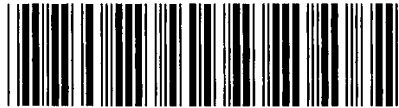




Control Number: 50431



Item Number: 1133

Addendum StartPage: 0



November 11, 2020

To:

2020 NOV 17 AM 9:07

The Commissioner

Public Utility Commission

Austin TX- 78711-3326

50431

Re: Request for Registration of Water billing (Allocation) for Ariana Cypress Estates formerly known as Avana at Cypress Estates located at 10802 Legacy Park Dr., Houston TX 77064.

Dear Commissioner PUC,

On 2nd November 2020, Adara Communities from Houston TX acquired the property, Avana at Cypress Estates, and thereafter, changed its name to Ariana Cypress Estates. We are requesting PUC registration as we cannot find any registration on file with the PUC made by the previous owner of the property.

Prior to Adara's acquisition, Avana at Cypress Estates was originally set up with submetered water billing, and in March 2019, the prior owner chose to change the allocation from submetered to allocation due to operational and technical issues. Prior to acquisition of the asset, Adara received documentation from the seller showing that they sent in a request to the PUC for a change in the billing method from submetered to allocation; however, the seller did not provide any documentation to us that proved the property was officially registered to use the new allocation method at Avana at Cypress Estates. Due to this fact, Adara Communities is requesting a new registration with the PUC under the current allocation method of water billing that the residents at Ariana Cypress Estates have been billed with for over a year. Ariana Cypress Estates will continue the same method and formula in allocating water bills that the prior owner had been doing. Please see the following attached documents for review and approval.

1. Registration request of submetered or allocated utility Service form for Ariana Cypress Estates (under new owner, Ariana Estates LP)
2. Approved Registration request of Avana at Cypress Estates apartments with registration no. S4675 to change from Submetered to Allocated Billing provided by the previous owner, dated 03.11.2019
3. Request for approval to change Billing Method by previous owner, dated 01.16.2019

For any questions, please contact P: 281-444-1585 Ext:405

Regards,

A handwritten signature in black ink, appearing to read "Colleen Dean".

Colleen Dean

VP of Asset Management

Adara Communities

PO Box 680005

Houston, TX 77268

1133



Registration of Submetered OR Allocated Utility Service

NOTE: Please **DO NOT** include any person or protected information on this form (ex: tax identification #'s, social security #'s, etc.)

Date: _____
By: _____
Docket No. 78431
(this number to be assigned by the
PUC after your form is filed)

PROPERTY OWNER: Do **not** enter the name of the owner's contract manager, management company, or billing company.

Name | Ariana Estates Limited Partnership

Mailing Address: | 4420 Cypress Creek Pkwy #224 | City | HOUSTON | State | TX | Zip | 77068

Telephone# (AC) | 281-444-1585 | Fax # (if applicable) |

E-mail |

NAME, ADDRESS, AND TYPE OF PROPERTY WHERE UTILITY SERVICE IS PROVIDED

Name | Ariana Cypress Estates (Former Name: Avana at Cypress Estates)

Mailing Address: | 10802 Legacy Park Dr | City | HOUSTON | State | TX | Zip | 77064

Telephone# (AC) | 832-912-7200 | Fax # (if applicable) |

E-mail | ariana.mgr@adaracommunities.com

☒ Apartment Complex ☐ Condominium ☐ Manufactured Home Rental Community ☐ Multiple-Use Facility

If applicable, describe the "multiple-use facility" here: |

INFORMATION ON UTILITY SERVICE

Tenants are billed for ☒ Water ☒ Wastewater ☐ Submetered **OR** ☒ Allocated ★★ ★

Name of utility providing water/wastewater | REID ROAD MUD#2

Date submetered or allocated billing begins (or began) | 12/01/2020 | Required

METHOD USED TO OFFSET CHARGES FOR COMMON AREAS Check one line only.

☐ Not applicable, because ☐ Bills are based on the tenant's actual submetered consumption

☐ There are **neither** common areas **nor** an installed irrigation system

☐ **All common areas and the irrigation system(s) are metered or submetered:**

We deduct the actual utility charges for water and wastewater to these areas then allocate the remaining charges among our tenants.

☐ **This property has an installed irrigation system that is not separately metered or submetered:**

We deduct percent (**we deduct at least 25 percent**) of the utility's total charges for water and wastewater consumption, then allocate the remaining charges among our tenants.

☒ **This property has an installed irrigation system(s) that is/are separately metered or submetered:**

We deduct the actual utility charges associated with the irrigation system(s), then deduct at least 5 percent of the utility's total charges for water and wastewater consumption, then allocate the remaining charges among our tenants.

☐ **This property does not have an installed irrigation system:**

We deduct at least 5 percent of the retail public utility's total charges for water and wastewater consumption, and then allocate the remaining charges among our tenants.

