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

SECOND MOTION TO AMEND THE COMPLAINT

Motion

I, Jeff Connors, the Complainant in this matter, respectfully requests that the Commission grant me permission to Amend my Complaint. I have filed this Amended Complaint in the PUC Interchange System along with this Motion and an additional piece of evidence that shows my bills at The Gallery from August 2019 to November 2019.

Facts and Background

Upon further investigation of the water billing records I received from Courtney Gaines of Roscoe Property Management on January 5th, I have discovered additional information in them that leads me to believe that I was overcharged for drainage, which is a billing that Roscoe handles in-house, that I would like to share with the Commission. I also discovered that Roscoe charged me for an additional water bill by shortening and shifting the water billing cycles they charged me for. In light of these new discoveries I wish to also adjust my Relief Sought from The Gallery.

In support of my request I will mention that I requested information concerning past water bills, information that I am entitled to under PUC Rules, from the management team of The Gallery five times in 2020: once in late February 2020, three times from September to October, and once

in December. This was also mentioned in my Formal Complaint and is in evidence. So, this information should have been provided to me long before January 5th to examine and would have been included in my original Formal Complaint if I had had it.

I have emailed frontdesk@roscoeproperties.com, Service@conservice.com, jkat@conservice.com, and Courtney.gaines@rpmliving.com informing them of my Motion, Amended Complaint, and the additional evidence.

Respectfully submitted,

Jeff Connors

3506 Menchaca Road

Apt. 239

Austin, TX 78704

(509)990-2154

jeffc_419@hotmail.com

DOCKET 51619

AMENDED COMPLAINT 2/1/2021

Filing Complainant (Account Holder):

Jeff Connors

Customer Account Number:

In regards to billing, Conservice (the company that does the billing for Roscoe Properties, which currently manages The Gallery) had my account number as 23332691 when Roscoe first started billing through them at The Gallery from around November 2019 until November 2020. After November 2020 the account number was changed to 26258106.

Complainant Info:

Jeff Connors

3506 Menchaca Road

Apt. 239

Austin, TX 78704

(509)990-2154

jeffc_419@hotmail.com

Name of Company the complaint is against:

The Gallery (managed by Roscoe Property Management)

3622 Menchaca Road

Austin, TX 78704

(726)200-6393

Community Manager: Kimberly Hoffman (kimberly.hoffman@rpmliving.com)

Facts of Complaint:

I. Background

I have lived at what is now called The Gallery apartments since March of 2016. There are two apartment complexes next to each other here, Gallery I and II, which are collectively called The Gallery and are apparently owned by the same person/company and managed by Roscoe Properties as one entity by the same community manager. The Gallery I and II are on different water meters though and hence different water bills.

I live on The Gallery II side, which is a 104 unit apartment complex that consists entirely of studio and one bedroom apartments and is comprised of 28 studios of 391 sq. ft. each, 36 one bedrooms of 630 sq. ft. each, and 40 one bedrooms of 694 sq. ft. each. There are 6 apartment buildings in The Gallery II, four of them are two story buildings and two of them are three stories.

Prior to Roscoe managing The Gallery my monthly water bills at the apartment complex were very stable: somewhere around \$21 to \$27 and I'd say on an average below \$24, probably closer to \$23. I should mention also that we are on allocated water billing in The Gallery II and that before Roscoe came here we had at least three different companies manage this complex during my time here and all of these previous property management companies also did daily irrigation.

Roscoe Properties started managing The Gallery in late July 2019 and almost immediately contractors began doing work on the apartment buildings here where the exterior water piping is located and also on the complex's irrigation system. Roscoe said they were making "building improvements" at the time.

The water bills are now about a month and a half behind on our monthly billing for rent, utilities, and other fees. That didn't use to be the case, by the way. Under the previous property management companies we always paid the water bills on the upcoming monthly rental bill so in the case of the 7/16/19 to 8/14/19 water bill (page 14 in my original Formal Complaint filed on 12/14/20) I paid that in September (see 2-239 *Ledger 2* filed with this Amended Complaint), but under Roscoe's management that got shifted and we got billed for an additional month of water bills under them because they shortened the water billing cycles to 25 days though Austin water generally runs from mid-month to mid-month. I'll write more about that later, but as it presently

stands we are shifted off by a month and a half and a few months after Roscoe started managing the complex our water bills began rocketing upwards on our monthly rental bill and by late February of this year we were on pace for bills of over \$100/month.

I became concerned about the growth of these charges and looked through my lease and the PUC Rules and then sent an email to a Roscoe team member at The Gallery sometime in late-February requesting to see the water/wastewater/drainage bills from a monthly billing period before Roscoe began managing The Gallery II and afterwards to compare the two and to see the difference in common area charges between when the water bills were administered by the former management company, Valiant, and Roscoe. The Roscoe team member emailed me on February 28, 2020 and informed me that they had forwarded my email request onto the community manager at The Gallery, presumably Kimberly Hoffman.

I get up at 5 AM most mornings and go for a walk and the daily irrigation systems, to my best recollection, have always been set to 5 AM. I woke up a day or two after the day my first request was forwarded to the community manager in late February, I'm pretty sure it was only the day after, and at 5 AM there was nothing but silence outside because the daily irrigation systems did not go off and they have not gone off since as far as I know except for when maintenance and contractors have worked on them.

It's been over eight months now and my water bills not only dived back down to pretty much where they were before Roscoe came aboard, they have also remained there ever since.

Below are the water bills for my 694 square feet apartment from March 2019 to September 2020 (mind you for the three years I lived here prior to 3/15/19 they were consistent with that first set of bills before Roscoe began managing The Gallery):

694 sq. ft. apt.

\$21.76	3/15/19-4/12/19	Former management company (daily irrigation)
\$22.66	4/13/19-5/14/19	Former management company (daily irrigation)
\$22.62	5/15/19-6/13/19	Former management company (daily irrigation)
\$23.80	6/14/19-7/15/19	Former management company (daily irrigation)

\$25.24	7/16/19-8/14/19	Roscoe begins managing Gallery in late-July (daily irrigation)
-		
\$36.15	8/14/19-9/8/19	Roscoe managing property for full cycle (daily irrigation)
\$41.66	9/8/19-10/3/19	Roscoe managing property (daily irrigation)
\$41.40	10/3/19-10/29/19	Roscoe managing property (daily irrigation)
\$44.84	10/29/19-11/23/19	Roscoe managing property (daily irrigation)
\$53.90	11/23/19-12/18/19	Roscoe managing property (daily irrigation)
\$62.85	12/18/19-1/14/20	Roscoe managing property (daily irrigation)
\$68.60	1/14/20-2/12/20	Roscoe managing property (daily irrigation)
\$70.08	2/13/20-3/13/20	2/28 - water records requested from Roscoe; irr. ends
-		
\$27.10	3/13/20-4/14/20	Roscoe managing property (<u>no</u> daily irrigation)
\$25.40	4/14/20-5/13/20	Roscoe managing property (<u>no</u> daily irrigation)
\$23.25	5/13/20-6/12/20	Roscoe managing property (<u>no</u> daily irrigation)
\$27.07	6/12/20-7/15/20	Roscoe managing property (<u>no</u> daily irrigation)
\$24.58	7/15/20-8/13/20	Roscoe managing property (<u>no</u> daily irrigation)
\$24.80	8/13/20-9/14/20	Roscoe managing property (<u>no</u> daily irrigation)

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

As you can see, up until Roscoe began managing the property my monthly water bills were usually below \$25. During the 8 month period in which my water bills steadily increased under Roscoe there also wasn't any flooding on the property that I'm aware of and there were no signs of a water line breakage although I did notice that my water pressure decreased when the irrigation systems were running in the early morning, which had not happened before. And you'll also notice that once Roscoe stopped doing daily irrigation ... which, again, happened right after my first unsuccessful request to see copies of the complex's water bills ... the water bills plunged right back down towards what they had been before, all the way from \$70, over a

forty dollar drop. And that \$70 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 because it was at the end of February when I first emailed them requesting to see past bills. So, that mid-February to mid-March bill may have been headed to well over a hundred dollars.

