



Control Number: 50788



Item Number: 135

Addendum StartPage: 0

2021 JUN 28 PM 2:24

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. 13
GRANTING MOTION TO ADOPT TESTIMONY;
DENYING MOTIONS TO STRIKE**

I. MOTION TO ADOPT


Commission Staff moved for Mark Filarowicz to adopt the testimony of witness Spencer English, who has left the agency since filing. No party objected. The motion is granted.

II. MOTIONS TO STRIKE

Ratepayers filed objections and motions to strike the rebuttal testimony of Windermere Oaks WSC (WOWSC) witnesses Grant Rabon and Joe Gimenez. In response, WOWSC argued that the ratepayer’s objections and motions are untimely and based on factual disagreement rather than admissibility of the evidence. The ALJ agrees. Evidence is not inadmissible on grounds of factual disagreement. A depth of knowledge or level of expertise can be tested through cross-examination.

Ratepayers’ objections do not demonstrate how the testimony at issue is inadmissible. Additionally, the objections are not timely. The objections were filed on June 14, 2021, at 3:06 p.m., and no leave for an extension was sought or granted.¹ The objections are overruled and the motions to strike are denied.

SIGNED June 28, 2021.


CHRISTIAAN SIANO
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS

¹ See SOAH Order Nos. 7, 9, 10, n. 3.