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

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

SOAH ORDER NO. 10
DENYING MOTION TO COMPEL

Ratepayers of Windermere Oaks Water Supply Corporation (WOWSC) filed a motion to compel responses to their third set of requests for information (RFI) relating to a lawsuit allegedly filed by WOWSC on March 19, 2021. WOWSC had objected based on relevance. In response to the motion to compel, WOWSC maintained that a 2021 civil case is not relevant to rates effective 2020. WOWSC also noted that the motion to compel was untimely.

An appeal under Texas Water Code section 13.043 is limited in scope to reviewing the information available to the governing body at the time it made its decision.¹ Evidence of subsequent events is irrelevant except to the extent subsequent they tend to shed light on what conditions were in existence as of the time the governing made its decision.² There is no indication that a 2021 lawsuit will shed light on what conditions were in existence at the time the governing body set the rates in 2020.

Additionally, the motion is untimely. The motion was filed on May 17, 2021, at 4:17 p.m., and is therefore deemed to have been filed and served on May 18, 2021—a day past the five-day deadline.³ Accordingly, the motion is **DENIED**.

¹ Tex. Water Code § 13.043(e).

² *Petition for Review of Certain Rate Making Actions of the City of Austin*, Docket No. 6560, Examiner’s Report at 15 (Apr. 16, 1986).

³ See 16 Tex. Admin. Code §§ 22.71(h) (“All documents shall be filed by 3:00 p.m. on the date due, unless otherwise ordered by the presiding officer.”); .144(b)(2) (RFIs received after 3:00 p.m. shall be deemed to have been received the following business day.); .144(e) (motions to compel due no later than five days after objection received).

SIGNED May 21, 2021.



DANIEL WISEMAN
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS



CHRISTIAAN SIANO
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS