

Date complete request received by SOAH:

Proceeding date set by SOAH:

SOAH Docket Number & type of case:

REQUEST TO DOCKET CASE (Please type or print)

PLEASE CHECK ACTION REQUESTED:**

X SETTING OF HEARING [] ASSIGNMENT OF ALJ * [] ALTERNATIVE DISPUTE RESOLUTION (ADR)/MEDIATION* AGENCY'S

REFERRING AGENCY NAME: TCEQ AGENCY NO.: FILE/CASE NO.: 2014-0413-UCR

NAME/STYLE OF THE CASE: MONARCH UTILITIES I, L.P.

DATE APPLICATION FILED AT AGENCY: DOCKET NO. SUFFIX, if applicable: UCR

PROCEEDING DATE(S) REQUESTED (Include range of dates if possible): JUNE 5, 2014

EXPECTED NUMBER OF HOURS (If less than a day) OR DAYS NEEDED FOR PROCEEDING: HOURS 1 DAYS

[] ADMIN. FINE [] GRIEVANCE [] ENFORCEMENT [] CONTRACT CLAIM (Gov't.Code 2260) [] OTHER

SPECIAL NEEDS OR ACCOMMODATIONS: HEARING IN AUSTIN, SEATING FOR 300 PEOPLE

IF ADR REQUESTED PLEASE DESCRIBE PROCESS NEEDED:

[] PREHEARING CONFERENCE REQUESTED [] INTERPRETER NEEDED(See 1 TAC 155.43(g))

[] CASE FILE and/or [] HEARING IS CONFIDENTIAL (Specify applicable statute):

NAME OF INDIVIDUAL SENDING REQUEST FORM: KATHA ANDERSON PHONE NO.: 239-3316 FAX NO.: 239-3311

PARTIES AND REPRESENTATIVES

PARTY REPRESENTED BY: [] SELF [] ATTORNEY [] OTHER, If so, relationship:

REPRESENTATIVE'S NAME: CHRISTIAAN SIANO

PARTY'S NAME:

ADDRESS:

PHONE No : (512) 239-6743 (Direct Phone Number Please)

Email Address: Christiaan.siano@tceq.texas.gov

FAX No.:

PARTY REPRESENTED BY: [] SELF [] ATTORNEY [] OTHER, If so, relationship:

REPRESENTATIVE'S NAME:

PARTY'S NAME:

ADDRESS:

PHONE No.: (Direct Phone Number Please)

Email Address:

FAX No.:

PLEASE LIST ADDITIONAL PARTIES AND/OR REPRESENTATIVES ON EXTRA FORM PROVIDED.

SEND TO: STATE OFFICE OF ADMINISTRATIVE HEARINGS ATTN.: Deputy Clerk William P. Clements Building 300 West 15th Street, Suite 504 Austin, Texas 78701

OR Post Office Box 13025 Austin, Texas 78711-3025 Docketing Phone No. (512) 475-3445 Fax No. (512) 475-4994

*PLEASE FORWARD A COPY OF THE APPLICATION, APPEAL, OR COMPLAINT WITH THIS REQUEST FORM, AS WELL AS ANY OTHER PLEADING FILED IN THE CASE TO DATE IF REQUESTING ASSIGNMENT OF ALJ or ALTERNATIVE DISPUTE RESOLUTION (ADR)/MEDIATION. A COPY OF THE NOTICE OF PROCEEDING MUST BE FORWARDED TO SOAH AT THE SAME TIME IT IS MAILED TO THE PARTIES.

Katha Anderson

From: Katha Anderson
Sent: Wednesday, April 30, 2014 1:05 PM
To: 'Monica Luna'
Subject: RE: CONFIRMATION Monarch Utilities;2014-0413-UCR; 582-14-3381

Thank you.

From: Monica Luna [<mailto:Monica.Luna@soah.state.tx.us>]
Sent: Wednesday, April 30, 2014 1:03 PM
To: Katha Anderson
Subject: RE: CONFIRMATION Monarch Utilities;2014-0413-UCR; 582-14-3381

Great. I'm working on the reservation now.
Will get back to you with Amended Confirmation soon.

From: Katha Anderson [<mailto:katha.anderson@tceq.texas.gov>]
Sent: Wednesday, April 30, 2014 12:03 PM
To: Monica Luna
Subject: RE: CONFIRMATION Monarch Utilities;2014-0413-UCR; 582-14-3381

June 25th is the new requested date.

Thank you,
Katha

From: Monica Luna [<mailto:Monica.Luna@soah.state.tx.us>]
Sent: Wednesday, April 30, 2014 11:01 AM
To: Katha Anderson
Subject: FW: CONFIRMATION

Katha,

We do not have space here at SOAH for a hearing with 300 people for Monarch Utility- 582-14-3381 on 6/05. The facility we can hold it at is not available on 6/05. Could you check to see if Monday June 2,9,16,23rd or Wednesday June 25 would be an ok day to hold this hearing?

Monica

From: Rommel Corro
Sent: Monday, April 28, 2014 2:34 PM
To: 'Katha Anderson'
Cc: Monica Luna
Subject: CONFIRMATION

SETTING OF HEARING(S)

Docket

Katha Anderson

From: Monica Luna <Monica.Luna@soah.state.tx.us>
Sent: Thursday, May 01, 2014 12:38 PM
To: Katha Anderson
Cc: Bill Newchurch
Subject: AMENDED CONFIRMATION

SETTING OF HEARING(S)

<u>Docket Number</u>	<u>Case</u>	<u>Date</u>	<u>Time/Duration</u>
582-14-3381 2014-0413-UCR	MONARCH UTILITY	6/25/14	10:00AM / 1 DAY

Hearing Location
William B. Travis Building
1701 N. Congress – Room 1-104
Austin, Texas 78701

All parties will be notified in the event of a change of location of the hearing.

Please remember that you are responsible for providing the court reporter as required by your agency.

If you have any questions regarding any of the information herein, please contact me.

CCN/12983/
582-14-3863/SO
20140724/pleadings

SOAH DOCKET NO. 582-14-3863
TCEQ DOCKET NO. 2014-0599-UCR

APPEAL FILED BY MONARCH § BEFORE THE STATE OFFICE
UTILITIES I, L.P. FROM THE §
RATEMAKING ACTION OF THE CITY § OF
OF IVANHOE IN TYLER COUNTY, § ADMINISTRATIVE HEARINGS
TEXAS §

MOTION TO DISMISS

TO THE HONORABLE ADMINISTRATIVE LAW JUDGE:

Monarch Utilities I, L.P., ("Monarch") files this motion to dismiss its appeal of the ratemaking action of the City of Ivanhoe. Monarch has entered into a compromise and settlement agreement with the City of Ivanhoe and no longer contests the City's decision to deny its rate application.

WHEREFORE, PREMISES CONSIDERED, Monarch respectfully requests that the Administrative Law Judge grant this motion and remand the appeal to the Executive Director for an order dismissing the appeal.

RECEIVED
AUG 06 2014
TCEQ
CENTRAL FILE ROOM

CHIEF CLERKS OFFICE

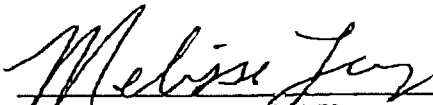
2014 JUL 24 AM 9:52

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

Respectfully submitted,

LLOYD, GOSSELINK,
ROCHELLE & TOWNSEND, P.C.
816 Congress Avenue, Suite 1900
Austin, Texas 78701
Telephone: (512) 322-5830
Facsimile: (512) 472-0532

CHIEF CLERKS OFFICE
2014 JUL 24 AM 9:52
TEXAS COMMISSION
ON ENVIRONMENTAL
QUALITY



LAMBETH TOWNSEND
State Bar No. 20167500

MELISSA A. LONG
State Bar No. 24063949

MARK ZEPPA
Law Office of Mark H. Zeppa, PC
4833 Spicewood Springs Road, Suite 202
Austin, Texas 78759
State Bar No. 22260100

ATTORNEYS FOR MONARCH UTILITIES I, L.P.

CERTIFICATE OF SERVICE

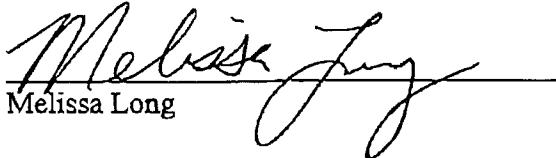
I, Melissa Long, hereby certify that on this 24th day of July, 2014, a true and correct copy of the foregoing document was transmitted as follows:

Christiaan Siano
TCEQ Staff Attorney
Environmental Law Division
P. O. Box 13087 MC-173
Austin, Texas 78711-3087

C.D. Woodrome, City Secretary
City of Ivanhoe
880 Charmaine Drive East, Suite A
Woodville, Texas 75979

Jim Boyle
Herrera & Boyle, PLLC
816 Congress Avenue, Suite 1250
Austin, Texas 78701

Bridget C. Bohac
Office of the Chief Clerk, MC-105
TCEQ
P. O. Box 13057
Austin, Texas 78711-3087


Melissa Long



818 Congress Avenue, Suite 1800
Austin, Texas 78701
512.322.5800 p
512.472.0532 f
lglawfirm.com

TELECOPIER COVER SHEET

July 23, 2014

PLEASE DELIVER THE FOLLOWING PAGES:

2014 JUL 24 AM 9:52
 CHIEF CLERKS OFFICE

TEXAS COMMISSION
 ON ENVIRONMENTAL
 QUALITY

To: Christiaan Siano	Firm: TCEQ
Verification Phone No.: 512-239-6743	Telecopy No.: 512-239-0606
To: Jim Boyle	Firm: Herrera & Boyle for Buda
Verification Phone No.: 512-474-1492	Telecopy No.: 512-474-2507
To: Bridget C. Bohac	Firm: TCEQ Chief Clerk
Verification Phone No.: 512-239-3300	Telecopy No.: 512-239-3311
To: C.D. Woodrome	Firm: City of Ivanoe City Secretary
Verification Phone No.: 498-283-3299	Telecopy No.: 409-283-3299
Client No.: 3176-10	No. Pages: 2
Documents transmitted:	Monarch's Motion to Dismiss the Appeal from the Ratemaking Actions of the City of Ivanhoe
From:	Paula L. McCormick
Comments:	Please contact me should you have any problems receiving this transmittal.

