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

**RATEPAYERS’ OBJECTIONS TO COMMISSION STAFF’S
SUPPLEMENTAL DIRECT TESTIMONY OF ANNA GIVENS**

TO THE HONORABLE CHRISTIAAN SIANO AND DANIEL WISEMAN,
ADMINISTRATIVE LAW JUDGES:

THE REPRESENTATIVES OF THE RATEPAYERS OF WINDERMERE OAKS WATER SUPPLY CORPORATION (“Ratepayers”), files this Objection to Commissions Staff’s Supplemental Direct Testimony of Anna Givens and would show as follows:

I. BACKGROUND

On January 10, 2023, Ratepayers’ Representatives received the Supplemental Direct Testimony of Anna Givens, Director of Financial Review in the Rate Regulation Division of the Public Utility Commission of Texas ("PUC"). SOAH Order No. 23 established a deadline of January 23, 2023, to file written objections to Commission Staff’s supplemental direct testimony, therefore Ratepayers’ Objection is timely filed.

II. OBJECTIONS

1. Ratepayers’ Representatives forward and incorporate fully herein by this reference the objections set forth in their Response to Commission Staff’s Motion to Adopt the Testimony of Maxine Givens.

2. Ratepayers' Representatives object to Ms. Givens' testimony concerning the payment of litigation expenses with insurance proceeds on the grounds that it is unreliable.¹ Ms. Givens acknowledges that "because Windermere is member-owned, the benefits of its annual revenues belong to its members."² There has been no showing that any of Windermere's "nonrecurring litigation expenses" provide any benefit for the members. Further, it is undisputed that Windermere's "nonrecurring litigation expenses" are not costs of service. Windermere's bylaws – which are a contract with its member/customers – expressly prohibit the expenditure of Windermere's funds and/or credit for purposes other than providing water and sewer services.³ For the Commission to authorize Windermere to apply revenues for a prohibited purpose would be contrary to law as it would constitute an impermissible impairment of this private contract.

III. PRAYER

WHEREFORE, premises considered, Ratepayers respectfully request that these objections be sustained, that the referenced portions of Ms. Givens' testimony be stricken and that they receive such other and further relief, at law or in equity, to which they may show themselves justly entitled.

Respectfully Submitted,

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¹ Supp. Dir. Testimony at p. 7 (000009), lines 20-25.

² Id. at lines 12-19.

³ Gimenez Direct Testimony, Attachment JG-2, at p. 2, #3 Limitation on Activities

/s/ Kathryn E. Allen

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Certificate of Service

I hereby certify that, unless otherwise ordered by the Presiding Officer, notice of this filing was provided to all parties of record via electronic mail on January 23, 2023.

/s/ Kathryn E. Allen

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