★★★ IF UTILITY SERVICES ARE ALLOCATED, YOU MUST ALSO COMPLETE PAGE TWO OF THIS FORM ★★★

Send this form by mail with a total of (3) copies to:

Filing Clerk, Public Utility Commission of Texas

1701 North Congress Avenue

P.O. Box 13326

Austin, Texas 78711-3326

METHOD USED TO ALLOCATE UTILITY CHARGES

Check the box or boxes that describe the allocation method used to bill tenants.

<input type="checkbox"/>	Occupancy method: The number of occupants in the tenant's dwelling unit is divided by the total number of occupants in all dwelling units at the beginning of the month for which bills are being rendered.
--------------------------	--

<input checked="" type="checkbox"/>	Ratio occupancy method:	Number of Occupants	Number of Occupants for Billing Purposes
The number of occupants in the tenant's dwelling unit is adjusted as shown in the table to the right. This adjusted value is divided by the total of these values for all dwelling units occupied at the beginning of the retail public utility's billing period.		1	1.0
		2	1.6
		3	2.2
		>3	2.2 + 0.4 for each additional occupant

<input type="checkbox"/>	Estimated occupancy method:	Number of Bedrooms	Number of Occupants for Billing Purposes
The estimated occupancy for each unit is based on the number of bedrooms as shown in the table to the right. The estimated occupancy in the tenant's dwelling unit is divided by the total estimated occupancy in all dwelling units regardless of the actual number of occupants or occupied units.		0 (Efficiency)	1
		1	1.6
		2	2.8
		3	4.0
		>3	4.0 + 1.2 for each additional bedroom

<input type="checkbox"/>	Occupancy and size of rental unit	<input type="text"/>	percent (in which no more than 50%) of the utility bill for water/wastewater consumption is allocated using the occupancy method checked above. The remainder is allocated according to either:
<ul style="list-style-type: none"> • the size of the tenant's dwelling unit divided by the total size of all dwelling units, OR • the size of the space rented by the tenant of a manufactured home divided by the size of all rental spaces. 			

<input type="checkbox"/>	Submetered hot water:
The individually submetered hot water used in the tenant's dwelling unit is divided by all submetered hot water used in all dwelling units.	

<input type="checkbox"/>	Submetered cold water is used to allocate charges for hot water provided through a central system:
The individually submetered cold water used in the tenant's dwelling unit is divided by all submetered cold water used in all dwelling units.	

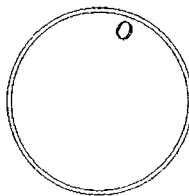
<input type="checkbox"/>	As outlined in the condominium contract. Describe:

<input type="checkbox"/>	Size of manufactured home rental space:
The size of the area rented by the tenant divided by the total area of all the size of rental spaces.	
<input type="checkbox"/>	Size of the rented space in a multi-use facility:
The square footage of the space rented by the tenant divided by the total square footage of all rental spaces.	

DeAnn T. Walker
Chairman

Arthur C. D'Andrea
Commissioner

Shelly Botkin
Commissioner



Public Utility Commission of Texas

March 11, 2019

Avana at Cypress Estates Apartments S4675
10802 Legacy Park DR
Houston, Texas 77064
p @

RECOMMENDATION

Registration Request of Avana at Cypress Estates Apartments to Change from Submetered to Allocated Billing pursuant to Texas Water Code, Subchapter M, Sec. 13.502(e)(1) and (2)

On January 28, 2019, Avana at Cypress Estates Apartments, Registration No. S4675, filed a request to change from Submetered to Allocated billing pursuant to Texas Water Code, Subchapter M, Sec. 13.502(e)(1) and (2). The request is registered as S4675.

Based on a review of the information provided, it appears the request meets the requirements of Texas Water Code, Subchapter M, Sec. 13.502(e)(1) and (2), and should be granted. The Commission's records should be updated to reflect the change from Submetered to Allocated billing upon receipt of PUC Form 10363 to be filed by Avana at Cypress Estates Apartments.

Please reference Subchapter H §24.2 9(c) of the PUC's rules which state the following: Tenant agreement to billing method changes. An owner shall not change the method by which a tenant is billed unless the tenant has agreed to the change by signing a lease or other written agreement. The owner shall provide notice of the proposed change at least 35 days prior to implementing the new method.

Also, Subchapter M, Sec. 13.5031.(1) of the Texas Water Code requires that the rental agreement must contain a clear written description of the method of calculation of the allocation of nonsubmetered master metered utilities for the manufactured home rental community, apartment house, or multiple use facility.

