

SOAH DOCKET NO. 582-14-3381
TCEQ DOCKET NO. 2014-0413-UCR

APPLICATION OF MONARCH § BEFORE THE STATE OFFICE
UTILITIES I, L.P. FOR A CHANGE IN §
WATER AND SEWER RATES AND § OF
TARIFFS FOR CERTIFICATE OF §
CONVENIENCE AND NECESSITY § ADMINISTRATIVE HEARINGS
NOS. 12983 AND 20899 §

ORDER NO. 1
MEMORIALIZING PRELIMINARY HEARING AND DISMISSING CASE

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 Utilities I, L.P.	Lambeth Townsend, Mark Zeppa, Melissa Long
Texas Commission on Environmental Quality Executive Director (ED)	Christiaan Siano, Jessica Gray
Office of Public Interest Counsel	Eli Martinez
Office of Public Utility Counsel	Cassandra Quinn
Texans Against Monopolies Excessive Rates	David Frederick
Kathy Nielsen, <i>pro se</i> , and Denton Creek Estates	Kathy Nielsen
Holiday Villages of Fork Property Owners	Gary E. George

The parties agreed to a settlement. The ED moved to dismiss this case from the docket of the State Office of Administrative Hearings (SOAH) and remand it to the ED.

RECEIVED

AUG 06 2014

TCEQ
CENTRAL FILE ROOM

The ED's motion is granted. This case is dismissed from SOAH's docket and remanded to the ED.

SIGNED June 26, 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 UTILITY
SOAH DOCKET NUMBER: 582-14-3381
REFERRING AGENCY CASE: 2014-0413-UCR

STATE OFFICE OF ADMINISTRATIVE
HEARINGS

ADMINISTRATIVE LAW JUDGE
ALJ ELIZABETH DREWS

REPRESENTATIVE / ADDRESS

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(512) 472-0532 (FAX)
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DENTON CREEK ESTATES

PRO SE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



NOTICE OF HEARING
MONARCH UTILITIES I, L.P.
SOAH Docket No. 582-14-3381
TCEQ Docket No. 2014-0413-UCR

APPLICATION.

Monarch Utilities I, L.P., 12535 Reed Road, Sugar Land, Texas 77478, has applied to the Texas Commission on Environmental Quality (TCEQ) to change its water and sewer rate/tariff effective January 1, 2014 for its service area located in 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 and Wood Counties County, Texas (Certificate of Convenience and Necessity Nos. 12983 and 20899, Application Nos. 37714-R and 37715-R). This application concerns service areas located within the USPS zip codes on the attached list.

CONTESTED CASE HEARING.

The State Office of Administrative Hearings (SOAH) will conduct a preliminary hearing on this application 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 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: May 22, 2014



Bridget C. Bohac, Chief Clerk

Texas Commission on Environmental Quality

Affected Zip Codes:

74451	75077	75204	75790	76048	76108	76762	77331	77385	77582	78260
75020	75090	75228	75801	76049	76111	76778	77351	77399	77584	78610
75021	75091	75630	75802	76058	76116	76840	77353	77404	77634	78620
75022	75092	75657	75803	76059	76119	77003	77354	77414	78003	78640
75027	75106	75670	75862	76061	76126	77068	77355	77422	78030	78646
75028	75109	75705	75873	76063	76131	77301	77356	77520	78087	78660
75034	75124	75709	75979	76078	76210	77302	77360	77521	78130	78669
75039	75135	75754	76009	76084	76226	77303	77362	77522	78132	78724
75047	75143	75758	76028	76085	76245	77304	77364	77523	78155	78725
75056	75147	75762	76031	76086	76247	77305	77371	77538	78163	78726
75067	75148	75763	76033	76087	76262	77306	77378	77554	78247	78739
75068	75156	75778	76036	76088	76266	77316	77379	77571	78253	78746
75076	75163	75783	76044	76097	76708	77318	77384	77575	78258	78783

TCEQ - Office of the Chief Clerk
MC-105 Attn: SOAH Docket Clerk
PO Box 13087
Austin TX 78711-3087

Utility Company: Monarch Utilities I, L.P.

