



Control Number: 45032



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DOCKET NO. 45032

COMPLAINT OF MARILYN
BONIABY AGAINST THE
REMINGTON APARTMENTS

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PUBLIC UTILITY COMMISSION

OF TEXAS

RECEIVED

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PUBLIC UTILITY COMMISSION
FILING CLERK

COMMISSION STAFF'S STATEMENT OF POSITION

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas, representing the public interest and files this Statement of Position and would show the following:

I. BACKGROUND

On August 10, 2015, Marilyn Boniaby (Complainant) filed a formal complaint against Remington Apartments (Remington) regarding the failure of Remington to make water utility allocation records available for inspection consistent with Tex. Water Code § 13.5031(5) and 16 Tex. Admin. Code § 24.122(e) (TAC) and related charges.¹ Order No. 1, issued on August 11, 2015, required Staff to file a statement of position no later than September 7, 2015. Because September 7 was a national holiday, this pleading is timely filed.

II. COMPLIANCE WITH THE REQUIREMENTS OF INFORMAL RESOLUTION

The procedural rules of the Public Utility Commission of Texas (Commission) require that a complaint against a utility must first be presented to the Commission for informal resolution. The applicable Commission's procedural rule states: "A person who is aggrieved by the conduct of an electric utility or telecommunications utility or other person must present a complaint to the commission for informal resolution before presenting the complaint to the commission."²

Staff has verified that prior to the filing of this formal complaint against Remington, Complainant presented an informal complaint to the Customer Protection Division (CPD) of the

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

² 16 TAC § 22.242(c).

Commission which concluded its investigation on July 23, 2015.³ Therefore, Complainant has complied with the requirements of informal resolution.

III. STAFF'S STATEMENT OF POSITION

Staff attempted to contact Remington but was unable to receive a response to this complaint. Staff has identified that the Remington Apartments have been bought by Resilient Assets, LLC and that Benjamin Meyer is a Manager of that business. Staff requests that Benjamin Meyer, 832-439-3290, 29123 Tivoli Way, Boerne, TX 78015 be added to the notice list so that a response may be received. Without a response, Staff is unable to provide further comment regarding the complaint.

IV. CONCLUSION


Staff respectfully request that the above individual be added to the notice list and that additional time be given in order to receive a response to the complaint.

Dated: September 8, 2015

Respectfully Submitted,

Margaret Uhlig Pemberton
Division Director
Legal Division

Karen S. Hubbard
Managing Attorney
Legal Division



Alexander Petak
Attorney-Legal Division
State Bar No. 24088216
(512) 936-7377

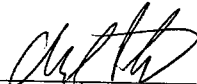
³ CPD # 2015060778.

(512) 936-7268 (facsimile)
Public Utility Commission of Texas
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326

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CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on September 8, 2015 in accordance with 16 TAC § 22.74.



Alexander Petak