



Filing Receipt

Filing Date - 2024-04-30 11:10:45 AM

Control Number - 54617

Item Number - 83

SOAH DOCKET NO. 473-24-13127
PUC DOCKET NO. 54617

| | | |
|---|---------------------------------|--|
| APPLICATION OF TEXAS WATER UTILITIES, L.P. AND SOUTHERN HORIZONS DEVELOPMENT, INC. FOR SALE, TRANSFER, OR MERGER OF FACILITIES AND CERTIFICATE RIGHTS IN LIBERTY AND MONTGOMERY COUNTIES | § § § § § § § | BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS |
|---|---------------------------------|--|

**TEXAS WATER UTILITIES, L.P.’S RESPONSE TO INTERVENORS’ OBJECTIONS
TO THE DIRECT TESTIMONY OF BRIAN D. BAHR**

Texas Water Utilities, L.P. (TWU) files this response to Gerald and Constance Stover’s, Anna Miller’s, and Cecil Fairfax’s (collectively, Intervenor) objections to the Direct Testimony of Brian D. Bahr (Intervenor’s Objections) and respectfully requests that the State Office of Administrative Hearings (SOAH) administrative law judge overrule the objections. Pursuant to SOAH Order No. 3, this response is timely filed on or before May 2, 2024.¹

I. RESPONSE TO INTERVENORS’ OBJECTIONS

Intervenor’s Objections should be overruled because they are responses to the portions of Mr. Bahr’s testimony addressing the initial rates TWU has requested under Texas Water Code (TWC) § 13.3011 rather than evidentiary objections.² For example, Intervenor’s Objections state “My objection is as to ‘Just and Reasonable’ rate and public interest[.]”³ and then offer opinions related to this blanket statement. Whether approval of the transaction proposed in this proceeding, including the requested initial rates, is in the public interest is a fact question identified in the Preliminary Order adopted by the Public Utility Commission of Texas.⁴ Accordingly, any facts or opinions regarding this question constitute testimony and are not properly presented as an objection to TWU’s direct testimony. Because Intervenor had failed to

¹ SOAH Order No. 3 Scheduling Hearing on the Merits at 2 (Apr. 3, 2024).

² 16 Tex. Admin. Code § 22.225(b) (“ . . . Written testimony shall be subject to the same *evidentiary* objections as oral testimony.”) (emphasis added).

³ Gerald and Constance Stover’s Objection to the Direct Testimony of Brian D. Bahr at 1 (Apr. 24, 2024); Anna Miller’s Objection to the Direct Testimony of Brian D. Bahr at 1 (Apr. 25, 2024); Cecil Fairfax’s Objection to the Direct Testimony of Brian D. Bahr at 1 (Apr. 25, 2024).

⁴ Preliminary Order at Issue No. 7 (Mar. 7, 2024).

raise any issue regarding the admissibility of Mr. Bahr's testimony as evidence, Intervenor's Objections should be overruled.


II. CONCLUSION

TWU respectfully requests the entry of an Order overruling Intervenor's Objections, and granting any further relief to which TWU is justly entitled.

Respectfully submitted,

SPENCER FANE, LLP
816 Congress Avenue
Suite 1200
Austin, Texas 78701
Telephone: (512) 840-4550
Facsimile: (512) 840-4551


William A. Faulk, III
State Bar No. 24075674
cfaulk@spencerfane.com
Rashmin J. Asher
State Bar No. 24092058
rasher@spencerfane.com


Eleanor D' Ambrosio
State Bar No. 24097559
edambrosio@spencerfane.com

**ATTORNEYS FOR TEXAS WATER
UTILITIES, L.P.**

CERTIFICATE OF SERVICE

I hereby 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 April 30, 2024, in accordance with the Order Suspending Rules, issued in Project No. 50664.


Eleanor D' Ambrosio