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 recently there were plumes and geysers of water, one as high as the steeple on a second floor apartment balcony, coming out of it.

Beyond (1) Roscoe's "building improvements" when they first arrived 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 they came aboard, (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've also seen physical evidence that the irrigation system had been designed/modified to tap into our apartment building water lines, which would result in keeping the irrigation water off the complex's common area submeter.

Beneath the plywood on the parking lot sidewalk behind Building 6 of The Gallery II, a PVC T pipe is connected to Building 6's water line that Teed off into two irrigation lines (*photos attached to original Formal Complaint filed on 12/14/20*), one that led to the front of the building and one that led along the alley side and out front.

According to my lease and the PUC Rules, irrigation costs are not supposed to be charged to residents. They are supposed to be deducted from the complex's overall water bill prior to calculating the residents' portion of the bill and charged to the owners of the apartment complex along with other common area water charges, which include the water for the swimming pool, laundry room, and irrigation. Owners have two choices on how to do that: either deduct it by using a submeter to measure the share of the water used for the common area usage or deduct 25% from the water/wastewater bill.

Prior to receiving copies of water bills from The Gallery a few weeks ago, I believed that they were being deducted from the complex's overall water bill based on a common area submeter where this irrigation water presumably used to all flow through and I thought that The Gallery had modified the irrigation systems to bypass the common area submeter so as to toss the irrigation costs on residents' side of the bill. That made the most sense to me since the irrigation system, prior to the modifications, had seemed to be working fine. I also reasoned, incorrectly it turns out, that if The Gallery management was being charged these increasing water costs that they would have done something to halt them, but now that I have seen the water bills they actually did deduct 25% from the overall water bill costs but then turned around and tossed those costs on the tenants anyway through an inaccurate accounting of how many people were living at The Gallery II and the total occupied apartment space at the complex. I will get to that matter later in this Complaint as well.

In regards to my request to see the water bills that got forwarded to the community manager on February 28th of last year, Roscoe management did not respond to it. Then COVID hit and I had bigger concerns and didn't follow up on it for a while. I got the community manager's direct email address in late September to email her about them again. I wanted to get her email address this time so she couldn't claim my email wasn't forwarded to her.

I verified that I had the correct email address for her by getting her email address from another Roscoe team member and emailing the community manager, Kimberly Hoffman. Kimberly responded the next day, confirmed that I had the correct email address for her and that she was the community manager, and asked me what she could do for me. I responded a few days later and asked for water bill records and she didn't reply back. I asked her again another two weeks or so later and again she didn't respond. Then, a few more weeks later, 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'm making a written request via the email or set up a meeting so that I can 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 I’m not sure I would be able to provide those as Roscoe didn’t take over until the end of July 2019”* and then basically ignored my request and instructed me to read over my lease and the PUC Rules for water bill information.

I also sent her a signed request to see information regarding past water bills in mid-December of last year and she ignored that as well.

There is no exception in the PUC Rules that I am aware of that allows an apartment complex to deny residents the opportunity to see past water bills because the property management company currently managing the complex wasn't managing it during the water billing period the bills are requested from. From what I understand the management is supposed to either keep those bills on site or get them from the owners upon residents' request.

In light of the water bill charges and The Gallery management's non-responsiveness to my requests to examine past water bills, I filed an Informal Complaint to the PUC about the matter on 11/2/2020 and the PUC gave it a Complaint No:CP2020101118. I was informed on 11/19/20 that there was no response by The Gallery to my complaint and that my informal complaint was closed.

On 12/14/20, I filed my original Formal Complaint and then on January 5th of this year Courtney Gaines of Roscoe Property Management responded to my Informal Complaint and emailed Isabel Ford of the Customer Protection Division of the Public Utility Commission of Texas and myself their response as well as the following documents:

1. PUC Rules 24.281
2. Multi-family Public Water and Wastewater rates
3. Subchapter M
4. HIMBC Unit 2-239 (Conservice bills for me from October 2019 to January 2021 with full explanation of water and sewer charges with calculations and figures used to calculate my bill)
5. Gallery Phase II Bills (City of Austin monthly water bills for water, wastewater, and drainage to The Gallery II from 10/14/19 to 12/11/20)

These documents were filed for this case on January 29th and are now in the PUC Interchange System.

What follows in this Complaint is what I found out from those bills though I still haven't gotten everything that I've asked for such as the total amount that was billed to residents for the water/wastewater/drainage for any of those monthly bills I requested to see.

II. The *HIMBC Unit 2-239* and *Gallery Phase II Bills*

A. Correlation between the *HIMBC Unit 2-239* and *Gallery Phase II Bills*

These two bills are found in the PUC Interchange System in the filings on January 29, 2021. The *HIMBC Unit 2-239* documentation is my personal water/wastewater bills from Conservice and the calculations they used for those bills. They begin at 10/2019 on the first page and run forward in time down the document to 1/2021 at the bottom of the page. The *Gallery Phase II Bills* are the water bills from Austin Water for the entire complex and start with the bills from 10/14/2019 to 11/13/2019 at the bottom of that document and then run upwards to 11/12/20 to 12/11/20 to the top of the page. As I mentioned earlier, the Austin Water bills for the complex are currently billed to residents about a month and a half after the reading so the 10/14/2019 to 11/13/2019 bill actually applies to the January 2020 bill in *HIMBC Unit 2-239*.

You can see how these two bills correlate by going to page 55 of the 57 page *Gallery Phase II Bills* where the 10/14/2019 to 11/13/2019 Austin Water bill to the complex is located and comparing them to page 7 of the *HIMBC Unit 2-239* bills which is my January 2020 bill for water/wastewater. You'll see that on page 7 of the *HIMBC Unit 2-239* bill in the first numerical field is the number of \$1224.61. That is the Total Current Charges in the *Gallery Phase II Bills* of the Water Service (\$1596.71) found on page 55 of the *Gallery Phase II Bills* minus the Multi-family customer charge (\$75.10), the Fixed Charge (\$292.00), and the Private Hydrant fee (\$5.00) that is all supposed to be paid by the owner and therefore deducted from the overall bill that the residents pay.

You'll also notice that on page 55 in the *Gallery Phase II Bills*, right below the Water Service, is the Wastewater Service, which is billed for 108,700 gallons of water in contrast to the 258,900 gallons that is billed for Water Service. 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)

Because the water usage was so much greater during the period that I contend that The Gallery II residents were overbilled, which runs from the 10/2019 to 5/2020 bills in *HIMBC Unit 2-239*, the amount of water used for the wastewater in the bills is constant at 108,700 gallons/month. As you'll see this amount is \$987.00 in all those aforementioned bills, which is the Total Wastewater charges minus the \$10.30 customer charge.