TCEQ Docket Number: 2014-0413-UCR

SOAH Docket Number: 582-14-3381

AFFIDAVIT OF NOTICE TO CUSTOMERS OF THE PUBLIC HEARING

STATE OF TEXAS §

COUNTY OF: Fort Bend §

Before me, the undersigned authority, on this day personally appeared the affiant who being by me duly sworn, deposes and says:

My name is Rossiea Tyner, I am over eighteen (18) years of age. I have personal knowledge of the facts stated herein and they are all true and correct.
(Name of Affiant)

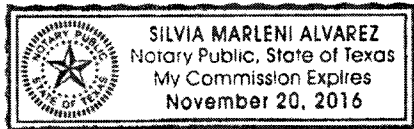
I am Customer Service Manager of Monarch Utilities I, L.P.
(Title of Affiant)
(Name of Utility)

On or before June 13, 2014, I caused to be mailed to all of the above named utility's customers and affected municipalities, if any, the attached notice of public hearing. The notice was mailed by first class mail.
(Date)

Rossiea Tyner
Signature of Affiant

Subscribed and sworn to before me this the 17th day of June, 20 14, to certify which witness my hand and seal of office.

(Seal)



Silvia Marleni Alvarez
Notary Public in and for the State of Texas
Print or type Name of Notary Public
My Commission Expires November 20, 2016

Lloyd
Gosselink
ATTORNEYS AT LAW

1984 * Celebrating 30th Years * 2014

Mr. Townsend's Direct Line: (512) 322-5830
Email: ltownsend@lglawfirm.com

816 Congress Avenue, Suite 1900
Austin, Texas 78701
512.322.5800 p
512.472.0532 f
lglawfirm.com

June 19, 2014

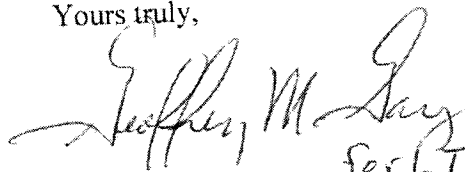
Office of the Chief Clerk
Texas Commission on Environmental Quality
ATTN: SOAH Docket Clerk (Mail Code 105)
P.O. Box 13087
Austin, Texas 78711-3087

Re: Mailing requirements on Notice of Hearing on Monarch Utilities I, L.P.; SOAH
Docket No. 582-14-3381, TCEQ Docket No. 2014-0413-UCR

Dear Ms. Bohac:

Pursuant to your letter dated May 22, 2014, Monarch Utilities I, L.P. ("Monarch") provided the Notice of Public Hearing to its customers. Attached is an affidavit attesting to the provision of that notice and a copy of the notice mailed.

Yours truly,



Lambeth Townsend
Attorney for Applicant,
Monarch Utilities I, L.P.

RLT/yl

Attachment

3176/10/459866

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**NOTICE OF HEARING
MONARCH UTILITIES I, L.P.
SOAH Docket No. 582-14-3381
TCEQ Docket No. 2014-0413-UCR**

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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: May 22, 2014

Bridget C. Bohac

Bridget C. Bohac, Chief Clerk

Texas Commission on Environmental Quality

Affected Zip Codes:

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75076	75163	75783	76044	76097	76708	77318	77384	77575	78258	78783

TCEQ - Office of the Chief Clerk
MC-105 Attn: SOAH Docket Clerk
PO Box 13087
Austin TX 78711-3087

Utility Company: Monarch Utilities I, L.P.
TCEQ Docket Number: 2014-0413-UCR
SOAH Docket Number: 582-14-3381

AFFIDAVIT OF NOTICE TO CUSTOMERS OF THE PUBLIC HEARING

STATE OF TEXAS §
COUNTY OF: Fort Bend §

Before me, the undersigned authority, on this day personally appeared the affiant who being by me duly sworn, deposes and says:

My name is Rossiea Tyner, I am over eighteen (18)
(Name of Affiant)

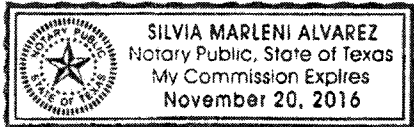
years of age. I have personal knowledge of the facts stated herein and they are all true and correct.

