



Control Number: 47941



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<b>PETITION BY TERRA INVESTMENTS, LP TO AMEND MONARCH UTILITIES, LP'S WATER CERTIFICATE OF CONVENIENCE AND NECESSITY IN MONTGOMERY COUNTY BY EXPEDITED RELEASE</b>	§ § § § § §	<b>PUBLIC UTILITY COMMISSION</b> PUBLIC UTILITY COMMISSION FILING CLERK <b>OF TEXAS</b>
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**COMMISSION STAFF'S FINAL RECOMMENDATION**

**COMES NOW** the Staff of the Public Utility Commission of Texas (Staff), representing the public interest and files this Final Recommendation in response to Order No. 4. In support thereof, Staff would show 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 March 12, 2018, the Administrative Law Judge (ALJ) issued Order No. 3, requiring Staff to file a recommendation on final disposition by March 26, 2018. On March 23, 2018, Staff filed a motion for extension of time, requesting an amendment of the procedural schedule to change the due date for the final recommendation to March 28, 2018. On March 26, 2018, the ALJ issued Order No. 4, granting Staff's request. Therefore, this pleading is timely filed.

**II. STATUTORY APPROVAL DEADLINE**

Pursuant to TWC § 13.254(a-5) and 16 TAC § 24.113(l), the Commission must render a decision on a petition for expedited release "not later than the 60th day after the date the landowner files the petition." A petition is not considered filed until it is deemed administratively complete. Terra's petition was deemed administratively complete in Order No. 3, issued on March 12, 2018; therefore, the 60 day deadline for administrative approval is May 11, 2018.

**III. FINAL RECOMMENDATION**

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Staff has reviewed Terra's petition and, as supported by the attached memorandum of Elisabeth English of the Water Utilities Division (Attachment A), Staff recommends that the petition be approved. The maps and digital data submitted by Terra provide adequate information to demonstrate that Terra satisfies the requirements of TWC § 13.254(a-5) and 16 TAC § 24.113(I). Specifically, the petition shows that the property for which Terra seeks expedited release is located in a qualifying county (Montgomery County), is not receiving water service, and that the aggregated, contiguous tracts of land make up a single property that is at least 25 acres. Terra has shown through its petition that it meets the requirements for expedited release. Therefore, Staff recommends that the petition be approved.

The final map (Attachment B) and CCN Certificate (Attachment C) are attached to this filing.

#### **IV. CONCLUSION**

For the reasons stated above, Staff respectfully recommends that Terra's petition be approved.

**Dated: March 27, 2018**

Respectfully Submitted,

Margaret Uhlig Pemberton  
Division Director  
Legal Division

Stephen Mack  
Managing Attorney  
Legal Division



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**DOCKET NO. 47941**

**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on this the March 27, 2018 in accordance with 16 TAC § 22.74.



Rachelle Nicolette Robles

## **Attachment A**

## PUC Interoffice Memorandum

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**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 26, 2018

**Subject:** **Docket No. 47941**, *Petition of Terra Investments, 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 54.9 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 54.9 acres.

