



Control Number: 51613



Item Number: 115

Addendum StartPage: 0



# Registration of Submetered OR Allocated Utility Service

Date: \_\_\_\_\_  
 By: \_\_\_\_\_  
 Docket No. 54613  
 (this number to be assigned by the PUC after your form is filed)

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

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

Name | CWS Apartments

Mailing Address: | 9606 N. Mopac Expwy | City | Austin | State | TX | Zip | 78759

Telephone# (AC) | (800) 648-6096 | Fax # (if applicable) |

E-mail | critter@cwsapartments.com

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

Name | Marquis at Pin Oak Park

Mailing Address: | 4848 Pin Oak Park | City | Houston | State | TX | Zip | 77081

Telephone# (AC) | (713) 665-4848 | Fax # (if applicable) |

E-mail | brandon.hamel@realpage.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 | City of Houston

Date submetered or allocated billing begins (or began) | 01/01/2018 | 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

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## METHOD USED TO ALLOCATE UTILITY CHARGES

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

<input checked="" type="checkbox"/>	<b>Occupancy method:</b> 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.
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<input type="checkbox"/> <b>Ratio occupancy method:</b>  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.	<b>Number of Occupants</b>	<b>Number of Occupants for Billing Purposes</b>
	1	1.0
	2	1.6
	3	2.2
	>3	2.2 + 0.4 for each additional occupant

<input type="checkbox"/> <b>Estimated occupancy method:</b>  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.	<b>Number of Bedrooms</b>	<b>Number of Occupants for Billing Purposes</b>
	0 (Efficiency)	1
	1	1.6
	2	2.8
	3	4.0
	>3	4.0 + 1.2 for each additional bedroom

<input type="checkbox"/> <b>Occupancy and size of rental unit</b>	<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"> <li>• the size of the tenant's dwelling unit divided by the total size of all dwelling units, <b>OR</b></li> <li>• the size of the space rented by the tenant of a manufactured home divided by the size of all rental spaces.</li> </ul>		

<input type="checkbox"/>	<b>Submetered hot water:</b>
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"/>	<b>Submetered cold water is used to allocate charges for hot water provided through a central system:</b>
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"/>	<b>As outlined in the condominium contract. Describe:</b>

<input type="checkbox"/>	<b>Size of manufactured home rental space:</b>
The size of the area rented by the tenant divided by the total area of all the size of rental spaces.	

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

# MARQUIS

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ON PIN OAK

02/10/2021

Mr. Cliff Crouch  
Public Utility Commission of Texas  
1701 N Congress PO Box 13326  
Austin, Texas 78711-3326

Re: Marquis at Pin Oak Park – Change to Allocated Billing

Dear Mr. Crouch:

This letter was prepared in anticipation of obtaining your approval for a change from submetered billing to an approved allocation billing method pursuant to Texas Water Code, Subchapter M, Sec. 13.502(e)(1) and (2).

The Marquis at Pin Oak Park apartment community, which is located at 4848 Pin Oak Park Drive in Houston, Texas is comprised of 474 dwelling units that have individual water submeters installed. Regrettably, the submetering system is in need of on-going repairs and has proved much too costly to maintain and repair on a regular basis and, unfortunately, it is not economically feasible for us at this time.

Therefore, we respectfully request your approval of a change from submetered billing to an approved allocation method due to the considerable capital that would be involved in replacing the un-serviceable submetering system. We will adhere to the additional Public Utility Commission (“PUC”) requirements if our request is approved, which includes the following under reference Subchapter H, § 24.123(c).

1. We shall provide to all tenants a new lease addendum or other written agreement which provides for the allocation method, in this case a method based on occupancy
2. We shall provide to all tenants a 35-day prior written notice advising tenants of the proposed change.

We trust the information we have provided to the PUC is sufficient in detail as to warrant approval of a change to an approved allocation method of billing. However, in the event you require additional information, please feel free to contact me.

Respectfully, Please provide a signature of the requestor.

