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COMPLAINANT WRITTEN TESTIMONY

10/03/22

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COMPLAINT OF JEFF CONNORS § PUBLIC UTILITY COMMISSION
AGAINST THE GALLERY §
APARTMENTS, ROSCOE PROPERTY § OF TEXAS
MANAGEMENT, AND CONSERVICE §

COMPLAINANT WRITTEN TESTIMONY

I. Background

I have lived at the apartment complex located at 3506 Menchaca Road in Austin since March 2016. When I first moved here the property was named Heritage Oaks. In October of 2018 the same group who owned this property purchased the apartment complex next door to it and they named the complex collectively The Gallery with the two sides being distinguished as The Gallery I (3622 Menchaca Road) and The Gallery II (3506 Menchaca Road). The complex is now known as Tides at South Lamar but I'll refer to it from here on in as The Gallery since that was the name of it during the period of my complaint.

The Gallery II side of the complex, where I live, is a six building, 104 unit apartment complex which is comprised of 28 studios of 391 sq. ft., 36 one bedrooms of 630 sq. ft., and 40 one bedrooms of 694 sq. ft.. Two of the six apartment buildings are three stories and the other four are two. The Gallery I side of the complex is roughly as large as The Gallery II and also has around a hundred rental units. It consists entirely of 870 sq. ft. two bedroom apartments and 620 sq. ft. one bedrooms.

Prior to Roscoe's arrival, Performance Utilities had always done our water billing, through at least three property management changes. Our water and wastewater bills were very stable back then, somewhere usually around \$15 to \$17 in total, and the water billing periods, which are noted next to our water charges on our monthly rental bills, were around 30 days and ran from mid-month to mid-month. Also, we paid for the City of Austin water bill for the billing period

that ended a half month before. So, for instance, we paid for our 7/16/19 to 8/14/19 City of Austin water with our September 2019 rent. I'll also mention that the property was irrigated daily that whole time, though there may have been some rare exceptions, and judging by the apartment grounds, which were green, the irrigation system worked fine.

Almost immediately after Roscoe began managing The Gallery in late July of 2019 though contractors started doing work on the exterior water piping of the Gallery II apartment buildings and The Gallery II's irrigation system. Roscoe said they were making "building improvements".

Along with Roscoe taking over, another change that took place was that Conservice replaced Performance Utilities and began doing the residential water billing. Whereas Performance had calculated our water, wastewater, *and* drainage billing, Conservice only calculated water and wastewater and Roscoe managed the drainage billing themselves.

Valiant and Performance did their final bill for us in the September 2019 rental bill and we got our first bill from Roscoe and Conservice in October. On that first bill from them there was a noticeable increase in water costs, over \$10 when including the drainage costs, which also notably increased, and I also saw that the water billing periods no longer ran from mid-month to mid-month though I didn't understand the significance of it at the time.

The monthly water charges kept increasing, except for one month in which they slightly decreased, and by the time I got my March 2020 rental bill my water bill had tripled from what it had been before Roscoe arrived. The water billing cycles also wandered further away from their mid-month to mid-month cycle and were shorter in length than before, around 25 days instead of 30. This was particularly noticeable on my December 2019 rental bill when the water billing period ran from October 3rd to October 29th. Also, I'll note that during this period there wasn't any flooding on the property that I was aware of or any signs of a water line break that might explain the increase. I did notice though that my water pressure was unusually low when the irrigation systems were running in the early morning, which hadn't happened before.

Here are the amounts I was billed for water (water and wastewater) from March 2019 to September 2020:

\$14.93	3/15/19-4/12/19	May '19 rental bill with Valiant (daily irrigation)
\$15.80	4/13/19-5/14/19	June '19 rental bill with Valiant (daily irrigation)
\$15.70	5/15/19-6/13/19	July '19 rental bill with Valiant (daily irrigation)
\$16.84	6/14/19-7/15/19	August '19 rental bill with Valiant (daily irrigation)
\$18.27	7/16/19-8/14/19	September '19 rental bill with Valiant (daily irrigation)

Roscoe began managing complex in late-July 2019

\$23.52	8/14/19-9/8/19	October '19 rental bill with Roscoe (daily irrigation)
\$29.14	9/8/19-10/3/19	November '19 rental bill - Roscoe (daily irrigation)
\$28.87	10/3/19-10/29/19	December '19 rental bill - Roscoe (daily irrigation)
\$32.09	10/29/19-11/23/19	January '20 rental bill - Roscoe (daily irrigation)
\$40.84	11/23/19-12/18/19	February '20 rental bill - Roscoe (daily irrigation)
\$49.79	12/18/19-1/14/20	March '20 rental bill - Roscoe (daily irrigation)
\$54.14	1/14/20-2/12/20	April '20 rental bill - Roscoe (daily irrigation)
\$55.92	2/13/20-3/13/20	May '20 rental bill – Roscoe (daily irr. until 2/28)

Water records requested from Roscoe on 2/28 and daily irrigation promptly ends

\$17.09	3/13/20-4/14/20	June '20 rental bill - Roscoe (<u>no</u> daily irrigation)
\$15.29	4/14/20-5/13/20	July '20 rental bill - Roscoe (<u>no</u> daily irrigation)
\$14.03	5/13/20-6/12/20	August '20 rental bill - Roscoe (<u>no</u> daily irrigation)
\$17.06	6/12/20-7/15/20	September '20 rental bill - Roscoe (<u>no</u> daily irrigation)
\$14.64	7/15/20-8/13/20	October '20 rental bill - Roscoe (<u>no</u> daily irrigation)
\$14.36	8/13/20-9/14/20	November '20 rental bill - Roscoe (<u>no</u> daily irrigation)

Note: Copies of these bills were provided with the original Formal Complaint¹ filed with the PUC on 12/14/20 and I can provide either email or physical evidence of them if need be.

Once my water bills had tripled, with the increases showing no signs of abating, I began to wonder if Roscoe and/or Conservice were figuring out our bills correctly so I looked through my lease.

I knew from my monthly bills from Conservice that Gallery II residents had four water/wastewater charges: (1) a fixed monthly water charge fee (referred to as the *Water Base Charge 4* on my monthly bills) of \$3.56, (2) a fixed wastewater charge fee (*Sewer Base 4*) of \$0.10, (3) a variable charge (*Water 4*) for water usage, and (4) a variable charge (*Sewer 4*) for wastewater usage. For other residents the numbers at the end of those charges may have been different, for example their water usage charge may have been *Water 2* or *Water 3*.

In regards to our water and wastewater usage charges I found that Gallery II residents were on allocated water billing. That basically means that since there are no submeters on the rental units at The Gallery II to measure how much water each apartment uses we each pay a share of the overall water bill to the complex. Our charges are based on the total water usage at the complex as measured on the main water meter into the complex and then after deducting common area water costs (laundry room, pool, and irrigation system), which the owners cover, an occupancy formula is applied to determine each apartment's share of the bill.

With allocated billing the tenants' individual water usage doesn't have any effect on their bill except that it contributes to the total water bill that gets divided up amongst the tenants. For instance, if two neighbors at the complex had the same occupancy situation (the same number of occupants and apartment size) and one of them was gone all month and didn't use any water at all while the other one was home the entire month each of them would still pay the same exact amount for their water bill that month since they'd be paying the same percentage of the overall bill to the complex.

The Gallery I residents are also on allocated billing but they allocate the costs of the water bill to their side of The Gallery because, as one might expect since they were once separate complexes

¹ Item 1 on pdf pages 12 to 40

and have different street addresses, each side of The Gallery has their own main water meter and monthly water bill. So, Gallery I residents have their water charges allocated for the City of Austin water bill to their side of the complex and the Gallery II's to theirs and the allocation calculations for the Gallery I's residents' water bills have nothing to do with the City of Austin water bill to The Gallery II and vice versa. They're completely separated.

As mentioned earlier, the common area water costs are paid by the property's ownership and are supposed to account for the water usage of the pool, laundry room, and irrigation systems. For apartment complexes such as The Gallery I and II that have installed landscape irrigation systems the ownership can either deduct their common area water costs by using a submeter to measure their common area water usage or by deducting 25% from the total water usage costs to the complex. That deduction, by the way, is only 5% for complexes that have a pool and laundry room but have no installed landscape irrigation system so apparently irrigation systems generally use a greater amount of water than the pool and laundry room.

According to my April 1, 2019 to March 31, 2020 lease, after the common area water costs are deducted from the complex's total water usage bill, each apartment's bill is determined by dividing that resulting amount by two with one portion of the apartment's bill calculated by taking that halved amount and multiplying it by the number of people who live in the apartment and then dividing it by the total number of occupants in the complex. The other portion is found by taking that halved amount and multiplying it by the size of the apartment in square footage, regardless of how many people live in it, and then dividing it by the total occupied space in the complex, which means the total amount of square footage of all the occupied apartments in the complex. Then the results of those two calculations are added together to determine each apartment's water usage charge.

As an example, if the water usage total costs to the complex were \$800 and the complex had an installed irrigation system and the ownership opted to pay for their common area usage by deducting 25% from the bill that would leave \$600 in water usage costs to be divided up by the residents. The \$600 would be divided by two and one portion of each apartment's costs would be \$300 multiplied by the number of occupants in the apartment and then divided by the total number of occupants in the complex. The other portion would be \$300 multiplied by the size of the apartment in square footage and then divided by the total square footage of all the occupied apartments in the complex. The results of those two equations are then added together and their sum amounts to the apartment's water usage charge that month.

The wastewater usage charge to Gallery II residents used the same set of equations, including the same deduction for common area water costs, but the total wastewater usage costs to the complex were fixed at \$987 for every month I was overcharged. The reason for that is because the way the City of Austin does the wastewater billing the total monthly wastewater charges to the complex are either based upon the total amount of water used that month or the average monthly amount of water used in the previous mid-November to mid-March water bills, whichever is lower, and for every month I was overcharged the water usage was greater, often much greater, than the complex's mid-November 2018 to mid-March 2019 water usage average of 108,700 gallons.

After looking over my lease I sent an email to a Roscoe team member at The Gallery sometime in late-February requesting to examine, as were my rights under PUC Rules, the water and wastewater billing from a monthly billing period before Roscoe began managing The Gallery II and afterwards to compare the two and to see the differences between how it was calculated by the former management company and Roscoe. The Roscoe team member emailed me back on February 28, 2020 and informed me that they had forwarded my email onto the community manager at The Gallery, presumably Kimberly Hoffman.

I used to get up at slightly before 5AM most mornings and go for a walk and the daily irrigation system went off every day at 5AM. A day or two after the day my first request was forwarded to the community manager in late February though, I'm pretty sure it was only the day after, I walked out and there was nothing but silence outside at 5AM. The daily irrigation systems did not go off that morning and they haven't since, as far as I know, except for when maintenance and contractors have worked on them.

As you could see in the previous table, once Roscoe stopped doing daily irrigation the water bills plunged right back down towards what they had been before, all the way from \$56 to \$17, about a forty dollar drop. And that \$56 bill, by the way, from mid-February to mid-March, was on a billing period in which they didn't even irrigate for the last two weeks of it so it was likely headed to around \$80 or so if they hadn't ceased the daily irrigation.

The rising bills are also what one might expect from cracks developing in the irrigation lines as the winter progressed and the temperatures went below freezing at times. In fact, when contractors turned the system on in January 2021 to do some checks on it there were plumes and

geysers of water, one as high as the steeple on a second floor apartment balcony, coming out of it.

So, considering (1) the “building improvements” which involved contractors doing work around the plumbing of the apartment buildings and on the irrigation systems, (2) the fact that our water bills began climbing shortly after that work, (3) the decreased water pressure I experienced in my apartment in the early morning during those months, (4) the fact that they shut down the irrigation right after my request to see past water bills, and (5) the fact that our water bills went right back down to where they were once they stopped irrigating I figured that the “building improvements” had rerouted the complex’s irrigation system so that it was fed from the apartment buildings’ water lines, the same lines that residents get their water from. That way it would bypass being drawn through the common area submeter that was supposed to measure the water usage for the pool, laundry room, and irrigation system. In that scenario the ownership would then only pay for the pool and laundry room water and the residents would be charged for the irrigation water which would be added on to the water usage they usually paid for.

Roscoe didn’t respond to my request in late February and then COVID hit and I had larger concerns and didn’t follow up on it for a while. I was also hoping that since Roscoe had reacted to my initial inquiry by shutting off the irrigation system and the bills had gone back to normal that they would understand that they made an error and correct it by refunding the money they overcharged us.

That never happened though and in late September I decided to follow up on the matter and emailed the community manager, Kimberly Hoffman. She confirmed that I had the correct email address for her and asked me what she could do for me and I responded a few days later and asked for water bill records. She didn’t reply back. I asked her again a few weeks later and again she didn’t respond. Then, after a few more weeks I asked her for a fourth time, counting the time she was presumably forwarded my request in late-February, and pointed out that this was my fourth request for this information and asked her to either acknowledge that I was making a written request via the email or set up a meeting so that I could hand her a written request for the information. This time she finally did respond and wrote that she was sorry she hadn’t gotten back to me sooner but that she had been busy and that “(a)s for the utility bills from June 2019 [she was] not sure [she] would be able to provide those as Roscoe didn’t take over until the end of July 2019”. Then she basically ignored my request and instructed me to read over my lease and the PUC Rules.

I had already read enough PUC Rules by that point to know that according to §24.277 (f) water billing records were supposed to “*be maintained for the current year and the previous calendar year*”, which was within the period of the records I asked for. And I knew from §24.277 (g)(1) and (2) that “*If the records required under subsection (e) of this section are maintained at the on-site manager’s office, the owner shall make the records available for inspection at the on-site manager’s office within three days after receiving a written request*” and if the records “*are not routinely maintained at the on-site manager’s office, the owner shall provide copies of the records to the on-site manager within 15 days of receiving a written request from a tenant or the commission or commission staff.*”

So, I filed an Informal Complaint to the PUC on 11/2/2020 (Complaint No:CP2020101118) to try to get Roscoe to finally respond to my requests for water billing records. I was informed by Isabel Ford, the PUC Investigator assigned to the case, on 11/19/20 that The Gallery hadn’t responded to the complaint and therefore wasn’t compliant with PUC Rules. She closed the Informal Complaint and informed me that I was welcome to file a Formal Complaint if I wanted to pursue the matter further.

On 12/14/20, I filed my original Formal Complaint and delivered a signed written request to examine water billing records to Kimberly Hoffman in The Gallery’s office. Again, she didn’t act on it. Instead, she tried to refer me to Conservice.

Finally, on January 5, 2021 Courtney Gaines, a Senior Regional Manager at Roscoe Property Management, responded to my Informal Complaint in an email to Ms. Ford and me. Ms. Gaines also attached some of the water billing records I had requested. She claimed that my “original complaint” was not received by their Community Manager because “the email went to spam”.

The Informal Complaint was reopened by Ms. Ford and, as Roscoe is often eager to point out, she changed her findings on it and said that The Gallery had now “acted consistently with Substantive Rule §24.277 Owner Registration and Records and §24.281 Charges and Calculations.” Ms. Ford then informed me, as she had before, that if I was not satisfied with the determination, which I was not, I could file a Formal Complaint, which I had already done anyway.

So, to get to the crux of this matter, over the course of this complaint the Respondents have provided more evidence and though it's not all that I've requested, and am entitled to, there's still enough to prove that the Respondents have blatantly broken numerous PUC Rules.

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I've placed the evidential proof of these violations in Section VIII of this document, after the text of my arguments. The evidential proof is well explained, I believe, but it's also a lot to slog through and I didn't want to bog down my written testimony by interrupting it with a steady dose of data analysis. The evidence I refer to in the evidential proof in Section VIII is attached to the end of this document and has also been submitted separately in Item 71 and can be accessed there.

I also want to clarify what I mean by pdf pages or pages of the pdf that I will use in referring to the evidence in this case and in my footnotes. I mean the page of the pdf of the document in the PUC Docket of that Item, the page number in the upper left-hand corner of the window when you pull up the document from the Docket, and not the page numbers that are actually on some of the documents.

II. PUC Rules Violated at The Gallery II

A. PUC Substantive Rules §24.277 (g)(1) and (2) for failing to provide any water billing records on my five requests prior to filing my Informal and then my Formal Complaint, which was well after the prescribed response times.

PUC Substantive Rules §24.277 (g)(1) and (2) are:

(g) Availability of records.

(1) If the records required under subsection (e) of this section are maintained at the on-site manager's office, the owner shall make the records available for inspection at the on-site manager's office within three days after receiving a written request.

(2) If the records required under subsection (e) of this section are not routinely maintained at the on-site manager's office, the owner shall provide copies of the records to the on-site manager within 15 days of receiving a written request from a tenant or the commission or commission staff.

As alluded to previously, I asked The Gallery, managed by Roscoe Properties, for water billing records on February 28th, September 29th, October 8th, October 21st, and December 14th of 2020 and it wasn't until January 6th of 2021 that Roscoe finally provided me anything², but even then they wouldn't provide me any records from before they began managing The Gallery even though they were within the period in which The Gallery was responsible for providing them. According to PUC Substantive Rule §24.277 (f) the records "shall be maintained for the current year and the previous calendar year" and according to PUC Substantive Rule §24.277 (g)(2) the owner is supposed to provide them within 15 days of receiving a tenant's written for them if they're not on-site.

B. PUC Substantive Rule §24.281 (e)(2)(A)(iv) for using fraudulent numbers for total numbers of occupants and total occupied space in the equations used to calculate my water and wastewater usage bills.

PUC Rule §24.281. Charges and Calculations. (e)(2)(A)(iv) states:

(e) Calculations for allocated utility service.

(2) To calculate a tenant's bill:

(A) for an apartment house, the owner shall multiply the amount established in paragraph (1) of this subsection by:

(iv) a factor using a combination of square footage and occupancy in which no more than 50% is based on square footage. The square footage portion must be based on the total square footage living area of the dwelling unit as a percentage of the total square footage living area of all dwelling units of the apartment house;

That formula was in my April 1, 2019 to March 31, 2020 lease³ and was used to calculate my monthly water and wastewater usage bills for all of the months I was overcharged.

² COMPLAINT # CP2020101118 – Jeff Conners in Item 10 ZIP folder

³ Item 32 of the Docket on pdf page 18

From Conservice's calculations and a spreadsheet from The Gallery that had the occupancy info at the complex from January 2020 to June 2020⁴ I was able to compare the occupancy numbers that Conservice used for their calculations with what the actual occupancy was at The Gallery II.

The table below is of the occupancy data for the monthly bills I was overcharged and also of the September 2019 bill, a month I wasn't overbilled, which was the last month that Valiant and Performance did the billing. I got the occupancy data that Conservice used to calculate our bills for every month I was overbilled, but was only able to derive the actual occupancy data, the data that came directly from Roscoe's records, for the February to May bills. The occupancy data Roscoe provided didn't go back any further.

SEPTEMBER 2019 TO MAY 2020 OCCUPANCY INFO

	<u>Occ. in billing</u>	<u>Actual Occ.</u>	<u>Occ. space in billing</u>	<u>Actual Occ. space</u>
Sept. 2019		101*		
Oct. 2019	78		42,459	
Nov. 2019	78		42,459	
Dec. 2019	70		38,877	
Jan. 2020	68		35,447	
Feb. 2020	60	99	31,387	51,616
March 2020	55	106	28,978	53,874
April 2020	50	112	25,636	55,310
May 2020	44	114	22,900	56,698

*Derived from *gl070 – 3506 Highlighted final summary – 9.4.19.xls* found in Item 10 ZIP folder

⁴ *The Gallery – January to June 2020.xlsx* in Item 12 ZIP folder

The numbers that Conservice used to calculate our water and wastewater usage bills understated the total occupants and occupied space for every month I got Roscoe's data, and by a significant amount, at least 60%. That's mathematical proof that Gallery II residents were overbilled because that means the tenants' total financial responsibility for those bills was being multiplied by a larger amount, the number of tenants who were sent bills, than Conservice divided it by in their calculations. In this case, I was being overbilled for those months by at least 60% and as much as 150% at the end of it.