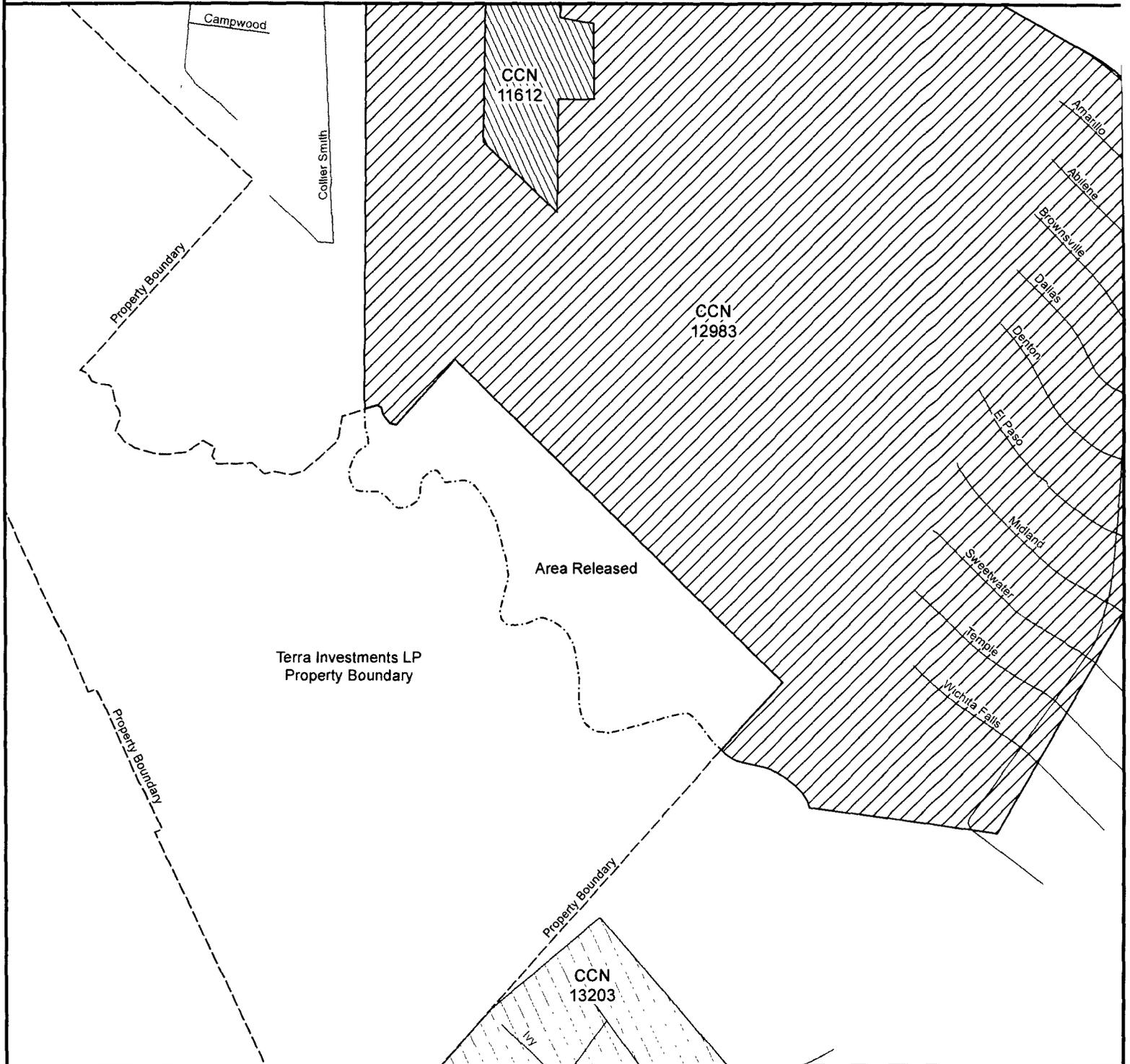
The petition also included a statement that pursuant to Commission rules, a copy of the Petition was sent via certified mail to Monarch, the current holder of CCN No. 12983.

Order No. 3 gave a deadline for Monarch to intervene by March 19, 2018. Monarch did not intervene; therefore, Monarch is not contesting whether there is any property that is rendered useless or valueless, in accordance with 16 TAC § 24.113(n). Staff recommends that there is not any property to be rendered useless or valueless, in accordance with 16 TAC § 24.113(n). Staff further recommends that a compensation proceeding is not necessary, if the Commission determines that there is no useless or valueless property, pursuant to 16 TAC § 24.113(n)(7).

The Petitioner has met the requirements of TWC § 13.254(a-5) and 16 TAC § 24.113(1) to allow for the release of the requested area from Monarch Utilities, LP. water CCN No. 12983. Staff recommends that the petition be approved.

## **Attachment B**

**Monarch Utilities, LP**  
**Portion of Water CCN No. 12983**  
**PUC Docket No. 47941**  
**Petition by Terra Investments, LP to**  
**Amend Monarch Utilities, LP's CCN by Expedited Release in Montgomery County**



Public Utility Commission of Texas  
 1701 N. Congress Ave  
 Austin, TX 78701

**Water CCN**

-  12983 - Monarch Utilities LP
-  11612 - Quadvest LP
-  13203 - Aqua Texas Inc

-  Area Released
-  Property Boundary



Map by: Komal Patel  
 Date created: February 28, 2018  
 Project Path: n:\finalmapping\47941MonarchUtilities.mxd

## **Attachment C**



# **Public Utility Commission of Texas**

## **By These Presents Be It Known To All That Monarch Utilities, I., L.P.**

having obtained certification to provide water utility service for the convenience and necessity of the public, and it having been determined by this Commission that the public convenience and necessity would in fact be advanced by the provision of such service, Monarch Utilities, I., L.P. is entitled to this

### **Certificate of Convenience and Necessity No. 12983**

to provide continuous and adequate water utility service to that service area or those service areas in Bandera, Brazoria, Chambers, Denton, Grayson, Hays, Henderson, Hood, Johnson, Liberty, Marion, Matagorda, Medina, Montgomery, Parker, Polk, San Jacinto, Smith, Tarrant, Trinity, , Van Zandt, Wise, and Wood Counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Docket No. 47941 are on file at the Commission offices in Austin, Texas; and are matters of official record available for public inspection; and be it known further that these presents do evidence the authority and the duty of the Monarch Utilities, I., L.P. to provide such utility service in accordance with the laws of this State and Rules of this Commission, subject only to any power and responsibility of this Commission to revoke or obtain this Certificate in whole or in part upon a subsequent showing that the public convenience and necessity would be better served thereby.

Issued at Austin, Texas, this \_\_\_\_\_ day of \_\_\_\_\_ 2018.