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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

**RATEPAYER REPRESENTATIVES' STATEMENT OF POSITION
CONCERNING HEARING**

TO THE HONORABLE ADMINISTRATIVE LAW JUDGES:

THE REPRESENTATIVES OF THE RATEPAYERS OF WINDERMERE OAKS WATER SUPPLY CORPORATION ("Ratepayers") file this their STATEMENT OF POSITION CONCERNING HEARING and would show as follows.

Timely Filing

Pursuant to SOAH Order No. 23, this Statement is due by March 10, 2023. Accordingly, this Statement of Position is timely filed.

Statement of Position

1. There should be an evidentiary hearing on March 22, 2023. The hearing should be limited to (i) Windermere's customers' characteristics and whether the appealed rates impact different customers or types of customers differently, (ii) PUC Staff's evidence concerning its recommended revenue requirement and recommended rates, as reflected in its prefiled testimony, and (iii) whether and to what extent Windermere should recover appeal case expenses from its ratepayers. The Order of Remand contemplates further evidence on the first two issues. The Order does not preclude further evidence concerning the third issue, and the same is warranted because much of Windermere's evidence has been received without

the benefit of cross examination and because relevant evidence that was not previously available has now been disclosed.

2. The Order does not contemplate further evidence on other matters previewed by Windermere's supplemental testimony and recent discovery responses; that is, (a) the rate method/design used by Windermere's board to set the appealed rates, (b) the revenue requirement used by Windermere's board to set the appealed rates, (c) any adjustments Windermere's board considered to the 2019 data shown on the TRWA rate sheet, or (d) Windermere's claimed inability to "pay all its bills." Even if the Order were so broadly construed, there are no circumstances that warrant revisiting these issues and the bases for exclusion of Windermere's new evidence has been briefed extensively in connection with Ratepayers' recent discovery-related filings.¹

3. A hearing to receive evidence on the three issues outlined in paragraph 1 above should be completed within the time allowed; however, this assumes Ratepayers will be able to present summaries of Windermere's voluminous information rather than having to present the voluminous information on an item-by-item basis through cross-examination of Windermere's witnesses.

WHEREFORE, premises considered, Ratepayers respectfully request that this proceeding move forward to conclusion as aforesaid, and that Ratepayers be awarded such other and further relief, at law or in equity, to which they may show themselves justly entitled.

¹ When it began to appear that Windermere might be intending to present an entirely different methodology and cost data set than its board had used to set the appealed rates, as a precaution Ratepayers diligently pursued discovery concerning Windermere's newly disclosed positions. They had no way to know whether the ALJs will allow Windermere to present these matters for purposes of the upcoming hearing, and they could not be unprepared for that contingency. As a further precaution, Ratepayers' exhibit list includes information it has been able to cobble together concerning Windermere's new positions. These efforts, however, have been purely precautionary.

Respectfully Submitted,

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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 March 10, 2023.

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