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS ATTORNEY PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. THE REVIEW, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION TO ANYONE OTHER THAN THE INTENDED ADDRESSEE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE, AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.

IF YOU DO NOT RECEIVE ALL PAGES. PLEASE CALL US AS SOON AS POSSIBLE AT (512) 322-5800.

SOAH DOCKET NO. 582-14-3863
TCEQ DOCKET NO. 2014-0599-UCR

APPEAL FILED BY MONARCH § BEFORE THE STATE OFFICE
UTILITIES I, L.P. FROM THE §
RATEMAKING ACTION OF THE CITY § OF
OF IVANHOE IN TYLER COUNTY, §
TEXAS § ADMINISTRATIVE HEARINGS

MOTION TO DISMISS

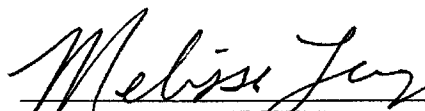
TO THE HONORABLE ADMINISTRATIVE LAW JUDGE:

Monarch Utilities I, L.P., (“Monarch”) files this motion to dismiss its appeal of the ratemaking action of the City of Ivanhoe. Monarch has entered into a compromise and settlement agreement with the City of Ivanhoe and no longer contests the City’s decision to deny its rate application.

WHEREFORE, PREMISES CONSIDERED, Monarch respectfully requests that the Administrative Law Judge grant this motion and remand the appeal to the Executive Director for an order dismissing the appeal.

Respectfully submitted,

LLOYD, GOSSELINK,
ROCHELLE & TOWNSEND, P.C.
816 Congress Avenue, Suite 1900
Austin, Texas 78701
Telephone: (512) 322-5830
Facsimile: (512) 472-0532



LAMBETH TOWNSEND
State Bar No. 20167500

MELISSA A. LONG
State Bar No. 24063949

MARK ZEPPA
Law Office of Mark H. Zeppa, PC
4833 Spicewood Springs Road, Suite 202
Austin, Texas 78759
State Bar No. 22260100

ATTORNEYS FOR MONARCH UTILITIES I, L.P.

CERTIFICATE OF SERVICE

I, Melissa Long, hereby certify that on this 24th day of July, 2014, a true and correct copy of the foregoing document was transmitted as follows:

Christiaan Siano
TCEQ Staff Attorney
Environmental Law Division
P. O. Box 13087 MC-173
Austin, Texas 78711-3087

C.D. Woodrome, City Secretary
City of Ivanhoe
880 Charmaine Drive East, Suite A
Woodville, Texas 75979

Jim Boyle
Herrera & Boyle, PLLC
816 Congress Avenue, Suite 1250
Austin, Texas 78701

Bridget C. Bohac
Office of the Chief Clerk, MC-105
TCEQ
P. O. Box 13057
Austin, Texas 78711-3087


Melissa Long

SOAH DOCKET NO. 582-14-3863
TCEQ DOCKET NO. 2014-0599-UCR

APPEAL OF MONARCH UTILITIES I, § BEFORE THE STATE OFFICE
L.P. FROM THE RATEMAKING § OF
ACTION OF THE CITY OF IVANHOE, §
TEXAS § ADMINISTRATIVE HEARINGS


ORDER NO. 1
MEMORIALIZING PRELIMINARY HEARING AND DISMISSING CASE


On July 24, 2014, Monarch Utilities I, L.P. (Monarch) filed a motion to dismiss its appeal and remand it to the Texas Commission on Environmental Quality Executive Director (ED) for an order dismissing the appeal because Monarch and the City of Ivanhoe had entered into a settlement. On June 25, 2014, a preliminary hearing was held in this case, and jurisdiction was proven. The following appeared and were admitted as parties:

Party	Representative
Monarch	Lambeth Townsend, Mark Zeppa, Melissa Long
ED	Christiaan Siano, Jessica Gray
City of Ivanhoe	Jim Boyle, Jack Brockhouse
Office of Public Interest Counsel	Eli Martinez

No party opposed Monarch's motion. Monarch's motion is granted. This case is dismissed from the docket of the State Office of Administrative Hearings and remanded to the ED.

SIGNED July 24, 2014.


ELIZABETH DREWS
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS


KERRIE JO QUALTROUGH
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS

STATE OFFICE OF ADMINISTRATIVE HEARINGS

AUSTIN OFFICE
300 West 15th Street Suite 502
Austin, Texas 78701
Phone: (512) 475-4993
Fax: (512) 322-2061

SERVICE LIST

AGENCY: Environmental Quality, Texas Commission on (TCEQ)
STYLE/CASE: MONARCH UTILITIES I, LP
SOAH DOCKET NUMBER: 582-14-3863
REFERRING AGENCY CASE: 2014-0599-UCR

**STATE OFFICE OF ADMINISTRATIVE
HEARINGS**

ADMINISTRATIVE LAW JUDGE
ALJ ELIZABETH DREWS

REPRESENTATIVE / ADDRESS

PARTIES

CHRISTIAAN SIANO
STAFF ATTORNEY
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
MC-173 P O. BOX 13087
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COALITION OF CITIES

ELI MARTINEZ
PUBLIC INTEREST COUNSEL
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
12100 PARK 35 CIRCLE, MC-103, BUILDING F
AUSTIN, TX 78753
(512) 239-3974 (PH)
(512) 239-6377 (FAX)
eli.martinez@tceq.texas.gov

TCEQ PUBLIC INTEREST COUNSEL

LAMBETH TOWNSEND
LLOYD GOSSELINK ROCHELLE & TOWNSEND, P.C.
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AUSTIN, TX 78701-2478
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(512) 472-0532 (FAX)
ltownsend@lglawfirm.com

MONARCH UTILITIES I, LP

JIM ROURKE
ATTORNEY
OFFICE OF PUBLIC UTILITY COUNSEL
P. O. BOX 12397
AUSTIN, TX 78711-2397
(512) 936-7510 (PH)
(512) 936-7525 (FAX)
jim.rourke@opuc.texas.gov

OFFICE OF PUBLIC UTILITY COUNSEL

**TEXAS COMMISSION
ON ENVIRONMENTAL QUALITY**

TRANSMITTAL OF ADMINISTRATIVE RECORD

DATE: June 11, 2014

TO: SOAH Natural Resources Docket Clerk

THRU: Melissa Chao, Section Manager
TCEQ Agenda / Final Documents Section

FROM: *KA* Katha Anderson, TCEQ Final Documents Team

RE: Monarch Utilities I, L.P.; Application No. 37839-A
SOAH Docket No. 582-14-3863; TCEQ Docket No. 2014-0599-UCR

This document is now being forwarded as a supplement to the Administrative Record originally transmitted to your office on June 10, 2014. Please find certified copies of the following documents:

✓ 1. amended public hearing notice and Chief Clerk's affidavit

If any of these documents are not included as enclosures with this memo, please notify Melissa Chao, Section Manager at (512) 239-5234.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



STATE OF TEXAS §

COUNTY OF TRAVIS §

I, Bridget C. Bohac, Chief Clerk of the Texas Commission on Environmental Quality, do hereby certify that the attached mailing list provides the persons to whom the amended notice of the public hearing for Monarch Utilities I, L.P., SOAH Docket No. 582-14-3863, TCEQ Docket No. 2014-0599-UCR, was mailed on June 10, 2014. Given under my hand and the seal of the Texas Commission on Environmental Quality, this the 10th day of June, 2014.

Bridget C. Bohac
Bridget C. Bohac, Chief Clerk
Texas Commission on Environmental Quality

SEAL

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**AMENDED NOTICE OF HEARING
MONARCH UTILITIES I, L.P.
SOAH Docket No. 582-14-3863
TCEQ Docket No. 2014-0599-UCR**

PETITION.

Monarch Utilities I, L.P., 12535 Reed Road, Sugar Land, Texas 77478, has filed a petition with the Texas Commission on Environmental Quality (TCEQ) appealing the ratemaking actions and motion for immediate interim water rate relief of the City of Ivanhoe, 405 Emily Lane, Woodville, Texas 75979, in Tyler County, Texas (Application No. 37839-A).

CONTESTED CASE HEARING.