I am Customer Service Manager of
(Title of Affiant)
Monarch Utilities I, L.P.
(Name of Utility)

On or before June 13, 2014, I caused to be mailed to all of the above named utility's
(Date)
customers and affected municipalities, if any, the attached notice of public hearing. The notice was mailed by first class mail.

Rossiea Tyner
Signature of Affiant

Subscribed and sworn to before me this the 17th day of June,
20 14, to certify which witness my hand and seal of office.



(Seal)

Silvia Marleni Alvarez
Notary Public in and for the State of Texas
Silvia Marleni Alvarez
Print or type Name of Notary Public
My Commission Expires November 20, 2016

SOAH Docket No. 582-14-3381
TCEQ Docket No. 2014-0413-UCR

APPLICATION OF MONARCH UTILITIES I, L.P. FOR A CHANGE FOR IN WATER AND SEWER RATES AND TARIFFS FOR CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) NOS. 12983 AND 20899; APPLICATION NO. 37714 §
§ BEFORE THE STATE OFFICE
§ OF
§ ADMINISTRATIVE HEARINGS
§

SOAH Docket No. 582-14-3859
TCEQ Docket No. 2014-0596-UCR

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

SOAH Docket No. 582-14-3861
TCEQ Docket No. 2014-0598-UCR

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

SOAH Docket No. 582-14-3862
TCEQ Docket No. 2014-0657-UCR

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

SOAH Docket No. 582-14-3863
TCEQ Docket No. 2014-0599-UCR

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

**COALITION OF CITIES' MOTION
FOR ADOPTION OF A PROTECTIVE ORDER**

TO THE HONORABLE ADMINISTRATIVE LAW JUDGES:

NOW COME the Cities of Blue Mound, Buda, Kyle and Ivanhoe, hereinafter referred to as the “Coalition of Cities” or “Coalition”, who file this motion for adoption of a protective order and in support thereof would show as follows:

I. NEED FOR PROTECTIVE ORDER

Monarch Utilities I, L.P. (“Monarch”) filed the identical application for an increase in rates with the City Secretary for each Coalition city that was filed with the Office of Chief Clerk for the Texas Commission on Environmental Quality (“TCEQ”) on September 3, 2013. Rather than conduct discovery in four cities, the Coalition decided that it would undertake discovery only in the proceeding before the City of Kyle rather than duplicating the same or similar discovery in the other cities. Discovery before the City of Kyle was conducted using the Public Utility Commission discovery method; namely, requests for information (RFIs) were sent to Monarch instead of relying on the discovery methods spelled out in the Texas Rules of Civil Procedure. A major portion of the documents provided in response to discovery was labeled “confidential” pursuant to the Confidentiality Agreement that is appended to this motion as Attachment B.

Without the entry of a protective order other parties who engage in discovery in SOAH Docket No. 582-14-3381, the Monarch environs Application, will not be able to review the documents marked “confidential” in connection with the City of Kyle proceeding. The entry of such an order, which permits the review of the “confidential” documents, should assist those parties in narrowing their discovery requests, as well as eliminating requests for documents that were previously produced in the City of Kyle proceeding.

The Confidentiality Agreement, Attachment B, contemplated the entry of a Protective Order in the pending environs proceeding. On page two of the Agreement, under the heading “No Prejudice”, it is stated:

Failure to declassify any documents provided pursuant to this agreement shall not prejudice any effort to declassify such documents under the provisions of a Protective Order adopted by the State Office of Administrative Hearings in any proceeding related to the Application for a Rate/Tariff Change filed by Monarch Utilities I, L.P. with the City of Kyle on or about September 5, 2013 or with the Texas Commission on Environmental Quality on or about September 3, 2013.

