

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



RATEPAYERS APPEAL OF THE
DECISION BY WINDERMERE OAKS
WATER SUPPLY CORPORATION
TO CHANGE WATER AND SEWER
RATES

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BEFORE THE STATE OFFICE
OF
THE ADMINISTRATIVE
HEARINGS

**RATEPAYERS' FIRST REQUEST FOR INFORMATION
TO WINDERMERE OAKS WATER SUPPLY CORPORATION**

TO: Windermere Oaks Water Supply Corporation by and through the Corporation's attorney of record, Jamie Mauldin and David Klein, Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701

Pursuant to 16 Texas Administrative Code (TAC) § 22.144, of the Commission's Procedural Rules, comes now the Windermere Oaks Water Supply Corporation Ratepayers ("Ratepayers"), serves its First Request for Information ("RFI") on Windermere Oaks Water Supply Corporation (the "Corporation"). Responses to the RFIs are due within 20 days of receipt.

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, unless otherwise ordered by the presiding officer pursuant to the Order Suspending Rules in Docket No. 50664

Respectfully submitted,

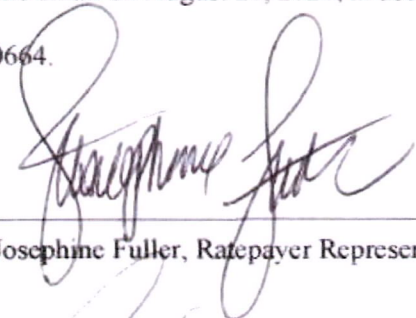
Josephine Fuller, Ratepayer Representative
328 Coventry Road
Spicewood, Texas 78669
(512) 743-2553
ratepayerrepresentativefuller@gmail.com



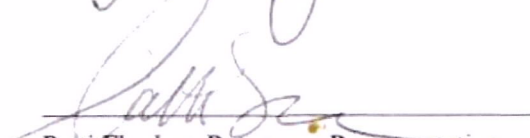
Patti Flunker, Ratepayer Representative
307 Coventry Road
Spicewood, Texas 78669
(512) 699-1082
ratepayerrepresentativefuller@gmail.com

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 email on August 26, 2020, in accordance with the Order Suspending Rules, issued in Project No. 50664.



Josephine Fuller, Ratepayer Representative



Patti Flunker, Ratepayer Representative

INSTRUCTIONS

- 1) Pursuant to 16 TAC § 22.144(c)(2), your answers to the requests for information shall 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.

DEFINITIONS

- A. "Corporation," "you," or "your" as used herein refers to the Windermere Oaks Water Supply Corporation and any person acting or purporting to act on their behalf, including without limitation, attorneys, agents, advisors, investigators, representatives, employees, contract employees or other persons.
- B. "Board" as used herein refers to the Board of Directors of the Windermere Oaks Water Supply Corporation and any person acting or purporting to act on their behalf, including without limitation, attorneys, agents, advisors, investigators, representatives, employees or other persons.
- C. The terms "document" or "documents" are used in their broadest sense to include, by way of illustration and not limitation, all written or graphic matter of every kind and description whether printed, produced or reproduced by any process whether visually, magnetically, mechanically, electronically or by hand, whether final or draft, original or reproduction, whether or not claimed to be privileged or otherwise excludable from discovery, and whether or not in your actual or constructive possession, custody, or control. The terms including writings, correspondence, memoranda, studies, reports, surveys, statistical compilations, notes, calendars, tapes, computer disks, electronic storage of any type, data on computer drives, e-mails, cards, records, contracts, agreements, invoices, licenses, diaries, journals, accounts, pamphlets, books, ledgers, publications, microfilm, microfiche and any other data compilations from which information can be obtained and translated, by you if necessary, into reasonably usable form. "Document" or "documents" shall also include every copy of a document where the copy contains any commentary or notation of any kind that does not appear on the original or any other copy.
- D. "TRWA" as used herein refers to Texas Rural Water Association and any person acting or purporting to act on their behalf, including without limitation, attorneys, agents, advisors, investigators, representatives, employees or other persons.
- E. "Burriss Water Management" as used herein refers to Water Management Inc. and any person acting or purporting to act on their behalf, including without limitation, attorneys, agents, advisors, investigators, representatives, employees or other persons.

