



## Filing Receipt

**Received - 2022-07-28 03:08:06 PM**

**Control Number - 50788**

**ItemNumber - 208**

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

<b>RATEPAYERS APPEAL OF THE</b>	<b>§</b>	<b>BEFORE THE STATE OFFICE</b>
<b>DECISION BY WINDERMERE</b>	<b>§</b>	
<b>OAKS WATER SUPPLY</b>	<b>§</b>	<b>OF</b>
<b>CORPORATION TO CHANGE</b>	<b>§</b>	
<b>WATER AND SEWER RATES</b>	<b>§</b>	<b>ADMINISTRATIVE HEARINGS</b>

**COMMISSION STAFF’S PROPOSAL ON HOW TO PROCEED**

On April 27, 2020, Josephine Fuller, individually and on behalf of the ratepayers of Windermere Oaks Water Supply Corporation (Petitioners or Ratepayers), filed a petition under Texas Water Code (TWC) § 13.043(b) appealing the decision by Windermere Oaks Water Supply Corporation (Windermere) to change its water and sewer rates. On April 30, 2020, Petitioners filed an amended petition. On May 27, 2020, Windermere filed its response to the petition.

On July 7, 2022, the State Office of Administrative Hearings (SOAH) administrative law judges filed SOAH Order No. 19, establishing a deadline of July 29, 2022 for parties to submit a proposal on whether to proceed based on: (1) the existing record and briefs; (2) the existing record with additional briefing; or (3) reopening the evidentiary record. Therefore, this pleading is timely filed.

**I. PROPOSAL ON HOW TO PROCEED**

Staff recommends that the best path forward is to reopen the evidentiary record. Given the Commissioners’ discussion at the June 16, 2022 Open Meeting and given the order remanding the proceeding, Staff believes that there have been rulings involving responses to requests for information, briefing, pre-filed testimony, and testimony offered at the hearing on the merits, that excluded evidence necessary to evaluate all of the standards prescribed under TWC § 13.043(j), including evaluating whether allowing recovery of all expenses included in the proposed revenue requirement, including the \$171,337 in legal expenses, will result in just and reasonable rates. Staff further recommends that additional evidence, outside of that which has been excluded, could be probative in addressing the issues raised in the Remand Order and therefore reopening the record is necessary to admit additional evidence.

Because of the complicated nature of this proceeding, Staff further requests that a date be set for a prehearing conference so that the parties and the administrative law judges can confer on the logistics of how to move forward in this docket.

## II. CONCLUSION

Staff respectfully requests that the record be reopened so that Staff and the parties may present the evidence necessary to address the issues raised in the Remand Order and that a date be set for a prehearing conference.

Dated: July 28, 2022

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Keith Rogas  
Division Director

Robert Dakota Parish  
Managing Attorney

/s/ Merritt Lander  
Merritt Lander  
State Bar No. 24106183  
1701 N. Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326  
(512) 936-7290  
(512) 936-7268 (facsimile)  
Merritt.Lander@puc.texas.gov

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

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 28, 2022 in accordance with the Second Order Suspending Rules, issued in Project No. 50664.

/s/ Merritt Lander  
Merritt Lander