For a simplified fictitious example, if the water bills were determined strictly by occupied units and tenants' collective responsibility for a bill was \$1000 and Property Management Company ABC told Conservice that there were 50 occupied units in the complex, by Conservice's calculations each apartment would pay \$20 (\$1000 divided by 50). But residents would collectively be charged \$2000 (\$20 multiplied by 100) because a hundred bills would be sent out. That means that the operation would have produced a \$1000 profit for the property because \$2000 was collected for a \$1000 bill.

C. PUC Substantive Rules §24.283 (d)(1) and §24.283 (b)(1) for falsifying water billing dates and shortening water billing cycles by five days on six monthly rental bills which placed Gallery II residents a month and a half behind the City of Austin bills instead of the half a month it was before.

PUC Rule §24.283 (d)(1) states:

(d) Billing period.

(1) Allocated bills shall be rendered for the same billing period as that of the retail public utility, generally monthly, unless service is provided for less than that period.

PUC Rule §24.283 (b)(1) states:

(b) Rendering bill.

(1) Allocated bills shall be rendered as promptly as possible after the owner receives the retail public bill.

The root cause of both of these violations was that Gallery II residents were billed twice, both in their September and October 2019 rental bills, for the same 7/16/19 to 8/14/19 City of Austin

water bill. The September 2019 rental bill incidentally was the last monthly rental bill that Gallery II's previous water billing company, Performance Utilities, administered. The Gallery II's October 2019 rental bill was the first bill that Conservice did at the complex so Roscoe, which arrived at the complex in late-July, must have given the 7/16/19 to 8/14/19 City of Austin water bill to Conservice and had them bill us for it again. The water billing dates on the October 2019 to March 2020 rental bills were falsified and the water billing cycles shortened to 25 days, instead of the 30 days that the City of Austin's monthly water bills to the complex usually run for, which concealed the double billing.

The table on the following page is a comparison of the water billing periods of the City of Austin bills that Conservice used to calculate Gallery II residents' monthly water charges and the dates of those charges on the rental bills that Conservice sent Gallery II residents.

SEPTEMBER 2019 TO MAY 2020 BILLING DATE INFO

	<u>City of Austin bill</u>	<u>On rental bill</u>
September 2019	7/16/19- 8/14/19	7/11/19-8/9/19
October 2019	7/16/19- 8/14/19*	8/14/19-9/8/19
November 2019	8/14/19-9/13/19	9/8/19-10/3/19
December 2019	9/13/19-10/14/19	10/3/19-10/29/19
January 2020	10/14/19-11/13/19	10/29/19-11/23/19
February 2020	11/13/19-12/13/19	11/23/19-12/18/19
March 2020	12/13/19-1/14/20	12/18/19-1/14/20
April 2020	1/14/20-2/12/20	1/14/20-2/12/20
May 2020	2/12/20-3/13/20	2/12/20-3/13/20

*Double-billed for City of Austin water bill paid in September 2019

Instead of using the correct water billing cycle (7/16/19-8/14/19) of the City of Austin bill that was used to calculate Gallery II residents' water charges on their October rental bill, which would have exposed that residents were being charged again for the same bill they had paid the previous month, the water charges on the October bill were dated as 8/14/19-9/8/19. The water billing cycles were shortened by five days for six months on Gallery II residents' rental bills, from October 2019 to March 2020, to tuck in the double billing but now we were paying for water a month and half behind the City of Austin's bill rather than the half a month it was before they came.

Not rendering Gallery II residents' water bills for the same "*billing period as that of the retail public utility*" is a violation of PUC Rule §24.283 (d)(1).

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Failing to render the allocated bills "*as promptly as possible after the owner receives the retail public bill*" is a violation of PUC Rule §24.283 (b)(1). For the previous three years, at least, Performance proved that it was possible to render the bills to residents within a half a month of receiving them from the City of Austin.

D. PUC Substantive Rules §24.277 (e)(8) and (9) for never providing any information to me on my requests to see the total monthly amounts billed to and total revenues collected from Gallery II tenants for water and wastewater service.

PUC Substantive Rules §24.277 (e)(8) and (9) are:

(e) Records. The owner should make the following records available for inspection by the tenant or the commission or commission staff at the on-site manager's office during normal business hours in accordance with subsection (g) of this section. The owner may require that the request by the tenant be in writing and include:

(8) the total amount billed to all tenants each month;

(9) total revenues collected from the tenants each month to pay for water and wastewater service;

In addition to the aforementioned five times that I emailed The Gallery asking for this information, I also requested it in my Informal Complaint but Roscoe didn't provide it then

either because of what they said were their concerns about residents' privacy⁵ though it's not necessary to include residents' private info with this information nor did I ask for any. I literally used language straight from the PUC and requested the "total amount billed to tenants each month for water/wastewater" and "the total amount collected from tenants each month for water/wastewater".

Undermining Roscoe's contentions that they were vigilant about protecting tenants' private info is the fact that they later submitted a spreadsheet⁶ to the Docket of the Gallery's residents' water charges on their September 2019 rental bill, which was the last monthly water administered by Valiant and Performance before Conservice took over the task. This spreadsheet contained all of the Gallery residents' names, addresses, and the amount they got billed for water. So, apparently they were not as consumed with resident privacy in that instance, which involved a billing from the previous property management company, but then were when it came to denying me access to their own billing records.

I followed up on their concerns and sent an email to Roscoe requesting that info again⁷ and in it I specifically stated that I was not asking for any resident private info within it. In it I wrote *"To prevent any misunderstandings, I am not asking to see each tenant's bills during those months, but instead the total amount that was billed to residents during those monthly periods for water, wastewater, and drainage."*

Roscoe responded⁸ by submitting six pdfs that had monthly City of Austin water bills for both 3506 Menchaca Road (The Gallery II) and 3622 Menchaca Road (The Gallery I)⁹ and a spreadsheet¹⁰.

In the spreadsheet there are seven worksheets and six of them contain the occupancy info for both The Gallery I and II residents for the months of January 2020 to June 2020. The other worksheet is labeled *Summary* which has the totals billed to tenants for water, sewer, and

⁵ COMPLAINT# CP2020101118 – Jeff Conners.msg in Item 10 ZIP folder of the Docket

⁶ gl070 – 3506 Highlighted final summary – 9.4.19.xls in Item 10 zip folder of the Docket

⁷ Request to see info on water wastewater and drainage bills from January to June 2020.msg in Item 12 ZIP folder

⁸ _COMPLAINT#CP2020101118 - Jeff Conners_ Request to see info on water_ wastewater_ and drainage bills from January to June 2020.msg in Item 12 ZIP folder

⁹ gl070 WSD (both phases) 0120.pdf, gl070 WSD 0220.pdf, gl070 WSD 0320.pdf, gl070 WSD 0420.pdf, gl070 WSD 0520.pdf, and gl070 WSD 0620.pdf in Item 12 ZIP folder

¹⁰ The Gallery – January to June 2020.xlsx in Item 12 ZIP folder

drainage for the months of January 2020 to June 2020 which Roscoe implied were the amounts billed to the Gallery I and II together by stating:

“As requested, attached are the billing summaries from January - June 2020. Conservice currently bills phase 1 and 2 separately but did not at that time. Please note that both phases use the same bills for resident billing. We have broken down the expense and the actual total billed to residents for the requested time frame.”

The Gallery I and Gallery II are each on separate water meters though and each got billed separately. Furthermore, the totals in the Summary tab of the spreadsheet are only from the Gallery I and don't include the Gallery II which I've pointed out in several of my submissions to the Docket.

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I've been requesting some of these total monthly amounts for over two and a half years now and according to PUC Rule §24.277 (g)(1) and (2) The Gallery was supposed to provide them within three days of a tenants' written request if they were kept onsite and fifteen days if they weren't. This data is necessary to make a comparison between the total monthly amounts that were charged to Gallery II residents with the amounts residents collectively owed, which is the purest macro measure of whether or not The Gallery charged tenants correctly.

They are aware, or should be aware, that the totals in their spreadsheet they submitted to the Docket only has Gallery I residents' charges in it because I made mention and provided proof of it in my *Reply to submissions made by The Gallery on 2/3/21*¹¹ and my *Reply to Respondent's Response to Formal Complaint*¹². They haven't acknowledged that though nor have they responded by producing the totals from The Gallery II. I have also requested it in an RFI that I sent them¹³ on 7/29/22 but haven't gotten a response from them on that either.

I requested this info from Conservice too. Conservice provided online accounts for Gallery II tenants to access their utility information and they also sent us our monthly rental bills that had our water charges on them so my belief is that they ought to have record of tenants' water charges and be able to produce these totals by adding up the water and wastewater charges that

¹¹ Item 13 on pdf pages 21 to 22

¹² Item 37 on pdf pages 13 to 15

¹³ *COMPLAINANT FIRST REQUEST FOR INFORMATION TO THE GALLERY AND ROSCOE PROPERTIES* in Item 61 on pdf page 11

Gallery II residents were billed per month and then substantiate those numbers by providing the monthly charges for each Gallery II apartment.

Conservice recently responded to my request in their *Response to Second RFI from Jeff Connors*¹⁴ but didn't provide what I requested. They submitted a table of the amounts that Gallery II residents were *supposed* to be billed based upon the City of Austin bill: the total water usage minus the 25% for common area costs. I had asked Conservice for how much they *actually* billed Gallery II residents for water, not what they were supposed to.

E. PUC Substantive Rule §24.283 (k) for not making a credit adjustment to all of The Gallery II residents for the full amount they overbilled us on our allocated water bills.

PUC Rule §24.283. Billing. (k), in part, states:

(k) Overbilling and underbilling. If the overbilling or underbilling affects all tenants, an adjustment must be calculated for all of the tenants' bills.

I don't have definitive evidence that The Gallery violated this rule but by breaking PUC Rule §24.277 (e)(8) they've never provided the information to me that I need to prove it: the total monthly amounts they billed Gallery II residents for water and wastewater for the period in question. In light of the facts though that (a) there was a substantial increase in my monthly water charges, (b) I'm on allocated billing, which means that my water charges are determined by the same set of equations and occupancy info as the rest of The Gallery II residents so if I was overcharged so was everyone else at the complex, and (c) The Gallery has not provided the information that's required to prove that they overcharged Gallery II residents, information that they are bound to provide by PUC Rule §24.277 (e)(8), then I believe they ought to be found in violation of this PUC Rule as well because by not providing the total monthly amounts they billed Gallery II residents they're not credibly contesting that they overbilled Gallery II residents.

Unless they magically emerge with these totals of how much they billed Gallery II residents for the period in question, some of which I have been asking for for over two and a half years, and provide substantiating evidence so that they can't just type some numbers into a

¹⁴ Item 67 on pdf page 12 on lines 15 to 23 and table on pdf page 14

spreadsheet and call it legit, then that means that they either (a) have the records but would rather violate PUC Rule §24.277 (e)(8) than produce evidence that ought to vindicate them if they're innocent or (b) don't have the records, in which case, at best, they have absolutely no idea whether or not they overbilled Gallery II residents but yet they're still vehemently insistent they didn't.

Continually claiming that they didn't overbill tenants while providing no proof of it isn't credibly contesting the issue, it's just them denying they did anything wrong, and it shouldn't require a signed confession from them in order to enforce PUC Rule §24.283 (k).

III. Conservice's Role in the Billing

It's difficult to know for sure what Roscoe's and Conservice's roles were in doing our water billing because neither of them is very forthcoming about it. We do know that Conservice did the calculations of our water bills and emailed us our water charges, which were in the monthly rental bills they sent us, so it's easy to get the impression that Conservice had an up-to-date roster of all the tenants at The Gallery II with their email addresses, the amount of occupants in their apartment, and the size of their apartment and used that data to tally up the total number of occupants and total occupied space at the complex to calculate our bills and then emailed us those charges along with our monthly rental bill. This is a view that I found Roscoe encouraged. They tried to direct me to Conservice for water billing issues.

But that couldn't have been the way it was unless they only billed 44 residents in the May 2020 rental bill instead of the 114 who were living here, 50 residents in the April 2020 rental bill instead of 112, etc.. That would have meant that some folks in the complex, a minority at times, were paying the water bill for the entire complex and most of the folks who lived here weren't getting billed for it all. Though I can't actually 100% disprove that happened because neither The Gallery, Roscoe, or Conservice has ever provided me with a record of how much they charged each apartment for the months in question, everyone I talked to in the complex about it complained that their water bills had increased substantially and some of them brought it up without me even mentioning it. It's also doubtful that Roscoe wouldn't have noticed that over half of their residents weren't being billed for water.

The Gallery, managed by Roscoe, continually insists that they had nothing to do with the water billing, that Conservice handled it, although they're the only ones that directly benefitted from the understated occupancy info used to calculate the bills and the date changes on the water bills that concealed the double-billing. They're the ones we paid for water. We paid it with our rent

and the Gallery paid the City of Austin water bill so they're the only ones that directly profited from overcharging us. We didn't pay Conservice, they got paid by Roscoe to *calculate* the bill. In Conservice's words: "*Conservice calculates water and sewer bills to be sent to residents on behalf of landlords and owners*"¹⁵.

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Conservice hasn't provided all the info I've requested or responded to all the questions in my RFIs thus far, but from their responses to Order 13 in the Docket and to my Requests for Information (RFIs) it's possible to get some sort of framework of how this operation worked and how it led to overbilling Gallery II residents.

In regards to calculating residents' water bills, Conservice has stated that they receive the monthly water bills straight from the City of Austin¹⁶, that they *calculate* the bills but they don't *determine* them¹⁷, and that they merely provide a tool for owners to use to allocate their water costs to tenants¹⁸. It seems to me from that that what they provided was a software tool (software program) to Roscoe that had the equations used for allocating the water costs to residents in it. Conservice probably inputted the total water usage costs from the City of Austin bill into it and the program deducted the 25% from those totals for the common area water and then it was ready for the property managers to use to "determine" the amounts that residents were charged. The only variables left in the allocation equations at that point were the total number of occupants and total occupied space. And then the property managers "determined" how much residents were billed by inputting values for those variables and then pressing a button and out spat its results.

What it likely would have outputted though was the amount each *occupancy situation* in the complex should be charged for water and wastewater. By occupancy situation I mean each possible combination of number of occupants and size of the apartments in the complex. We had six because every apartment had either one or two occupants and there are three sizes of apartments here. So, what the program probably outputted was what each 391 sq. ft. apartment with one occupant should be charged, each 391 sq. ft. apartment with two occupants, each 630 sq. ft. apartment with one occupant, each 630 sq. ft. apartment with two occupants, each 694 sq. ft. apartment with one occupant, and each 694 sq. ft. apartment with two occupants. Then Roscoe applied those amounts to those apartments that had those occupancy situations.

The sleight of hand in this though is that if the property manager inputted occupancy data that was less than the actual occupancy it would result in overcharging residents for water. Again, to

¹⁵ *Response to Order 13* in Item 49 on pdf page 7 in last paragraph on the page

¹⁶ *Response to Jeff Connors First Request for Information* in Item 64 on pdf page 3 on lines 10 to 12

¹⁷ *Response to Order 13* in Item 49 on pdf page 7 in the second to last paragraph on the page

¹⁸ *Response to Order 13* in Item 49 on pdf page 5 in last paragraph on the page

use a simplified fictitious example, if the allocation was determined strictly by occupied apartments and there were 100 occupied apartments overall and the bill to tenants was a \$1000 and the property manager inputted 50 into that program for total occupied apartments then the program would tell them to bill each apartment \$20 (\$1000 divided by 50 occupied apartments) and once the property manager applied that \$20 bill to all of the apartments the property would pull a \$1000 profit because they'd be collecting \$2000 by charging a 100 apartments \$20 each for a \$1000 bill.

Conservice claims that they "received tenant data directly from the client's software on a daily basis to ensure accurate tenant information"¹⁹ that they imply they used to calculate the Gallery II's bills and/or check them. That sounds awful impressive but the data they used certainly didn't match with Roscoe's own roster of tenants on the February 2020 to May 2020 rental bills. I'll also mention that Conservice was unable to produce this "tenant data"²⁰ either so it's unverifiable whether they ever got it and what this "tenant data" consisted of.

In response to my First RFI, Conservice made an interesting distinction about their "quality process" when they wrote that Conservice "does have a quality process in place to ensure accuracy after the bills are calculated, but before they are sent"²¹. To me that implies that they're not taking responsibility for the accuracy of the bills that they send to tenants, which, by the way, arrive with their logo on the letterhead. It also means to me that those bills are out of their control sometime between after they were "calculated" and before they were sent.

Conservice also claims that they create tenants' bills²² but in this instance what they probably created were billing templates for tenants' bills that have the water charges on them for each occupancy situation. Again, if they created bills for each apartment based upon the occupancy data they were using they would have created only 44 bills in May, 50 in April, 55 in March, and 60 in February though there were 85 or more occupied apartments during those months. Then Roscoe probably took these billing templates, which might have been created by the software program, and applied and copied them to the apartments that matched those occupancy situations. And then they added the rent on to the bills, the drainage charges that Roscoe calculated, and the other monthly fees we paid. I suspect that Roscoe also had the ability to either edit or enter the water billing dates on the bills and did so on the ones we received that had incorrect billing dates on them.

¹⁹ *Response to Jeff Connors First Request for Information* in Item 64 of the Docket on pdf page 3 on lines 17 to 25

²⁰ *Response to Second RFI from Jeff Connors* in Item 67 on pdf page 13 on lines 11 to 20

²¹ *Response to Jeff Connors First Request for Information* in Item 64 of the Docket on pdf page 7 on lines 6 to 9

²² *Response to Jeff Connors First Request for Information* in Item 64 of the Docket on pdf page 5 on lines 22 to 25

Once they were finished, Roscoe probably sent them back to Conservice, or Conservice got them from a shared database, and then Conservice sent them off to us without a thought. They were emailed to me from ebill@ebill.conservicemail.com. Conservice claims that they checked to see if the water billing dates were correct²³ on them, but if they did, they didn't do a competent job of it.

It would hardly surprise me if the only thing that anyone at Conservice actually did during this whole billing process is input the amounts of the costs of the water and wastewater usage from the monthly City of Austin bill into the program. That may be their entire check on this: making sure that the correct amounts are inputted into the program from the monthly City of Austin bills and then maybe hit a button that deducts the 25% for common area water costs. The rest of it as far as the calculations, the creation of the bills for Roscoe, and then emailing them out once Roscoe finishes them might all be part of Conservice's software program. That would keep Conservice's hands from getting dirty and allow them to make the factual claim that they "calculated" the bills using the proper totals from the City of Austin bills and all the correct allocation equations.

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If Conservice believes that I've misinterpreted how tenants' water charges are determined on their tool then I hope they explain how that is. It's undeniable though that there was a "flaw" in this system and Conservice, a company that provided that software to Roscoe and customizes solutions and trains property management personnel²⁴, ought to have been aware of it. It's far from unfathomable, it's not unheard of human behavior, that someone might fudge the occupancy numbers if there's a profit in it and I'd imagine sometimes there's financial incentives to property managers to keep their complex's operating budget below certain levels.

