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**DOCKET NO. 48174**

2018 APR 20 PM 2:17  
PUBLIC UTILITY COMMISSION  
OF TEXAS

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

**PUBLIC UTILITY COMMISSION  
OF TEXAS**

**COMMISSION STAFF'S STATEMENT OF POSITION**

**COMES NOW** the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest and in response to Order No. 1, files this Statement of Position and shows the following:

**I. BACKGROUND**

Between March 15, 2018, and March 22, 2018, 41 formal complaints regarding water billing method and related charges were filed against Palm Shadows Resort, LLC, Palm Shadows MH & RV Park, and Affordable Housing Communities LLC (collectively, Respondents). Order No. 1, issued on March 23, 2018, required Respondents to file a response by April 13, 2018. On April 13, 2018, Staff filed a motion to consolidate Docket Nos. 48078, 48174, and 48205, which all contain formal complaints against Respondents for both water billing method and electric billing and associated fees. Respondents filed a response to the water complaints in Docket No. 48174 on April 16, 2018.

Order No. 1 also gave Staff a deadline to file a statement of position, including whether the multiple tenants complied with the requirements for informal resolution, in Docket No. 48174 by April 20, 2018. This pleading is therefore timely filed.

**II. COMPLIANCE WITH INFORMAL RESOLUTION REQUIREMENTS**

Order No. 1 directed Staff to address the multiple tenants' compliance with the requirements of the informal complaint process. Staff has confirmed that all of the complainants in this Docket 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." All of the tenants in this

Docket filed informal complaints with the Commission's Customer Protection Division (CPD), the reference numbers of which are included in the table below. The CPD was unable to resolve any of the 41 complaints. The date of closure of each complaint is included in table below. Most complainants filed nearly identical formal complaints. Unless otherwise indicated, in each individual complaint the CPD reference number and the date the informal complaint was closed are on page 10.

	Complainant	CPD Reference Number	Date informal complaint closed	Date formal complaint filed
1	Terry Addison	CP2018010361	2/6/18	3/16/18
2	Steve and Beverly Bailey	CP2018010294	2/6/18	3/16/18
3	Paul Berube	CP2018010377	2/6/18	3/19/18
4	Deava J. Brewer	CP2018010395	2/6/18	3/20/18
5	Philip Brunette	CP2017120543	1/10/18	3/19/18
6	Gary and Linda Duthler	CP2018010430	2/6/18	3/16/18
7	Mickey Evans	CP2018010379	2/6/18	3/20/18
8	Derrel and Bette Geahigan	CP2018010536	2/15/18	3/20/18
9	Russel Grider	CP2018010385	2/6/18	3/16/18
10	Richard Guenther	CP2018010397	2/6/18	3/20/18
11	Art and Kathy Hasert	CP2018010355	2/6/18	3/19/18
12	Gale Hershberger	CP2018010517	2/14/18	3/20/18
13	Donald Higgs	CP2018010382	2/6/18	3/16/18
14	Rebecca Hoopingarner	CP2018011253	2/23/18	3/20/18
15	Margaret June	CP2018010340	2/6/18	3/20/18
16	Rick Kirkpatrick	CP2018010353	2/6/18	3/16/18
17	Arlo and Pat Kranau	CP2018010394	2/6/18	3/19/18
18	Kathleen Larson	CP2018010286	2/6/18	3/19/18
19	Mike Legault	CP2018010369	2/6/18	3/16/18
20	Larry G. Link	CP2018010305	2/6/18	3/15/18
21	Patricia Longland	CP2018010343	2/6/18	3/16/18
22	Patricia Middleton	CP2018010303	2/6/18	3/20/18
23	Robert and Elizabeth Mjoen	CP2018010337 (p. 8)	2/6/18 (p. 8)	3/20/18
24	Edgar Morin	CP2018010433	2/6/18	3/20/18
25	Cam Morrison	CP2018010293	2/6/18	3/16/18
26	Greg Olson	CP2018010348	2/6/18	3/15/18
27	David and Ann Phillips	CP2018010312	2/6/18	3/16/18
28	Edward Pittenger	CP2018010302	2/6/18	3/16/18
29	Earl and Beverly Powell	CP2018010345	2/6/18	3/15/18
30	Claude E. Roberts	CP2018010362	2/6/18	3/19/18
31	Paul Scheibner	CP2018010386	2/6/18	3/20/18
32	Kenneth Schmidt	CP2018010350	2/6/18	3/20/18
33	Ted Schnase	CP2018010344	2/6/18	3/16/18
34	Carol Singsaas	CP2018010359	2/6/18	3/15/18
35	Theresa Smitzniuk	CP2018010371	2/6/18	3/19/18
36	Gary and Trish Spencer	CP2018010357	2/6/18	3/22/18
37	Richard Stokoloff	CP2018010314	2/6/18	3/20/18
38	Ed Tomlinson	CP2018010360	2/6/18	3/20/18
39	Bernie and Grace Wahlert	CP2018010358	2/6/18	3/19/18
40	Jim and Sharon Waller	CP2018010297	2/6/18	3/20/18
41	Robert A. Wilson	CP2018010291	2/6/18	3/20/18

Therefore, Staff has confirmed that all of the tenants filing formal complaints in Docket No. 48175 complied with the requirements for informal resolution.

### **III. JURISDICTION**

The property at issue in this docket, as well as in Docket Nos. 48078 and 48205, is Palm Shadows MH & RV Park at 200 North Val Verde Road, Donna, Texas, 78537.<sup>1</sup> Palm Shadows MH & RV Park is not within the municipal boundaries of a city,<sup>2</sup> so the requirements of 16 TAC § 22.242(e)(1) do not apply. Therefore, the multiple tenants were not required to first present their 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.<sup>3</sup>

### **IV. STATEMENT OF POSITION**

On April 13, 2018, Staff requested to consolidate Docket Nos. 48078, 48174, and 48205. Staff also requested a modified procedural schedule to file a statement of position for all formal complaints and/or request a referral to hearing at the State Office of Administrative Hearings (SOAH) by May 2, 2018. Given the pendency of that motion, Staff repeats its request for an extension to file a statement of position by May 2, 2018.

### **V. CONCLUSION**

For the reasons detailed above, Staff respectfully requests that the Commission consolidate Docket Nos. 48078, 48174, and 48205. Staff also respectfully requests that the deadline to file a statement of position for all formal complaints in Docket Nos. 48078, 48174, and 48205 be extended until May 2, 2018.

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<sup>1</sup> *E.g.*, Formal Water Billing Complaint of Mr. Terry Addison against Palm Shadows Resort, LLC at 6 (Mar. 16, 2018).

<sup>2</sup> *Complaint of Phil Brunette against Palm Shadows MH & RV Park and Palm Shadows Resort LLC*, Docket No. 48078, Amendment to Palm Shadows Response at 1 (Apr. 6, 2018).

<sup>3</sup> *Id.*; Response to Complaint of Multiple Tenants at 1 (Apr. 16, 2018).

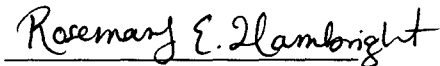
Dated: April 20, 2018

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF  
TEXAS LEGAL DIVISION**

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**DOCKET NO. 48174**

**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on April 20, 2018, in accordance with 16 Texas Administrative Code § 22.74.

  
Rosemary E. Hambright