximately 8:00 pm, one day prior to the due date.

III. MOTION TO NULLIFY

I filed my Pre-filed Testimony and Exhibits on 8 August 2018 at approximately 8:00 pm through the PUC Interchange System. FGU attorneys attempt to strike and objection to my Prefiled Testimony and Exhibits is using the pretrial hearing established procedural schedule due dates to do so. But, it was my understanding that the due dates were based on input date. However, it seems that the PUC or FGU's system uses posted date instead of input date and that's fine. However, I feel that as long as I filed my Testimony through the interchange in a timely manner it should suffice. Nevertheless, if FGU Attorneys are deliberately trying to strike my Testimony, which I have every reason at this point to think so. I feel that it's wrong and should not be allowed. FGU Attorneys are well aware that we are not Lawyers and don't have the knowledge of Law as they do. We are intervenors trying to ensure that we get a fair and reasonable opportunity to voice our concerns about what we feel is an unfair and unreasonable Flat Based Sewer Rate increase. We have life managing requirements just like they do. Sometime things get overlooked. However, I know for a fact that I filed my Prefiled Testimony electronically before your deadline of 9 August 2018. It might not have posted, but I filed it before 9 August 2018.

Nevertheless, FGU Attorney's condescending and belittling attitude toward the Intervenors and their attempt to evade or just not answer simple RFI questions are disturbing and leaves a negative impression on me. The dialogue and tone of conversation that FGU attorneys have used to deflect or not answer intervenors questions are very concerning and leaves little to be desired. This motion to strike my Prefiled Testimony seem to be just another attempt to not answers questions.

FGU attorneys know the law and all that's involved in maneuvering their way through all the PUC's Titles, Codes and regulations. I don't. I don't know the laws. I don't know nearly as much as FGU attorneys do about how the State Office of Administrative Hearings (SOAH) and the PCU laws work.

However, I do know the questions presented to FGU attorneys not just from me but from all of the Intervenors have been legitimate and honest, but the responds to some have been less than Honest. So, because I don't have the knowledge that FGU Attorneys have of the subject matter it affects the willingness to engage in positive communication. I believe affective communication is paramount in these types of discussions. That said, the communicating that I have received so far from FGU Attorneys have been less that positive. I get it, I am not a lawyer, and the Law jargon used by FGU Attorneys in these proceedings are attempts to evade or not answer questions at all.

After communicating my reasons and concerns about FGU Attorneys, I respectfully request that the ALJ grants a Motion to Nullify FGU's Motion to Strike and Objections to the Prefiled Testimony and Exhibits of Intervenor Dennis M. Brown's in its entirety.