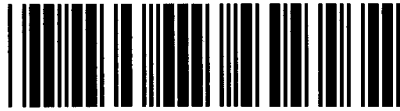




Control Number: 45032



Item Number: 8

Addendum StartPage: 0

DOCKET NO. 45032

COMPLAINT OF MARILYN  
BONIABY AGAINST THE  
REMINGTON APARTMENTS

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§  
§

PUBLIC UTILITY COMMISSION  
OF TEXAS

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**ORDER NO. 3  
REQUIRING COMPLAINANT REPLY**

On August 10, 2015, Marilyn Boniaby (Complainant) filed a complaint against the 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 incorrect charges. Remington did not initially file a response to the complaint as directed.

On September 8, 2015, Commission Staff filed a statement of position. Commission Staff verified that Complainant complied with the Commission's requirements for informal resolution. Commission Staff also requested the addition of the owner of Remington, Resilient Assets, LLC (Resilient) to the service list.

On September 9, 2015, Resilient was added to the service list and was directed to respond to the Complaint. Commission Staff was also directed to file a supplemental statement of position after receipt of a response from Resilient.

On September 30, 2015, IMF Remington Apartments, LLC (IMFRA) filed a letter explaining that it was the current owner of Remington but that the complaint was based on the actions of the previous owner, Resilient. On October 2, 2015, Resilient filed a letter detailing that it is no longer the owner of Remington and submitted additional items in defense of dispute with Complainant.

On October 9, 2015, Commission Staff supplemented its previous position. Commission Staff found, regarding Complainant's billing issue, that the current bills are consistent with 16 TAC § 24.125(f). Commission Staff also found that the increase in rates were the result of an increase in rates from the City of Freeport. As to the availability of the water allocation records, Commission Staff found the records available in the offices on location. Finally, Commission Staff stated that it was informed by Complainant that she no longer resides at Remington.

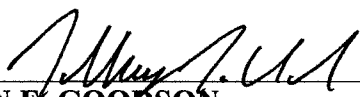
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Commission Staff recommends that this complaint be dismissed for failure to state a claim for which relief can be granted pursuant to 16 TAC § 22.181(a)(1)(G). Commission Staff contends that the water utility bills have been corrected, the increase in rates is reasonable based on the increase from the City of Freeport, and the water allocation records are available in the management office on location.

In light of the preceding, Complainant shall file, not later than **October 28, 2015**, a reply to the preceding responses by Resilient and IMFRA and Commission Staff's supplemental statement of position. Failure of the Complainant to file a timely reply may result in dismissal of this complaint

**SIGNED AT AUSTIN, TEXAS the 14<sup>th</sup> day of October 2015.**

**PUBLIC UTILITY COMMISSION OF TEXAS**

  
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**SUSAN E. GOODSON**  
**ADMINISTRATIVE LAW JUDGE**