Where Conservice most clearly crossed the line into complicity is when they flatly stated on their calculations of tenants' bills²⁵ that they were using the "total square footage of all occupied units at the community" and the "total number of occupants" to calculate tenants' bills when the figures they used were actually "Roscoe says" numbers. Instead of verifying the accuracy of the occupancy figures that Roscoe used on their tool to determine our charges, which Conservice had the means and data to do, Conservice vouched for the legitimacy of fraudulent figures.

They vouched for the legitimacy of the falsified water billing dates on our bills too when they sent them to us with their logo on them which also led to tenants being overbilled.

²³ *Response to Second RFI from Jeff Connors* in Item 67 on pdf page 5 on lines 4 to 12

²⁴ *Response to Order 13* in Item 49 on pdf page 5 in last paragraph on page

²⁵ *HIMBC Unit 2-239.docx* in Item 10 ZIP folder on page 1

Mind you that Conservice's services also include "regulatory guidance and compliance"²⁶ and they "[employ] experts in utility billing and regulation to advise and manage [their] clients' accounts"²⁷ and yet their client Roscoe broke numerous PUC Rules for eight months, several of them involving the use of Conservice's tool to overbill tenants for a public utility, and Conservice apparently didn't catch any of that, nor the huge increase in the complex's water usage, despite the fact that they had all the data they needed to do so.

IV. Water Wastage at The Gallery II

I also want to make mention of the immense flow of City of Austin water that was wasted due to the irrigation system redesign project that Roscoe oversaw and Roscoe's failure to maintain it. They took a modest, yet capable irrigation system that kept the grounds green on 12.5K or so gallons of water a *month* and turned it into a monster that was spewing out over 15K every *morning*. Another shocking metric on it is this: before the redesign the entire complex generally drew slightly more than 100K gallons of water per month with 12.5K gallons of that irrigation water, about 10% of the total water usage at the complex, and by the end of it the complex was using 400K gallons/month and the irrigation water usage was 300K gallons a month, three times that of residents.

In Evidence W on page W1 there's a snip of the City of Austin water bill to The Gallery II from 4/14/20 to 5/13/20 and the monthly charts for water usage at The Gallery II for that month and the twelve prior to it.

To the left of the leftmost vertical blue line of the enlarged graph is the water usage for months prior to Roscoe taking over managing the complex in late July of 2019. The first bar to the left of that blue line is for the billing period which ended in mid-July. During that period to the left the previous property management company was doing daily irrigation. The period between the two vertical blue lines is when Roscoe managed the complex and ran daily irrigation. And the period to the right of the rightmost blue line is when Roscoe managed the complex but shut off the daily irrigation, which happened in late-February of 2020 after I began asking for water billing info.

²⁶ *Response to Order 13* in Item 49 on pdf page 6 in second to last paragraph

²⁷ *Response to Order 13* in Item 49 on pdf page 7 in first paragraph

As one can see on page W2, the average amount of monthly water used by the complex with daily irrigation before Roscoe arrived was around 110K gallons. On page W3 one can see that the average after Roscoe stopped doing daily irrigation was around 97.5K gallons. One can surmise from that that before Roscoe redesigned the system it had only used about 12.5K gallons (110K minus 97.5K) a month which cost the owners about \$70 a month.

Back on page W1 in the area above and between the blue lines, in the 'U', is a graph of the monthly water usage at The Gallery II that was in excess of the 110K gallons that was used at the complex with daily irrigation prior to Roscoe arriving at the complex in late-July 2019. We can see that about 1.5 million gallons of water was pumped in excess of 110K/month during that period, which ran from August 2019 to March 2020 so it's reasonable to conclude that due to the water irrigation system modifications that Roscoe oversaw at The Gallery II and their failure to properly maintain the system that the flow of 1.5 million gallons of City of Austin water was unnecessarily wasted.

Note that on page W3 the monthly graph of water usage to the immediate left of the vertical blue line, the one with the 'M' for March below it, only captures about a half a month of daily irrigation and yet the total water usage for the month was 346,900 gallons. That water billing period ran from 2/12/20 to 3/13/20 and I asked Roscoe in late-February for the water billing records and the irrigation system was turned off a day or two afterwards. That means that there was approximately 250K gallons used for irrigation for a half a month.

At the rate the irrigation system was gushing water at that time we were on course to use 500K gallons a month for irrigation compared to 12.5K before the system was modified. That's a 40-fold increase. Dividing 250K by 16 days gives you an average of the daily irrigation water use at that time, which comes to around 15K per day.

The irrigation at The Gallery II wasn't the only thing gushing at The Gallery back then; the profit that The Gallery was drawing from billing Gallery II residents for a public utility was too. A quick estimate of what they billed in excess of what we were collectively responsible for can be found by taking our share of the water and wastewater bill for that month²⁸ which was \$1230.64 for water plus \$740.75 for wastewater, which sums up to about \$2000 to make the math easy.

²⁸ *HIMBC Unit 2-239.docx* in Item 10 ZIP folder on pages 15 and 16

The Gallery II was significantly understating the total number of occupants and occupied space that month by using 44 total occupants when there were actually a 114 and 22,900 square feet when it was 56,698. Those numbers were about 40% of the actual ones so that means that we were paying 2.5 times for the water bill, which is what you get by dividing 1 by 0.4. So, we collectively owed about \$2000 for the water bill but were paying \$5000 for it and producing a \$3000 profit to The Gallery. They were also using similar occupancy numbers for their drainage calculations, which Roscoe did themselves, so we were overcharged another \$1000 for that. Since the complex had 96 occupied apartments at the time that means each apartment was charged about \$30 extra that month for water and wastewater and \$40 total if you count drainage.

That doesn't even include what we were paying for the excess water that was spewing from the irrigation system, money that we were paying because Roscoe was so negligent in maintaining it. And from their view, why would they? They could understate the total occupants and total occupied space in Conservice's tool and more than cover it. If they were actually paying for 25% of the water bill though I'd imagine that they probably would have done something about it.

Considering how the system was redesigned and that it wasn't maintained well it makes some sense that it used so much more water than before. From what I can make of it, before the modifications all the irrigation water was drawn through the common area water line and the common area was a central hub that dispersed water to all the irrigation lines. So, back then even if there were leaks in the system the water usage was confined to what could be drawn through that single common area water line. The hodgepoded redesign partitioned the irrigation system though so that it could draw water from multiple apartment buildings, maybe as many as six water lines.

It would also not be surprising if the redesign led to increased water pressure in the irrigation system which could have caused breaks in the lines, or even blown irrigation heads, that appear to have gotten worse as the weather got colder and dipped below freezing.

I also believe that the excessive amount of water usage also lays aside any notions that it was caused by a leak in the water pipes rather than the irrigation system itself. The water pipes are not buried miles underground and a leak of that magnitude would not have poured seamlessly into an aquifer. Instead, it would show itself above ground in some manner or another from the

force and mass of it. The only reasonable explanation for it is that it was flowing out of cracked and broken irrigation lines at 5AM in the morning.

Mind you also what that means during the winter months when 15,000 gallons of water are being used per morning, as it appears was happening in February 2020, instead of the 400 gallons or so it used to use: some of that water was undoubtedly flowing down the complex's two fairly steep driveways, across a sidewalk, and onto Menchaca Road. So, it was flowing across the sidewalk for pedestrians to walk over, and often bicyclists to ride over because Menchaca doesn't have a bike lane, and also onto the road at 5AM in the morning and maybe icing by the time the morning traffic hit on the ten days or so each winter that we get below 30°.

V. Relief Requested

1. Copies of the total amount that Roscoe billed residents of The Gallery II for water and wastewater on their January 2020 to June 2020 rental bills.
2. An adjustment refund on the difference in charges between the months when my water and wastewater bills were abnormally expensive, which was my October 2019 to May 2020 rental bills, and the average of what they were for the five months before Roscoe and Conservice started doing the water billing. That amount, after accounting for credits that were made to my water charges on my June 2021 to September 2021 rental bills, is approximately \$80.

I have also asked for the total amounts billed to and collected from Gallery II residents on the October 2019 to December 2019 rental bills in Requests for Information I've made to The Gallery and Conservice. I've been requesting some of this info since February of 2020 and haven't gotten anything from The Gallery. If they finally do provide it, they should also provide substantiating evidence such as a spreadsheet of what they billed each apartment similar to what was in the spreadsheet of our water charges for our September 2019 rental bill²⁹ so it's not just numbers typed into a spreadsheet which is akin to them verbally claiming that they didn't overcharge residents with no actual proof. Conservice sent Gallery II residents their bills and kept online accounts of our monthly utility bills so Conservice ought to be able to provide that.

I calculated the adjustment refund amount by taking the average of my monthly water and wastewater bills from November 2019 to May 2020, which was around \$41/month, and subtracting the average of what my water bills were for the months of May 2019 to September 2019, which was around \$16, and then multiplying that by those seven months I was

²⁹ gl070 – 3506 Highlighted final summary – 9.4.19.xls in Item 10 ZIP folder

overcharged, which comes out to be around \$175. I then added on the entirety of the October 2019 water and wastewater charges since I had already paid for that bill, which is around another \$25, to come to a total of \$200. I also received approximately \$120 in credits on my June 2021 to September 2021 rental bills so the balance of the adjustment refund I'm requesting is \$80.

Since the Gallery defied PUC Rule §24.277 (e)(8) by failing to provide the information required to calculate the exact amount an approximation was necessary. I believe that taking an average of the monthly water and wastewater costs from a period prior to an unexplained rise in my bills and subtracting that from the monthly bills from the period in question and then multiplying that difference by the number of months in the period in question is a reasonable method of doing that.

VI. Potential Resolution to The Gallery's Violations of PUC Rules §24.283 (b)(1) and (k)

Assuming that the other Gallery II residents who lived here during the period in question and still live here were also credited around \$120 on their water bills, I propose that the \$80 I am requesting for relief is also a suitable amount for The Gallery to credit those residents in order to bring The Gallery in compliance with PUC Rule §24.283 (k). I'm also making the assumption that since the PUC doesn't have the authority to award monetary damages that they are confined to ordering The Gallery to make adjustments to tenants' bills who currently live at the complex and can't order The Gallery to compensate former Gallery II tenants who were overbilled and have since moved out.

Since The Gallery hasn't provided the total monthly amounts they've billed Gallery II residents for the period that my water bills had abnormal increases then a precise amount that they owe residents isn't available and under those circumstances using the average of water and wastewater charges from the months before the increase and subtracting it from the average of water and wastewater charges during the period in question and then multiplying it by the number of months of the period in question is a sound way of approximating it.

An equitable and easy way to implement that would be to pay all residents who still live in complex who had moved in before 9/1/19 the full \$80, the ones who moved in before 12/1/19 but after 9/1/19 should get \$60, and the ones who moved in before 3/1/20 but after 12/1/19 should get \$40. The last few months of the overbilling were the ones we got overbilled the most for.

Also, the complex is still in violation of PUC Rule §24.283 (b)(1) and not rendering our bills "*as promptly as possible after the owner receives the retail public bill*". As mentioned previously, we're sent our water bills over a month after the City of Austin bill is sent to the property

whereas with Performance Utilities they were sent to us much sooner, sometimes as soon as a week after the City of Austin water bill arrived at The Gallery. More importantly, we pay water charges on our rental bill a month and a half behind whereas with Performance Utilities the water bill only lagged the City of Austin bill by a half a month.

This month lag placed tenants in a position where they'd have an extra water bill waiting for them after they ended their lease even though they'd paid for water during the entire course of their lease. It also provides an opportunity for a property management company or landlord to bill new residents for an extra bill by billing them for water after their first month renting at the complex, like most properties do, though in fact it would be for a water billing period that the renter didn't actually reside at the complex.

If an ex-renter doesn't disconnect their auto-pay after they leave that also potentially empowers a property management company to tack on move-out charges in excess of the security deposit, charges that they should have to file a lawsuit to obtain, just by adding a move-out charge to their bill and then drawing the bill payment from their credit card or bank account. A credit card or bank account isn't going to restrict the release of funds due to the limits on a security deposit it's unaware of.

The complex can be brought back into compliance with PUC Rule §24.283 (b)(1) by processing two monthly City of Austin bills on one monthly rental bill: the one that lags the rental bill by a month and a half and one that lags by half a month. Performance was able to administer our water bills within a week at times so there's no reason that other water billing companies can't do the same. Then from there we'd be in synch with where we were before: paying our water bills a half a month behind the City of Austin's to the complex.

A fair and fitting solution in my view would be to have The Gallery pay one of those City of Austin bills since they charged us twice for the same bill back in October 2019. Then \$20 would be deducted from the money they owe the residents who lived here during the period we were overbilled. The other residents probably got billed after the first month they were here, a period that they didn't live here, so by The Gallery paying one of the bills that would compensate them as well.

VII. Closing Comments

I believe that substantial administrative penalties ought to be imposed on both Roscoe and Conservice. If there are, Roscoe might think twice before overcharging tenants for a public

utility and Conservice might take more responsibility for how property managers and landlords use their tools.

In regards to The Gallery, managed by Roscoe, I'll point out first of all that they are insistent, as they have been from the very beginning, that they haven't broken any PUC Rules while they are demonstrably breaking a PUC Rule at this very moment by failing to provide the total monthly amounts they charged Gallery II residents, information that I have requested repeatedly, some of it for over two and a half years, and is even in my Relief Requested.

They're also the only entity that directly financially profited from the overcharges that resulted from the falsified water billing dates and fraudulent occupancy figures and they likely have their fingerprints all over both of those operations. They overcharged Gallery II residents well over \$10,000 for a public utility and also imposed the costs of their abject failure to maintain the irrigation system on us. In the course of this they wasted the flow of 1.5 million gallons of City of Austin water and transformed an irrigation system that only required about 12.5K gallons a *month* into one that spewed out about 15K gallons of water per *morning*. They also may have endangered the public from the excess water that consequently flowed onto Menchaca at 5AM on winter mornings.

As for Conservice, if you take a hard look at it, what they did in a sense was literally place the opportunity to commit fraud, and the capability to overcharge tenants and profit off of a public utility, right at Roscoe's fingertips. A company, which in their own words, provides "customized solutions" and "personalized training" ought to have known of the possibility that their product could be used to overcharge tenants and the mechanisms in that tool that could be deployed to do it: falsifying water billing dates and understating occupancy figures. Conservice also received the City of Austin bills so they had access to data that they could have used to check if the dates on their bills and the amount of money tenants were collectively charged were correct.

Their "quality process" though apparently ended before they sent the bills to tenants, which were sent to tenants from ebill@ebill.conservicemail.com and arrived with Conservice's logo on them. If they weren't going to ensure the accuracy of those bills then they shouldn't have lent their name to them.

Conservice also stated on their calculations of the bills, which again had their letterhead on them, that they were using the complex's "total amount of occupants" and "total square footage" to calculate our bills though The Gallery II's own occupancy data differed wildly from the figures used to calculate our February to May 2020 bills. Furthermore, Conservice's services include

“regulatory guidance and compliance” and they “[employ] experts in utility billing and regulation to advise and manage [their] clients' accounts” and yet their client ran roughshod over numerous PUC Rules for eight months and the only thing that stopped it was me asking for billing records.

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VIII. Evidential Proof of PUC Violations at The Gallery II

A. PUC Substantive Rules §24.277 (g)(1) and (2) for failing to provide any water billing records on my five requests prior to filing my Informal and then my Formal Complaint, which was well after the prescribed response times.

PUC Substantive Rules §24.277 (g)(1) and (2) are:

(g) Availability of records.

(1) If the records required under subsection (e) of this section are maintained at the on-site manager's office, the owner shall make the records available for inspection at the on-site manager's office within three days after receiving a written request.

(2) If the records required under subsection (e) of this section are not routinely maintained at the on-site manager's office, the owner shall provide copies of the records to the on-site manager within 15 days of receiving a written request from a tenant or the commission or commission staff.

EXPLANATION OF EVIDENCE A

1. Emails on February 28, 2020 on pages A1 to A3 (also found in Item 1 on pdf pages 56 to 58)
2. Emails from September 23 to October 21, 2020 with Kimberly Hoffman on pages A4 to A8 (also found in Item 1 on pdf pages 51 to 55)
3. Email on December 14, 2020 to Kimberly Hoffman on pages A9 to A11 (also found in Item 1 on pdf pages 59 to 61)
4. Email on January 6, 2021 from Roscoe Senior Regional Manager Courtney Gaines on pages A12 to A14 (also found in Item 10 ZIP folder in *COMPLAINT # CP2020101118 – Jeff Conners*)

B. PUC Substantive Rule §24.281 (e)(2)(A)(iv) for using fraudulent numbers for total numbers of occupants and total occupied space in the equations used to calculate my water and wastewater usage bills.

PUC Rule §24.281. Charges and Calculations. (e)(2)(A)(iv) states:

(e) Calculations for allocated utility service.

(2) To calculate a tenant's bill:

(A) for an apartment house, the owner shall multiply the amount established in paragraph (1) of this subsection by:

(iv) a factor using a combination of square footage and occupancy in which no more than 50% is based on square footage. The square footage portion must be based on the total square footage living area of the dwelling unit as a percentage of the total square footage living area of all dwelling units of the apartment house;

EXPLANATION OF EVIDENCE B

Evidence Referenced: *HIMBC Unit 2-239.docx* in Item 10 ZIP folder; Item 32 on pdf pages 18 and 44; *The Gallery – January to June 2020.xlsx* in Item 12 ZIP folder; *gl070 – 3506 Highlighted final summary – 9.4.19.xls* in Item 10 ZIP folder; and Item 1 on pdf page 13

On pages B1 and B2 in Evidence B are Conservice's calculations of my October 2019 water and wastewater usage bills. I want to spend a little time properly introducing you to this document since I will be referring to it often.

On page B1 in the red box in the second paragraph from the top it is stated that the utility providers, in this case City of Austin, sends bills to The Gallery and those utility costs are passed on to residents through Conservice and that Conservice will send us a utility bill every month.

I'll note that Conservice also got those City of Austin bills that were sent to the complex³⁰ and that the City of Austin water billing dates are on those bills.

In the green box below the underlined Water Charges on page B1 it is mentioned that to calculate residents' bills Conservice uses the number of occupants in residents' unit and the square footage of their unit compared to the total square footage of all occupied units in the community.

In the first row of the calculations there is the total amount billed for water usage to The Gallery II by the City of Austin (\$828.37) with 25% of it deducted for common area water usage to arrive at the Gallery II residents' collective responsibility for the October 2019 bill (\$621.28). In the remaining rows on page B1 the calculations are done to determine the portion of my bill that was determined by the number of occupants in my apartment divided by the total number of occupants in my "building" and the square footage of my apartment divided by the total occupied space in my "building".

To avoid any potential confusion, I'll note that "building" in this case is analogous to the entire Gallery II complex or "community", as it was referred to earlier on page B1 in the green box. I live in a 16 unit, two-story building that is book-ended with 391 square foot efficiency apartments on each floor with 630 square foot one bedroom apartments next to each of them and four 694 square foot one bedrooms in between. So, there are certainly not 78 occupants, the number used in these calculations for total number of occupants, nor 42,459 square feet of occupied space in the building I live in which has a total of 9,636 of total square footage of rental units in it. Also, to further support this point, I'll mention that the \$828.37 City of Austin bill used to calculate my charges were to the entire complex, not to my particular building.

