



Control Number: 50788



Item Number: 10

Addendum StartPage: 0



**DOCKET NO. 50788**  
**SOAH DOCKET NO. 473-20-4071.WS**

**RATEPAYERS APPEAL OF THE  
DECISION BY WINDERMERE  
OAKS WATER SUPPLY  
CORPORATION TO CHANGE  
WATER AND SEWER RATES**

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**PUBLIC UTILITY COMMISSION  
OF TEXAS**

**COMMISSION STAFF'S LIST OF ISSUES**

**COMES NOW** the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and files this List of Issues. In support, Staff offers the following:

**I. BACKGROUND**

On April 27, 2020, Josephine Fuller, individually and on behalf of the ratepayers of the Windermere Oaks Water Supply Corporation (Petitioners or Ratepayers), filed a petition under Texas Water Code (TWC) § 13.043(b) appealing the decision by Windermere Oaks Water Supply Corporation (Windermere Oaks) to change its water and sewer rates. On April 30, 2020, Petitioners filed an amended petition, and on May 27, 2020, Windemere Oaks filed its response to the Petition.

On May 28, 2020, the Administrative Law Judge (ALJ) issued Order No. 2, which established a deadline of June 17, 2020 for Staff to file a recommendation on the administrative completeness of the petition and for Petitioners, Windemere Oaks, and Staff (collectively, the Parties) to propose a procedural schedule. Staff timely recommended that the petition be found administratively complete and requested referral to the State Office of Administrative Hearings (SOAH).

On June 23, 2020, the Office of Policy and Docket Management issued an Order of Referral, which established a deadline of July 1, 2020 for the Ratepayers and Windemere Oaks to submit a proposed list of issues to be addressed in this docket and for Staff and any other interested party to submit a list of issues should they wish to do so. Therefore, this pleading is timely filed.

## **II. LIST OF ISSUES TO BE ADDRESSED**

Staff recommends that the Commission identify issues to be addressed based on the Preliminary Order adopted in Docket No. 49225<sup>1</sup> with modifications as appropriate to reflect the specific facts in this docket, including the following:

1. Can Windemere Oaks recover legal fees related to lawsuits filed against it through rates?

## **III. LIST OF ISSUES NOT TO BE ADDRESSED**

At this time, Staff has not identified any issues not to be addressed.

## **IV. CONCLUSION**

Staff respectfully requests the issuance of a preliminary order including Staff's proposed issues to be addressed.

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<sup>1</sup> *Petition by Outside City Ratepayers Appealing the Water Rates Established by the City of Celina*, Docket No. 49225, Preliminary Order (Jan. 17, 2020).

Dated: July 1, 2020

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

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/s/ Merritt Lander \_\_\_\_\_  
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**CERTIFICATE OF SERVICE**

I hereby certify that, unless otherwise ordered by the presiding officer, a true and correct copy of the foregoing document was transmitted by electronic mail to the parties of record on July 1, 2020 in accordance with the Order Suspending Rules issued in Docket No. 50664.

/s/ Merritt Lander \_\_\_\_\_  
Merritt Lander