



Filing Receipt

Received - 2022-12-15 07:10:13 AM
Control Number - 51619
ItemNumber - 83

APPENDIX E

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 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 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.

Gaffney Michael Connors
Signatures of All Residents

Kimberly Hoffman
Signature of Owner or Owner's Representative

January 21, 2020
Date of TAA Lease Contract

Found in:

www.austintexas.gov/sites/default/files/files/Water/Rates/MultiFamilyPublicRates_2020.pdf



2019-2020 Water & Wastewater Rates

Multi-Family Water Customers – Monthly water charges include: billing, metering, collections, customer service, and servicing / monitoring of fire hydrants.

Meter Size	Retail Meter Equivalent Charge	Fixed Minimum Charge	TOTAL
5/8*	\$7.25	\$12.50	\$19.75
3/4	\$10.60	\$21.00	\$31.60
1	\$13.60	\$33.00	\$46.60
1½	\$15.50	\$42.00	\$57.50
2	\$25.40	\$83.00	\$108.40
3	\$75.10	\$292.00	\$367.10
4	\$124.80	\$500.00	\$624.80
6	\$253.80	\$1,042.00	\$1,295.80
8	\$482.20	\$2,000.00	\$2,482.20
10	\$760.20	\$3,167.00	\$3,927.20
12	\$998.40	\$4,167.00	\$5,165.40

*5/8 is the average residential customer meter size

\$367.10 ÷ 103 units at
The Gallery II = \$3.56
Water Base Charge 2

Volume Unit Charge – Rate is charged per 1,000 gallons of wastewater billed during the billing period.

Season	Charge
Off Peak (November – June Bills)	\$4.53
Peak (July – October Bills)	\$5.00

Reserve Fund Surcharge – fee goes into a restricted reserve fund to offset water service revenue shortfalls that may impact operations and services. This \$0.05 surcharge is based on 1,000 gallons billed.

Community Benefit Charge – fee charged per 1,000 gallons of water billed for the billing period to fund the Customer Assistance Program (CAP). This \$0.15 charge is billed per 1,000 gallons.

Multi-Family Wastewater Customers – A monthly wastewater charge of \$10.30 includes the costs of billing, collections, customer service and other account management services.

\$10.30 ÷ 103 units at The
Gallery II = \$0.10 Sewer Base 2

Volume Charge – A rate of \$8.93 is charged per 1,000 gallons of wastewater billed during the billing period. The amount of wastewater billed is based upon water usage during the [Wastewater Averaging period](#), or monthly water consumption, whichever is lower.

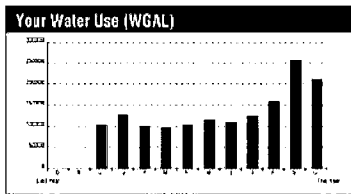
Community Benefit Charge – fee charged per 1,000 gallons of wastewater billed for the billing period to fund the Customer Assistance Program (CAP). This \$0.15 charge is billed per 1,000 gallons.

DECEMBER 2019 BILLING

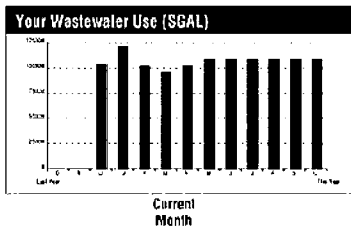
DECEMBER 2019 BILLING

Found in Item 60 page 8 in the pdf

Service Details



Days of service 31
 Gallons used 212,400
 Avg. gallons per day 6851.6
 Avg. cost per day \$47.63
 11 month avg. consumption: 137490.91



Days of service 31
 Gallons used 108,700
 Avg. gallons per day 3506.5
 Avg. cost per day \$32.17



WATER SERVICE

3506 MANCHACA RD, ZIP: 78704

Meter # 188462

Read Date	09/13/2019	10/14/2019	Consumption
Read	103809	105933	2124
	Reading Difference in Hundreds		2124
	Total Consumption in Gallons		212400

