



## **Filing Receipt**

**Filing Date - 2023-06-06 08:45:15 AM**

**Control Number - 54440**

**Item Number - 736**



515 E Palm Valley  
Round Rock, TX 78664  
469-834-0636  
Patrick@TiptonGroup.com

June 5, 2023

Public Utility Commission of Texas  
Water Utility Division  
1701 North Congress Ave  
P.O. Box 13326  
Austin, TX 78711-3326

**RE: Conversion from Submetering to Allocation at The Falls Round Rock Apartments**

To Whom It May Concern:

The submetering system at The Falls Round Rock is an old submetering system in which is in need of replacement. Employees and contractors of The Falls Round Rock have made diligent efforts to repair the meters without success.

The property has explored the feasibility of replacing the submetering system, but the cost would be prohibitive. Attached is a proposal for the upgrade to a new wireless meter reading system. As you can see, the cost is significant. Consequently, we believe that good cause exists pursuant to 16 TAC §24.279(d) to change from submetered to allocated billing. The residents currently sign a form lease which indicated that they will be responsible for water and wastewater and also sign a "Lease Addendum for Water/Wastewater Submeter Billing in Apartments" and receive the "Tenant Guide to Submetered Water or Wastewater Service". It is our intent to provide existing residents 35-day notice of the new allocation and request their written approval of such modification following 16 TAC §24.279(c). This would typically only occur upon new leases and when existing tenants renew their lease.

The Falls Round Rock intends to use the following allocation system: deduct twenty-five (25%) of the water/wastewater bill to account for common area and irrigation and allocate the remaining seventy-five (75%) back to the residents based on number of occupants in each unit per 16 TAC §24.281(e)(2)(A)(ii). Irrigation is in use at the property and not separately metered by the city, therefore the deduction will be 25% per 16 TAC §24.281(1)(B)(ii).

Please provide written approval of the conversion to water allocation billing for The Falls Round Rock. If you have any questions, please do not hesitate to contact me.

Sincerely,

Patrick Kerns  
Corporate Business Manager  
Tipton Asset Group  
As Managing Agent for Falls Round Rock

# RealPage Submeter Maintenance Proposal

Thursday, May 11, 2023

Page 1 of 9

## PROPERTY INFORMATION

<b>Property</b>	Falls at Round Rock	<b>Units</b>	324
<b>Portfolio</b>	Tipton Asset Group, Inc	<b>MAP</b>	No
<b>Address</b>	515 E Palm Valley Blvd, Round Rock, TX 78664		

To authorize, please sign this RealPage Submeter Maintenance Proposal and send it via email to [Submeter@RealPage.com](mailto:Submeter@RealPage.com). Terms and Conditions are included on the last page.

RealPage Submeter completed a quality check on your submetering system and identified some issues that need inspection and/or repair. These units may receive estimated, rather than actual, usage bills until the issues are resolved.

*Please refer to the following pages for a detailed list of issues, service addresses and customer names.*

## PROPOSAL SUMMARY

Issue	Materials	Labor	Combined	Quantity	Total
Meter Non-Incrementing	\$138.00	\$40.50	\$178.50	5	\$892.50
No Current Reads	\$138.00	\$40.50	\$178.50	63	\$11,245.50
Transmitter Low Battery	\$138.00	\$40.50	\$178.50	15	\$2,677.50
Upgrade Data Collector	\$2,548.67	\$324.00	\$2,872.67	1	\$2,872.67
Upgrade Meter	\$33,258.00	\$9,760.50	\$43,018.50	1	\$43,018.50
Upgrade Repeaters	\$1,781.35	\$648.00	\$2,429.35	1	\$2,429.35
Subtotal					\$63,136.02
Shipping					\$850.00
Estimated Tax					\$5,227.66
Estimated Total					\$69,213.68

Work Start Date: To Be Determined

Work Stop Date: To Be Determined

Proposal Date
5/11/2023

RealPage Submeter Owner
Rhiannon Morris

Approval

Phone: (800) 254-9710

Fax: (949) 250-6397

Email: [Submeter@RealPage.com](mailto:Submeter@RealPage.com)

