



Filing Receipt

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Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Rachelle Nicolette Robles
Division Director

Rustin Tawater
Managing Attorney

/s/ Andy Aus
Andy Aus
State Bar No. 24077782
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7292
(512) 936-7268 (facsimile)
andy.aus@puc.texas.gov

DOCKET NO. 52679

CERTIFICATE OF SERVICE

I certify that, unless otherwise ordered by the presiding officer, notice of the filing of this document was provided to all parties of record via electronic mail on January 24, 2022, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Andy Aus
Andy Aus

DOCKET NO. 52679

**COMMISSION STAFF'S FIRST REQUEST FOR INFORMATION
TO UPTOWN HEIGHTS APARTMENTS
QUESTION NOS. STAFF 1-1 THROUGH STAFF 1-44**

DEFINITIONS

- 1) "Uptown Heights" or "you" refers to Uptown Heights Apartments and any person acting or purporting to act on their behalf, including without limitation, attorneys, agents, advisors, investigators, representatives, employees or other persons.
- 2) "Property" refers to the multi-unit dwelling located at 2803 Woodbury Dr, San Antonio, TX 78217.
- 3) "Complainant" refers to Ricky Gaskill.
- 4) "Document" includes any written, recorded, or graphic matter, however produced or reproduced, including but not limited to correspondence, telegrams, contracts, agreements, notes in any form, memoranda, diaries, voice recording tapes, microfilms, pictures, computer media, work papers, calendars, minutes of meetings or other writings or graphic matter, including copies containing marginal notes or variations of any of the foregoing, now or previously in your possession. In the event any documents requested by this Request for Information have been transferred beyond the Uptown Height's control, describe the circumstances under which the document was destroyed or transferred and provide an exact citation to the subject document. In the event that documents containing the exact information do not exist, but documents do exist which contain portions of the required information or which contain substantially similar information, then the definition of "documents" shall include the documents which do exist and these documents will be provided.

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**COMMISSION STAFF'S FIRST REQUEST FOR INFORMATION
TO UPTOWN HEIGHTS APARTMENTS
QUESTION NOS. STAFF 1-1 THROUGH STAFF 1-44**

INSTRUCTIONS

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

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**COMMISSION STAFF'S FIRST REQUEST FOR INFORMATION
TO UPTOWN HEIGHTS APARTMENTS
QUESTION NOS. STAFF 1-1 THROUGH STAFF 1-44**

- Staff 1-1** Please admit or deny that the Property contains five or more dwelling units that are occupied primarily for non-transient use.
- Staff 1-2** If the tenants of the Property pay rent, please admit or deny that rent is paid at intervals of one month or more.
- Staff 1-3** Please provide a copy of each lease agreement applicable to the Complainant, including all attachments or addendums related to water or sewer service, that was in effect for the period from January 2021 through September 2021.
- Staff 1-4** If the Property contracts with a third party for water or sewer utility billing to tenants, please identify the third party and provide the name and contact information, including address, telephone number, and email, for the third party.
- Staff 1-5** Please identify the billing period used for water bills issued to tenants from January 2021 through September 2021.
- Staff 1-6** Please identify the billing period used for sewer bills issued to tenants from January 2021 through September 2021.
- Staff 1-7** Please provide a copy of each bill for water service issued to the Complainant from January 2021 through September 2021.
- Staff 1-8** Please provide a copy of each bill for sewer service issued to the Complainant from January 2021 through September 2021.
- Staff 1-9** For the period from January 1, 2021 through September 30, 2021, please identify the retail public utility that provided water service to the Property and provide the retail public utility's rate schedule that was applicable to the Property. If more than one rate schedule was applicable, please indicate the time period for which each rate structure provided was in effect.
- Staff 1-10** For the period from January 1, 2021 through September 30, 2021, please identify the retail public utility that provided sewer service to the Property and provide the retail public utility's rate schedule that was applicable to the Property. If more than one rate schedule was applicable, please indicate the time period for which each rate structure provided was in effect. Please provide a copy of each water bill for the Property issued by the water provider from January 1, 2021 through September 30, 2021.

