

Control Number: 50788



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SOAH DOCKET NO. 473-20-4071.WS
PUC DOCKET NO. 50788

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 RESPONSE TO
RATEPAYERS’ MOTION FOR EXTENSION OF TIME TO FILE THEIR OBJECTION
RESPONSE TO WINDERMERE OAKS WATER SUPPLY CORPORATION’S
FIRST REQUEST FOR INFORMATION**

Windermere Oaks Water Supply Corporation (WOWSC) files this Response to Ratepayers’ Motion for Extension of Time to File their Objection Response to WOWSC’s First Request for Information (Motion for Extension), and would respectfully show as follows:

I. PROCEDURAL HISTORY

In State Office of Administrative Hearings (SOAH) Order No. 2, the Administrative Law Judge (ALJ) adopted the procedural schedule for this proceeding, and set the date for the hearing on the merits for February 11–12, 2021.¹ Under SOAH Order No. 2, WOWSC is required to file its direct testimony by October 14, 2020.

WOWSC served its First Request for Information (RFI) to Ratepayers of WOWSC (Ratepayers) on September 9, 2020.² On September 21, 2020, Ratepayers filed their Motion for Extension, which was served on WOWSC after 3:00 pm on the deadline for response to WOWSC’s First RFI, which, under Commission rules, is considered filed the following day.³ WOWSC now timely files this Response to Ratepayers’ Motion for Extension.⁴

¹ SOAH Order No. 2 (Aug. 17, 2020).

² Windermere Oaks Water Supply Corporation’s First Request for Information to the Windermere Oaks Water Supply Corporation (Sept. 9, 2020) (WOWSC’s First RFI to Ratepayers).

³ See counsel for Windermere Oaks Water Supply Corporation’s email correspondences to Ratepayers and Central Records regarding notice of filing (Sept. 9, 2020) (attached as Exhibit A), see also 16 Texas Administrative Code (TAC) § 22.144(b)(2)

⁴ See 16 TAC § 22 78.

II. INTRODUCTION

While WOWSC understands the necessity for flexibility regarding filing dates when parties experience family emergencies and other matters outside of their control, WOWSC emphasizes the need for adherence to the Commission's rules regarding filing deadlines and the need for an enforceable procedural schedule in this proceeding. Ratepayers' late-filed Motion for Extension was only the most recent filing that has missed the procedural deadline. As mentioned in WOWSC's Response to Ratepayers' Motion to Compel Responses to WOWSC's First RFI (Response to Motion to Compel), Ratepayers filed their Motion to Compel two days after the filing deadline.⁵ Each late-filed pleading causes WOWSC to draft and file additional pleadings, which causes WOWSC to incur additional attorney's fees, which all parties are interested in limiting to the extent possible.

Therefore, in addition to the arguments made in this pleading for extended deadlines due to Ratepayers' Motion for Extension, WOWSC requests that the ALJ strictly hold Ratepayers to future procedural deadlines for fairness and efficiency.

III. ARGUMENT

WOWSC is not opposed to Ratepayers' Motion to Extend, however, any extension for Ratepayers' objections and responses to WOWSC's RFIs will subsequently affect other filings in this proceeding. WOWSC expects that it will have additional and follow-up RFIs for Ratepayers, and will need to consider Ratepayers' responses in drafting its direct testimony. Therefore, due to Ratepayers' circumstances, outside of WOWSC's control, WOWSC requests that its deadline for filing direct testimony be extended the same amount of time as any extension granted to Ratepayers for their objections and responses to WOWSC's First RFI.

⁵ Windermere Oaks Water Supply Corporation's Response to Ratepayers' Motion to Compel (Sept. 21, 2020)

WOWSC understands the inconvenience of shifting the dates for all deadlines in the procedural schedule. For this reason, WOWSC requests extending WOWSC's deadline for filing direct testimony without shifting other deadlines in the procedural schedule.

Alternatively, WOWSC requests that the ALJ establish a new procedural schedule, adjusting all deadlines due to Ratepayers' extended deadlines, so as to not prejudice any other parties in this proceeding.


