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COMPLAINT OF MARILYN
BONIABY AGAINST THE
REMINGTON APARTMENTS

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PUBLIC UTILITY COMMISSION

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2017 MAY 25 AM 10:27
PUBLIC UTILITY COMMISSION
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COMMISSION STAFF'S STATUS REPORT AND RECOMMENDATION

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest and files this Status Report and Recommendation. In support thereof, Staff would show the following:

I. BACKGROUND

On August 10, 2015, Marilyn Boniaby (Complainant) filed a formal complaint against the Remington Apartments regarding the failure to make water utility allocation records available for inspection consistent with Tex. Water Code § 13.5031(5) (TWC) and 16 Tex. Admin. Code § 24.122(e) (TAC) and related charges.¹ IMFI Remington Apartments, LLC (IMFI) filed a letter with the Commission on September 28, 2015, explaining that it was the current owner of the Remington Apartments but that the complaint was based on the actions of the previous owner, Resilient Assets, LLC (Resilient). Order No. 8, issued May 12, 2017 set May 25, 2017 as the deadline for Staff to file a status report or recommendation regarding this proceeding. This pleading is therefore timely filed.

II. STATUS REPORT AND RECOMMENDATION

On May 11, 2017, Resilient filed records from January 2014 through January 2015 that included the water bill from the city of Freeport, the allocation calculation of the charge per resident, and the Rent Roll that included the number of occupants per apartment. Pursuant to 16 Tex. Admin. Code § 24.122(e)(6) (TAC), an owner shall make available the formula, occupancy factors and percentages used to calculate tenants bills, in addition to the total number of occupants. Although there still remains a short time period for which records have not been provided (February and March of 2015), Staff recommends that the information submitted by the

¹ *Complaint of Marylin Boniaby Against The Remington Apartments*, Docket No. 45032, Complaint of Marylin Boniaby at 3 (August 10, 2015).

apartment owners substantially satisfies the request of the complainant to make the records available to her. Absent anything further from Complainant, Staff recommends that this Complaint be closed.

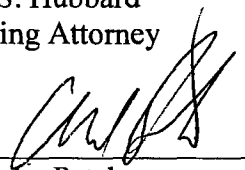
Dated: May 25, 2017

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF
TEXAS LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

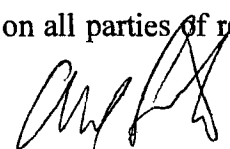
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CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on May 25, 2017 in accordance with 16 TAC § 22.74.



Alexander Petak