# RealPage Submeter Maintenance Proposal

Thursday, May 11, 2023

Page 2 of 9

Service Address	Resident	Service	Issue Type	Manufacturer
515 E Palm Valley Blvd #1011, Round Rock, TX 78664	Natalia Garrett	Water	Transmitter Low Battery	Inovonics

Parts Specified for This Work Order

- 1 M142-O / Norgas VersaMag Poly, 5/8" x 3/4" x 7.5", cold Water Meter 1:1, Standard Pulse/Gallon
- 1 R317-F / Tehama MAX RANGE Single Pulse Basic MDT Transmitter, Standard Pulses

Service Address	Resident	Service	Issue Type	Manufacturer
515 E Palm Valley Blvd #1012, Round Rock, TX 78664	Susan Figlietti	Water	No Current Reads	Inovonics

Parts Specified for This Work Order

- 1 R317-F / Tehama MAX RANGE Single Pulse Basic MDT Transmitter, Standard Pulses

Service Address	Resident	Service	Issue Type	Manufacturer
515 E Palm Valley Blvd #1017, Round Rock, TX 78664	Marian Anderson	Water	No Current Reads	Inovonics

Service Address	Resident	Service	Issue Type	Manufacturer
515 E Palm Valley Blvd #1028, Round Rock, TX 78664	Stephanie Joseph	Water	No Current Reads	Inovonics

Service Address	Resident	Service	Issue Type	Manufacturer
515 E Palm Valley Blvd #1032, Round Rock, TX 78664	Glenn Hyzak	Water	No Current Reads	Inovonics

Service Address	Resident	Service	Issue Type	Manufacturer
515 E Palm Valley Blvd #1035, Round Rock, TX 78664	Scott Berner	Water	No Current Reads	Inovonics

Service Address	Resident	Service	Issue Type	Manufacturer
515 E Palm Valley Blvd #1036, Round Rock, TX 78664	John Rice	Water	No Current Reads	Inovonics

Service Address	Resident	Service	Issue Type	Manufacturer
515 E Palm Valley Blvd #1037, Round Rock, TX 78664	Michelle LeBar	Water	No Current Reads	Inovonics

Service Address	Resident	Service	Issue Type	Manufacturer
515 E Palm Valley Blvd #1111, Round Rock, TX 78664	Lorenzo Magana	Water	No Current Reads	Inovonics

Service Address	Resident	Service	Issue Type	Manufacturer
515 E Palm Valley Blvd #112, Round Rock, TX 78664	Lester Martinez Juarez	Water	No Current Reads	Inovonics

Service Address	Resident	Service	Issue Type	Manufacturer
515 E Palm Valley Blvd #1126, Round Rock, TX 78664	Elisha Thomas	Water	No Current Reads	Inovonics

Service Address	Resident	Service	Issue Type	Manufacturer
515 E Palm Valley Blvd #1132, Round Rock, TX 78664	Alexa Lara	Water	No Current Reads	Inovonics

Service Address	Resident	Service	Issue Type	Manufacturer
515 E Palm Valley Blvd #1135, Round Rock, TX 78664	Thomas Drew	Water	No Current Reads	Inovonics

Service Address	Resident	Service	Issue Type	Manufacturer
515 E Palm Valley Blvd #114, Round Rock, TX 78664	Alexis Brannies	Water	Transmitter Low Battery	Inovonics

# RealPage Submeter Maintenance Proposal

Thursday, May 11, 2023

Page 3 of 9

Service Address	Resident	Service	Issue Type	Manufacturer
515 E Palm Valley Blvd #116, Round Rock, TX 78664	Mandy Garcia	Water	Meter Non-Incrementing	Inovonics

Parts Specified for This Work Order

- 1 M127-Z / MTW owned Master Meter FAM -- 5/8" x 3/4" x 7.5" Poly Cold Water 1:1 GPC (with reed switch)

Service Address	Resident	Service	Issue Type	Manufacturer
515 E Palm Valley Blvd #116, Round Rock, TX 78664	Mandy Garcia	Water	No Current Reads	Inovonics

Service Address	Resident	Service	Issue Type	Manufacturer
515 E Palm Valley Blvd #1214, Round Rock, TX 78664	Rebecca Alzaben	Water	Transmitter Low Battery	Inovonics