Note: In my monthly bill I also pay a fixed charge of \$3.56 for water base charge and .10 for sewer base charge, but these have nothing to do with the calculations I am about to cover. These charges, in the same exact amounts, were also part of our bill when Performance Utilities did them.

The last water charge in the City of Austin bills, found on page 56, is for drainage. The previous company that had done our water billing before Roscoe began managing The Gallery, which was Performance Utilities, used to do the water, wastewater, and drainage billing for the complex, but Roscoe now does the drainage billing themselves and Conservice only bills for the water and wastewater. As you can see on page 56 of the *Gallery Phase II Bills*, the charge for the complex is \$721.90. This is a fixed set charge and remains at \$721.90/month in the Austin water bills to the complex throughout all the bills in the *Gallery Phase II Bills*.

As you can see on page 44 of my original Formal Complaint filed in the PUC Interchange Service on 12/14/20, I was supposed to be billed my share of the water/wastewater costs by allocated billing by a “*combination of actual occupancy and square feet of the apartment*”. On page 45 of the same document, you’ll see that for drainage costs the allocation formula is: *Half of your allocation will be based on your apartment’s share of total square footage and half will be based on your share of total people living in the apartment community.*

Going back to the *HIMBC Unit 2-239* document you’ll see that in the last sentence of the first paragraph on page 7 the calculations for the water are explained: *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.* You’ll also notice that in the table below that they use 50% on each allocation calculations, essentially dividing up half of the remaining water bill, after the 25% is removed for common areas, and dividing it by the total number of occupants in the complex and multiplying it by the number of people in your apartment and the other half of the bill paid by residents is divided by the total occupied square footage in the complex, which means the total amount of square footage of occupied apartments in the complex, irrespective of how many people live in each apartment, and they multiply that by the residents’ apartment size. Then the results of those two calculations are added together and residents get their water charge, which is shown in the last field of the table on the page.

So, assuming that drainage is using the size of the apartment a tenant lives in divided by the total occupied space, and it appears that it is, the calculations for water and wastewater and the drainage are all the same except that 25% gets deducted for common area costs out of the water and wastewater bills while that isn't deducted from the complex's overall drainage bill prior to using the formula.

These formulas were used for water and wastewater during the entire eight month period that I believe residents were overcharged and presumably were also for drainage, though I have yet to see the drainage bills. Note also that once the 25% is deducted from fixed wastewater costs of \$987, you get \$740.75 and that the fixed monthly drainage costs for the complex are \$721.90 so the wastewater and drainage bills should be very similar from month-to-month since the numerators are very similar and the denominators in the equations used to calculate the costs are identical. And the two charges for the most part were indeed similar, usually within a dollar of each other, prior to Roscoe managing The Gallery and also in the bills that reflect the months after I first asked The Gallery management to provide past water bills in late-February of 2020 for me to examine, which is first billed in the June 2020 bills in *HIMBC Unit 2-239*. However, they weren't during the period in between in which I contend that residents were overbilled.

So, in summary, I'd like to affirm the following points:

1. All three of the water, wastewater, and drainage bills use the same equations for their calculations and should use the same numbers for *total number of occupants in the complex* and *total occupied square footage*.
2. Twenty-five (25) per cent of the water and wastewater total bill (after some deductions from each) is deducted for common areas before the residents allocate the bill. For drainage there is no 25% deduction for common areas.
3. Beyond that 25% deduction the only difference in these calculations for water, wastewater, and drainage is the total amount of the bill that the residents are collectively responsible for.
4. The water bill varies from month-to-month and is a variable cost.
5. The wastewater and drainage bills are fixed costs during the months that I was overcharged since the wastewater was capped at 108,700 gallons for billing and The Gallery II used far more than that for water. The residents' financial responsibility for wastewater and drainage should therefore be similar from month-to-month because they use the same set of equations only with slightly different total amounts that the residents are responsible for with wastewater as \$740.75/month and drainage at \$721.90/month.

6. Roscoe handles the billing for drainage in-house, they do it themselves, while Conservice does the billing for water and wastewater. The previous company that did our water billing did it for all three.
7. *Total number of occupants in the complex* is determined by the total amount of people on a lease at the complex. At most this number is the total amount of apartments that are occupied, which would require everyone living here being on a single occupancy lease.
8. The *total occupied square footage* is the total amount of apartment space that is occupied regardless of how many people live in that space. In other words, a couple sharing a lease in a 694 square foot apartment only count 694 square feet toward that total.

B. Review of the HIMBC Unit 2-239 bills

The HIMBC Unit 2-239 bills are the monthly Conservice water and wastewater bill calculations for my apartment from 10/2019 to 1/2021. Below I have listed the *total number of occupants in the complex* and *total occupied square footage* used in those bills for my monthly water/wastewater calculations from 10/2019 to 5/2020, which are the bills that I believe residents at The Gallery II were overcharged for, and they run from page 1 to 16 in the document. For proper context, I'll mention again that The Gallery II is a 104 unit apartment complex in a popular part of town, consists entirely of studio and one bedroom apartments, and is comprised of 28 studios of 391 sq. ft. each, 36 one bedrooms of 630 sq. ft. each, and 40 one bedrooms of 694 sq. ft. each.

	<u>Total number of occupants in complex</u>	<u>Total occupied square footage</u>
October 2019	78	42459
November 2019	78	42459
December 2019	70	38877
January 2020	68	35447
February 2020	60	31387
March 2020	55	28978
April 2020	50	25636
May 2020	44	22900

I've lived here for 5 years and until recently, I'd estimate that low tide here as far as occupancy was somewhere in the low 80s. In fact, when I first moved in here in March 2016 the

management back then told me that I had to take my current apartment immediately or it would probably be rented by the next day. One can also get a pretty good idea of the complex's occupancy here at The Gallery II because every apartment has a balcony and most folks put something out on theirs and you can see the balconies of four of the buildings in the complex easily on a walk from the front of the complex to the mailboxes and for the other two buildings you can get a decent idea of their occupancy from the cars in the parking lots out in front of them.

Looking at these records, I find it difficult to believe the total occupant numbers at 78 in October and November of 2019, but every total occupant number from December 2019 to May 2020 were incorrect on the low side from my casual observations of the complex which would mean that more residents were billed than those numbers indicate. Even at 70 for December 2019 for instance strains credulity; that's almost 1/3rd of the complex unoccupied.

The numbers from that 70 go south in a hurry though until we get all the way down to 44 occupants, a maximum occupancy of slightly over 42%. There aren't many established apartment complexes in Austin in a popular area of town like here with yearly leases that ever go below 70% much less the unfathomable low 40s in that May bill.

The numbers used for the *total occupied square footage* appear to be just as understated and don't appear to have any absolute link to the *number of total occupants* and the apartment sizes at the complex. Some of those numbers used for occupied square footage don't work at all when taking into consideration the number of occupants, even though that has some play in it with possible double occupancies, and the fact that we're talking about a 104 unit apartment complex that is comprised of 28 studios of 391 sq. ft. each, 36 one bedrooms of 630 sq. ft. each, and 40 one bedrooms of 694 sq. ft. each.

