



## Filing Receipt

**Received - 2023-02-10 03:19:47 PM**  
**Control Number - 51619**  
**ItemNumber - 112**

DOCKET NO. 51619

SOAH DOCKET NO. 473-22-2652

COMPLAINANT'S ADDITIONAL EXHIBITS D

2/10/23

**DOCKET NO. 51619  
SOAH DOCKET NO. 473-22-2652**

**COMPLAINT OF JEFF CONNORS       §       PUBLIC UTILITY COMMISSION  
AGAINST THE GALLERY               §  
APARTMENTS, ROSCOE PROPERTY §               OF TEXAS  
MANAGEMENT, AND CONSERVICE §**

**COMPLAINANT'S ADDITIONAL EXHIBITS D**

**I. Background**

During the hearing for the case on Monday, ALJ Bailey said we have until February 10, 2023 to file additional exhibits. I have filed the attached exhibits. They consist of emails from Roscoe Senior Regional Manager Courtney Gaines and myself to Ms. Gaines.

\*

I will email stephanie.laird@rpmliving.com, jaime.hearn@rpmliving.com, jkat@conservice.com, edmunds@hooverslovacek.com, liu@hooverslovacek.com, and phillip.lehmann@puc.texas.gov to inform them of this submission to the docket.

Respectfully submitted,  
Jeff Connors  
3506 Menchaca Road  
Apt. 239  
Austin, TX 78704  
(509)990-2154  
jeffc\_419@hotmail.com

### **CERTIFICATE OF SERVICE**

I certify that, unless otherwise ordered by the presiding officer, notice of the filing of this document was provided to all parties of record on February 10, 2023 in accordance with the Order Suspending Rules filed in Project No. 50664.

/s/ Jeff Connors

Jeff Connors

Complainant

# **EXHIBIT D**

---

**From:** Courtney Gaines  
**Sent:** Tuesday, January 5, 2021 8:08 PM  
**To:** Isabel.Ford@puc.texas.gov  
**Cc:** puccomplaints@puc.texas.gov; jeffc\_419@hotmail.com  
**Subject:** COMPLAINT # CP2020101118 - Jeff Conners  
**Attachments:** HIMBC Unit 2-239.docx; MultiFamilyPublicRates\_2021.pdf; PUC Rule 24.281 (Water Submetering & Allocation Rules).pdf; SUBCHAPTER M.docx; Gallery Phase 2 Bills.pdf

**Importance:** High

Ms. Ford,

Please accept this email as the formal reply to the original complaint by Jeff Conners and the subsequent letter sent to Conservice, RPM (Roscoe Property Management) and The Gallery I and II on 12/16/2020. A thorough investigation has been conducted by the Gallery, RPM and Conservice, our professional utility partner and it is our position that the Gallery has been billing appropriately in accordance with all laws and regulations in the state of Texas and the Public Utility Commission. We fervently disagree with the allegations set forth by Mr. Conners in his subsequent letters sent to our office and we are happy to provide the documentation that supports our position.

1. The Gallery and RPM understands the PUC's jurisdiction in this matter and agree that the final outcome of this event will be at the discretion of the PUC.
2. In the original complaint that unfortunately was never received by the Community Manager (the email went to spam and we never saw it), Mr. Conners wanted the billing invoices for the service periods of 3/15/2019 to 4/12/2019, 7/16/2019 to 8/14/2019 and 9/8/2019 to 10/3/2019, water statutes (Texas Water Code, Chapter 13, Subchapter M), water rates, data on how the bills are calculated and allocated, data on deductions for common areas. He also wanted amounts billed to all residents and all amounts collected. Mr. Conners also demanded that there should be no exceptions for whether or not RPM managed the asset during the service periods in question or not. Obviously, if RPM did not manage the asset during the time periods in question, we can not speak to a previous management company's practices. Further we can not provide data relating to other residents – both billed or collected amounts. Their privacy, as Mr. Conners, is our priority.
3. The Multi-Family public billing rates are attached.
4. The PUC rules and regulations covering water allocation billing is attached.
5. Subchapter M is attached.
6. Gallery Phase II bills from November 2019 through January 2021.
7. How we calculate billing (Word doc) is attached.

RPM took over operations of The Gallery and Gallery II on 7/25/2019. RPM did not bill utilities until September 2019 for an October 2019 payment month. If Mr. Conners is concerned about billing practices prior to 7/25/2019, he needs to refer his complaints to the following companies/persons:

Valiant Residential

Phone:(214) 522-1310

Fax: (214) 559-2333

[info@valiantresidential.com](mailto:info@valiantresidential.com)

[www.valiantresidential.com](http://www.valiantresidential.com)

Performance Utility Management & Billing LLC

9050 N. Capital of Texas Hwy, Bldg. 3, Suite 320, Austin, TX 78759

Phone: (512) 394-8359

[info@performanceutilities.com](mailto:info@performanceutilities.com)

Cole Denton is the Contact

We strenuously believe RPM and Conservice, a very well-respected utility provider in the Multi-Family Industry, have billed appropriately and the attached evidence supports this position. RPM cannot speak to the billing practices of the prior management firm or utility billing company, which is where I believe Mr. Conner's inquiries should be directed.