The State Office of Administrative Hearings (SOAH) will conduct a preliminary hearing on this petition at:

**10:00 a.m. – June 25, 2014
William B. Travis Building
1701 North Congress, Room 1-104
Austin, Texas 78701**

The purpose of a preliminary hearing is to establish jurisdiction, name the parties, establish a procedural schedule for the remainder of the proceeding, allow an opportunity for settlement discussions, and to address other matters as determined by the judge. The evidentiary hearing phase of the proceeding will be similar to a civil trial in state district court. The hearing will be conducted in accordance with Chapter 2001, Texas Government Code; Chapter 13, Texas Water Code; TCEQ rules, including 30 Texas Administrative Code (TAC) Chapter 291; and the procedural rules of the TCEQ and SOAH, including 30 TAC Chapter 80 and 1 TAC Chapter 155. To participate in the evidentiary hearing as a party, you must attend the preliminary hearing and show you would be affected by the petition in a way not common to members of the general public.

INFORMATION.

Information concerning your participation in this hearing may be obtained by contacting Vic McWherter, TCEQ Office of Public Interest Counsel (MC 103), P.O. Box 13087, Austin, TX 78711-3087, telephone 512-239-6363. For additional information,

please contact the TCEQ Water Supply Division, Utilities & Districts Section (MC 153), P.O. Box 13087, Austin, TX 78711-3087, telephone 512-239-4691. General information regarding the TCEQ can be found at our web site at <http://www.tceq.texas.gov/>.

Persons with disabilities who plan to attend this hearing and who need special accommodations at the hearing should call the SOAH Docketing Department at 512-475-3445, at least one week prior to the hearing.

Issued: June 10, 2014

A handwritten signature in cursive script that reads "Bridget C. Bohac".

Bridget C. Bohac, Chief Clerk
Texas Commission on Environmental Quality

MAILING LIST
MONARCH UTILITIES I, L.P.
SOAH Docket No. 582-14-3863
TCEQ Docket No. 2014-0599-UCR

Lambeth Townsend, Attorney
Lloyd, Gosselink, Rochelle & Townsend, P.C.
816 Congress Avenue, Suite 1900
Austin, Texas 78701
Representing: Monarch Utilities I, L.P.

Mark H. Zeppa, Attorney
Law Offices of Mark H. Zeppa, P.C.
4833 Spicewood Springs Road # 202
Austin, Texas 78759
Representing: Monarch Utilities I, L.P.

George Freitag, Rate/Regulatory Manager
Monarch Utilities I, L.P.
12535 Reed Road
Sugar Land, Texas 77478
Representing: Monarch Utilities I, L.P.

Mayor Charles "Jack" Brockhouse
City of Ivanhoe
880 Charmaine Drive East, Suite A
Woodville, Texas 75979
Representing: City of Ivanhoe

C.D. Woodrome, City Secretary
City of Ivanhoe
880 Charmaine Drive East, Suite A
Woodville, Texas 75979

Jim Boyle, Attorney
Herrera & Boyle, PLLC
816 Congress Avenue, Suite 1250
Austin, Texas 78701
Representing: City of Ivanhoe

Jim Rourke, Assistant Public Counsel
Office of Public Utility Counsel
P.O. Box 12397
Austin, Texas 78711-2397
Representing: Office of Public Utility Counsel

Texas Commission on Environmental Quality

P. O. Box 13087

Austin, Texas 78711-3087

Via electronic mail:

Christiaan Siano, Staff Attorney, Environmental Law Division (MC 173)

Heidi Graham, Technical Staff, Water Supply Division, Utilities & Districts Section
(MC 153)

Fred Bednarski, Financial Staff, Water Supply Division, Utilities & Districts
Section (MC 153)

Vic McWherter, Office of Public Interest Counsel (MC 103)

**TEXAS COMMISSION
ON ENVIRONMENTAL QUALITY**

TRANSMITTAL OF ADMINISTRATIVE RECORD

DATE: June 10, 2014

TO: SOAH Natural Resources Docket Clerk

THRU: Melissa Chao, Section Manager
TCEQ Agenda / Final Documents Section

FROM: *KA* Katha Anderson, TCEQ SOAH Docket Coordinator

RE: Monarch Utilities I, L.P.; Application No. 37839-A
SOAH Docket No. 582-14-3863; TCEQ Docket No. 2014-0599-UCR

Pursuant to 30 TAC ' 80.6(b)(4) regarding referrals to SOAH, a copy of the Chief Clerk's case file is attached. Please find **certified** copies of the following documents:

- 1. the petition;
- 2. public hearing notice and Chief Clerk's affidavit

If any of these documents are not included as enclosures with this memo, please notify Melissa Chao, Section Manager at (512) 239-5234.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



STATE OF TEXAS §

COUNTY OF TRAVIS §

I, Bridget C. Bohac, Chief Clerk of the Texas Commission on Environmental Quality, do hereby certify that the attached mailing list provides the persons to whom the notice of the public hearing for Monarch Utilities I, L.P., SOAH Docket No. 582-14-3863, TCEQ Docket No. 2014-0599-UCR, was mailed on June 3, 2014. Given under my hand and the seal of the Texas Commission on Environmental Quality, this the 4th day of June, 2014.

Bridget Bohac

Bridget C. Bohac, Chief Clerk
Texas Commission on Environmental Quality

SEAL

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



NOTICE OF HEARING
MONARCH UTILITIES I, L.P.
SOAH Docket No. 582-14-3863
TCEQ Docket No. 2014-0599-UCR

PETITION.

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INFORMATION.

Information concerning your participation in this hearing may be obtained by contacting Blas Coy, TCEQ Office of Public Interest Counsel (MC 103), P.O. Box 13087, Austin, TX 78711-3087, telephone 512-239-6363. For additional information, please

contact the TCEQ Water Supply Division, Utilities & Districts Section (MC 153), P.O. Box 13087, Austin, TX 78711-3087, telephone 512-239-4691. General information regarding the TCEQ can be found at our web site at <http://www.tceq.texas.gov/>.

Persons with disabilities who plan to attend this hearing and who need special accommodations at the hearing should call the SOAH Docketing Department at 512-475-3445, at least one week prior to the hearing.

Issued: June 3, 2014

A handwritten signature in cursive script that reads "Bridget C. Bohac".

Bridget C. Bohac, Chief Clerk
Texas Commission on Environmental Quality

MAILING LIST
MONARCH UTILITIES I, L.P.
SOAH Docket No. 582-14-3863
TCEQ Docket No. 2014-0599-UCR

Lambeth Townsend, Attorney
Lloyd, Gosselink, Rochelle & Townsend, P.C.
816 Congress Avenue, Suite 1900
Austin, Texas 78701
Representing: Monarch Utilities I, L.P.

Mark H. Zeppa, Attorney
Law Offices of Mark H. Zeppa, P.C.
4833 Spicewood Springs Road # 202
Austin, Texas 78759
Representing: Monarch Utilities I, L.P.

George Freitag, Rate/Regulatory Manager
Monarch Utilities I, L.P.
12535 Reed Road
Sugar Land, Texas 77478
Representing: Monarch Utilities I, L.P.

Mayor Charles "Jack" Brockhouse
City of Ivanhoe
880 Charmaine Drive East, Suite A
Woodville, Texas 75979
Representing: City of Ivanhoe

C.D. Woodrome, City Secretary
City of Ivanhoe
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Woodville, Texas 75979

Jim Boyle, Attorney
Herrera & Boyle, PLLC
816 Congress Avenue, Suite 1250
Austin, Texas 78701
Representing: City of Ivanhoe

Jim Rourke, Assistant Public Counsel
Office of Public Utility Counsel
P.O. Box 12397
Austin, Texas 78711-2397
Representing: Office of Public Utility Counsel

Texas Commission on Environmental Quality
P. O. Box 13087
Austin, Texas 78711-3087

Via electronic mail:

Christiaan Siano, Staff Attorney, Environmental Law Division (MC 173)
Heidi Graham, Technical Staff, Water Supply Division, Utilities & Districts Section
(MC 153)
Fred Bednarski, Financial Staff, Water Supply Division, Utilities & Districts
Section (MC 153)
Vic McWherter, Office of Public Interest Counsel (MC 103)

Katha Anderson

From: Monica Luna <Monica.Luna@soah.state.tx.us>
Sent: Monday, June 02, 2014 10:49 AM
To: Katha Anderson
Subject: AMENDED CONFIRMATION

SETTING OF HEARING(S)

<u>Docket Number</u>	<u>Case</u>	<u>Date</u>	<u>Time/Duration</u>
582-14-3859 2014-0596-UCR	MONARCH UTILITIES I, LP	6/25/14	10:00AM / 1 DAY
582-14-3860 2014-0595-UCR	MONARCH UTILITIES I, LP	SAME	
582-14-3861 2014-0598-UCR	MONARCH UTILITIES I, LP	6/25/14	10:00AM / 1 DAY
582-14-3862 2014-0657-UCR	MONARCH UTILITIES I, LP	SAME	
582-14-3863 2014-0599-UCR	MONARCH UTILITIES I, LP	6/25/14	10:00AM / 1 DAY

Hearing Location

**William B. Travis Building
1701 N. Congress – Room 1-104
Austin, Texas 78701**

All parties will be notified in the event of a change of location of the hearing.

Please remember that you are responsible for providing the court reporter as required by your agency.

If you have any questions regarding any of the information herein, please contact me.