**RATEPAYERS FIRST REQUESTS FOR INFORMATION TO
WINDERMERE OAKS WATER SUPPLY CORPORATION
RFI 1-1 THROUGH RFI 1-25**

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| Ratepayers RFI 1-1 | Produce all TRWA Water Rate Studies/Rate Analysis/Rate Assistance documents for the years 2017, 2018 and 2019 completed by TRWA including but not limited to a copy of the final report, any notes taken during meetings and any email correspondence. |
| Ratepayers RFI 1-2 | Produce all TRWA Wastewater Rate Studies/Rate Analysis/Rate Assistance documents for the years 2017, 2018 and 2019 completed by TRWA including but not limited to a copy of the final report, any notes taken during meetings and any email correspondence. |
| Ratepayers RFI 1-3 | Admit or Deny the current base water rate and base sewer rates charged by the Corporation would substantially decrease if the 2019 legal fees totaling \$169,000 or more were not included in the Rate Study/Rate Analysis performed by TRWA. |
| Ratepayers RFI 1-4 | Admit or Deny the 2017 Corporation Board voted unanimously to recommend that all future Boards complete an independent audit prior to any future rate increases. |
| Ratepayers RFI 1-5 | Provide Corporation audit documents, including independent audits completed between the years 2016 through February 2020. If no audits have been completed please state so. |
| Ratepayers RFI 1-6 | In a letter dated January 28, 2020, sent to the customers the Corporation proclaimed “if the lawsuits continue the Corporation will have to consider selling the system to an Investor Owned Utility or declare bankruptcy”, please state the basis for that statement, including factual evidence and which specific lawsuits are referred to by this statement. |
| Ratepayers RFI 1-7 | Provide total billing for 2019 legal expenses. |
| Ratepayers RFI 1-8 | Provide specific reserve accounts, general funds, etc. for which the 2019 legal expenses were paid from. |
| Ratepayers RFI 1-9 | Please provide all unredacted attorney invoices for the years 2018 and 2019. |
| Ratepayers RFI 1-10 | A 2018 Affidavit executed by David Bertino, WOWSC Board President, stated the “water system does not have liquid funds |

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| Ratepayers RFI 1-11 | of \$200,000 on hand". Please state the basis for that statement, including factual evidence. Provide Burnet County property taxes paid on all Corporation property assets for the years; 2017, 2018 and 2019. If no property taxes have been paid, please state so. |
| Ratepayers RFI 1-12 | Provide a current list of all property the Corporation owns and that is reasonably necessary for and used in the operation of the corporation: (A) to acquire, treat, store, transport, sell, or distribute water; or (B) to provide wastewater service and is under active construction or other physical preparation for future use and (C) provide a list of all property the Corporation owns that is not applicable to (A) and (B). |
| Ratepayers RFI 1-13 | Produce any document of all appraised values for real estate not currently used for the necessary operations of the Corporation specific to water and wastewater service. |
| Ratepayers RFI 1-14 | Produce Tax Returns for the years; 2016, 2017, 2018 and 2019 |
| Ratepayers RFI 1-15 | Produce all 1099's issued by the Corporation for all employees, general contractors, directors, officers, vendors, law firms for the years; 2017, 2018 and 2019. |
| Ratepayers RFI 1-16 | Produce all copies of checks paid to Corporation President, Joe Gimenez for work related services, including all activities related to public information request. |
| Ratepayers RFI 1-17 | Admit or Deny board president Joe Gimenez signed the 2018 and 2019 Corporation tax returns. |
| Ratepayers RFI 1-18 | Produce documents detailing total billing from Burriss Water Management for years; 2017, 2018 and 2019. |
| Ratepayers RFI 1-19 | What was the amount of the operations and maintenance cost that the 2019 Rate Study/Rate Analysis was intending to recover? Please produce copies of all documents prepared by, or on behalf of, the Corporation in support of this response. |
| Ratepayers RFI 1-20 | Produce total number of active meters for each individual year; 2016, 2017, 2018 and 2019 additionally include master meters for individual years. If no master meter accounts exist please state so. |
| Ratepayers RFI 1-21 | Produce contract between Corporation General Manger and Corix Utilities for Corporation operations. |

- Ratepayers RFI 1-22 Provide list of total billed and received in revenues for 2019 standby fees for all individual property owners in the;
- a. Spicewood Airport
 - b. Tennis Village Subdivision
 - c. Ranch at Windermere Subdivision
 - d. Windermere Oaks Subdivision
 - e. Pilots Landing Subdivision
 - f. All others in CCN service area not included above
- Ratepayers RFI 1-23 Provide a current list of properties with multiple connections to one meter and multiple connections to one grinder pump for sewer service.
- Ratepayers RFI 1-24 Provide all communication with any and all insurance companies related to submitted claims for all past, potential and current litigation involving the years 2016-2020.
- Ratepayers RFI 1-25 Provide all appraisals completed for the Corporation on remaining 7+ acres in the Spicewood Airport Area, specifically legal description ABS A0776 MA. Catalina Salinas, 2.9857 acres, and 4.027 acres and all easements in the Spicewood Airport Area.