Service Address	Resident	Service	Issue Type	Manufacturer
515 E Palm Valley Blvd #1215, Round Rock, TX 78664	Angelique McCravy	Water	No Current Reads	Inovonics

Service Address	Resident	Service	Issue Type	Manufacturer
515 E Palm Valley Blvd #1218, Round Rock, TX 78664	Richard Ward	Water	No Current Reads	Inovonics

Service Address	Resident	Service	Issue Type	Manufacturer
515 E Palm Valley Blvd #122, Round Rock, TX 78664	Jenna Gibson	Water	No Current Reads	Inovonics

Service Address	Resident	Service	Issue Type	Manufacturer
515 E Palm Valley Blvd #1232, Round Rock, TX 78664	Carlos Andrade	Water	No Current Reads	Inovonics

Service Address	Resident	Service	Issue Type	Manufacturer
515 E Palm Valley Blvd #1235, Round Rock, TX 78664	Rachelle Whiting	Water	No Current Reads	Inovonics

Service Address	Resident	Service	Issue Type	Manufacturer
515 E Palm Valley Blvd #1237, Round Rock, TX 78664	Robert Murillo	Water	Meter Non-Incrementing	Inovonics

Service Address	Resident	Service	Issue Type	Manufacturer
515 E Palm Valley Blvd #127, Round Rock, TX 78664	Erika Ramos Rodriguez	Water	Transmitter Low Battery	Inovonics

Service Address	Resident	Service	Issue Type	Manufacturer
515 E Palm Valley Blvd #1315, Round Rock, TX 78664	Rory Holmes	Water	No Current Reads	Inovonics

Service Address	Resident	Service	Issue Type	Manufacturer
515 E Palm Valley Blvd #1317, Round Rock, TX 78664	Unit Model	Water	No Current Reads	Inovonics

Service Address	Resident	Service	Issue Type	Manufacturer
515 E Palm Valley Blvd #132, Round Rock, TX 78664	Jonathan Stephens	Water	No Current Reads	Inovonics

Service Address	Resident	Service	Issue Type	Manufacturer
515 E Palm Valley Blvd #1321, Round Rock, TX 78664	Teron Edirisinghe	Water	No Current Reads	Inovonics

Service Address	Resident	Service	Issue Type	Manufacturer
515 E Palm Valley Blvd #1328, Round Rock, TX 78664	Alejandro Tedes Castellano	Water	No Current Reads	Inovonics

Service Address	Resident	Service	Issue Type	Manufacturer
515 E Palm Valley Blvd #1332, Round Rock, TX 78664	Jennifer Allen	Water	No Current Reads	Inovonics

Service Address	Resident	Service	Issue Type	Manufacturer
515 E Palm Valley Blvd #1338, Round Rock, TX 78664	Justin Hardin	Water	Meter Non-Incrementing	Inovonics

