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**SOAH DOCKET NO. 473-23-22448.WS
PUC DOCKET NO. 54713**

PETITION BY RATEPAYERS	§	BEFORE THE STATE OFFICE
APPEALING THE WATER RATES	§	
ESTABLISHED BY WESTWOOD	§	OF
SHORES MUNICIPAL UTILITY	§	
DISTRICT	§	ADMINISTRATIVE HEARINGS

**WESTWOOD SHORES MUNICIPAL UTILITY DISTRICT’S
RESPONSE TO SOAH ORDER NO. 15**

COMES NOW, Westwood Shores Municipal Utility District, Respondent in this proceeding (“District”), and files this, its Response to SOAH Order No. 15 and, in support thereof, would respectfully show the following:

I. INTRODUCTION

SOAH Order No. 15 Providing Notice of Intent to Admit Exhibit was entered in this proceeding on Monday, April 28, 2025, wherein the parties were advised of the Administrative Law Judge’s intent to admit the “Ratepayers’ petition filed on March 3, 2023, as an exhibit.” The Order further stated, “[a]ny objections must be filed within five working days of this Order.” Five working days from Monday, April 28, 2025, is Monday, May 5, 2025, and this Response is timely filed.

II. RESPONSE

The District agrees to the admittance of the Petition as a demonstrative exhibit only. The District objects to the admittance of the ratepayers petition (the “Petition”) for the truth of the matters asserted within.¹ Pursuant to 16 TAC § 22.224, a copy of a document may be admitted as evidence if authenticity is not questioned or is established by competent evidence.² The Petitioners offered no testimony or evidence in this case and thus failed to authenticate the Petition nor did they provide competent testimony regarding the statements made therein, in accordance with Texas Rule of Evidence 901 and the Commission’s procedural rules.³ Further, the District

¹ 16 TAC § 22.221(c) states in pertinent part: “objections to evidentiary offers shall be made, shall be ruled upon, and shall be noted in the record.”

² 16 TAC § 22.224 regarding Documentary Evidence.

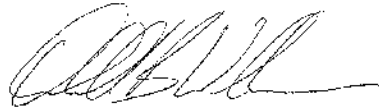
³ Tex. Rule Evid. 901; 16 TAC § 22.221(a).

contested some of the information in the Petition.⁴ Consequently, the Petition constitutes hearsay.⁵ Pursuant to Texas Rule of Evidence 802, hearsay is not admissible unless otherwise provided in a statute, the Rules of Evidence, or other rules prescribed under statutory authority.⁶ No exceptions to hearsay under the Rules of Evidence, the Commission's Procedural Rules or other statute apply to the Petition.⁷

III. CONCLUSION & PRAYER

WHEREFORE, PREMISES CONSIDERED, Westwood Shores Municipal Utility District respectfully requests that the Petition, if admitted, be admitted as a demonstrative exhibit only and not for the truth of the matters asserted within.

Respectfully submitted,



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**ATTORNEYS FOR RESPONDENT,
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UTILITY DISTRICT**

⁴ See Westwood Shores Municipal Utility District's Initial Brief at 7-8 regarding the signatories to the Petition and the rates subject to appeal.

⁵ Tex. Rule Evid. 801.

⁶ Tex. Rule Evid. 802.

⁷ Tex. Rule Evid. 803.

CERTIFICATE OF SERVICE

I hereby certify that I have served or will serve a true and correct copy of the foregoing document via hand delivery, facsimile, electronic mail, overnight mail, U.S. mail and/or Certified Mail Return Receipt Requested to all parties on this the 5th day of May 2025.

A handwritten signature in black ink, appearing to read 'R. Wilburn', written over a horizontal line.

Randall B. Wilburn