



## Filing Receipt

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

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

**WINDERMERE OAKS WATER SUPPLY CORPORATION’S  
FIRST REQUEST FOR INFORMATION TO COMMISSION STAFF**

The Windermere Oaks Water Supply Corporation (WOWSC) files its First Request for Information (RFI) to the Staff of the Public Utility Commission of Texas (Commission) in the above-styled docket. Commission Staff is hereby requested to furnish one copy of all items of information enumerated on the attached sheets directly to the undersigned attorney at the offices of Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701 within ten (10) business days. These requests shall be deemed continuing so as to require further and supplemental responses if Commission Staff receives or generates additional information within the scope of these requests between the time of the original response and the time of the hearing. Also, where data is requested, provide it in hard copy and Excel format with all formulas intact.

**DEFINITIONS AND INSTRUCTIONS**

- A. “Commission Staff” refers to the Staff of the Public Utility Commission of Texas.
- B. “Ratepayer Representatives,” or “Petitioners” refers to the Windermere Oaks Water Supply Corporation Ratepayer Representatives, its group members, and any person acting or purporting to act on its behalf, including without limitation, attorneys, agents, advisors, investigators, representatives, employees or other persons.
- C. The term “Petition” refers to the Ratepayer Representatives’ Appeal of the Decision by Windermere Oaks Water Supply Corporation to Change Water and Sewer Rates filed in Public Utility Commission of Texas Docket No. 50788 on April 27, 2020.
- D. The term “Members” refers to any members or customers of Windermere Oaks Water Supply Corporation.
- E. The term “document” shall have the broadest meaning possible under the Texas Rules of Civil Procedure and shall include, but not be limited to, the original (or a copy when the

original is not available), each non-identical copy (including those which are non-identical by reason of notations or marking, or by appearing in the files of a separate person), and any books, notebooks, pamphlets, periodicals, letters, reports, memoranda, handwritten notes, notations, messages, telegrams, wires, cables, press or news wire releases, records, studies, analyses, summaries, magazines, booklets, circulars, catalogs, bulletins, instructions, operating or maintenance manuals, operating or product specifications, fabrication sheets, test data, design specifications, parts lists, calendars, day-timers, notes or records of meetings, notices, purchase orders, bills, ledgers, checks, tabulations, questionnaires, surveys, drawings, sketches, schematics, blueprints, flow sheets, working papers, charts, graphs, indices, tapes, agreements, releases, appraisals, valuations, estimates, opinions, financial statements, accounting records, income statements, photographs, films or videotapes, back-up tapes, minutes, contracts, leases, invoices, records of purchase or sale, correspondence, electronic or other transcription or tapings of or notes pertaining to telephone or personal conversations or conferences, tape recordings, electromagnetic recordings, voice mail message or transcriptions thereof, interoffice communications of all types, e-mail messages, printouts of e-mail messages, instant messages or printouts thereof, microfilms, electronic databases, CDs, DVDs, videotapes or cassettes, films, movies, computer printouts and any and all other written, printed, typed, punched, engraved, taped, filmed, recorded (electronically or otherwise), labeled, or graphic matter, of whatever description, however produced or reproduced (including computer-stored or generated data, together with instructions or programs necessary to search and retrieve such data), and shall include all attachments to (including tangible things) and enclosures with (including tangible things) any requested item, to which they are attached or with which they are enclosed, and each draft thereof. A draft of a non-identical copy is a separate document within the meaning of this term. An electronic copy of a paper document is a separate document within the meaning of this term.

F. Pursuant to Tex. R. Civ. P. 196.4, WOWSC specifically requests that any electronic or magnetic data (which is included in the definition of “document”) that is responsive to a request herein be produced on CD-ROM in a format that is compatible with Microsoft Office and/or Word Perfect and be produced with your response to these requests. WOWSC further requests that Commission Staff produce electronic copies of all paper documents, including any metadata attached to such documents, and produce all electronic originals or all responsive documents.

G. The terms “and” and “or” shall be construed both disjunctively and conjunctively as necessary to make the request inclusive rather than exclusive.

H. “Each” shall be construed to include the word “every” and “every” shall be construed to include the word “each.”

I. “Any” shall be construed to include “all” and “all” shall be construed to include “any.”

J. The term “concerning,” or one of its inflections, includes the following meanings: relating to; referring to; pertaining to; regarding; discussing; mentioning; containing; reflecting; evidencing; describing; showing; identifying; providing; disproving; consisting of; supporting; contradicting; in any way legally, logically or factually connected with the matter to which the term refers; or having a tendency to prove or disprove the matter to which the term refers.