Complete request received by SOAH:

Proceeding date set by SOAH:

SOAH Docket Number & type of case:

REQUEST TO DOCKET CASE (Please type or print)

PLEASE CHECK ACTION REQUESTED:**

X SETTING OF HEARING [] ASSIGNMENT OF ALJ * [] ALTERNATIVE DISPUTE RESOLUTION (ADR)/MEDIATION*

REFERRING AGENCY NAME: TCEQ AGENCY NO.: FILE/CASE NO.: 2014-0599-UCR

NAME/STYLE OF THE CASE: MONARCH UTILITIES I, LP

DATE APPLICATION FILED AT AGENCY: DOCKET NO. SUFFIX, if applicable: UCR

PROCEEDING DATE(S) REQUESTED (Include range of dates if possible): JUNE 25, 2014

EXPECTED NUMBER OF HOURS (if less than a day) OR DAYS NEEDED FOR PROCEEDING: 1 DAYS

[] ADMIN. FINE [] GRIEVANCE [] ENFORCEMENT [] CONTRACT CLAIM (Gov't. Code 2260) [] OTHER

SPECIAL NEEDS OR ACCOMMODATIONS: HEARING IN AUSTIN, SEATING FOR 20 PEOPLE (request to consolidate time and date with Monarch Utilities I, LP docket Nos. 2014-0413-UCR, 2014-0596-UCR, 2014-0595-UCR, 2014-0598-UCR and 2014-0657-UCR for hearing purposes). A Motion will be sent for the 6 cases to be combined.

IF ADR REQUESTED PLEASE DESCRIBE PROCESS NEEDED:

[] PREHEARING CONFERENCE REQUESTED [] INTERPRETER NEEDED(See 1 TAC 155.43(g))

[] CASE FILE and/or [] HEARING IS CONFIDENTIAL (Specify applicable statute):

NAME OF INDIVIDUAL SENDING REQUEST FORM: KATHA ANDERSON PHONE NO.: 239-3316 FAX NO.: 239-3311

PARTIES AND REPRESENTATIVES

PARTY REPRESENTED BY: [] SELF [] ATTORNEY [] OTHER, if so, relationship:

REPRESENTATIVE'S NAME: Christiaan Siano

PARTY'S NAME:

ADDRESS:

PHONE No.: (512) 239-6743 (Direct Phone Number Please)

Email Address: Christiaan.siano@tceq.texas.gov

FAX No.:

PARTY REPRESENTED BY: [] SELF [] ATTORNEY [] OTHER, if so, relationship:

REPRESENTATIVE'S NAME:

PARTY'S NAME:

ADDRESS:

PHONE No.: (Direct Phone Number Please)

Email Address:

FAX No.:

PLEASE LIST ADDITIONAL PARTIES AND/OR REPRESENTATIVES ON EXTRA FORM PROVIDED.

SEND TO: STATE OFFICE OF ADMINISTRATIVE HEARINGS ATTN.: Deputy Clerk William P. Clements Building 300 West 15th Street, Suite 504 Austin, Texas 78701

OR

Post Office Box 13025 Austin, Texas 78711-3025 Docketing Phone No. (512) 475-3445 Fax No. (512) 475-4994

*PLEASE FORWARD A COPY OF THE APPLICATION, APPEAL, OR COMPLAINT WITH THIS REQUEST FORM, AS WELL AS ANY OTHER PLEADING FILED IN THE CASE TO DATE IF REQUESTING ASSIGNMENT OF ALJ or ALTERNATIVE DISPUTE RESOLUTION (ADR)/MEDIATION. A COPY OF THE NOTICE OF PROCEEDING MUST BE FORWARDED TO SOAH AT THE SAME TIME IT IS MAILED TO THE PARTIES.

TCEQ Interoffice Memorandum

TO: Bridget Bohac, Chief Clerk

THRU: *5/1/14*
EB Tammy Benter, Manager
Utilities & Districts Section
Water Supply Division

LF
4/29/14 Lisa Fuentes, Team Leader
Utilities Financial Review Team
Water Supply Division

5/1/14
VP Vera Poe, P.E., Team Leader
Utilities Technical Review Team
Water Supply Division

FROM: Fred Bednarski, Auditor *B*
Utilities Financial Review Team
Water Supply Division

HG
4-30-14 Heidi Graham, E.I.T., Staff Engineer
Utilities Technical Review Team
Water Supply Division

DATE: April 29, 2014

SUBJECT: Docket No. 2014-0599-UCR; Petition filed by Monarch Utilities I, LP from the Ratemaking Actions and Motion for Immediate Interim Water Rate Relief and Consolidation of the City of Ivanhoe in Tyler County, Application No. 37839-A

CN: 602740706; RN: 102904596 (water)

We hereby transfer the official file for the above referenced application to the Chief Clerk's Office. Please refer this application to the State Office of Administrative Hearings (SOAH) and request that a hearing be scheduled.

On September 3, 2013, Monarch Utilities I, L.P. (Monarch) filed a rate change application for a water and sewer rate/tariff change with the TCEQ to increase rates in areas over which the TCEQ has original jurisdiction. The application was assigned Application Nos. 37714-R and 37715-R. Monarch also filed applications in cities with original jurisdiction over Monarch's rates within their city limits, including the City of Ivanhoe.

The petition was received in the Utilities and Districts Section of the Texas Commission on Environmental Quality on January 29, 2014. The petitioner is an investor-owned, retail public water and sewer utility. The petitioner received notice

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY
2014 MAY 14 PM 3:15
CHIEF CLERKS OFFICE

of the rate making actions by the City of Ivanhoe denying a water rate change inside the City on December 28, 2013. We estimate 20 people will attend the preliminary hearing in this matter. Attached is a mailing list.
The staff assigned to this case are:

Technical - Heidi Graham

Financial - Fred Bednarski

Legal -

If we may be of further service regarding this matter, please call.



Tammy Benter, Manager

TB/LG/mmg

Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Zak Covar, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

May 5, 2014

Mr. Lambeth Townsend, Attorney
Lloyd, Gosselink, Rochelle & Townsend, P.C.
816 Congress Avenue, Suite 1900
Austin, TX 78701

Re: Docket No. 2014-0599-UCR; Petition filed by Monarch Utilities
I, LP from the Ratemaking Actions and Motion for Immediate Interim Water
Rate Relief and Consolidation of the City of Ivanhoe in Tyler County,
Application No. 37839-A

CN: 602740706; RN: 102904596 (water)

Dear Mr. Townsend:

The above referenced petition which was received by the Texas Commission on Environmental Quality on January 29, 2014, has been accepted for filing. The petition has been assigned TCEQ Docket No. 2014-0599-UCR, for Application No. 37839-A. Please refer all further communications regarding this petition to this docket number.

The petition is being forwarded to the State Office of Administrative Hearings (SOAH). A date for a preliminary hearing on this matter will be scheduled. When a hearing has been scheduled, you will receive a notice of hearing which explains when and where the hearing will be held.

At this preliminary hearing the SOAH Judge will first establish jurisdiction. If jurisdiction is established, then your request for interim rates may be considered at that time. An attempt to reach an agreed settlement in this case may be made. If a settlement is not possible, then a schedule for discovery, prefiled testimony and other hearing date will be set.

If you have any questions, please contact Mr. Fred Bednarski at (512) 239-4758, or Ms. Heidi Graham at (512) 239-0844 or by fax at (512) 239-6972. If by correspondence, include MC153 in the letterhead address.

Sincerely,

A handwritten signature in cursive script that reads "Tammy Benter".

Tammy Benter, Manager
Utilities and Districts Section
Water Supply Division

TB/LG/mmg

cc: Attached Mailing List

Mailing List for Docket No. 2014-0599-UCR
(Application Nos. 37839-A)

Mr. Lambeth Townsend, Attorney
Lloyd, Gosselink, Rochelle & Townsend, P.C.
816 Congress Avenue, Suite 1900
Austin, Texas 78701

Representing: Monarch Utilities I, L.P.

Mr. Mark H. Zeppa, Attorney
Law Offices of Mark H. Zeppa, PC
4833 Spicewood Springs Road #202
Austin, Texas 78759

Representing: Monarch Utilities I, L.P.