On the top of page B2 is the sum of the two portions of my water usage bill calculations added together to calculate my total monthly water usage charge for October 2019. The rest of page B2 has my wastewater (sewer) calculations, which are done using the same methodology and equations as my water usage bill.

³⁰ Response to Jeff Connors First Request for Information in Item 64 on pdf page 3 on lines 10 to 12

On page B3 is an addendum in my April 1, 2019 to March 31, 2020 lease that covers the allocation formulas used to calculate my water and wastewater usage costs. These were the formulas used by Conservice to allocate my water usage costs on my October 2019 to May 2020 rental bills, the months I was overcharged.

On page B4 is an addendum in my April 1, 2020 to March 22, 2021 lease that covers the allocation formulas used to calculate my water and wastewater usage costs on that lease. Note that the allocation formula on this lease is different than the one on my previous lease. This billing method uses an *occupancy multiplier* to allocate the percentage of the costs that the tenants pay for The Gallery II's water bill in which the number of occupants in the apartments has no bearing on how much each apartment is charged. The efficiency apartments have an occupancy multiplier of 1.0, one bedrooms of 1.6, and two bedrooms of 2.8. It calculates that percentage of the tenant's costs for the water bill by using the occupancy multiplier of your apartment divided by the total of the occupancy multipliers for all apartments in the complex. To reiterate, The Gallery II only has efficiency apartments of 391 sq. ft. and one bedrooms of 630 and 694 sq. ft..

These new allocation formulas were first used for my June 2020 monthly water billing calculations, a few months after my 2020-2021 lease started, so it did not coincide with the timing of my new lease. I have no problem with that though because it makes sense for simplicity's sake to do it for the full community all at once, which I assume they did, rather than have part of the allocations based upon one set of formulas and part on another. That June 2020 bill, which billed me for the 3/13/20 to 4/14/20 City of Austin water bill, was when my water charges went back to normal and was also the first one that I was billed for after my request to Roscoe for water billing records.

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The evidence that I'm going to reference to prove that the occupancy numbers that The Gallery II used were understated are the spreadsheet *The Gallery – January to June 2020.xlsx* found in the Item 12 ZIP folder and *HIMBC Unit 2-239.docx* found in the Item 10 ZIP folder.

If you will open the spreadsheet, you'll find that there are seven worksheets, sometimes called tabs. One of them is labeled *Summary*. Roscoe Senior Regional Manager Courtney Gaines claimed that the information on this worksheet has the total monthly amounts billed for water

and wastewater to both Gallery I and II residents³¹, but in fact it only includes the amounts billed to The Gallery I residents (more on this later). The six other worksheets are the monthly rosters of the occupied apartments for both The Gallery I and II from January 2020 to June 2020. In those worksheets are columns of the number of occupants, occupancy multiplier, square footage, and number of bedrooms for all the occupied apartments at The Gallery for those months.

The *HIMBC Unit 2-239.docx* earlier alluded to in pages B1 and B2 is a Word file of the calculations and occupancy figures that Conservice used to calculate my water bills from October 2019 to January 2021.

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JULY 2020 BILL

First, I'm going to trace back through the spreadsheet to see if I can find occupancy data in it that correlates with the occupancy data used by Conservice to do my allocation calculations in *HIMBC Unit 2-239.docx*. I'm going work through the worksheets backwards, from the *06.2020* worksheet to the *01.2020* worksheet, because I reckon that the occupancy figures used by The Gallery for my June 2020 bill forward, which use the occupancy multiplier factor in their calculations, are accurate since they resulted in charges that were similar to what I had been billed for before Roscoe arrived.

I am going to select the *06.2020* worksheet and see if the Occupant Multiplier Total for that month matches with the one that Conservice used to calculate our bills. Though this data is of both Gallery I and II residents I should be able to identify which of the occupant information pertains to which side of The Gallery by looking at column E of the worksheet which has the square footage of the apartments because I know that the Gallery I consists entirely of 870 sq. ft. two bedroom apartments and 620 sq. ft. one bedroom apartments and The Gallery II of 391 sq. ft. studios and 630 and 694 sq. ft. one bedroom apartments.

The first thing that must be done to be able to fully access all of Excel's tools for the spreadsheet is *Enable Editing* on it. This can be done by clicking on the *Enable Editing* button at the right end of the yellow horizontal bar near the top of the spreadsheet.

³¹ *_COMPLAINT#CP2020101118 - Jeff Conners_ Request to see info on water_ wastewater_ and drainage bills from January to June 2020.msg* in Item 12 ZIP folder

Next, I'm going to freeze the headings in the worksheet so that I can see what columns pertain to which information as I scroll down it. If you go to Row 3 on the spreadsheet, the grey 3 on the left side of the worksheet, and left mouse click on it that highlights the entire row below the column headings. By going to *View* on the tool bar at the top of the spreadsheet and then selecting *Freeze Panes* (slightly to the right of the middle) and clicking on *Freeze Panes* again on the selections that come up below it that'll freeze the column headers. Now we will be able to scroll down on the spreadsheet and still see what the data in the columns is for.

The Sqft in Column E is the square footage of the apartments listed. We can see if we scroll down that column that those numbers consist only of 620 and 870 all the way down until we get to E103. At that point we have a 391 and from there on down until E194 all the numbers in the Sqft column are 391, 630, or 694. That means that from E103 down is the Gallery II resident info while above it is all Gallery I info. Apparently, the roster of occupied apartments is concatenated with the list of occupied Gallery I apartments listed first and The Gallery II following them.

To mark the spot where the Gallery II apartment occupancy info begins, I am going to select Row 103 on the far left, which will highlight the entire row, and then select *Home* on the top Excel Toolbar. From there I will select the yellow highlight icon which is within the Font subset of the selections on the left just below the font number. That will highlight that entire row in yellow.

I'll scroll down to check and see if all the numbers in Column E from that point contain only 391, 630, or 694, meaning that they are all Gallery II apartments. You'll find that all the way down to E194, where the occupied apartment listings end, is all 391, 630, and 694 square foot apartments. I'll highlight row 194 in yellow as well.

The numbers found in row 195 are the totals for those columns for both the Gallery I and II apartments. To total just the Gallery II Occupancy Multipliers found in Column D, I will select D194, hold my left mouse button down, and scroll up to where the yellow highlighted row 103 is at and then release my mouse button and hold down the CTRL key on my keyboard and select C on it (CTRL-C) to copy the cells in the selections and then go over to Row I and hit my left mouse button in cell I103 and then release it and hit CTRL-V on my keyboard to paste it.

That ought to paste all the data from D103 to D194 into Row I from cell I103 to I194 and keep it highlighted. From there if you go to Excel toolbar and select the *Home* tab and click Σ AutoSum on the far right and then scroll down to I195 right below the yellow line there should be the occupancy multiplier totals for The Gallery II. It ought to read 132.2, as shown on page B7.

From there I went to the *HIMBC Unit 2-239* document to see if I can find if an occupancy multiplier of 132.2 is applied to Conservice's monthly calculations. What I found was that on page 19 of the document, for the bills for July 2020, there was an occupant multiplier total of 132.2 (third row, second column) used to calculate my bill for that month. So, apparently the June data in the spreadsheet had the occupancy info that was used to calculate the July bill that Conservice sent us. It makes sense that since they were billing for past water usage that they would use the most recent occupancy info, which would have been the roster of residents in June. I have a snip from page 19 of *HIMBC Unit 2-239* on page B8 and a comparison of what the Occupancy Multiplier was on the spreadsheet compared to the value in *HIMBC Unit 2-239* for the corresponding month it was used to calculate our bill.

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By the way, to verify that the info in rows 3 to 194 in Columns C to F are of the occupied apartments in The Gallery I and II, you can scroll down to row 197 and you will see the unoccupied apartments (Non-Billable Units) listed separately. This is shown on page B9. In cell A225 you can see the total bills for both The Gallery I and II which will match the last number of the occupied apartments listed found in A194, which counts the number of occupied apartments in the list. This correlation holds true in all the other monthly worksheets in the spreadsheet as well.

JUNE 2020 BILL

Next, I checked the June 2020 data on page 17 of the *HIMBC Unit 2-239* document, the first month that the occupancy multiplier was used in Conservice's calculations, and found that we have 135.4 for the occupant multiplier total for the calculations for that month. I expect that to match the actual occupancy at the complex for May 2020 found in the *05.2020* worksheet since I was billed my normal amount for that month as well. In fact, that was the first month my water bills went back to normal.

I went back to the spreadsheet and selected the *05.2020* worksheet, froze the panes so that I could keep an eye on the column heads, and then tried to verify if it matched with the occupancy multiplier that Conservice used for our June bill. Our Gallery II apartment sizes start in E100 so

I selected D100 to D193 and copied it over to Column I and summed it and found that it is indeed 135.4. This is covered in pages B11 to B13. I'll note too that the amount of apartments from D100 to D193 is 94.

MAY 2020 BILL

On page 15 of *HIMBC Unit 2-239* are Conservice's calculations for the last month that used the old formula to calculate our bills which used the total number of occupants and occupied space. We see that the total number of occupants used was 44 (row 3, column 2) and the total occupied space was 22,900 (row 5, column 2). So, according to the data used by Conservice to calculate the May 2020 bills an increase of at least 50 occupied apartments occurred from May 2020 to June 2020 since there were only supposedly 44 occupants in the complex for the month of May.

So, I went to the *04.2020* worksheet to compare that data with what Conservice used for their billing calculations for total occupants (44) and occupied sq. ft. (22,900). The data for occupants and occupied square footage can be found in Columns C and E respectively. The sequence of apartment sizes for The Gallery II begins in E99 so I selected C99 to C194, copied and pasted it into Column I and summed them up and what I found was that there were not 44 residents living in The Gallery II in May 2020, but instead 114. I did the same for Column E (E99 to E194) and copied them into Column J and found that the occupied square footage was 56,698, not the 22,900 that was used in the Conservice bills for that month. This is found on pages B15 to B17.

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I did this for the other monthly worksheets and listed below the numbers provided to Conservice for calculating the February 2020 to May 2020 bills and the actual ones found from Roscoe's spreadsheet (found on pages B18 to B29):

	<u>Occ. in billing</u>	<u>Actual Occ.</u>	<u>Occ. space in billing</u>	<u>Actual Occ. space</u>
May 2020	44	114	22,900	56,698
April 2020	50	112	25,636	55,310
March 2020	55	106	28,978	53,874
February 2020	60	99	31,387	51,616

As one can see, there are huge differences in what was used in our billing and what they were in actuality. All these numbers actually rise in the February to May 2020 bills but the numbers used by Conservice went in the opposite direction and got smaller which increased the portion of the water costs that residents paid as the water bills rose.

Roscoe never provided any occupancy data for The Gallery II for the months October 2019 to January 2020 but I placed proof of the numbers that Conservice used to calculate our bills for those months on pages B30 to B37.

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SEPTEMBER 2019 BILL

On page B38 I have the occupancy figures used by Conservice from October 2019 to May 2020 compared to the actual occupancy figures that should have been used in the February 2020 to April 2020 water bills. As mentioned earlier, I also added the total occupants at The Gallery II for September 2019 which I derived from the *gl070 – 3506 Highlighted final summary – 9.4.19.xls*³² by using the Gallery II data, which is in black font in Rows 3 to 104 in that spreadsheet, and knowing that for the water usage charges in Column R (Water: City of Austin) that \$6.67 is the largest amount that was charged for water usage for single occupancy apartments at The Gallery II since those were the charges for the largest Gallery II apartments. Therefore, all apartments that were charged more than that amount (\$7.03, \$8.24, and \$8.56) had two occupants and any less than or equal to \$6.67 had a single occupant.

C. PUC Substantive Rules §24.283(d)(1) and §24.283(b)(1) for falsifying water billing dates and shortening water billing cycles by five days on six monthly rental bills which placed Gallery II residents a month and a half behind the City of Austin bills instead of the half a month it was before.

PUC Rule §24.283 (d) (1) states:

(d) Billing period.

(1) Allocated bills shall be rendered for the same billing period as that of the retail public utility, generally monthly, unless service is provided for less than that period.

³² Item 10 ZIP folder

PUC Rule §24.283 (b) (1) states:

(b) Rendering bill.

(1) Allocated bills shall be rendered as promptly as possible after the owner receives the retail public bill.

EXPLANATION OF EVIDENCE C

Evidence Referenced: *gl070 – 3506 Highlighted final summary – 9.4.19.xls* in Item 10 ZIP folder; Item 1 pdf; *HIMBC Unit 2-239.docx* in Item 10 ZIP folder; Item 13 pdf; Item 60 pdf pages 4 and 8; and *Gallery Phase 2 Bills.pdf* in Item 10 ZIP folder.

SEPTEMBER 2019 BILL

The September 2019 bill was the last bill that the previous property management company Valiant did before Roscoe totally took over managing the complex. On the top of page C2 of Evidence C is a snip from the *gl070 – 3506 Highlighted final summary – 9.4.19.xls* spreadsheet found in the Item 10 ZIP folder, which is a spreadsheet of the water charges for each apartment at the Gallery, both Gallery I and II, on that September 2019 rental bill. Encompassed in the green rectangle on the top of the page is the billing cycle of 7/16/19 to 8/14/19 found in cell A1 of the spreadsheet and below it I have the entry in the spreadsheet for my water bills for that period. I have dashed red and blue rectangles around my monthly sewer and water charges. I will use that convention throughout the document to note those charges.

Right below the snip of the spreadsheet that has my monthly water charges on it, I have a snip of the water bill I received from Performance Utility Management; it was also the last month that they were involved in our bills before Conservice took over. As you can see the water and sewage charges match what was on the Performance bill, as do the total amount charged, which are encompassed in brown, and the billing cycles and dates match with the spreadsheet as well. Note also that I am being charged about a half a month behind the end of the City of Austin's water billing cycle; the billing cycle ends in the middle of August and I am being charged for it in September.

On page C3, we get a ledger of Roscoe's charges and you can see that the monthly water and sewer charges for September 2019 are the same as on the Performance bill although Roscoe has

slightly shifted the water billing dates to 7/11/19 to 8/9/19 from 7/16/19 to 8/14/19 for some reason.

OCTOBER 2019 BILL

The documentation for the October 2019 billing starts on page C4 with the heading page and continues on through pages C5 to C9. Pages C5 and C6 have the Conservice calculations of the monthly water charges I received on my October 2019 rental bill, as shown in the purple box. The first number encompassed in a blue box with solid lines is the monthly water usage charges that the complex was billed from the City of Austin and then the calculations below were done to calculate my monthly charges from that total, which are shown in the dashed blue box on page C6.

This amount (\$9.06) should equal what I was charged on my October rental bill monthly bill that Conservice sent me. Also, the water billing dates on my rental bill ought to match with those on the City of Austin water bill that those charges were derived from.

The same holds true with my sewer charges, sometimes referred to as wastewater charges. I used a red box with solid lines to show the amounts that the City of Austin billed the complex for wastewater and a red box with dashed lines to note my monthly charges for that bill.

As mentioned earlier, if you take a look at the City of Austin monthly water bills to the complex between 8/14/19 to 3/13/20 you may notice that the Wastewater Service is always billed for 108,700 gallons of water in contrast to the larger amount of water that is billed for Water Service. Consequently, you'll also see that the total wastewater charges that are used to derive Gallery II residents' sewer charges are always \$987.00/month on Conservice's calculations for my October 2019 to May 2020 rental bills, which is the Total Wastewater charges on the City of Austin bill minus a \$10.30 customer charge. The reason for this is that the Wastewater Service uses either the amount of water billed for the Water Service or the calculated Wastewater Average, which is the average amount of water billed from the previous mid-November to mid-March, whichever is lower.

(https://www.austintexas.gov/sites/default/files/files/Water/Rates/MultiFamilyPublicRates_2021.pdf)

As you can see on page C6, my monthly water usage charges were \$9.06 and the sewer were \$10.80. If you look in the ledger Roscoe maintained for my account on pages C7 and C8 you'll find that they have my water charges as \$12.62 and for sewer \$10.90 for October 2019. The reason for the difference between the Conservice calculations and Roscoe's monthly ledger for my account was that Roscoe added on a \$0.10 fee for the sewer and \$3.56 for water. On page C7, I have placed a blue and red dash next to those charges from the previous month, September. For some reason, they added those charges together in my October bill instead of itemizing them like they did on their ledger for August and September. You'll also see inside the green ovals on those entries that the water billing cycle dates are 8/14/19 to 9/8/19 for my October water charges.

On the top of page C9, I have pasted in a snip of the City of Austin water bill from 8/14/19 to 9/13/19, which is the bill you'd expect that I would be paying for since it was the one after the 7/16/19 to 8/14/19 City of Austin water bill that I paid in September.

As you can see, the water bill has the billing cycle dates circled in green (8/14/19 to 9/13/19); the address that the bill is for, which is the address of The Gallery II (3506 Manchaca Rd.), is pointed to with an orange outlined purple arrow; the amount of water used by the complex that month is circled in yellow (258,100 Gallons); the amount that the complex was billed per 1000 gallons, which is a total of \$5.20/1000 gallons, is inside the brown box; and the amounts the complex was billed for water usage is in the blue box (\$1342.13). The \$5.20 per 1000 gallons, by the way, is the rate that the City of Austin bills during the summer months. In the other billing months, the City of Austin bills at the rate of \$4.73/1000 gallons.

Also, you'll notice that there is a graph on the top left of the page which is of the monthly water usage of the complex that labels the billing cycle end months by their first letter. For instance, for this bill that runs from August 14 to September 13, you'll see the letter 'S' below the graph of the amount of water used by the complex for this billing cycle.

That total amount in the blue box, \$1342.13 should equal the amount in my Conservice monthly bill for October in the second column first row, the amount that is in the blue box on page C5. But it doesn't because the amount used to calculate my October water usage bill is \$828.37. So, from that we can conclude that for some reason we were not billed for the correct City of Austin water bill that month, even though according to Roscoe's ledger we were supposed to be billed for a City of Austin water bill that ran from 8/14/19 to 9/8/19.

Conservice mentioned that they are “given service provider bills, which show the property's consumption³³” and that they use that data to calculate residents’ water bills. So, when they did the calculations for the October 2019 bill they must have been using a City of Austin water bill to get that \$828.37 amount they used to calculate residents’ bills. Therefore, we ought to be able to trace back on the monthly water usage graph which water bill they used to calculate my October charges by dividing up the \$828.37 by the amount per gallon the complex was charged (\$5.20/1000 gallons). For instance, if we divide up \$1342.13 by \$5.20/1000 gallons we will find the result will be \$258,100 gallons, which is encircled in yellow on page C9 and has an arrow pointing towards the September monthly graph that reflects that amount.

As pointed to in light blue, I have blown up that City of Austin’s monthly graph of the water usage for the complex. The calculations to find out the water usage on the City of Austin bill I was billed for on my October 2019 rental bill is in the purple box to the right of it. That amount comes to 159,300 gallons ($\$828.37 / [\$5.20/1000 \text{ gallons}]$), which is found, and can only be found, in the graph for August, which would have been the 7/16/19 to 8/14/19 City of Austin water bill. So, from that we can conclude that I was billed twice for that 7/16/19 to 8/14/19 water bill; on both my September 2019 water charges, which Performance administered, and then on my October 2019 water charges that Roscoe and Conservice were involved in. Roscoe arrived at The Gallery in late-July of 2019 so they were co-managing the complex when that City of Austin water bill arrived and they must have turned it into Conservice to bill us again for.

