



Control Number: 51856



Item Number: 321

Addendum StartPage: 0

SAP-S41584-00

Robert J. Huston, *Chairman*  
R. B. "Ralph" Marquez, *Commissioner*  
Kathleen Hartnett White, *Commissioner*  
Margaret Hoffman, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

April 11, 2003

Ms. Becky Desmet  
Manager, Ancillary Services  
Archstone Smith  
9200 E Panorama Circle, Ste 400  
Englewood, CO 80112

Re: Wellspring Wireless Utility Services' Aqura Point-of-Use Measuring Device

Dear Ms. Desmet:

As we discussed earlier this week, the referenced device is not currently approved for use for billing purposes under Texas statutes and Texas Commission on Environmental Quality (TCEQ) rules.

Please see the enclosed letters dated January 28, 2003 for additional information on this issue: one to a property owner and one to Mr. Wade Smith, CEO of Wellspring International. (These letters were also faxed to you on April 1, 2003.) I understand you will resume billing tenants in Texas based on the allocation method used previously, and you will discontinue calculating tenant bills based on the Aqura device measurements.

We also discussed the fact that you could speak with Mr. Vay (your local Wellspring contact) or Mr. Smith if you are interested in participating in any pilot programs Wellspring implements to evaluate the use of their device for billing purposes.

I hope you find this information helpful. If you have any questions about this letter or the attachments, please call me at 512/239-6112, send an e-mail to [kwilkins@tceq.state.tx.us](mailto:kwilkins@tceq.state.tx.us) or write to the address shown below. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "KW", followed by a horizontal line.

Kate Wilkins  
Water Supply Division, MC153

Enclosures

cc: Mr. Wade Smith, PE, CEO  
Wellspring Wireless Utility Services  
830 Bear Tavern Road, Suite 108  
Ewing, New Jersey 08626



Robert J. Huston, *Chairman*  
R. B. "Ralph" Marquez, *Commissioner*  
Kathleen Hartnett White, *Commissioner*  
Margaret Hoffman, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

January 28, 2003

Mr. Wade Smith, P.E., C.E.O.  
Wellspring International  
830 Bear Tavern Road, Suite 108  
Ewing, New Jersey 08626

Dear Mr. Smith:


Re: Wellspring Aquira Point of Use Submetering System

Thank you for the additional information concerning Wellspring's Aquira "point of use" device. You are proposing to use the device for submetering purposes.

Based on the information you have submitted, the device will be considered on a case by case basis for approval to use in a pilot program to assess the use of such devices where a single meter to measure all of a tenant's use cannot be installed. As you have indicated, it may be feasible to install and use these devices when it is not possible to install a single submeter in each rental unit to measure all water used in that unit.

A request to use point of use devices in a pilot program must be made in writing and include a description of how the program will be used to evaluate the use of these devices for billing purposes, as compared to other allocation methods (if all water use for a rental unit is not captured) or as compared to a single submeter (if all water use is captured).

This is not an approval to begin using the device for any submetered or allocated billing. It is still likely statutory and rule revisions would be necessary to allow for such an approval. Please contact me at 512/239-6947 if you have any questions in this matter.

Sincerely,  
  
Doug Holcomb, P.E.  
Manager, Utilities and Districts Section  
Water Supply Division

DH/lg



Robert J. Huston, *Chairman*  
R. B. "Ralph" Marquez, *Commissioner*  
Kathleen Hartnett White, *Commissioner*  
Margaret Hoffman, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

January 28, 2003

Re: Request for Pilot Program to Utilize Wellspring Sub-metering—Arlington, TX

We are responding to your request for approval to utilize the Wellspring system for billing water and wastewater service to your tenants. We are denying that request because it does not conform to existing law. You should continue using the allocation method you have chosen to calculate tenants' bills for the nonsubmetered services they currently receive.

Your pilot program describes a new method for calculating charges for "allocated utility service" (as opposed to "submetered utility service"). Although your proposal is similar to our approved allocation method based on "the individually submetered hot . . . water usage of the tenant's dwelling unit divided by all submetered hot . . . water usage in all dwelling units," the point-of-use (POU) device you intend to use is not "subject to the rules and standards established by the commission for accuracy, testing and record keeping of meters installed by utilities" (emphasis added) as required by the Texas Water Code (Code) [Section 13.503(b)].

Texas Commission on Environment Quality (TCEQ) approval is not required if you wish to use POU devices for the purpose of locating and monitoring leaks nor for comparing tenant bills computed with your proposed method to those computed under the approved method you are currently using. If you wish to use these devices in the future to bill on a either a "non-submetered" or "submetered" basis, changes in TCEQ rules and the Code would be required. It's possible your program could provide supporting evidence for statutory or regulatory changes. However, you do not describe how you will measure the effectiveness of the Wellspring system as compared to existing methods. We recommend you develop some measures that would allow you to do so.

As you know, we have been communicating with Wellspring Wireless Utility Services (Wellspring) on the question of whether their "Aqura" POU device is comparable to a "utility meter". Copies of our July 11, 2002 and (January 28 2003) letters to Wellspring are enclosed for your convenience. I hope this reply is helpful. If you have any questions, please call me at 512/239-6147 or send an e-mail to [dholcomb@tceq.state.tx.us](mailto:dholcomb@tceq.state.tx.us).

Sincerely yours,

A handwritten signature in cursive script that reads "Doug Holcomb".

Doug Holcomb, P.E., Manager  
Utilities & Districts Section  
Water Supply Division

Enclosures

DH/KW/lg

