



Control Number: 47312



Item Number: 50

Addendum StartPage: 0

COMPLAINT OF JOSEPH LANTER § BEFORE THE STATE OFFICE
AGAINST HAVEN AT HIGHLAND § OF
KNOLLS § ADMINISTRATIVE HEARINGS

**JOINT PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW, AND
ORDERING PARAGRAPHS AND JOINT MOTION TO ADMIT EVIDENCE**

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and files this Joint Proposed Notice of Approval and Motion to Admit Evidence. Staff is authorized to represent that Haven at Highland Knolls (Haven), the respondent in this matter, is in agreement. In support thereof, Staff would show the following:

I. BACKGROUND

On June 16, 2017, Joseph Lanter (Mr. Lanter) filed a formal complaint against Haven, alleging violations of 16 Texas Administrative Code (TAC) §§ 24.122-.125 relating to water/wastewater billing. On October 10, 2017, the Commission referred the case to the State Office of Administrative Hearings (SOAH). Mr. Lanter filed direct testimony on January 17, 2018. Haven filed direct testimony on February 9, 2018. Commission Staff filed direct testimony on February 28, 2018, and supplemental direct testimony on March 28, 2018. Mr. Lanter filed rebuttal testimony to Haven's direct testimony on March 13, 2018. Mr. Lanter and Staff both filed statements of position on March 29, 2018.

As per SOAH Order No. 3, the hearing occurred as scheduled at the Austin Office of SOAH on April 2, 2018. Mr. Lanter did not appear. Haven agreed to abide by Staff's four recommendations made on the record. Staff and Haven agreed to file a joint pleading including an affidavit signed by Haven testifying to its commitment to Staff's four recommendations and joint proposed findings of fact, conclusions of law, and ordering paragraphs. Staff and Haven agreed to a deadline of 30 days from the date of the hearing. Therefore, this pleading is timely filed.

II. SUMMARY OF HAVEN'S AFFIDAVIT

Staff and Haven believe that a resolution of this docket consistent with Staff's four recommendations made on the record at the hearing is reasonable and in the public interest. Staff's four recommendations to Haven are (1) pay Mr. Lanter \$83.85; (2) include all information required

by the Commission rules on all water and waste water bills sent to Haven's tenants and future tenants; (3) cease charging an administrative fee for stormwater drainage to Haven's tenants and future tenants; and (4) fill in all blanks on the water/waste addendum attached to new leases and lease renewals made with Haven's tenants and future tenants. Haven's affidavit, included herein as Attachment A, is proof of Haven's commitment to comply with Staff's four recommendations.

III. JOINT MOTION TO ADMIT EVIDENCE

The following documents were admitted into evidence at the hearing on April 2, 2018.

1. Witness Statement of Kadi O'Neal, filed on February 9, 2018;
2. Direct Testimony of Debi Loockerman, filed on February 28, 2018;
3. Supplemental Testimony of Debi Loockerman, filed on March 28, 2018;

Staff and Haven respectfully move that the following documents also be admitted into evidence in this proceeding for the purpose of supporting a proposal for decision and ultimately a Commission notice of approval or final order.

1. Complaint of Joseph Lanter against Haven at Highland Knolls, filed on June 16, 2017;
2. Haven's original response, filed on July 10, 2017;
3. Mr. Lanter's additional response, filed on July 19, 2017;
4. Mr. Lanter's comments, filed on October 10, 2017;
5. Mr. Lanter's testimony, filed on January 17, 2018;
6. This Joint Proposed Findings of Fact, Conclusions of Law, and Ordering Paragraphs and Joint Motion to Admit Evidence, Attachment A, and Attachment B, filed on May 2, 2018.

IV. JOINT PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDERING PARAGRAPHS

Attachment B to this pleading contains joint proposed notice of findings of fact, conclusions of law, and ordering paragraphs. Staff and Haven respectfully request the entry of a proposal for decision consistent with the findings of fact and conclusions of law in Attachment B.

V. CONCLUSION

Staff respectfully requests the entry of a proposal for decision consistent with this motion to admit evidence and the joint proposed findings of fact, conclusions of law, and ordering paragraphs included herein as Attachment B.