II. DRAFT PROTECTIVE ORDER

A draft protective order is appended to this motion as Attachment A. It is similar in concept to the Confidentiality Agreement that was executed by the City of Kyle and by Monarch except that it also provides a mechanism for the declassification of documents previously classified as "confidential". The protective order was drafted after reviewing more than twenty such orders by state ratemaking regulatory agencies across the United States. Some of the orders reviewed were overly complex and in some cases inscrutable. The goal of the draft is to cover the essentials of such an order and be easily understood, however, the filing of the draft is not meant to imply that it cannot be improved upon.

III. PRAYER

WHEREFORE, PREMISES CONSIDERED, the Coalition of Cities pray that the appended draft protective order, Attachment A, be adopted herein to the extent found appropriate by the presiding Administrative Law Judges.

Respectfully submitted,

HERRERA & BOYLE, PLLC
816 Congress Avenue, Suite 1250
Austin, Texas 78701
(512) 474-1492 (voice)
(512) 474-2507 (Fax)

By: 

Jim Boyle
State Bar No. 02795000

**ATTORNEY FOR THE COALITION OF
CITIES**

CERTIFICATE OF SERVICE

I certify that I served a copy of the **Coalition of Cities' Motion for Adoption of a Protective Order** upon the parties listed below by email, facsimile and/or U.S. First Class mail on this the 16th day of June, 2014.

MONARCH UTILITIES I, L.P.

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Lloyd Gosselink Rochelle & Townsend, P.C.
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Voice (512) 322-5830
ltownsend@lglawfirm.com

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jim.rourke@opuc.texas.gov

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY:

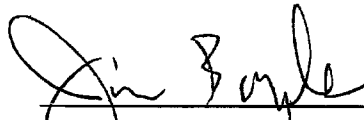
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(512) 482-9346 Fax
dof@lf-lawfirm.com

CITY OF OAK POINT, TEXAS:

Art Rodriguez
Russell & Rodriguez, LLP
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Georgetown, Texas 78628
(512) 930-1317 Telephone
(866) 929-1641 Fax
arodriguez@txadminlaw.com



Jim Boyle
State Bar No. 02795000

ATTACHMENT A

DRAFT PROTECTIVE ORDER

SOAH Docket No. 582-14-3381
TCEQ Docket No. 2014-0413-UCR

APPLICATION OF MONARCH UTILITIES §
I, L.P. FOR A CHANGE IN WATER AND § BEFORE THE STATE OFFICE
SEWER RATES AND TARIFFS FOR §
CERTIFICATE OF CONVENIENCE AND § OF
NECESSITY (CCN) NOS. 12983 AND 20899; §
APPLICATION NO. 37714 § ADMINISTRATIVE HEARINGS

DRAFT PROTECTIVE ORDER

The Protective Order shall govern the use of all information deemed confidential by a party providing information (“Providing Party”) to a requesting party (“Requesting Party”) pursuant to the discovery procedures adopted by the Administrative Law Judges in this proceeding.

IT IS ORDERED THAT:

1. Designation of Confidential Materials. Materials can be designated confidential if they are exempt from disclosure under the Texas Public Information Act (“TPIA”), Texas Government Code §552.001 et seq. The Providing Party must have a good faith belief that such materials fit within an exception recognized by the TPIA. Each page claimed to be confidential must be bates stamped and contain the word “CONFIDENTIAL” in at least 18 point type at the bottom of the page. If only a portion of a page is confidential then the rest of the page must be disclosed and shall not be treated as Confidential Material.
2. Materials Excluded from Confidential Materials Designation. (1) Confidential Materials shall not include any information or document in the public files of any state or federal agency, court, or local government authority. (2) Confidential Materials also shall not include documents or information which at the time of, or prior to disclosure in a proceeding, is or was public knowledge, or which becomes public knowledge other than through disclosure in violation of this Protective Order. (3) The Providing Party shall not designate any document that is not excepted from disclosure under the Texas Public Information Act.