Mr. George Freitag, Rate/Regulatory Manager
Monarch Utilities I, L.P.
12535 Reed Road
Sugar Land, Texas 77478

Mayor Charles "Jack" Brockhouse
City of Ivanhoe
880 Charmaine Dr. East, Ste A
Woodville, Texas 75979

Ms. C.D. Woodrome, City Secretary
City of Ivanhoe
880 Charmaine Dr. East, Ste A
Woodville, Texas 75979

Mr. Jim Boyle, Attorney
Herrera & Boyle, PLLC
816 Congress Avenue, Suite 1250
Austin, TX 78701

Representing: City of Ivanhoe

Ms. Bridget C. Bohac
Office of the Chief Clerk, MC-105
TCEQ
P.O. Box 13087
Austin, Texas 78711

TCEQ Interoffice Memorandum

TO: Bridget Bohac, Chief Clerk

THRU: *5/1/14*
SLB Tammy Benter, Manager
Utilities & Districts Section
Water Supply Division

JP
4/30/14 Lisa Fuentes, Team Leader
Utilities Financial Review Team
Water Supply Division

5/1/14
JP Vera Poe, P.E., Team Leader
Utilities Technical Review Team
Water Supply Division

FROM: Fred Bednarski, Auditor *B*
Utilities Financial Review Team
Water Supply Division

Heidi Graham, E.I.T., Staff Engineer *HL*
Utilities Technical Review Team
Water Supply Division *4-30-14*

DATE: April 29, 2014

SUBJECT: Docket No. 2014-0599-UCR; Petition filed by Monarch Utilities I, LP from the Ratemaking Actions and Motion for Immediate Interim Water Rate Relief and Consolidation of the City of Ivanhoe in Tyler County, Application No. 37839-A

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CHIEF CLERKS OFFICE

2014 MAY 14 PM 3:14

TEXAS
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QUALITY

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Tammy Benter, Manager

TB/LG/mmg

Bryan W. Shaw, Ph.D., P.E., *Chairman*
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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

May 5, 2014

Mr. Lambeth Townsend, Attorney
Lloyd, Gosselink, Rochelle & Townsend, P.C.
816 Congress Avenue, Suite 1900
Austin, TX 78701

Re: Docket No. 2014-0599-UCR; Petition filed by Monarch Utilities
I, LP from the Rate-making Actions and Motion for Immediate Interim Water
Rate Relief and Consolidation of the City of Ivanhoe in Tyler County,
Application No. 37839-A

CN: 602740706; RN: 102904596 (water)

Dear Mr. Townsend:

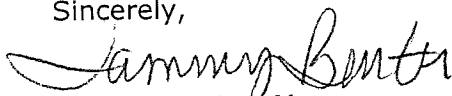
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At this preliminary hearing the SOAH Judge will first establish jurisdiction. If jurisdiction is established, then your request for interim rates may be considered at that time. An attempt to reach an agreed settlement in this case may be made. If a settlement is not possible, then a schedule for discovery, prefiled testimony and other hearing date will be set.

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Sincerely,


Tammy Benter, Manager
Utilities and Districts Section
Water Supply Division

TB/LG/mmg

cc: Attached Mailing List

Mailing List for Docket No. 2014-0599-UCR
(Application Nos. 37839-A)

Mr. Lambeth Townsend, Attorney
Lloyd, Gosselink, Rochelle & Townsend, P.C.
816 Congress Avenue, Suite 1900
Austin, Texas 78701

Representing: Monarch Utilities I, L.P.

Mr. Mark H. Zeppa, Attorney
Law Offices of Mark H. Zeppa, PC
4833 Spicewood Springs Road #202
Austin, Texas 78759

Representing: Monarch Utilities I, L.P.

Mr. George Freitag, Rate/Regulatory Manager
Monarch Utilities I, L.P.
12535 Reed Road
Sugar Land, Texas 77478

Mayor Charles "Jack" Brockhouse
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880 Charmaine Dr. East, Ste A
Woodville, Texas 75979

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City of Ivanhoe
880 Charmaine Dr. East, Ste A
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Mr. Jim Boyle, Attorney
Herrera & Boyle, PLLC
816 Congress Avenue, Suite 1250
Austin, TX 78701

Representing: City of Ivanhoe

Ms. Bridget C. Bohac
Office of the Chief Clerk, MC-105
TCEQ
P.O. Box 13087
Austin, Texas 78711

TCEQ DOCKET NO. _____

2011 JAN 27 PM 10:19

APPEAL OF THE CITY OF IVANHOE'S §
DECISION CONCERNING THE §
APPLICATION OF MONARCH §
UTILITIES I, L.P. FOR A §
RATE/TARIFF CHANGE WITHIN THE §
CITY LIMITS OF THE CITY OF §
IVANHOE §

BEFORE THE
CHIEF CLERKS OFFICE

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

**MONARCH UTILITIES I, L.P.'S PETITION FOR REVIEW OF
MUNICIPAL RATE ORDINANCE AND MOTION FOR INTERIM RATES**

Monarch Utilities I, L.P. ("Monarch" or "Company") hereby appeals the rate decision of the City of Ivanhoe ("Ivanhoe") denying Monarch's Application for a Rate/Tariff Change and changing Monarch's existing rates. Monarch also requests interim rates for customers inside the City of Ivanhoe. This appeal of Ivanhoe's rate ordinance and motion for interim rates is filed pursuant to Sections 13.043 and 13.187 of the Texas Water Code.

I. Monarch's Pending Rate Change Applications

On September 3, 2013, Monarch filed an Application for a water and sewer Rate/Tariff Change with the Texas Commission on Environmental Quality ("TCEQ" or "Commission") to increase rates in areas over which the TCEQ has original jurisdiction. The application was assigned Application Nos. 37714-R and 37715-R. On September 3, 2013, Monarch also filed applications in cities with original jurisdiction over Monarch's rates within their city limits, including the City of Ivanhoe.

II. TCEQ Jurisdiction

The Commission has exclusive appellate jurisdiction over this appeal of an ordinance and decision of a municipality pursuant to Texas Water Code §§ 13.042 and 13.043. The Commission has the authority to set interim rates during the pendency of a rate case pursuant to Texas Water Code § 13.187.

III. Appeal of City of Ivanhoe's Ordinance Denying the Application and Setting New Rates

The City Council for the City of Ivanhoe suspended the effective date for the implementation of Monarch's rate increase on September 12, 2013 in City of Ivanhoe Resolution #2013-8R. Subsequently, the City Council for the City of Ivanhoe passed Ordinance #2013-8, denying Monarch's application and changing Monarch's existing rates on December 28, 2013. In its ordinance, the City decreased some of Monarch's rates and increased others (the "New Rates"). Monarch hereby appeals that ordinance (action). Monarch received notice of the City's action on December 28, 2013 via fax, a copy of which is included as Attachment A. This appeal is timely filed within 90 days of receipt of that notice.¹

IV. Motion for Interim Rates

During the pendency of a rate proceeding, the TCEQ has the authority to set interim rates under Texas Water Code. § 13.187. Pursuant to 30 Tex. Admin. Code § 291.29(d), interim rates may be established in cases where "the proposed increase in rates could result in an unreasonable economic hardship on the utility's customers, unjust or unreasonable rates, or failure to set interim rates could result in an unreasonable economic hardship on the utility." Monarch requests that the TCEQ set interim rates at the level prior to the City's action, which are the rates that were approved by the City Council in a settlement agreement in Monarch's last rate case ("Settlement Rates"). The relevant portion of the tariffs for the Settlement Rates for customers inside the City of Ivanhoe are included as Attachment B.

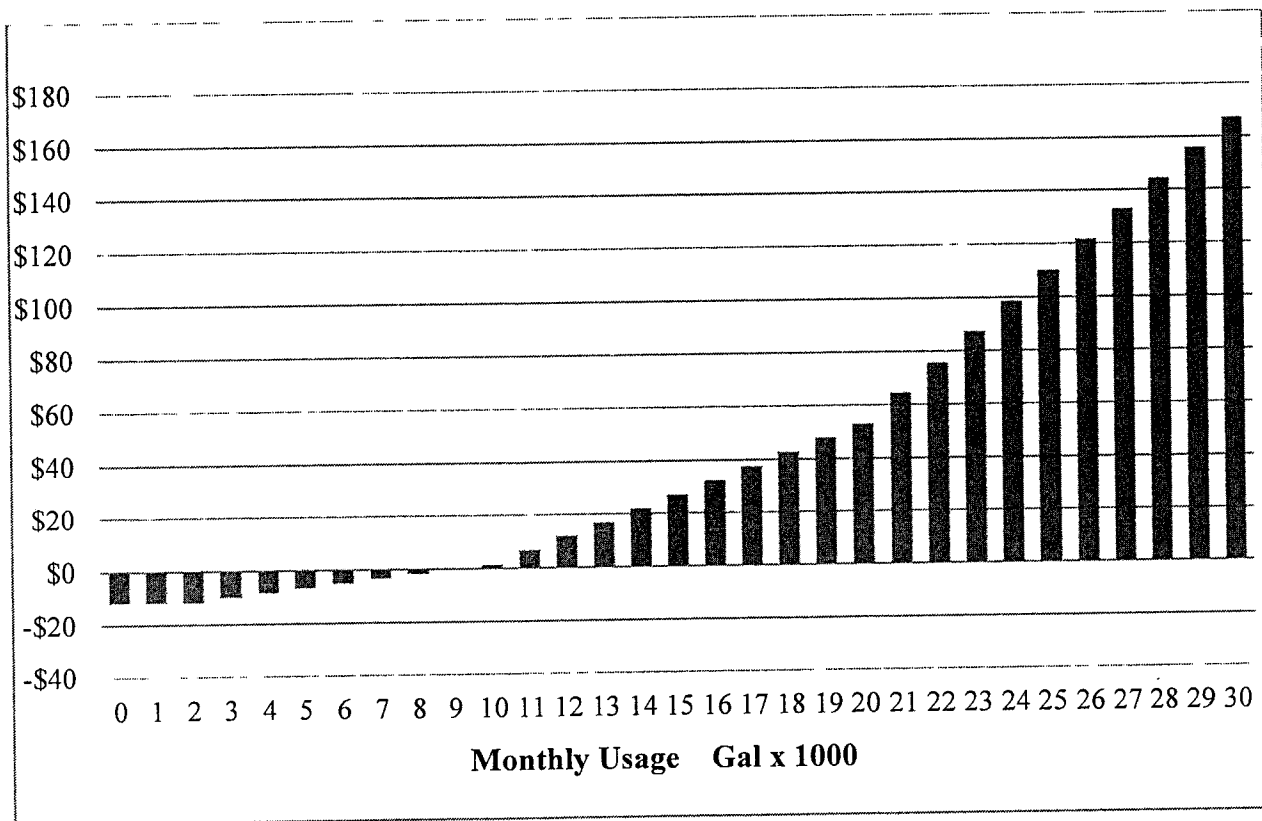
In City of Ivanhoe Ordinance #2012-6, the City Council of the City of Ivanhoe adopted the Settlement Agreement reached in TCEQ Docket No. 2011-1280-UCR (Attachment C). In passing the Ordinance that is the subject of this appeal, the City of Ivanhoe has changed rates

¹ Tex. Water Code § 13.043(a).

effective on all meter reads after January 31, 2014. Although the Ordinance reduces the customer charge, the Ordinance increases the rates for the gallonage tiers for 2,000 to 10,000 gallons from \$7.45 to \$9.08, 10,000 to 20,000 gallons from \$8.45 to \$13.61, and over 20,000 gallons from \$9.00 to \$20.42.