# RealPage Submeter Maintenance Proposal

Thursday, May 11, 2023

Page 4 of 9

Service Address	Resident	Service	Issue Type	Manufacturer
515 E Palm Valley Blvd #1412, Round Rock, TX 78664	Delia Guadarrama Ortiz	Water	No Current Reads	Inovonics
Service Address	Resident	Service	Issue Type	Manufacturer
515 E Palm Valley Blvd #1413, Round Rock, TX 78664	Kanna Harrison	Water	Transmitter Low Battery	Inovonics
Service Address	Resident	Service	Issue Type	Manufacturer
515 E Palm Valley Blvd #1414, Round Rock, TX 78664	Serine Horton	Water	Transmitter Low Battery	Inovonics
Service Address	Resident	Service	Issue Type	Manufacturer
515 E Palm Valley Blvd #1416, Round Rock, TX 78664	Jose Rivera	Water	No Current Reads	Inovonics
Service Address	Resident	Service	Issue Type	Manufacturer
515 E Palm Valley Blvd #1421, Round Rock, TX 78664	Jesus Alvarez	Water	No Current Reads	Inovonics
Service Address	Resident	Service	Issue Type	Manufacturer
515 E Palm Valley Blvd #1435, Round Rock, TX 78664	Andrew Thompson	Water	No Current Reads	Inovonics
Service Address	Resident	Service	Issue Type	Manufacturer
515 E Palm Valley Blvd #1437, Round Rock, TX 78664	Megan Bruner	Water	No Current Reads	Inovonics
Service Address	Resident	Service	Issue Type	Manufacturer
515 E Palm Valley Blvd #1512, Round Rock, TX 78664	Anjali Abraham	Water	Transmitter Low Battery	Inovonics
Service Address	Resident	Service	Issue Type	Manufacturer
515 E Palm Valley Blvd #1513, Round Rock, TX 78664	Marquisa Savage	Water	No Current Reads	Inovonics
Service Address	Resident	Service	Issue Type	Manufacturer
515 E Palm Valley Blvd #1515, Round Rock, TX 78664		Water	No Current Reads	Inovonics
Service Address	Resident	Service	Issue Type	Manufacturer
515 E Palm Valley Blvd #1521, Round Rock, TX 78664	Willie Reed	Water	No Current Reads	Inovonics
Service Address	Resident	Service	Issue Type	Manufacturer
515 E Palm Valley Blvd #1523, Round Rock, TX 78664	Alicia Macias	Water	No Current Reads	Inovonics
Service Address	Resident	Service	Issue Type	Manufacturer
515 E Palm Valley Blvd #214, Round Rock, TX 78664	Brenden Moen	Water	No Current Reads	Inovonics
Service Address	Resident	Service	Issue Type	Manufacturer
515 E Palm Valley Blvd #217, Round Rock, TX 78664	Christopher Mascorro	Water	No Current Reads	Inovonics
Service Address	Resident	Service	Issue Type	Manufacturer
515 E Palm Valley Blvd #226, Round Rock, TX 78664	Hyo Chu	Water	No Current Reads	Inovonics
Service Address	Resident	Service	Issue Type	Manufacturer
515 E Palm Valley Blvd #231, Round Rock, TX 78664	Aramis Anibal Loasiga	Water	Transmitter Low Battery	Inovonics
Service Address	Resident	Service	Issue Type	Manufacturer
515 E Palm Valley Blvd #237, Round Rock, TX 78664	Thomas Aaron-Judd Strother	Water	No Current Reads	Inovonics
Service Address	Resident	Service	Issue Type	Manufacturer
515 E Palm Valley Blvd #238, Round Rock, TX 78664	Dustin Webb	Water	No Current Reads	Inovonics

