



## **Filing Receipt**

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**Item Number - 404**

**PUC DOCKET NO. 50788**

<b>RATEPAYERS APPEAL OF THE DECISION BY WINDERMERE OAKS WATER SUPPLY CORPORATION TO CHANGE WATER AND SEWER RATES</b>	§ § § §	<b>BEFORE THE  PUBLIC UTILITY COMMISSION  OF TEXAS</b>
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**WINDERMERE OAKS WATER SUPPLY CORPORATION’S MOTION TO REOPEN  
THE RECORD AND ADMIT EVIDENCE RELATED TO RATE CASE EXPENSES**

Windermere Oaks Water Supply Corporation (WOWSC or Corporation) files this Motion to Reopen the Record and Admit Evidence Related to Rate Case Expenses. In support thereof, WOWSC respectfully shows as follows:

**I. INTRODUCTION**

On December 13, 2023, Commissioner Lori Cobos filed a memorandum (Commissioner Memorandum) recommending that “...the Commission authorize Windermere to recover \$478,184.04 in rate-case expenses through a surcharge...”<sup>1</sup> The Commissioner Memorandum simultaneously recommended that “...the Commission adopt the [State Office of Administrative Hearings] SOAH [administrative law judges] ALJs’ recommendation...”<sup>2</sup> At the December 14, 2023 Open Meeting, Commissioner Cobos recommended that the Commission open a compliance docket to, among other things, “oversee...the implementation of the rate case expense surcharge for the reasonable expenses that Windermere incurred in this appeal proceeding.”<sup>3</sup> The Commissioners adopted the Commissioner Memorandum and will issue a proposed order consistent with the Commissioner Memorandum.

On June 29, 2023, the SOAH ALJs issued their Proposal for Decision (PFD).<sup>4</sup> The PFD recommended that the Public Utility Commission of Texas (Commission) authorize WOWSC to recover \$478,184.04 in rate case expenses—the total rate case expenses incurred by WOWSC in the above-styled proceeding through January 31, 2023.<sup>5</sup> Additionally, “[b]ecause this amount does not account for expenses incurred after January 31, 2023,” the PFD recommended the Corporation

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<sup>1</sup> Memorandum of Commissioner Cobos at 8 (Dec. 13, 2023).

<sup>2</sup> *Id.*

<sup>3</sup> Public Utility Commission of Texas Open Meeting at 15:48 (Dec. 14, 2023) [https://www.adminmonitor.com/tx/puct/open\\_meeting/20231214/](https://www.adminmonitor.com/tx/puct/open_meeting/20231214/).

<sup>4</sup> SOAH Proposal for Decision with Memorandum at 55 (Jun. 29, 2023) (PFD).

<sup>5</sup> *Id.*

file a subsequent affidavit reflecting the current rate case expense total.<sup>6</sup> The Commission could therefore consider the total rate case expenses amount prior to a final order or, alternatively, allow the Corporation to recover trailing rate case expenses through a compliance docket.<sup>7</sup>

Accordingly, on July 21, 2023, the Corporation filed the Affidavit of Jamie L. Mauldin Related to the Rate Case Expenses of Windermere Oaks Water Supply Corporation supporting the total amount of rate case expenses incurred through April 30, 2023.<sup>8</sup> And, on December 20, 2023, WOWSC filed the Supplemental Affidavit of Jamie L. Mauldin Related to the Rate Case Expenses of Windermere Oaks Water Supply Corporation supporting the total amount of rate case expenses incurred through November 30, 2023.<sup>9</sup>

## **II. MOTION TO REOPEN THE RECORD AND ADMIT ADDITIONAL EVIDENCE RELATED TO RATE CASE EXPENSES**

The Commission, upon good cause shown by the party offering the evidence, may open the record to admit post-hearing evidence.<sup>10</sup> Here, good cause exists to reopen the evidentiary record. First, the Commissioner Memorandum adopted the SOAH ALJs' recommendation. The SOAH ALJs recommended that the Corporation file additional evidence related to total rate case expenses incurred after January 31, 2023.<sup>11</sup> Second, the Commission issued a verbal order to open a compliance document related to the Corporation's recovery of reasonable rate case expenses incurred in Docket No. 50788.<sup>12</sup> There is therefore good cause to reopen the evidentiary record to admit additional evidence supporting rate case expenses incurred after January 31, 2023.

### **A. Additional evidence related to rate case expenses is necessary to effectuate the ALJs' recommendation and the Commission's verbal order.**

As discussed above, the ALJs recommended that the Commission consider the total amount of rate case expenses—including expenses in addition to the \$478,184.04 incurred before

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<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> Affidavit of Jamie L. Mauldin Related to the Rate Case Expenses of Windermere Oaks Water Supply Corporation (Jul. 21, 2023).

<sup>9</sup> Supplemental Affidavit of Jamie L. Mauldin Related to the Rate Case Expenses of Windermere Oaks Water Supply Corporation (Dec. 20, 2023).

<sup>10</sup> 16 Tex. Admin. Code § 22.226(d).

<sup>11</sup> PFD at 55.

<sup>12</sup> Public Utility Commission of Texas Open Meeting at 15:48 (Dec. 14, 2023) [https://www.adminmonitor.com/tx/puct/open\\_meeting/20231214/](https://www.adminmonitor.com/tx/puct/open_meeting/20231214/).

January 31, 2023—in a final order or, alternatively, allow WOWSC to recover trailing rate case expenses through a compliance docket.<sup>13</sup> Moreover, at the December 14, 2023, Commission open meeting, Commissioner Cobos recommended that the Commission open a compliance docket to, among other things, “oversee...the implementation of the rate case expense surcharge for the reasonable expenses that Windermere incurred in this appeal proceeding.”<sup>14</sup> To ensure the Commission has all the necessary information required to authorize the Corporation to recover all reasonable rate case expenses incurred in Docket No. 50788, it is necessary to reopen the record to admit evidence related to rate case expenses incurred after January 31, 2023.

**B. Motion to admit evidence.**

To support the reasonableness of additional rate case expenses incurred after January 31, 2023, WOWSC respectfully requests that the Commission reopen the evidentiary record to admit the additional evidence related to rate case expenses below:

- Affidavit of Jamie L. Mauldin Related to the Rate Case Expenses of Windermere Oaks Water Supply Corporation, filed on July 21, 2023; and
- Supplemental Affidavit of Jamie L. Mauldin Related to the Rate Case Expenses of Windermere Oaks Water Supply Corporation, filed on December 20, 2023.

**III. CONCLUSION**

The Corporation respectfully requests that the Commission reopen the record for the limited purpose of admitting additional evidence related to rate case expenses. WOWSC further requests all other relief to which it may be entitled.

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<sup>13</sup> PFD at 55.

<sup>14</sup> Public Utility Commission of Texas Open Meeting at 15:48 (Dec. 14, 2023) [https://www.adminmonitor.com/tx/puct/open\\_meeting/20231214/](https://www.adminmonitor.com/tx/puct/open_meeting/20231214/).

Respectfully submitted,

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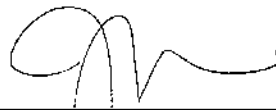
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**ATTORNEYS FOR WINDERMERE OAKS  
WATER SUPPLY CORPORATION**

**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 December 20, 2023, in accordance with the Order Suspending Rules, issued in Project No. 50664.



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JAMIE L. MAULDIN