As a result, of these increased charges in the higher usage tiers, customers that are larger users will actually be paying higher rates than they were paying under the Settlement Rates agreed upon by Ivanhoe in May 2012. Residential customers using more than approximately 9,100 gallons per month will pay more as a result of the higher rates being imposed on the higher tiers. The table below depicts the difference in monthly bills for various usage levels between the rates set by Ivanhoe and the Settlement Rates for residential customers.

DIFFERENCE BETWEEN SETTLEMENT AND NEW RATES - RESIDENTIAL



Also, these lower rates will subject almost all customers to a greater impact in the future because of the size of the potential surcharge after a final decision by the TCEQ. If the TCEQ grants Monarch's rate increase dating back to the February 1, 2014 effective date of the City's reduced rates, customers will face a surcharge not only for the difference between the TCEQ approved rates and Monarch's Settlement Rates, but also for the additional amount the City reduced rates below the Settlement Rates. This additional harm to the customers can be avoided by setting interim rates at the Settlement Rates.

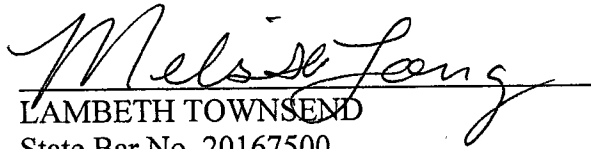
The rate change imposed by the City of Ivanhoe places an unreasonable hardship on Monarch's customers that should be avoided and could result in unjust and unreasonable rates for those customers well in excess of the Settlement Rates and unreasonable hardship on all other customers facing larger surcharges. The City of Ivanhoe's rates are unreasonably preferential and prejudicial and violate Texas Water Code. § 13.189. Therefore, Monarch requests that interim rates be set at Monarch's rates prior to the City of Ivanhoe's action, the Settlement Rates with an effective date of February 1, 2014. Monarch requests a surcharge or bill credit for each customer account since the effective date.

V. Prayer

Monarch respectfully requests that the Commission enter an order granting Monarch's petition for review and setting interim rates. Additionally, Monarch respectfully requests that upon final hearing, Monarch be granted the rate relief as requested in its Application. Monarch also requests any such further relief to which it may be entitled.

Respectfully submitted,

LLOYD, GOSSELINK,
ROCHELLE & TOWNSEND, P.C.
816 Congress Avenue, Suite 1900
Austin, Texas 78701
Telephone: (512) 322-5830
Facsimile: (512) 472-0532


LAMBETH TOWNSEND
State Bar No. 20167500

MELISSA A. LONG
State Bar No. 24063949

MARK ZEPPA
Law Office of Mark H. Zeppa, PC
4833 Spicewood Springs Road, Suite 202
Austin, Texas 78759
State Bar No. 22260100

ATTORNEYS FOR
MONARCH UTILITIES I, L.P.

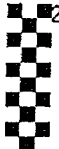
CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of January, 2014, a true and correct copy of the foregoing document was transmitted by e-mail, fax, hand-delivery and/or regular, first class mail to the parties listed below:

Jim Boyle
Herrera & Boyle, PLLC
816 Congress Avenue, Suite 1250
Austin, Texas 76701

C.D. Woodrome
City Secretary
City of Ivanhoe, Texas
880 Charmaine Drive East, Suite A
Woodville, Texas 75979


MELISSA LONG



CITY OF IVANHOE

405 EMILY LANE
WOODVILLE, TEXAS 75979
(409) 283-3299

FAX COVER SHEET

Destination MR. GEORGE FREITAG, RATE/REGULATORY MANAGER

Recipient MUNARCH UTILITIES I, L.P.

Date 12/28/13

Fax Number 281-207-5940

Sender C.D. WOODROME, CITY SECRETARY

Number of pages 5 including cover page

Comments:

MR. FREITAG --
CITY COUNCIL UNANIMOUSLY APPROVED ADOPTION OF
ORDINANCE #2013-8 AS INCLUDED IN THIS FAX,
WITH ATTACHMENT A.
SHOULD YOU HAVE QUESTIONS REGARDING THIS ORDINANCE
AND THE RATES PER ATTACHMENT A, PLEASE CONTACT OUR
ATTORNEY: MR. JIM BOYLE,
HERRERA & BOYLE, PLLC
816 CONGRESS AVENUE, SUITE 1250
AUSTIN, TX 78701
PHONE # 512-474-1492

ATTACHMENT
A

WHEREAS, municipal water and wastewater utilities, electric utilities, and gas utilities impose much lower monthly base or customer charges than what is levied by Monarch; and

WHEREAS, the current volumetric rates need to be adjusted to properly encourage conservation and the efficient use of water; and

WHEREAS, the relationship between a fixed monthly rate (base or customer charge) and volumetric rates is a matter of public policy well within the decision-making authority of the City Council.

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF IVANHOE, TEXAS THAT:

Section 1. The findings set out in the preamble are in all things approved and incorporated herein as if fully set forth.

Section 2. The Statement of Intent filed by Monarch with the City Secretary on or about September 5, 2015 to change rates/tariffs is in all respects REJECTED and DENIED.

Section 3. The monthly minimum fixed charge for a typical water customer located within the City of Ivanhoe is reduced as shown on Attachment A.

Section 4. For customers using 5,000 gallons of water, the monthly rate is reduced by 8.99% for water, consistent with the policy goals of encouraging conservation and reducing the onerous rates imposed on customers of modest means.

Section 5. The proposed rates on Attachments A are the new rates adopted by this ordinance. The new rates for water will be effective on all meter reads after January 31, 2014.

Section 6. *Monarch shall file tariffs with the City Secretary consistent with this ordinance no later than the 16th day of January 2014.*

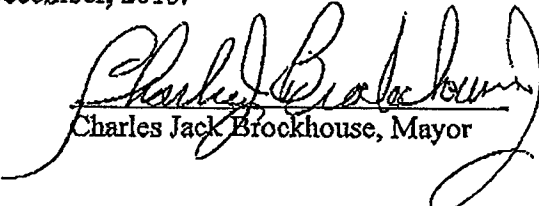
Section 7. A copy of this ordinance shall be sent by the City Secretary to Mr. Chuck Profflet, President of Monarch Utilities I, L.P., 12535 Reed Road, Sugar Land, Texas 77478 by Federal Express and by fax to Mr. George Freitag, Rate/Regulatory Manager, Monarch Utilities I, L.P., at 281.207.5940.

Section 8. Notice was duly given pursuant to the Texas Public Information Act with regard to the subjects of this ordinance.


Section 9. The meeting at which this resolution was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section 10. This ordinance shall become effective from and after its passage.

PASSED AND APPROVED this 28th day of December, 2013.


Charles Jack Brockhouse, Mayor

ATTEST:


C. D. Woodrome, City Secretary

12/28/13

NOTE -- 1st READING DEC. 12, 2013,
2nd READING DEC. 28, 2013

ATTACHMENT A

Monarch Utilities
Proposed Water Rates for Monarch Water Utilities In Ivanhoe, Texas

Determinants	Current		Amended		
	Rate	Revenues	Rate	Revenues	
Customer Charge					
5/8" Meter	268,840	\$ 39.95	\$ 10,740,158	\$ 28.37	\$ 7,626,034
3/4"	447	59.93	26,789	42.55	19,020
1"	1,993	99.88	199,061	70.92	141,386
1 - 1/2"	285	199.75	56,929	141.83	40,422
2"	1,183	319.60	378,087	226.93	268,460
3"	39	599.25	23,371	425.50	16,594
4"	33	998.75	32,959	709.16	23,402
6"	11	1,997.50	21,973	1,418.32	15,602
8"	-	3,196.00	-	2,269.32	-
Total Customer Charge Revenues			\$ 11,479,325		\$ 8,150,870
Commodity Charge					
0-2k Gallons	446,036	\$ 6.05	\$ 2,698,518	\$ 6.05	\$ 2,698,518
2k to 10k Gallons	676,976	7.45	5,043,471	9.08	6,143,557
10k to 20k Gallons	130,770	8.45	1,105,007	13.61	1,780,107
Over 20k Gallons	136,028	9.00	1,224,252	20.42	2,777,522
Total Commodity Charge Revenues			\$ 10,071,248		\$ 13,399,703
Total Revenues			\$ 21,550,573		\$ 21,550,573