3. Persons Qualified to Have Access to Confidential Materials. The following persons besides the Providing Party may each have access to Confidential Materials, as follows:
- a. Authors, addressees, and/or originators of Confidential Materials.
 - b. Administrative Law Judges assigned to this proceeding.
 - c. Staff of the Texas Commission on Environmental Quality or Public Utility Commission of Texas assigned to this proceeding and the Commissioners of either respective agency, with jurisdiction over this proceeding, and their assistants and advisors.
 - d. Staff and consultants of the Office of Public Utility Counsel assigned to this proceeding.
 - e. Staff of the Office of Public Interest Counsel assigned to this case.
 - f. The lawyers, consultants and assistants associated with any party in this proceeding who are performing work related to this proceeding; provided that they execute and furnish to the Providing Party and other parties to this proceeding, the addendum attached to this order prior to accessing any Confidential Materials disclosed by another party.
4. Challenging Confidential Designation. Any party may challenge a confidential designation. Confidential material so challenged shall be submitted to the Administrative Law Judge in a sealed brown envelope with the designation:

THIS ENVELOPE CONTAINS MATERIAL DESIGNATED
CONFIDENTIAL THAT IS SUBMITTED FOR REVIEW FOR A
DETERMINATION ON WHETHER THE MATERIAL
SHOULD BE DECLASSIFIED.

The lawyer for each party who has executed an addendum and furnished it to the Providing Party should also receive a similar envelope. The Providing Party has the burden to prove that the Confidential Material is subject to one or more of the exceptions to the Texas Public Information Act. The Providing Party shall submit its argument and basis for designating the material as Confidential Materials and claiming that it is subject to the previously-identified exemptions within five working days after the envelope has been submitted to the Administrative Law Judge. The party requesting declassification shall reply to the pleading filed by the Providing Party within five working days. Any

other non-Providing Party may also respond to the pleading of the Providing Party within five working days. No other responses or replies are permitted.

5. Preservation of Confidentiality. Without the written permission of the Providing Party, any person given access to Confidential Materials under this order may not use or disclose Confidential Materials for any purpose other than participating in these proceedings. All Persons Qualified to receive such information under this order must take reasonable precautions to keep Confidential Materials secure. Disclosure of Confidential Materials for purposes of business competition is strictly prohibited. Persons Qualified may reproduce Confidential Materials to the extent necessary to participate in these proceedings. Persons Qualified may disclose confidential materials only to other Persons Qualified under this order.
6. Confidential Documents Produced in the City of Kyle Proceeding. Documents or portions of documents labeled “confidential” in response to discovery requests in the City of Kyle proceeding shall be subject to this Protective Order. “The City of Kyle Proceeding” refers to the proceeding involving the Application for a Change in Rates and Tariffs filed by Monarch Utilities I, L.P. with the City Secretary for the City of Kyle on or about September 5, 2013.
7. Return or Destruction of Confidential Materials. With 90 days of the conclusion of this proceeding, including any appeals thereof, Confidential Materials shall be returned to the Providing Party or shall be destroyed except for Confidential Materials furnished to the Staff of the TCEQ or PUC or OPUC.

ADDENDUM

Confidentiality Certification

I certify my understanding that the Confidential Materials are provided to me pursuant to the terms and conditions of the Protective Order, which I have received and read a copy of it. I agree to be bound by the Order.

Signature

Party Represented

Printed Name

Date

ATTACHMENT B

**SIGNED CONFIDENTIALITY
AGREEMENT**

APPLICATION OF MONARCH
UTILITIES I, L.P. FOR A WATER
RATE/TARIFF CHANGE (2013)

§
§
§

BEFORE THE
CITY OF KYLE, TEXAS

CONFIDENTIALITY AGREEMENT

This Confidentiality Agreement shall govern the use of all information deemed confidential by a party providing information to a requesting party pursuant to this agreement. "Requesting Party" is a party seeking documents that are deemed to be confidential. "Providing Party" is a party supplying confidential documents or information to a Requesting Party.

INDIVIDUALS COVERED

Only the Requesting Party's lawyers and employees and the Requesting Party's consultants and their employees who are working on the rate application of Monarch Utilities I, L.P. that was filed with the City Secretary for the City of Kyle on or about September 5, 2013 may have access to the documents covered by this agreement. However, each individual, before examining or reviewing a covered document, must execute the attached addendum. Executed addendums shall be furnished to the lead counsel for the Providing Party.

CONFIDENTIALITY

Documents that have been previously made public by the Providing Party shall not be classified as confidential.

OPEN RECORDS

Documents deemed confidential shall not be filed with the City of Kyle or provided to any public official. In the event of an open records request for a document deemed confidential, lead counsel for the Requesting Party shall advise the City of Kyle to refer such a request to the Texas Attorney General pursuant to the procedures spelled out in the Texas Public Information Act. Counsel for the Requesting Party shall vigorously defend the confidentiality of any document deemed confidential by the Providing Party before the Texas Attorney General in the event such document is referred to the Attorney General.

CONFIDENTIALITY AGREEMENT CONTINUES


This agreement shall continue until such time as there is a Protective Order in place before the State Office of Administrative Hearings with regard to a proceeding dealing with an appeal of the City of Kyle's decision concerning the current Application for a Change in Rate/Tariff filed by Monarch Utilities I, L.P. with the City of Kyle on or about September 5, 2013 or a proceeding dealing with Monarch's rate change application filed with the Texas Commission on Environmental Quality on or about September 3, 2013. The documents provided pursuant to this agreement shall be subject to any such Protective Order.

NO PREJUDICE

Failure to declassify any documents provided pursuant to this agreement shall not prejudice any effort to declassify such documents under the provisions of a Protective Order adopted by the State Office of Administrative Hearings in any proceeding related to the Application for a Rate/Tariff Change filed by Monarch Utilities I, L.P. with the City of Kyle on or about September 5, 2013 or with the Texas Commission on Environmental Quality on or about September 3, 2013.

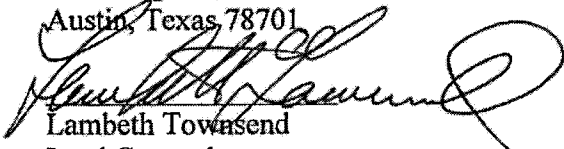
WHEREFORE, the parties below acknowledge they have read and understand this Agreement and voluntarily accept the duties and obligations set forth herein.

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



Jim Boyle
Special Counsel
City of Kyle, Texas

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



Lambeth Townsend
Lead Counsel
Monarch Utilities I, L.P.

**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. 37714-R and 37715-R
SOAH Docket No. 582-14-3381; TCEQ Docket No. 2014-0413-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 application;
- ✓ 2. public hearing notice and Chief Clerk's affidavit; *Please note: at this time the OCC has not received the affidavit of notice to customers of the public hearing issued on May 22, 2014. When it is received, OCC will supplement this package.*

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

SOAH DOCKET NO. 582-14-3381
TCEQ DOCKET NO. 2014-0413-UCR

APPLICATION OF MONARCH	§	
UTILITIES I, L.P. FOR A CHANGE IN	§	BEFORE THE STATE OFFICE
WATER AND SEWER RATES AND	§	
TARIFFS FOR CERTIFICATE OF	§	OF
CONVENIENCE AND NECESSITY	§	
(CCN) NOS. 12983 AND 20899;	§	ADMINISTRATIVE HEARINGS
APPLICATION NO. 37714	§	

OFFICE OF PUBLIC UTILITY COUNSEL'S
MOTION TO INTERVENE

TO THE HONORABLE ADMINISTRATIVE LAW JUDGE:

The Office of Public Utility Counsel (OPUC), Intervenor, files this Motion to Intervene in the captioned proceeding pursuant to 30 Tex. Admin. Code § 80.31, and in support thereof would show:

