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**TEXAS SOAH DOCKET NO. 473-20-4071.WS  
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<b>RATEPAYERS APPEAL OF THE</b>	<b>§</b>	<b>BEFORE THE STATE OFFICE</b>
<b>DECISION BY WINDERMERE OAKS</b>	<b>§</b>	
<b>WATER SUPPLY CORPORATION TO</b>	<b>§</b>	<b>OF</b>
<b>CHANGE WATER AND SEWER</b>	<b>§</b>	
<b>RATES</b>	<b>§</b>	<b>ADMINISTRATIVE HEARINGS</b>

**WINDERMERE OAKS WATER SUPPLY CORPORATION’S  
MOTION TO STRIKE RATEPAYERS RESPONSE TO  
WOWSC’S MOTION TO ADMIT EVIDENCE**

Windermere Oaks Water Supply Corporation (WOWSC or Appellee) moves to strike Ratepayers’ Response to WOWSC’s Motion to Admit Evidence. In support thereof, WOWSC shows the following:

**I. INTRODUCTION**

On January 25, 2022, Ratepayers filed its Response to WOWSC’s Motion to Admit Evidence.<sup>1</sup> Responsive pleadings shall be filed within five working days after receipt of the pleading to which the response is made.<sup>2</sup> Therefore, this motion is timely filed.

**II. ARGUMENT**

WOWSC objects to Ratepayers’ response to WOWSC’s Motion to Admit Evidence due to the numerous inflammatory and baseless statements contained therein, none of which pertain to the merits of WOWSC’s motion or associated rate case expense support. Counsel for Ratepayers accuses the undersigned of breaching her duties to the tribunal and violating her professional duties as an attorney. Ms. Allen also accuses Lloyd Gosselink of committing fraud and purposefully misdirecting discovery efforts. She also willfully ignores record evidence in her assertions that Mr. Rabon is unreliable. Most importantly, Ms. Allen fails to support *any* of these allegations with evidentiary support. Each of the allegations are completely unsupported in the record and made solely for the purpose of harassment. This type of baseless pleading violates the rules of Texas Disciplinary Rules of Professional Conduct<sup>3</sup> and should be stricken in its entirety.

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<sup>1</sup> Ratepayers Response to WOWSC Motion to Admit Evidence (Jan. 25, 2022).

<sup>2</sup> 16 Tex. Admin. Code § 22.78 (TAC).

<sup>3</sup> TX ST RPC Rules 3.02 and 3.03.

Counsel for WOWSC is keenly aware of the rate case expenses in this proceeding and thus will not file a motion for sanctions due to a desire to keep those costs down. Counsel for WOWSC will note, however, that Ratepayers' pleading is cause for imposition of sanctions under the Commission's rule 16 Texas Administrative Code § 22.161(b)(1) (TAC). Under that rule, a party may file a motion for sanctions for filing a motion or pleading that was brought in bad faith, for the purpose of harassment, or for any other improper purpose.<sup>4</sup> However, the administrative law judge (ALJ) may only impose appropriate sanctions after notice and hearing. In the interest of keeping rate case expenses related to this abusive pleading to a minimum, WOWSC will not seek sanctions against Ratepayers even though a motion would be justified.

The Commission should strike Ratepayers' Response to WOWSC's Motion to Admit Evidence because the statements contained therein are inflammatory, specious, abusive, and without merit. Counsel for Ratepayers cites to no authority to support her very serious allegations against another member of the bar, a reputable law firm with decades of history and experience practicing before the Commission, and an expert in the area of utility ratemaking. Her pleading rises to the level of professional misconduct and should be stricken in its entirety.

### III. CONCLUSION

WHEREFORE, PREMISES CONSIDERED, WOWSC respectfully requests that the ALJ grant this motion striking Ratepayers Response to WOWSC's Motion to Admit Evidence. WOWSC also requests any other relief to which it may show itself justly entitled.

Respectfully submitted,

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**ATTORNEYS FOR WINDERMERE OAKS  
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<sup>4</sup> 16 Tex. Admin. Code § 22.161(b)(1) (TAC).

**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 February 1, 2021, in accordance with the Order Suspending Rules, issued in Project No. 50664.

  
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JAMIE L. MAULDIN