



Control Number: 51619



Item Number: 129

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TO: Interim Chair Kathleen Jackson
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All Parties of Record

FROM: Stephen Journey, Commission Counsel

DATE: 20 June 2023

RE: June 29, 2023 Open Meeting – Item No. X
Docket No. 51619 – *Complaint of Jeff Connors Against The Gallery Apartments, Roscoe Property Management, and Conserve*

A proposal for decision in the above-referenced docket is posted for consideration and action by the Commission. If the Commission adopts the proposal for decision, I recommend the following changes.

Findings of fact 43 and 44 should be modified for clarity.

43. It is appropriate that The Gallery ~~should~~ review all of its water and wastewater billing practices to ensure they comply with 16 TAC, subchapter I, *Water Utility Submetering and Allocation*.
44. It is appropriate that The Gallery ~~should~~ file a compliance report detailing the steps taken to alleviate the violations of 16 TAC §§ 24.277(e) and (g), 24.279(a)(4), 24.281(e)(2)(A)(iv), and 24.283(d)(1) and (f), as identified above.



Conclusion of law 1 should be deleted and relocated because it is more properly framed as a finding of fact. A new finding of fact should be added below finding of fact 17 to relocate the information in conclusion of law 1.

1. ~~Texas Water Code (TWC) chapter 13, subchapter M provides a framework for submetering and nonsubmetering of water and wastewater services for apartment complexes.~~
- XX. Texas Water Code (TWC) chapter 13, subchapter M provides a framework for submetering and nonsubmetering of water and wastewater services for apartment complexes.

Conclusion of law 2 should be modified to apply the law to the facts of this case.

2. The Commission has exclusive jurisdiction for violations of Texas Water Code (TWC) chapter 13, subchapter M, and the Commission is authorized to require ~~an owner of an apartment complex~~ The Gallery to repay a tenant who has been overcharged for water and wastewater services from a retail public utility under TWC § 13.505.

Conclusion of law 23 should be modified for clarity.

23. The billing records Mr. Connors requested ~~billing records~~ from The Gallery ~~that are identified in 16 TAC § 24.277(e)(6) and (8)~~ on February 28, September 29, October 8, October 21, and December 14, 2020 are required under 16 TAC § 24.277(e)(6) and (8) to be made available for inspection by the tenant or the Commission or Commission Staff at the on-site manager's office during normal business hours.

Additionally, the Commission should delegate to the Office of Policy and Docket Management the authority to modify the order to conform to the Citation and Style Guide for the Public Utility Commission of Texas and to make other non-substantive changes to the order for such matters as capitalization, spelling, grammar, punctuation, style, correction of numbering, and readability.

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