



Control Number: 48454



Item Number: 9

Addendum StartPage: 0

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 §

PUBLIC UTILITY COMMISSION
OF TEXAS

RECEIVED
28 SEP 13 PM 3:00
PUBLIC UTILITY COMMISSION
CLERK

STAFF'S RE-URGED MOTION THAT HARRIS COUNTY MUD 215 BE DISMISSED AND THAT THE TRAILS AT DOMINION PARK, AB-GO TRAILS AT DOMINION PARK PROPCO, LLC, AND GOLDOLLER REAL ESTATE INVESTMENTS BE REQUIRED TO RESPOND TO COMPLAINT, OR, IN THE ALTERNATIVE, THAT REALPAGE BE ORDERED TO CLARIFY ITS RELATIONSHIP WITH THESE ENTITIES

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 (The Trails), Ab-Go Trails at Dominion Park Propco, LLC (Ab-Go Trails), NWP Services Corporation (NWP), Harris County Municipal Utility District No. 215 (the District), and Goldoller Real Estate Investments (Goldoller). 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, Ab-Go Trails, NWP, the District, and Goldoller no later than July 2, 2018. The District filed a response and motion to dismiss on July 2, 2018. NWP, now known as RealPage Utility Management Inc. (RealPage), filed a response on July 3, 2018. The remaining respondents did not respond to the complaint.

On July 9, 2018, Commission Staff filed a Response to Order No. 1, requesting that The Trails, Ab-Go Trails, and Goldoller be required to respond, or, in the alternative, that RealPage be ordered to clarify its relationship with these entities. Staff also requested that the District be dismissed from

these proceedings. None of the respondents has yet responded to the request for response or clarification.

II. THE DISTRICT'S RESPONSE AND MOTION TO DISMISS

In the Response to Complaint and Motion to Dismiss filed by the District on July 2, 2018, 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.¹

III. REALPAGE'S RESPONSE

In the Response to Complaint filed by RealPage on July 3, 2018, RealPage noted that "respondents deny each and every allegation Complainant has made."² However, RealPage did not specify whether it represents The Trails, Ab-Go Trails, or Goldoller in these proceedings.

IV. THE TRAILS AT DOMINION PARK'S RESPONSE

No response has been received from the Trails.

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

No response has been received from Ab-Go Trails.

VI. GOLDOLLER REAL ESTATE INVESTMENTS RESPONSE

No response has been received from Goldoller.

VII. STAFF'S RE-URGED MOTION THAT THE DISTRICT BE DISMISSED AND THAT CERTAIN RESPONDENTS BE ORDERED TO RESPOND

Regarding 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.

Regarding RealPage's response, Staff remains unclear as to whether RealPage denies only those allegations against itself or whether it also represents and denies the allegations against The

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

² RealPage's Response to Complaint at 1.

Trails, Ab-Go Trails, and/or Goldoller. Clarification on who the parties are would assist Staff in continued processing of this matter. Staff recommends that a deadline of September 21, 2018, be imposed for the above responses, with a deadline of September 28, 2018, for Staff to file a statement of position in this docket.

VIII. CONCLUSION

For the reasons specified above, Staff respectfully re-urges its request that the District be dismissed from these proceedings and that The Trails, Ab-Go Trails, and Goldoller be required to respond, or, in the alternative, that RealPage be ordered to clarify its relationship with these entities. Staff respectfully recommends that the above schedule be adopted for continued processing of this docket.

Dated: September 13, 2018

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

Katherine Lengieza Gross
Managing Attorney




Skyler Springsteen Collins
State Bar No. 24105618
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7203
(512) 936-7268 (facsimile)
Skyler.Collins@puc.texas.gov

DOCKET NO. 48454

CERTIFICATE OF SERVICE

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


Skyler Springsteen Collins