For instance between December 2019 and the January 2020 bill the number of occupants dropped just two, from 68 from 70, but the total occupied square footage dropped by 3430 sq ft (38877 to 35447). The only way to get close to that delta is if seven single occupants of 694 sq ft apartments and one single occupant of a 630 sq ft apartment moved out of the complex and three double occupants of 694 sq ft apartment moved in, but even then you're still 24 sq ft shy of 3430 with no way of getting there no matter how much jinga you play with apartment sizes and occupants. So, it appears that the numbers for *total occupied square footage* were provided rather than calculated from using the apartment sizes occupied and their occupants.

These numbers provided for these calculations during this period were also obviously not tied to and/or derived from the billing information that Conservice must have in their database as far as the amount of residents they are billing because there were certainly more than 44 apartments occupied here in May of 2020, and more than 50 and 55 and 60 and even more than 68 or 70 I'd heavily bet. And neither were these numbers tied to their collective apartment sizes although this info is also in Conservice's possession since they are making calculations for residents' bills based upon apartment size. Apparently then these numbers used for these calculations came from outside of Conservice's database they use for billing or otherwise flags would have been raised. So, unless Conservice was making off-the-cuff approximations as to how many occupants there are at The Gallery II that information was very likely provided by The Gallery management in some form or fashion.

I am a bit surprised that there isn't a quality assurance measure at Conservice that checks how many bills are being sent out and the collective sizes of their apartments compared to the numbers provided for *total number of occupants in the complex* and *total occupied square footage* because if you are dividing by one number that is supposed to represent the parts of the whole and you are multiplying that by a larger number collectively then tenants are being overbilled. For example if you are billing for water/wastewater/drainage by dividing the charges by 44 and billing out over 80 people the tenants would be paying far more than their share of the complex's water/wastewater, about twice as much. Obviously the same holds true for *total occupied square footage*.

Mind you, that's great from the ownership/management side because they are presumably making a profit off of having the power to allocate the water/wastewater/drainage billing, but not so good for residents who may be struggling financially from month-to-month and unable to afford the variability in their water billing that causes them to practically triple over a 8 month period and takes an additional \$45 bite out of their monthly budget.

I believe that it is worth noting too that as time went on and the ownership of The Gallery's financial responsibilities for the 25% of the water bills rose from slightly over \$200/month on the 10/2019 bill to what eventually was close to \$500/month the amount of *total number of occupants in the complex* and *total occupied square footage* in these equations shrank. So, not only were residents paying a higher water charge due to the additional water being used but they were being hit by higher charges overall in the water and wastewater billing by the inaccurately

low numbers used for *total number of occupants in the complex* and *total occupied square footage* in the equations.

So, in regards to the *HIMBC Unit 2-239* bills I would like to emphasize that:

1. The amounts used by Conservice for *total number of occupants in the complex* and *total occupied square footage* that were utilized in the calculations for the water/wastewater billing for the residents' bills from October 2019 to May 2020 are understated I believe because they don't correlate to what I observed and what I'd imagine is reflected in the amount of tenants that Conservice billed monthly for The Gallery II during that time period and the apartment sizes of those tenants. Some of these numbers are frankly ridiculous and require the occupancy at The Gallery II to be under 60% from February 2020 to May 2020 which does not make any sense in the Austin area for an established apartment complex. Other numbers don't work at all, for example in January 2020 the number of occupants dropped by only two from December 2019 but the total occupied square footage dropped by 3430 sq ft and there is no way to reach that delta within the confines of those numbers and the make-up of the apartment complex. As a result of these numbers being smaller in the October 2019 to May 2020 bills than the amount of tenants being billed and the amount of apartment space being occupied the tenants were overcharged for water/wastewater during that period.
2. Thus far, despite numerous requests and in defiance of PUC Rules, The Gallery management has not provided to me the total amount they charged tenants for water/wastewater during any of these months. I believe this information would reveal that The Gallery overbilled residents and force The Gallery, under the management of Roscoe Properties, to acknowledge their responsibility for that.
3. Conservice does not seem to have a system in place to check if the numbers provided for *total number of occupants in the complex* and *total occupied square footage* actually match how many tenants they are billing and their collective square footage.
4. Since the numbers used for *total number of occupants in the complex* and *total occupied square footage* are lower than how many tenants were billed for water during that period and their collective square footage, I can only conclude that these numbers were not derived from Conservice's billing records and unless Conservice pulled those numbers from their imagination they were provided separately and very likely supplied by The Gallery management.

C. The Transition to The Gallery's new water billing method in June 2020

As I mentioned previously, I emailed a Roscoe Property team member who worked for The Gallery in late-February of last year and requested to see copies of past water bills and they

forwarded on my email to the community manager on 2/28/20. I believe it was the next day, if it wasn't it was the day after, that I came out for my daily 5AM walk and noticed that the irrigation system, which had gone off at 5AM for as long as I could remember, did not go off and it hasn't gone off since as far as I know except when landscapers or maintenance worked on it.

In the water billing cycle immediately after the daily irrigation was ceased, which is reflected in my June 2020 bill, the formula for calculating the water bills was changed according to the bills that Conservice sent me (page 17 of *HIMBC Unit 2-239*). This different formula was in my 2020-2021 lease, by the way, but these new allocation formulas were applied a few months after my new lease started so it had nothing to do with the timing of my new lease. Anyway, I have no problem with The Gallery II using the new allocation formula and it makes sense for simplicity's sake to do it for the full community all at once, which I assume they did, but I think the timing of it is noteworthy. What is even more noteworthy is what that new formula revealed about how many apartments were occupied each month.

The new allocation formula (page 49 of my original Formal Complaint) is *average occupancy (PUC average for numbers of bedrooms in unit)*.

In §24.124 (e) (2) (A) (iii) in my lease for 2020-2021 it states how this allocation formula works:

(iii) the average number of occupants per bedroom, which shall be determined by the following occupancy formula. The formula must calculate the average number of occupants in all dwelling units based on the number of bedrooms in the dwelling unit according to the scale below, notwithstanding the actual number of occupants in each of the dwelling unit's bedrooms or all dwelling units:

- (I) dwelling unit with an efficiency = 1;
- (II) dwelling unit with one bedroom = 1.6;
- (III) dwelling unit with two bedrooms = 2.8;
- (IV) dwelling unit with three bedrooms = 4 + 1.2 for each

“(N)otwithstanding the actual numbers of occupants in each of the dwelling unit's bedrooms or all dwelling units” means that this formula is based purely upon the number of occupied apartments and the amount of people living in those apartments has no part in the formula. Therefore from this formula we should be able to get an idea of the range of the number of apartments that were occupied at that time.

On page 17 of *HIMBC Unit 2-239* you'll see that the number used for occupant multiplier total is 135.4. We know that we only have efficiency and one bedroom apartments which means that the 135.4 has to come from a sum of combinations of 1s (efficiency) and 1.6s (one bedrooms). We also know that there are 76 one bedroom apartments and 28 efficiencies in The Gallery II. Therefore there are only two combinations that arrive at 135.4 since we need either a 4 or 9 as the last number in the amount of one bedrooms because we have to match the .4 in 135.4. One of the combinations that works is 74 ($74 \times 1.6 = 118.4$) one bedrooms and 17 efficiencies for a total of 91 occupied apartments. The only other combination that works is 69 ($69 \times 1.6 = 110.4$) and 25 efficiencies for a total of 94 occupied apartments. So, the least amount of occupied apartments for the June 2020 bills is 91.

