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COMPLAINT OF PAUL HAWKINS  
AGAINST MONARCH UTILITIES I,  
L.P.

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§

PUBLIC UTILITY COMMISSION  
FILING CLERK  
OF TEXAS

**ORDER REQUESTING BRIEFING**

This Order addresses issues raised in the formal complaint of Paul Hawkins filed against Monarch Utilities I, L.P. on July 15, 2019. Mr. Hawkins’s complaint, as amended by his February 28, 2020 filing, alleged improper billing practices on the part of Monarch, raised the issue of whether customers should be charged a pass-through rate, and sought a return to his old water rates.

At the time Mr. Hawkins’s formal complaint was filed, Monarch had recently implemented a \$0.69 per 1000 gallons pass-through charge prior to receiving Commission approval.<sup>1</sup> In response to Mr. Hawkins’s formal complaint, Monarch asserted that it is authorized to bill customers its proposed pass-through charge while Monarch’s application is being processed by the Commission because Monarch’s Commission-approved tariff allows it to charge a pass-through upon satisfaction of Commission notice requirements.<sup>2</sup>

As noted in Chairman Walker’s memo filed in this docket on March 12, 2020, ensuring that utilities charge in compliance with their approved tariffs and Commission rules is a core responsibility of the Commission. Therefore, the Commission concludes there are issues that should be considered more fully in order for the Commission to develop a statement of policy, precedent, or position relevant to this proceeding. Any party in this docket may file a brief that addresses the following issues:

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<sup>1</sup> *Application of Monarch Utilities I, L.P. for a Pass-Through Gallonage Charge*, Docket No. 49242, Commission Staff’s Agreed Recommendation on Final Disposition at 4 (Feb. 7, 2020).

<sup>2</sup> Monarch’s Response to Order No. 1 at 2-3 (Aug. 6, 2019).

1. Does the following language in Monarch's current tariff constitute Commission authorization for an effective date of a pass-through charge other than the date of approval of that charge by the Commission under 16 TAC § 24.25(h):<sup>3</sup>

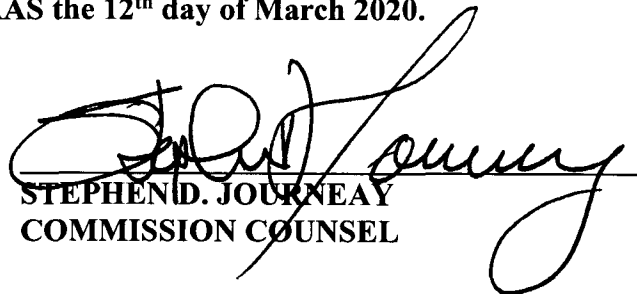
To implement, all notice requirements must be met. The utility may begin to charge the new filed WPC on the proposed effective date in the notice. Implementation of this WPC adjustment provision shall be governed by 16 TAC § 24.21(h).<sup>4</sup>

In answering this issue, please address whether the Commission order approving Monarch's tariff is the type of order referenced in 16 TAC § 24.25(h).

2. Does any other language in Monarch's current tariff constitute such authorization? In answering this issue, please identify any such language.

Briefs on these issues are due by 3:00 p.m., Thursday, March 26, 2020. Unless specifically requested, parties shall not file responses to briefs filed pursuant to this Order. The Commission will consider and possibly adopt a preliminary order, which may decide these issues, at a future open meeting.

**SIGNED AT AUSTIN, TEXAS the 12<sup>th</sup> day of March 2020.**

  
STEPHEN D. JOURNEAY  
COMMISSION COUNSEL

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<sup>3</sup> *Id.*, Exhibit A at 10.

<sup>4</sup> 16 TAC § 25.21 was repealed and replaced with 16 TAC § 24.25 on October 17, 2018.