

COMMENTS TO PUC – October 23, 2025

Good morning. I am Joe Gimenez, former volunteer president of the Windermere Oaks Water Supply Corporation Board (2019–2023), and a testifying party in rate appeal Docket 50788.

Windermere's 290 ratepayers were assessed \$500,000 in legal costs, more than 2.5 times the 2019 test year legal expenses that triggered the rate appeal. It is a \$39/month surcharge for all of us.

In 2023, the Texas Rural Water Association briefed that the PUC process lacked limits on discovery, duration, and proportionality, driving the costs to those levels.

But I also observed how PUC Staff's alignment with ratepayer representatives pushed the litigation cost higher as well.

For example, in brief 50788-175, PUC Staff Attorney Merritt Lander in 2022 opened with a "hypothetical" about a Board member being accused of physically assaulting a ratepayer at a meeting.

Ms. Lander hyperbolized that the Board defended the assault in court, costing 100 customers \$5,000 per year each because it was doing water company business at the time.

The scenario was imprecise, unhinged from reality, and defamatory.

Ms. Lander may have been dramatizing how a handful of Windermere ratepayers filed two lawsuits based on a 2015 error, when the Board failed to write one sentence on its agenda indicating it might vote on a land sale after executive session.

In 2017, the handful of members sued Windermere about the Open Meetings violation and proceeded to lose at the district, appellate, and Texas Supreme courts.

In 2019, those members filed a second, broader suit accusing me and others of fraud and racketeering. All criminal claims were dismissed.

Discovery revealed that Windermere member Patti Flunker had inspired those plaintiffs as early as 2017.

After the Board raised rates in 2020 to defend against those suits, Ms. Flunker became a ratepayer representative in 50788.

In my view, the hyperbolic and defamatory tone of Ms. Lander's brief marked a sharp departure from her usual professionalism and instead echoed the distinctive style of Ms. Flunker, whose pattern of such rhetoric can be well documented.

While Ms. Flunker may have penned the original language, Ms. Lander's decision to adopt and present it as her own is troubling and telling.

Their LinkedIn profiles show they share a 2015 connection at Austin Community College, where Ms. Lander taught English and Ms. Flunker studied paralegal work before being hired by the Texas Rural Water Association in 2016.

If their relationship began there, it may explain the hyperbole and other coordinated motion practices throughout 50788.

Is it standard practice for a ratepayer representative to draft briefs for Staff attorneys in PUC cases? Is that ethical?

I've been documenting to you the financial harm caused by the Commissioner's rejection of Judges Wiseman and Siano, who saw through the defamatory exercises throughout 50788.

In my opinion, Commissioners were misled by a crusading Staff attorney with personal connections to a case.

The resultant costs and entropy have far exceeded the rates applied by the 2020 Board.

Thank you for considering my views.