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

PUBLIC UTILITY COMMISSION  
FILING CLERK  
OF TEXAS

**COMMISSION STAFF'S RESPONSE TO ORDER NO. 2  
SUPPLEMENTAL STATEMENT OF POSITION**

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and files this Commission Staff's Response to Order No. 2, Supplemental Statement of Position, and would show the following:

**I. BACKGROUND**

On July 15, 2019, Paul Hawkins (Complainant or Mr. Hawkins) filed a formal complaint against Monarch Utilities I, L.P. (Respondent or Monarch) regarding pass-through water charges. Complainant filed the formal complaint pursuant to 16 Texas Administrative Code (TAC) § 22.242. On August 6, 2019, Respondent filed its response to the complaint.

Order No. 2, issued on August 15, 2019, required Staff to file a Supplemental Statement of Position by October 11, 2019. This pleading is therefore timely filed.

**II. MOTION TO DISMISS**

In Staff's initial Statement of Position filed August 13, 2019, Staff noted that Complainant had not met the requirements of 16 TAC § 22.242(e)(2). Under 16 TAC § 22.242(e)(2), a formal complaint must include the following information:

- (A) the name of the complainant or complainants;
- (B) the name of the complainant's representative, if any;
- (C) the address, telephone number, and facsimile transmission number, if available, and, unless the person has filed a statement under §22.106 of this title (relating to Statement of No Access), the email address of the complainant or the complainant's representative;
- (D) the name of the person against whom the complainant is seeking relief;
- (E) if the complainant is seeking relief against an electric, water, or sewer utility, a statement of whether the complaint relates to service that the complainant is receiving within the limits of a city;
- (F) if the complainant is seeking relief against an electric, water, or sewer utility within the limits of a city, a description of any complaint proceedings conducted by the city, including the outcome of those proceedings;

- (G) a statement of whether the complainant has attempted informal resolution through the commission staff and the date on which the informal resolution was completed or the time for attempting the informal resolution elapsed;
- (H) a description of the facts that gave rise to the complaint; and
- (I) a statement of the relief that the complainant is seeking.

Specifically, Complainant's complaint does not comply with 16 TAC § 22.242(e)(2)(C), (E), (F), (G), (H), and (I). Staff recommended that Complainant be ordered to cure the above deficiencies. In Order No. 2, Mr. Hawkins was required to cure these deficiencies in his complaint on or before September 27, 2019. Mr. Hawkins did not cure the deficiencies in his complaint by September 27, 2019, and, as of October 11, 2019, still has not cured the deficiencies. Staff therefore respectfully recommends that this complaint be dismissed for failure to amend an application such that it is sufficient after repeated determinations that the application is insufficient under 16 TAC § 22.181(d)(7). Without these deficiencies being addressed there is no additional relief that can be granted by the Commission, and therefore dismissal is appropriate.

### **III. ALTERNATIVELY ORDER TO SUPPLEMENT COMPLAINT**

Alternatively, if the ALJ determines that dismissal of the complaint is not appropriate at this time, Staff would recommend that the complainant be ordered again to supplement the record with the necessary information.

### **IV. CONCLUSION**

Staff respectfully requests that an order be issued consistent with this recommendation and that the complaint be dismissed, or in the alternative that Mr. Hawkins be ordered again to supplement the record.


**Dated: October 11, 2019**

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Margaret Uhlig Pemberton  
Division Director

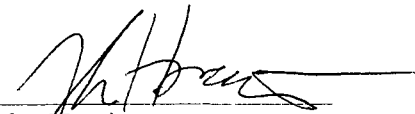
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**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on October 11, 2019 in accordance with 16 TAC § 22.74.

  
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John Harrison