



## **Filing Receipt**

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**DOCKET NO. 55635**

**COMPLAINT OF ERIC ELLIS  
AGAINST WESTLAKE GARDEN  
APARTMENTS**

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**PUBLIC UTILITY COMMISSION  
OF TEXAS**

**COMMISSION STAFF'S RESPONSE TO ORDER NO. 5**

On October 3, 2023, Eric Ellis (Complainant) filed a formal complaint against Westlake Garden Apartments (Westlake) for its alleged refusal to disclose its utility allocation methods to Complainant, which he claims induced him into a transaction he would not have entered into had the information been disclosed. The complaint was filed by the Complainant under 16 Texas Administrative Code (TAC) § 22.242.

On March 11, 2024, the ALJ issued Order No. 5, requiring Commission Staff (Staff) to file a supplemental statement of position regarding the complaint and propose a procedural schedule for the continued processing of this complaint by April 10, 2024. Therefore, this pleading is timely filed.

**I. STATEMENT OF POSITION**

On March 7, 2024, Staff propounded its Third Request for Information (RFI) to Westlake. Responses were due by March 27, 2024. As of the date of this filing, Westlake has not filed its responses. Without this additional information, issues of fact remain that will require resolution through referral to SOAH. Staff, therefore, respectfully requests that the ALJ compel Westlake to file responses to Staff's Third RFI and/or refer this matter to SOAH for a hearing.

**II. CONCLUSION**

Staff respectfully requests the entry of an Order consistent with Staff's recommendations above.

Dated: April 8, 2024

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Marisa Lopez Wagley  
Division Director

/s/ Jena R. Abel  
Jena R. Abel, Deputy Division Director  
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**DOCKET 55635**

**CERTIFICATE OF SERVICE**

I certify that, unless otherwise ordered by the presiding officer, notice of the filing of this document will be provided to all parties of record via electronic mail on April 8, 2024, in accordance with the Second Order Suspending Rules, issued in Project No. 50664.

/s/ Jena R. Abel  
Jena R. Abel