



Filing Receipt

Received - 2022-09-26 02:35:00 PM

Control Number - 50788

ItemNumber - 218

**BEFORE THE
STATE OFFICE OF ADMINISTRATIVE
HEARINGS**

**RATEPAYERS APPEAL OF THE
DECISION BY WINDERMERE OAKS
WATER SUPPLY CORPORATION TO
CHANGE WATER AND SEWER
RATES**

**SOAH ORDER NO. 23
MEMORIALIZING PREHEARING CONFERENCE; ADOPTING
PROCEDURAL SCHEDULE**

On September 19, 2022, a prehearing conference on remand was convened in this matter. Representatives of the staff (Staff) of the Public Utility Commission of Texas (Commission), Ratepayers, and Windermere Oaks Water Supply Corporation (Windermere) appeared. The parties discussed whether evidentiary rulings should be reconsidered in light of the Commission's order remanding the proceeding to SOAH, as well as whether additional evidence show be allowed.

As a result of this discussion, the ALJs will allow the following:

1. Argument regarding reconsidering evidentiary rulings. Staff and Ratepayers shall submit a list of evidence they believe was wrongly excluded. For documentary evidence, the parties should identify the document, where it was excluded, the argument for why the ruling was wrong, and identify the date the information was available to the board. For testimonial evidence, the parties should identify where in the transcript it was first excluded.
2. Supplemental testimony to address the characteristics of Windermere's customers.¹
3. Supplemental testimony regarding variable rates.

Unless modified on reconsideration of evidentiary rulings, supplemental testimony beyond the issues listed above will not be allowed.

I. PROCEDURAL SCHEDULE

On September 23, 2022, Staff filed an unopposed procedural schedule. The ALJs are not available the date of the proposed prehearing conference. Accordingly, the schedule set out below is **ADOPTED**:

Event	Date
Deadline to file requests for reconsideration of evidentiary rulings	October 17, 2022
Deadline for WOWSC to file supplemental direct testimony	October 28, 2022

¹ Remand Order at 7 (June 30, 2022).

Deadline for responses to requests for reconsideration of evidentiary rulings	November 10, 2022
Deadline to file written objections to WOWSC supplemental direct testimony	November 10, 2022
Deadline for Ratepayers to file supplemental direct testimony	December 1, 2022
Deadline to file written objections to Ratepayers' supplemental direct testimony	December 15, 2022
Deadline for Commission Staff to file supplemental direct testimony	January 10, 2023
Deadline to file written objections to Commission Staff's supplemental direct testimony	January 23, 2023
Deadline to propound discovery on supplemental direct case	January 30, 2023
Deadline for Windermere to file rebuttal testimony	February 10, 2023
Deadline to propound discovery on rebuttal testimony	February 24, 2023
Deadline to file written objections to rebuttal testimony	March 3, 2023
Deadline for responses to objections on rebuttal testimony and for each parties' statement of position concerning hearing	March 10, 2023
Prehearing Conference	March 21, 2023
Hearing on the Merits	March 22, 2023

Except for hearing dates, any of the above deadlines may be modified by filing a written agreement of the parties, without further order.

Information regarding the prehearing conference and hearing on the merits will be provided in a subsequent order.

II. ADDITIONAL TERMS

Pursuant to the agreement of the parties, the following provisions shall also apply:

- Requests for Information (RFI) and Requests for Admission of Fact (RFA) on Supplemental Direct Testimony: Responses to the RFIs and RFAs related to supplemental direct testimony are due 10 business days after receipt. Objections to the RFIs must be filed within five business days of receipt. Motions to compel must be filed within three business days of receipt of the objections. Responses to motions to compel are due within three business days of receipt of the motion to compel.
- RFIs and RFAs on Rebuttal Testimony: Responses to the RFIs and RFAs are due five business days after receipt. Objections to the RFIs and RFAs must be filed within three business days of receipt. Motions to compel must be filed within two business days of the objections.
- Except as and to the extent modified herein, the discovery procedures set forth in 16 TAC §§ 22.141 through 22.145 shall apply.
- E-mail delivery is an authorized method of service in this proceeding.
- Drafts of testimony and the e-mail transmitting the draft are not discoverable.
- Workpapers for testimony are due the business day after testimony is filed.

SIGNED SEPTEMBER 26, 2022.



Christiaan Siano,
Administrative Law Judge



Daniel Wiseman,
Administrative Law Judge