



Control Number: 50788



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

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PUBLIC UTILITY COMMISSION
STAFF OFFICE

RATEPAYERS APPEAL OF THE § BEFORE THE STATE OFFICE
DECISION BY WINDERMERE §
OAKS WATER SUPPLY § OF
CORPORATION TO CHANGE §
WATER AND SEWER RATES § ADMINISTRATIVE HEARINGS

**COMMISSION STAFF'S SECOND REQUEST FOR INFORMATION
TO WINDERMERE OAKS WATER SUPPLY CORPORATION
QUESTION NOS. STAFF 2-1 THROUGH 2-7**

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and files this Commission Staff's Second Request for Information to Windermere Oaks Water Supply Corporation Question Nos. Staff 2-1 Through 2-7.

Staff requests that Windermere Oaks Water Supply Corporation (Windermere) provide the following information and answer the following questions under oath. The questions shall be answered in sufficient detail to fully present all of the relevant facts, within the time limit provided by the Presiding Officer or within 20 days, if the Presiding Officer has not provided a time limit. Please copy the question immediately above the answer to each question. These questions are continuing in nature. If there is a relevant change in circumstances, Windermere must submit an amended answer, under oath, as a supplement to its original answer. State the name of the witness in this cause who will sponsor the answer to the question and can vouch for the truth of that answer.

Provide responses to the Requests for Information by filing with the Commission solely through the Interchange on the Commission's website and provide notice, by email, to all other parties that the pleading or document has been filed with the Commission, unless otherwise ordered by the presiding officer pursuant to the Order Suspending Rules in Docket No. 50664.

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Dated: January 19, 2021

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Rachelle Nicolette Robles
Division Director

Eleanor D'Ambrosio
Managing Attorney

/s/ Merritt Lander
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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 on January 19, 2021 in accordance with the Order Suspending Rules, filed in Project No. 50664.

/s/ Merritt Lander
Merritt Lander

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QUESTION NOS. STAFF 2-1 THROUGH 2-7**

DEFINITIONS

- 1) "Windermere," or "you" refers to Windermere Oaks Water Supply Corporation and any person acting or purporting to act on its behalf, including, without limitation, attorneys, agents, advisors, investigators, representatives, employees or other persons.

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INSTRUCTIONS

- 1) Pursuant to 16 TAC § 22.144(c)(2), Staff requests that answers to the requests for information be made under oath.
- 2) Please copy the question immediately above the answer to each question. State the name of the witness in this cause who will sponsor the answer to the question and can vouch for the truth of the answer.
- 3) These questions are continuing in nature, and if there is a relevant change in circumstances, submit an amended answer, under oath, as a supplement to your original answer.
- 4) Words used in the plural shall also be taken to mean and include the singular. Words used in the singular shall also be taken to mean and include the plural.
- 5) The present tense shall be construed to include the past tense, and the past tense shall be construed to include the present tense.
- 6) If any document is withheld under any claim of privilege, please furnish a list identifying each document for which a privilege is claimed, together with the following information: date, sender, recipients or copies, subject matter of the document, and the basis upon which such privilege is claimed.
- 7) Pursuant to 16 TAC § 22.144(h)(4), if the response to any request is voluminous, please provide a detailed index of the voluminous material.
- 8) Staff requests that each item of information be made available as it is completed, rather than upon completion of all information requested.

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- Staff 2-1** Reference the \$169,000 in legal expenses included in the revenue requirement used to set the rates that are the subject of this appeal. For each legal proceeding in which a portion of these legal expenses were incurred, please provide:
- a. the cause number and case style;
 - b. the date the suit was filed;
 - c. the names of all parties to the suit;
 - d. a description of the case, including a brief summary of the facts giving rise to the legal issues in the case;
 - e. the current procedural posture of the case;
 - f. the amount of the \$169,000 that was incurred in connection with the proceeding; and
 - g. the amount of the \$169,000 that was incurred to defend each past or current Windermere Board member who was sued individually, specifying the amount incurred by each Board member.
- Staff 2-2** For any legal proceeding listed in response to Staff 2-1 in which a final decision has been rendered, please indicate which party prevailed and explain whether the party that has not prevailed has filed an appeal of the decision.
- Staff 2-3** Reference the \$169,000 in legal expenses included in the revenue requirement used to set the rates that are the subject of this appeal. Please identify what portion of this amount, if any, is for legal expenses incurred to respond to Public Information Act Requests.
- Staff 2-4** Please provide the total number of Public Information Act Requests Windermere responded to in 2017, 2018, 2019, and 2020.
- Staff 2-5** For each Public Information Act Request for which legal counsel was sought, please provide a description of the request, along with a brief explanation of why Windermere sought counsel regarding its response to the request.
- Staff 2-6** Please provide the total amount of legal expenses paid by Windermere in 2017, 2018, 2019, and 2020.
- Staff 2-7** Where insurance claims for legal expenses were filed, please provide:
- a. a copy of the insurance policy;
 - b. the clause under which coverage was claimed;
 - c. the amount of coverage requested;
 - d. the amount of coverage provided, and

- e. for each instance where a claim was not fully covered, please provide documentation explaining the reason for partial coverage or denial of coverage.