1. Intervenor is an agency of the State of Texas authorized to represent the interests of residential and small commercial consumer classes in proceedings before the Public Utility Commission of Texas (PUC) under Chapter 13 of the Texas Water Code. Tex. Water Code § 13.017(b) (as added by Act of May 13, 2013, 83d Leg., R.S., ch. 170, § 2.12 (H.B. 1600)).
2. H.B. 1600, Section 2.96(g), further authorizes Intervenor, on or after September 1, 2013, to intervene in contested cases before the Texas Commission on Environmental Quality (TCEQ) that Intervenor would be entitled to intervene in if the case were before the PUC as authorized by Chapter 13 of the Texas Water Code.
3. The Public Utility Counsel has determined that the residential and small commercial customer classes are in need of representation in the captioned proceeding. OPUC has standing to intervene and participate in this proceeding as a party, as a matter of right, on

behalf of the residential and small commercial customer classes as expressly conferred by statute.

4. The authorized representative and service information for Intervenor are:

James K. Rourke, Jr.
Legal Division Director
Office of Public Utility Counsel
1701 North Congress Avenue, Suite 9-180
P.O. Box 12397, Austin, Texas 78711-2397

Telephone No.: (512) 936-7500
Facsimile No.: (512) 936-7525
E-mail Address: jim.rourke@opuc.texas.gov

THEREFORE, Intervenor respectfully requests that:

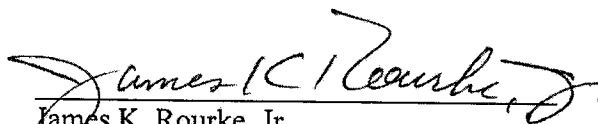
(a) The assigned Administrative Law Judge of the State Office of Administrative Hearings grant this Motion to Intervene and thereby permit Intervenor to fully participate as a party in the captioned proceeding;

(b) The parties take notice of the filing of this Motion to Intervene and serve Intervenor with copies of all documents filed in this docket, including responses to requests for information; and

(c) The TCEQ and Administrative Law Judge grant Intervenor such other and further relief to which Intervenor may be justly entitled.

Respectfully submitted,

Tonya Baer
Public Counsel
State Bar No. 24026771



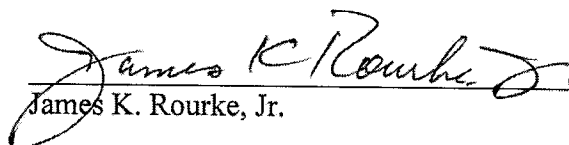
James K. Rourke, Jr.
Legal Division Director
State Bar No. 17323700

OFFICE OF PUBLIC UTILITY COUNSEL
1701 N. Congress Avenue, Suite 9-180
P.O. Box 12397
Austin, Texas 78711-2397
512/936-7500 (Telephone)
512/936-7525 (Facsimile)
jim.rourke@opuc.texas.gov

CERTIFICATE OF SERVICE

SOAH Docket No. 582-14-3381
TCEQ Docket No. 2014-0413-UCR

I certify that on May 30, 2014, I served a true copy of the Office of Public Utility Counsel's Motion to Intervene on all parties of record in the captioned proceeding via United States First-Class Mail, hand-delivery or facsimile transmission.



James K. Rourke, Jr.

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. 582-14-3381, TCEQ Docket No. 2014-0413-UCR, was mailed on May 22, 2014. Given under my hand and the seal of the Texas Commission on Environmental Quality, this the 22nd day of May, 2014.

A handwritten signature in cursive script that reads "Bridget C. 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. 582-14-3381
TCEQ Docket No. 2014-0413-UCR

APPLICATION.

Monarch Utilities I, L.P., 12535 Reed Road, Sugar Land, Texas 77478, has applied to the Texas Commission on Environmental Quality (TCEQ) to change its water and sewer rate/tariff effective January 1, 2014 for its service area located in 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 and Wood Counties County, Texas (Certificate of Convenience and Necessity Nos. 12983 and 20899, Application Nos. 37714-R and 37715-R). This application concerns service areas located within the USPS zip codes on the attached list.

