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DOCKET NO. 48454

RECEIVED

COMPLAINT OF NZINGA HUGHES §
AGAINST THE TRAILS AT DOMINION §
PARK, AB-GO TRAILS AT DOMINION §
PARK PROPCO, LLC, NWP SERVICES §
CORPORATION, HARRIS COUNTY §
MUNICIPAL UTILITY DISTRICT NO. §
215, AND GOLDOLLER REAL ESTATE §
INVESTMENTS §

PUBLIC UTILITY COMMISSION
JUL 11 2018 2:04 PM
OF TEXAS
FILING CLERK

RESPONSE TO ORDER NO. 1 REQUIRING COMMISSION STAFF'S STATEMENT OF POSITION

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and files this response to Order No. 1 Requiring Commission Staff's Statement of Position. In support thereof, Staff shows the following:

I. BACKGROUND

On June 11, 2018, Nzinga Hughes (Hughes) filed a complaint against The Trails at Dominion Park, Ab-Go Trails at Dominion Park Propco, LLC, NWP Services Corporation, Harris County Municipal Utility District No. 215 (the District), and Goldoller Real Estate Investments. The filing included documentation from Hughes's initial Consumer Protection Complaint No. CP2016070782 from July 2016 to the present 2018 Complaint No. CP2018030760.

On June 12, 2018, the Commission administrative law judge (ALJ) issued Order No. 1, requiring responses from The Trails at Dominion Park, Ab-Go Trails at Dominion Park Propco, LLC, NWP Services Corporation, the District, and Goldoller Real Estate Investments no later than July 2, 2018. The District filed a response and motion to dismiss on July 2, 2018. NWP Services Corporation, now known as RealPage Utility Management Inc. (RealPage), filed a response on July 3, 2018. The remaining respondents have not yet responded to the complaint.

Order No. 1 also required Staff to file a statement of position by July 9, 2018. This pleading is therefore timely filed.

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II. COMPLIANCE WITH THE REQUIREMENTS OF INFORMAL DISPOSITION

The Commission's procedural rules require that a complaint against a utility must first be presented to the Commission for informal resolution.¹ In Order No. 1, the ALJ directed Staff to address whether Ms. Hughes has complied with the requirements for informal resolution. In 2016, Ms. Hughes filed an informal complaint, which is noted in Customer Protection Division (CPD) records as Complaint No. CP2016070782. On August 19, 2016, CPD issued a letter indicating that "the actions of Trails of Dominion Park Apartments were not consistent with PUC Substantive Rules §24.124 Charges and Calculations (e)(1)(A) and (e)(2)(A)(iv)" and recommending that The Trails of Dominion Park follow up with Ms. Hughes by September 2, 2016, to provide detailed records and calculation methodologies for water and wastewater services. CPD closed this informal complaint on August 19, 2016.

On March 26, 2018, Ms. Hughes filed a second informal complaint, noted in CPD records as Complaint No. CP2018030760. CPD closed the second informal complaint on April 26, 2018. CPD then issued a letter on May 17, 2018, informing Ms. Hughes that CPD had concluded the informal complaint process and that Ms. Hughes could file a formal complaint. Therefore, Staff recommends that Ms. Hughes has complied with the requirements for informal resolution as required by 16 TAC § 22.242 prior to filing the current formal complaint.

III. MS. HUGHES'S COMPLAINT

In her complaint, Ms. Hughes alleges improper billing methods for water, wastewater, and related charges, including but not limited to 1) the addition of a Central Harris County Regional Water Authority (CHCRWA) fee on residents' utility bills,² 2) inconsistencies between the CHCRWA fees charged to the apartment complex and those charged to individual residents,³ 3) discrepancies between overall utility costs incurred by The Trails at the Dominion complex and utility costs charged to individual residents,⁴ and 4) failure to provide sufficient information about billing practices to allow for a dispute of charges.⁵

¹ 16 Tex. Admin. Code (TAC) § 22.242(c).

² Complaint at 3.

³ *Id.* at 2.

⁴ *Id.*

⁵ *Id.* at 2.

IV. THE DISTRICT'S RESPONSE AND MOTION TO DISMISS

In its response and motion to dismiss, the District asked the Commission to remove it from this proceeding, as the Complainant has not alleged facts that would subject the District to the Commission's jurisdiction in this matter.⁶

V. REALPAGE'S RESPONSE

In its response, RealPage, generally denies each allegation made by Complainant but does not indicate whether it represents any of the respondents, namely The Trails at Dominion Park, Ab-Go Trails at Dominion Park Propco, LLC, and Goldoller Real Estate Investments.⁷ RealPage's response appears to be solely on behalf of itself, yet it addresses itself as "Respondents."

VI. THE TRAILS AT DOMINION PARK'S RESPONSE

No response has been received from The Trails at Dominion Park.

VII. AB-GO TRAILS AT DOMINION PARK PROPCO, LLC'S RESPONSE

No response has been received from Ab-Go Trails at Dominion Park Propco, LLC.

VIII. GOLDOLLER REAL ESTATE INVESTMENTS RESPONSE

No response has been received from Goldoller Real Estate Investments.

IX. STAFF'S STATEMENT OF POSITION

In regard to the District's motion to dismiss, Staff agrees that Complainant has not alleged facts that would subject the District to the Commission's jurisdiction in this matter. Accordingly, Staff agrees with the motion to dismiss as to the District.

In regard to RealPage's denial of allegations, Staff is unclear as to whether RealPage is denying allegations only against RealPage or whether it also intends to represent the other respondents in this proceeding. Although facts as to Hughes and RealPage are in dispute requiring development of a record, responses from the remaining respondents, or clarification of their relationship, are necessary for Staff to comment further on its position.

⁶ Harris County MUD No. 215's Response to Complaint at 1.

⁷ RealPage's Response to Complaint at 1.

X. CONCLUSION

For the reasons specified above, Staff respectfully requests that The Trails at Dominion Park, Ab-Go Trails at Dominion Park Propco, LLC, and Goldoller Real Estate Investments be required to respond, or in the alternative, RealPage be ordered to clarify its relationship with these entities, and that the District be dismissed from these proceedings.

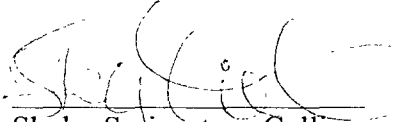
Dated: July 9, 2018

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on July 9, 2018,
in accordance with 16 TAC § 22.74.


Skyler Springsteen Collins