



Control Number: 50878



Item Number: 1

Addendum StartPage: 0

50878

Kirkland, Kelly

From: Skip Collins <beltsbyskip@yahoo.com>
Sent: Friday, May 22, 2020 12:52 PM
To: Central Records
Subject: Fw: Formal Complaint
Attachments: CCN search file.pdf; Tecon CCN.pdf

RECEIVED
2020 MAY 22 PM 1:16
PUBLIC UTILITY COMMISSION
FILING CLERK

WARNING: EXTERNAL SENDER. Always be cautious when clicking links or opening attachments. NEVER provide your user ID or password.

----- Forwarded Message -----

From: Skip Collins <beltsbyskip@yahoo.com>
To: Centralrecords@puc.texas.gov <centralrecords@puc.texas.gov>
Sent: Monday, March 30, 2020, 09:50:14 AM CDT
Subject: Formal Complaint

Randall Collins (Complainant)
Customer Account #001000070424
103 Chillacoth Trail
Mabank TX. 75156
(903) 519-3678

VS.

Southwest/Monarch Utilities I L,P,
Public Utilities Commission of Texas

FORMAL COMPLAINT

HISTORY:

The complainant first contacted Southwest/Monarch Utilities via email on Nov. 26, 2019 and expressed he would like to file a complaint and requested instructions and/or a complaint form. After receiving no satisfactory reply, the complainant again contacted Southwest/Monarch Utilities on Dec. 13, 2019 with the same request.

On Dec. 18, 2019 the complainant received an email from Monarch Utilities requesting details of his complaint.

On Dec. 21, 2019 the complainant replied to this email and expressed concerns in regarding the usage of a tariff and/or base charges and concerns about his past six month billing cycle being the exact same amount of \$167.51 consecutively. Complainant indicated his believe that his water meter is not being read and/or correctly calculated.

On Dec. 26, 2019 the complainant received another email which simply stated the meter is being read and suggested the complainant read and compare the readings himself. The issue of the tariff was ignored.

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On Dec. 30, 2019 the complainant replied and requested the date on which the meter is being read. Complainant again expressed concerns about the tariff and questioned if Southwest/Monarch is a non-profit corporation. This email was ignored as well.

On Jan 2, 2020 the complainant contacted the CEO of Southwest/Monarch Utilities and asked if the company is certified as a non-profit Corporation.

On Jan 3, 2020 the CEO replied that they are not a non-profit corporation.

On or about Jan 4, 2020 the complainant contacted the Office of State representative Keith Bell with his concerns of the tariff as well as the issue of the monthly billing cycle being the same amount six months consecutively.

The complainant was contacted by Mr. Holt James from the office of Rep. Keith Bell.

Forgoing several email communications to and from Mr. James the complainant filed his Informal complaint on Jan. 17, 2020, as instructed by Mr. James and a representative of the Public Utilities Commission of Texas (PUCT).

On Jan. 22, 2020 the complainant received a reply from Monarch Utilities via USPS.

On Jan. 24, 2020 the complainant received a reply from the PUCT via USPS. (See Complaint #CP2020010451)

The complainant finds the informal resolution of his complaint unsatisfactory. Via several emails to and from Customer Service of PUCT the complainant has attempted to resolve his issues without filling a formal complaint to no avail.

The complainant now files his formal complaint.

DISCLAIMER:

The complainant in the instant case is not a legal attorney, therefore cannot be held to the same high standard of law as a Licensed attorney would be. The complainant is acting on his own behalf without legal representation. The contents of this formal complaint are true and correct to the best of the complainant's knowledge, education and resource.

COMPLAINT:

(1). The PUCT relied on documentation and/or account records provided by Monarch Utilities in its conclusion that the complainant's actual water usage for the six months in question were the exact same amount consecutively. Thus the charge of \$167.51 for these months was the exact same amount as well. The PUCT failed to conduct it's own independent investigation of these charges, but relied solely upon documentation provided by Monarch Utilities as being true and correct. Thus the PUCT can not truthfully or correctly achieve this conclusion.

A review of the complainant's previous and post account summary reveals the complainant's actual water usage has not been the exact same amount over a given time period. A review of the complainant's water usage history will support this. The complainant's household occupancy has not

changed in over a year and a half. It is inconceivable that the complaint's water usage over this six month time period was the exact same amount.

(2). Southwest Water and Monarch Utilities are both private investor-owned water/waste water utility corporations. The complainant states this in accordance with TWC 49.001(a)(5), TWC 31.002(g)(24), and TWC 13.004(a)(2). These statutes define a public water utility corporation as a non-profit corporation that is to operate under TWC Chapter 67. Southwest/Monarch Utilities is not a municipality, is not a water district and is not a public water utility corporation as defined by the Texas Water Code (TWC), Texas Administration Code (TAC), Texas Government Code (TGC) or the Texas Utility Code (TUC). In addition, nothing contained within any of the aforementioned codes allows a private investor-owned water/waste water corporation to be granted a tariff allowance. The PUCT does not hold jurisdiction over Southwest/Monarch Utilities as defined as a nonprofit water/waste water service corporation and/or ensure that these corporations are not operating in a manner that does not comply with the requirements for classification as a nonprofit water supply corporation in accord with TWC 13.004(a)(2).

(3). TWC 13.001(c) states that the purpose of Chapter 13 is to establish a comprehensive, regulatory system that is adequate to the task of regulating retail public utilities to assure that rates, operations, and services that are just and reasonable. The water base fee charged, under the banner of a tariff, by Southwest/Monarch Utilities are neither just or reasonable rates in comparison to a nonprofit public water utility, a municipality or a water district. The PUCT is in violation of this code in addition to the entire chapter (Chapter 13), for not setting in place a regulatory system that is adequate to the task, and for allowing and not regulating the rates charged by Southwest/Monarch Utilities, in a just and reasonable manner.

(4). A Certificate of Convenience and Necessity (CCN) is a certificate(s) that is issued by an agency granting a company authority to operate a public service and/or to a municipal water/waste water supply, a water/waste water district, and/or a public water/waste water utility corporation. Once granted, a CCN number is assigned. It is the complainant's understanding that a CCN basically allows water/waste water rights in certain geographically mapped areas within the state of Texas. The complainant resides in Henderson County Tx. (Cherokee Shores Subdivision). According to documentation provided by the PUCT to the complainant, Monarch Utilities has been assigned CCN number 12983 for water and CCN number 20899 for waste water in Henderson County Tx.

An online search made available by the PUCT's website under the category of "Find a Water Utilities" reveals that CCN number 12983 has been assigned to Monarch Utilities for Montgomery County. A secondary search utilizing the same information for Henderson County Tx. shows no results found for Monarch Utilities. The same is true when conducting a search for waste water Utilities under CCN number 20899 for Monarch Utilities. (See attachments)

If, in fact, Monarch Utilities I LP has been assigned CCN numbers 12983 and 20899. The complainant questions considering geographical mapping rules and law, how the exact same CCN certificate/number can be utilized in Henderson County Tx. in addition to Montgomery County Tx. and/or several different areas and counties.

Documentation (See attachment) indicates that waste water CCN number 20899 under application No. 34102-C is assigned to Tecon Water Company, now known as Tecon Group, rather than Monarch Utilities. It is the complainant's understanding that Tecon Water Company was purchased by Monarch Utilities in 2014, which suggests and is an indication that waste water CCN number 20899 was purchased as well.

(5). The complainant is an American citizen and taxpayer. He is not separate or distinct from other American citizens or taxpayers. Citizens whose water and waster water is supplied by a municipality, water district or nonprofit public utility are not required to pay tariff rates and/or additional taxes for this service. The complainant states that the current tariff rates (base fee) and unfair, unjust, and unreasonable taxes that he is being forced to pay in comparison to other taxpayers, and that are being collected by Monarch Utilities and approved by the PUCT, violates his Equal Rights under Texas Constitution Article 1 Sec. 3.

(6). The complainant states that the legal definition of Extortion is the practice of obtaining something, especially money, through force or threat. The complainant's understanding is that the current unfair, unjust and unreasonable tariff rates (base fee's) currently being collected by Monarch Utilities and approved by the PUCT, from the complainant, by force and by threat of his water and waste water being disconnected for failure to pay is a criminal act of Extortion against the complainant.

