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

**WINDERMERE OAKS WATER SUPPLY CORPORATION'S
OBJECTION TO RATEPAYERS' WITNESS AND EXHIBIT LIST**

COMES NOW, Windermere Oaks Water Supply Corporation (WOWSC) and hereby files this Objection to Ratepayers' Witness and Exhibit List. WOWSC would respectfully show the following:

I. BACKGROUND

On July 7, 2021, Administrative Law Judge (ALJ) Siano ordered Parties to file the following no later than November 19, 2021:

- file a witness list identifying and providing contact information for all witnesses the party expects to call to testify during the hearing;
- identify its witnesses, if any, for whom the other party waived cross-examination;
- file a list of all exhibits it intends to offer at the hearing (including, for example, on cross-examination);
- deliver to the ALJ at SOAH Room 504, 5th Floor, William P. Clements Building, 300 West 15th Street , Austin , Texas , 78701, *the ALJs ' copies, the record copy, and two appeal copies* of all exhibits the party intends to offer . If a court reporter will transcribe the hearing, the parties SHALL, after consulting the court reporter about how to do so, provide *the record copy* instead to the court reporter, along with a copy of the party's witness list and exhibit list. ¹

¹ SOAH Order No. 14—Resetting Hearing on the Merits (Jul. 7, 2021) (Footnote 1 also states, “The parties may agree among themselves on the method of delivery to each other and may agree to forgo delivery to each other of marked copies of exhibits they have already received, relying on the exhibit lists to identify the offering party and exhibit number.”)

Additionally, the ALJ ordered, “Exhibits not meeting a requirement in this order may not be admitted into the record absent good cause.”²

On November 19, 2021, Ratepayers filed its witness and exhibit list. Therefore, this objection is timely filed.

II. OBJECTION

On November 19, 2021, Ratepayers filed its witness and exhibit list, neither of which is in conformity with Order No. 14. WOWSC wants to ensure that the Parties are able to adequately prepare for hearing with a properly filed pleading in accordance with Order No. 14. WOWSC objects to the following:

1. WOWSC objects to all listed discovery exhibits, to the extent they are not being provided as cross exhibits. Exhibits are also not properly labeled in Ratepayers’ pleading regarding whether Ratepayers intend to offer the exhibits for direct or for cross-examination. Assuming Ratepayers intend to offer discovery or other documents not included in pre-filed direct testimony, WOWSC objects to all documents that Ratepayers, other than pre-filed testimony, as hearsay, including Exhibits Ratepayers 01, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, and 17. To the extent errata testimony is admitted, WOWSC objects to all Ratepayers’ errata testimony other than the Ratepayers’ errata testimony filed on June 17, 2021.

2. WOWSC renews its objection to Exhibits Ratepayers 5 and 6, regarding limiting the testimony of Kathryn E. Allen. The ALJ addressed this in Order No. 9.³ However, as of November 18, 2021, this witness appeared officially as counsel. This witness previously testified to substantive information, and this pre-filed testimony should be limited further to only the reasonableness of the attorney’s legal expenses.⁴

Accordingly, WOWSC requests the ALJ order Ratepayers to file a witness list and exhibit list in compliance with Order No. 14, order Ratepayers to clarify which errata testimony Ratepayers intends to offer, and deny admission of Exhibits Ratepayers 01, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, and 17.

² *Id.*

³ SOAH Order No. 9—Ruling on Objections to Direct Testimony; Granting Motion to Extend Time to File Response (May 3, 2021).

⁴ *See* Tex. Disciplinary R. Prof. Conduct, Rule 3.08.

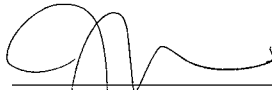
III. CONCLUSION

WHEREFORE, PREMISES CONSIDERED, WOWSC requests that the ALJ sustain WOWSC's objections. WOWSC also requests any other relief to which it may show itself justly entitled.

Respectfully submitted,

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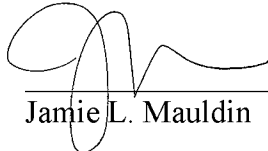
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**ATTORNEYS FOR WINDERMERE OAKS
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CERTIFICATE OF SERVICE

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 November 23, 2021, in accordance with the Order Suspending Rules, issued in Project No. 50664.



Jamie L. Mauldin