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SOAH DOCKET NO. 473-20-4071.WS
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RATEPAYERS APPEAL OF THE	§	BEFORE THE STATE OFFICE
DECISION BY WINDERMERE OAKS	§	
WATER SUPPLY CORPORATION TO	§	OF
CHANGE WATER AND SEWER	§	
RATES	§	ADMINISTRATIVE HEARINGS

**WINDERMERE OAKS WATER SUPPLY CORPORATION’S
MOTION TO COMPEL RATEPAYERS RESPONSE TO
WOWSC’S FOURTH REQUEST FOR INFORMATION**

COMES NOW, Windermere Oaks Water Supply Corporation (WOWSC) and files this Motion to Compel Responses to WOWSC’s Fourth Request for Information (RFI) to Ratepayers.

I. INTRODUCTION

On January 18, 2023, WOWSC filed and served its fourth RFI, seeking documents and other items in this matter.¹ On January 25, 2023, Ratepayers filed their Objections to WOWSC’s Fourth RFI (Ratepayers’ Objections).² Pursuant to Order No. 23, motions to compel responses to RFIs on Supplemental Direct Testimony must be filed within three business days of receipt of the objections.³ Therefore, this motion is timely filed.

II. REQUESTS AND RESPONSES

Ratepayers objected to the following RFIs:

- WOWSC 4-1** State the total legal expenses incurred by Plaintiffs in *Double F Hanger Operations, LLC, Lawrence R. French, Jr., Patricia Flunker, and Mark A. McDonald v. Friendship Homes & Hangars, LLC, and Burnet County Commissioners Court*, Cause No. 48292, in the 33rd District Court, Burnet County, Texas. Please provide all supporting documentation.

- WOWSC 4-2** State the total legal expenses incurred by Plaintiffs in *TOMA Integrity v. WOWSC*, Cause No. 47531, in the 33rd District Court, Burnet County, Texas. Please provide all supporting documentation.

¹ Windermere Oaks Water Supply Corporation’s (WOWSC) Fourth Request for Information (RFI) to Ratepayers (Jan. 18, 2023).

² Ratepayers’ Representatives Objections to WOWSC’s Fourth RFI (Jan. 25, 2023) (Ratepayers’ Objections).

³ SOAH Order No. 23—Memorializing Prehearing Conference; Adopting Procedural Schedule at 4 (Sept. 26, 2022).

WOWSC 4-3 State the total legal expenses incurred by Ratepayer Representatives in *Ratepayers Appeal of the Decision by Windermere Oaks Water Supply Corporation to Change Water and Sewer Rates*, PUC Docket No. 50788. Please provide all supporting documentation.

WOWSC 4-5 Please provide the number of hours of legal work expended by non-lawyers in preparing and reviewing requests for information, testimony, and other filings in this rate appeal. Please provide all supporting documentation.

Ratepayers generally object to the questions above as irrelevant because they relate to opposing counsel's legal fees and, therefore, are not probative of whether WOWSC's legal expenditures meet the "just and reasonable" standards.

ARGUMENT

Under 16 Tex. Admin. Code (TAC) § 22.141(a), parties may obtain discovery regarding any matter that is relevant to the subject matter of the proceeding pursuant to the Texas Rules of Civil Procedure (TRCP). TRCP § 193.1 provides that "when responding to written discovery, a party must make a complete response, based on all information reasonably available."⁴

WOWSC's RFIs are clearly relevant to the subject matter of the current rate appeal. Specifically, Plaintiffs' legal expenses are relevant because, in response to Plaintiffs' litigation, the WOWSC Board incurred the legal expenses that are now at issue in this rate case. Put differently, Plaintiffs' total legal expenses in each of the cases listed in WOWSC's Fourth RFI illustrate the extent of litigation and the necessary cost WOWSC incurred to defend itself. The same is true of the hours spent by non-lawyers in this rate appeal. Due to Plaintiffs' legal expenses and Ratepayers' efforts, WOWSC was, and still is, subject to legal threat and must responded accordingly. As such, Ratepayers' allegations that the requested information is irrelevant are misguided and, therefore, should be dismissed.

CONCLUSION

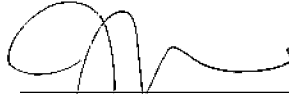
For the foregoing reasons, WOWSC requests that the Administrative Law Judges compel Ratepayers to provide responses to WOWSC's Fourth RFI.

⁴ Tex. R. Civ. P. § 193.1.

Respectfully submitted,

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**ATTORNEYS FOR WINDERMERE OAKS
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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 January 26, 2023, in accordance with the Order Suspending Rules, issued in Project No. 50664.



Jamie L. Mauldin