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RATEPAYERS APPEAL OF THE DECISION BY WINDERMERE OAKS WATER SUPPLY CORPORATION TO CHANGE WATER AND SEWER RATES	§ § §	BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS
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**WINDERMERE OAKS WATER SUPPLY CORPORATION’S
OBJECTION TO RATEPAYERS’ MOTION FOR EXTENSION OF TIME**

TO THE HONORABLE ADMINISTRATIVE LAW JUDGE:

Windermere Oaks Water Supply Corporation (WOWSC) files this Objection to Ratepayers’ Motion for Extension of Time to file the Supplemental Direct Testimony of Kathryn E. Allen and the Supplemental Direct Testimony of Robert Gaines (Motion).¹

I. PROCEDURAL HISTORY

Pursuant to SOAH Order No. 23, Ratepayers’ deadline to file Supplemental Direct Testimony was December 1, 2022, at 3:00 p.m.² Nevertheless, Ratepayers filed the Supplemental Testimony of Robert Gaines and Kathryn E. Allen on December 1, 2022, at 3:15 p.m. and 5:02 p.m. respectively.³ Public Utility Commission of Texas (Commission) rules require responsive pleadings to be filed within five days after receipt of the pleading to which the response is made.⁴ Therefore, this Objection is timely filed.

II. ARGUMENT

WOWSC objects to Ratepayers’ Motion as untimely. WOWSC understands the necessity for flexibility regarding filing dates in certain circumstances and, in the past, has accommodated Ratepayers for this reason.⁵ But Ratepayers has now demonstrated a pattern of untimeliness. In fact, this Supplemental Direct Testimony represents Ratepayers’ *sixth* untimely filing in this

¹ Ratepayers’ Motion for Extension of Time (Dec. 2, 2022) (Motion).

² SOAH Order No. 23—Memorializing Prehearing Conference; Adopting Procedural Schedule (Sept. 26, 2022); *see* Tex. Admin. Code (TAC) § 22.71(h) (“All documents shall be filed by 3:00 p.m. on the date due, unless otherwise ordered by the presiding officer”).

³ *See* Ratepayer Representatives Supplemental Direct Testimony of Robert Gaines (Dec. 1, 2022); Supplemental Direct Testimony of Kathryn Allen (Dec. 1, 2022).

⁴ 16 TAC § 22.78(a).

⁵ Windermere Oaks Water Supply Corporation’s (WOWSC) Response to Ratepayers’ Motion for Extension of Time to File Their Objection Response to WOWSC’s First Request for Information (Sept. 23, 2020).

proceeding.⁶ Each late-filed pleading causes WOWSC to draft and file additional pleadings and incur additional attorney's fees. Ratepayers' pattern of untimeliness is particularly troubling in a rate appeal—such as this proceeding—that focuses solely on the necessity and reasonableness of legal fees. Furthermore, Ratepayers is now represented by counsel and can no longer rely on being pro se as an excuse for untimely filings or misunderstanding procedural requirements. Commission rules are clear: all documents must be filed by 3:00 p.m. on the date due.⁷ Ratepayers has failed to meet this deadline and, therefore, Ratepayers' Motion should be denied and its testimony be deemed untimely filed.

III. CONCLUSION

WOWSC respectfully requests that its objection to Ratepayers' Motion for Extension of Time be sustained and Ratepayers Supplemental Direct Testimony be deemed untimely filed. WOWSC further requests that it be granted all other relief to which it is entitled.

Respectfully submitted,

**LLOYD GOSSELINK ROCHELLE
& TOWNSEND, P.C.**

816 Congress Avenue, Suite 1900
Austin, Texas 78701
(512) 322-5800
(512) 472-0532 (Fax)



JAMIE L. MAULDIN
State Bar No. 24065694
jmauldin@lglawfirm.com

RICHARD A. ARNETT II
State Bar No. 24131230
rarnett@lglawfirm.com

**ATTORNEYS FOR WINDERMERE OAKS
WATER SUPPLY CORPORATION**

⁶ See Ratepayers' Representatives Objection to WOWSC's First Request for Information (Sept. 21, 2020); WOWSC's Response to Ratepayers' Motion to Compel at 1 (Sept. 22, 2020); Response to WOWSC's Objections to and Motions to Strike Testimony and Attachments of Danny Flunker, Bill Stein, Patti Flunker and Kathryn E. Allen (Apr. 21, 2021); WOWSC's Response to Ratepayers' Motion to Compel at 1 (May 20, 2021); WOWSC's Response to Ratepayer Representatives' Objections and Motion to Strike Rebuttal Testimony of Joe Gimenez III at 1 (Jun. 21, 2021).

⁷ TAC § 22.71(h).

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 December 6, 2022, in accordance with the Order Suspending Rules, issued in Project No. 50664.



JAMIE L. MAULDIN