City of Austin Water - Multi-Family

Customer Charge	\$75.10
Fixed Charge	\$292.00
212,400 Gallons at \$5.00 per 1,000 - On Peak	\$1,062.00
212,400 Gallons at \$0.15 per 1,000 - Water Community Benefit Charge	\$31.86
212,400 Gallons at \$0.05 per 1,000 - Reserve Fund Surcharge	\$10.62
Private Hydrant Fee 2 @ \$2.44 ea	\$4.88

TOTAL CURRENT CHARGES \$1,476.46

\$ 1104.48



WASTEWATER SERVICE

3506 MANCHACA RD, ZIP: 78704

City of Austin Wastewater - Multi-Family

Customer Charge	\$10.30
108,700 Gallons at \$8.93 per 1,000	\$970.69
108,700 Gallons at \$0.15 per 1,000 - WW Community Benefit Charge	\$16.31

TOTAL CURRENT CHARGES \$997.30

\$987.00



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



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.	$\$370.13 / 70 \text{ occupants} = \$5.29 \text{ per occupant}$
If your apartment has 2 occupants, the per occupant charge will be multiplied by 2 to calculate your total monthly occupant charge.	$\$5.29 \times 1 \text{ occupants} = \5.29
The other half of the provider expense will be divided by the square feet in your community to calculate the per square foot charge.	$\$370.13 / 38877 \text{ square feet} = \$0.010654 \text{ per square foot}$
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} = \6.61
Your monthly occupant charge will then be added to your monthly square footage charge to calculate your total monthly sewer charge.	$\$5.29 + \$6.61 = \$11.90$

Copy of Info found in Item 1 on pdf pages 17 and 18



Your utility statement due on **12/01/2019** is ready. A summary of your charges is below, for the account number ending in **2691**. To view the bill or see payment options, please click below.

We see that you have not logged in to our site. Before you can access your utility information, please click 'View Statement' and register your account using the pin: **7634**. To view the bill or see payment options, please click below.

Current Rent and Lease Charges

SERVICE TYPE	SERVICE PERIOD	CHARGES
Rent	12/01/2019 - 12/31/2019	\$1,050.00
Rent and Leasing Charges Due 12/01/2019		\$1,050.00

Current Utility Charges

SERVICE TYPE	SERVICE PERIOD	CHARGES
Water Base Charge 2	10/03/2019 - 10/29/2019	\$3.58
Drainage 5	10/03/2019 - 10/29/2019	\$12.53
Pest Control	12/01/2019 - 12/31/2019	\$5.00
Sewer Base 2	10/03/2019 - 10/29/2019	\$0.10
Sewer 4	10/03/2019 - 10/29/2019	\$11.90
Trash	12/01/2019 - 12/31/2019	\$9.00
Trash Admin Fee	Conserve is a service provider contracted to prepare monthly statements and provide residents with conservation resources.	\$3.00
Valet Trash	12/01/2019 - 12/31/2019	\$25.00
Water 4	10/03/2019 - 10/29/2019	\$13.31
Current Utility Charges due	the later of 16 days after the statement date listed above or 12/01/2019	\$83.40
Total Current Charges		\$1,133.40
Prior Balance		\$0.00
Grand Total Due		\$1,133.40

[VIEW STATEMENT](#)