- Staff 1-11** Please provide a copy of each sewer bill for the Property issued by the sewer provider from January 1, 2021 through September 30, 2021.
- Staff 1-12** For the period from January 1, 2021 through September 30, 2021, please admit or deny that the bills to the Property for water service included dwelling unit base charges. If admit, please identify the base charge applicable to the Complainant's dwelling unit for each bill issued to the Complainant from January 1, 2021 through September 30, 2021.
- Staff 1-13** For the period from January 1, 2021 through September 30, 2021, please admit or deny that the bills to the Property for sewer service included dwelling unit base charges. If admit, please identify the base charge applicable to the Complainant's dwelling unit for each bill issued to the Complainant from January 1, 2021 through September 30, 2021.
- Staff 1-14** For the period from January 1, 2021 through September 30, 2021, please admit or deny that the bills to the Property for water service included a customer service charge. If admit, please describe how the customer service charge was billed to each dwelling unit and provide the actual calculation of the customer service charge billed to the Complainant for each bill issued from January 1, 2021 through September 30, 2021.
- Staff 1-15** For the period from January 1, 2021 through September 30, 2021, please admit or deny that the bills to the Property for sewer service included a customer service charge. If admit, please describe how the customer service charge was billed to each dwelling unit and provide the actual calculation of the customer service charge billed to the Complainant for each bill issued from January 1, 2021 through September 30, 2021.
- Staff 1-16** Please provide the total number of dwelling units on the Property for each period from January 1, 2021 through September 30, 2021 that corresponds to the billing period for the Property's water service provider.
- Staff 1-17** Please provide the total number of unoccupied dwelling units on the Property for each period from January 1, 2021 through September 30, 2021 that corresponds to the billing period for the Property's water service provider.
- Staff 1-18** Please provide the total number of dwelling units on the Property for each period from January 1, 2021 through September 30, 2021 that corresponds to the billing period for the Property's sewer service provider.
- Staff 1-19** Please provide the total number of unoccupied dwelling units on the Property for each period from January 1, 2021 through September 30, 2021 that corresponds to the billing period for the Property's sewer service provider.
- Staff 1-20** For the period January 1, 2021 through September 30, 2021, please admit or deny that the Property received water service through a master meter.

- Staff 1-21** For the period from January 1, 2021 through September 30, 2021, please admit or deny that the water and sewer utility bills for the Property were allocated to tenants in compliance with 16 TAC § 24.281(e).
- Staff 1-22** Please admit or deny that the Property has a submetered or allocated utility service registration on file with the Commission as required by 16 TAC § 24.277(a). If admit, please provide the docket or project number in which the registration was filed. If deny, please explain why a registration has not been filed.
- Staff 1-23** If the answer to the preceding question is admit, please admit or deny that the water and sewer bills issued to the Complainant for the period from January 1, 2021 through September 30, 2021 were calculated using the methodology reflected in the registration.
- Staff 1-24** For each water bill issued to the Complainant from January 1, 2021 through September 30, 2021, please admit or deny that any applicable dwelling unit base charges were deducted from the Property's water bill before allocating the bill to tenants.
- Staff 1-25** For each sewer bill issued to the Complainant from January 1, 2021 through September 30, 2021, please admit or deny that any applicable dwelling unit base charges were deducted from the Property's sewer bill before allocating the bill to tenants.
- Staff 1-26** For each water bill issued to the Complainant from January 1, 2021 through September 30, 2021, please admit or deny that any applicable customer service charges were deducted from the Property's water bill before allocating the bill to tenants.
- Staff 1-27** For each sewer bill issued to the Complainant from January 1, 2021 through September 30, 2021, please admit or deny that any applicable customer service charges were deducted from the Property's sewer bill before allocating the bill to tenants.
- Staff 1-28** For the period from January 1, 2021 through September 30, 2021, please admit or deny that all common areas (swimming pool, laundry room, etc.) on the Property were separately metered or submetered. If admit, please provide the actual common area water and sewer usage for each billing period from January 1, 2021 through September 30, 2021.
- Staff 1-29** For the period from January 1, 2021 through September 30, 2021, please admit or deny that the Property had an installed landscape irrigation system that was separately metered or submetered.
- Staff 1-30** Please admit or deny that the Registration of Submetered or Allocated Utility Service filed for the Property on January 13, 2020 in Project No. 50431 accurately

represents the method used to calculate each bill issued to the Complainant from January 1, 2021 through September 30, 2021.