Corey Bennett  
CWS Apartment Homes LLC

# RealPage Submeter Maintenance Proposal

Wednesday, February 10, 2021

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## PROPERTY INFORMATION

**Property** Marquis on Pin Oak Park (1120856 - VES)

**Units** 474

**Portfolio**

**MAP** No

**Address** 4848 Pin Oak Park Dr, Houston, TX 77081

To authorize, please sign this RealPage Submeter Maintenance Proposal and send it via email to [Submeter@RealPage.com](mailto:Submeter@RealPage.com) OR fax it to (949) 250-6397. Terms and Conditions are included on the last page.

RealPage Submeter completed a quality check on your submetering system and identified some issues that need inspection and/or repair. These units may receive estimated, rather than actual, usage bills until the issues are resolved.

*Please refer to the following pages for a detailed list of issues, service addresses and customer names.*

## PROPOSAL SUMMARY

Issue	Materials	Labor	Combined	Quantity	Total
Inspection	\$0.00	\$750.00	\$750.00	1	\$750.00
		Subtotal			\$750.00
		Estimated Tax			\$61.28
		Estimated Total			\$811.28

Work Start Date: To Be Determined

Work Stop Date: To Be Determined

*Proposal for site inspection to determine suitability of installing submetering system onsite.*

<p><b>Proposal Date</b> 2/10/2021</p>
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<p><b>RealPage Submeter Owner</b> Andrew Slape</p>
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<p><b>Approval</b></p>
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Phone: (800) 254-9710

Fax: (949) 250-6397

Email: [Submeter@RealPage.com](mailto:Submeter@RealPage.com)

# RealPage Submeter Maintenance Proposal

Wednesday, February 10, 2021

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Service Address	Resident	Service	Issue Type	Manufacturer
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Property

Inspection

Invoicing will be on a parts & labor basis according to the fee schedule in this 'Not to Exceed' proposal. RealPage Submeter warrants repairs for one (1) year. This includes any labor performed & all equipment that is repaired/replaced at time of service.

The Do Not Exceed proposal is based on properties in normal condition. Circumstances that would require significant extra labor -- such as corroded piping, brittle piping, buried meters, equipment in tight crawl spaces, equipment behind dry wall, etc... -- can result in a need to re-price the service. RealPage Submeter commits to communicate any non-normal conditions as soon as possible after identification.

RealPage Submeter will contact you to schedule a date and time for a Field Technician to repair these issues. Prior to the visit, RealPage Submeter will provide you with a list of units to be serviced. The property will be responsible for notifying residents/tenants and having keys ready. A Post-Visit Report documenting the repairs will be sent after completion of the service. If access is not granted to any designated units during the scheduled visit, a return visit may be required and will be subject to the Surcharge/Travel Fee of \$450 for all visits.

# RealPage Submeter Maintenance Proposal

## DEFINITIONS

### Meter Non-Incrementing

**- Definition:**

The transmitter has sent data, but there has been zero meter usage reported for the past 30 days or more. The zero usage may be valid (unit is not occupied, residents were traveling, or the utility is only used during part of the year) or it may be a hardware problem (examples include sediment in a water meter or the connection to the transmitter is not correct).

**- Normal Solution(s):**

The most common resolution is to replace the meter or the probe (connection between transmitter and meter) or to reconnect the wires.

### Transmitter Inactive

**- Definition:**

A transmitter has not reported (sent data) for a period of at least 12 days or more. If a property is manually read, then the period is 60 days or more. Conditions that may cause an inactive flag include dead transmitter, expired battery, bad phone line, inclement weather, radio interference, and vegetation growth.

**- Normal Solution(s):**

While other scenarios are possible, it is often necessary to replace the battery (if possible) or the entire transmitter.

### Transmitter Low Battery

**- Definition:**

For those systems with the capability, transmitters are flagged several weeks in advance when the batteries are weak and nearing the end of their useful life.

**- Normal Solution(s):**

Replace the battery in the transmitter.

