



## **Filing Receipt**

**Filing Date - 2024-11-08 02:06:40 PM**

**Control Number - 55635**

**Item Number - 37**

**DOCKET NO. 55635**

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

**ORDER NO. 13  
REQUIRING CLARIFICATION AND  
ESTABLISHING A DEADLINE**

This Order requires Commission Staff to provide additional clarification regarding two billing-related issues raised in this complaint. In its July 24, 2024 supplemental statement of position and motion for summary decision, Commission Staff stated that the complainant, Mr. Eric Ellis's water and wastewater bills were properly calculated and allocated in accordance with 16 Texas Administrative Code (TAC) §§ 24.281(e)(1)(B)(ii), 24.281(e)(2)(A)(i) and (iv). Further that he was not billed more than other tenants with the same square footage and occupancy during the period at issue. Therefore, Commission Staff recommended that this portion of Mr. Ellis's complaint be dismissed by summary decision. Commission Staff's motion for summary decision was denied in Order No. 12 filed on October 22, 2024.

The administrative law judge (ALJ) requires additional comment from Commission Staff on two issues related to billing.

First, Commission Staff did not comment on Mr. Ellis's claim that the due date for utility bills by Westlake Gardens Apartments were less than the 16 days after the bill was mailed or hand delivered to the tenant as required in 16 TAC § 24.281(h).

Second, it is unclear whether Westlake Gardens, or A V Brickell Pointe, Ltd, the owner of Westlake Gardens and entity that received the water and wastewater billing from the City of White Settlement, applied monies paid by tenants to utilities first and then rent in violation of 16 TAC § 24.283(j), as alleged by Mr. Ellis. Further, if there was such a practice, what late fees or other fees might have been impacted or applied to a tenant's bill.

By November 19, 2024, Commission Staff shall provide additional comments on these billing-related issues and may re-urge its motion for summary decision of billing issues if that is still its recommendation.

Signed at Austin, Texas the 8th day of November 2024.

**PUBLIC UTILITY COMMISSION OF TEXAS**

*Susan E. Goodson*

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**SUSAN E. GOODSON  
ADMINISTRATIVE LAW JUDGE**