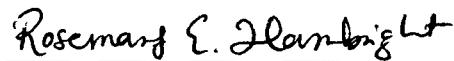
DATED: May 2, 2018

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF
TEXAS LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

Stephen Mack
Managing Attorney

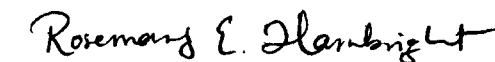


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(512) 936-7230
(512) 936-7268 (facsimile)
Rosemary.Hambright@puc.texas.gov

**PUC DOCKET NO. 47312
SOAH DOCKET NO. 473-18-0496.WS**

CERTIFICATE OF SERVICE

I hereby certify that a copy of this document will be served on all parties of record on May 2, 2018, in accordance with 16 TAC § 22.74.


Rosemary E. Hambright

Attachment A

**SOAH DOCKET NO. 473-18-0496.WS
PUC DOCKET NO. 47312**

JOSEPH LANTER,	§	
Claimant,	§	BEFORE THE STATE OFFICE
v.	§	OF
HAVEN AT HIGHLAND KNOLLS,	§	ADMINISTRATIVE HEARINGS
Respondent.	§	

AFFIDAVIT OF BROOKE NEAL

STATE OF TEXAS §

COUNTY OF COLLIN §

BEFORE ME, the undersigned authority, on this day personally appeared Brooke Neal, who swore on oath that the following facts are true:

"My name is Brooke Neal. I am over 18 years of age, of sound mind and fully competent to make this affidavit. I have never been convicted of a felony or crime involving moral turpitude. I have personal knowledge of the facts herein stated and all such facts are true and correct.

I am employed as a regional manager by CAF Management, LLC, a Texas limited liability company ("CAF"). CAF is a multi-family property management company with its principal office located in Frisco, Texas. CAF is the property manager and authorized representative for the Haven at Highland Knolls, the respondent in the above styled and numbered proceeding. Haven at Highland Knolls is a residential apartment community located in Katy, Texas. Haven at Highland Knolls receives water utility services from the Nottingham County Municipal Utility District.

I was present in the State Office of Administrative Hearings on Monday, April 2, 2018 when a final hearing was scheduled for this matter. While present, I, on behalf of Haven at Highland Knolls agreed to a resolution of the complaint filed by Joseph Lanter. Pursuant to that resolution, as announced on the record, Haven at Highland Knolls has undertaken the following actions:

First, Haven at Highland Knolls reimbursed Joseph Lanter the sum of \$83.85. Payment was in the form of a check dated April 19, 2018 and mailed to Mr. Lanter on April 23, 2018 from CAF Management's attorney by certified mail, return receipt requested. True and correct copies of the transmittal letter from CAF's attorney and the reimbursement check are attached hereto as Exhibit "1".

Second, Haven at Highland Knolls has changed the form of its water utility billing template as requested by the Public Utility Commission. The form of the revised billing template is attached hereto as Exhibit "2". This form will be used on all future water utility bills sent to the community's residents.

Third, Haven at Highland Knolls has removed all administrative fees for storm water drainage from its water/waste water utility bills sent to its residents and will not include any administrative fees for storm water drainage in any future water/waste water utility bills.

Finally, Haven at Highland Knolls has agreed to disclose in the Texas Apartment Association promulgated "Water/Waste Water Addendum" form, the average monthly bill for all the apartments units in the community for the previous calendar year along with the range of such bills (from the lowest month to the highest month) for any new leases and lease renewals."

FURTHER AFFIANT SAYETH NOT.

SIGNED this 30 day of April 2018.

