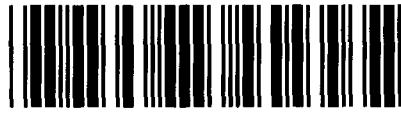




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DOCKET NO. 48454

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 §

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PUBLIC UTILITY COMMISSION
BEFORE THE CLERK
PUBLIC UTILITY COMMISSION
OF TEXAS

**HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 215'S SUPPLEMENT TO
MOTION TO DISMISS**

TO THE PUBLIC UTILITY COMMISSION OF TEXAS:

COMES NOW, Harris County Municipal Utility District No. 215 (the "*District*"), by and through its undersigned attorneys of record, and hereby files this Supplement to Motion to Dismiss ("*Supplement*") in accordance with 16 Texas Administrative Code ("*TAC*") §§ 22.77, 22.181(d)(1), and (8). The District respectfully reiterates its request that the Public Utility Commission (the "*Commission*") remove it from this proceeding. The Complainant (1) has not alleged any facts that would subject the District to the Commission's jurisdiction in this matter, and (2) does not have standing to appeal the water and sewer rates charged by the District to the owner of her apartment complex.

I. BACKGROUND

On June 11, 2018, Complainant filed the above-captioned complaint at the Commission, asserting utility service issues concerning the water and wastewater billing methods and related charges implemented by her landlord's management company, Goldoller Real Estate Investments ("*Goldoller*"), and Goldoller's utility billing service provider, NWP Services Corporation ("*NWP*"). Commission Order No. 1 was issued on June 12, 2018, requiring The Trails at Dominion Park, Ab-Go Trails at Dominion Park Propco, LLC ("*Ab-Go*"), NWP,

Goldoller and the District to respond to the Complaint. The District did so in a timely manner on July 2, 2018, filing its Response to Complaint and Motion to Dismiss ("**Motion**"), which requested that it be removed from this proceeding because the District is not subject to the Commission's jurisdiction in this matter, and Complainant lacks standing to appeal the water and sewer rates charged by the District to the owner of her apartment complex. No other entity- including the Complainant- asserted that the District had a contractual relationship or any duty with the Complainant. To the contrary, on July 9, 2018, Commission Staff filed its Response to Order No. 1, providing support for the District's Motion. Since the Commission's response, no other entity- including the Complainant- has challenged the responses of the District or Commission Staff with respect to whether the District should remain in this matter.

II. SUPPLEMENT TO MOTION TO DISMISS

Given that there have been no filings in this matter since the District's and Commission Staff's responses, the District reiterates its request to be removed from this proceeding. Again, while the Commission has jurisdiction over this proceeding pursuant to 16 TAC §§ 22.242 and 24.126, the District is not subject to such jurisdiction because it has no direct relationship with Complainant. Rather, the District's customer is Ab-Go, owner of the Trails at Dominion Park apartment complex (the "**Trails**") where Complainant resides. The District bills Ab-Go directly. Conversely, Complainant is billed by NWP pursuant to a contract with Goldoller, agent for Ab-Go, whereby the District's utility service costs, as measured at one master meter, are passed through to residents of the Trails under individual lease agreements based upon a square footage and ratio occupancy allocation method. Simply put, the District does not have a contract, either written or implied, with Complainant, and Complainant is not a customer of the District. As such, the allegations raised in the Complaint are insufficient to evidence either the privity of estate necessary to subject the District to the Commission's jurisdiction under 16 TAC 24.126, or

the privity of contract necessary for Complainant to have standing to challenge the District's rates under Texas Water Code § 13.043. As such, the District re-urges that it be dismissed from this proceeding pursuant to 16 TAC § 22.181(d)(8).

III. CONCLUSION AND PRAYER

NOW THEREFORE, for the reasons stated in the Motion and this Supplement, Harris County Municipal Utility District No. 215 respectfully requests that the Public Utility Commission issue an order dismissing the District from this proceeding, and granting any and all other relief to which it is justly entitled.

Respectfully submitted,

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**ATTORNEYS FOR HARRIS COUNTY
MUNICIPAL UTILITY DISTRICT NO. 215**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was transmitted by fax, hand-delivery and/or regular, first class mail on this 12th day of September, 2018 to the parties of record, in accordance with 16 Tex. Admin. Code § 22.74.



David J. Klein