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PUC DOCKET NO. 50629



COMPLAINT OF CARBAJAL
AGAINST CSC NORTH AUSTIN
REALTY, LLC

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PUBLIC UTILITY COMMISSION
OF TEXAS

**EMMA CARBAJAL'S FIRST REQUESTS FOR INFORMATION
AND REQUESTS FOR ADMISSION OF FACTS
TO CSC NORTH AUSTIN REALTY, LLC**

To: CSC North Austin Realty, LLC, by and through its attorney Lori Daves, 3624 N Hills
Dr., Ste. B100, Austin, TX 78731.

Pursuant to Chapter 16 of the Texas Administrative Code §22.144, Emma Carbajal
requests that CSC North Austin Realty, LL (CSC) provide the following information and answer
the following questions under oath. The questions shall be answered in twenty days unless a
Hearings Examiner sets a different schedule.

Respectfully Submitted,

/s/ Jennifer Richards
Jennifer Richards
Texas Bar No. 24107975
Texas RioGrande Legal Aid, Inc.
4920 N. I-35
Austin, TX 78751
Telephone: (512) 374-2758
Email: jrichards@trla.org

PUC DOCKET NO. 50629

CERTIFICATE OF SERVICE

I certify that on May 5th, 2020 Emma Carbajal's First Requests for Admissions and First Requests for Information were served electronically on the following parties in accordance with the Order Suspending Rules, issued in Project No. 50664:

Courtney Dean
Courtney.dean@puc.texas.gov

Lori Daves
Lori@thedaveslawfirm.com

By: /s/ Jennifer Richards
Jennifer Richards

**EMMA CARBAJAL'S FIRST REQUESTS FOR INFORMATION
AND REQUESTS FOR ADMISSION OF FACTS
TO CSC NORTH AUSTIN REALTY, LLC**

INSTRUCTIONS

1. Responses should be provided under oath, pursuant to 16 TAC § 22.144©(2).
2. For each question, please copy the question and provide the answer immediately following.
State the name of the witness who will sponsor the answer to each question and who can testify to the truth of the answer.
3. These questions are continuing in nature, and if there is a relevant change in the answer, or if the answer was incomplete and other documents are available and responsive, submit an amended or supplemental answer within five working days of discovering the new information.
4. Words in the plural include the singular. Past tense shall be construed to include present tense, and vice versa.
5. If any document is withheld due to a claim of privilege, please furnish a list of each document for which a privilege is claimed along with a privilege log, detailing: a description of the subject matter of the document; the type of document (e.g., email, memo); date of the document; length of document; all recipients and drafters of the document; and basis for privilege.
6. Pursuant to 16 TAC § 22.144(h)(4), if the response to any request is voluminous, please provide a detailed index of the voluminous material.

DEFINITIONS

- a. "Creeks Edge" means the multi-family apartment complex located at 1124 Rutland Drive, Austin, Texas 78758.
- b. "CSC" or "You" means CSC North Austin Realty, LLC, and any person acting on its behalf, including attorneys, advisors, agents, board members, employees, testifying experts, investigators, representatives, or other persons acting on behalf of CSC North Austin Realty, LLC.
- c. "August 2018 Lease" means the lease signed by Emma Carbajal effective on August 3, 2018 and in effect until October 31, 2019.
- d. "November 2019 Lease" or "current lease" means the lease signed by Emma Carbajal on October 11, 2019, effective November 1, 2019 through January 31st 2021.
- e. "Document" means the original where available, and otherwise a carbon copy, Xerox copy or other copy, in addition to each nonidentical copy (whether different from the original because of marginal notes, or other materials inserted therein or attached thereto, or otherwise) of each item of correspondence, letters, memoranda, messages, notes, reports, cables, telegrams, photographs, films, tapes, and all other written communications of every kind and character, notes, recording tape, recording disc or other records of oral communications, microfilm, graphs, worksheets, schedules, exhibits, demonstrative aids, letters, contracts, agreements, leases and other instruments or documents of title, maps, logs, summaries, printouts, charts, tables, publications, compilations, minutes books, diaries, tax returns, work papers, lists, tapes, video tapes, x-rays, electrocardiograms or medical records, any other data compilations from which

information can be obtained and translated, if necessary, by the responding person, into reasonable usable form, and all other papers, writings or tangible things.

- f. "Utility Cost Allocation Methodology" means any or all of the acceptable cost allocation calculations required by 16 TAC §24.281(e).
- g. "Average Number of Occupants Per Bedroom" means the scale allowed by 16 TAC §24.281(e)(2)(A)(iii).
- h. "Allocated Utility Service" has the same meaning as given in 16 TAC §24.275.
- i. "Customer Service Charge" has the same meaning as given in 16 TAC §24.275.
- j. "Dwelling unit" or "unit" has the same meaning as given in 16 TAC §24.275.
- k. "Master meter" has the same meaning as given in 16 TAC §24.275.
- l. "Owner" has the same meaning as given in 16 TAC §24.275.
- m. "Submeter Utility Service" has the same meaning as given in 16 TAC §24.275.
- n. "Tenant" has the same meaning as given in 16 TAC §24.275.
- o. "Utility Cost" has the same meaning as given in 16 TAC §24.275.
- p. "Utility Service" has the same meaning as given in 16 TAC §24.275.