Note also that the City of Austin monthly water billing cycles run, as one would expect, on about 30-day cycles (7/16/19-8/14/19) but the billing cycle that was on my monthly bill is shortened to about 25 days, from 8/14/19 to 9/8/19. At the bottom of page C9 I have a comparison between the dates of the City of Austin water bill that my October 2019 water charges were based on and the dates of those water charges on my October 2019 rental bill.

NOVEMBER 2019 BILL

Next on to the data for the November 2019 water bill, which runs from page C10 to C14. We see on page C12 that the \$1342.13 amount from the 8/14/19 to 9/13/19 City of Austin water bill (page C11) is used for my November bill and my monthly charges for that month were \$14.68 for water and \$10.80 for sewer which are on my November 2019 rental bill from Conservice on page C14 but for a billing cycle of 9/8/19 to 10/3/19 instead of the City of Austin’s 8/14/19 to

³³ *Response to Order 13* in Item 49 on pdf page 7 on the second to last paragraph on the page

9/13/19. Also note that the water billing cycle that was used on my rental bill was about 25 days again instead of the 30 days or so the City of Austin's was.

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As you go through the rest of Evidence C you'll see that the water billing cycle dates on my rental bills differed from the City of Austin's on my rental bills from October 2019 to March 2020 and that the water billing cycles on my rental bills were only about 25 days instead of 30. On my March 2020 rental bill the water billing cycle end date on it (1/14/20) came back into alignment with The City of Austin's and from there forward the water billing cycles matched exactly with the City of Austin's. Shortening the water billing cycles by 5 days for 6 months created a month's space to conceal that we got billed twice for the 7/16/19 to 8/14/19 City of Austin water bill but now we were a month a half behind the City of Austin water bill on our rental bill instead of the half a month we were before.

On page C45 is the same table shown earlier of a comparison of the water billing periods of the City of Austin bills that Conservice used to calculate Gallery II residents' monthly water charges and the dates of those charges on the September 2019 to May 2020 rental bills that Conservice sent Gallery II residents.

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To quickly prove that The Gallery did not render our bills "*as promptly as possible after the owner receives the retail public bill*", you can see on page C46 how soon we got our bills after the City of Austin water bill when Performance did our water billing compared to Conservice. In the green box up top you can see the City of Austin water bill cycle ended on 8/14/19 and in the blue circle was when it was mailed to us from Performance, which was 8/21/19, seven days later. Then you can see the bill below it, which is our water bill from 7/15/20 to 8/13/20, and the date Conservice emailed it to us is 9/17/20, over a month after the City of Austin bill arrived.

D. PUC Substantive Rules §24.277 (e)(8) and (9) for never providing any information to me on my requests to see the total monthly amounts billed to and total revenues collected from Gallery II tenants for water and wastewater service.

PUC Substantive Rules §24.277 (e) (8) and (9) are:

(e) Records. The owner should make the following records available for inspection by the tenant or the commission or commission staff at the on-site manager's office during normal business hours in accordance with subsection (g) of this section. The owner may require that the request by the tenant be in writing and include:

(8) the total amount billed to all tenants each month;

(9) total revenues collected from the tenants each month to pay for water and wastewater service;

EXPLANATION OF EVIDENCE D

Evidence Referenced: *_COMPLAINT#CP2020101118 - Jeff Conners_ Request to see info on water_ wastewater_ and drainage bills from January to June 2020.msg* in Item 12 ZIP folder; *The Gallery – January to June 2020.xlsx* in Item 12 ZIP folder; *gl070 WSD (both phases) 0120.pdf* in Item 12 ZIP folder; *HIMBC Unit 2-239.docx* in Item 10 ZIP folder; *gl070 WSD 0220.pdf* in Item 12 ZIP folder; *gl070 WSD 0320.pdf* in Item 12 ZIP folder; *gl070 WSD 0420.pdf* in Item 12 ZIP folder; *gl070 WSD 0520.pdf* in Item 12 ZIP folder; and *gl070 WSD 0620.pdf* in Item 12 ZIP folder.

On page D2 of the *Background* section of Evidence D is the email that Roscoe Senior Regional Manager Courtney Gaines sent me on February 2, 2021 in which she stated that the water and sewer billing info shown in the email and in the Summary worksheet in *The Gallery – January to June 2020.xlsx*, which was attached to the email, was for both Gallery I and II combined. We can find though from comparing the gl070 pdfs, which were also attached to the email and are of the monthly City of Austin water bills for both the Gallery I and II from January 2020 to June 2020, that the water billing info in the table only pertains to The Gallery I and did not include The Gallery II.

I'll note that in all of the gl070 pdfs the Gallery II water bills are on pages 2 to 4, which you can verify by going to page 3 on any of the pdfs and noting the address (3506 Menchaca Road) to the right of WATER SERVICE in the document. The City of Austin bills to the The Gallery I, in contrast to The Gallery II's, also have Electric Service charges on them in addition to water and wastewater charges, and run from pages 6 to 8 in the pdfs which can be verified by going to page 8 on any of them and noting the address (3622 Menchaca Road) on the bill.

On page D5 I show that on page 8 of *gl070 WSD (both phases) 0120.pdf*, which covers just The Gallery I as shown in the address pointed to with the orange highlighted purple arrow, The Gallery I water bill amounts to \$1016.56 when adding all the water billing info minus the \$7.50 in Private Hydrant charges and that matches with February 2020 info in the Total Expense under the Water heading in the table as shown in the blue rectangle. Note too that the billing dates in the green rectangle in the table match those in the green rectangle of the City of Austin bill. Furthermore, the total Wastewater Service charges of \$1,753.66 match the February 2020 info in the Total Expense under the Sewer heading in the table as shown in the blue rectangle.

On page D6 there is the Gallery II water and wastewater bill with the billing address of The Gallery II encircled in yellow. I note in red font that this is the bill for the Gallery II for the City of Austin water bill to The Gallery II which ran from 11/13/19 to 12/13/19. That amount obviously is not included in the February totals in the table of the spreadsheet that Roscoe claimed had both the Gallery I and II totals in it. Also, I placed below the City of Austin water bill to The Gallery II a snip of Conservice's calculations of my water usage charges that I was charged for on my February 2020 rental bill and you'll see outlined in aqua boxes the amounts on the City of Austin water bill to The Gallery II match those used by Conservice to calculate my water usage charges on my February 2020 rental bill and don't include any charges from the City of Austin bill to The Gallery I.

On pages D7 to D14 I show that the water billing months of March to June 2020 in the table also only include The Gallery I residents' bills.

I'll just add that I find it logically inconsistent that a spreadsheet that has the occupancy info from both The Gallery I and II would only have the totals billed to The Gallery I and not also to The Gallery II.

*

I will email frontdesk@roscoeproperties, stephanie.laird@rpmliving.com, jaime.hearn@rpmliving.com, jkat@conservice.com, edmunds@hooverslovacek.com, liu@hooverslovacek.com, and phillip.lehmann@puc.texas.gov to inform them of this submission to the docket.

Respectfully submitted,

Jeff Connors

3506 Menchaca Road

Apt. 239

Austin, TX 78704

(509)990-2154

jeffc_419@hotmail.com

-

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 October 3, 2022 in accordance with the Order Suspending Rules filed in Project No. 50664.

/s/ Jeff Connors

Jeff Connors

Complainant

EVIDENCE A

From: Carl Bunch <carl.bunch@rpmliving.com>

Sent: Friday, February 28, 2020 2:17 PM

To: Jeff Connors <jeffc_419@hotmail.com>

Subject: Re: Request to examine water/wastewater and stormwater/drainage bills and charges for 3506 Manchaca Road Apt. 239

Good morning Jeff,

I wasn't in the office yesterday so I apologize about the delay in response.

This is being passed along to our community manager to make sure you get everything you need.

Carl Bunch | THE GALLERY
Leasing Manager

3622 Manchaca Rd, Austin, TX 78704

O: (512) 655-2922

E: carl.bunch@rpmliving.com

From: Jeff Connors <jeffc_419@hotmail.com>

Sent: Friday, February 28, 2020 4:04 AM

To: Carl Bunch <carl.bunch@rpmliving.com>

Subject: Fw: Request to examine water/wastewater and stormwater/drainage bills and charges for 3506 Manchaca Road Apt. 239

Carl,

To be clear, I want all the information in the PUC Rules Subchapter H 24.122 (e) that is available to me including the formula that was used to calculate my bill in June 2019 and how it is now billed by Roscoe now to compare with. Included with this I want to see how much money was paid for by the owner for common areas in June 2019 and now, which as it states in (g) should be available to me to verify Roscoe's calculation of the bill.

If these could be provided as hard copies to me that would be best since it could just be handed or mailed to me and wouldn't require us to coordinate a time to meet and potentially take you away from your other work duties.

Sincerely,
Jeff Connors

3506 Manchaca Road Apt. 239

From: Jeff Connors

Sent: Friday, February 28, 2020 2:35 AM

To: Carl Bunch <carl.bunch@rpmliving.com>

Subject: Request to examine water/wastewater and stormwater/drainage bills and charges for 3506 Manchaca Road Apt. 239

Carl,

I have lived in this apartment complex since March of 2016 and my water/wastewater/drainage bills were always around \$21 to \$26/month until Roscoe started managing the property and then those bills started skyrocketing to the point to now where I'm paying over \$62/month. The last two months those bills have increased about \$10/month. I don't see how water costs would increase from \$26/month tops to over \$62/month in 6 months or so and I suspect it has something to do with how Roscoe is calculating the bills and charging me.

I want to examine the water/wastewater and stormwater/drainage bills from June of 2019 and this past month to see what's going on and what has changed. According to PUC Rules I have that right and you are supposed to hold onto those bills and maintain those records for this calendar year and last.

Please let me know when you expect to have those bills ready for me to take a look at and to see how you are charging me for water/wastewater and stormwater/drainage so that we can arrange a day and time to meet.

Thank you very much,

Jeff Connors

3506 Manchaca Road Apt. 239

Water bills

Kimberly Hoffman <kimberly.hoffman@rpmliving.com>

Wed 10/21/2020 2:08 PM

Good morning Jeff:

My apologies in the delay in getting back to you. I've been extremely short handed and many days it's been just me in the office.

As for the utility bills from June 2019 I'm not sure I would be able to provide those as Roscoe didn't take over until the end of July 2019.

Common area charges are billed separately and not to the residents. Water/Sewer are billed according to a allocation formula so it will vary monthly according to occupancy, square footage, number of units in a building and number of occupants in a unit.

I've attached a copy of your lease with the utility addendums that will explain the formula.

Have a great rest of your week.

Regards

Kimberly Hoffman, CAM | THE GALLERY
Community Manager

3622 Manchaca Rd, Austin, TX 78704

O: (512) 655-2922

E: kimberly.hoffman@rpmliving.com

Jeff Connors

Wed 10/21/2020 1:52 AM

To: Kimberly Hoffman

Hello, this is Jeff Connors from the 3506 Manchaca portion of The Gallery. I live in Apt. 239.

I have requested from Roscoe to see copies of water bills three times this year through the email, twice addressed to you directly (see email chain below), and have never gotten a response from Roscoe, so would you please acknowledge via a reply to this email that you are aware that I am requesting:

To see the water/sewage/drainage bills from June 2019 (6/11/19-7/10-19) and September 201

9 (9/8/19-10/3/19). Included in these bills I want to see how these charges were calculated for my individual unit and also the common area charges during those

periods which should be billed to the complex and not to the residents according to PUCT Rules. In addition, I would like to see the same information for February 2020 (2/13/20-3/13/20) and March 2020 (3/13/20-4/14/20) when my water/sewage/drainage bills returned to their former levels plunging from over \$70 back to \$27.10.

If for some reason you are not able to, or unwilling to, acknowledge this request via the email, please let me know of your availability this week so I can arrange an appointment to meet with you to sign a written request for it. I will wear a face mask.

Thank you,

Jeff Connors

3506 Manchaca Road Apt. 239

□

You forwarded this message on Wed 10/21/2020 1:52 AM

Jeff Connors

Thu 10/8/2020 12:41 PM

Hello Kimberly,

I haven't heard back from you yet in regards to the request I made last week in the email below for copies of the water bills. I imagine that you were busy last week though with rent due and all. I thought email was the best way to make this request due to the circumstances, but if you want me to make a formal written request in person for some reason I can do that and have you sign that you received it.

Please let me know when you can provide this information to me.

Sincerely,

Jeff Connors

3506 Manchaca Road

Apt. 239

□

You forwarded this message on Thu 10/8/2020 12:41 PM

Jeff Connors

Tue 9/29/2020 2:09 PM

Hello Kimberly,

I have lived at the Gallery Apartments on 3506 Manchaca Road in Apartment 239 since March 2016 and my water bills (which included sewage and drainage) were always between \$21 and \$27 from what I can remember, and from the records I've kept, until August of 2019 when Roscoe Management took over managing the property.

Once Roscoe began managing the property, the water bills steadily rose to \$36/month in August of 2019 all the way to \$70/month by February-March 2020.

On 2/28/20 I requested a copy of the water bills from Roscoe from before Roscoe began managing the property and afterwards so that I could compare the two and I never heard back from management. Of course COVID hit during that time so I'm sure there were plenty of things to take care of then that were unexpected. So, I am making another request to get a copy of the water/sewage/drainage bills from before Roscoe took over managing the property and afterwards. I am requesting to see the water/sewage/drainage bills from June 2019 (6/11/19-7/10-19) and September 2019 (9/8/19-10/3/19). Included in these bills I want to see how these charges were calculated for my individual unit and also the common area charges during those periods which should be billed to the complex and not to the residents according to PUCT Rules. In addition I would like to see the same information for February 2020 (2/13/20-3/13/20) and March 2020 (3/13/20-4/14/20) when my water/sewage/drainage bills returned to their former levels plunging from over \$70 back to \$27.10.

For reference, here are the amounts I have been charged since June of 2019:

\$23.80	6/11/19-7/10-19
\$26.24	7/11/19-8/9/19

\$36.15	8/14/19-9/8/19	(Roscoe began managing The Gallery)
\$41.66	9/8/19-10/3/19	
\$41.40	10/3/19-10/29/19	
\$44.84	10/29/19-11/23/19	
\$53.90	11/23/19-12/18/19	
\$62.85	12/18/19-1/14/20	
\$68.60	1/14/20-2/12/20	
\$70.08	2/13/20-3/13/20	*
\$27.10	3/13/20-4/14/20	
\$25.40	4/14/20-5/13/20	
\$23.25	5/13/20-6/12/20	
\$27.07	6/12/20-7/15/20	
\$24.58	7/15/20-8/13/20	

I would prefer that you email me a copy of these records so that we don't have to meet face-to-face due to the COVID situation. Please let me know when you can provide these records to me.

Sincerely,

Jeff Connors

From: Kimberly Hoffman <kimberly.hoffman@rpmliving.com>

Sent: Thursday, September 24, 2020 2:50 PM

To: Jeff Connors <jeffc_419@hotmail.com>

Subject: RE: Manager of the Gallery

Hello Jeff:

Yes I am, can I help you with something?

**Kimberly Hoffman, CAM | THE GALLERY
Community Manager**

3622 Manchaca Rd, Austin, TX 78704

O: (512) 655-2922

E: kimberly.hoffman@rpmliving.com

From: Jeff Connors <jeffc_419@hotmail.com>

Sent: Wednesday, September 23, 2020 8:08 PM

To: Kimberly Hoffman <kimberly.hoffman@rpmliving.com>

Subject: Manager of the Gallery

Hello Kimberly,

Are you the manager of The Gallery?

Thanks,

Jeff Connors

3506 Manchaca Road Unit #239

Request to see past water bills 121420
Jeff Connors <jeffc_419@hotmail.com>
Mon 12/14/2020 5:44 PM
To:

- Kimberly Hoffman <kimberly.hoffman@rpmliving.com>

1 attachments (991 KB)
Signed request to inspect water bills 121420.pdf;
Kimberly,

A short while ago I dropped off a written and signed request to you to see copies of past water bills. I have attached a copy of the signed request to this email and I will paste a copy of my signed request to this email.

Let me know when you will provide these water bills. According to PUC Rules, The Gallery has 15 days to provide them. I would prefer that you email me a copy of them due to the COVID-19 situation.

Here is a link to the Tenants Guide for Allocated Service:
<https://www.puc.texas.gov/consumer/facts/factsheets/waterfacts/TenantGuideAllocatedService.pdf>

To: The Gallery Community Manager

I am requesting to see the water billing records for the Gallery II water billing periods of:

3/15/19 to 4/12/19

7/16/19 to 8/14/19

9/8/19 to 10/3/19

According to my lease and the Texas PUC (<https://www.puc.texas.gov/consumer/facts/factsheets/waterfacts/TenantGuideAllocatedService.pdf>):

PUCT rules require property owners to make the following billing records available to tenants for inspection at the manager's office during normal business hours. The owner or manager may ask the tenant to submit a written request to view this information. Records routinely kept at the on-site manager's office should be made available within three days.

Records routinely kept elsewhere must be made available within 15 days of receiving your written request. If there is no on-site manager's office, the owner must make copies of requested information available at the tenant's dwelling unit, at a time agreed to by the tenant, within 30 days of receiving a written request.

Records must be maintained for the current year and the previous calendar year. Testing results of submetering equipment must be maintained as long as that equipment is in service.

Information that must be made available to the tenant includes:

- Statute that allows owners to bill tenants for water and waste- water service (Texas Water Code, Chapter 13, Subchapter M),
- PUCT rules that regulate this practice [16 TAC, Chapter 24, Subchapter H],
- Rates charged to the property by the utility,
- Bills from the utility to the property,
- Data on occupancy and square footage used to calculate allocated bills,
- Calculations showing deductions for common areas (if applicable),
- Total amount billed to tenants each month for water/waste- water,
- Total amount collected from tenants each month for water/wastewater,
- Any other information the tenant may need to calculate and verify their water/wastewater bill,

There are no exceptions for whether or not your property management company happened to be managing the apartment complex at the time.

I'd prefer to have a copy of these records emailed to me due to the COVID-19 situation.

Sincerely yours,

Jeff Connors

3506 Menchaca Road

Apt.239

Austin, TX 78704

jeffc_419@hotmail.com

Sincerely,

Jeff Connors

3506 Menchaca Road

Apt. 239

Austin, TX 78704

COMPLAINT # CP2020101118 - Jeff Conners

Courtney Gaines <Courtney.gaines@rpmliving.com>

Wed 1/6/2021 2:10 AM

To:

- Isabel.Ford@puc.texas.gov <Isabel.Ford@puc.texas.gov>

Cc:

- puccomplaints@puc.texas.gov <puccomplaints@puc.texas.gov>;
- jeffc_419@hotmail.com <jeffc_419@hotmail.com>

Ms. Ford,

Please accept this email as the formal reply to the original complaint by Jeff Conners and the subsequent letter sent to Conserve, RPM (Roscoe Property Management) and The Gallery I and II on 12/16/2020. A thorough investigation has been conducted by the Gallery, RPM and Conserve, our professional utility partner and it is our position that the Gallery has been billing appropriately in accordance with all laws and regulations in the state of Texas and the Public Utility Commission. We fervently disagree with the allegations set forth by Mr. Conners in his subsequent letters sent to our office and we are happy to provide the documentation that supports our position.

