

Control Number: 49370



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| <p>COMPLAINT OF CASSANDRA DENIS HARRIS AGAINST THE LANDINGS AT WILLOWBROOK AND REALPAGE UTILITY MANAGEMENT</p> | <p>§ § § § § § §</p> | <p>PUBLIC UTILITY COMMISSION PUBLIC UTILITY COMMISSION FILING CLERK FILING OF TEXAS</p> |
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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 Commission Staff’s Statement of Position and would show the following:

I. BACKGROUND

On March 25, 2019, Cassandra Denis Harris (Complainant) filed a complaint against The Landings at Willowbrook and Realpage Utility Management regarding allocated water and sewer services and related charges.

On March 26, 2019, the Administrative Law Judge issued Order No. 1, requiring Staff to file a statement of position by April 22, 2019. This pleading is therefore timely filed.

II. COMPLIANCE WITH 16 TEXAS ADMINISTRATIVE CODE (TAC) § 22.242

Order No. 1 required Commission Staff to file a statement of position regarding the complaint. As part of the statement of position, Commission Staff was ordered to address whether the Complainant complied with the requirements for informal resolution in accordance with 16 TAC § 22.242. 16 TAC § 22.242 requires that a complaint against a utility must first be presented to the Commission for informal resolution.¹ On January 29, 2019, the Complainant filed an informal complaint with the Commission’s Customer Protection Division against the Landings at Willowbrook Apartments. On February 21, 2019, the Commission’s Customer Protection Division sent a letter to Ms. Harris. The letter stated that The Landings at Willowbrook Apartments failed to file a response and the Customer Protection Division was unable to resolve the informal complaint.

¹ 16 Texas Administrative Code (TAC) § 22.242(c)

Additionally, 16 TAC § 22.242 requires that if the Complainant receives water or sewer service within the city limits of a city that maintains original jurisdiction over the water or sewer utility providing service then the Complainant must first file the complaint with the city before filing a formal complaint with the Commission. A review of the Complainant's address by mapping Staff showed that the Complainant is receiving water and sewer service within the municipal boundaries of the City of Houston. Therefore, pursuant to 16 TAC § 22.242, Complainant must first file her complaint with the City of Houston before filing a formal complaint with the Commission. After filing a complaint with the City of Houston, the Complainant must wait for the City of Houston to issue a decision on the complaint or issue a statement that it will not consider the complaint before filing a formal complaint with the Commission.

III. STATEMENT OF POSITION

Because the Complainant did not comply with the requirements of 16 TAC § 22.242, the ALJ should dismiss the complaint without prejudice and allow the Complainant to refile her complaint when she successfully meets the requirements of 16 TAC § 22.242.

IV. CONCLUSION

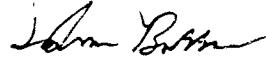
Staff respectfully requests an order consistent with its Statement of Position.

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF
TEXAS LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

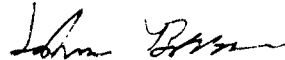
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CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on this 22nd of April, 2019 in accordance with 16 TAC § 22.74.



Joshua Adam Barron