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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. 2

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 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 November 7, 2023, the ALJ issued Order No. 2, requiring Commission Staff (Staff) to file a statement of position regarding the complaint and propose a procedural schedule for the continued processing of this complaint. Therefore, this pleading is timely filed.

I. STATEMENT OF POSITION

On November 1, 2023, Staff propounded its First Request for Information to Westlake. Westlake filed its response on November 22, 2023. Although the Complainant and Westlake have provided the Complainant's bills to Staff, the charges are allocations of the total water bill sent to Westlake by the water utility. As a result, Staff cannot verify that the Complainant's bills, which are allocations of Westlake's total water bills, were correctly calculated. Further, the Complainant alleges that the amount collected from tenants by Westlake exceeds this total water bill, but Staff cannot determine the validity of that claim without the total water bill to review. Staff will be simultaneously with this response filing its Second Request for Information to Westlake for this specific information. Responses to its Second Request for Information would normally be due by December 28, 2023. However, given the upcoming Christmas holidays, Staff requests that Westlake's response be due by January 5, 2023, and that Staff's supplemental statement of position be due by January 19, 2023.

II. CONCLUSION

For the reasons discussed above, Staff respectfully requests the entry of an Order consistent with the recommendations above.

Dated: December 8, 2023

Respectfully submitted,

PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION

Marisa Lopez Wagley
Division Director

/s/ Jena R. Abel
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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 December 8, 2023, in accordance with the Second Order Suspending Rules, issued in Project No. 50664.

/s/ Jena R. Abel
Jena R. Abel