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5368

**Donna L. Nelson**  
Chairman

**Kenneth W. Anderson, Jr.**  
Commissioner

**Brandy D. Marty**  
Commissioner



## ***Public Utility Commission of Texas***

January 6, 2016

West Avenue Lofts Apartments S5368  
300 West Ave  
Austin, TX 78701 - 3840  
[mgorton@gables.com](mailto:mgorton@gables.com)

### **RECOMMENDATION**

Registration Request of West Avenue Lofts Apartments to Change from Submetered to Allocated Billing pursuant to Texas Water Code, Subchapter M, Sec. 13.502(e)(1) and (2)

On November 10, 2015, West Avenue Lofts Apartments, Registration No. S5368, filed a request to change from Submetered to Allocated billing pursuant to Texas Water Code, Subchapter M, Sec. 13.502(e)(1) and (2). The request is assigned S5368.

Based on a review of the information provided, it appears the request meets the requirements of Texas Water Code, Subchapter M, Sec. 13.502(e)(1) and (2), and should be granted. The Commission's records should be updated to reflect the change from Submetered to Allocated billing upon receipt of PUC Form 10363 to be filed by West Avenue Lofts Apartments.

Please reference Subchapter H, §24.123 (c) of the PUC's rules which state the following: Tenant agreement to billing method changes. An owner shall not change the method by which a tenant is billed unless the tenant has agreed to the change by signing a lease or other written agreement. The owner shall provide notice of the proposed change at least 35 days prior to implementing the new method.

Also, Subchapter M, Sec. 13.5031.(1) of the Texas Water Code requires that the rental agreement must contain a clear written description of the method of calculation of the allocation of nonsubmetered master metered utilities for the manufactured home rental community, apartment house, or multiple use facility.

Sincerely,

A handwritten signature in cursive script that reads "Tammy Benter".

Tammy Benter, Director  
Water Utility Division

TB/DRT



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