1. The Gallery and RPM understands the PUC's jurisdiction in this matter and agree that the final outcome of this event will be at the discretion of the PUC.
2. In the original complaint that unfortunately was never received by the Community Manager (the email went to spam and we never saw it), Mr. Conners wanted the billing invoices for the service periods of 3/15/2019 to 4/12/2019, 7/16/2019 to 8/14/2019 and 9/8/2019 to 10/3/2019, water statutes (Texas Water Code, Chapter 13, Subchapter M), water rates, data on how the bills are calculated and allocated, data on deductions for common areas. He also wanted amounts billed to all residents and all amounts collected. Mr. Conners also demanded that there should be no exceptions for whether or not RPM managed the asset during the service periods in question or not. Obviously, if RPM did not manage the asset during the time periods in question, we can not speak to a previous management company's practices. Further we can not provide data relating to other residents – both billed or collected amounts. Their privacy, as Mr. Conners, is our priority.

3. The Multi-Family public billing rates are attached.
4. The PUC rules and regulations covering water allocation billing is attached.
5. Subchapter M is attached.
6. Gallery Phase II bills from November 2019 through January 2021.
7. How we calculate billing (Word doc) is attached.

RPM took over operations of The Gallery and Gallery II on 7/25/2019. RPM did not bill utilities until September 2019 for an October 2019 payment month. If Mr. Connors is concerned about billing practices prior to 7/25/2019, he needs to refer his complaints to the following companies/persons:

Valiant Residential

Phone:(214) 522-1310

Fax: (214) 559-2333

info@valiantresidential.com

www.valiantresidential.com

Performance Utility Management & Billing LLC

9050 N. Capital of Texas Hwy, Bldg. 3, Suite 320, Austin, TX 78759

Phone: (512) 394-8359

info@performanceutilities.com

Cole Denton is the Contact

We strenuously believe RPM and Conservice, a very well-respected utility provider in the Multi-Family Industry, have billed appropriately and the attached evidence supports this position. RPM

cannot speak to the billing practices of the prior management firm or utility billing company, which is where I believe Mr. Conner's inquiries should be directed.

I am happy to discuss this further with you or Mr. Conners. My contact information is below in the signature block.

Courtney Gaines
Senior Regional Manager

5508 Parkcrest Drive, Suite 320, Austin, TX 78731

D: (512) 505-0998

O: (512) 480-9886

E: Courtney.gaines@rpmliving.com

EVIDENCE B

Conservice's calculations for my October 2019 water and wastewater bill

Item 10 ZIP folder *HIMBC Unit 2-239.docx* on pages 1 and 2



Dear [The Gallery] Resident,

The ever-increasing cost of utilities, tied with the impact utility consumption has on the environment, has made conservation an important concern at [The Gallery]. When residents are aware of their utility usage, they will be more likely to conserve. Because of this, you will be billed for your utility usage each month.

When it comes to the billing of utility costs, we all want to ensure that utility usage is billed accurately and fairly. That's why [The Gallery] is a direct customer of Conservice, a worldwide leader in utility billing for the Water/Sewer utilities consumed by residents. The utility providers send bills to [The Gallery] which include charges for [Water/Sewer] that you consume in your apartment. These utility costs are passed on to our residents through Conservice. You will receive a utility bill from Conservice every month.

How is my Conservice Utility Bill Calculated?

Post Month 10/2019

Water Charges

Your water charges are calculated based on local utility provider bills. Conservice will take the monthly charges and subtract the designated common area deduction amount. A common area deduction occurs when a property decides to pay for commonly used areas (i.e. leasing office, fitness center, pool, etc.).

After the common area expense has been removed, Conservice will use the number of occupants in the unit and the unit's square footage, compared with the total square footage (of all occupied units) at the community, to calculate your monthly water bill.

A 25% common area deduction is subtracted from the total water charge for your building to calculate the amount that will be allocated to residents.	$\$828.37 - \$207.09 = \$621.28$
The adjusted expense is divided in half.	$\$621.28 / 2 = \310.64
Half of the expense is divided by the total number of occupants in your building to calculate the per occupant amount.	$\$310.64 / 78 \text{ occupants} = \$3.98 \text{ per occupant}$
If your apartment has 2 occupants, the per occupant charge will be multiplied by 2 to calculate your total monthly occupant charge.	$\$3.98 \times 1 \text{ occupants} = \3.98
The other half of the provider expense will be divided by the square feet of your building to calculate the per square foot charge.	$\$310.64 / 42459 \text{ square feet} = \$0.007316 \text{ per square foot}$
The per square foot charge will be multiplied by the square footage of your unit to calculate your total monthly square footage charge.	$\$0.007316 \times 694 \text{ square feet} = \5.08

service@conservice.com

750 S. Gateway Drive River Heights, UT 84321

conservice.com

Your monthly occupant charge will then be added to your monthly square footage charge to calculate your total monthly water charge.	$\$3.98 + \$5.08 = \$9.06$
---	----------------------------

Sewer Charges

Your sewer charges are calculated based on local utility provider bills. Conservice will take the monthly charges and subtract the designated common area deduction amount. A common area deduction occurs when a property decides to pay for commonly used areas (i.e., leasing office, fitness center, pool, etc.). After the common area expense has been removed, Conservice will use the number of occupants in the unit and the unit's square footage, compared with the total square footage (of all occupied units) at the community, to calculate your monthly sewer bill.

A 25% common area deduction is subtracted from the monthly expense to calculate the amount that will be allocated to residents.	$\$987.00 - \$246.75 = \$740.75$
The adjusted expense is divided in half.	$\$740.75 / 2 = \370.13
Half of the expense is divided by the total number of occupants at your community to calculate the per occupant amount.	$\$370.13 / 78 \text{ occupants} = \$4.75 \text{ per occupant}$
If your apartment has 2 occupants, the per occupant charge will be multiplied by 2 to calculate your total monthly occupant charge.	$\$4.75 \times 2 \text{ occupants} = \9.50
The other half of the provider expense will be divided by the square feet in your community to calculate the per square foot charge.	$\$370.13 / 42459 \text{ square feet} = \$0.008717 \text{ per square foot}$
The per square foot charge will be multiplied by the square footage of your unit to calculate your total monthly square footage charge.	$\$0.008717 \times 694 \text{ square feet} = \6.05
Your monthly occupant charge will then be added to your monthly square footage charge to calculate your total monthly sewer charge.	$\$9.50 + \$6.05 = \$15.55$

Addendum in my 2019-2020 lease for allocating water and wastewater costs

Item 32 of the Docket on pdf page 18

LEASE ADDENDUM FOR ALLOCATING WATER/WASTEWATER COSTS

1. **Addendum.** This is an addendum to the TAA Lease Contract for Apt. No. 239 in the VM 3506 Manchaca, LLC Apartments in Austin, Texas. The terms of this addendum will control if the terms of the Lease and this addendum conflict.
2. **Reason for allocation.** When water and wastewater bills are paid 100 percent by the property owner, residents have no incentive to conserve water. This results in a waste of our state's natural resources and adds to the overhead of the property—and that usually means higher rents. Allocation of water bills saves money for residents because it encourages them to conserve water and wastewater. We as owners also have incentive to conserve because we are required by law to pay a portion of the total water bill(s) for the entire apartment community.
3. **Your payment due date.** Payment of your allocated water/wastewater bill is due 15 days after the date it is postmarked or hand delivered to your apartment. You agree to mail or deliver payment to the place indicated on your bill so that payment is received no later than the due date. You will pay a late charge of 5 percent of your water/wastewater bill if we don't receive timely payment. If you are late in paying the water bill, we may not cut off your water; but we may immediately exercise all other lawful remedies, including eviction—just like late payment of rent.
4. **Allocation procedures.** Your monthly rent under the TAA Lease Contract does not include a charge for water and wastewater. Instead, you will be receiving a separate bill from us each month for such utilities. We may include this item as a separate and distinct charge as part of a multi-item bill. We will allocate the monthly mastermeter water/wastewater bill(s) for the apartment community, based on an allocation method approved by the Public Utility Commission of Texas (PUC) and described below.
- The allocation method that we will use in calculating your bill is noted below and described in the following subdivision of Section 24.124 of the PUC rules (check only one):
- ☐ subdivision (i) actual occupancy;
 - ☐ subdivision (ii) ratio occupancy (PUC average for number of occupants in unit);
 - ☐ subdivision (iii) average occupancy (PUC average for number of bedrooms in unit);
 - ☒ subdivision (iv) combination of actual occupancy and square feet of the apartment; or
 - ☐ subdivision (v) submetered hot/cold water; ratio to total.
- The normal date on which the utility company sends its monthly bill to us for the water/wastewater mastermeter is about the _____ day of the month. Within 10 days thereafter, we will try to allocate that mastermeter bill among our residents by allocated billings.
5. **Common area deduction.** We will calculate your allocated share of the mastermetered water/wastewater bill according to PUC rules. Before calculating your portion of the bill, we will deduct for irrigation of landscaping and all other common area uses, as required by PUC rules. We will also deduct for any utility company base charges and customer service charges so that you won't be paying any part of such charges for vacant units. No administrative or other fees will be added to the total mastermeter water/wastewater bill(s) to be allocated unless expressly allowed by PUC rules. No other amounts will be included in the bill except your unpaid balances and any late fees you incur. If we fail to pay our mastermeter bill to the utility company on time and incur penalties or interest, no portion of such amounts will be included in your bill.
6. **Change of allocation formula.** The above allocation formula for determining your share of the mastermetered water/wastewater bill cannot be changed except as follows: (1) the new formula is one approved by the PUC; (2) you receive notice of the new formula at least 35 days before it takes effect; and (3) you agree to the change in a signed lease renewal or signed mutual agreement.
7. **Previous average.** As required under PUC rules, you are notified that the average monthly bill for all dwelling units in the previous calendar year was \$ _____ per unit, varying from \$ _____ to \$ _____ for the lowest to highest month's bills for any unit in the apartment community for this period, if such information is available. The above amounts do not reflect future changes in utility company water rates, weather variations, total water consumption, residents' water consumption habits, etc.
8. **Right to examine records.** During regular weekday office hours, you may examine: (1) our water/wastewater bills from the utility company; (2) our calculations of your monthly allocations; and (3) any other information available to you under PUC rules. Please give us reasonable advance notice to gather the data. Any disputes relating to the computation of your bill will be between you and us.
9. **PUC.** Water allocation billing is regulated by the PUC. A copy of the rules is attached. This addendum complies with those rules.
10. **Conservation efforts.** We agree to use our best efforts to repair any water leaks inside or outside your apartment no later than 7 days after learning of them. You agree to use your best efforts to conserve water and notify us of leaks.

Jeffrey Michael Connors
Signature of All Residents

Sara Pasney
Signature of Owner or Owner's Representative

February 1, 2019

Date of TAA Lease Contract

Addendum in my 2020-2021 lease for allocating water and wastewater costs

Item 32 of the Docket on pdf page 44

LEASE ADDENDUM FOR ALLOCATING WATER/WASTEWATER COSTS

1. **Addendum.** This is an addendum to the TAA Lease Contract for Apt. No. 2-239 in the The Gallery 3506 Apartments in Austin, Texas. The terms of this addendum will control if the terms of the Lease and this addendum conflict.
2. **Reason for allocation.** When water and wastewater bills are paid 100 percent by the property owner, residents have no incentive to conserve water. This results in a waste of our state's natural resources and adds to the overhead of the property—and that usually means higher rents. Allocation of water bills saves money for residents because it encourages them to conserve water and wastewater. We as owners also have incentive to conserve because we are required by law to pay a portion of the total water bill(s) for the entire apartment community.
3. **Your payment due date.** Payment of your allocated water/wastewater bill is due 16 days after the date it is postmarked or hand delivered to your apartment. You agree to mail or deliver payment to the place indicated on your bill so that payment is received no later than the due date. You will pay a late charge of 5 percent of your water/wastewater bill if we don't receive timely payment. If you are late in paying the water bill, we may not cut off your water, but we may immediately exercise all other lawful remedies, including eviction—just like late payment of rent.
4. **Allocation procedures.** Your monthly rent under the TAA Lease Contract does not include a charge for water and wastewater. Instead, you will be receiving a separate bill from us each month for such utilities. We may include this item as a separate and distinct charge as part of a multi-item bill. We will allocate (as monthly mastermeter water/wastewater bill(s) for the apartment community, based on an allocation method approved by the Public Utility Commission of Texas (PUC) and described below.
- The allocation method that we will use in calculating your bill is noted below and described in the following subdivision of Section 24.124 of the PUC rules (check only one):
- ☐ subdivision (i) actual occupancy;
 - ☐ subdivision (ii) ratio occupancy (PUC average for number of occupants in unit);
 - ☒ subdivision (iii) average occupancy (PUC average for number of bedrooms in unit);
 - ☐ subdivision (iv) combination of actual occupancy and square feet of the apartment; or
 - ☐ subdivision (v) submetered hot/cold water, ratio to total.
- The normal date on which the utility company sends its monthly bill to us for the water/wastewater mastermeter is about the 15 day of the month. Within 10 days thereafter, we will try to allocate that mastermeter bill among our residents by allocated billings.
5. **Common area deduction.** We will calculate your allocated share of the mastermetered water/wastewater bill according to PUC rules. Before calculating your portion of the bill, we will deduct for irrigation of landscaping and all other common area uses, as required by PUC rules. We will also deduct for any utility company base charges and customer service charges so that you won't be paying any part of such charges for vacant units. No administrative or other fees will be added to the total mastermeter water/wastewater bill(s) to be allocated unless expressly allowed by PUC rules. No other amounts will be included in the bill except your unpaid balances and any late fees you incur. If we fail to pay our mastermeter bill to the utility company on time and incur penalties or interest, no portion of such amounts will be included in your bill.
6. **Change of allocation formula.** The above allocation formula for determining your share of the mastermetered water/wastewater bill cannot be changed except as follows: (1) the new formula is one approved by the PUC; (2) you receive notice of the new formula at least 35 days before it takes effect; and (3) you agree to the change in a signed lease renewal or signed mutual agreement.
7. **Previous average.** As required under PUC rules, you are notified that the average monthly bill for all dwelling units in the previous calendar year was \$_____ per unit, varying from \$_____ to \$_____ for the lowest to highest month's bills for any unit in the apartment community for this period, if such information is available. The above amounts do not reflect future changes in utility company water rates, weather variations, total water consumption, residents' water consumption habits, etc.
8. **Right to examine records.** During regular weekday office hours, you may examine: (1) our water/wastewater bills from the utility company; (2) our calculations of your monthly allocations; and (3) any other information available to you under PUC rules. Please give us reasonable advance notice to gather the data. Any disputes relating to the computation of your bill will be between you and us.
9. **PUC.** Water allocation billing is regulated by the PUC. A copy of the rules is attached. This addendum complies with those rules.
10. **Conservation efforts.** We agree to use our best efforts to repair any water leaks inside or outside your apartment no later than 7 days after learning of them. You agree to use your best efforts to conserve water and notify us of leaks.

Gallery Michael Connors
Signature of All Residents

Kimberly Hoffman
Signature of Owner or Owner's Representative

January 21, 2020
Date of TAA Lease Contract

JULY 2020 BILLING

July 2020 Billing info – based upon June 2020 occupancy info

Item 12 ZIP folder *The Gallery – January to June 2020.xlsx* in 06.2020 worksheet

	A	B	C	D	E	F	G	H
1	06.2020							
2	#	Move In	Occs	Mult	Sqft	Bedroom		
3	1	12/22/12	1	1.60	620	1.00		
4	2	06/28/19	1	1.60	620	1.00		
5	3	02/15/20	1	1.60	620	1.00		
6	4	07/02/19	1	1.60	620	1.00		
7	5	06/28/13	1	1.60	620	1.00		
8	6	07/30/19	2	1.60	620	1.00		
9	7	07/17/19	1	1.60	620	1.00		
10	8	04/01/09	1	1.60	620	1.00		
11	9	07/14/17	1	1.60	620	1.00		
12	10	03/24/20	1	1.60	620	1.00		
13	11	06/28/19	2	1.60	620	1.00		
14	12	08/02/19	2	1.60	620	1.00		
15	13	02/15/20	1	1.60	620	1.00		
16	14	08/16/19	2	1.60	620	1.00		
17	15	12/15/19	1	1.60	620	1.00		
18	16	11/19/19	1	1.60	620	1.00		
19	17	05/24/17	1	1.60	620	1.00		
20	18	04/20/19	1	1.60	620	1.00		
21	19	08/14/19	1	1.60	620	1.00		
22	20	06/27/19	1	1.60	620	1.00		
23	21	03/09/20	1	2.80	870	2.00		
24	22	10/28/19	2	2.80	870	2.00		
25	23	01/10/20	2	2.80	870	2.00		
26	24	05/08/01	1	1.60	620	1.00		
27	25	08/04/10	1	1.60	620	1.00		
28	26	06/09/17	1	1.60	620	1.00		
29	27	08/17/19	1	1.60	620	1.00		
30	28	12/27/19	1	1.60	620	1.00		
31	29	11/22/19	1	2.80	870	2.00		
32	30	08/01/19	3	2.80	870	2.00		
33	31	08/06/19	2	2.80	870	2.00		
34	32	09/29/12	1	2.80	870	2.00		
35	33	06/22/19	2	2.80	870	2.00		
36	34	01/25/20	2	2.80	870	2.00		
37	35	04/20/17	2	2.80	870	2.00		
38	36	09/14/17	2	2.80	870	2.00		
39	37	03/04/20	2	2.80	870	2.00		
40	38	12/15/19	2	2.80	870	2.00		
Summary 01.2020 02.2020 03.2020 04.2020 05.2020 06.2020								

	A	B	C	D	E	F
1	06.2020					
2	#	Move In	Occs	Mult	Sqft	Bedroom
96	94	04/09/20	2	2.80	870	2.00
97	95	01/01/11	3	2.80	870	2.00
98	96	06/21/19	1	2.80	870	2.00
99	97	08/02/19	2	2.80	870	2.00
100	98	08/15/18	2	2.80	870	2.00
101	99	01/10/20	2	2.80	870	2.00
102	100	03/07/20	1	2.80	870	2.00
103	101	01/24/20	1	1.00	391	0.50
104	102	08/26/16	1	1.60	630	1.00
105	103	12/16/19	1	1.60	694	1.00
106	104	10/22/19	2	1.60	694	1.00
107	105	06/01/17	2	1.60	694	1.00
108	106	07/05/19	1	1.60	694	1.00

	A	B	C	D	E	F	G	H	I
1	06.2020								
2	#	Move In	Occs	Mult	Sqft	Bedroom			
189	187	10/15/18	1	1.00	391	0.50			1.00
190	188	09/24/19	2	1.60	630	1.00			1.60
191	189	02/22/20	1	1.60	694	1.00			1.60
192	190	02/22/19	1	1.60	694	1.00			1.60
193	191	08/25/18	1	1.60	694	1.00			1.60
194	192	05/10/19	2	1.00	391	0.50			1.00
195			250	348.6	128167	226.5			132.20

Σ for Mult from D103 to D194 = 132.2

Total Number of Gallery II apartments rented = 92



Post Month 07/2020

Water Charges

Your water charges are calculated based on local utility provider bills. Conservice will take the charges from local provider bills and subtract the designated common area deduction amount. A common area deduction occurs when a property decides to pay for commonly used areas (i.e., leasing office, fitness center, pool, etc.). After the common area expense has been removed, Conservice will use the total community provider expense and a multiplier based on bedrooms to calculate your monthly water bill. Conservice will add a value of 1.6 for the first bedroom and 2.8 for the second bedroom.