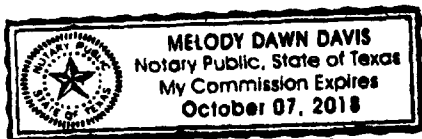


Brooke Neal, Affiant

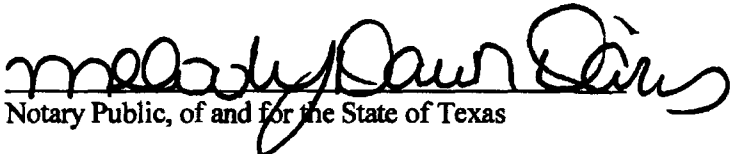
STATE OF TEXAS §

COUNTY OF COLLIN §

SUBSCRIBED AND SWORN TO BEFORE ME, a Notary Public, by Brooke Neal on this 30 day of April 2018.



(Seal)



Notary Public, of and for the State of Texas

Commission 01137591-4



The Law Firm of Meyer & Colegrove, PLLC
Attorneys and Counselors at Law

FILE COPY

gmeyer@thelawfirmmc.com
Gregory T. Meyer, Esq.

April 23, 2018

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Joseph H. Lanter
1901 Waterside Village #460
Richmond, Texas 77407

Re: *Joseph Lanter v. Haven at Highland Knolls*
SOAH Docket No. 473-18-0496.WS.
PUC Docket No. 47312

Dear Sir or Madam:

In connection with the negotiated resolution of the above referenced matter with the PUC staff counsel, please see the enclosed check number 1217 from CRP/CAF Haven Highland Owner, L.P. d/b/a Haven at Highland Knolls made payable to Joseph Lanter in the amount of \$83.85 as payment in full.

Very truly yours,

Gregory T. Meyer

Enclosure

GTM:gm

cc: Rosemary E. Hambright (w/encl. via email)
Client (w/encl. via email)

7016 0910 0000 9823 7133

U.S. Postal Service™	
CERTIFIED MAIL® RECEIPT	
Domestic Mail Only	
For delivery information, visit our website at www.usps.com	
OFFICIAL USE	
Certified Mail Fee	\$ 3.45
Extra Services & Fees (check box, add fee as appropriate)	
<input checked="" type="checkbox"/> Return Receipt (hardcopy)	\$ 2.75
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$.47
Total Postage and Fees	\$ 6.67
Sent To	
Joseph Lantier	
Street and Apt No., or PO Box No.	
1901 Waterside Village # 460	
City, State, ZIP+4	
Richardson, TX. 77407	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

CRP/CAF Haven Highland Owner LP dba Haven
at Highland Knolls

2600 Network Blvd.
Suite 590
Frisco, TX 75034-6037
469-269-1099

BBVA Compass

1217

Date: 04/19/2018

Pay To
The Order Of Joseph Lanter

Eighty Three Dollars and 85 Cents

\$**83.85**

Joseph Lanter
c/o Gregory Meyer
2340 E Trinity Mills Rd, Ste 233
Carrollton, TX 75006

R. Zithel

⑈001217⑈

Details on Back
Security Features Included

CRP/CAF Haven Highland Owner LP dba Haven at Highland
Knolls

V-02647-Joseph Lanter

c/o Gregory Meyer
2340 E Trinity Mills Rd, Ste 233
Carrollton, TX 75006

1217

BBVA Compass

BBVA Checking - 4592 4592

Date: 04/19/2018

Date	Reference Number	Amount Due	Amount Paid/Applied
04/19/2018		\$83.85	\$83.85
Net Amount			\$83.85

EXHIBIT "2"

Attachment B

SOAH DOCKET NO. 473-18-0496.WS
DOCKET NO. 47312

COMPLAINT OF JOSEPH LANTER	§	BEFORE THE STATE OFFICE
AGAINST HAVEN AT HIGHLAND	§	OF
KNOLLS	§	ADMINISTRATIVE HEARINGS

**JOINT PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW, AND
ORDERING PARAGRAPHS**

This Proposal for Decisions addresses the formal complaint of Joseph Lanter (Mr. Lanter or the Complainant) against Haven at Highland Knolls (Haven or the Respondent) alleging violations of 16 Texas Administrative Code (TAC) §§ 24.122-.125 relating to water and sewer billing during Mr. Lanter’s residency at Haven. Haven has agreed to abide by all four of Staff’s recommendations made on the record at the hearing held at the State Office of Administrative Hearings (SOAH) on April 2, 2018: (1) pay Mr. Lanter \$83.85; (2) include all information required by the Commission rules on all water and waste water bills sent to Haven’s tenants and future tenants; (3) cease charging an administrative fee for stormwater drainage to Haven’s tenants and future tenants; and (4) fill in all blanks on the water/waste addendum attached to new leases and lease renewals made with Haven’s tenants and future tenants. At the hearing, Haven and Commission Staff were granted 30 days to file joint proposed findings of fact, conclusions of law, and ordering paragraphs.

