



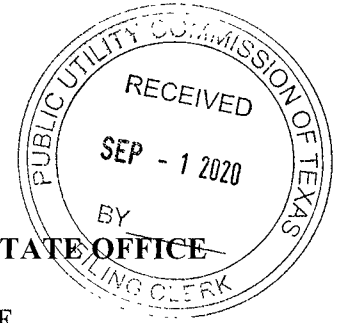
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SOAH DOCKET NO. 473-20-4071.WS
PUC DOCKET NO. 50788



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

SOAH ORDER NO. 3
MEMORIALIZING PRHEARING CONFERENCE; RULING ON OBJECTION;
DISCUSSING MEDIATION AND REQUIRING STATUS REPORT

I. MEMORIALIZING PRHEARING CONFERENCE

On August 28, 2020, Windermere Oaks Water Supply Corporation (Windermere), representatives of Windermere ratepayers (Petitioners), and the staff (Staff) of the Public Utility Commission of Texas (Commission) appeared telephonically at the prehearing conference in this matter, as set in State Office of Administrative Hearings (SOAH) Order No. 2. After announcing their appearances for the record, the parties addressed Windermere's objection to Petitioners' designation of a second representative and the parties' common desire to refer this case to mediation, subject to Petitioners having first received Windermere's response to Petitioners' initial discovery request. These matters are addressed below.

II. RULING ON OBJECTION

On July 7, 2020, Petitioners filed a notice of additional representation stating that Patti Flunker would be added to the original ratepayers' representative, Josephine Fuller. Three days later, Windermere filed an objection to Petitioners' notice, requesting that Ms. Flunker be denied representative status on the basis that the notice did not comply with 16 Texas Administrative Code § 22.101(a), stating that the notice lacked any proof of Ms. Flunker's authority to appear on behalf of Petitioners, as required by that rule. On July 17, 2020, Petitioners filed a second notice of additional representation, again naming Ms. Flunker, and attaching numerous signed forms authorizing Ms. Flunker to be the signatory's additional representative, along with other documentation apparently pertaining to the signatories' status as Windermere

ratepayers. At the prehearing conference, Windermere did not dispute the authenticity or adequacy of this proof of authority. Accordingly, Windermere's objection to Ms. Flunker as additional representative is **OVERRULED**.

III. DISCUSSING MEDIATION AND REQUIRING STATUS REPORT

At the prehearing conference, the parties requested that the case be referred to mediation once Petitioners have received Windermere's response to Petitioners' first request for information, which is due September 15, 2020. The parties further agreed that if necessary to pursue a likely settlement through mediation, the parties would be willing to amend the current procedural schedule accordingly.

Under these circumstances, the Administrative Law Judge agrees that a referral for mediation is appropriate. In order to ensure that the matter is referred at the appropriate time, **Petitioners are ORDERED** to submit a status report upon receipt of the requested discovery response. Unless any party files an objection to mediation on or before such date, this case shall be referred promptly to mediation, as agreed at the prehearing conference, without the need for further action by the parties.

SIGNED September 1, 2020.



DANIEL WISEMAN
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS