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DOCKET NO. 50878

COMPLAINT OF RANDALL COLLINS §
AGAINST MONARCH UTILITIES I, §
L.P. §

PUBLIC UTILITY COMMISSION
OF TEXAS

**COMMISSION STAFF’S SECOND SUPPLEMENTAL STATEMENT OF POSITION
AND MOTION FOR SUMMARY DECISION**

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and files this Second Supplemental Statement of Position and Motion for Summary Decision. Staff recommends that this docket be dismissed. In support thereof, Staff shows the following:

I. BACKGROUND

On May 22, 2020, Randall Collins filed a formal complaint against Monarch Utilities I, L.P. (Monarch), alleging overcharges for water service at his residence. On August 4, 2020, the ALJ issued Order No. 4, granting Staff until August 18, 2020 to file a second supplemental statement of position. Thus, this pleading is timely filed.

II. COMPLAINT

Mr. Collins complains that he was billed the same amount each month for a period of six months.¹ Mr. Collins asserts that it is inconceivable that he used the same amount of water each month during this six-month period.² Mr. Collins argues that Monarch’s base rates are unfair and violate the Equal Protection Clause under the Texas Constitution.³ Mr. Collins further accuses Monarch of committing the criminal offense of extortion.⁴ Mr. Collins asks that Monarch be ordered to cease charging base rates and that he be appointed an attorney.⁵

¹ Complaint of Randall Collins against Monarch Utilities I, L.P. (Complaint) at 2 (May 22, 2020).
² *Id.* at 3.
³ *Id.* at 4.
⁴ *Id.*; see Tex. Penal Code § 31.02.
⁵ *Id.*

III. MONARCH'S RESPONSE

Monarch responded to the complaint, disputing Mr. Collins' claim that Monarch's monthly bills were incorrect.⁶ Monarch asserted that Mr. Collins' monthly meter readings and billings were correct and consistent with Monarch's tariff.⁷ Monarch stated that it is authorized to serve Henderson County and Mr. Collins' residence under water CCN 12983 and sewer CCN 20899.⁸ Monarch noted that it is a for-profit utility lawfully operating under the statutes and rules of the State of Texas.⁹ Monarch stated that it has done everything within the scope of its responsibilities to address Mr. Collins' concerns and asks that the Commission deny Mr. Collins' complaint.¹⁰

IV. STAFF'S STATEMENT OF POSITION

Staff has reviewed the water bills Mr. Collins provided in his informal complaint.¹¹ As detailed in Kathryn Eiland's memoranda, attached to Staff's Supplemental Statement of Position,¹² Staff recommends that Monarch is charging Mr. Collins the correct water and sewer base charges. Staff also recommends that Monarch is charging Mr. Collins the correct water pass-through gallonage charge. The Commission recently decided that Monarch was permitted to begin charging customers the pass-through charge on March 1, 2019.¹³ As a result, Staff recommends that all charges on Mr. Collins' bill are correct under Monarch's tariff.

Mr. Collins' complaint is appropriate for disposition by a motion for summary decision because there is no genuine issue as to any material fact. The presiding officer may grant a motion for summary decision in accordance with the standard set forth in 16 Texas Administrative Code (TAC) § 22.182(a):

The presiding officer, on motion by any party, may grant a motion for summary decision on any or all issues to the extent that the pleadings, affidavits, materials obtained by discovery or otherwise, admissions, matters officially noticed in accordance with § 22.222 of this title (relating to Official Notice), or evidence of record show that there is no genuine issue as to any material fact and that the

⁶ Response of Monarch Utilities I, L.P. to Randall Collins' Complaint (Response) at 1 (June 17, 2020).

⁷ *Id.* at 1, Exhibit B.

⁸ *Id.* at 1-2, Exhibit C.

⁹ *Id.* at 2.

¹⁰ *Id.* at 3.

¹¹ *Complaint No. CP2020010451*, Randall Collins Invoices Confirmed (January 22, 2020).

¹² Staff's Supplemental Statement of Position (July 1, 2020).

¹³ *See* Docket No. 49732, *Formal Complaint of Paul Hawkins Against Monarch Utilities I, L.P.*

moving party is entitled to a decision in its favor, as a matter of law, on the issues expressly set forth in the motion.

Under 16 TAC § 22.182(d), a hearing on the motion is not required. Staff respectfully requests that the ALJ grant this motion for summary decision and dismiss this docket.

V. CONCLUSION

Staff respectfully requests that the ALJ grant Staff's motion for summary decision and dismiss Mr. Collins' complaint.

Dated: August 18, 2020

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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CERTIFICATE OF SERVICE

I certify that, unless otherwise ordered by the presiding officer, notice of the filing of this document was provided to all parties of record via electronic mail on August 18, 2020, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Megan Chalifoux
Megan Chalifoux