



## Filing Receipt

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

<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>

**SOAH ORDER NO. 18  
RE-OPENING EVIDENTIARY RECORD;  
ADMITTING WOWSC EXHIBIT 22**

Pursuant to SOAH Order No. 15, Windermere Oaks Water Supply Corporation (the Corporation) filed a motion to admit additional evidence pursuant to 16 Tex. Admin. Code § 22.202(c) for the limited purpose of updating rate case expenses. Ratepayers timely filed objections.<sup>1</sup> Commission Staff did not respond. For the reasons set out below, the motion is GRANTED, and the exhibit is ADMITTED into evidence as WOWSC Exhibit 22.

Ratepayers object on grounds that evidence of rate case expenses is not relevant when the legal services and underlying rate is improper. Ratepayers’ objections are OVERRULED.

The question of whether to allow rate case expenses does not go to the admissibility of the evidence. Texas Water Code § 13.043 specifically allows the Commission to consider evidence—and allows for the recovery—of “reasonable expenses incurred by the retail public utility in the appeal proceedings.”<sup>2</sup> Because the Corporation is not under the Commission’s original jurisdiction, it may not have an opportunity to offer such evidence in a future rate proceeding. Commission rules allow for reopening the record “for additional evidence where it is necessary to make the record correct, accurate, and complete.”<sup>3</sup> The Administrative Law Judges find that reopening the

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<sup>1</sup> Ratepayers’ response was the subject of a motion to strike, which was overruled. SOAH Order No. 17 (Feb. 8, 2022).

<sup>2</sup> Tex. Water Code § 13.043(e).

<sup>3</sup> 16 Tex. Admin. Code § 22.202(c)

record, and the admission of updated rate case expenses, is necessary to make the record correct, accurate, and complete.

It is ORDERED that, **within five days of this order**, the Corporation shall provide the requisite copies of the Third Supplemental Direct Testimony of Jamie L. Mauldin on behalf of Windermere Oaks Water Supply Corporation, filed on December 30, 2021, marked as WOWSC Exhibit 22, to the Court Reporter and two copies with SOAH.

**SIGNED February 15, 2022.**



CHRISTIAAN SIANO  
ADMINISTRATIVE LAW JUDGE  
STATE OFFICE OF ADMINISTRATIVE HEARINGS



DANIEL WISEMAN  
ADMINISTRATIVE LAW JUDGE  
STATE OFFICE OF ADMINISTRATIVE HEARINGS