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DOCKET NO. 48078

**COMPLAINT OF PHIL BRUNETTE §
AGAINST PALM SHADOWS MH & §
RV PARK, PALM SHADOWS §
RESORT, LLC, AND AFFORDABLE §
HOUSING COMMUNITIES, LLC §**

**PUBLIC UTILITY COMMISSION
OF TEXAS**

DOCKET NO. 48174

**COMPLAINT OF MULTIPLE §
TENANTS AGAINST PALM §
SHADOWS MH & RV PARK, PALM §
SHADOWS RESORT, LLC, AND §
AFFORDABLE HOUSING §
COMMUNITIES, LLC §**

**PUBLIC UTILITY COMMISSION
OF TEXAS**

DOCKET NO. 48205

**COMPLAINTS OF MULTIPLE §
TENANTS AGAINST PALM §
SHADOWS RESORT, LLC, PALM §
SHADOWS MH & RV PARK, AND §
AFFORDABLE HOUSING §
COMMUNITIES LLC (ELECTRIC §
SERVICE BILINGS) §**

**PUBLIC UTILITY COMMISSION
OF TEXAS**

COMMISSION STAFF'S MOTION TO CONSOLIDATE

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and files this Commission Staff's Motion to Consolidate and would show the following:

I. BACKGROUND

On February 20, 2018, Phil Brunette (Mr. Brunette) filed a formal complaint regarding electric billing against Palm Shadows MH & RV Park and Palm Shadows Resort, LLC, in Docket No. 48078.

Order No. 2, issued on March 21, 2018, granted Staff's request for an extension to file a statement of position one week after MH & RV Park, Palm Shadows Resort, LLC, and Affordable Housing Communities LLC (collectively, Respondents), filed a response. Respondents filed a

to Mr. Brunette's formal electric complaint on April 6, 2018. Therefore, this pleading is timely filed.

On March 27, 2018, 34 similar formal complaints regarding electric billing were filed against the Respondents in Docket No. 48025. Order No. 1, issued on March 29, 2018, gave Respondents a deadline of April 18, 2018, to respond and a deadline of April 25, 2018, for Staff to file a statement of position.

Between March 15, 2018, and March 22, 2018, 41 formal complaints regarding water billings, including one filed by Mr. Brunette, were filed against the Respondents in Docket No. 48174. Order No. 1, filed on March 23, 2018, gave Respondents a deadline of April 13, 2018, to respond and a deadline of April 20, 2018, for Staff to file a statement of position.

II. MOTION TO CONSOLIDATE

Staff has reviewed Mr. Brunette's formal complaint against the Respondents regarding electric bills in this docket (Docket No. 48078), as well as his formal complaint against the Respondents regarding his water bills in Docket No. 48174. Staff has also reviewed other formal electric and water complaints against the Respondents in Docket Nos. 48174 and 48205. Pursuant to 16 Texas Administrative Code (TAC) § 22.34(a), Staff recommends that Docket Nos. 48078, 48174, 48205 be consolidated in the interest of efficiency. Twenty complainants filed both electric and water complaints against the Respondents, including Mr. Brunette, and all three dockets have the same Respondents.

III. COMPLIANCE WITH INFORMAL RESOLUTION REQUIREMENTS

Order No. 1 directed Staff to address Mr. Brunette's compliance with the requirements of the informal complaint process. Staff has confirmed that Mr. Brunette complied with all of the requirements for informal resolution pursuant to 16 TAC § 22.242. Subsection (c) 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." On November 11, 2017,¹ Mr. Brunette filed an informal complaint

¹ Formal Electric Billing Complaint at 3 (Feb. 20, 2018).

referenced in Customer Protection Division (CPD) Records as CP2017110530.² The CPD was unable to resolve the complaint. The informal complaint was closed on December 12, 2017. Therefore, Staff has confirmed that Complainant has complied with the requirements for informal resolution.

IV. JURISDICTION

The property at issue in this docket, as well as in Docket Nos. 48174 and 48205, is Palm Shadows MH & RV Park at 200 North Val Verde Road, Donna, Texas, 78537.³ Palm Shadows MH & RV Park is not within the municipal boundaries of a city,⁴ so the requirements of 16 TAC § 22.242(e)(1) do not apply. Therefore, Mr. Brunette was not required to first present his case against Respondents to the City of Donna before bringing this complaint to the Commission. The Commission does have jurisdiction. Respondents agree that the Commission has jurisdiction over this matter.⁵

V. PROCEDURAL SCHEDULE

Staff recommends that all formal complaints against the Respondents be consolidated. Staff therefore proposes the following procedural schedule for further processing of the consolidated applications.

Event	Date
Respondents file response to water complaints (Docket No. 48174)	April 13, 2018 (per Order No. 1 in Docket No. 48174)
Respondents file response to electric complaints (Docket No. 48205)	April 18, 2018 (per Order No. 1 in Docket No. 48205)
Staff files a statement of position for all formal complaints and/or requests a hearing at the State Office of Administrative Hearings (SOAH)	May 2, 2018

² *Id.* at 27.

³ *Id.* at 1.

⁴ Amendment to Palm Shadows Response at 1 (Apr. 6, 2018).

⁵ *Id.*

VI. CONCLUSION

For the reasons discussed above, Staff recommends that the 76 complaints against the Respondents in Docket Nos. 48078, 48174, and 48205 be consolidated into Docket No. 48078. Staff recommends that Mr. Brunette met the requirements for informal resolution in his electric complaints in Docket No. 48078, as well as his water complaint against the Respondents in Docket No. 48174. Furthermore, Staff recommends that all the formal complaints in Docket Nos. 48174 and 48205 likewise satisfied informal complaint requirements. Staff further recommends that the procedural schedule proposed above be adopted for processing of the consolidated complaints.

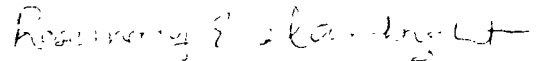
Dated: April 13, 2018

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF
TEXAS LEGAL DIVISION**

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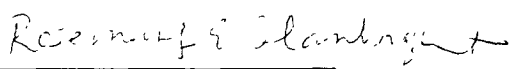
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CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on April 13, 2018, in accordance with 16 TAC § 22.74.


Rosemary E. Hambright
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