



Control Number: 51619



Item Number: 131

# Public Utility Commission of Texas

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## Commissioner Memorandum

PUBLIC UTILITY COMMISSION  
FILING CLERK

**TO:** Commissioner Peter M. Lake  
Commissioner Will McAdams  
Commissioner Lori Cobos  
Commissioner Jimmy Glotfelty

**FROM:** Interim Chair Kathleen Jackson *KJ*

**DATE:** June 28, 2023

**RE:** June 29, 2023 Open Meeting – Item No. 3  
Docket No. 51619 – *Complaint of Jeff Connors Against The Gallery Apartments, Roscoe Property Management, and Conservice*

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A proposal for decision filed in the above-referenced docket is posted for consideration and action by the Commission.

In the proposal for decision, the State Office of Administrative Hearings administrative law judge found that the evidence indicates that other tenants, in addition to Mr. Connors, were overbilled due to Conservice's billing system error and while the affected tenants are due a refund for any overbilled amount, an adjustment for *all* tenants under Commission rule 24.283(k) is not warranted.<sup>1</sup> Additionally, because no bills for any tenant except Mr. Connors are in evidence, the ALJ is uncertain if all of The Gallery's tenants were additionally double-billed for the City of Austin's July and August 2019 water service charges in their October 2019 bills.<sup>2</sup> Consequently, the proposal for decision allows The Gallery to choose between filing in this docket a compliance report reflecting it has addressed any overbilling of The Gallery tenants or file documentation to show that it no longer owns the apartment community in question.

Instead, I recommend that the Commission reject proposed ordering paragraph 3 and add a conclusion of law to apply the law to the facts of this proceeding:

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.~~

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<sup>1</sup> PFD at 47.

<sup>2</sup> *Id.*

XX. Under 16 TAC § 24.283(k), The Gallery is required to calculate an adjustment for all of the tenant's bills that include an over- or under-charge if one is found to have occurred. If the over or under-billing affects all tenants, then an adjustment must be calculated for the bills of all of the tenants.

Finally, I recommend that the matter be referred to Compliance and Enforcement staff to conduct a more thorough investigation and (1) evaluate The Gallery's compliance with Commission billing rules, and (2) investigate and identify the affected tenants, if any, beyond Mr. Connors and any refunds that any other affected tenants are due for any overbilled amounts.

I look forward to discussing this matter with you at the open meeting.