IV. PRAYER

WOWSC does not take a position on Ratepayers' Motion to Extend, but respectfully requests that WOWSC's deadline for its Direct Testimony be extended for the same number of days as any extension granted to Ratepayers. Alternatively, WOWSC respectfully requests that the ALJ establish a new procedural schedule, adjusting all deadlines in this proceeding. Finally, WOWSC respectfully requests that it be granted any other relief to which it may show itself justly entitled.

Respectfully submitted,

**LLOYD GOSSELINK ROCHELLE
& TOWNSEND, P.C.**

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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 September 23, 2020, in accordance with the Order Suspending Rules, issued in Project No. 50664.



JAMIE L. MAULDIN

EXHIBIT A

Jessica Shipley

From: Jessica Shipley
Sent: Wednesday, September 9, 2020 10:26 AM
To: 'CentralRecords@puc.texas.gov'
Cc: Jamie Mauldin; Patrick Dinnin
Subject: Docket No. 50788: WOWSC's First RFI to Ratepayers
Attachments: 50788 WOWSC's First RFI to Ratepayers.pdf

Attached please find Windermere Oaks Water Supply Corporation's First Request for Information to the Windermere Oaks Water Supply Corporation Ratepayers, e-filed in Docket No. 50788. The tracking number for the e-filing has been highlighted in yellow, below.

Please let me know if anything else is needed in order for this filing to be accepted.
Thank you,
Jessica



JESSICA A SHIPLEY
Legal Secretary to Georgia Crump, Thomas Brocato,
Jamie Mauldin, and Chris Brewster
512-322-5819 Direct
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816 Congress Ave., Suite 1900, Austin, TX 78701
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From: noreply@puc.texas.gov
Sent: Wednesday, September 9, 2020 10:23 AM
To: Jessica Shipley
Subject: PUC Filing submission confirmation.

Filing Complete

Next Steps:

YOU HAVE COMPLETED THE ELECTRONIC PORTION OF YOUR FILING, HOWEVER, IN ORDER FOR THE PUC TO BE ABLE TO PROCESS YOUR FILING, YOU MUST SUBMIT THE FOLLOWING INFORMATION TO THE CENTRAL RECORDS EMAIL (CentralRecords@puc.texas.gov) :

1. AN ATTACHMENT OF THE FILING TO BE PRINTED BY CR STAFF
2. AN ATTACHMENT OF THE GENERATED TRACKING NUMBER SHEET

WE APPRECIATE YOUR COOPERATION AND PATIENCE DURING THIS TIME.
Central Records: (512) 936-7180

Tracking Number: CKCMAROA

Filing Submitted on 9/9/2020 10:23:06 AM
Control Number 50788 RATEPAYERS APPEAL OF THE DECISION BY WINDERMERE OAKS WATER SUPPLY CORPORATION TO CHANGE WATER AND SEWER RATES
Filing Party WINDERMERE OAKS WATER SUPPLY CORPORATION
Filing Type REQUEST FOR INFORMATION
Description The Windermere Oaks Water Supply Corporation's First Request for Information to the Windermere Oaks Water Supply Corporation Ratepayers
Documents 50788 WOWSC's First RFI to Ratepayers.pdf
Addendum Included No
Submitted By Jessica Shipley
816 Congress Avenue, Suite 1900
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5123225800
jshipley@lglawfirm.com

Jessica Shipley

From: Jessica Shipley
Sent: Wednesday, September 9, 2020 10:29 AM
To: 'ratepayersrepositofuller@gmail.com'; 'merritt.lander@puc.texas.gov';
'erin.hurley@soah.texas.gov'
Cc: Jamie Mauldin; Patrick Dinnin
Subject: Docket No. 50788: WOWSC's First RFI to Ratepayers
Attachments: 50788 WOWSC's First RFI to Ratepayers.pdf; 50788 WOWSC's First RFI to Ratepayers.DOC

Attached please find Windermere Oaks Water Supply Corporation's First Request for Information to the Windermere Oaks Water Supply Corporation Ratepayers, which was e-filed in Docket No. 50788 today.

I have also attached the Word version.

Thank you,

Jessica



JESSICA A. SHIPLEY
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Jamie Mauldin, and Chris Brewster
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