I. Findings of Fact

Procedural History

1. On June 16, 2017, Joseph Lanter (Mr. Lanter or the Complainant) filed a formal complaint against Haven at Highland Knolls (Haven or the Respondent) alleging violations of 16 TAC §§ 24.122-.125 relating to water/wastewater services and the billing for such services during his residency at Haven.
2. On July 10 and 17, 2017, Haven filed a response and a supplement to its response.
3. On December 19, 2018, Mr. Lanter, Haven, and Staff made appearances at the prehearing conference at the State Office of Administrative Hearings.
4. On January 3, 2018, Haven filed a motion to dismiss for failure to prosecute.
5. On January 17, 2018, Mr. Lanter filed direct testimony and a response to Haven’s motion to dismiss. On January 24, 2018, Mr. Lanter filed a motion to retain cause on docket.

6. On February 9, 2018, Haven filed direct testimony.
7. On February 28, 2018, Commission Staff filed direct testimony. On March 28, 2018, Staff filed supplemental direct testimony.
8. On March 13, 2018, Mr. Lanter filed rebuttal testimony to Haven's direct testimony.
9. On March 29, 2018, both Mr. Lanter and Staff filed an individual statement of position.
10. On April 2, 2018, Haven and Staff made appearances at the hearing.
11. On May 2, 2018, Haven and Staff filed a joint motion to admit evidence and joint proposed findings of fact, conclusions of law, and ordering paragraphs. The pleading included an affidavit signed by Haven testifying it would abide by Staff's four recommendations made on the record at the hearing.

Evidentiary Record

12. On April 2, 2018, the following documents were admitted into the evidentiary record of this proceeding:
 - a. Witness Statement of Kadi O'Neal, filed on February 9, 2018;
 - b. Direct Testimony of Debi Loockerman, filed on February 28, 2018;
 - c. Supplemental Testimony of Debi Loockerman, filed on March 28, 2018;
13. On _____, 2018, Order No. __ was issued, admitting the following evidence into the record of this proceeding:
 - a. Complaint of Joseph Lanter against Haven at Highland Knolls, filed on June 16, 2017;
 - b. Haven's original response, filed on July 10, 2017;
 - c. Mr. Lanter's additional response, filed on July 19, 2017;
 - d. Mr. Lanter's comments, filed on October 10, 2017;
 - e. Mr. Lanter's testimony, filed on January 17, 2018;
 - f. Joint Proposed Findings of Fact and Conclusions of Law and Joint Motion to Admit Evidence, Attachment A, and Attachment B, filed on May 1, 2018.

II. Conclusions of Law

1. The Commission has jurisdiction over this matter pursuant to Texas Utilities Code §§ 14.001, 14.051, and 15.051, and Texas Water Code § 13.041.
2. SOAH has jurisdiction over matters related to the hearings of this proceeding, including the preparation of a proposal for decision with findings of fact and conclusions of law,

pursuant to Texas Government Code § 2003.049 and Texas Utilities Code § 14.053, and Texas Water Code § 13.041.

III. Ordering Paragraphs

1. Haven at Highland Knolls shall pay Joseph Lanter \$83.85;
2. Haven at Highland Knolls shall include all information required by the Commission rules on the bills it sends to its tenants;
3. Haven at Highland Knolls shall cease charging the administrative fee for stormwater drainage on the water and waste water bills sent to its tenants; and
4. Haven at Highland Knolls shall fill in all blanks on the water and waste water addendum for lease renewals and future leases.

SIGNED _____, 2018.

**FERNANDO RODRIGUEZ
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS**