



Control Number: 51619



Item Number: 18

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DOCKET NO. 51619

**APPLICATION OF JEFF CONNORS
AGAINST THE GALLERY
APARTMENTS, ROSCOE PROPERTY
MANAGEMENT, AND CONSERVANCE**

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**PUBLIC UTILITY COMMISSION
OF TEXAS**

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**COMMISSION STAFF'S FIRST REQUEST FOR INFORMATION
TO THE GALLERY APARTMENTS (APARTMENT)
QUESTION NOS. STAFF 1-1 THROUGH STAFF 1-41**

Pursuant to 16 Texas Administrative Code § 22.144 (TAC), the Staff of the Public Utility Commission of Texas (Staff) requests that the Gallery Apartments (Apartment) by and through their attorney of record, provide the following information and answer the following question(s) under oath. The question(s) shall be answered in sufficient detail to fully present all of the relevant facts, within the time limit provided by the Presiding Officer or within 20 days, if the Presiding Officer has not provided a time limit. Please copy the question immediately above the answer to each question. These question(s) are continuing in nature, and if there is a relevant change in circumstances, submit an amended answer, under oath, as a supplement to your original answer. State the name of the witness in this cause who will sponsor the answer to the question and can vouch for the truth of the answer.

Provide responses to the Requests for Information by filing with the Commission solely through the Interchange on the Commission's website and provide notice, by email, to all other parties that the pleading or document has been filed with the Commission, unless otherwise ordered by the presiding officer pursuant to the Order Suspending Rules in Docket No. 50664.

Dated: June 3, 2021

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Rachelle Nicolette Robles
Division Director

Rustin Tawater
Managing Attorney

/s/ Phillip Lehmann
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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 June 3, 2021 in accordance with the Order Suspending Rules filed in Project No. 50664.

/s/ Phillip Lehmann
Phillip Lehmann

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**COMMISSION STAFF'S FIRST REQUEST FOR INFORMATION
TO THE GALLERY APARTMENTS (APARTMENT)
QUESTION NOS. STAFF 1-1 THROUGH STAFF 1-41**

DEFINITIONS

- A. "Apartment," or "you" refers to the Gallery Apartments and any person acting or purporting to act on their behalf, including without limitation, attorneys, agents, advisors, investigators, representatives, employees or other persons.
- B. "Document" includes any written, recorded, or graphic matter, however produced or reproduced, including but not limited to correspondence, telegrams, contracts, agreements, notes in any form, memoranda, diaries, voice recording tapes, microfilms, pictures, computer media, work papers, calendars, minutes of meetings or other writings or graphic matter, including copies containing marginal notes or variations of any of the foregoing, now or previously in your possession. In the event any documents requested by this Request for Information have been transferred beyond the Apartment's control, describe the circumstances under which the document was destroyed or transferred and provide an exact citation to the subject document. In the event that documents containing the exact information do not exist, but documents do exist which contain portions of the required information or which contain substantially similar information, then the definition of "documents" shall include the documents which do exist and these documents will be provided.
- C. "Property" refers to the multi-unit dwelling located at 3506 Menchaca Road, Austin, TX 78704.
- D. "Complainant" refers to Jeff Connors.
- E. "Designated Period" refers to March 2019 through September 2020.

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**COMMISSION STAFF'S FIRST REQUEST FOR INFORMATION
TO THE GALLERY APARTMENTS (APARTMENT)
QUESTION NOS. STAFF 1-1 THROUGH STAFF 1-41**

INSTRUCTIONS

- 1) Pursuant to 16 TAC § 22.144(c)(2), Staff requests that answers to the requests for information be made under oath.
- 2) Please copy the question immediately above the answer to each question. State the name of the witness in this cause who will sponsor the answer to the question and can vouch for the truth of the answer.
- 3) These questions are continuing in nature, and if there is a relevant change in circumstances, submit an amended answer, under oath, as a supplement to your original answer.
- 4) Words used in the plural shall also be taken to mean and include the singular. Words used in the singular shall also be taken to mean and include the plural.
- 5) The present tense shall be construed to include the past tense, and the past tense shall be construed to include the present tense.
- 6) If any document is withheld under any claim of privilege, please furnish a list identifying each document for which a privilege is claimed, together with the following information: date, sender, recipients or copies, subject matter of the document, and the basis upon which such privilege is claimed.
- 7) Pursuant to 16 TAC § 22.144(g)(4), if the response to any request is voluminous, please provide a detailed index of the voluminous material.
- 8) Staff requests that each item of information be made available as it is completed, rather than upon completion of all information requested.