Average Customer Bills	Current	Amended
5,000 Gallons	\$ 74.40	\$ 67.71
Increase / (Decrease) (\$)		(6.69)
Increase / (Decrease) (%)		-8.99%
10,000 gallons	\$ 111.65	\$ 113.11
Increase / (Decrease) (\$)		1.46
Increase / (Decrease) (%)		1.31%
30,000 gallons	\$ 286.15	\$ 453.41
Increase / (Decrease) (\$)		167.26
Increase / (Decrease) (%)		58.45%

**WATER UTILITY TARIFF
FOR**

Monarch Utilities I, L.P.
(Utility Name)

12535 Reed Rd.
(Business Address)

Sugar Land, TX 77478-2837
(City, State, Zip Code)

(281) 207-5800
(Area Code/Telephone)

This tariff is effective for utility operations under the following Certificate of Convenience and Necessity:

12983

This tariff is effective in the following counties:

Bandera, Brazoria, Chambers, Denton, Grayson, Hays, Henderson, Hood, Johnson, Liberty, Marion, Matagorda, Medina, Montgomery, Parker, Polk, San Jacinto, Smith, Tarrant, Trinity, Tyler, Van Zandt, Wise, Wood

This tariff is effective in the following subdivisions and public water systems:

See attached list

TABLE OF CONTENTS

The above utility lists the following sections of its tariff (if additional pages are needed for a section, all pages should be numbered consecutively):

SECTION 1.0 -- RATE SCHEDULE	2
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TEXAS COMM. ON ENVIRONMENTAL QUALITY
37049-R, CCN 12983, JUNE 1, 2012
APPROVED TARIFF BY LF/HG

**ATTACHMENT
B**

County	Water Systems	PWS ID	Subdivisions
Bandera	Lake Medina Shores	0100037	Lake Medina Shores, Lakeshore Beach, Wharton Dock, Lake Point
Brazoria	Holiday Shores	0200029	Holiday Shores
Chambers	Tower Terrace	0360069	Houston Raceway Park, Tower Terrace, West Chambers County Estates
Denton	Denton Creek Estates	0610015	Aero Valley Airport, Denton Creek Estates; Ponderosa, Wild West Addition; Stonecrest Estates; Snug Harbor, Wynnwood Haven Estates, Sunrise Circle Estates, Crescent Oaks Beach Estates
	Ponderosa Addition	0610175	
	Stonecrest Estates	0610059	
	Wynnwood Haven Estates	0610037	
	Midway Water Utility	0610022	
Grayson	Ridgecrest (Grayson)	0910035	Glen Eden, Hiland Shores, Lakeview, Little Mineral Mobile Home Park, Millers Estates, Oak Estates, Preston Cove, Preston Forest, Preston Oaks, Preston Point Bend, Ridgecrest, Van Antwerp; Hanna Cove Estates, Hanna Ranchettes, Rocky Point Estates "A", Rocky Point Estates "B"; Cedar Mills Estates, Hillcrest Shores, Sherwood Shores, Wright Acres; Angler's Estates, Cambridge Shores, Cedar Oak Hills, Eagle Chase, Fairway Hollow, Greenway Bend, Highport, Lakecrest Village, Mill Creek Meadows, Mill Creek Homesites, Oak Meadow Estates, Paradise Cove, Russwood-on-the-Lake, Simmons Shores, Sunrise Circle, Tanglewood Hills, Tanglewood Resort
	Rocky Point Estates	0910038	
	Sherwood Shores	0910040	
	Tanglewood-on-Texoma	0910052	
Hays	Plum Creek	1050028	Bootstring Farms, Branch View Addition, Buda Business Park, Casey-Kyle, Double R, Dove Hill Estates, Goforth Estates, Green Pastures, Interstate Business Park, Kyle Crossing - Home Depot, Park South, Pinafore Park, Rolling Hills Estates, South Buda Business Park, Two Way, Village at Buda; River Oaks Ranch, Amberwood, Indian Paintbrush
	River Oaks Ranch	1050099	

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Henderson	Beachwood Estates	1070069	Beachwood Estates, Brentwood Estates, Deep Water Estates, Forest Shores, Greenwood Cove, Hidden Harbor, Indian Oaks, Oak Forest Estates, Pebble Beach, Seis Hombres, Spillview Acres, Three-Way View, Treasure Isle, Waterboard; Briarwood Harbor; Camp Big Cedar; Bluffview, Brushy Creek, Bushwacker Estates, Carolyn Estates, Enclave, Esquire Estates II, Forest Glen Green Acres, Hidden Hills Harbor, Hillside Acres, Lynn Creek Cove, Michael's Cove, Payne Springs Estates, Pinnacle Club, The Highlands at Cedar Creek Lake; Allen Ranch, Carson Addition, Cherokee Shores, Coleman Tract, La Martinique, Landmark Passage, Manning Ranch, Robinson Tract (Country Estates), Taylor Tract, Waterfront Shores, Briarwood Bay, Diamond Head Bay, Coffee Landing Addition, Coffee City*, Fincastle Farms, Hillside Estates, Highsaw, Water Ridge; Cooper Estates, Lakeway, Oak Trail Shores, Shiloh, Waterwood, Westwood Beach, Wildewood, Lollipop Landing
	Briarwood Harbor	1070220	
	Carolynn Estates	1070106	
	Cherokee Shores	1070206	
	Highsaw	1070124	
	Lollipop Landing	1070039	
	Westwood Beach	1070085	
Hood	Acton (Royal Oaks)	1110055	Royal Oaks; Comanche Cove, Heritage Heights, Scenic View Estates; Comanche Harbor, Comanche Point, Island Village, Ports O' Call; 377 Sunset Strip, Granbury Acres; Hideaway Bay; Montego Bay; Arrowhead Shores, Lake Granbury Estates, Lake Granbury Harbor, Oak Trail Plaza, Oak Trail Shores; Rancho Brazos; Western Hills Harbor, Whisperview Village, Kings Plaza, Southtown Plaza
	Comanche Cove	1110060	
	Comanche Harbor	1110022	
	Granbury Acres	1110109	
	Hideaway Bay Estates	1110002	
	Montego Bay Estates	1110044	
	Oak Trail Shores	1110004	
	Rancho Brazos	1110036	
Western Hills Harbor	1110005		
Johnson	Crowley One Acre	1260011	Blue Grass Estates, Crowley One Acres, Highcrest Estates, Lakeview Ranchettes, Lakeside Estates, Skyline Ranch; Falcon Crest; Metroplex Homesteads, The Homesteads; Nolan River Estates; Misty Hollow, Ridgecrest; Southern Acres; Space Acres, Space Acres North, Sundance, X-Cell Ranch Estates; Tex-Rides Fifth; Triple H Estates; North Hills Estates, Rolling Acres, Twin Creeks (portions outside the City of Keene); West Meadows; West Park Village
	Falcon Crest Addition	1260076	
	Metroplex Homesteads	1260074	
	Nolan River Estates	1260099	
	Ridgecrest Estates (Johnson)	1260035	
	Southern Acres	1260094	
	Sundance Addition	1260025	
	Tex-Rides Fifth	1260037	
	Triple H Estates	1260116	
	Twin Creek Addition	1260038	
	West Meadows	1260063	
West Park Village	1260077		

*This subdivision is within the corporate limits of Coffee City who has surrendered utility rate jurisdiction.

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Liberty	Raywood	1460041	Raywood
Marion	Indian Hills Harbor	1580063	Indian Hills Harbor; Pine Harbor
	Pine Harbor	1580023	
Matagorda	Camelot Forest	1610058	Camelot Forest
Medina	Lake Medina Shores	100037	Holiday Villages of Medina, Lake Medina Shores, Wharton Dock, Lakeshore Beach
Montgomery	Crystal Springs	1700331	Crystal Springs; Champions Glen, Decker Hills, Hidden Lake Estates, Inverness Crossing, Park Place; Hilltop Village, Hulon Lakes (portions outside the City of Willis), Woodcreek Valley; Oak Woods; Pineloch, Serenity Woods
	Decker Hills	1700386	
	Hulon Lakes	1700014	
	Oak Woods	1700454	
	Serenity Woods	1700483	
Parker	Green Acres	1840120	Green Acres, Robertson Village; Spanish Park; Brazos Ridge Estates, Cedar Ridge (formerly Ruby Ridge), Western Lake Estates; Westview
	Spanish Park Estates	1840026	
	Western Lake Estates	1840014	
	Westview (Parker)	1840105	
Polk	Chesswood	1870088	Chesswood; Countrywood; Garden Acres; Phillips Acres; Pinwah Pines, Longhorn Valley
	Countrywood	1870138	
	Garden Acres	1870160	
	Longhorn Valley	1870152	
	Phillips Acres	1870146	
	Pinwah Pines	1870130	
San Jacinto	Bluewater Cove	2040059	Bluewater Cove; Cedar Valley; Coldspring Terrace; Governor's Point; Hidden Coves; Holiday Villages of Livingston, Palmetto Point; Shepherd Hills Estates, Shepherd Ranch Estates
	Cedar Valley	2040045	
	Coldspring Terrace	2040031	
	Governor's Point	2040008	
	Holiday Villages of Livingston	2040067	
	Shepherd Hill Estates	2040061	
Smith	Lakeway Harbor	2120064	Lakeway Harbor; Pine Trail Shores
	Pine Trail Shores	2120035	
Tarrant	Benbrook Hills	2200313	Benbrook Hills; Markum Ranch Estates; Silver Saddle; Cabot Estates, Gun Club Addition, Westside, Willow Creek Addition, Americana, Saginaw Park
	Markum Ranch Estates	2200281	
	Silver Saddle	2200299	
	Westside Addition	2200079	
	Blue Mound	2200005	
Trinity	Harbor Point	2280035	Harbor Point
Tyler	Ivanhoe	2290010	Ivanhoe Land of Lakes
Van Zandt	Callender Lake	2340007	Callender Lake, Hickory Hills
Wise	Aurora Vista	2490051	Aurora Vista*
Wood	Holiday Villages of Fork	2500058	Holiday Villages of Fork

*This subdivision is within the corporate limits of the City of Aurora who has surrendered utility rate jurisdiction.