K. The term “including,” or one of its inflections, means and refers to “including but not limited to.”

L. 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.

M. The present tense shall be construed to include the past tense, and the past tense shall be construed to include the present tense.

N. 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.

O. Pursuant to 16 Tex. Admin Code § 22.144(h)(4), if the response to any request is voluminous, please provide a detailed index of the voluminous material.

P. If the information requested is included in previously furnished exhibits, workpapers, responses to other discovery inquiries or otherwise, in hard copy or electronic format, please furnish specific references thereto, including Bates Stamp page citations and detailed cross references.

Respectfully submitted,

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

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**ATTORNEYS FOR WINDERMERE OAKS  
WATER SUPPLY CORPORATION**

**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 January 18, 2023, in accordance with the Order Suspending Rules, issued in Project No. 50664.

  
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Jamie L. Mauldin

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

- WOWSC 1-1 Admit or deny that Anna Givens is adopting the live testimony of Maxine Gilford given at the hearing on the merits in this proceeding on December 3, 2021, specifically at Tr. at 529:1-532:2.
- WOWSC 1-2 Please refer to the Direct Testimony of Maxine Gilford at 12. Admit or deny that Anna Givens adopts Ms. Gilford's testimony that recommends "removing the entire \$171,337 for outside legal expenses from the revenue requirement to set Windermere's Appealed Rates."
- WOWSC 1-3 Please refer to the Direct Testimony of Maxine Gilford at 16. Admit or deny that Anna Givens adopts Ms. Gilford's testimony that states "if Windermere provides sufficient evidence in its rebuttal testimony to demonstrate that recovery of the outside legal expenses are necessary to preserve its financial integrity, then I recommend that the Commission consider that information."
- WOWSC 1-4 Please refer to the Rebuttal Testimony of Mike Nelson at 5-6. Admit or deny that Windermere demonstrated that recovery of the outside legal expenses is necessary to preserve its financial integrity. If the answer is deny, please provide all evidence and documentation relied upon to reach this determination.
- WOWSC 1-5 Please refer to the Supplemental Direct Testimony of Anna Givens at 7. Admit or deny that Commission Staff does not know whether WOWSC will recover the proceeds from the 2019 insurance settlement with Allied World Specialty Insurance Company.
- WOWSC 1-6 If the answer to WOWSC 1-5 is admit, admit or deny that Commission Staff does not know when WOWSC will recover the proceeds from the 2019 insurance settlement with Allied World Specialty Insurance Company.
- WOWSC 1-7 Admit or deny that WOWSC is a members-only corporation that has no shareholders.
- WOWSC 1-8 Admit or deny that the WOWSC board is made of volunteer members.
- WOWSC 1-9 Admit or deny the Texas Business Organizations Code Section 8.051 requires a corporation to indemnify its volunteer directors.
- WOWSC 1-10 Admit or deny that disallowing the \$171, 337 in legal expenses from rate base will render the utility unable to pay its legal expenses or other necessary costs.
- WOWSC 1-11 Admit or deny that it is Commission Staff's position that WOWSC should not pay its legal bills. If the answer is deny, please indicate specifically where the funds to pay legal bills should be recovered and how.

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

- WOWSC 1-12 Please refer to the Rebuttal Testimony of Joe Gimenez III at 5-6. Admit or deny that it is Commission Staff's position that WOWSC should not meet its loan covenants.
- WOWSC 1-13 Please reference the Supplemental Direct Testimony of Anna Givens at 6. If Commission Staff recommends removing \$171,337 of legal fees from WOWSC's revenue requirement and the answers to WOWSC 1-5, 1-6, 1-7, 1-11, and 1-12 are deny, how does Commission Staff recommend that WOWSC pay its legal fees and loan covenants without jeopardizing its financial integrity?
- WOWSC 1-14 Please refer to the Supplemental Direct Testimony of Maxine Gilford at 1. Admit or deny that Anna Givens adopts Ms. Gilford's testimony recommending that "the Commission allow recovery of rate-case expenses in the amount of \$281,575.65." If deny, please explain Ms. Givens updated proposal for the recovery of rate case expenses.
- WOWSC 1-15 Please refer to the Supplemental Direct Testimony of Maxine Gilford at 2-3. Admit or deny that Anna Givens adopts Ms. Gilford's testimony recommending "that the Administrative Law Judge leave the record open and allow Windermere to update its rate-case expenses after the hearing and closer to the time a final order is issued to limit the amount of trailing rate-case expenses resulting from this proceeding. For the expenses incurred after the close of the record, I recommend that Windermere request recovery of the trailing expenses in a compliance proceeding where its residual rate-case expenses can be reviewed."