Mind you that in May 2020 the water/wastewater Conservice bills they had the maximum amount of occupied apartments as 44, so what this billing lays claim to is the absurdity that at least 47 apartments were newly occupied in the month period between the May and June bills and that the overall occupancy at The Gallery II doubled in one month.

I'll add that since the change to the new formula, the *occupant multiplier total* in The Gallery II's water/wastewater bills that monthly number has never went below 125 which would mean a minimum of 80 occupied apartments after supposedly steadily declining from 78 down to a maximum of 44 prior to my request to The Gallery management to open the books on past water billing.

So, in summary in regards to the transition to the new water/wastewater billing formulas used after I requested to see past water bills I'd like to make the following points:

1. Shortly after I first asked The Gallery management to examine past water bills in late-February of 2020, the daily irrigation system at The Gallery II was stopped and the water bills then went right back to around the same levels that they were before Roscoe began managing The Gallery and have stayed close to that level ever since while daily irrigation has yet to be resumed.
2. In the water/wastewater billing cycle immediately following my request, Conservice switched to a new calculation for the billing. This change in the equations used for allocated water/wastewater billing was in my 2020-2021 lease so there is no problem with that, but what is noteworthy is that comparing the May 2020 bill, which covered the period in which I requested to see the water bills, and the June 2020 bill the numbers reveal that there was supposedly at least a 47 apartment increase in apartment rentals,

from at most 44 occupied apartments in May 2020 to at least 91 in June 2020 in The Gallery II. That simply did not happen.

3. From the June 2020 bills to the January 2021 bills, which is the last bills in this document, the lowest amount of occupied apartments was 80 after supposedly diving from 78 to as low as 44 from October 2019 to May 2020.

D. Drainage billing

As I mentioned earlier Roscoe does the billing for drainage and Conservice for water and wastewater. The company that had done the water billing before Roscoe began managing The Gallery used to do all three of them. The drainage bills and the wastewater bills should be fairly consistent and comparable with each other since they use the same equations to calculate them and they both have similar costs to divide up among the residents with wastewater as a fixed cost of \$740.75/month and drainage at \$721.90/month from 10/19 to 5/20. The two hadn't varied much at all, usually within a dollar of each other, before Roscoe began managing The Gallery.

Once Roscoe took over the drainage billing though they immediately almost doubled from \$6.97 on our water bill for the September 2019 rent (page 14 of my original Formal Complaint) under the old company, Performance Utility, to \$12.63 (page 15 of my original Formal Complaint) and stayed either there or rose until I asked Roscoe to open their books for me on water charges and then they immediately went right back to \$7.01 (page 29 of my original Formal Complaint), pretty much where they had been when Performance Utility had been calculating the bills, and they haven't went above that in the monthly bills since then.

Also, during that billing period (10/19 to 5/20) in which I believe The Gallery II residents were overcharged, the wastewater and drainage bills didn't move in relative tandem as one would expect if they were using the same equations and calculations. The wastewater rose during that period from \$10.80/month to \$19.63, which is an increase of over 80%, and drainage rose from \$12.63 to \$15.16, which is an increase of only 20% so apparently there was a difference in the numbers used for *total number of occupants in the complex* and *total occupied square footage* and/or equations used in Roscoe's in-house calculations for drainage and what Conservice was provided and used for their calculations during that period.

In summary, in regards to the drainage billing:

1. The drainage billing, which Roscoe Properties does in-house at The Gallery, immediately almost doubled once Roscoe began managing The Gallery compared to the billing before Roscoe and after I first asked examine the water bills. It was at least \$5/more on my bill during the period though this is a fixed cost to the complex. Being that there is almost always at least 80 tenants at The Gallery II if all residents were overbilled by \$5/month then that would amount to overbilling residents in total over \$400 a month and hence lead to a monthly profit for The Gallery on the drainage billing during those 8 months.
2. The drainage bills and the wastewater bills, which should use the same equations and numbers in those equations for both *total number of occupants in the complex* and *total occupied square footage*, were both similar fixed costs from October 2019 to May 2020, and should therefore track each other in their price movement during those periods but they do not in fact track each other with the drainage bill increasing only 20% during that period and the wastewater bill increasing over 80%.

E. The *Gallery Phase 2 Bills* (City of Austin water bills for The Gallery II)

The bills in the *Gallery Phase 2 Bills* document are the water bills from the City of Austin to The Gallery II complex and reflect the total water usage in the complex. I'd like to first turn the Commission's attention to page 7 of the *Gallery Phase 2 Bills* and point to the upper left hand corner of the page where the *Your Water Use* chart is at. The chart is a record of the monthly water usage at the complex from November 2019 to November 2020. This particular bill is from 10/14/20 to 11/12/20. I refer the Commission to this bill because the later bill from 11/12/20 to 12/11/20 was from a period in which The Gallery did a powerwashing of the apartment buildings which atypically affected the water usage for that month.

As one can see on the graph on page 7 the water usage at the complex dramatically decreased once Roscoe stopped doing daily irrigation shortly after my request to examine the complex's water billing in late-February. This decrease is first captured in the April 2020 bills since the March 2020 bill ran from 2/12/20 to 3/13/20. From this graph one can get a good idea from the water usage amounts from April 2020 to November 2020 that the complex's baseline monthly water usage without daily irrigation is about 100K gallons.

Next I'd like the Commission to take a look at page 35 of that document and look at that same chart on that page in the upper left hand corner. Note that Roscoe began managing The Gallery sometime in late July of 2019 and the water bills run to around halfway through the month so the August 2019 water bills are the first set of water bills after Roscoe began managing The Gallery.

I want to call attention to the rise in the water usage between the period in which Roscoe first began managing The Gallery II and when I asked to examine past water bills, which is captured in the March 2020 water bill. Also please note that the monthly water usage amounts on the chart to the left of August 2019 was when the previous management company had done daily irrigation presumably from drawing water through the common area submeter and the water usage for those four months (April 2019 to July 2019) probably averaged somewhere around 120K gallons/month.

We can surmise from that info and the fact that the average water usage after the daily irrigation was turned off was approximately 100K that the daily irrigation before Roscoe oversaw modifications to the system was about 20K gallons/month. Now please look to the right there from the chart on page 35 at the water usage and its costs, which is \$4.53 per 1000 gallons. That water rate, by the way, rises to \$5.00 per 1000 gallons during Austin's warmer months as one can see on page 23 of this document. So, at most it appears that it cost the ownership at The Gallery II about \$100/month to do daily irrigation under the old irrigation system, the one that had been used to do daily irrigation for the previous three plus years that I had lived at the complex before Roscoe oversaw modifications to the irrigation system, changes in which the primary function apparently was that it now drew water for irrigation from the water lines of several apartment buildings instead of through the common area water line where the common area submeter would have read it.

Please note also the amount of water wasted, which is the monthly amounts above 120K gallons, during those eight months in which The Gallery II did daily irrigation with the redesigned and modified irrigation system. From August 2019 to March 2020, there were easily 1.5M gallons drawn through The Gallery II's main water line above 120K gallons/month. So, I think it is fair 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 1.5M gallons of water was unnecessarily wasted.

Now please look at page 39, which is the water bill from 2/12/20 to 3/13/20. Note that during this period, in late-February, I requested to examine the water bills and they stopped daily irrigation almost immediately. So, this water bill only captures about a half a month of daily irrigation and yet the total water usage for the month was 346,900 gallons. That means that there was approximately 250K gallons used for irrigation for a half a month so at the rate that the irrigation system was spewing water at that time we were on course to use 500K gallons for irrigation compared to 20K before The Gallery II, under Roscoe's management, brought in contractors to redesign and modify the system. That's a 25 fold increase.

