



## Filing Receipt

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**DOCKET NO. 52679**

**COMPLAINT OF RICKY W. GASKILL      §      PUBLIC UTILITY COMMISSION**  
**AGAINST UPTOWN HEIGHTS            §**  
**APARTMENTS                            §                            OF TEXAS**

**COMMISSION STAFF'S THIRD SUPPLEMENTAL STATEMENT OF POSITION**

On October 5, 2021, Ricky W. Gaskill (Complainant) filed a complaint against Uptown Heights Apartments (Uptown Heights) regarding water billing.<sup>1</sup> The Complainant filed the formal complaint pursuant to 16 Texas Administrative Code (TAC) § 22.242.

On January 25, 2022, the administrative law judge filed Order No. 5, establishing a discovery schedule which required Staff (Staff) of the Public Utility Commission of Texas (Commission) to file a supplemental statement of position by April 8, 2022. Therefore, this pleading is timely filed.

**I.      UPTOWN HEIGHTS' RESPONSE**

Uptown Heights' initial response mainly consists of water bills concerning a number of separate water meters presumably for the complex.<sup>2</sup> Uptown Heights' second response consists, mainly, of identical water bills provided in the first response.<sup>3</sup> No explanation of the tenant water billing process was provided. No explanation concerning any potential billing discrepancies was provided. However, on March 8, 2022, Uptown Heights filed responses to Staff's first request for information concerning this case.

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<sup>1</sup> Complaint of Ricky W. Gaskill Against Uptown Heights Apartments at 1 (Oct. 5, 2021) (Complaint).

<sup>2</sup> Uptown Heights Apartments' Response at 12-26 (Dec. 12, 2021) (Uptown Heights' Response).

<sup>3</sup> Uptown Heights Apartments' Second Response at 7-21 (Dec. 22, 2021) (Uptown Heights' Second Response).

## **II. SUPPLEMENTAL STATEMENT OF POSITION AND REQUEST FOR REFERRAL**

Staff recommends that the information submitted to date supports that the facts of this case are in dispute. Specifically, there are issues as to whether or not Uptown Heights's water and wastewater billing practices are compliant with 16 TAC § 24.277, and 16 TAC § 24.281.

Accordingly, Staff recommends the referral of this matter to the State Office of Administrative Hearings (SOAH) for a hearing on the merits

## **III. PROCEDURAL SCHEDULE**

Staff requests that this docket be referred to SOAH. Due to Staff's request for referral to SOAH, Staff does not propose a procedural schedule at this time. Staff will work with the parties to develop a proposed procedural schedule to present to SOAH once the case is referred.

## **IV. CONCLUSION**

For the reasons discussed above, Staff respectfully requests referral to SOAH.

Dated: April 8, 2022

Respectfully Submitted,

### **PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION**

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**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 April 8, 2022, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Andy Aus  
Andy Aus