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Filing Date - 2024-05-30 11:17:07 AM

Control Number - 55635

Item Number - 27

DOCKET NO. 55635

**COMPLAINT OF ERIC ELLIS AGAINST § PUBLIC UTILITY COMMISSION
WESTLAKE GARDEN APARTMENTS §
§ OF TEXAS**

COMMISSION STAFF'S MOTION TO COMPEL AND REQUEST FOR EXTENSION

I. BACKGROUND

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

On May 7, 2024, the administrative law judge (ALJ) issued Order No. 7, requiring Staff to file a supplemental statement of position regarding the complaint and propose a procedural schedule for the continued processing of this complaint by June 3, 2024. Therefore, this pleading is timely filed.

II. MOTION TO COMPEL

To date, Westlake has not responded to Staff's Fourth Request for Information, filed on April 23, 2024. Twenty days from April 23, 2024 is May 13, 2024.¹ Further, Westlake failed to raise any objections to the questions asked by Staff, and thus, has not provided any basis for failing to respond by May 13, 2024.² Accordingly, Staff moves to compel Westlake to respond to Staff's RFIs.

III. REQUEST FOR EXTENSION

Under 16 Texas Administrative Code § 22.4(b), a party may request that the time allowed for filing any documents be extended for good cause. Staff requires a response from Westlake to its RFI to prepare a statement of position. Therefore, Staff respectfully requests that a deadline of June 24, 2024, be established for Westlake to respond to Staff's RFI, and that a deadline of July 15, 2024 be set for Staff to file a supplemental statement of position.

¹ 16 TAC § 22.144(c)(1).

² *See* 16 TAC § 22.144(c)(1).

IV. CONCLUSION

For the reasons discussed above, Staff respectfully requests that an order be filed compelling Westlake to respond to Staff's RFI, and that a deadline of July 15, 2024 be set for Staff to file a statement of position.

Dated: May 30, 2024

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 will be provided to all parties of record via electronic mail on May 30, 2024 in accordance with the Second Order Suspending Rules, issued in Project No. 50664.

/s/ Johann Rupp
Johann Rupp