Considering how the system was redesigned and that it likely wasn't maintained very well it all makes some sense. From what I understand 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. With the hodgepoded redesign though, which apparently partitioned the irrigation system so that it could draw water from multiple apartment building water lines, maybe as many as six water lines were drawing water (I believe there is one water line per apartment building since there appears to be only one to the two-story building I live in), or maybe even more since there are two three story apartment buildings in this six building apartment complex and those might even use more than one water line. So with those additional water lines there is an opportunity to draw, and waste, a lot more water. It also would not be surprising if the redesign led to increased water pressure on those irrigation lines which could have led to the cracks and breaks in those lines, or even blown irrigation heads, that appear to have become more numerous as the weather got colder and dipped below freezing. Also, in the building that I live in they had the irrigation system set up so that it actually took water straight from the building's water inlet pipe so that's a direct line to my apartment building's water line. I am not sure if the other apartment building water lines that the redesigned system drew from came from the outlets or inlets and how that may have affected the irrigation water usage.

I believe that the excessive amount of water usage during this period 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 the water being leaked. The only reasonable explanation in my opinion is that it was leaking out of the irrigation lines at 5AM in the morning.

Mind you also what it means when 17,000 gallons of water are being used per morning, as it appears was happening in February 2020, instead of 700 gallons during the winter months: some of that water is flowing down the two moderately steep driveways in the complex across a sidewalk and onto Menchaca Road so some of that water was not only on the sidewalk for pedestrians to walk over but also running onto a very busy road at 5AM in the morning and maybe freezing by the time the morning traffic rush hits causing icy conditions on the ten days or so each winter in which Austin has temperatures below freezing. In fact when contractors turned on the irrigation system on a few months ago I saw irrigation water flowing down both of the complex's driveways and out into the street.

These two driveways are also located in particularly hazardous locations on that stretch of Menchaca Road. One of the driveways is straight across from Larchmont, where drivers often make left turns onto Menchaca towards Ben White and State Highway 71, and also catty-corner to a public bus stop. It is not a rare sight to see drivers making a harried left out of Larchmont onto Menchaca when cars northbound on Menchaca swing around a bus stopped at the corner to pick up passengers.

The other driveway is also in a somewhat bad location for traffic because it is right next to the driveway that runs to The Gallery I and drivers, particularly delivery drivers and taxicab and Uber drivers, often suddenly stop in that location of Menchaca while figuring out which driveway they want to go up. There is also a bus stop on that side of the street for southbound buses that is about a hundred yards up the road which causes unanticipated backups in traffic at times.

I'll also mention that though I don't know if it is related or not, a few months ago the city did some work on those two driveways that decreased their steepness and also on the patches of Menchaca they lead onto.

So, in regards to the *Gallery Phase II Bills* I would like to emphasize that:

1. The previous irrigation system was working fine, keeping the grounds green and only using 20K gallons a month to accomplish that.
2. The redesign and modifications the irrigation system and The Gallery's negligence maintaining it eventually led to a 25 fold increase in the use of irrigation water to a rate of 500K gallons a month compared to 20K gallons per month it was using previously so the irrigation system was using 17,000 gallons a day by late February of 2020 compared to 700 gallons per day with the old one.
3. Also, according to past water bill records, the new system overall used an additional 1.5M gallons of water in the eight months I contend residents were overbilled compared to what the old system would have used.

F. Charging tenants for an extra month of water/wastewater/drainage by shifting billing dates

As I wrote about earlier, before Roscoe began managing The Gallery tenants used to pay their monthly water bill with their rent a half a month after the water bill came in. For instance you

can look at my water bill from Performance Utility for 7/16/19 to 8/14/19 (page 14 of my original Formal Complaint) and compare it to the rental bill for September (see attached file 2-239 Ledger 2 page 1) and you'll see that I paid it with the September rent. But then you look at that bill we talked about earlier and I paid for the 10/14/19 to 11/13/19 water bill (Roscoe by the way had the water bill dates shifted for that bill to 10/29/19 to 11/23/19) from the City of Austin with the January 2020 rent. So tenants from September 2019, in which I paid for water from 7/16/19 to 8/14/19, to January 2020 paid for water/wastewater/drainage monthly costs for five months (September, October, November, December, and January) but yet only 4 months, from 7/16/19 to 11/13/19, tolled on the water bills.

You can also see it in the water bills I showed earlier and the water bill that the City of Austin sends the complex. Looking at the monthly water bills from the City of Austin you'll notice that they run from halfway through one month to the next, for example from 10/14 to 11/13, and are generally for 30 day periods. But if you look at my water bills below you'll see that Roscoe shifted them to shorter cycles and they no longer aligned with the dates of the City of Austin water bills to the complex.

\$21.76	3/15/19-4/12/19	Former management company (daily irrigation)
\$22.66	4/13/19-5/14/19	Former management company (daily irrigation)
\$22.62	5/15/19-6/13/19	Former management company (daily irrigation)
\$23.80	6/14/19-7/15/19	Former management company (daily irrigation)
\$25.24	7/16/19-8/14/19	Roscoe begins managing Gallery in late-July (daily irrigation)
-		
\$36.15	8/14/19-9/8/19	Roscoe managing property for full cycle (daily irrigation)
\$41.66	9/8/19-10/3/19	Roscoe managing property (daily irrigation)
\$41.40	10/3/19-10/29/19	Roscoe managing property (daily irrigation)
\$44.84	10/29/19-11/23/19	Roscoe managing property (daily irrigation)
\$53.90	11/23/19-12/18/19	Roscoe managing property (daily irrigation)
\$62.85	12/18/19-1/14/20	Roscoe managing property (daily irrigation)

As you can see when Roscoe came in they shifted to cycles of around 25 days while Performance was presumably synched with the city's water bills to the complex for cycles of the water billing and generally used 30 or more days in their bills. By doing that Roscoe charged us six times for water/wastewater/drainage costs from 8/14/19 to 1/14/20 that we paid in our October 2019 to March 2020 rental bills though from 8/14/19 to 1/14/20 there should only be 5 monthly water bills.

When I first started renting here I pointed out to the management back then that my first water bill, which came on my second monthly bill for the complex, was partially for a half a month that I hadn't resided at the complex and she told me that they did that so that when you left all you paid for was the present water bill and that extra half month I paid up front would cancel out the half month of water that would come in the water bill after I left so I wouldn't have any bills from them to worry about afterwards. Now it looks like Roscoe will try to have me on the hook for an additional month once I leave even though I've already paid it.

This additional month of water billing can lead to problems for renters once they leave The Gallery II because if they don't pay it then Roscoe can come after them with the threat of damaging their credit for a bill that they might not even legally owe since Roscoe squeezed in an extra bill on them while they were living here. And Roscoe will indeed hound you for a bill after you leave according to recent ex-residents I've talked to.

III. Summary

I'd like for Commission to take into account the totality of what Roscoe did at The Gallery II and fully consider Roscoe's fitness to have the power over tenants to bill them for water. By my count they came in here and overcharged residents for water at least three ways by abusing their power to bill us for water: (1) by understating the numbers for occupants and occupied apartment space to Conservice, (2) by taking control of the drainage billing and promptly overbilling tenants \$5/month for it, and (3) billing tenants for an extra month of water/wastewater/drainage by playing with the water bill dates. To put it mildly, each of these three actions appear to be purposeful to me. None of the other property management companies here during the last five years, and there were at least three of them, behaved like this towards tenants.