- a. If admit, please the actual formula used to perform the calculation.
- b. If deny, please identify which methodology listed in 16 TAC § 24.281(e)(2)(A) was used to calculate the Complainant's water bills from January 1, 2021 through September 30, 2021 and provide the actual formula used to perform the calculation.

Staff 1-31 For each bill issued to the Complainant from January 1, 2021 through September 30, 2021, please identify which methodology listed in 16 TAC § 24.281(e)(2)(A) was used to calculate the Complainant's sewer bill. If none of the prescribed methodologies were used, please provide a detailed explanation of how the Complainant's sewer bill was calculated each month.

Staff 1-32 If the water or sewer bills issued to the Complainant from January 1, 2021 through September 30, 2021 were calculated using the methodology in 16 TAC § 24.281(e)(2)(A)(iv), please provide:

- a. the allocation factor used for each billing period from January 1, 2021 through September 30, 2021, including an explanation of how it was calculated using occupancy and square footage;
- b. the total square footage of the Complainant's dwelling unit for each month from January 1, 2021 through September 30, 2021; and,
- c. the total square footage of all dwelling units on the Property for each month from January 1, 2021 through September 30, 2021.

Staff 1-33 Please admit or deny that each water bill issued to the Complainant from January 1, 2021 through September 30, 2021 did not include any fees billed to the Property by its water provider for any deposit. If deny, please identify each billing period that included deposit fees and the amount of deposit fees billed to the Complainant.

Staff 1-34 Please admit or deny that each sewer bill issued to the Complainant from January 1, 2021 through September 30, 2021 did not include any fees billed to the Property by its sewer provider for any deposit. If deny, please identify each billing period that included deposit fees and the amount of deposit fees billed to the Complainant.

Staff 1-35 Please admit or deny that each water bill issued to the Complainant from January 1, 2021 through September 30, 2021 did not include any fees billed to the Property by its water provider for any disconnection fee. If deny, please identify each billing period that included disconnection fees and the amount of disconnection fees billed to the Complainant.

- Staff 1-36** Please admit or deny that each sewer bill issued to the Complainant from January 1, 2021 through September 30, 2021 did not include any fees billed to the Property by its sewer provider for any disconnection fee. If deny, please identify each billing period that included disconnection fees and the amount of disconnection fees billed to the Complainant.
- Staff 1-37** Please admit or deny that each water bill issued to the Complainant from January 1, 2021 through September 30, 2021 did not include any fees billed to the Property by its water service provider for any reconnection fee. If deny, please identify each billing period that included reconnection fees and the amount of reconnection fees billed to the Complainant.
- Staff 1-38** Please admit or deny that each sewer bill issued to the Complainant from January 1, 2021 through September 30, 2021 did not include any fees billed to the Property by its sewer service provider for any reconnection fee. If deny, please identify each billing period that included reconnection fees and the amount of reconnection fees billed to the Complainant.
- Staff 1-39** Please admit or deny that each water bill issued to the Complainant from January 1, 2021 through September 30, 2021 did not include any fees billed to the Property by its water service provider for any late payment fee. If deny, please identify each billing period that included late payment fees and the amount of late payment fees billed to the Complainant.
- Staff 1-40** Please admit or deny that each sewer bill issued to the Complainant from January 1, 2021 through September 30, 2021 did not include any fees billed to the Property by its sewer service provider for any late payment fee. If deny, please identify each billing period that included late payment fees and the amount of late payment fees billed to the Complainant.
- Staff 1-41** Please admit or deny that the underground water leak caused an usually high water bill for the Property. If admit, please identify the billing period that corresponds to the leak.
- Staff 1-42** Reference the Registration of Submetered or Allocated Utility Service filed for the Property on January 13, 2020 in Project No. 50431. Please admit or deny that 2803 Woodbury Dr., LP (a) was the owner of the Property for the period from January 1, 2021 through September 30, 2021; and (b) still currently owns the Property. If the answer to (a) or (b) is deny, please identify the correct owner of the property and provide a mailing address, email address, and phone number.