I am happy to discuss this further with you or Mr. Conners. My contact information is below in the signature block.

---

**From:** Jeff Connors <jeffc\_419@hotmail.com>  
**Sent:** Monday, February 1, 2021 8:14 AM  
**To:** Courtney Gaines; Kimberly Hoffman  
**Subject:** Request to see info on water, wastewater, and drainage bills from January to June 2020  
**Attachments:** Request to Courtney and Kimberly 020121.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

To: Courtney Gaines and Kimberly Hoffman

I am requesting to see the total amounts that you billed residents at The Gallery II for water, wastewater, and drainage for each of the months of January, February, March, April, May, and June of 2020. In addition, I am requesting to see the calculations made for the drainage bills with the numbers used for those calculations such as the total amount of occupants in the complex and the total occupied square footage for those months.

To prevent any misunderstandings, I am not asking to see each tenant's bills during those months, but instead the total amount that was billed to residents during those monthly periods for water, wastewater, and drainage.

I prefer that you email me this info due to COVID.

I have attached a signed request for this information to this email.



Thank you,

Jeff Connors

3506 Menchaca Road

Apt. 239

Austin, TX 78704

(509)990-2154

jeffc\_419@hotmail.com

**From:** Courtney Gaines  
**Sent:** Tuesday, February 2, 2021 10:38 AM  
**To:** jeffc\_419@hotmail.com  
**Cc:** Kimberly Hoffman; Trevino, Ana  
**Subject:** [COMPLAINT#CP2020101118 - Jeff Conners] Request to see info on water, wastewater, and drainage bills from January to June 2020  
**Attachments:** The Gallery - January to June 2020.xlsx; gl070 WSD 0220.pdf; gl070 WSD 0520.pdf; gl070 WSD 0420.pdf; gl070 water 0320.pdf; gl070 WSD 0620.pdf; gl070 WSD (both phases) 0120.pdf; Request to see info on water, wastewater, and drainage bills from January to June 2020

Hello,

As requested, attached are the billing summaries from January - June 2020. Conservice currently bills phase 1 and 2 separately but did not at that time. Please note that both phases use the same bills for resident billing. We have broken down the expense and the actual total billed to residents for the requested time frame.

			Water		Sewer		
Post Month	Period From	Period To	Total Billed Amount	Total Expense	Total Billed Amount	Total Expense	Total Expense
January 2020	10/09/2019	11/07/2019	\$1,088.73	\$1,191.57	\$1,936.10	\$2,089.62	\$306.52
February 2020	11/07/2019	12/09/2019	\$951.67	\$1,016.56	\$1,674.09	\$1,753.66	\$352.57
March 2020	12/09/2019	01/09/2020	\$911.35	\$955.07	\$1,596.01	\$1,635.62	\$399.55
April 2020	01/09/2020	02/08/2020	\$933.34	\$992.91	\$1,641.03	\$1,708.26	\$454.33
May 2020	02/08/2020	03/10/2020	\$968.64	\$1,011.83	\$1,709.03	\$1,744.58	\$512.55
June 2020	03/10/2020	04/08/2020	\$996.02	\$945.61	\$1,749.94	\$1,617.46	\$619.52
Total:			\$5,849.75	\$6,113.55	\$10,306.20	\$10,549.20	\$2,644.25

Below is an explanation of how each utility is billed:

- **Water / Sewer:** Water and Sewer service is provided by City of Austin. Service provider issues bill, property management pays a portion to cover common area usage (25% of expense). The remaining amount is paid by residents using a multiplier based on the number of bedrooms in the unit. Below are the factors by bedroom:
  - 0.5 Bedroom: 1
  - 1 Bedroom: 1.6
  - 2 Bedroom: 2.8
- **Drainage:** Drainage service is provided by City of Austin. Service provider issues bill, amount is divided equally by number of units. **PLEASE NOTE: WE DO NOT legally have to release drainage information according to the PUC since they have no jurisdiction with drainage; however, I have a VERY intense desire to finally put this grievance behind us. RPM and/or The Gallery under our management has not and never will bill back utilities that do not follow the letter of the law, which is why RPM employs Conservice, a highly respected utility billing provider fully registered with the PUC. I whole heartedly believe your grievances lie, if any, with the former management company and their utility billing provider, as indicated by the PUC in their letter absolving RPM of any wrong doing.**

I have also attached:

- The bills that were used to calculate billing for January 2020 - June 2020
- A spreadsheet that reflects the occupied units and number of bedrooms used to calculate the bedroom factors by post month

I would ask that you immediately withdraw your complaint against RPM and The Gallery. We continue to uphold our position in the complaint.

Thank you,

CC: Ana Trevino, PUC