EMMA CARBAJAL'S FIRST REQUESTS FOR ADMISSION OF FACTS

1. CSC is the owner of the Creeks Edge Apartments.

Response:

2. Emma Carbajal is a current tenant of Creeks Edge Apartments.

Response:

3. Emma Carbajal's tenancy at Creeks Edge Apartments began in August of 2018.

Response:

4. Creeks Edge Apartments utilizes an allocated utility service to assess the utility costs of water and waste-water to its tenants.

Response:

5. Creeks Edge Apartments does not have submetered utility service to the individual apartments on its property.

Response:

6. Emma Carbajal's August 2018 lease established a monthly charge for gas, water, wastewater, and trash service of \$129.00 each month.

Response:

7. Emma Carbajal paid \$129.00 to Creeks Edge each month between August 2018 and October 2019 for gas, water, wastewater, and trash services.

Response:

8. Emma Carbajal's current lease establishes a charge of \$60 a month for gas, water, and wastewater services for apartment units with one bedroom and bathroom.

Response:

9. Emma Carbajal's current lease establishes a charge of \$70 a month for gas, water, and wastewater services for apartment units with two bedrooms and one bathroom.

Response:

10. Emma Carbajal's current lease establishes a charge of \$70 a month for gas, water, and wastewater services for apartment units with two bedrooms and two bathrooms.

Response:

11. The charges established for gas, water, and wastewater in Emma Carbajal's current lease are the same for all other leased units at Creeks Edge.

Response:

12. CSC has never produced its master meter bills for the years 2018 or 2019 to Emma Carbajal or her counsel.

Response:

13. CSC has never produced its utility cost allocation methodology to Emma Carbajal or her counsel.

Response:

EMMA CARBAJAL'S FIRST REQUESTS FOR INFORMATION

1. State the name, job title, aliases, current work and home addresses and telephone numbers, and position of each person who provided information to you, and identify each document referred to or consulted by you, in the preparation of your Answers to the preceding Requests for Admission and these Requests for Information.
2. State the name, job title, current work address, and telephone numbers, of each person consulted in designing or preparing the utility service cost allocation methodology used by Creeks Edge in determining the cost of water and wastewater allocated to Emma Carbajal in her August 2018 lease.
3. State the name, job title, current work address, and telephone numbers, of each person consulted in designing or preparing the utility service cost allocation methodology used by Creeks Edge in determining the cost of water and wastewater allocated to Emma Carbajal in her current lease.
4. State the name, job title, current work address, telephone numbers, and position of each individual responsible for the payment of the master meter utility bill for Creeks Edge since August of 2018.
5. State the name, job title, current work address, telephone numbers, and position of each individual responsible for the collection of tenant utility payments at Creeks Edge since August of 2018.
6. Identify the utility company that provides water and wastewater services to Creeks Edge Apartments.
7. State all dwelling unit base charges assessed for the years 2018, 2019, and 2020.
8. State all customer service charges assessed by the utility for the years 2018, 2019, and 2020.
9. List all common areas of the Creeks Edge Apartments that use water and wastewater, including but not limited to laundry rooms, pools, and irrigation systems. Identify which of these common areas have a submeter to measure their water and wastewater usage.

10. List the total number of occupants known to reside at Creeks Edge Apartments for each month beginning in August of 2018 to present.
11. Identify whether Creeks Edge Apartments uses the total number of occupants or the average number of occupants per bedroom in its utility service cost allocation methodology.
12. List the total amount billed to tenants at Creeks Edge Apartments for water and wastewater services for each month beginning in August of 2018 to present.
13. List the total amount collected from tenants at Creeks Edge Apartments for water and wastewater services for each month beginning in August of 2018 to present.
14. Provide all documents relied on in answering these Requests for Admissions and Requests for Information.
15. Provide all master meter bills for Creeks Edge Apartments for each month beginning in August of 2018 to present.
16. Provide all documents, including workbooks, that identify the utility cost allocation methodology used to allocate the cost of water and wastewater utility services to tenants at the Creeks Edge Apartments.
17. Provide all documents, including workbooks in electronic format, used to allocate the cost of water and wastewater utility services to tenants at the Creeks Edge Apartments.
18. Provide a copy of every water and wastewater water utility bill issued to Emma Carbajal for each month beginning in August of 2018 to present.
19. Provide a copy of every lease executed by Emma Carbajal for her tenancy at Creeks Edge Apartments.
20. Provide a copy of Emma Carbajal's ledger. Include all entries since the beginning of her tenancy.

21. Provide any contracts with the water and wastewater utility identified in response to RFI #6 for water and wastewater services to Creeks Edge Apartments.