CONTESTED CASE HEARING.

The State Office of Administrative Hearings (SOAH) will conduct a preliminary hearing on this application 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 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: May 22, 2014



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

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 22, 2014

BY CERTIFIED AND FIRST CLASS MAIL
Certified Receipt # 7011 0470 0002 2481 5718

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

RE: Mailing requirements on Notice of Hearing on Monarch Utilities I, L.P.
SOAH Docket No. 582-14-3381, TCEQ Docket No. 2014-0413-UCR

Dear Mr. Townsend:

Enclosed is a Notice of Public Hearing concerning the above-referenced application. This notice must be provided in its entirety to all affected utility customers, at the utility company's expense. **A listing of all USPS zip codes within which any affected customer resides must be attached to the notice.** You may mail the notice with a utility bill or statement, or by separate first class mail. In accordance with Section 2001.051(1) of the Administrative Procedure Act, **all affected customers must receive the notice not less than 10 days before the hearing date**, or not later than June 13, 2014.

After the notice is mailed to all affected customers, you must file an affidavit stating the attached notice was mailed to all affected customers, and stating the date on which it was mailed. **Please be sure to attach a copy of the mailed notice including the zip code listing to the affidavit.** The affidavit must be filed with the Office of the Chief Clerk of the Texas Commission on Environmental Quality (Commission), ATTN: SOAH Docket Clerk (Mail Code 105), P.O. Box 13087, Austin, Texas 78711-3087, at least two days before the public hearing.

Immediately contact the State Office of Administrative Hearings (SOAH) Docket Clerk in the event that notice is not provided in a timely manner. **When contacting the Commission or SOAH regarding this application, please reference the SOAH docket number given at the top of this letter.**

If you have any questions, please call (512) 475-3445 to speak with the SOAH Docket Clerk.

Sincerely,

Bridget C. Bohac

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

Enclosures

TCEQ - Office of the Chief Clerk
MC-105 Attn: SOAH Docket Clerk
PO Box 13087
Austin TX 78711-3087

Utility Company: Monarch Utilities I, L.P.
TCEQ Docket Number: 2014-0413-UCR
SOAH Docket Number: 582-14-3381

AFFIDAVIT OF NOTICE TO CUSTOMERS OF THE PUBLIC HEARING

STATE OF TEXAS §
COUNTY OF: _____ §

Before me, the undersigned authority, on this day personally appeared the affiant who being by me duly sworn, deposes and says:

My name is _____, I am over eighteen (18) years of age. I have personal knowledge of the facts stated herein and they are all true and correct.
(Name of Affiant)

I am _____ of _____.
(Title of Affiant)
(Name of Utility)

On _____, I caused to be mailed to all of the above named utility's customers and affected municipalities, if any, the attached notice of public hearing. The notice was mailed by first class mail.
(Date)

Signature of Affiant

Subscribed and sworn to before me this the _____ day of _____, 20 _____, to certify which witness my hand and seal of office.

(Seal)

Notary Public in and for the State of Texas

Print or type Name of Notary Public
My Commission Expires _____

MAILING LIST
MONARCH UTILITIES I, L.P.
SOAH Docket No. 582-14-3381
TCEQ Docket No. 2014-0413-UCR

Lambeth Townsend, Attorney
Lloyd Gosselink Rochelle & Townsend, P.C.
816 Congress Avenue, Suite 1900
Austin, Texas 78701
Representing: Monarch Utilities I, L.P. *(Via Certified and First Class Mail)*

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)
Jessica Gray, Staff Attorney, Environmental Law Division (MC 173)
Heidi Graham, Technical Staff, Water Supply Division, Utilities & Districts
Section (MC 153)
Fred Bednarski and Elizabeth Flores, Financial Staff, Water Supply Division,
Utilities & Districts Section (MC 153)
Blas Coy, Office of Public Interest Counsel (MC 103)