



## **Filing Receipt**

**Filing Date - 2024-10-02 04:53:34 PM**

**Control Number - 51764**

**Item Number - 52**

**DOCKET NO. 51764**

<b>COMPLIANCE FILING FOR</b>	<b>§</b>	<b>BEFORE THE</b>
<b>DOCKET 49758 (APPLICATION</b>	<b>§</b>	
<b>OF MARK PATTERSON FOR</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>TEMPORARY RATES FOR A</b>	<b>§</b>	
<b>NONFUNCTIONING UTILITY)</b>	<b>§</b>	<b>OF TEXAS</b>

**MARK PATTERSON’S RESPONSE TO ORDER NO. 24**  
**REQUIRING CLARIFICATION**

On September 18, 2024, the ALJ in this docket filed Order No. 24, requiring Mark Patterson (“Mr. Patterson”) to provide clarification by October 2, 2024, on whether he continues charging the receiver’s fee of \$12 per connection per month. Therefore, this pleading is timely filed.

**I. Receiver Duties Continue While this Docket is Active**

Regarding whether Mr. Patterson continues to charge the monthly receiver fee of \$12 per connection per month, Mr. Patterson continues to do so at the direction of the Public Utility Commission of Texas (“Commission”) pursuant to the Commission Order signed on February 12, 2021 (the “2021 Order”).<sup>1</sup> Through Commission Docket No. 49758, Application of Mark Patterson for Temporary Rates for Services Provided for a Nonfunctioning Utility, the Commission approved a Tariff under which Mr. Patterson has operated since approval of the 2021 Order. Mr. Patterson filed with the Commission Notice of Disposition of Receivership on May 6, 2024, wherein Mr. Patterson requested that this docket be closed out or dismissed.<sup>2</sup> To date, the docket has not been dismissed and filings and pleadings remain active, and Mr. Patterson continues to operate pursuant to the 2021 Order until receipt of a superseding Order issued in this docket.

---

<sup>1</sup> See PUC Interchange Item 43 in Docket No. 49758.

<sup>2</sup> See PUC Interchange Item 39 in Docket No. 51764.

Paragraph No. 35 in the June 26, 2019, Agreed Order Appointing Receiver, Cause No. D-1-GN-18-002771, 459<sup>th</sup> District Court, Travis County (“Court Order”), also provides that the \$12.00 monthly fee is charged for the receiver’s service and includes compliance filings. Mr. Patterson’s duties under the receivership continue while this docket is active. While the court discharged Patterson from his duties as receiver on April 29, 2024, the continued compliance filings and active Commission matter related to the receivership must be closed in order for Patterson’s duties as receiver to end. In addition, there is no requirement in the 2021 Order that the receivership fee cease upon disposition by the court while the receiver continues to perform the compliance duties related to the receivership.

Mr. Patterson has continued to file monthly status reports in this docket and continues to perform duties related to this receivership matter, including this Response to Order No. 24. This open compliance docket exists to monitor the activities of Mr. Patterson related to the receivership, and until dismissed, Mr. Patterson is required to continue performing receivership duties and incurs legal fees in providing responses to matters tied to the receivership in this docket.

The receiver’s fee of \$12 per connection per month should therefore coincide with the date of the final order dismissing this docket, when Mr. Patterson’s receivership-related duties end, and therefore, that Mr. Patterson not be required to issue refunds related to the receiver fee. Mr. Patterson faithfully performed his duties as receiver in this matter on behalf of the State of Texas to restore the water system back to a functioning utility in compliance with state law, and he should not be required to bear additional costs related to this receiver compliance docket by having to refund the receiver fee prior to dismissal of this receivership-related matter. To require otherwise would be contrary to the 2021 Order and the Court Order.

## **II. Conclusion and Prayer**

For the reasons stated above, Mr. Patterson respectfully requests that the Commission close out this docket, as originally requested on May 6, 2024, and further that the \$12 per connection per month receiver fee be terminated on the date the final order of dismissal is signed in this docket.

Respectfully submitted,

FANCHER LEGAL, PLLC  
6136 Frisco Square Blvd., Suite 400  
Frisco, Texas 75034  
Phone: (469) 925-0022

/s/Kristen O. Fancher  
KRISTEN O. FANCHER  
State Bar No. 24065845  
Email: kf@fancherlegal.com

**ATTORNEY FOR MARK PATTERSON**

### **CERTIFICATE OF SERVICE**

I certify that notice of the filing of this document was provided to all parties of record via electronic mail on October 2, 2024, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/Kristen O. Fancher  
Kristen O. Fancher