For at least over three years before Roscoe came here our water bills were always around \$25, if not less. Then Roscoe arrived and immediately oversaw changes to the irrigation system that ended up using 1.5M more gallons of water than the previous irrigation likely would have used

in an eight month period. They changed billing companies from Performance Utilities, the company that the previous property management companies had used while I lived here, to Conservice and it looks like they provided implausibly low numbers for *total number of occupants in the complex* and *total occupied square footage* to Conservice that resulted in tenants being overbilled. In addition they took over the drainage billing, something that Performance used to do along with the water and wastewater billing, and immediately raised our drainage bills by \$5/month. Then they shifted the water billing dates so that residents were billed for an additional month of water/wastewater/drainage.

Then with our water bills close to tripling by February of 2020 I asked Roscoe to examine past water bills. By this time the water being used for irrigation was about 25 times what it had been before Roscoe began managing The Gallery. Roscoe reacted by immediately shutting down the irrigation system and the bills plummeted right back down to what they had been with the previous companies who managed here.

I asked Roscoe five times from late February of 2020 to mid-December of 2020 to examine water bills from 2019 and even used the Tenant Guide for Allocated Water and Wastewater Service to define exactly what their responsibilities were and what I wanted to examine and in defiance of PUC Rules Roscoe did not provide any of this information until January 2021 and what they did provide was not all that I asked for, which included the total amounts that Roscoe billed tenants for monthly water/wastewater/drainage costs that, if accurate, would have revealed if they overbilled residents.

In the course of redesigning the irrigation system, their failure to properly maintain it, and likely systematically overbilling residents by fudging the numbers used by Conservice for the calculations of residents' water bills, by late February Roscoe had taken what had been a \$100/month irrigation bill for the ownership of the complex that only used about 20K gallons a month and had transformed it into an extra \$45/month charge for probably over 80 residents, for a total of now close to \$4000/month, and 17,000 gallons of water a day was pouring out of the irrigation system.

Not only did residents pay over \$200 more for water over that eight month period before my request to examine the water bills, the City of Austin paid with water wasted, the environment may have paid for the massive amount of extra water being used for drainage, and even motorists

and pedestrians on Menchaca Road may have had their safety compromised to some extent by the irrigation water that flowed out onto Menchaca Road in the winter.

And what did Roscoe pay for all this, for the mess they made from what had begun as a measly \$100/month bill to ownership for irrigation water? Nothing. Instead they profited from it. They not only were apparently skimming an extra \$400/month for the drainage costs, they billed residents for an extra month of water/wastewater/drainage, and apparently were feeding lowball numbers to Conservice which resulted towards the end with probably over 80 residents paying 1/44th of the monthly bill which means that they were charging us about double of what we owed and that not only covered the ownership's costs for water, but surely produced a profit.

I'm going to end this complaint with an excerpt from my 2019-2020 lease, found in §24.125. Billing.

(k) Overbilling and underbilling. If a bill is issued and subsequently found to be in error, the owner shall calculate a billing adjustment. If the tenant is due a refund, an adjustment must be calculated for all of that tenant's bills that included overcharges. If the overbilling or underbilling affects all tenants, an adjustment must be calculated for all of the tenants' bills. If the tenant was undercharged, and the cause was not due to submeter or point-of-use submeter error, the owner may calculate an adjustment for bills issued in the previous six months. If the total undercharge is \$25 or more, the owner shall offer the tenant a deferred payment plan option, for the same length of time as that of the underbilling. Adjustments for usage by a previous tenant may not be back billed to a current tenant.

From above:

"If the tenant is due a refund, an adjustment must be calculated for all of that tenant's bills that included overcharges. If the overbilling or underbilling affects all tenants, an adjustment must be calculated for all of the tenants' bills."

I believe that I have provided extremely convincing evidence that Roscoe overbilled me and if they ever cough up an accurate rendering of the total amounts that they billed residents for water in our October 2019 to May 2020 monthly bills from Conservice I believe that this will be definitively proven. They have defied PUC Rules in denying me those bills and I have submitted another written request this morning to the Roscoe Senior Regional Manager and The Gallery's Community Manager to see the total amount they billed residents for water in the January 2020 to June 2020 monthly water/wastewater and drainage bills as well as the calculations they used for the drainage bills for that period to see what numbers they used for occupants and occupied apartment space in those bills. I'd ask for some of the 2019 bills, but they have continually ignored my requests for them and it is now past the date when they were supposed to be responsible for providing them to tenants to examine.

If Roscoe has made a series of accidental mistakes, had "quality control" issues which resulted in unintentional overbilling, then they should own up to them and pay back the residents for the

overcharges over that period, and that includes former residents. It's not hard for them to do. They have former residents' email addresses and phone numbers presumably on file. They could use the monthly water billing averages from the months that had no irrigation as I did below in my Relief Sought to figure out the overcharges. They certainly expended a ton of energy overbilling tenants and they could afford to spend some more righting their "quality control" issues that led to tenants being overbilled. And one would expect in that case that they'd also check over the past water billing at The Gallery I for similar mistakes and reimburse The Gallery I tenants, past and present, for any overbilling, which seems likely to have occurred over there as well.

And if Roscoe didn't actually unintentionally overbill residents of The Gallery II for water, wastewater and drainage between October 2019 and May 2020, then that, in my opinion, can only lead to one reasonable conclusion: they committed crimes.

Relief sought:

1. Copies of the total amount that Roscoe billed residents of The Gallery II for water/wastewater and drainage for the January 2020 to June 2020 monthly bills from Conservice as well as the calculations, with numbers provided for those calculations, that they used during those months to figure the residents' monthly drainage bills. I emailed the Roscoe Senior Regional Manager and The Gallery Community Manager this morning and attached a signed request to see those bills.
2. An adjustment refund on the difference between when my water bills were abnormally expensive from 8/14/19 to 3/13/20 when they averaged \$52.46/month and the monthly average of what the water bills have averaged since Roscoe has turned off the daily irrigation (3/13/20 to 9/14/20) which was \$25.27/month and then multiply that difference by the 8 months they were abnormally high which would come to an adjustment refund of \$216.72. In addition I am asking for an additional \$25.27 for the extra month of water that they billed me for a total refund of \$241.99.

Evidence:

Water bills before Roscoe mid March to mid August 2019 (pages 12 to 14 of my original Formal Complaint)

Water bills with Roscoe irrigating mid August 2019 to mid March 2020 (pages 15 to 28 of my original Formal Complaint)

Water bills after Roscoe stopped irrigating mid March 2020 to mid September 2020 (pages 29 to 40 of my original Formal Complaint)

NOTE: I can provide email or physical evidence of these bills if need be

Excerpts in the April 2019 to March 2020 lease about utilities (pages 41 to 45 of my original Formal Complaint)

Excerpts in the April 2020 to March 2021 lease about utilities (pages 46 to 50 of my original Formal Complaint)

NOTE: I can provide copies of these full leases if need be

Email thread with Gallery manager Kimberly Hoffman (pages 51 to 55 of my original Formal Complaint)

NOTE: This is the email conversation I had with Kimberly Hoffman from September 23, 2020 to October 21, 2020. I can provide the email itself if need be.