# RealPage Submeter Maintenance Proposal

Thursday, May 11, 2023

Page 5 of 9

Service Address	Resident	Service	Issue Type	Manufacturer
515 E Palm Valley Blvd #325, Round Rock, TX 78664	Cameron Bertrand	Water	No Current Reads	Inovonics
Service Address	Resident	Service	Issue Type	Manufacturer
515 E Palm Valley Blvd #326, Round Rock, TX 78664	Jose Guardado	Water	Transmitter Low Battery	Inovonics
Service Address	Resident	Service	Issue Type	Manufacturer
515 E Palm Valley Blvd #331, Round Rock, TX 78664	Benjamin Youla	Water	No Current Reads	Inovonics
Service Address	Resident	Service	Issue Type	Manufacturer
515 E Palm Valley Blvd #332, Round Rock, TX 78664	Jessica Foster	Water	No Current Reads	Inovonics
Service Address	Resident	Service	Issue Type	Manufacturer
515 E Palm Valley Blvd #411, Round Rock, TX 78664	Mary Orr	Water	No Current Reads	Inovonics
Service Address	Resident	Service	Issue Type	Manufacturer
515 E Palm Valley Blvd #422, Round Rock, TX 78664	Marquita Ybarra	Water	Transmitter Low Battery	Inovonics
Service Address	Resident	Service	Issue Type	Manufacturer
515 E Palm Valley Blvd #423, Round Rock, TX 78664	Deborah Hunter	Water	No Current Reads	Inovonics
Service Address	Resident	Service	Issue Type	Manufacturer
515 E Palm Valley Blvd #431, Round Rock, TX 78664	Christian Dixon	Water	No Current Reads	Inovonics
Service Address	Resident	Service	Issue Type	Manufacturer
515 E Palm Valley Blvd #433, Round Rock, TX 78664	Sarah Porter	Water	No Current Reads	Inovonics
Service Address	Resident	Service	Issue Type	Manufacturer
515 E Palm Valley Blvd #434, Round Rock, TX 78664	Daniel Serna	Water	No Current Reads	Inovonics
Service Address	Resident	Service	Issue Type	Manufacturer
515 E Palm Valley Blvd #516, Round Rock, TX 78664	Cecilia Crawford	Water	Transmitter Low Battery	Inovonics
Service Address	Resident	Service	Issue Type	Manufacturer
515 E Palm Valley Blvd #517, Round Rock, TX 78664	Andre Smith	Water	No Current Reads	Inovonics
Service Address	Resident	Service	Issue Type	Manufacturer
515 E Palm Valley Blvd #527, Round Rock, TX 78664	Daniel Willis	Water	No Current Reads	Inovonics
Service Address	Resident	Service	Issue Type	Manufacturer
515 E Palm Valley Blvd #528, Round Rock, TX 78664	Kelli Claudio	Water	No Current Reads	Inovonics
Service Address	Resident	Service	Issue Type	Manufacturer
515 E Palm Valley Blvd #531, Round Rock, TX 78664	Elias Tristan	Water	Meter Non-Incrementing	Inovonics
Service Address	Resident	Service	Issue Type	Manufacturer
515 E Palm Valley Blvd #531, Round Rock, TX 78664	Elias Tristan	Water	No Current Reads	Inovonics
Service Address	Resident	Service	Issue Type	Manufacturer
515 E Palm Valley Blvd #611, Round Rock, TX 78664	Ashley Hardy-Morris	Water	No Current Reads	Inovonics
Service Address	Resident	Service	Issue Type	Manufacturer
515 E Palm Valley Blvd #613, Round Rock, TX 78664	Steve Lacher	Water	No Current Reads	Inovonics

# RealPage Submeter Maintenance Proposal

Thursday, May 11, 2023

Page 6 of 9

Service Address	Resident	Service	Issue Type	Manufacturer
515 E Palm Valley Blvd #616, Round Rock, TX 78664	Catalina Mackenzie	Water	No Current Reads	Inovonics
Service Address	Resident	Service	Issue Type	Manufacturer
515 E Palm Valley Blvd #622, Round Rock, TX 78664	Kirstie Brown	Water	No Current Reads	Inovonics
Service Address	Resident	Service	Issue Type	Manufacturer
515 E Palm Valley Blvd #631, Round Rock, TX 78664	Lilly West	Water	Transmitter Low Battery	Inovonics
Service Address	Resident	Service	Issue Type	Manufacturer
515 E Palm Valley Blvd #633, Round Rock, TX 78664	Raya Chalhoub	Water	No Current Reads	Inovonics
Service Address	Resident	Service	Issue Type	Manufacturer
515 E Palm Valley Blvd #726, Round Rock, TX 78664	Caliza Inc	Water	No Current Reads	Inovonics
Service Address	Resident	Service	Issue Type	Manufacturer
515 E Palm Valley Blvd #735, Round Rock, TX 78664	Savannah Rodriguez	Water	No Current Reads	Inovonics
Service Address	Resident	Service	Issue Type	Manufacturer
515 E Palm Valley Blvd #738, Round Rock, TX 78664	Lorena Perez Ramirez	Water	No Current Reads	Inovonics
Service Address	Resident	Service	Issue Type	Manufacturer
515 E Palm Valley Blvd #812, Round Rock, TX 78664	Bernard Grall	Water	No Current Reads	Inovonics
Service Address	Resident	Service	Issue Type	Manufacturer
515 E Palm Valley Blvd #815, Round Rock, TX 78664	Robert Holley	Water	No Current Reads	Inovonics
Service Address	Resident	Service	Issue Type	Manufacturer
515 E Palm Valley Blvd #823, Round Rock, TX 78664	Alexis Bilinski	Water	Transmitter Low Battery	Inovonics
Service Address	Resident	Service	Issue Type	Manufacturer
515 E Palm Valley Blvd #831, Round Rock, TX 78664	Wesley Amato	Water	No Current Reads	Inovonics
Service Address	Resident	Service	Issue Type	Manufacturer
515 E Palm Valley Blvd #833, Round Rock, TX 78664	Daniela Lopez Martinez	Water	Meter Non-Incrementing	Inovonics
Service Address	Resident	Service	Issue Type	Manufacturer
515 E Palm Valley Blvd #833, Round Rock, TX 78664	Daniela Lopez Martinez	Water	No Current Reads	Inovonics
Service Address	Resident	Service	Issue Type	Manufacturer
515 E Palm Valley Blvd #834, Round Rock, TX 78664	Cynthia Chumley	Water	Transmitter Low Battery	Inovonics
Service Address	Resident	Service	Issue Type	Manufacturer
515 E Palm Valley Blvd #911, Round Rock, TX 78664	Alexis Lopez	Water	No Current Reads	Inovonics
Service Address	Resident	Service	Issue Type	Manufacturer
515 E Palm Valley Blvd #932, Round Rock, TX 78664	Anthony Balladares	Water	Transmitter Low Battery	Inovonics
Service Address	Resident	Service	Issue Type	Manufacturer
Property		Upgrade Property		

