

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

RECEIVED
2021 MAY 20 AM 11:04
PUBLIC UTILITY COMMISSION
FILING CLERK

RATEPAYERS APPEAL OF THE § BEFORE THE STATE OFFICE
DECISION BY WINDERMERE OAKS §
WATER SUPPLY CORPORATION TO § OF
CHANGE WATER AND SEWER §
RATES § ADMINISTRATIVE HEARINGS

**WINDERMERE OAKS WATER SUPPLY CORPORATION'S RESPONSE TO
RATEPAYERS MOTION TO COMPEL**

Windermere Oaks Water Supply Corporation (WOWSC) files this Response to Ratepayers Motion to Compel, and would respectfully show as follows:

I. PROCEDURAL HISTORY

Ratepayers of WOWSC (Ratepayers) served their Third Request for Information (RFI) to WOWSC on April 30, 2021. WOWSC timely filed Objections to Ratepayers Third RFI¹ and served parties with notice of the filing on May 10, 2021, within the Commission's deadline for filing objections.²

Ratepayers filed their Motion to Compel WOWSC's response to Ratepayers Third RFI³ and served WOWSC at 4:16 p.m. on May 17, 2021, which under the Commission's rules, serves as May 18, 2021, one day after the deadline provided for this filing.⁴ This is not the first time Ratepayers has filed pleadings beyond the deadlines.⁵

WOWSC now timely files this Response to Ratepayers Motion to Compel.⁶

¹ Windermere Oaks Water Supply Corporation's Objections to Ratepayers Third Request for Information (May 10, 2021) (WOWSC's Objections).

² See counsel of Windermere Oaks Water Supply Corporation's email correspondence to Ratepayers regarding notice of filing (May 10, 2021) (attached as Exhibit A); see also 16 Texas Administrative Code (TAC) § 22.144(d).

³ Windermere Oaks Water Supply Corporation Ratepayers Representatives Motion to Compel Windermere Oaks Water Supply Corporation's Third Request for Information (May 17, 2021) (Ratepayers Motion to Compel).

⁴ See 16 TAC §§ 22.71(h), 22.144(b)(2), and 22.144(e).

⁵ See WOWSC Ratepayers Representatives Motion to Compel Windermere Oaks Water Supply Corporation to Ratepayers First Request for Information (Sept. 15, 2020); see also Response to WOWSC Objections to and Motions to Strike Testimony and Attachments of Danny Flunker, Bill Stein, Patti Flunker and Kathryn E. Allen (Apr. 21, 2021).

⁶ See 16 TAC § 22.144(f).

118

II. ARGUMENT

In their Motion to Compel, Ratepayers continue to belabor issues which are outside the scope of this proceeding, per the Commission's Preliminary Order.⁷ Ratepayers make assertions that are not limited to the issues provided by the Commission, and seek to interject their own personal opinion regarding matters outside the relevant matter regarding the approval of the rate study effective March 23, 2020. Present or future litigation expenses which were not used to develop the rates adopted in 2020 are irrelevant to this proceeding, as this proceeding is focused on the reasonableness and appropriateness of the rates ineffective March 23, 2020. Ratepayers harassing requests to obtain information regarding a 2021 civil case has no bearing on the rates which were effective in 2020. However, WOWSC has provided all information regarding legal expenses relevant to this proceeding and the issues determined by the Commission through its responses to both Staff and Ratepayers.

Nevertheless, and notwithstanding the pending objections, WOWSC attempted to provide documents responsive to these RFIs, where possible.

III. PRAYER

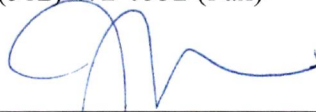
WOWSC respectfully requests Ratepayers Motion to Compel be denied, that WOWSC's objections be sustained, and that it be granted any other relief to which it may show itself justly entitled.

⁷ Preliminary Order (Jul. 16, 2020).

Respectfully submitted,

**LLOYD GOSSELINK ROCHELLE
& TOWNSEND, P.C.**

816 Congress Avenue, Suite 1900
Austin, Texas 78701
(512) 322-5800
(512) 472-0532 (Fax)



JAMIE L. MAULDIN
State Bar No. 24065694
jmauldin@lglawfirm.com

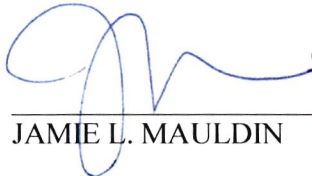
REID BARNES
State Bar No. 24101487
rbarnes@lglawfirm.com

ROBYN F. KATZ
State Bar No. 24060985
rkatz@lglawfirm.com

**ATTORNEYS FOR WINDERMERE OAKS
WATER SUPPLY CORPORATION**

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 20, 2021, in accordance with the Order Suspending Rules, issued in Project No. 50664.



JAMIE L. MAULDIN

Patricia Martinez

From: Patricia Martinez
Sent: Monday, May 10, 2021 11:59 AM
To: 'Erin Hurley'; 'Josie Fuller'; 'Merritt Lander (merritt.lander@puc.texas.gov)'
Cc: Jamie Mauldin; Robyn Katz; Jessica Shipley
Subject: Docket No. 50788 - WOWSC's Objections to Ratepayers' Third Request for Information
Attachments: 50788 WOWSC Objections to Ratepayers' Third RFI.pdf

Attached please find *WOWSC's Objections to Ratepayers' Third Request for Information* which was e-filed into PUC Docket No. 50788 today.

Thank you.