A 25% common area deduction is subtracted from the total community water charge to calculate the amount that will be allocated to residents.	$\$438.94 - \$109.74 = \$329.21$
A multiplier is applied to each unit in the community based on the criteria below: <ul style="list-style-type: none"> Units with 1 bedroom = 1.6 Units with 2 bedrooms = 2.8 	
The values from each unit type are added together to find the total community bedroom multiplier.	Occupant multiplier total = 132.2
The remaining water expense is divided by the total community bedroom multiplier to calculate the per bedroom charge.	$\$329.21 / 132.2 = \2.49 per bedroom
If your apartment has 1 bedroom, the per bedroom charge will be multiplied by 1.6 to calculate your total monthly water charge.	$\$2.49 \times 1.6 = \3.98

	<u>Occ. Mult. in billing</u>	<u>Actual Occ. Mult</u>
July 2020	132.2	132.2

	A	B	C	D	E	F	G	H	I	J	K
1	06.2020										
2	#	Move In	Occs	Mult	Sqft	Bedroom					
192	190	02/22/19	1	1.60	694	1.00			1.60		
193	191	08/25/18	1	1.60	694	1.00			1.60		
194	192	05/10/19	2	1.00	391	0.50			1.00		
195			250	348.6	128167	226.5			132.20		
196	Non-Billable Units										
198	1			0.00	620	1.00					
199	2			0.00	620	1.00					
200	3			0.00	620	1.00					
201	4			0.00	620	1.00					
202	5	05/22/20	1	0.00	620	1.00					
203	6			0.00	870	2.00					
204	7			0.00	870	2.00					
205	8			0.00	870	2.00					
206	9			0.00	620	1.00					
207	10			0.00	620	1.00					
208	11			0.00	870	2.00					
209	12			0.00	870	2.00					
210	13			0.00	870	2.00					
211	14			0.00	870	2.00					
212	15			0.00	391	0.50					
213	16			0.00	630	1.00					
214	17			0.00	1,021	2.00					
215	18			0.00	391	0.50					
216	19			0.00	630	1.00					
217	20			0.00	630	1.00					
218	21			0.00	630	1.00					
219	22			0.00	694	1.00					
220	23			0.00	630	1.00					
221	24			0.00	694	1.00					
222	25			0.00	630	1.00					
223			1	0	17401	32					
224			251	348.6	145568	258.5					
225	Total Bills this Month : 192										
226	Avg. Drainage this Month : \$6.25										
227	Avg. Drainage 2 this Month : \$15.03										
228	Avg. Drainage 4 this Month : \$7.00										
229	Avg. Drainage 5 this Month : \$17.47										
Summary 01.2020 02.2020 03.2020 04.2020 05.2020 06.2020											

JUNE 2020 BILLING

June 2020 Billing info – based upon May 2020 occupancy info

Item 12 ZIP folder *The Gallery – January to June 2020.xlsx* in 05.2020 worksheet

	A	B	C	D	E	F	G	H
1	05.2020							
2	#	Move In	Occs	Mult	Sqft	Bedroom		
3	1	12/22/12	1	1.60	620	1.00		
4	2	06/28/19	1	1.60	620	1.00		
5	3	05/01/07	1	1.60	620	1.00		
6	4	02/15/20	1	1.60	620	1.00		
7	5	07/02/19	1	1.60	620	1.00		
8	6	06/28/13	1	1.60	620	1.00		
9	7	07/30/19	2	1.60	620	1.00		
10	8	07/17/19	1	1.60	620	1.00		
11	9	04/01/09	1	1.60	620	1.00		
12	10	07/14/17	1	1.60	620	1.00		
13	11	03/24/20	1	1.60	620	1.00		
14	12	06/28/19	2	1.60	620	1.00		
15	13	08/02/19	2	1.60	620	1.00		
16	14	02/15/20	1	1.60	620	1.00		
17	15	08/16/19	2	1.60	620	1.00		
18	16	12/15/19	1	1.60	620	1.00		
19	17	11/19/19	1	1.60	620	1.00		
20	18	05/24/17	1	1.60	620	1.00		
21	19	04/20/19	1	1.60	620	1.00		
22	20	08/14/19	1	1.60	620	1.00		
23	21	06/27/19	1	1.60	620	1.00		
24	22	03/09/20	1	2.80	870	2.00		
25	23	10/28/19	2	2.80	870	2.00		
26	24	01/10/20	2	2.80	870	2.00		
27	25	05/08/01	1	1.60	620	1.00		
28	26	08/04/10	1	1.60	620	1.00		
29	27	06/09/17	1	1.60	620	1.00		
30	28	08/17/19	1	1.60	620	1.00		
31	29	12/27/19	1	1.60	620	1.00		
32	30	11/22/19	1	2.80	870	2.00		
33	31	08/01/19	3	2.80	870	2.00		
34	32	08/06/19	2	2.80	870	2.00		
35	33	09/29/12	1	2.80	870	2.00		
36	34	06/22/19	2	2.80	870	2.00		
37	35	01/25/20	2	2.80	870	2.00		
38	36	04/20/17	2	2.80	870	2.00		
39	37	09/14/17	2	2.80	870	2.00		
40	38	03/04/20	2	2.80	870	2.00		
	Summary	01.2020	02.2020	03.2020	04.2020	05.2020	06.2020	

	A	B	C	D	E	F
1	05.2020					
2	#	Move In	Occs	Mult	Sqft	Bedroom
93	91	04/09/20	2	2.80	870	2.00
94	92	01/01/11	3	2.80	870	2.00
95	93	06/21/19	1	2.80	870	2.00
96	94	08/02/19	2	2.80	870	2.00
97	95	08/15/18	2	2.80	870	2.00
98	96	01/10/20	2	2.80	870	2.00
99	97	03/07/20	1	2.80	870	2.00
100	98	01/24/20	1	1.00	391	0.50
101	99	08/26/16	1	1.60	630	1.00
102	100	12/16/19	1	1.60	694	1.00
103	101	10/22/19	2	1.60	694	1.00

	A	B	C	D	E	F	G	H	I
1	05.2020								
2	#	Move In	Occs	Mult	Sqft	Bedroom			
185	183	03/09/20	1	1.60	694	1.00			1.60
186	184	02/15/19	1	1.60	630	1.00			1.60
187	185	03/06/15	1	1.00	391	0.50			1.00
188	186	10/15/18	1	1.00	391	0.50			1.00
189	187	09/24/19	2	1.60	630	1.00			1.60
190	188	02/22/20	1	1.60	694	1.00			1.60
191	189	02/22/19	1	1.60	694	1.00			1.60
192	190	08/25/18	1	1.60	694	1.00			1.60
193	191	05/10/19	2	1.00	391	0.50			1.00
194			250	345.8	127317	224.5			135.40

Σ for Mult from D100 to D193 = 135.4

Total Number of Gallery II apartments rented = 94



Post Month 06/2020

Water Charges

Your water charges are calculated based on local utility provider bills. Conservice will take the charges from local provider bills and subtract the designated common area deduction amount. A common area deduction occurs when a property decides to pay for commonly used areas (i.e., leasing office, fitness center, pool, etc.). After the common area expense has been removed, Conservice will use the total community provider expense and a multiplier based on bedrooms to calculate your monthly water bill. Conservice will add a value of 1.6 for the first bedroom and 2.8 for the second bedroom.

A 25% common area deduction is subtracted from the total community water charge to calculate the amount that will be allocated to residents.	$\$518.89 - \$129.72 = \$389.17$
A multiplier is applied to each unit in the community based on the criteria below: <ul style="list-style-type: none"> Units with 1 bedroom = 1.6 Units with 2 bedrooms = 2.8 	
The values from each unit type are added together to find the total community bedroom multiplier.	Occupant multiplier total = 135.4
The remaining water expense is divided by the total community bedroom multiplier to calculate the per bedroom charge.	$\$389.17 / 135.4 = \2.87 per bedroom
If your apartment has 1 bedroom, the per bedroom charge will be multiplied by 1.6 to calculate your total monthly water charge.	$\$2.87 \times 1.6 = \4.60

	<u>Occ. Mult. in billing</u>	<u>Actual Occ. Mult</u>
June 2020	135.4	135.4

MAY 2020 BILLING

May 2020 Billing info – based upon April 2020 occupancy info

Item 12 ZIP folder *The Gallery – January to June 2020.xlsx* in 04.2020 worksheet

	A	B	C	D	E	F	G	H
1	04.2020							
2	#	Move In	Occs	Mult	Sqft	Bedroom		
30	28	08/04/10	1	1.60	620	1.00		
31	29	06/09/17	1	1.60	620	1.00		
32	30	08/17/19	1	1.60	620	1.00		
33	31	12/27/19	1	1.60	620	1.00		
34	32	06/15/18	1	2.80	870	2.00		
35	33	11/22/19	1	2.80	870	2.00		
36	34	08/01/19	3	2.80	870	2.00		
37	35	08/06/19	2	2.80	870	2.00		
38	36	09/29/12	1	2.80	870	2.00		
39	37	06/22/19	2	2.80	870	2.00		
40	38	01/25/20	2	2.80	870	2.00		
41	39	04/20/17	2	2.80	870	2.00		
42	40	09/14/17	2	2.80	870	2.00		
43	41	03/04/20	2	2.80	870	2.00		
44	42	12/15/19	2	2.80	870	2.00		
45	43	05/01/08	3	2.80	870	2.00		
46	44	09/27/19	2	2.80	870	2.00		
47	45	04/01/19	2	2.80	870	2.00		
48	46	07/02/18	2	2.80	870	2.00		
49	47	04/18/14	1	2.80	870	2.00		
50	48	02/21/20	1	2.80	870	2.00		
51	49	06/24/16	2	2.80	870	2.00		
52	50	10/31/19	1	2.80	870	2.00		
53	51	08/06/17	1	2.80	870	2.00		
54	52	03/17/09	2	2.80	870	2.00		
55	53	09/04/09	1	1.60	620	1.00		
56	54	08/30/19	1	1.60	620	1.00		
57	55	06/30/19	1	1.60	620	1.00		
58	56	07/22/19	1	1.60	620	1.00		
59	57	01/25/13	1	1.60	620	1.00		
60	58	02/26/20	1	1.60	620	1.00		
61	59	07/21/17	2	1.60	620	1.00		
62	60	08/30/19	2	1.60	620	1.00		
63	61	07/06/19	1	1.60	620	1.00		
64	62	08/10/12	1	1.60	620	1.00		
65	63	07/19/19	1	1.60	620	1.00		
66	64	02/07/18	1	1.60	620	1.00		
67	65	02/08/20	1	1.60	620	1.00		
Summary 01.2020 02.2020 03.2020 04.2020 05.2020 06.2020								

	A	B	C	D	E	F
1	04.2020					
2	#	Move In	Occs	Mult	Sqft	Bedroom
96	94	08/15/18	2	2.80	870	2.00
97	95	01/10/20	2	2.80	870	2.00
98	96	03/07/20	1	2.80	870	2.00
99	97	01/24/20	1	1.00	391	0.50
100	98	08/26/16	1	1.60	630	1.00
101	99	12/16/19	1	1.60	694	1.00
102	100	10/22/19	2	1.60	694	1.00
103	101	06/01/17	2	1.60	694	1.00
104	102	07/05/19	2	1.60	694	1.00
105	103	08/06/17	1	1.60	630	1.00
106	104	12/31/19	2	1.00	391	0.50
107	105	05/12/17	2	1.60	630	1.00
108	106	06/21/19	2	1.60	630	1.00

	A	B	C	D	E	F	G	H	I	J
1	04.2020									
2	#	Move In	Occs	Mult	Sqft	Bedroom				
186	184	03/09/20	1	1.60	694	1.00			1	694
187	185	02/15/19	1	1.60	630	1.00			1	630
188	186	03/06/15	1	1.00	391	0.50			1	391
189	187	10/15/18	1	1.00	391	0.50			1	391
190	188	09/24/19	2	1.60	630	1.00			2	630
191	189	02/22/20	1	1.60	694	1.00			1	694
192	190	02/22/19	1	1.60	694	1.00			1	694
193	191	08/25/18	1	1.60	694	1.00			1	694
194	192	05/10/19	2	1.00	391	0.50			2	391
195			248	344.4	127218	223			114	56,698

Σ for Occs from C99 to C194 = Actual Total Number of Occupants = 114

Σ for Sqft from E99 to E194 = Actual Total Occupied Space = 56,698

Total Number of Gallery II apartments rented = 96



Post Month 05/2020

Water Charges

Your water charges are calculated based on local utility provider bills. Conservice will take the monthly charges and subtract the designated common area deduction amount. A common area deduction occurs when a property decides to pay for commonly used areas (i.e., leasing office, fitness center, pool, etc.). After the common area expense has been removed, Conservice will use the number of occupants in the unit and the unit's square footage compared with the total square footage (of all occupied units) at the community, to calculate your monthly water bill.

A 25% common area deduction is subtracted from the total water charge for your building to calculate the amount that will be allocated to residents.	$\$1640.85 - \$410.21 = \$1230.64$
The adjusted expense is divided in half.	$\$1230.64 / 2 = \615.32
Half of the expense is divided by the total number of occupants in your building to calculate the per occupant amount.	$\$615.32 / 44 \text{ occupants} = \$13.98 \text{ per occupant}$
If your apartment has 2 occupants, the per occupant charge will be multiplied by 2 to calculate your total monthly occupant charge.	$\$13.98 \times 1 \text{ occupants} = \13.98
The other half of the provider expense will be divided by the square feet of your building to calculate the per square foot charge.	$\$615.32 / 22900 \text{ square feet} = \$0.026870 \text{ per square foot}$
The per square foot charge will be multiplied by the square footage of your unit to calculate your total monthly square footage charge.	$\$0.026870 \times 694 \text{ square feet} = \18.65
Your monthly occupant charge will then be added to your monthly square footage charge to calculate your total monthly water charge.	$\$13.98 + \$18.65 = \$32.63$

	<u>Occ. in billing</u>	<u>Actual Occ.</u>	<u>Occ. space in billing</u>	<u>Actual Occ. space</u>
May 2020	44	114	22,900	56,698

APRIL 2020 BILLING

April 2020 Billing info – based upon March 2020 occupancy info

Item 12 ZIP folder *The Gallery – January to June 2020.xlsx* in 03.2020 worksheet

	A	B	C	D	E	F	G	H
1	03.2020							
2	#	Move In	Occs	Mult	Sqft	Bedroom		
3	1	12/22/12	1	1.60	620	1.00		
4	2	06/28/19	1	1.60	620	1.00		
5	3	05/01/07	1	1.60	620	1.00		
6	4	04/01/19	1	1.60	620	1.00		
7	5	07/02/19	1	1.60	620	1.00		
8	6	06/28/13	1	1.60	620	1.00		
9	7	02/17/17	1	1.60	620	1.00		
10	8	07/30/19	2	1.60	620	1.00		
11	9	07/17/19	1	1.60	620	1.00		
12	10	04/01/09	1	1.60	620	1.00		
13	11	07/14/17	1	1.60	620	1.00		
14	12	03/10/17	2	1.60	620	1.00		
15	13	06/28/19	2	1.60	620	1.00		
16	14	08/02/19	2	1.60	620	1.00		
17	15	01/19/12	1	1.60	620	1.00		
18	16	08/16/19	2	1.60	620	1.00		
19	17	05/01/08	3	1.60	620	1.00		
20	18	12/15/19	1	1.60	620	1.00		
21	19	11/19/19	1	1.60	620	1.00		
22	20	05/24/17	1	1.60	620	1.00		
23	21	04/20/19	1	1.60	620	1.00		
24	22	08/14/19	1	1.60	620	1.00		
25	23	06/27/19	1	1.60	620	1.00		
26	24	10/28/19	2	2.80	870	2.00		
27	25	01/10/20	2	2.80	870	2.00		
28	26	05/08/01	1	1.60	620	1.00		
29	27	08/04/10	1	1.60	620	1.00		
30	28	06/09/17	1	1.60	620	1.00		
31	29	08/17/19	1	1.60	620	1.00		
32	30	12/27/19	1	1.60	620	1.00		
33	31	06/15/18	1	2.80	870	2.00		
34	32	11/22/19	1	2.80	870	2.00		
35	33	08/01/19	2	2.80	870	2.00		
36	34	08/06/19	2	2.80	870	2.00		
37	35	09/29/12	1	2.80	870	2.00		
38	36	06/22/19	2	2.80	870	2.00		
39	37	01/25/20	2	2.80	870	2.00		
40	38	04/20/17	2	2.80	870	2.00		
	Summary						01.2020	02.2020
							03.2020	04.2020
							05.2020	06.2020

	A	B	C	D	E	F
1	03.2020					
2	#	Move In	Occs	Mult	Sqft	Bedroom
90	88	05/17/17	1	2.80	870	2.00
91	89	01/01/11	3	2.80	870	2.00
92	90	06/21/19	1	2.80	870	2.00
93	91	08/02/19	2	2.80	870	2.00
94	92	08/15/18	2	2.80	870	2.00
95	93	01/10/20	2	2.80	870	2.00
96	94	01/24/20	1	1.00	391	0.50
97	95	08/26/16	1	1.60	630	1.00
98	96	12/16/19	1	1.60	694	1.00
99	97	10/22/19	2	1.60	694	1.00
100	98	06/01/17	2	1.60	694	1.00

	A	B	C	D	E	F	G	H	I	J
1	03.2020									
2	#	Move In	Occs	Mult	Sqft	Bedroom				
183	181	02/15/19	1	1.60	630	1.00			1	630
184	182	03/06/15	1	1.00	391	0.50			1	391
185	183	10/15/18	1	1.00	391	0.50			1	391
186	184	09/24/19	2	1.60	630	1.00			2	630
187	185	02/22/19	1	1.60	694	1.00			1	694
188	186	08/25/18	1	1.60	694	1.00			1	694
189	187	05/10/19	2	1.00	391	0.50			2	391
190			242	330.4	122720	213			112	55,310

Σ for Occs from C96 to C189 = Actual Total Number of Occupants = 112

Σ for Sqft from E96 to E189 = Actual Total Occupied Space = 55,310

Total Number of Gallery II apartments rented = 94



Post Month 04/2020

Water Charges

Your water charges are calculated based on local utility provider bills. Conservice will take the monthly charges and subtract the designated common area deduction amount. A common area deduction occurs when a property decides to pay for commonly used areas (i.e., leasing office, fitness center, pool, etc.). After the common area expense has been removed, Conservice will use the number of occupants in the unit and the unit's square footage compared with the total square footage (of all occupied units) at the community, to calculate your monthly water bill.