Parts Specified for This Work Order

- 5 R317-L / Tehama MAX RANGE Diversity Repeater incl. 5V DC, 1 amp power supply



# RealPage Submeter Maintenance Proposal

Thursday, May 11, 2023

Page 7 of 9

Service Address	Resident	Service	Issue Type	Manufacturer
Property			Upgrade Property	
<i>Parts Specified for This Work Order</i>				
		241	M142-O / Norgas VersaMag Poly, 5/8" x 3/4" x 7.5", cold Water Meter 1:1, Standard Pulse/Gallon	
		241	R317-F / Tehama MAX RANGE Single Pulse Basic MDT Transmitter, Standard Pulses	

Service Address	Resident	Service	Issue Type	Manufacturer
Property			Upgrade Property	
<i>Parts Specified for This Work Order</i>				
		1	R317-Q / Tehama MAX RANGE DCAP FA Replacement Standard-Capacity (1000 units max)	

Invoicing will be on a parts & labor basis according to the fee schedule in this 'Not to Exceed' proposal. Minimum billing amount for a site visit is \$750.00 plus tax. RealPage Submeter warrants repairs for one (1) year. This includes any labor performed & all equipment that is repaired/replaced at time of service.

The Do Not Exceed proposal is based on properties in normal condition. Circumstances that would require significant extra labor -- such as corroded piping, brittle piping, buried meters, equipment in tight crawl spaces, equipment behind dry wall, etc... -- can result in a need to re-price the service. RealPage Submeter commits to communicate any non-normal conditions as soon as possible after identification.

RealPage Submeter will contact you to schedule a date and time for a Field Technician to repair these issues. Prior to the visit, RealPage Submeter will provide you with a list of units to be serviced. The property will be responsible for notifying residents/tenants and having keys ready. A Post-Visit Report documenting the repairs will be sent after completion of the service. If access is not granted to any designated units during the scheduled visit, a return visit may be required and will be subject to the Surcharge/Travel Fee of \$750.00 for all visits.

## DEFINITIONS

### Meter Non-Incrementing

**- Definition:**

The transmitter has sent data, but there has been zero meter usage reported for the past 30 days or more. The zero usage may be valid (unit is not occupied, residents were traveling, or the utility is only used during part of the year) or it may be a hardware problem (examples include sediment in a water meter or the connection to the transmitter is not correct).

**- Normal Solution(s):**

The most common resolution is to replace the meter or the probe (connection between transmitter and meter) or to reconnect the wires.

### Transmitter Inactive

**- Definition:**

A transmitter has not reported (sent data) for a period of at least 12 days or more. If a property is manually read, then the period is 60 days or more. Conditions that may cause an inactive flag include dead transmitter, expired battery, bad phone line, inclement weather, radio interference, and vegetation growth.

**- Normal Solution(s):**

While other scenarios are possible, it is often necessary to replace the battery (if possible) or the entire transmitter.

### Transmitter Low Battery

**- Definition:**

For those systems with the capability, transmitters are flagged several weeks in advance when the batteries are weak and nearing the end of their useful life.

