



## Filing Receipt

**Received - 2021-10-04 06:19:51 PM**  
**Control Number - 51619**  
**ItemNumber - 34**

**DOCKET NO. 51619**

|                                    |          |                                  |
|------------------------------------|----------|----------------------------------|
| <b>COMPLAINT OF JEFF CONORS</b>    | <b>§</b> | <b>PUBLIC UTILITY COMMISSION</b> |
| <b>AGAINST THE GALLERY</b>         | <b>§</b> |                                  |
| <b>APARTMENTS, ROSCOE PROPERTY</b> | <b>§</b> | <b>OF TEXAS</b>                  |
| <b>MANAGEMENT, AND CONSERVICE</b>  | <b>§</b> |                                  |

**RESPONDENT ROSCOE PROPERTY MANAGEMENT'S (RPM) RESPONSE TO  
COMMISSION STAFF'S FIRST REQUEST FOR INFORMATION**

RPM respectfully submits this response to the Commission Staff's First Request for Information to RPM.

These questions were answered by Courtney Gaines, Senior Regional Manager of RPM who can sponsor the answer to the questions and vouch for the truth of the answer.

It is the RPM's policy to comply with the Public Utility Regulatory Act and the Water and Sewer Substantive Rules promulgated by the Public Utility Commission (the "Commission"). Please see RPM's response below which correlate your office's Request for Information:

RFI 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.

Response: Please see Attachment A.

RFI 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.

Response: The Property contracts with Conservice for water or sewer utility billing to the tenants.

Conservice Corporate Headquarters  
750 South Gateway Drive  
River Heights, UT 84321  
866-947-7379 (Telephone)  
435-792-333 (Fax)  
service@conservice.com

RFI 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.

Response: Please see Attachment B.

RFI 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.

Response: Same as RFI 1-3; please see Attachment B.

RFI 1-5: Please provide a copy of each bill for water service issued to the Complainant for the designated period.

Response: Please see Attachment C.

RFI 1-6: Please provide a copy of each bill for sewer service issued to the Complainant for the designated period.

Response: Please see Attachment C.

RFI 1-7: Please provide a copy of each water bill for the Property issued by the water provider from March 2019 to October 2019.

Response: Please see Attachment D.

RFI 1-8: Please provide a copy of each sewer bill for the Property issued by the sewer provider from March 2019 to October 2019.

Response: Please see Attachment D.

RFI 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.

Response: The Property has 217 dwelling units.

RFI 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.

Response: Same as RFI 1-9; the Property has 217 dwelling units.

RFI 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.

Response: Admit; the Property's most current utility service registration docket number is 51613.

RFI 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.

Response: RPM will supplement response.

RFI 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.

Response: Admit.

RFI 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.

Response: Admit.

RFI 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.

Response: Admit.

RFI 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.

Response: Admit.

RFI 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.

Response: Admit.

RFI 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.

Response: Admit.

RFI 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.

Response: Admit.

RFI 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.

Response: Admit.

RFI 1-21: For the designated period, please admit or deny that the Property received water service through a master meter.

Response: Admit.

RFI 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).

Response: Admit.

RFI 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.

Response: Admit.

RFI 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.

Response: Admit.

RFI 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.

Response: Admit.

RFI 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.

Response: Admit.

RFI 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.

Response: Deny.

RFI 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.

Response: Deny.

RFI 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.

Response: The methodology actually used by Conservice to calculate Complainant's water bill is listed in 16 TAC § 24.281(e)(2)(A)(iv) for October 2019-May 2020, and in 16 TAC § 24.281(e)(2)(A)(iii) for June 2020-September 2020.

RFI 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.

Response: The methodology actually used by Conservice to calculate Complainant's sewer bill is listed in 16 TAC § 24.281(e)(2)(A)(iv) for October 2019-May 2020, and in 16 TAC § 24.281(e)(2)(A)(iii) for June 2020-September 2020.

RFI 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

Response: N/A

- b. the total number of occupants in all dwelling units on the Property at the beginning of each month for the designated period.

Response: N/A

RFI 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

Response: N/A

- 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.

Response: N/A

RFI 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

Response: 1 bedroom= 1.6

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

Response: Please see Attachment E.

RFI 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;

Response: Please see Attachment E.

- b. the total square footage of the Complainant's dwelling unit for each month for the designated period; and

Response: 694 square feet

- c. the total square footage of all dwelling units on the Property for each month from for the designated period.

Response:

| Month        | Total Square Footage |
|--------------|----------------------|
| October 2019 | 42,459               |

|               |        |
|---------------|--------|
| November 2019 | 42,459 |
| December 2019 | 38,877 |
| January 2020  | 35,447 |
| February 2020 | 31,387 |
| March 2020    | 28,978 |
| April 2020    | 25,636 |
| May 2020      | 22,900 |

RFI 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

Response: N/A

- b. the submetered hot or cold-water usage in all dwelling units for each billing period for the designated period.

Response: N/A

RFI 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.

Response: Admit.

RFI 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.

Response: Admit.

RFI 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.

Response: Admit.

RFI 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.

Response: N/A



RFI 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.

Response: N/A

RFI 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.

Response: N/A

Respectfully submitted,

**HOOVER SLOVACEK LLP**

By: /s/Daniel S. Edmunds  
**Daniel S. Edmunds**  
Texas Bar Number: 24115624  
edmunds@hooverslovacek.com  
**Xinyi (Cindy) Liu**  
Texas Bar Number: 24121726  
liu@hooverslovacek.com  
5051 Westheimer, Suite 1200  
Houston, Texas 77056  
Telephone: (713) 977-8686;  
Facsimile: (713) 977-5395  
**ATTORNEYS FOR RPM**

### **CERTIFICATE OF SERVICE**

I hereby certify by my signature below that a true and correct copy of the foregoing document was filed through the Interchange on this the 4<sup>th</sup> day of October, 2021.

/s/Xinyi (Cindy) Liu

Xinyi (Cindy) Liu