A 25% common area deduction is subtracted from the total water charge for your building to calculate the amount that will be allocated to residents.	$\$1873.08 - \$468.27 = \$1404.81$
The adjusted expense is divided in half.	$\$1404.81 / 2 = \702.41
Half of the expense is divided by the total number of occupants in your building to calculate the per occupant amount.	$\$702.41 / 50 \text{ occupants} = \$14.05 \text{ per occupant}$
If your apartment has 2 occupants, the per occupant charge will be multiplied by 2 to calculate your total monthly occupant charge.	$\$14.05 \times 1 \text{ occupants} = \14.05
The other half of the provider expense will be divided by the square feet of your building to calculate the per square foot charge.	$\$702.41 / 25636 \text{ square feet} = \$0.027399 \text{ per square foot}$
The per square foot charge will be multiplied by the square footage of your unit to calculate your total monthly square footage charge.	$\$0.027399 \times 694 \text{ square feet} = \19.01
Your monthly occupant charge will then be added to your monthly square footage charge to calculate your total monthly water charge.	$\$14.05 + \$19.01 = \$33.06$

	<u>Occ. in billing</u>	<u>Actual Occ.</u>	<u>Occ. space in billing</u>	<u>Actual Occ. space</u>
April 2020	50	112	25,636	55,310

MARCH 2020 BILLING

March 2020 Billing info – based upon February 2020 occupancy info

Item 12 ZIP folder *The Gallery – January to June 2020.xlsx* in 02.2020 worksheet

	A	B	C	D	E	F	G	H
1	02.2020							
2	#	Move In	Occs	Mult	Sqft	Bedroom		
3	1	12/22/12	1	1.60	620	1.00		
4	2	06/28/19	1	1.60	620	1.00		
5	3	05/01/07	1	1.60	620	1.00		
6	4	04/01/19	1	1.60	620	1.00		
7	5	07/02/19	1	1.60	620	1.00		
8	6	06/28/13	1	1.60	620	1.00		
9	7	02/17/17	1	1.60	620	1.00		
10	8	07/30/19	2	1.60	620	1.00		
11	9	07/17/19	1	1.60	620	1.00		
12	10	04/01/09	1	1.60	620	1.00		
13	11	07/14/17	1	1.60	620	1.00		
14	12	03/10/17	2	1.60	620	1.00		
15	13	06/28/19	2	1.60	620	1.00		
16	14	08/02/19	2	1.60	620	1.00		
17	15	01/19/12	1	1.60	620	1.00		
18	16	08/16/19	2	1.60	620	1.00		
19	17	05/01/08	2	1.60	620	1.00		
20	18	12/15/19	1	1.60	620	1.00		
21	19	11/19/19	1	1.60	620	1.00		
22	20	05/24/17	1	1.60	620	1.00		
23	21	04/20/19	1	1.60	620	1.00		
24	22	08/14/19	1	1.60	620	1.00		
25	23	06/27/19	1	1.60	620	1.00		
26	24	10/28/19	2	2.80	870	2.00		
27	25	05/08/01	1	1.60	620	1.00		
28	26	08/04/10	1	1.60	620	1.00		
29	27	06/09/17	1	1.60	620	1.00		
30	28	08/17/19	1	1.60	620	1.00		
31	29	12/27/19	1	1.60	620	1.00		
32	30	06/15/18	1	2.80	870	2.00		
33	31	02/01/19	2	2.80	870	2.00		
34	32	11/22/19	1	2.80	870	2.00		
35	33	08/01/19	2	2.80	870	2.00		
36	34	08/06/19	2	2.80	870	2.00		
37	35	09/29/12	1	2.80	870	2.00		
38	36	06/22/19	2	2.80	870	2.00		
39	37	04/20/17	2	2.80	870	2.00		
40	38	09/14/17	2	2.80	870	2.00		
	Summary						01.2020	02.2020
							03.2020	04.2020
							05.2020	06.2020

	A	B	C	D	E	F
1	02.2020					
2	#	Move In	Occs	Mult	Sqft	Bedroom
90	88	05/17/17	1	2.80	870	2.00
91	89	01/01/11	3	2.80	870	2.00
92	90	06/21/19	1	2.80	870	2.00
93	91	08/02/19	2	2.80	870	2.00
94	92	08/15/18	2	2.80	870	2.00
95	93	08/26/16	1	1.60	630	1.00
96	94	12/16/19	1	1.60	694	1.00
97	95	10/22/19	2	1.60	694	1.00
98	96	06/01/17	2	1.60	694	1.00
99	97	07/05/19	2	1.60	694	1.00
100	98	08/06/17	1	1.60	630	1.00
101	99	02/28/19	1	1.00	391	0.50

	A	B	C	D	E	F	G	H	I	J
1	02.2020									
2	#	Move In	Occs	Mult	Sqft	Bedroom				
179	177	09/24/19	2	1.60	630	1.00			2	630
180	178	02/22/19	1	1.60	694	1.00			1	694
181	179	08/25/18	1	1.60	694	1.00			1	694
182	180	01/12/19	1	1.60	694	1.00			1	694
183	181	01/15/16	1	1.60	630	1.00			1	630
184	182	05/10/19	2	1.00	391	0.50			2	391
185			232	319.6	120164	208			106	53,874

Σ for Occs from C95 to C184 = Actual Total Number of Occupants = 106

Σ for Sqft from E95 to E184 = Actual Total Occupied Space = 53,874

Total Number of Gallery II apartments rented = 90



Post Month 03/2020

Water Charges

Your water charges are calculated based on local utility provider bills. Conservice will take the monthly charges and subtract the designated common area deduction amount. A common area deduction occurs when a property decides to pay for commonly used areas (i.e., leasing office, fitness center, pool, etc.). After the common area expense has been removed, Conservice will use the number of occupants in the unit and the unit's square footage compared with the total square footage (of all occupied units) at the community, to calculate your monthly water bill.

A 25% common area deduction is subtracted from the total water charge for your building to calculate the amount that will be allocated to residents.	$\$1932.68 - \$483.17 = \$1449.51$
The adjusted expense is divided in half.	$\$1449.51 / 2 = \724.76
Half of the expense is divided by the total number of occupants in your building to calculate the per occupant amount.	$\$724.76 / 55 \text{ occupants} = \13.18 per occupant
If your apartment has 2 occupants, the per occupant charge will be multiplied by 2 to calculate your total monthly occupant charge.	$\$13.18 \times 1 \text{ occupants} = \13.18
The other half of the provider expense will be divided by the square feet of your building to calculate the per square foot charge.	$\$724.76 / 28978 \text{ square feet} = \0.025011 per square foot
The per square foot charge will be multiplied by the square footage of your unit to calculate your total monthly square footage charge.	$\$0.025011 \times 694 \text{ square feet} = \17.36
Your monthly occupant charge will then be added to your monthly square footage charge to calculate your total monthly water charge.	$\$13.18 + \$17.36 = \$30.54$

	<u>Occ. in billing</u>	<u>Actual Occ.</u>	<u>Occ. space in billing</u>	<u>Actual Occ. space</u>
March 2020	55	106	28,978	53,874

FEBRUARY 2020 BILLING

February 2020 Billing info – based upon January 2020 occupancy info

Item 12 ZIP folder *The Gallery – January to June 2020.xlsx* in 01.2020 worksheet

	A	B	C	D	E	F	G	H
1	01.2020							
2	#	<u>Move In</u>	<u>Occs</u>	<u>Mult</u>	<u>Sqft</u>	<u>Bedroom</u>		
6	4	04/01/19	1	1.60	620	1.00		
7	5	07/02/19	1	1.60	620	1.00		
8	6	06/28/13	1	1.60	620	1.00		
9	7	02/17/17	1	1.60	620	1.00		
10	8	07/30/19	2	1.60	620	1.00		
11	9	07/17/19	1	1.60	620	1.00		
12	10	04/01/09	1	1.60	620	1.00		
13	11	07/14/17	1	1.60	620	1.00		
14	12	03/10/17	2	1.60	620	1.00		
15	13	06/28/19	2	1.60	620	1.00		
16	14	08/02/19	2	1.60	620	1.00		
17	15	01/19/12	1	1.60	620	1.00		
18	16	08/16/19	2	1.60	620	1.00		
19	17	05/01/08	2	1.60	620	1.00		
20	18	11/19/19	1	1.60	620	1.00		
21	19	05/24/17	1	1.60	620	1.00		
22	20	04/20/19	1	1.60	620	1.00		
23	21	08/14/19	1	1.60	620	1.00		
24	22	06/27/19	1	1.60	620	1.00		
25	23	10/28/19	2	2.80	870	2.00		
26	24	05/01/17	2	2.80	870	2.00		
27	25	05/08/01	1	1.60	620	1.00		
28	26	08/04/10	1	1.60	620	1.00		
29	27	06/09/17	1	1.60	620	1.00		
30	28	08/17/19	1	1.60	620	1.00		
31	29	06/15/18	1	2.80	870	2.00		
32	30	02/01/19	2	2.80	870	2.00		
33	31	11/22/19	1	2.80	870	2.00		
34	32	08/01/19	2	2.80	870	2.00		
35	33	08/06/19	2	2.80	870	2.00		
36	34	09/29/12	1	2.80	870	2.00		
37	35	06/22/19	2	2.80	870	2.00		
38	36	04/20/17	2	2.80	870	2.00		
39	37	09/14/17	2	2.80	870	2.00		
40	38	09/27/19	2	2.80	870	2.00		
41	39	04/01/19	2	2.80	870	2.00		
42	40	07/02/18	2	2.80	870	2.00		
43	41	04/18/14	1	2.80	870	2.00		
	Summary	01.2020	02.2020	03.2020	04.2020	05.2020	06.2020	

	A	B	C	D	E	F
1	01.2020					
2	#	Move In	Occs	Mult	Sqft	Bedroom
88	86	11/10/05	1	2.80	870	2.00
89	87	02/25/19	1	2.80	870	2.00
90	88	05/17/17	1	2.80	870	2.00
91	89	01/01/11	3	2.80	870	2.00
92	90	06/21/19	1	2.80	870	2.00
93	91	08/02/19	2	2.80	870	2.00
94	⚠	08/15/18	2	2.80	870	2.00
95	93	08/26/16	1	1.60	630	1.00
96	94	10/22/19	2	1.60	694	1.00
97	95	06/01/17	2	1.60	694	1.00
98	96	07/05/19	2	1.60	694	1.00

	A	B	C	D	E	F	G	H	I	J
1	01.2020									
2	#	Move In	Occs	Mult	Sqft	Bedroom				
171	169	02/15/19	1	1.60	630	1.00			1	630
172	170	03/06/15	1	1.00	391	0.50			1	391
173	171	10/15/18	1	1.00	391	0.50			1	391
174	172	09/24/19	2	1.60	630	1.00			2	630
175	173	02/22/19	1	1.60	694	1.00			1	694
176	174	08/25/18	1	1.60	694	1.00			1	694
177	175	01/12/19	1	1.60	694	1.00			1	694
178	176	01/15/16	1	1.60	630	1.00			1	630
179	177	05/10/19	2	1.00	391	0.50			2	391
180			223	316.8	117906	205			99	51,616

Σ for Occs from C95 to C179 = Actual Total Number of Occupants = 99

Σ for Sqft from E95 to E179 = Actual Total Occupied Space = 51,616

Total Number of Gallery II apartments rented = 85



Post Month 02/2020

Water Charges

Your water charges are calculated based on local utility provider bills. Conservice will take the monthly charges and subtract the designated common area deduction amount. A common area deduction occurs when a property decides to pay for commonly used areas (i.e., leasing office, fitness center, pool, etc.). After the common area expense has been removed, Conservice will use the number of occupants in the unit and the unit's square footage, compared with the total square footage (of all occupied units) at the community, to calculate your monthly water bill.

A 25% common area deduction is subtracted from the total water charge for your building to calculate the amount that will be allocated to residents.	$\$1570.36 - \$392.59 = \$1177.77$
The adjusted expense is divided in half.	$\$1177.77 / 2 = \588.89
Half of the expense is divided by the total number of occupants in your building to calculate the per occupant amount.	$\$588.89 / 60 \text{ occupants} = \$9.81 \text{ per occupant}$
If your apartment has 2 occupants, the per occupant charge will be multiplied by 2 to calculate your total monthly occupant charge.	$\$9.81 \times 1 \text{ occupants} = \9.81
The other half of the provider expense will be divided by the square feet of your building to calculate the per square foot charge.	$\$588.89 / 31387 \text{ square feet} = \$0.018762 \text{ per square foot}$
The per square foot charge will be multiplied by the square footage of your unit to calculate your total monthly square footage charge.	$\$0.018762 \times 694 \text{ square feet} = \13.02
Your monthly occupant charge will then be added to your monthly square footage charge to calculate your total monthly water charge.	$\$9.81 + \$13.02 = \$22.83$

	<u>Occ. in billing</u>	<u>Actual Occ.</u>	<u>Occ. space in billing</u>	<u>Actual Occ. space</u>
February 2020	60	99	31,387	51,616

JANUARY 2020 BILLING

Item 10 ZIP folder *HIMBC Unit 2-239.docx* on page 7

Post Month 01/2020

Water Charges

Your water charges are calculated based on local utility provider bills. Conservice will take the monthly charges and subtract the designated common area deduction amount. A common area deduction occurs when a property decides to pay for commonly used areas (i.e., leasing office, fitness center, pool, etc.). After the common area expense has been removed, Conservice will use the number of occupants in the unit and the unit's square footage, compared with the total square footage (of all occupied units) at the community, to calculate your monthly water bill.

A 25% common area deduction is subtracted from the total water charge for your building to calculate the amount that will be allocated to residents.	$\$1224.61 - \$306.15 = \$918.46$
The adjusted expense is divided in half.	$\$918.46 / 2 = \459.23
Half of the expense is divided by the total number of occupants in your building to calculate the per occupant amount.	$\$459.23 / 68 \text{ occupants} = \$6.75 \text{ per occupant}$
If your apartment has 2 occupants, the per occupant charge will be multiplied by 2 to calculate your total monthly occupant charge.	$\$6.75 \times 1 \text{ occupants} = \6.75
The other half of the provider expense will be divided by the square feet of your building to calculate the per square foot charge.	$\$459.23 / 35447 \text{ square feet} = \$0.028271 \text{ per square foot}$
The per square foot charge will be multiplied by the square footage of your unit to calculate your total monthly square footage charge.	$\$0.012955 \times 694 \text{ square feet} = \8.99
Your monthly occupant charge will then be added to your monthly square footage charge to calculate your total monthly water charge.	$\$6.75 + \$8.99 = \$15.74$

	<u>Occ. in billing</u>	<u>Actual Occ.</u>	<u>Occ. space in billing</u>	<u>Actual Occ. space</u>
January 2020	68	?	35,447	?

DECEMBER 2019 BILLING



Post Month 12/2019

Water Charges

Your water charges are calculated based on local utility provider bills. Conservice will take the monthly charges and subtract the designated common area deduction amount. A common area deduction occurs when a property decides to pay for commonly used areas (i.e., leasing office, fitness center, pool, etc.). After the common area expense has been removed, Conservice will use the number of occupants in the unit and the unit's square footage compared with the total square footage (of all occupied units) at the community, to calculate your monthly water bill.

A 25% common area deduction is subtracted from the total water charge for your building to calculate the amount that will be allocated to residents.	$\$1104.48 - \$276.12 = \$828.36$
The adjusted expense is divided in half.	$\$828.36 / 2 = \414.18
Half of the expense is divided by the total number of occupants in your building to calculate the per occupant amount.	$\$414.18 / 70 \text{ occupants} = \$5.92 \text{ per occupant}$
If your apartment has 2 occupants, the per occupant charge will be multiplied by 2 to calculate your total monthly occupant charge.	$\$5.92 \times 1 \text{ occupants} = \5.92
The other half of the provider expense will be divided by the square feet of your building to calculate the per square foot charge.	$\$414.18 / 38877 \text{ square feet} = \$0.010654 \text{ per square foot}$
The per square foot charge will be multiplied by the square footage of your unit to calculate your total monthly square footage charge.	$\$0.010654 \times 694 \text{ square feet} = \7.39
Your monthly occupant charge will then be added to your monthly square footage charge to calculate your total monthly water charge.	$\$5.92 + \$7.39 = \$13.31$

	<u>Occ. in billing</u>	<u>Actual Occ.</u>	<u>Occ. space in billing</u>	<u>Actual Occ. space</u>
December 2019	70	?	38,877	?

NOVEMBER 2019 BILLING



Post Month 11/2019

Water Charges

Your water charges are calculated based on local utility provider bills. Conservice will take the monthly charges and subtract the designated common area deduction amount. A common area deduction occurs when a property decides to pay for commonly used areas (i.e., leasing office, fitness center, pool, etc.). After the common area expense has been removed, Conservice will use the number of occupants in the unit and the unit's square footage compared with the total square footage (of all occupied units) at the community, to calculate your monthly water bill.

A 25% common area deduction is subtracted from the total water charge for your building to calculate the amount that will be allocated to residents.	$\$1342.13 - \$335.53 = \$1006.60$
The adjusted expense is divided in half.	$\$1006.60 / 2 = \503.30
Half of the expense is divided by the total number of occupants in your building to calculate the per occupant amount.	$\$503.30 / 78 \text{ occupants} = \$6.45 \text{ per occupant}$
If your apartment has 2 occupants, the per occupant charge will be multiplied by 2 to calculate your total monthly occupant charge.	$\$6.45 \times 1 \text{ occupants} = \6.45
The other half of the provider expense will be divided by the square feet of your building to calculate the per square foot charge.	$\$503.30 / 42459 \text{ square feet} = \$0.011854 \text{ per square foot}$
The per square foot charge will be multiplied by the square footage of your unit to calculate your total monthly square footage charge.	$\$0.011854 \times 694 \text{ square feet} = \8.23
Your monthly occupant charge will then be added to your monthly square footage charge to calculate your total monthly water charge.	$\$6.45 + \$8.23 = \$14.68$

	<u>Occ. in billing</u>	<u>Actual Occ.</u>	<u>Occ. space in billing</u>	<u>Actual Occ. space</u>
November 2019	78	?	42,459	?

OCTOBER 2019 BILLING



Dear [The Gallery] Resident,

The ever-increasing cost of utilities, tied with the impact utility consumption has on the environment, has made conservation an important concern at [The Gallery]. When residents are aware of their utility usage, they will be more likely to conserve. Because of this, you will be billed for your utility usage each month.

When it comes to the billing of utility costs, we all want to ensure that utility usage is billed accurately and fairly. That's why [The Gallery] is a direct customer of Conservice, a worldwide leader in utility billing for the [Water/Sewer] utilities consumed by residents. The utility providers send bills to [The Gallery] which include charges for [Water/Sewer] that you consume in your apartment. These utility costs are passed on to our residents through Conservice. You will receive a utility bill from Conservice every month.

How is my Conservice Utility Bill Calculated?

[Post Month 10/2019]

Water Charges

Your water charges are calculated based on local utility provider bills. Conservice will take the monthly charges and subtract the designated common area deduction amount. A common area deduction occurs when a property decides to pay for commonly used areas (i.e., leasing office, fitness center, pool, etc.). After the common area expense has been removed, Conservice will use the number of occupants in the unit and the unit's square footage, compared with the total square footage (of all occupied units) at the community, to calculate your monthly water bill.

A 25% common area deduction is subtracted from the total water charge for your building to calculate the amount that will be allocated to residents.	$\$828.37 - \$207.09 = \$621.28$
The adjusted expense is divided in half.	$\$621.28 / 2 = \310.64
Half of the expense is divided by the total number of occupants in your building to calculate the per occupant amount.	$\$310.64 / 78 \text{ occupants} = \$3.98 \text{ per occupant}$
If your apartment has 2 occupants, the per occupant charge will be multiplied by 2 to calculate your total monthly occupant charge.	$\$3.98 \times 1 \text{ occupants} = \3.98
The other half of the provider expense will be divided by the square feet of your building to calculate the per square foot charge.	$\$310.64 / 42459 \text{ square feet} = \$0.007316 \text{ per square foot}$
The per square foot charge will be multiplied by the square footage of your unit to calculate your total monthly square footage charge.	$\$0.007316 \times 694 \text{ square feet} = \5.08

	<u>Occ. in billing</u>	<u>Actual Occ.</u>	<u>Occ. space in billing</u>	<u>Actual Occ. space</u>
October 2019	78	?	42,459	?