**- Normal Solution(s):**

Replace the battery in the transmitter.

### High Usage

**- Definition:**

While the threshold can vary from property to property and between utility services (water, gas, electric), this flag occurs when usage increases by a significant amount (such as 50%) versus the unit's prior daily average (over the past 3 months). While high usage is often valid (excessive consumption or large number of residents per unit), potential problems include a faulty transmitter or a leak in the unit.

**- Normal Solution(s):**

While there are rare occasions when it is necessary to replace a transmitter or the meter, the typical solution is to test the usage (such as a bucket test for water meters) and provide the analysis to the resident / tenant.

### Low Usage

**- Definition:**

Meters with this flag have exceptionally low usage. While there may not be an issue with the meter, it is recommended that the property manager confirm that the unit was occupied for the entire period. If occupied, then there may a problem with the meter or the resident / tenant may not consume much of the utility.

**- Normal Solution(s):**

If not due to low usage, then it may be necessary to validate that the meter factor is correct or replace a faulty meter.

### Vacant Usage

**- Definition:**

Units that are known to be vacant but display usage above a certain threshold are flagged for this issue. This threshold varies.

**- Normal Solution(s):**

If the property or maintenance staff cannot identify the underlying issue, such as a leak or the unit was really occupied, then the meter should be inspected to determine if it needs to be replaced.

# RealPage Submeter Maintenance Proposal

## TERMS AND CONDITIONS

### Terms of Sale

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These terms of sale ("Agreement") shall govern the sale of the meters purchased herein and any maintenance services for the meters to be provided by RealPage Utility Management, Inc. ("Company"). A purchaser, contractor, subcontractor, owner, manager, agent for such, or their successors or assigns (collectively, the "Purchaser") shall be bound by this Agreement.

### Limitation of Liability

COMPANY SHALL HAVE NO LIABILITY TO THE PURCHASER OF THE METERS OR MAINTENANCE SERVICES PROVIDED BY COMPANY FOR INCIDENTAL, CONSEQUENTIAL, EXEMPLARY, SPECIAL, INDIRECT, INCIDENTAL OR PUNITIVE DAMAGES, (INCLUDING WITHOUT LIMITATION LOSS OF REVENUE, UTILITY COST RECOUPMENT, OR PROFITS), FROM ALL CAUSES OF ACTION OF ANY KIND, INCLUDING CONTRACT, TORT OR OTHERWISE, EVEN IF PURCHASER HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES. IN NO EVENT SHALL COMPANY'S AGGREGATE LIABILITY UNDER THIS PURCHASE ORDER EXCEED THE AMOUNT ACTUALLY RECEIVED BY COMPANY PURSUANT TO THIS PURCHASE ORDER.

### Company Warranties

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COMPANY PROVIDES NO WRITTEN OR ORAL WARRANTIES WHATSOEVER. COMPANY MAKES NO REPRESENTATIONS OR EXPRESS OR IMPLIED WARRANTIES WITH RESPECT TO THE PURCHASED SERVICES OR METERS. COMPANY HEREBY SPECIFICALLY DISCLAIMS ANY OTHER REPRESENTATIONS AND WARRANTIES, INCLUDING BUT NOT LIMITED TO IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE FOR THE METERS OR ANY MAINTENANCE SERVICES TO BE PROVIDED BY COMPANY.

### Construction

The parties agree that this Agreement was fully negotiated by and between the parties and, therefore, no part of this Agreement shall be interpreted against the party that drafted it.

### Confidentiality

Confidentiality: Each of the parties agree to keep the terms of this Agreement confidential and shall not disclose such terms to any other party except on a need-to-know basis in order to carry out the terms of this Agreement as may be required by law, or upon the express written consent of the other party.

### Entire Agreement

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This Agreement comprises the entire agreement between the parties regarding the subject matter hereof. All prior written and or oral agreements, including any proposals not set forth herein are hereby merged into this Agreement. This Agreement shall not be modified, amended or changed except by written instrument signed by authorized representatives of both parties and designated as an amendment.

Purchaser agrees that any legal action between Company and Purchaser shall be commenced only in Texas which shall be the exclusive venue and forum.