



Filing Receipt

Received - 2022-01-05 09:49:18 AM
Control Number - 52679
ItemNumber - 9

DOCKET NO. 52679

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

COMMISSION STAFF’S SECOND SUPPLEMENTAL STATEMENT OF POSITION

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

On December 2, 2021, Uptown Heights filed a response. On December 22, 2021, Uptown Heights filed a second response.

On December 1, 2021, the administrative law judge (ALJ) filed Order No. 3, requiring the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file a supplemental statement of position by January 5, 2022. Therefore, this pleading is timely filed.

I. UPTOWN HEIGHTS’ RESPONSE

Uptown Heights’ response mainly consists of water bills concerning a number of separate water meters presumably for the complex.² Uptown Heights’ second response consists, mainly, of identical water bills provided in the first response.³ No explanation of the tenant water billing process was provided. No explanation concerning any potential billing discrepancies was provided.

II. STATEMENT OF POSITION

At this time, Staff is unable to provide a statement of position, based on the filings of the parties. Staff recommends that the parties to this proceeding be given 60 days to conduct discovery. Staff intends to propound discovery on both Uptown Heights and Complainant shortly. Staff has located Uptown Heights’ Registration of Submetered or Allocated Utility Service, which indicates that Uptown Heights allocates mastermetered utility bills to tenants using the methodology set

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

² Uptown Heights Apartments’ Response at 12-26 (Dec. 12, 2021) (Uptown Heights’ Response).

³ Uptown Heights Apartments’ Second Response at 7-21 (Dec. 22, 2021) (Uptown Heights’ Second Response).

forth in 16 TAC § 24.281(e)(2)(iv).⁴ Given the nature of this complaint and the lack of pertinent information included in Uptown Heights' response, Staff requires more information from the parties concerning the mastermetered usage charges that were allocated to Uptown Heights' tenants. In addition, more information concerning the time period for which the Complainant is disputing his bills and Uptown Heights' specific billing practices is required for a proper assessment of this complaint. After discovery is conducted, Staff will file a supplemental statement of position.

Staff requests that the parties to this proceeding be given 60 days to conduct discovery to determine the circumstances and relevant information concerning any possible water billing discrepancies by the apartment. Staff further requests that Staff be given a deadline of March 14, 2022 to file a supplemental statement of position.

III. REGISTERED AGENT FOR SERVICE

According to Uptown Heights' website, the property is operated by United Apartment Group. Further research from the Texas Secretary of State's (SOS) online database indicates that United Apartment Group is a registered agent of Forge Partners, LLC based in California. Forge Partners, LLC listed Tim Williams as its agent for service of process. The address listed for Tim Williams is P.O. Box 651 Rancho Santa Fe, CA 92067. Uptown Heights' Registration of Submetered or Allocated Utility Service indicates that Uptown Heights is owned by 2803 Woodbury Dr., LP.⁵ According to the Texas SOS, the registered agent for service for 2803 Woodbury Dr., LP is Curtis Thigpen and the address listed is 1509 Old W. 38th Street, Suite 3 Austin, TX 78731. Staff recommends keeping Mr. Williams and Mr. Thigpen on the service list for this docket until Staff can further clarify the appropriate parties to this docket. Staff recommends that the case not be restyled at this time.

⁴ *Registration of Submetered or Allocated Utility Service for 2020*, Project No. 50431, Uptown Heights' Registration (Jan. 13, 2020).

⁵ *Id.*

IV. CONCLUSION

For the reasons discussed above, Staff respectfully requests that the parties be given 60 days to conduct discovery and that Staff be given a deadline of March 14, 2022 to file a supplemental statement of position.

Dated: January 5, 2022

Respectfully submitted,

PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION

Rachelle Nicolette Robles
Division Director

/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 5, 2022, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Andy Aus
Andy Aus