Sincerely,

Tammy Benter, Director
Water Utility Division

January 16, 2019

Public Utility Commission
Central Records
Attn: Ms. Tammy Benter
1701 N. Congress Avenue, P.O. Box 13326
Austin, TX 78711-3326

4893

RE: Request for Approval to Change Billing Method

Avana at Cypress Estates
10802 Legacy Park Dr
Houston, TX 77064
Registration No. S4675

Dear Ms. Benter:

Our company serves as the utility billing provider for the above-referenced property ("Avana at Cypress Estates"), upon whose behalf and authorization we send this letter. The purpose of this correspondence is to formally request that the Public Utility Commission of Texas ("PUC") approve this property to transition from submetered to allocated billing.

We understand that Texas Water Code § 13.502 permits owners to switch from submetered to allocated billing upon a showing of good cause and approval by the utility commission. For the following reasons, we believe that Avana at Cypress Creek meets the good cause requirements outlined in the Code, and we respectfully ask that the PUC approve this request.

Recently, the submeter system has begun malfunctioning; requiring that the property incurs ongoing repair and replacement costs above and beyond normal wear and tear. Given the current state of the submetering system, the property will incur costs of **\$20,602.00** to replace the current submeters, and it is likely that further submeters will fail and need to be replaced or upgraded. Attached is the proposal for repair. The property does not anticipate having the capital resources required to make these and future repairs, and respectfully request that they be allowed to bill through allocative methods.

Should you require any additional information in making your determination, please do not hesitate to contact me directly.

Very truly yours,

Raj Pathak
9950 Scripps Lake Dr St 101
San Diego, CA 92131
Spathak@conservice.com
(435) 792-9226

g0

Property Code: vn050

CON SERVICE®

The Utility Experts

ID # 42443

Contact
Samantha Ransom
435 750 2019

Date 12/4/2018

PO Box 4647
Logan, UT 84323
Phone 855-737-7710 Fax 435-755-3759

PROPOSAL FOR SERVICE

We are pleased to provide you with this Proposal For Service
We are committed to providing the very best quality and timely service

Community Information

Property Name	Avana Cypress Estates	Property	Maria Gonzalez	Mike Newton & Margaret Aguilar
Address	10802 Legacy Park Dr	Phone #	832 912 7200	Account Manager
City	Houston	Email		Ashley Roberts
State	TX	Regional	Jennifer Krohn	Billing Manager
Zip Code	77064	Email		Shayla Stapley
		Portfolio	Gre star LivCor	Client Manager

System Information

Meter Type	Various	Repeaters	14
Replacement	5/8" x 3/4" Next Century 1 10 P ly	New Repeaters	14
Meter Location	TBD		
Utility	Water - Full Capture	Total UNITS	336
System Type	Hexagram	SUBMETERS	336
Communications	Hexagram Single Port MTU	ISSUES	134
Modem/ID/Code	DCU ID# 19999	Operating Level	-
Frequency			
Collector Location	TBD		

Unit #s and details of work are listed on Page Two Tab at the bottom of this work sheet/screen

VP	0
nic	00
PC	

Install/Repair Estimate

63	\$4,500.00	LABOR/TRAVEL
	\$16,102.00	PARTS/MATERIALS LISTED ABOVE

Please note: parts, materials and labor are subject to change based on service needs, actual costs and/or warranty agreement. Sales tax will be included on the final invoice if applicable.

The property may be charged a \$45/hr service fee for over the phone technical assistance exceeding 30min.

We will continue to prepare estimated bills for these units. Please be advised that by not authorizing this service you may affect our ability to continue to bill the apartment. If you do not authorize this service, you may be in noncompliance with certain rules governing submetering in your state.

Conservice is not responsible for any damage done to the equipment due to damage resulting from a preexisting condition in existing equipment. Prior to work being performed, the property owner must provide a written authorization for someone from your Property team and your preferred plumber. While we don't typically see leaks or damage, some older plumbing systems may experience leaks or cracks. Any work being done and cracks, break, and other damage can occur when the water is restored after completing a project. If we notice a leak or crack during the work, we will attempt to contact the provided Property contact. If you do not provide us with a contact or we are unable to reach the contact provided, we will attempt to contact the Property contact. In the event there is damage to the pipes due to age or a preexisting condition, we will reach out to your preferred plumber to repair the damage. The repair shall be the responsibility of the Property. If the damage was caused directly by the negligence or willful/wrongful act of Conservice, its technicians or employees, Conservice shall take responsibility for payment of the repairs.

By accepting the proposal as set forth above and agree to pay the prices described herein, as well as any applicable sales tax. You acknowledge that you are accepting this proposal on behalf of your company.

Please email Conservice at meters@conservice.com, or FAX back to Fax 435-755-3759. Once received, we will contact you to schedule a service date. If we do not receive this approved PFR within 30 days, we will assume you do not want this service.

Accepted and Approved By

Signature	Print Name