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BEFORE THE
STATE OFFICE OF ADMINISTRATIVE
HEARINGS

RATEPAYERS APPEAL OF THE DECISION BY WINDERMERE
OAKS WATER SUPPLY CORPORATION TO CHANGE WATER
AND SEWER RATES

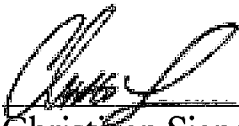
CORRECTED SOAH ORDER NO. 28¹
DENYING MOTION TO COMPEL

On January 26, 2023, Windermere Oaks Water Supply Corporation (WOWSC) filed a motion to compel Ratepayers to respond to its fourth request for information related to legal services and expenses incurred in this proceeding and two court cases. Ratepayers objected on the basis that the responsive material was outside their possession, custody, or control; that the responsive material is privileged and confidential; and that the responsive material is not sufficiently relevant. WOWSC's motion argues that Plaintiffs' total legal expenses in each of the cases illustrates the extent of litigation and the necessary cost WOWSC incurred to defend itself. Ratepayer's relevancy objections are SUSTAINED.

¹ This order number has been corrected from 20 to 28.

Without addressing Ratepayers' other objections, the Administrative Law Judges find that the requested information and materials related to Ratepayers' legal expenses, and non-lawyer time spent, in these proceedings is not likely to lead to the discovery of evidence of admissible evidence here.² WOWSC's legal expenses—not Ratepayers'—are at issue in this proceeding, and evidence of an opposing party's fees is not probative of the reasonableness of a requesting party's own fees.³ Accordingly, the motion is DENIED.

Signed February 13, 2023



Christiaan Siano,
Administrative Law Judge



Daniel Wiseman,
Administrative Law Judge

² See *In re Nat'l Lloyd's Ins. Co.*, 532 S.W.3d 794, 808 (Tex. 2017) (even unprivileged information not discoverable unless relevant).

³ *Id.* at 810-11.