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Item Number: 11

DOCKET NO. 56273

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PUBLIC UTILITY COMMISSION
PUBLIC UTILITY REGULATION
DIVISION
OF TEXAS

RATE-CASE EXPENSE ISSUES §
SEVERED FROM DOCKET NO. 50788 §
(RATEPAYERS APPEAL OF THE §
DECISION BY WINDERMERE OAKS §
WATER SUPPLY CORPORATION TO §
CHANGE WATER AND SEWER §
RATES) §

ORDER

This Order addresses Windermere Oaks Water Supply Corporation’s request to recover its rate-case expenses incurred in Docket No. 50788¹ after January 31, 2023. The Commission denies Windermere’s request.

I. Findings of Fact

The Commission makes the following findings of fact.

Background

1. Windermere is a non-profit water supply corporation operating under chapter 67 of the Texas Water Code (TWC).
2. Windermere owns and operates for compensation in Texas facilities and equipment for the transmission, storage, distribution, sale, or provision of potable water to the public under certificate of convenience and necessity (CCN) number 12011.
3. Windermere owns and operates for compensation in Texas facilities and equipment for the collection, transportation, treatment, or disposal of sewage for the public under CCN number 20662.
4. Windermere is managed by a member-elected board of directors. Each director must be a resident of Texas, a member, and a customer of Windermere.
5. Windermere has five board members, and the board of directors elects its officers.

¹ *Ratepayers Appeal of the Decision by Windermere Oaks Water Supply Corporation to Change Water and Sewer Rates*, Docket No. 50788, Order (Mar. 21, 2024).

6. Windermere's board of directors made a decision affecting water and sewer rates on February 11, 2020.
7. On April 27, 2020, certain Windermere ratepayers filed a petition in Docket No. 50788 under TWC § 13.043(b) to appeal Windermere's decision to change rates.

Rate-Case Expenses for Docket No. 50788

8. In Docket No. 50788, the Commission found that Windermere incurred rate-case expenses in that case, beginning on April 27, 2020.²
9. In Docket No. 50788, the Commission authorized Windermere to recover \$478,184.04 in rate-case expenses incurred through January 31, 2023.³
10. On December 20, 2023, Windermere filed, in Docket No. 50788, a request to reopen the record in order to recover an additional approximately \$220,617 in rate-case expenses it claimed to have incurred after January 31, 2023.
11. In Docket No. 50788, the Commission severed issues related to rate-case expenses incurred by Windermere after January 31, 2023 into this docket.
12. In the present docket, Windermere stated, on May 2, 2024, that it no longer seeks to recover the rate-case expenses it incurred in Docket No. 50788 after January 31, 2023.

Informal Disposition

13. Notice of this proceeding was not required.
14. This decision is not adverse to any party.
15. No party requested a hearing, and no hearing is needed.

II. Conclusions of Law

The Commission makes the following conclusions of law.

1. Windermere is a non-profit water supply corporation under TWC § 13.002(24).
2. Windermere is a retail public utility as defined in TWC § 13.002(19) and 16 Texas Administrative Code (TAC) § 24.3(31).

² *Id.*, Order at Finding of Fact 79.

³ *Id.*, Order at Findings of Fact 80–84 and Ordering Paragraphs 4–5.

3. The Commission has authority over this proceeding under TWC § 13.043(b)(1).
4. Under TWC § 13.043(e), the Commission may allow Windermere to recover reasonable expenses that were incurred in the appeal's proceedings, but Windermere is not obligated to seek recovery of all of its expenses.
5. This docket was processed in accordance with the requirements of the TWC, the Administrative Procedure Act,⁴ and Commission rules.
6. The requirements for informal disposition under 16 TAC § 22.35 have been met in this proceeding.

III. Ordering Paragraphs

In accordance with these findings of fact and conclusions of law, the Commission issues the following orders.

1. The Commission grants Windermere's amended request to recover \$0 in rate-case expenses incurred in Docket No. 50788 after January 31, 2023.
2. Windermere must not seek to recover any rate-case expenses it incurred after January 31, 2023, in connection with Docket No. 50788 in a future proceeding.
3. The Commission denies all other motions and any other requests for general or specific relief that have not been expressly granted.

⁴ Tex. Gov't Code § 2001.001-.903.

Signed at Austin, Texas on the 15th day of August 2024.


PUBLIC UTILITY COMMISSION OF TEXAS



LORI COBOS, COMMISSIONER



JIMMY GLOTFELTY, COMMISSIONER



KATHLEEN JACKSON, COMMISSIONER



COURTNEY K. HJALTMAN, COMMISSIONER