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**COMMISSION STAFF'S FIRST REQUEST FOR INFORMATION
TO THE GALLERY APARTMENTS (APARTMENT)
QUESTION NOS. STAFF 1-1 THROUGH STAFF 1-41**

- Staff 1-1 Please provide a copy of each lease agreement applicable to the Complainant, including all attachments or addendums related to water or sewer service, that was in effect for the designated period.
- Staff 1-2 If the Property contracts with a third party for water or sewer utility billing to tenants, please identify the third party and provide their name and contact information, including address, telephone number, and email.
- Staff 1-3 For the designated period, please provide the retail public utility's rate structure that was applicable to the Property. If more than one rate structure was applicable, please indicate the time period for which each rate structure provided was in effect.
- Staff 1-4 For the designated period, please provide the retail public utility's rate structure that was applicable to the Property. If more than one rate structure was applicable, please indicate the time period for which each rate structure provided was in effect.
- Staff 1-5 Please provide a copy of each bill for water service issued to the Complainant for the designated period.
- Staff 1-6 Please provide a copy of each bill for sewer service issued to the Complainant for the designated period.
- Staff 1-7 Please provide a copy of each water bill for the Property issued by the water provider from March 2019 to October 2019.
- Staff 1-8 Please provide a copy of each sewer bill for the Property issued by the sewer provider from March 2019 to October 2019.
- Staff 1-9 Please provide the total number of dwelling units on the Property for each period for the designated period that corresponds to the billing period for the Property's water service provider.
- Staff 1-10 Please provide the total number of dwelling units on the Property for each period for the designated period that corresponds to the billing period for the Property's sewer service provider.
- Staff 1-11 Please admit or deny that the Property has a submetered or allocated utility service registration on file with the Commission as required by 16 TAC §

24.277(a). If admit, please provide the docket or project number in which the registration was filed. If deny, please explain why a registration has not been filed.

- Staff 1-12 If the answer to the preceding question is admit, please admit or deny that the water and sewer bills issued to the Complainant for the designated period were calculated using the methodology reflected in the registration.
- Staff 1-13 Please admit or deny that each water bill issued to the Complainant for the designated period did not include any fees billed to the Property by its water provider for any deposit. If deny, please identify each billing period that included deposit fees and the amount of deposit fees billed to the Complainant.
- Staff 1-14 Please admit or deny that each sewer bill issued to the Complainant for the designated period did not include any fees billed to the Property by its sewer provider for any deposit. If deny, please identify each billing period that included deposit fees and the amount of deposit fees billed to the Complainant.
- Staff 1-15 Please admit or deny that each water bill issued to the Complainant for the designated period did not include any fees billed to the Property by its water provider for any disconnection fee. If deny, please identify each billing period that included disconnection fees and the amount of disconnection fees billed to the Complainant.
- Staff 1-16 Please admit or deny that each sewer bill issued to the Complainant for the designated period did not include any fees billed to the Property by its sewer provider for any disconnection fee. If deny, please identify each billing period that included disconnection fees and the amount of disconnection fees billed to the Complainant.
- Staff 1-17 Please admit or deny that each water bill issued to the Complainant for the designated period did not include any fees billed to the Property by its water service provider for any reconnection fee. If deny, please identify each billing period that included reconnection fees and the amount of reconnection fees billed to the Complainant.
- Staff 1-18 Please admit or deny that each sewer bill issued to the Complainant for the designated period did not include any fees billed to the Property by its sewer service provider for any reconnection fee. If deny, please identify each billing period that included reconnection fees and the amount of reconnection fees billed to the Complainant.
- Staff 1-19 Please admit or deny that each water bill issued to the Complainant for the designated period did not include any fees billed to the Property by its water service provider for any late payment fee. If deny, please identify each billing

period that included late payment fees and the amount of late payment fees billed to the Complainant.

