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

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

**COMMISSION STAFF'S FIRST REQUEST FOR INFORMATION TO
RATEPAYERS QUESTION NOS. STAFF 1-1 THROUGH STAFF 1-9**

Pursuant to 16 Texas Administrative Code (TAC) § 22.144 of the Commission's Procedural Rules, the Staff (Staff) of the Public Utility Commission of Texas (Commission) requests that the Ratepayers by and through their representative of record, provide the following information and answer the following questions under oath. The questions shall be answered in sufficient detail to fully present all of the relevant facts, within the time limit provided by the Presiding Officer or within 10 days if the Presiding Officer has not provided a time limit. Please copy the question immediately above the answer to each question. These questions are continuing in nature, and if there is a relevant change in circumstances, submit an amended answer, under oath, as a supplement to your original answer. State the name of the witness in this cause who will sponsor the answer to the question and can vouch for the truth of the answer.

Provide responses to the Requests for Information by filing with the Commission solely through the Interchange on the Commission's website and provide notice, by email, to all other parties that the pleading or document has been filed with the Commission, unless otherwise ordered by the presiding officer pursuant to the Second Order Suspending Rules in Project No. 50664.

Dated: December 14, 2022

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Keith Rogas
Division Director

Sneha Patel
Managing Attorney

/s/ Merritt Lander
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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 December 14, 2022 in accordance with the Second Order Suspending Rules, issued in Project No. 50664.

/s/ Merritt Lander
Merritt Lander

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**COMMISSION STAFF'S FIRST REQUEST FOR INFORMATION TO
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DEFINITIONS

- 1) "Ratepayers" or "you" refers to the Ratepayers of Windermere Oaks Water Supply Corporation and any person acting or purporting to act on their behalf, including without limitation, attorneys, agents, advisors, investigators, representatives, employees, or other persons.
- 2) "Document" includes any written, recorded, or graphic matter, however produced or reproduced, including but not limited to correspondence, telegrams, contracts, agreements, notes in any form, memoranda, diaries, voice recording tapes, microfilms, pictures, computer media, work papers, calendars, minutes of meetings or other writings or graphic matter, including copies containing marginal notes or variations of any of the foregoing, now or previously in your possession. In the event any documents requested by this Request for Information have been transferred beyond your control, describe the circumstances under which the document was destroyed or transferred and provide an exact citation to the subject document. In the event that documents containing the exact information do not exist, but documents do exist which contain portions of the required information or which contain substantially similar information, then the definition of "documents" shall include the documents which do exist, and these documents will be provided.

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INSTRUCTIONS

- 1) Pursuant to 16 TAC § 22.144(c)(2), Staff requests that answers to the requests for information be made under oath.
- 2) Please copy the question immediately above the answer to each question. State the name of the witness in this cause who will sponsor the answer to the question and can vouch for the truth of the answer.
- 3) These questions are continuing in nature, and if there is a relevant change in circumstances, submit an amended answer, under oath, as a supplement to your original answer.
- 4) Words used in the plural shall also be taken to mean and include the singular. Words used in the singular shall also be taken to mean and include the plural.
- 5) The present tense shall be construed to include the past tense, and the past tense shall be construed to include the present tense.
- 6) If any document is withheld under any claim of privilege, please furnish a list identifying each document for which a privilege is claimed, together with the following information: date, sender, recipients or copies, subject matter of the document, and the basis upon which such privilege is claimed.
- 7) Pursuant to 16 TAC § 22.144(h)(4), if the response to any request is voluminous, please provide a detailed index of the voluminous material.
- 8) Staff requests that each item of information be made available as it is completed, rather than upon completion of all information requested.

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- Staff 1-1** Admit or deny: Ratepayers secured expert analysis of Windermere Oaks Water Supply Corporation's (Windermere) rate design for the test year that is the basis of the appealed rates. If admit, please provide details of any expert analyses performed on behalf of the Ratepayers, including the name and qualifications of the individual who performed the analysis and the conclusions reached as a result of the analysis.
- Staff 1-2** Are Ratepayers aware of any properties within the Windermere service area that shared a meter during the test year? If so, how many properties? Please provide supporting documentation.
- Staff 1-3** Are Ratepayers aware of any inaccuracies in Windermere's response to Staff's RFI Staff 6-13 to Windermere? If so, please submit a detailed explanation.
- Staff 1-4** Are Ratepayers aware of any properties that use water or sewer service for non-residential purposes? If so, please provide any details available to the Ratepayers, including how many properties, for how long, and for what purpose?
- Staff 1-5** For members who have entered into Nonstandard Service Agreements with tenants, who submits payment to Windermere for water and sewer service: the tenant or the member? Please provide supporting documentation.
- Staff 1-6** Are Ratepayers aware of any tenants that pay for water and sewer service that have also paid a membership fee?
- Staff 1-7** Are Ratepayers aware of any tenants that pay for water and sewer service that have also paid an equity buy-in fee?
- Staff 1-8** Are Ratepayers aware of any tenants that pay for water and sewer service that are also members of Windermere?
- Staff 1-9** Given the jury finding in *Rene French, John Richard Dial, Stuart Bruce Sorgen, Intervenor Plaintiffs, and as Representatives for Windermere Oaks Water Supply Corporation v. Friendship Homes & Hangars, LLC and Burnet County Commissioners Court, Windermere Water Supply Corporation et. al.* that Dana Martin breached her fiduciary duty to Windermere, have ratepayers received any communication from the Windermere Board of Directors indicating whether it intends to pursue recovery of the 2019 cost of Ms. Martin's legal defense from Ms.

Martin? If so, did the Board indicate when and how it would attempt to recover those costs?