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



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
OBJECTION TO RATEPAYERS NOTICE OF ADDITIONAL REPRESENTATION**

COMES NOW, Windermere Oaks Water Supply Corporation (WOWSC) and hereby files this Objection to Ratepayers Notice of Additional Representation. WOWSC would respectfully show the following:

I. BACKGROUND

On April 27, 2020, certain ratepayers of the WOWSC (Petitioners) filed a petition purporting to appeal certain rates for water and wastewater services provided by the WOWSC. In its cover letter that encloses the signed petitions, the representative for Petitioners, Josephine Fuller, appeals a retail water and sewer rate increase that went into effect on March 23, 2020.

On July 7, 2020, Ms. Fuller filed a Notice of Additional Representation (Notice). Pursuant to 16 Texas Administrative Code (TAC) § 22.78(e), a responsive pleading, if made, shall be filed by a party within five (5) working days after the receipt of the pleading to which the response is made. Since this pleading was filed on July 7, 2020, the deadline to file a responsive pleading is July 14, 2020. Accordingly, this objection is timely filed.

II. OBJECTION

The Notice filed by Ms. Fuller in her capacity as the WOWSC Representative simply states that Patti Flunker will be acting in her individual capacity and as an additional “Ratepayers

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Representative” in this docket. Under 16 TAC § 22.101(a), “[t]he presiding officer may require a representative to submit proof of his or her authority to appear on behalf of another person.”¹ Ms. Fuller’s Notice included only the contact information for Ms. Flunker, but uses the same email address as Ms. Fuller in order to “simplify notices to parties.”² Importantly, the Notice did not provide proof of authority for Ms. Flunker to undertake such representation.³ No documents have been provided that would indicate any action taken by the WOWSC ratepayers authorizing either Ms. Flunker’s intervention or the claimed representation.

WOWSC objects to Josephine Fuller’s Notice of Additional Representation because the alleged representative has not provided proof of Ms. Flunker’s determination to intervene or of her authority to appear in this proceeding on behalf of the WOWSC ratepayers, as required by 16 TAC § 22.101(a). Accordingly, WOWSC requests the Administrative Law Judges (ALJ) deny Ms. Fuller’s Notice of Additional Representation.

Alternatively, WOWSC requests that the ALJ require Ms. Flunker to file the proof of authority to appear on behalf of the ratepayers of WOWSC.

III. CONCLUSION

WHEREFORE, PREMISES CONSIDERED, WOWSC requests that the ALJ sustain WOWSC’s objection and deny Ms. Flunker’s representation. WOWSC also requests any other relief to which it may show itself justly entitled.

¹ See *Application of Sw. Pub. Serv. Co. for Auth. to Reconcile Fuel & Purchased Power Costs*, 473-19-1644, 2019 WL 919616, at *1 (Tex. S.O.A.H. Feb. 19, 2019) (Motion of individual to intervene was denied because: (1) he failed to “specify the particular persons or classes of persons” he was representing; (2) he submitted no proof of his authority to appear on behalf of all citizens of Texas; and (3) the claimed representation is too broad to encompass only persons with a justiciable interest in this case).

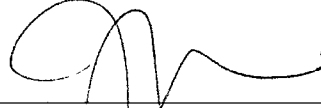
² Josephine Fuller’s Notice of Additional Representation at 1.

³ *Id.*

Respectfully submitted,

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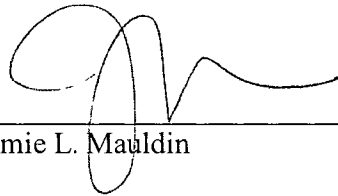
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**ATTORNEYS FOR WINDERMERE OAKS
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CERTIFICATE OF SERVICE

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 July 10, 2020, in accordance with the Order Suspending Rules, issued in Project No. 50664.



Jamie L. Mauldin