- Staff 1-20 Please admit or deny that each sewer bill issued to the Complainant for the designated period did not include any fees billed to the Property by its sewer service provider for any late payment fee. If deny, please identify each billing period that included late payment fees and the amount of late payment fees billed to the Complainant.
- Staff 1-21 For the designated period, please admit or deny that the Property received water service through a master meter.
- Staff 1-22 For the designated period, please admit or deny that the water and sewer utility bills for the Property were allocated to tenants in compliance with 16 TAC § 24.281(e).
- Staff 1-23 For each water bill issued to the Complainant for the designated period, please admit or deny that any applicable dwelling unit base charges were deducted from the Property's water bill before allocating the bill to tenants.
- Staff 1-24 For each sewer bill issued to the Complainant for the designated period, please admit or deny that any applicable dwelling unit base charges were deducted from the Property's sewer bill before allocating the bill to tenants.
- Staff 1-25 For each water bill issued to the Complainant for the designated period, please admit or deny that any applicable customer service charges were deducted from the Property's water bill before allocating the bill to tenants.
- Staff 1-26 For each sewer bill issued to the Complainant for the designated period, please admit or deny that any applicable customer service charges were deducted from the Property's sewer bill before allocating the bill to tenants.
- Staff 1-27 For the designated period, please admit or deny that all common areas (swimming pool, laundry room, etc.) on the Property were separately metered or submetered. If admit, please provide the actual common area water and sewer usage for each billing period for the designated period.
- Staff 1-28 For the designated period, please admit or deny that the Property had an installed landscape irrigation system that was separately metered or submetered.
- Staff 1-29 For each bill issued to the Complainant for the designated period, please identify which methodology listed in 16 TAC § 24.281(e)(2)(A) was used to calculate the Complainant's water bill. If none of the prescribed methodologies were used, please provide a detailed explanation of how the Complainant's water bill was calculated each month.

Staff 1-30 For each bill issued to the Complainant for the designated period, please identify which methodology listed in 16 TAC § 24.281(e)(2)(A) was used to calculate the Complainant's sewer bill. If none of the prescribed methodologies were used, please provide a detailed explanation of how the Complainant's sewer bill was calculated each month.

For the purposes of Question Nos. Staff 1-31 through 1-35, "occupant" means a tenant or other person authorized under a written agreement to occupy the dwelling unit.

Staff 1-31 If the water or sewer bills issued to the Complainant for the designated period were calculated using the methodology in 16 TAC § 24.281(e)(2)(A)(i), please provide:

- a. the total number of occupants in the Complainant's dwelling unit for each month for the designated period; and
- b. the total number of occupants in all dwelling units on the Property at the beginning of each month for the designated period.

Staff 1-32 If the water or sewer bills issued to the Complainant for the designated period were calculated using the methodology in 16 TAC § 24.281(e)(2)(A)(ii), please provide:

- a. the ratio occupancy formula used for each water or sewer bill issued to the Complainant for the designated period; and
- b. the total number of occupants in all dwelling units on the Property at the beginning of each of the water or sewer service provider's billing periods for the designated period.

Staff 1-33 If the water or sewer bills issued to the Complainant for the designated period were calculated using the methodology in 16 TAC § 24.281(e)(2)(A)(iii), please provide:

- a. The average number of occupants per bedroom for each billing period for the designated period; and
- b. the occupancy formula used to calculate the average number of occupants per bedroom for each billing period for the designated period.

Staff 1-34 If the water or sewer bills issued to the Complainant for the designated period were calculated using the methodology in 16 TAC § 24.281(e)(2)(A)(iv), please provide:

- a. the allocation factor used for each billing period for the designated period, including an explanation of how it was calculated using occupancy and square footage;
- b. the total square footage of the Complainant's dwelling unit for each month for the designated period; and
- c. the total square footage of all dwelling units on the Property for each month from for the designated period.

- Staff 1-35 If the water or sewer bills issued to the Complainant for the designated period were calculated using the methodology in 16 TAC § 24.281(e)(2)(A)(v), please provide:
- a. the individually submetered hot or cold water usage of the tenant's dwelling unit for each billing period from for the designated period; and
 - b. the submetered hot or cold water usage in all dwelling units for each billing period for the designated period.
- Staff 1-36 If the Property has an installed irrigation system that is not separately metered or submetered, please admit or deny if at least 25% of the utility's charges for water consumption is deducted, before charges are allocated among the tenants.
- Staff 1-37 If the Property has an installed irrigation system that is not separately metered or submetered, please admit or deny if at least 25% of the utility's charges for sewer consumption is deducted, before charges are allocated among the tenants.
- Staff 1-38 If the Property has an installed irrigation system that is separately metered or submetered, please admit or deny if the actual utility charges associated with the irrigation system is deducted, in addition to at least 5% of the utility's total charges for water consumption before charges are allocated among the tenants.
- Staff 1-39 If the Property has an installed irrigation system that is separately metered or submetered, please admit or deny if the actual utility charges associated with the irrigation system is deducted, in addition to at least 5% of the utility's total charges for sewer consumption before charges are allocated among the tenants.
- Staff 1-40 If the Property does not have an installed irrigation system, please admit or deny if at least 5% of the utility's total charges for water consumption is deducted before charges are allocated among the tenants.
- Staff 1-41 If the Property does not have an installed irrigation system, please admit or deny if at least 5% of the utility's total charges for sewer consumption is deducted before charges are allocated among the tenants.