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State Office of Administrative Hearings

Kristofer S. Monson
Chief Administrative Law Judge

June 20, 2023

Stephen Journey, Commission Counsel
Commission Advising and Docket Management
William B. Travis State Office Building
1701 N. Congress, 7th Floor
Austin, Texas 78701

VIA EFILE TEXAS

**RE: Docket Number 473-22-2652.WS; PUC Docket No. 51619;
*Complaint of Jeff Connors Against The Gallery Apartments, Roscoe
Property Management, and Conservice***

Dear Mr. Journey:

On May 12, 2023, the undersigned Administrative Law Judge (ALJ) issued a Proposal for Decision (PFD) in this case. Exceptions to the PFD were filed on June 2, 2023, by Jeff Connors and The Gallery Apartments and Roscoe Property Management (The Gallery and Roscoe). No party filed replies to those exceptions. Most of the exceptions raise arguments that were fully considered by the ALJ and discussed in the PFD and are not addressed again here. However, the ALJ provides clarifications or amended recommendations on the following issues.

First, the ALJ responds to Mr. Connors's exception that the applicable period of the violations was from October 2019 to May 2020, as compared to the October 2019 to June 2020 period stated in the PFD. The ALJ clarified on page 39, footnote 100 of the PFD that "[t]he overbilling occurred from October 2019 through May 2020, with the last month being represented in Mr. Connors's June 2020 bill.

Next, Mr. Connors asserts the amount he is owed is only \$30, not the \$49.86 that is recommended in the PFD. Moreover, The Gallery and Roscoe recommend

that Proposed Ordering Paragraph No. 2 be revised to account for the existing refund check (for \$85.56) provided to Mr. Connors. The ALJ agrees with the parties' recommended revisions and recommends the following amendment to Ordering Paragraph No. 2:

2. Within ___ days of this Order, The Gallery is ordered to cancel or void the previous refund check of \$85.56 that was provided to Mr. Connors, and then refund Mr. Connors a total of \$30.00, which is the amount Mr. Connors estimates he is still owed ~~\$49.86, which consists of the \$30 he is still owed~~ for the overbilling that occurred from October 2019 to July 2020 and the ~~\$19.86 that~~ amount he was double-billed in his October 2019 bill.

Finally, The Gallery and Roscoe indicate that The Gallery no longer owns the apartment community at issue in this proceeding and therefore cannot perform the recommended action in Proposed Ordering Paragraph No. 3. As such, the ALJ recommends the following amendment to Proposed Ordering Paragraph No. 3:

3. Within ___ days of this Order, The Gallery is ordered to (1) review all of its water and wastewater billing practices to ensure they comply with 16 Texas Administrative Code Subchapter I, Water Utility Submetering and Allocation and file a compliance report detailing the steps taken to alleviate the violations identified above; or (2) file documentation in this docket to show that The Galley no longer owns the apartment community in question and that the entity has dissolved or otherwise closed.

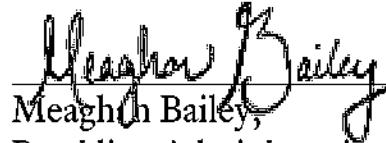
With the amended recommendations described in this letter, the PFD is ready for your consideration.

Exceptions Letter

June 20, 2023

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ALJ Signature(s):

A handwritten signature in black ink, reading "Meaghan Bailey", is written over a horizontal line.

Meaghan Bailey,
Presiding Administrative Law Judge

CC: Service List