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RATEPAYERS APPEAL OF THE §
DECISION BY WINDERMERE OAKS §
WATER SUPPLY CORPORATION TO §
CHANGE WATER AND SEWER §
RATES §
BEFORE THE PUBLIC UTILITY COMMISSION
OF TEXAS

**WINDERMERE OAKS WATER SUPPLY CORPORATION’S OBJECTIONS TO
RATEPAYERS’ THIRD REQUEST FOR INFORMATION**

Windermere Oaks Water Supply Corporation (WOWSC), by and through its attorneys of record, files these Objections to Ratepayers’ First Request for Information (RFI) to WOWSC, and would respectfully show as follows:

I. PROCEDURAL HISTORY

Ratepayers of WOWSC (Ratepayers) served their Third RFI to WOWSC on April 30, 2021. Pursuant to 16 Tex. Admin. Code (TAC) §§ 22.144(d) and 22.4(a), these objections are timely filed within 10 calendar days of WOWSC’s receipt of the RFI. Counsel for WOWSC has attempted to confer with Ratepayers’ Representatives to conduct good faith negotiations, but as of the filing deadline have failed to resolve the issues for the RFIs discussed below. However, based on parties’ conference, Ratepayers agreed to withdraw RFIs 3-10, 3-11, 3-12, 3-20, and 3-21. In the event that Ratepayers dispute this agreement and ask the Administrative Law Judges (ALJs) to require WOWSC to respond to those RFIs, WOWSC asserts the same objections and arguments to those RFIs as discussed below.

While WOWSC will continue to negotiate with Ratepayers regarding these and any future objections, WOWSC files these objections for preservation of its legal rights under the established procedures. To the extent any agreement is subsequently reached, WOWSC will withdraw such objection.

II. OBJECTIONS

WOWSC objects to the following RFIs:

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RATEPAYERS RFI 3-8: Admit or Deny the WOWSC filed on March 19, 2021 a Civil Action lawsuit in United States District Court for The Western District of Texas, Case 1:21-CV-00258-RP⁴ (see exhibit A) in which WOWSC and former and current board members Dana Martin, William Earnest, Thomas Michael Madden, Robert Mebane, Patrick Mulligan, Joe Gimenez, David Bertino, Mike Nelson, Dorothy Taylor, and Norman Morse are named as plaintiffs in an Original Complaint, by the Shidlofsky Law Firm against Defendant Allied World Specialty Insurance Company.

RATEPAYERS 3-9: If the answer to RFI 3-8 is admit, state whether the WOWSC is paying litigation expenses for the individual plaintiffs and the legal and factual bases (if any) on which the WOWSC is doing so.

RATEPAYERS 3-13: What financial account/fund/bank account is the WOWSC pulling funds from to pay the Shidlofsky Law Firm's for representation of the WOWSC and the individual plaintiffs in Case 1:21-cv-00258-RP?

RATEPAYERS 3-14: Are any of WOWSC funds used to pay the Shidlofsky Law Firm for representation of the WOWSC and past and current directors' representation in Case 1:21-cv-00258-RP generated by the income of the water and/or sewer rates?

RATEPAYERS 3-22: Provide the WOWSC's determination and calculation of the demand of \$250,000 in Case 1:21-CV-00258-RP (see exhibit B) and if this demand includes legal expenses from 2019 which the WOWSC included in the 2020 WOWSC rate increase.

Objections:

WOWSC objects to these requests because the information requested is related to issues outside the scope of the Preliminary Order issued by the Commission on July 16, 2020,¹ and seeks information that is neither relevant to the issues presented in this matter nor reasonably calculated to lead to the discovery of admissible evidence.² This information requested does not have any tendency to make the existence of any fact that is of consequence to the determination of this proceeding more probable or less probable than it would be without the evidence.³

Ratepayers seek information related to litigation commencing in 2021. Any information sought related to present litigation expenses that WOWSC has incurred or will incur related to cases outside of this proceeding is outside the scope of the Preliminary Order and irrelevant to this

¹ Preliminary Order (Jul. 16, 2020).

² Tex. R. Civ. Proc. 192.3(a); 16 TAC § 22.141(a).

³ Tex. R. Evid. 401.

proceeding. Additionally, WOWSC objects to these requests because these requests serve no purpose other than to harass WOWSC for information unrelated to this proceeding since expenses regarding litigation occurring after the filing of this proceeding and regarding issues not within the scope of this proceeding are wholly unrelated to the Commission's review of the rate increase effective March 23, 2020. Under 16 TAC § 22.142(a)(1)(A): "[t]he presiding officer may issue an order limiting discovery requests for . . . protection of a party or other person from undue burden, unnecessary expense, harassment or annoyance." Therefore, WOWSC respectfully requests that the ALJs relieve WOWSC from responding to such requests.

III. PRAYER

WHEREFORE, PREMISES CONSIDERED, WOWSC requests these objections be sustained and WOWSC be relieved of responding to these RFIs. WOWSC also requests any other relief to which it may show itself justly entitled.

Respectfully submitted,

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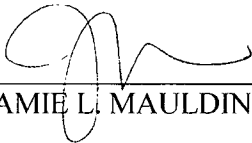
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**ATTORNEYS FOR WINDERMERE OAKS
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CERTIFICATE OF SERVICE

I certify that, unless otherwise ordered by the presiding officer, notice of the filing of this document was provided to all parties of record via electronic mail on May 10, 2021, in accordance with the Order Suspending Rules, issued in Project No. 50664.



JAMIE L. MAULDIN