

COMMENTS TO PUC ON NOVEMBER 14, 2024

Good morning.

I am Joe Gimenez, former volunteer Board president of the Windermere Oaks Water Supply Corporation Board, for four years, from March 2019 until April 2023.

In hearing on October 24, Commissioner Hjaltman said, “Mr. Walker, you can understand why our staff and the commission prior would put in an order that did not really have faith in your fiduciary duties. That was not you but your prior board.”

Let’s compare:

From 2019 through 2023, the prior Windermere Board qualified for \$650,000 low interest loans, purchased and installed zebra mussel filtration systems, a 125,000-gallon storage tank, and a propane generator.

Through conservation projects the prior Board reduced water intake from Lake Travis, saving \$15,000+ in yearly processing costs.

The Board also was successful – legally – for defensive protection of the corporation and eight then-current and former volunteer directors who were innocent of wild lawfare against them, claiming they were conducting organized criminal activity.

Texas law requires non-profit corporations to financially protect volunteers from lawsuits unless criminal activity is finally adjudicated. It was not, ever.

In the prior Board’s one, one offensive litigation, the prior Board won a \$678,000 judgment against the company that denied D&O payments for four years.

Now let’s compare that record with the PUC order in the 50788 rate case.

My three years of testimony in 50788 is on record on the PUC interchange.

In March 2023, Windermere's expert witness, and its Board Treasurer, told Staff their proposed rates would make Windermere insolvent within 10- to 12- months.

In their PFD, Judges Wiseman and Siano saw through staff and ratepayer misrepresentations and mischaracterizations about company and Board operations. They adjusted part of the rates slightly but mostly left them with the Board.

Pay attention: This is an important comparison to the prior Board:

In January, the Commission, the Commission reversed Judges Siano and Wiseman.

The Commission overturned two pre-cedent applications of law regarding financial integrity of water companies.

The Commission implemented Staff's insolvent rates.

After only six months of implementation of staff and Commission rates, we heard Windermere Board members testify a few weeks ago that the company is near insolvency, has no plans or means for a clarifier, and can't pay for legal representation to the PUC.

They are focused instead on just keeping water flowing. That's what they said.

So Ms. Hjaltman, please understand why I do not have faith in the Commission or staff's performance of its fiduciary duty to the citizens of the state of Texas.

Thank you for your time.