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

**ORDER NO. 17
GRANTING MOTION FOR SANCTIONS**

In this proceeding, Mr. Eric Ellis filed a complaint on October 3, 2023 against the Westlake Gardens Apartments alleging that Westlake Gardens Apartments overbilled for water and sewer service, failed to properly bill, and failed to properly disclose information.

I. Background

In Order No. 1 filed on October 18, 2023, the administrative law judge (ALJ) ordered Westlake Gardens Apartments to file a response to the complaint, as required by 16 Texas Administrative Code (TAC) § 22.78, by October 25, 2023. Westlake Gardens Apartments did not file a response to Order No. 1.

In Order No. 2 filed on November 7, 2023, the ALJ ordered Westlake Gardens Apartments to file a response to the complaint, as required by 16 TAC § 22.78, by November 21, 2023. Westlake Gardens Apartments late-filed its response to the complaint on November 22, 2023.

On April 23, 2024, Commission Staff filed its fourth Requests for Information (RFIs) from Westlake Gardens Apartments. The deadline to file a response to Commission Staff's fourth RFIs was May 13, 2024.¹ Westlake Gardens Apartments did not file a response by the deadline.

On May 30, 2024, Commission Staff filed a motion to compel a response to its fourth RFIs.

In Order No. 8 filed on May 31, 2024, the ALJ granted Commission Staff's motion to compel and ordered Westlake Gardens Apartments to file a response to Commission Staff's fourth RFIs by June 24, 2024. Westlake Gardens Apartments did not file a response to Commission Staff's fourth RFIs or otherwise respond to Order No. 8.

In Order No. 9 filed on June 27, 2024, the ALJ ordered Westlake Gardens Apartments to file a response to Commission Staff's fourth RFIs by July 11, 2024. Westlake Gardens Apartments filed its response to Commission Staff's fourth RFIs on July 11, 2024.

¹ Under 16 TAC § 22.144(c)(1), responses to RFIs are due 20 days after receipt of the request.

On November 18, 2024, Commission Staff filed its fifth RFIs from Westlake Gardens Apartments. The deadline to file a response to Commission Staff's fifth RFIs was December 9, 2024. Westlake Gardens Apartments did not file a response by the deadline.

In Order No. 14 filed on December 18, 2024, the ALJ granted another Commission Staff motion to compel and ordered Westlake Gardens Apartments to file a response to Commission Staff's fifth RFIs by January 14, 2025. Westlake Gardens Apartments did not file a response to Commission Staff's fifth RFIs or otherwise respond to Order No. 14.

On February 11, 2025, Commission Staff moved for the imposition of sanctions against Westlake Gardens Apartments. Westlake Gardens Apartments did not file a response to the motion.

In Order No. 16 filed on February 24, 2025, the ALJ set March 7, 2025, as the deadline for any party to request a hearing on the motion for sanctions. No party requested a hearing on sanctions and, no hearing on sanctions was held.

II. Granting Commission Staff's Motion for Sanctions

In Order Nos. 1, 2, 8, 9, and 14, the ALJ repeatedly ordered Westlake Gardens Apartments to respond to the complaint and respond to Commission Staff's RFIs by specified dates. Westlake Gardens Apartments repeatedly failed to obey orders of the ALJ by either failing to timely-file or failing to file required responses. Because Westlake Gardens Apartments has repeatedly failed to obey orders of the ALJ, the ALJ concludes that the imposition of sanctions against Westlake Gardens Apartments, under 16 TAC § 22.161, is warranted. Accordingly, the ALJ grants Commission Staff's motion and, under 16 TAC § 22.161(c)(3), deems the following facts admitted for the purpose of this proceeding:

- a. For the period from June 4, 2022, through March 31, 2024, Westlake Gardens Apartments failed to include the average monthly bill for all dwelling units in the previous calendar year, including the highest and lowest month's bills for that period, in its rental agreement;
- b. For the period from June 4, 2022, through March 31, 2024, Westlake Gardens Apartments failed to include a description of the company's allocation formula in its rental agreement;

- c. For the period from June 4, 2022, through March 31, 2024, the payment due dates for utility bills by Westlake Gardens Apartments were fewer than 16 days after the bill was mailed or hand delivered to the tenant; and
- d. For the period from June 4, 2022, through March 31, 2024, Westlake Gardens Apartments applied monies paid by tenants to utilities first, and then rent.

Signed at Austin, Texas on the 22nd day of April 2025.

PUBLIC UTILITY COMMISSION OF TEXAS



**ISAAC TA
ADMINISTRATIVE LAW JUDGE**