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

<b>RATEPAYERS APPEAL OF THE</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>DECISION BY WINDERMERE</b>	<b>§</b>	
<b>OAKS WATER SUPPLY</b>	<b>§</b>	<b>OF TEXAS</b>
<b>CORPORATION TO CHANGE</b>	<b>§</b>	
<b>WATER AND SEWER RATES</b>	<b>§</b>	

**JOINT REQUEST FOR ORAL ARGUMENT**

The Ratepayers of Windermere Oaks Water Supply Corporation (“Ratepayers”) and the Staff (“Staff”) of the Public Utility Commission of Texas (“Commission”) hereby submit this Request for Oral Argument at the Public Utility Commission’s open meeting scheduled for June 16, 2022.

Pursuant to 16 Tex. Admin. Code § 22.262(d), a request for oral argument “shall be filed no later than 3:00 p.m. on the seventh working day preceding the date upon which the Commission is scheduled to consider the case.” Therefore, this request is timely filed.

At the heart of this appeal is the question of whether a water supply corporation can include unlimited legal expenses in its base rates, which the PFD allows Windermere to do, even though it does not perform any rate analysis.

Further, this case presents an important question of statutory interpretation and policy pertaining to a threshold determination for rates appealed under Texas Water Code (TWC) § 13.043(b); the PFD assumes that there must be a determination that rates are unreasonably preferential, prejudicial, or discriminatory between classes of customers, requiring a comparison between classes, *before* the Commission can evaluate whether the rates are just and reasonable. This effectively renders it impossible for a utility with only one class of customer to mount a viable appeal.

Additionally, before the Commission is an important question of statutory interpretation and policy concerning TWC § 13.043(e), which requires that the Commission hear the appeal de novo and “fix in its final order the rates the governing body should have fixed in the action from which the appeal was taken and may include reasonable expenses incurred in the appeal proceedings.” The rule allows for, though it does not require, the inclusion of the costs of appeal when the Commission fixes in its final order the rates that the governing body should have adopted. The PFD omits the critical component of rate analysis, dismisses the appeal, and goes on to award “rate case expenses.”

Adoption of the PFD has severe negative consequences for the Ratepayers of Windermere Oaks Water Supply Corporation, and it sets negative precedent for the ratepayers of any WSC in Texas. Going forward, a WSC could reach into the pockets of its ratepayers to fund any and all legal expenses, regardless of whether those expenses benefit all ratepayers or, as here, a select few.

For these reasons, the Ratepayers and Staff hereby request that oral arguments be presented at the open meeting scheduled for June 16, 2022.

Dated: June 3, 2022

Respectfully submitted,

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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 June 3, 2022, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Kathryn E. Allen  
Kathryn E. Allen