SECTION 1.0 - RATE SCHEDULE

Section 1.01 - Rates

Rates Effective June 1, 2012

METER SIZE	MONTHLY MINIMUM RATE	GALLONAGE CHARGE
5/8"	<u>\$39.95 (INCL. 0 GAL.)</u>	<u>\$5.50</u> per 1,000 gallons from 0 to 2,000
3/4"	<u>\$59.93</u>	
1"	<u>\$99.88</u>	<u>\$6.84</u> per 1,000 gallons from 2,001 to 20,000
1 1/2"	<u>\$199.75</u>	
2"	<u>\$319.60</u>	<u>\$9.00</u> per 1,000 gallons from 20,001 and thereafter
3"	<u>\$599.25</u>	
4"	<u>\$998.75</u>	
6"	<u>\$1997.50</u>	
8"	<u>\$3196.00</u>	

Rates Effective January 1, 2013

METER SIZE	MONTHLY MINIMUM RATE	GALLONAGE CHARGE
5/8"	<u>\$39.95 (INCL. 0 GAL.)</u>	<u>\$6.05</u> per 1,000 gallons 0 to 2,000
3/4"	<u>\$59.93</u>	
1"	<u>\$99.88</u>	<u>\$7.45</u> per 1,000 gallons 2,001 to 10,000
1 1/2"	<u>\$199.75</u>	
2"	<u>\$319.60</u>	<u>\$8.45</u> per 1,000 gallons 10,001 to 20,000
3"	<u>\$599.25</u>	
4"	<u>\$998.75</u>	
6"	<u>1997.50</u>	
8"	<u>3196.00</u>	

FORM OF PAYMENT: The utility will accept the following forms of payment:

Cash X, Check X, Money Order X, MasterCard X, Visa X,
Electronic Fund Transfer X

THE UTILITY MAY REQUIRE EXACT CHANGE FOR PAYMENTS AND MAY REFUSE TO ACCEPT PAYMENTS MADE USING MORE THAN \$1.00 IN SMALL COINS. A WRITTEN RECEIPT WILL BE GIVEN FOR CASH PAYMENTS. AT THE CUSTOMER'S OPTION, ANY BILLING TRANSACTION OR COMMUNICATION MAY BE PERFORMED ON THE INTERNET. THIS INCLUDES THE UTILITY SENDING PAPERLESS BILLS BY EMAIL.

REGULATORY ASSESSMENT 1.0%
TCEQ RULES REQUIRE THE UTILITY TO COLLECT A FEE OF ON PERCENT OF THE RETAIL MONTHLY BILL.

RATES LISTED ARE EFFECTIVE ONLY
IF THIS PAGE HAS TCEQ APPROVAL STAMP

TEXAS COMM. ON ENVIRONMENTAL QUALITY
37049-R, CCN 12983, JUNE 1, 2012
APPROVED TARIFF BY [Signature]

ORDINANCE #2012-6

AN ORDINANCE OF THE CITY OF IVANHOE, TEXAS; AUTHORIZING THE ADOPTION OF A SETTLEMENT OF THE APPLICATION FOR AN INCREASE IN WATER AND SEWER RATES BY MONARCH UTILITIES I, L.P. NEGOTIATED BY REPRESENTATIVES OF THE COALITION OF CITIES, (INCLUDING THE CITIES OF BLUE MOUND, BUDA, IVANHOE AND KYLE), TAMER (ON BEHALF OF ENVIRONS CUSTOMERS), THE EXECUTIVE DIRECTOR OF THE TEXAS COMMISSION OF ENVIRONMENTAL QUALITY, MONARCH UTILITIES I, L.P., AND OTHER PARTIES WHO ARE EXPECTED TO JOIN IN ADOPTING THE PROPOSED SETTLEMENT; DETERMINING THAT THE MEETING AT WHICH THIS RESOLUTION WAS ADOPTED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; MAKING SUCH OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, on November 10, 2011 Monarch Utilities I, L.P. ("Monarch") filed a Statement of Intent with the City Secretary for the City of Ivanhoe, Texas ("City") to increase water rates on a system-wide basis by 62.3%; and

WHEREAS, the settlement increases the revenue requirement on a system-wide basis by approximately 8.7% on June 1, 2012 and by approximately 4% on, January 1, 2013, but increases for many customers will involve much smaller increases due to an inverted rate design aimed at encouraging conservation; and

WHEREAS, for the first time since Monarch begin providing water service the base rate or minimum monthly charge will decrease for residential customers from the current monthly rate and customers using a small amount of water, 2000 gallons, will experience almost no increase in cost; and

WHEREAS, the settlement involves very substantial reductions for residential customers from the water rates requested by Monarch, for consumption after June 1, 2012 (phase 1), as follows:

<u>CHARGES</u>	<u>REQUESTED</u>	<u>SETTLEMENT</u>	<u>DECREASE¹</u>
MIN. CHARGE	\$59.82/mo.	\$39.95/mo.	\$19.87/mo
2000 GALLONS	\$73.82/mo	\$50.95/mo	\$22.87/mo
5000 GALLONS	\$94.82/mo	\$71.47/mo	\$23.45/mo
10,000 GALLONS	\$129.82/mo	\$105.67/mo	\$24.14/mo

¹ Decrease from the requested increase. The minimum charge is reduced from the current rate by 8.1%.

WHEREAS, for consumption after June 1, 2013 (phase 2), the decreases from the requested amounts are slightly smaller, except that the base charge remains the same, as follows:

<u>CHARGES</u>	<u>REQUESTED</u>	<u>SETTLEMENT</u>	<u>DECREASE</u>
MIN. CHARGE	\$59.82/mo.	\$39.95/mo.	\$19.87/mo
2000 GALLONS	\$73.82/mo	\$52.05/mo	\$21.97/mo
5000 GALLONS	\$94.82/mo	\$74.40/mo	\$20.42/mo
10,000 GALLONS	\$129.82/mo	\$111.65/mo	\$18.17/mo

WHEREAS, unlike most water rate proceedings, the settlement provides that no rate case expenses be borne by ratepayers.

WHEREAS, the settlement provides for a moratorium on any additional rate increases before January 1, 2014 except for purchased water adjustments but the Coalition of Cities will be given notice of any such adjustments filed at the TCEQ; and

WHEREAS, the settlement provides that Monarch shall not request a valuation of its invested capital or seek to set depreciation rates at the Texas Commission on Environmental Quality before the next general rate case; and

WHEREAS, the rate increase for sewer service was also a part of the settlement with Monarch, resulting in no overall increase in rates for sewer customers.

WHEREAS, Monarch withdrew its request to acquire seven stand-alone water utilities and three sewer utilities which would have caused ratepayers inside the City to subsidize many of the stand-alone utilities.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF IVANHOE, TEXAS THAT:

Section 1. The facts contained in the Preamble of this Ordinance are determined to be true and correct and are hereby adopted as part of this Ordinance.

Section 2. The settlement, attached hereto as Appendix A, with an addendum, is hereby adopted and approved.

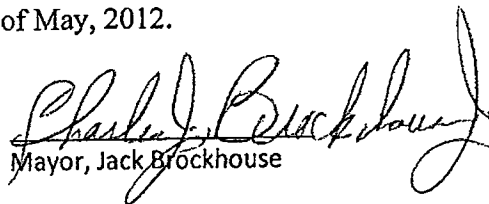
Section 3. Special Counsel, Herrera & Boyle, PLLP, for the City of Ivanhoe, is instructed to do all things consistent with promoting the adoption of the settlement by the Texas Commission on Environmental Quality.

Section 4. A copy of this ordinance will be sent to Mr. George Freitag, Rate Manager, Monarch Utilities I, L.P., 12535 Reed Road, Sugar Land, Texas 77478 and to Mr. Jim Boyle, Herrera & Boyle, PLLP, 816 Congress, Suite 1250, Austin, Texas 78701.

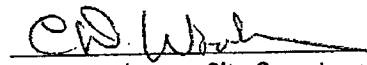
Section 5. The meeting at which this resolution was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section 6 This resolution shall be effective immediately upon passage.

PASSED AND APPROVED this 12th day of May, 2012.


Mayor, Jack Brockhouse

ATTEST:


C.D. Woodrome, City Secretary