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Chairman

Arthur C. D'Andrea
Commissioner

Shelly Botkin
Commissioner

John Paul Urban
Executive Director



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PUBLIC UTILITY COMMISSIONER
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Public Utility Commission of Texas

TO: DeAnn T. Walker, Chairman
Arthur C. D'Andrea, Commissioner
Shelly Botkin, Commissioner

All Parties of Record

FROM: Isaac Ta
Administrative Law Judge

RE: **Open Meeting of March 12, 2020**
Docket No. 49732—*Complaint of Paul Hawkins Against Monarch Utilities I, L.P.*

DATE: March 4, 2020

On February 7, 2020, I filed a Proposal for Decision (PFD) in this docket that the Commission will consider at the open meeting on Thursday, March 12, 2020. Any exceptions were due by February 21, 2020. On February 25, 2020, Mr. Hawkins filed what could arguably be considered exceptions to the PFD. Commission Staff did not file exceptions. On March 3, 2020, Commission Staff filed a reply to Mr. Hawkins' exceptions.

The PFD recommends dismissal of Mr. Hawkins' complaint for failure to amend an application such that it is sufficient after repeated determinations that it is insufficient, under 16 Texas Administrative Code (TAC) § 22.181(d)(7). Specifically, the PFD recommends dismissal of the complaint because Mr. Hawkins' formal complaint failed to include the information required under 16 TAC § 22.242(e)(2)(C)–(I) and Mr. Hawkins did not cure the deficiencies of his complaint after being provided multiple opportunities to do so.

I do not believe that any change to the PFD is warranted. Mr. Hawkins raises two points in his exceptions. First, he requests a return to the "old rate." There is sufficient evidence in the record to support a finding that Monarch provided detailed response to the initial complaint, which denied that it had inappropriately applied its tariffed rates and inappropriately billed Mr. Hawkins purchased water pass-through charges. Second, he states that his water service is being managed by a part-time employee who is 40 miles away and passes through to check service "3 to 5 times per week." This statement appears to be outside the scope of Mr. Hawkins' initial complaint and does not cure the deficiencies in his complaint. This statement also does not address his failure to respond to Commission Staff's motion to dismiss, the Orders in this case, or his failure to file exceptions by the February 21, 2020 deadline.



I conclude that no changes to the PFD are warranted and it remains ready for your consideration.

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