Relief Sought:

(1). Southwest Water and Monarch Utilities no longer being allowed to operate and/or extract tariff fee's or base fee's as a private investor owned utility company.

(2). All unfair, unjust and unreasonable tariff (base fee's) fee's, taxes currently being extracted from the complainant cease and desist forthwith. A cease and desist order be imposed upon Southwest/Monarch Utilities forthwith.

(3). The allowance and approval of a tariff on behalf of Southwest/Monarch Utilities be set aside and nullified.

(4). The complainant requests that an impartial attorney be assigned to represent him in this cause of action rather than a PUCT staff attorney.

Respectfully Submitted, Randall Collins.

Find a Water Utility

Q Find Utilities (/WaterSearch/)

Q Address Search (/WaterSearch/SearchAddress)

Utility Name

Monarch Utilities I LP

Responsible Party Name

Southwest Water Company

CCN or Registration #

12983

Utility Type

WATER UTILITY

Ownership Type

INVESTOR

County

HENDERSON

Activity Status

ACTIVE

Search Results

Utility Name	CCN/Regnum	Responsible Party	Utility Type	Ownership Type	County	Activity Status
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Total Records Found: 0

« « » »

Find a Water Utility

Q Find Utilities (/WaterSearch/)

Q Address Search (/WaterSearch/SearchAddress)

Utility Name	Utility Type	Activity Status
Monarch Utilities I LP	WATER UTILITY	ACTIVE
Responsible Party Name	Ownership Type	
Southwest Water Company	INVESTOR	
CCN or Registration #	County	
12983	MONTGOMERY	

Search

Search Results

Utility Name	CCN/Regnum	Responsible Party	Utility Type	Ownership Type	Co
MONARCH UTILITIES I LP (/WaterSearch/Utility?siteid=66789)	12983	SOUTHWEST WATER COMPANY	WATER UTILITY	INVESTOR	MC

Export to Excel (/WaterSearch/Search/Export?UtilityName=Monarch%20Utilities%20%20LP&RepPartyName=Southwest%20Water%20Company&CCNRegnum=12983&UtilityType=W&OwnershipType

« « 1 » »

Find a Water Utility

Q Find Utilities (WaterSearch/)

Q Address Search (WaterSearch/SearchAddress)

Utility Name

Monarch Utilities I LP

Responsible Party Name

Southwest Water Company

CCN or Registration #

20899

Utility Type

SEWER UTILITY

Ownership Type

INVESTOR

County

HENDERSON

Activity Status

ACTIVE

Search Results

Utility Name	CCN/Regnum	Responsible Party	Utility Type	Ownership Type	County	Activity Status
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Total Records Found: 0

« « » »

Find a Water Utility

Q Find Utilities (/WaterSearch/)

Q Address Search (/WaterSearch/SearchAddress)

Utility Name	Utility Type	Activity Status
Monarch Utilities I LP	SEWER UTILITY	ACTIVE
Responsible Party Name	Ownership Type	
Southwest Water Company	INVESTOR	
CCN or Registration #	County	
20899	MONTGOMERY	

Search

Search Results

Utility Name	CCN/Regnum	Responsible Party	Utility Type	Ownership
MONARCH UTILITIES I LP (/WaterSearch/Utility?shield=66788)	20899	SOUTHWEST WATER COMPANY	SEWER UTILITY	INVESTOR

Export to Excel (/WaterSearch/Search/Export?UtilityName=Monarch%20Utilities%20I%20LP&RepPartyName=Southwest%20Water%20Company&CCNRegnum=20899&UtilityTypeid=S&)

« < 1 > »

Tecon Water Company, L.P.
Portion of Sewer Service Area
CCN No. 20899
Application No. 34102-C
Henderson County



2000 0 2000 Feet

1 inch = 2,000 feet

Map by S. Jaster 11/8/2004
Data path: s:\ud\ccn\cn_working\ccn.shp
Project path: k:\gts\projects\34102-c_1.apr



Sewer CCN Service Area
20899 - TECON WATER COMPANY LP

