



Control Number: 47941



Item Number: 10

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PETITION BY TERRA	§	PUBLIC UTILITY COMMISSION
INVESTMENTS, LP TO AMEND	§	
MONARCH UTILITIES, LP'S WATER	§	COMMISSION
CERTIFICATE OF CONVENIENCE	§	OF TEXAS
AND NECESSITY IN MONTGOMERY	§	
COUNTY BY EXPEDITED RELEASE	§	

**COMMISSION STAFF'S RECOMMENDATION
ON ADMINISTRATIVE COMPLETENESS**

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and in response to Order No. 2, files this Recommendation on Administrative Completeness. Staff recommends that the application be deemed sufficient for further review. In support thereof, Staff shows the following:

I. BACKGROUND

On January 10, 2018, Terra Investments, LP (Terra) filed a petition for an expedited release from Monarch Utilities, LP's (Monarch) Water Certificate of Convenience and Necessity (CCN) No. 12983, in Montgomery County. Specifically, Petitioner requested for expedited release is approximately 54.86 acres.

On February 9, 2018, Staff filed a request for an extension to file its recommendation on completeness, which was granted. On February 12, 2018, Order No. 2 was issued, establishing a deadline of March 2, 2018, for Staff to file a recommendation on the administrative completeness of the application. This pleading is therefore timely filed.

II. ADMINISTRATIVE COMPLETENESS

As detailed in the attached memorandum from Elizabeth English in the Commission's Water Utility Regulation Division, Staff has reviewed the application filed by Terra, and recommends that it be found administratively complete.

III. NOTICE SUFFICIENCY

Terra asserts in its petition that it provided notice to the CCN holder, Monarch, by certified mail on January 10, 2018. The Commission also published a second notice of this petition in the

Texas Register on February 12, 2018. Such notice meets the requirement of 16 Texas Administrative Code (TAC) § 24.113(s). Accordingly, Staff recommends that the notice issued be found sufficient.

IV. PROPOSED PROCEDURAL SCHEDULE

Event	Date
Order regarding completeness of petition	March 9, 2018
Deadline for Monarch and/or intervenors to file a response to the administratively complete petition	March 16, 2018
Staff's recommendation on final disposition	April 16, 2018
Deadline for Terra to respond to respond to Staff's recommendation on final disposition	April 23, 2018
Sixty (60) day administrative approval	May 8, 2018

V. CONCLUSION

For the reasons detailed above, Staff recommends that the application be found administratively complete and that the proposed procedural schedule be adopted.

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

Stephen Mack
Managing Attorney

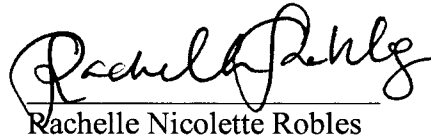


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CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on March 1, 2018, in accordance with 16 TAC § 22.74.



Rachelle Nicolette Robles

PUC Interoffice Memorandum

To: Rachelle Robles, Attorney
Legal Division

Thru: Tammy Benter, Director
Lisa Fuentes, Manager
Water Utilities Division

From: Elisabeth English, Engineering Specialist
Water Utilities Division

Date: March 1, 2018

Subject: **Docket No. 47941**, *Petition of Terra Investment, LP. to Amend Monarch Utilities, LP. Water CCN No. 12983 in Montgomery County by Expedited Release*

On January 10, 2018 Terra Investment, LP (Petitioner) filed a request for an expedited release of approximately 55 acres from Monarch Utilities, LP.'s (Monarch) water certificate of convenience and necessity (CCN) number 12983 in Montgomery County. The petition is being reviewed under Texas Water Code (TWC) § 13.254(a-5) and 16 Texas Administrative Code (TAC) § 24.113(1). The Petitioner asserts that the land is at least 25 acres, is not receiving water service, and is located in Montgomery County, which is a qualifying county.

The Petitioner has provided an adequate map delineating the requested area for expedited release with enough detail to confirm the accurate positioning of their digital data pursuant to 16 TAC § 24.119. The map and digital data are sufficient for determining the location of the requested release area within Monarch's certificated area. Mapping Staff were able to confirm the acreage of the subject property, and determined that the requested release area is located within the subject property. Furthermore, the Petitioner provided a deed confirming the Petitioner's ownership of the subject property. The Petitioner submitted a sworn affidavit attesting that the subject property was not receiving water utility service from Monarch. The area being requested for expedited release is approximately 55 acres.

The petition also included a statement that pursuant to Commission rules, a copy of the Petition was sent via certified mail to Monarch, the current holder of CCN No. 12983.

Staff recommends that the petition be deemed sufficient for filing. As summarized above, the petition meets the criteria set forth in TWC § 13.254(a-5) and TAC § 24.113(1).