*

City of Austin

Read Date	09/13/2019	10/14/2019
-----------	------------	------------

City of Austin bill

On rental bill

December 2019

9/13/19-10/14/19

10/3/19-10/29/19

Attachment KE-1.51619JeffConnors.xlsx in Item 81 ZIP folder

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O
1	Complaint of Jeff Connors against The Gallery Apartments, Roscoe Property Management, and Conserve														
2	PUC Docket No. 51619; SOAH Docket No. 473-22-2652.WS														
3	Calculation of water and sewer billing from 8/14/2019 - 3/13/2020														
4															
5	Common Area Deduction (CAD)	Square Footage of Mr. Connor's Unit	Total Square	Occupant's in Mr. Connor's Unit	sq ft factor	Total Dwelling Units									
6	25%	694	42459	1	0.01634518	217									
7															
8	City of Austin Service Periods	Water Customer Charge	Water Charges from Retail Bill minus Customer Charge		Sewer Customer Charge	Sewer Charges from Retail Bill minus Customer Charge		Number of Occupants in All Dwelling Units	Occupancy Factor	Water Charges minus CAD	Water Charges to be Allocated	Water Charges to be Allocated Divided by Half	Sewer Charges minus CAD	Sewer Charges to be Allocated	Sewer Charges to be Allocated Divided by Half
9	2/12/20-3/13/20	\$ 75.10	\$ 1,932.85		\$ 10.30	\$ 987.00		50	0.020000	\$ 483.21	\$ 1,449.64	\$ 724.82	\$ 246.75	\$ 740.25	\$ 370.13
10	1/14/20-2/12/20	\$ 75.10	\$ 2,165.08		\$ 10.30	\$ 987.00		55	0.018182	\$ 541.27	\$ 1,623.81	\$ 811.91	\$ 246.75	\$ 740.25	\$ 370.13
11	12/13/19-1/14/20	\$ 75.10	\$ 2,224.68		\$ 10.30	\$ 987.00		60	0.016667	\$ 556.17	\$ 1,668.51	\$ 834.26	\$ 246.75	\$ 740.25	\$ 370.13
12	11/13/19-12/13/19	\$ 75.10	\$ 1,862.36		\$ 10.30	\$ 987.00		68	0.014706	\$ 465.59	\$ 1,396.77	\$ 698.39	\$ 246.75	\$ 740.25	\$ 370.13
13	10/14/19-11/13/19	\$ 75.10	\$ 1,516.61		\$ 10.30	\$ 987.00		70	0.014286	\$ 379.15	\$ 1,137.46	\$ 568.73	\$ 246.75	\$ 740.25	\$ 370.13
14	9/13/19-10/14/19	\$ 75.10	\$ 1,396.48		\$ 10.30	\$ 987.00		78	0.012821	\$ 349.12	\$ 1,047.36	\$ 523.68	\$ 246.75	\$ 740.25	\$ 370.13
15	8/14/19-9/13/19	\$ 75.10	\$ 1,639.01		\$ 10.30	\$ 987.00		78	0.012821	\$ 409.75	\$ 1,229.26	\$ 614.63	\$ 246.75	\$ 740.25	\$ 370.13
16															
17															
18	Service Periods	Water Customer Charge	Water Charge by Occupancy	Water Charge by Square Footage	Total Water Charges (C+D)		Sewer Customer Charge	Sewer Charge by Occupancy	Sewer Charge by Square Footage	Total Sewer Charges (H+I)					
19	2/12/20-3/13/20	\$ 0.35	\$ 14.50	\$ 11.85	\$ 26.34		\$ 0.05	\$ 7.40	\$ 6.05	\$ 13.45					
20	1/14/20-2/12/20	\$ 0.35	\$ 14.76	\$ 13.27	\$ 28.03		\$ 0.05	\$ 6.73	\$ 6.05	\$ 12.78					
21	12/13/19-1/14/20	\$ 0.35	\$ 13.90	\$ 13.64	\$ 27.54		\$ 0.05	\$ 6.17	\$ 6.05	\$ 12.22					
22	11/13/19-12/13/19	\$ 0.35	\$ 10.27	\$ 11.42	\$ 21.69		\$ 0.05	\$ 5.44	\$ 6.05	\$ 11.49					
23	10/14/19-11/13/19	\$ 0.35	\$ 8.12	\$ 9.30	\$ 17.42		\$ 0.05	\$ 5.29	\$ 6.05	\$ 11.34					
24	9/13/19-10/14/19	\$ 0.35	\$ 6.71	\$ 8.56	\$ 15.27		\$ 0.05	\$ 4.75	\$ 6.05	\$ 10.79					
25	8/14/19-9/13/19	\$ 0.35	\$ 7.88	\$ 10.05	\$ 17.93		\$ 0.05	\$ 4.75	\$ 6.05	\$ 10.79					
26		\$ 2.42			\$ 154.22		\$ 0.33			\$ 82.87					
27															
28	Mr. Connor's Water Charges Calculated by Staff for 8 month period	\$ 156.65													
29															
30	Mr. Connor's Sewer Charges Calculated by Staff for 8 month period	\$ 83.20													