



## **Filing Receipt**

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**Control Number - 50788**

**Item Number - 359**

**BEFORE THE**  
**STATE OFFICE OF ADMINISTRATIVE**  
**HEARINGS**

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

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**SOAH ORDER NO. 33**  
**GRANTING IN PART AND DENYING IN PART WINDERMERE’S MOTION  
TO ADMIT DOCUMENTS PURSUANT TO THE RULE ON OPTIONAL  
COMPLETENESS**

On April 6, 2023, Windermere Oaks Water Supply Corporation filed a motion to admit exhibits pursuant to the rule on optional completeness, Texas Rule of Evidence (TRE) 107. Ratepayers timely objected on grounds that the exhibits do not comply with TRE 107’s requirement that the document offered be “necessary to explain or allow the trier of fact to fully understand the part offered by the

opponent.”<sup>1</sup> Windermere replied, contending that the offered exhibits are taken from its discovery responses and are necessary to complete portions of those responses that were admitted into evidence. The Administrative Law Judges (ALJs) GRANT in part and DENY in part Windermere’s motion.

TRE 107 provides that “if a party introduces a . . . writing, an adverse party may also introduce any other . . . writing . . . that is necessary to explain or allow the trier of fact to fully understand the part offered by the opponent.” Applying that standard, the ALJs rule as follows:

<b>Exhibit</b>	<b>Ruling</b>
WOWSC-35 OC	ADMITTED
WOWSC-36 OC	ADMITTED
WOWSC-37 OC	ADMITTED
WOWSC-38 OC (CONFIDENTIAL)	ADMITTED
WOWSC-39 OC	ADMITTED
WOWSC-40 OC	ADMITTED
WOWSC-41 OC	NOT ADMITTED
WOWSC-42 OC	ADMITTED
WOWSC-43 OC	NOT ADMITTED
WOWSC-44 OC (CONFIDENTIAL)	ADMITTED

WOWSC-35 OC seeks to complete Staff’s HOM2 Exhibit 4 (WOWSC’s Supplemental Response to Staff RFI 1-4 by including WOWSC’s Response to Ratepayers RFI 4-6 and its attachment. Because Staff’s HOM2 Exhibit 4 refers to that attachment, WOWSC Exhibit-35 OC is ADMITTED.

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<sup>1</sup> Ratepayers also argued that the motion was untimely. However, Windermere had preserved this option, as shown in Windermere’s reply brief.

WOWSC-36 OC seeks to complete Staff's HOM2 Exhibit 14 (WOWSC's Response to Staff RFI 6-7) by including WOWSC's Response to Ratepayers RFI 4-1. Because Staff's HOM2 Exhibit 14 references that document, WOWSC-36 OC is ADMITTED.

WOWSC-37 OC seeks to complete Staff's HOM2 Exhibit 37 (WOWSC's Response to Staff RFI 5-14) by including WOWSC's Response to Staff RFI 5-13. Because Staff's HOM2 Exhibit 37 references that document, WOWSC-37 OC is ADMITTED.

WOWSC-38 OC (CONFIDENTIAL) seeks to complete Ratepayers HOM2 Exhibit 121 (WOWSC's Confidential Response to Ratepayers RFI 8-24) by including Confidential Supplemental Attachment Ratepayers 8-24). Because that document supplements Ratepayers HOM2 Exhibit 121, WOWSC-38 OC (CONFIDENTIAL) is ADMITTED.

WOWSC-39 OC seeks to complete Ratepayers HOM2 Exhibits 128, 135, 143, 152 and 155 by including WOWSC's Supplemental Attachment to Ratepayers RFI 7-9. Because that document supplements Ratepayers HOM2 Exhibit 128, WOWSC-39 OC is ADMITTED.

WOWSC-40 OC seeks to complete Ratepayers HOM2 Exhibits 129, 130, 132, 133, and 134 by including WOWSC's Response to Ratepayers 8-27D and Attachment Ratepayers 8-27D. Because Ratepayers HOM2 Exhibits 129, 130, 132, 133, and 134 are portions of those documents, WOWSC-40 OC is ADMITTED.

WOWSC-41 OC seeks to complete Ratepayers HOM2 Exhibit 136 (Grant Rabon Memo to Windermere re: Financial Policies) by including WOWSC's Response to Ratepayers 8-27C and its attachment. Because Windermere has not demonstrated how inclusion of WOWSC-41 OC is necessary to understand Ratepayers HOM2 Exhibit 136, WOWSC-41 OC is NOT ADMITTED.

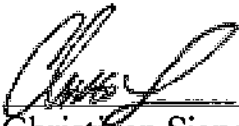
WOWSC-42 OC seeks to complete Ratepayers HOM2 Exhibit 140 (WOWSC's Response to Staff 4-2 and 4-3 with attachments) by including WOWSC's Supplemental Response to Ratepayers 4-2 and its attachment. Because WOWSC-42 OC supplements Ratepayers HOM2 Exhibit 140, WOWSC-42 OC is ADMITTED.

WOWSC-43 OC seeks to complete Ratepayers HOM2 Exhibit 145 (WOWSC's Response to Ratepayers 7-9 – email attachment) by including WOWSC's Supplemental Response to Staff RFI 2-6. Because Windermere has not demonstrated how inclusion of WOWSC-43 OC is necessary to understand Ratepayers HOM2 Exhibit 45, WOWSC-43 OC is NOT ADMITTED.

WOWSC-44 OC (CONFIDENTIAL) seeks to complete Ratepayers HOM2 Exhibit 150 (containing multiple portions of WOWSC discovery responses, including WOWSC's Response to Ratepayers RFI 8-7 and its attachment) by including that document. Because WOWSC-44 OC (CONFIDENTIAL) contains additional communications between Windermere and CoBank that relate to the

same subject as Ratepayers HOM2 Exhibit 150, WOWSC-44 OC  
(CONFIDENTIAL) is ADMITTED.

**Signed April 21, 2023**



Christiaan Siano,  
Administrative Law Judge



Daniel Wiseman,  
Administrative Law Judge