### High Usage

**- Definition:**

While the threshold can vary from property to property and between utility services (water, gas, electric), this flag occurs when usage increases by a significant amount (such as 50%) versus the unit's prior daily average (over the past 3 months). While high usage is often valid (excessive consumption or large number of residents per unit), potential problems include a faulty transmitter or a leak in the unit.

**- Normal Solution(s):**

While there are rare occasions when it is necessary to replace a transmitter or the meter, the typical solution is to test the usage (such as a bucket test for water meters) and provide the analysis to the resident / tenant.

### Low Usage

**- Definition:**

Meters with this flag have exceptionally low usage. While there may not be an issue with the meter, it is recommended that the property manager confirm that the unit was occupied for the entire period. If occupied, then there may a problem with the meter or the resident / tenant may not consume much of the utility.

**- Normal Solution(s):**

If not due to low usage, then it may be necessary to validate that the meter factor is correct or replace a faulty meter.

### Vacant Usage

**- Definition:**

Units that are known to be vacant but display usage above a certain threshold are flagged for this issue. This threshold varies.

**- Normal Solution(s):**

If the property or maintenance staff cannot identify the underlying issue, such as a leak or the unit was really occupied, then the meter should be inspected to determine if it needs to be replaced.

# RealPage Submeter Maintenance Proposal

## TERMS AND CONDITIONS

### Terms of Sale

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These terms of sale ("Agreement") shall govern the sale of the meters purchased herein and any maintenance services for the meters to be provided by RealPage Utility Management, Inc. ("Company"). A purchaser, contractor, subcontractor, owner, manager, agent for such, or their successors or assigns (collectively, the "Purchaser") shall be bound by this Agreement.

### Limitation of Liability

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COMPANY SHALL HAVE NO LIABILITY TO THE PURCHASER OF THE METERS OR MAINTENANCE SERVICES PROVIDED BY COMPANY FOR INCIDENTAL, CONSEQUENTIAL, EXEMPLARY, SPECIAL, INDIRECT, INCIDENTAL OR PUNITIVE DAMAGES, (INCLUDING WITHOUT LIMITATION LOSS OF REVENUE, UTILITY COST RECOUPMENT, OR PROFITS), FROM ALL CAUSES OF ACTION OF ANY KIND, INCLUDING CONTRACT, TORT OR OTHERWISE, EVEN IF PURCHASER HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES. IN NO EVENT SHALL COMPANY'S AGGREGATE LIABILITY UNDER THIS PURCHASE ORDER EXCEED THE AMOUNT ACTUALLY RECEIVED BY COMPANY PURSUANT TO THIS PURCHASE ORDER.

### Company Warranties

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COMPANY PROVIDES NO WRITTEN OR ORAL WARRANTIES WHATSOEVER. COMPANY MAKES NO REPRESENTATIONS OR EXPRESS OR IMPLIED WARRANTIES WITH RESPECT TO THE PURCHASED SERVICES OR METERS. COMPANY HEREBY SPECIFICALLY DISCLAIMS ANY OTHER REPRESENTATIONS AND WARRANTIES, INCLUDING BUT NOT LIMITED TO IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE FOR THE METERS OR ANY MAINTENANCE SERVICES TO BE PROVIDED BY COMPANY.

### Construction

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The parties agree that this Agreement was fully negotiated by and between the parties and, therefore, no part of this Agreement shall be interpreted against the party that drafted it.

### Confidentiality

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Confidentiality: Each of the parties agree to keep the terms of this Agreement confidential and shall not disclose such terms to any other party except on a need-to-know basis in order to carry out the terms of this Agreement as may be required by law, or upon the express written consent of the other party.

### Entire Agreement

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This Agreement comprises the entire agreement between the parties regarding the subject matter hereof. All prior written and or oral agreements, including any proposals not set forth herein are hereby merged into this Agreement. This Agreement shall not be modified, amended or changed except by written instrument signed by authorized representatives of both parties and designated as an amendment.

Purchaser agrees that any legal action between Company and Purchaser shall be commenced only in Texas which shall be the exclusive venue and forum.