Email request to see water bills forwarded 022820 (pages 56 to 58 of my original Formal Complaint)

NOTE: This is the email conversation I had with the Roscoe team member in late February of 2020 when they told me that they had forwarded my request onto the community manager. I can provide the email itself if need be.

Email request to see past water bills 121420 (pages 59 to 61 of my original Formal Complaint)

NOTE: This is a copy of the email that I sent to The Gallery's community manager Kimberly Hoffman on 12/14/20 after I physically delivered the signed request to her to see past water bills. I can provide the email if need be.

Signed request to inspect water bills 121420 (pages 68 to 69 of my original Formal Complaint)

NOTE: This is a pdf of the signed request that I made to see past water bills and physically handed to The Gallery's community manager Kimberly Hoffman on 12/14/20. I attached this to the email I sent Kimberly Hoffman on the same day. I can provide the email if need be.

Look at piping behind Building 6 after 102920 (page 62 of my original Formal Complaint)

Look at piping behind Building 6 after 102920 view 2 (page 63 of my original Formal Complaint)

Look at T piping with rhs cut and capped after 102920 (page 64 of my original Formal Complaint)

Main shut off valve and irrigation water spigot after 102920 (page 66 of my original Formal Complaint)

Main shut off valve with PVC pipe towards T (page 65 of my original Formal Complaint)

Teed line used for irrigation before 102920 (page 67 of my original Formal Complaint)

NOTE: On 10/28/20 contractors cut the white PVC T pipe that led off to the right. The *Teed line used for irrigation before 102920* is a photo from before the contractors cut the pipe and the *Look at T piping with rhs cut and capped after 102920* is from after. Both the left side of the T and the right side of the T led to irrigation lines. The Building 6 main water shut off valve is beneath the round green covering against near the wall in *Look at piping behind Building 6 after 102920 view 2*. In *Main shut off valve and irrigation water spigot after 102920* the main shut off valve is in the circular hole (the green covering was removed) and the irrigation shut off valve is connected to the white PVC piping.

I can also provide video evidence of before and after the contractors modified the piping on 10/28/20.

HIMBC Unit 2-239 (Filed in PUC Interchange System on January 29, 2021)

Gallery Phase 2 Bills (Filed in PUC Interchange System on January 29, 2021)

2-239 Ledger 2 (Filed in PUC Interchange System on February 1, 2021 with this Amended Complaint)

Resident Ledger



Date: 11/10/2019

Code	t0091045	Property	9200	Lease From	04/01/2019
Name	Jeffrey Connors	Unit	2-239	Lease To	03/31/2020
Address	3506 Manchaca Rd # 2-239	Status	Current	Move In	03/18/2016
		Rent	1050.00	Move Out	
City	Austin, TX 78704	Phone (H)	(509) 990-2154	Phone (W)	

Date	Chg Code	Description	Charge	Payment	Balance	Chg/Rec
07/25/2019	secdep	:Posted by QuickTrans (secdep)	250.00		250.00	10138746
07/25/2019		chk# :QuickTrans :Posted by QuickTrans		250.00	0.00	3595454
08/01/2019	ubtrash	Trash (08/2019)	25.00		25.00	10165380
08/01/2019	pest	Pest Control (08/2019)	5.00		30.00	10165593
08/01/2019	rent	Rent-Lease Charges (08/2019)	1,050.00		1,080.00	10165767
08/04/2019	late	Late Fee Income :Reversed by Charge Ctrl# 10180337	75.00		1,155.00	10172456
08/04/2019	late	:Reverse Charge Ctrl#10172456 money posted to wrong ledger	(75.00)		1,080.00	10180337
08/06/2019		chk# 1019 Reapplied Receipt		1,098.80	(18.80)	3663331
08/07/2019	ubstorm	6/11/19-7/10/19	6.96		(11.84)	10143638
08/07/2019	ubsewer	6/11/19-7/10/19	0.10		(11.74)	10143734
08/07/2019	ubsewer	6/11/19-7/10/19	7.93		(3.81)	10143826
08/07/2019	ubwater	6/11/19-7/10/19	3.56		(0.25)	10143918
08/07/2019	ubwater	6/11/19-7/10/19	5.25		5.00	10144010
09/01/2019	ubtrash	Trash (09/2019)	25.00		30.00	10371890
09/01/2019	pest	Pest Control (09/2019)	5.00		35.00	10372123
09/01/2019	rent	Rent-Lease Charges (09/2019)	1,050.00		1,085.00	10372303
09/01/2019	ubstorm	7/11/19-8/9/19	6.97		1,091.97	10377760
09/01/2019	ubsewer	7/11/19-8/9/19	0.10		1,092.07	10377944
09/01/2019	ubsewer	7/11/19-8/9/19	7.94		1,100.01	10378144
09/01/2019	ubwater	7/11/19-8/9/19	3.56		1,103.57	10378327
09/01/2019	ubwater	7/11/19-8/9/19	6.67		1,110.24	10378517
09/03/2019		chk# 44455651 ClickPay ? ACH ? A1909031251_OW7FT7		1,110.24	0.00	3704744
10/01/2019	rent	Rent-Lease Charges (10/2019)	1,050.00		1,050.00	10627137
10/01/2019	pest	Pest Control - 10/01/19-10/31/19	5.00		1,055.00	10648417
10/01/2019	ubsewer	Sewer Allocation - 08/14/19-09/08/19	10.90		1,065.90	10648418
10/01/2019	ubstorm	Storm water / Drainage - 08/14/19-09/08/19	12.63		1,078.53	10648419
10/01/2019	ubtrash	Trash - 10/01/19-10/31/19	9.00		1,087.53	10648420
10/01/2019	admintra	Trash Admin Fee - 10/01/19-10/31/19	3.00		1,090.53	10648421
10/01/2019	vtrash	Valet Trash Service Fee - 10/01/19-10/31/19	25.00		1,115.53	10648422

10/01/2019	ubwater	Water Allocation - 08/14/19-09/08/19	12.62		1,128.15	<u>10648423</u>
10/01/2019		chk# 46083809 ClickPay - ACH - A1910010858_YS3X00		1,111.00	17.15	<u>3767680</u>
11/01/2019	pest	Pest Control - 11/01/19-11/30/19	5.00		22.15	<u>10731658</u>
11/01/2019	ubsewer	Sewer Allocation - 09/08/19-10/03/19	10.90		33.05	<u>10731659</u>
11/01/2019	ubstorm	Storm water / Drainage - 09/08/19-10/03/19	12.52		45.57	<u>10731661</u>
11/01/2019	ubtrash	Trash - 11/01/19-11/30/19	9.00		54.57	<u>10731663</u>
11/01/2019	admintra	Trash Admin Fee - 11/01/19-11/30/19	3.00		57.57	<u>10731665</u>
11/01/2019	vtrash	Valet Trash Service Fee - 11/01/19-11/30/19	25.00		82.57	<u>10731667</u>
11/01/2019	ubwater	Water Allocation - 09/08/19-10/03/19	18.24		100.81	<u>10731669</u>
11/01/2019	rent	Rent-Lease Charges (11/2019)	1,050.00		1,150.81	<u>10873695</u>
11/01/2019		chk# 48169776 ClickPay - ACH - A1911012001_UD0TX2		1,150.81	0.00	<u>3837545</u>