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DOCKET NO. 51619
SOAH DOCKET NO. 473-22-2652

COMPLAINANT THIRD REQUEST FOR INFORMATION TO
CONSERVICE

10/26/22

DOCKET NO. 51619
SOAH DOCKET NO. 473-22-2652

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

COMPLAINANT THIRD REQUEST FOR INFORMATION TO CONSERVICE

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

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

Respectfully Submitted,

/s/Jeff Connors

Jeff Connors

Complainant

DEFINITIONS

1. "Conservice" or "you" refers to Conservice and any person acting or purporting to act on their behalf, including without limitation, attorneys, agents, advisors, investigators, representatives, employees or other persons.
2. "Document" includes any written, recorded, or graphic matter, however produced or reproduced, including but not limited to correspondence, telegrams, contracts, agreements, notes in any form, memoranda, diaries, voice recording tapes, microfilms, pictures, computer media, work papers, calendars, minutes of meetings or other writings or graphic matter, including copies containing marginal notes or variations of any of the foregoing, now or previously in your possession. In the event any documents requested by this Request for Information have been transferred beyond Conservice's control, describe the circumstances under which the document was destroyed or transferred and provide an exact citation to the subject document. In the event that documents containing the exact information do not exist, but documents do exist which contain portions of the required information or which contain substantially similar information, then the definition of "documents" shall include the documents which do not exist and these documents will be provided.
3. "Relating to" or "related to" or "involved" or "involving" shall mean in whole or in part consisting, defining, evidencing, containing, describing, concerning, discussing, embodying, reflecting, stating, referring to, dealing with, or in any way pertaining to.
- 4 "Complainant" shall mean Jeff Connors.
5. "Respondent" shall mean Conservice.
6. "You" or "Your" shall mean the named Respondent(s) or the Respondents' agents, servants, employees, representatives and all other persons acting on behalf of the Respondents.
7. "Premises" or "property" refers to the property located at 3506 Menchaca Road, Austin, Texas 78704, and includes the grounds, all buildings, fixtures, structures and substances.
8. "Over-payment" is the difference between the amount you received and the amount you were entitled under the terms of the Lease Agreement.

9. "Designated Period" refers to October 2019 to May 2020, which was the period I was overcharged for water on my monthly rental bills.

10. "Us" shall mean Gallery II residents.

11. The term "**pdf pages**", which I use in my footnotes, means the page number in the upper left-hand corner of the window when you pull up the document from the Docket; not the page numbers that are actually on the bottom of some of the documents.

INSTRUCTIONS

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

BACKGROUND

Below is a copy of Conservice's calculations of my water usage costs on my December 2019 rental bill, which is found in the Item 10 ZIP folder of the Docket in the *HIMBC Unit 2-239.docx* on page 5. I have circled, boxed, and commented on several parts of it to clarify what I mean by the terms ***total number of occupants*** and ***total square footage of all occupied units*** that I'll be referring to in Questions A3 through A6.



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.	$\$5.92 + \$7.39 = \$13.31$

Total number of occupants used in allocation equations to calculate Gallery II residents' water usage costs on their Dec. 2019 rental bill.

Total square footage of all occupied units used in allocation equations to calculate Gallery II residents' water usage costs on their Dec. 2019 rental bill.

QUESTIONS

A. The water bill calculations for Gallery II residents

Background: Conservice calculated my October 2019 to May 2020 monthly water and wastewater usage charges which were itemized as *Water 4* and *Sewage 4* in the monthly rental bills Conservice emailed me. This is the time period that my questions below pertain to. On other Gallery II residents' monthly rental bills, the number at the end of their water and wastewater usage charges may have been different, such as *Water 2*, *Water 3*, *Sewage 2*, or *Sewage 3*.

Please answer Questions A1 through A7 either 'Yes' or 'No':

A1. Did **Conservice** check if the monthly amounts they collectively billed Gallery II residents for water usage on the bills they sent us equaled the monthly amounts for *Water* found under the *Billable Expense* column in their response to my second RFI¹?

A2. Did **Conservice** check if the monthly amounts they collectively billed Gallery II residents for wastewater (sewer) usage on the bills they sent us equaled the monthly amounts for *Sewer* found under the *Billable Expense* column in their response to my second RFI?

A3. Did **Conservice** input the numbers used for *total number of occupants* at The Gallery II into the allocation equations that Conservice used to calculate Gallery II residents' monthly water bills?

A4. Did **Conservice** input the numbers used for *total square footage of all occupied units* at The Gallery II into the allocation equations that Conservice used to calculate Gallery II residents' monthly water bills?

A5. Did **Roscoe Property Management** input the numbers used for *total number of occupants* at The Gallery II into the allocation equations that Conservice used to calculate Gallery II residents' monthly water bills?

¹ Response to Second RFI from Jeff Connors found in Item 67 of the Docket on pdf page 14

A6. Did **Roscoe Property Management** input the numbers used for *total square footage of all occupied units* at The Gallery II into the allocation equations that Conservice used to calculate Gallery II residents' monthly water bills?

A7. Did **Roscoe Property Management** have the opportunity to change the water billing dates of the water charges on Gallery II residents' monthly rental bills "after the bills [were] calculated, but before they [were] sent"²?

B. Documentation requested:

B1. Copies of any contracts that Conservice had with Roscoe Property Management to do the monthly water bill calculations for Gallery II residents.

B2. The monthly sum totals that Gallery II residents were billed for their water and wastewater usage in the months of October 2019 to May 2020.

Note: The table³ that Conservice provided in response to this request in my Second RFI to Conservice⁴ were the total monthly amounts that Gallery II residents should have been collectively billed for, not the totals that they were actually charged on the bills that Conservice sent them.

B3. Any evidence supporting those amounts mentioned in B2 such as a spreadsheet of those monthly charges like found in *gl070 – 3506 Highlighted final summary – 9.4.19.xls* in the Item 10 ZIP folder, copies of the monthly rental bills Conservice sent to Gallery II residents, or copies of the monthly charges from Gallery II residents' online accounts.

² Response to Jeff Connors First Request for Information found in Item 64 on pdf page 7 on lines 6 to 9

³ Response to Second RFI from Jeff Connors found in Item 67. Request and response on pdf page 12 on lines 15 to 23, and table on pdf page 14

⁴ Complainant Second RFI to Conservice found in Item 65 on pdf page 14 in D5.

*

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

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CERTIFICATE OF SERVICE

I certify that, unless otherwise ordered by the presiding officer, notice of the filing of this document was provided to all parties of record on October 26, 2022 in accordance with the Order Suspending Rules filed in Project No. 50664.

/s/ Jeff Connors

Jeff Connors

Complainant