

Control Number: 47941



Item Number: 22

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DOCKET NO. 47941

RECEIVED

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

PUBLIC UTILITY COMMISSION

PUBLIC UTILITY COMMISSION
FOR TEXAS

JOINT RESPONSE TO ORDER NO. 5

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission) and Terra Investments, LP (Terra)(collectively, the Parties), and in response to Order No. 5, files this Joint Response to Order No. 5. In support thereof, the Parties show the following:

I. BACKGROUND

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

On March 27, 2018, Staff issued a final recommendation, attaching the final map and CCN certificate. On April 17, 2018, the administrative law judge (ALJ) issued a Notice of Approval. Subsequently, Terra informed Staff that the entity was incorrectly listed on the final map. On April 19, 2018, Staff filed a Motion for Rehearing to Correct a Typographical Error (Motion for Rehearing). On May 10, 2018, the Commission issued an order remanding the proceeding to Docket Management.

On May 17, 2018, Order No. 5 was issued, establishing a deadline of May 24, 2018, for Parties to file a verification of the proper legal name of the utility, confirmation that notice requirements have been satisfied, and confirmation that the incorrect name provided in all filings prejudiced no one. This pleading is therefore timely filed.

II. PROPER LEGAL NAME AND NOTICE

Monarch Utilities I, LP is the true and correct name of the entity which legally possesses CCN No. 12983 in this docket (Exhibit A).

Monarch received actual notice of the filing of the petition in this docket by certified mail on or about January 12, 2018 (Exhibits A and B).

As there are no affected customers, no utility-owned infrastructure within the release area, no compensation due to the utility, and proper notice was provided, no one was prejudiced based on the incorrect name in the initial and subsequent pleadings in this docket.

Except for the corrected utility name, all other representations and filings in this docket remain true and correct.

Parties respectfully request that the evidentiary record be reopened and that this, Joint Response to Order No. 5 (including attachments), be admitted into the evidentiary record.

III. CONCLUSION

For the reasons detailed above, the Parties respectfully request the re-issuance of the Notice of Approval with the substitution of the final map with the corrected entity name that was attached to the Motion for Rehearing.

Respectfully Submitted,

**FRITZ, BYRNE,
HEAD & GILSTRAP, PLLC**

**PUBLIC UTILITY COMMISSION OF
TEXAS 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 May 24, 2018, in accordance with 16 TAC § 22.74.

Rachelle Robles w/ permission
Rachelle Nicolette Robles
Steph M. Max

Exhibit A

PUC DOCKET NO. 47941

**PETITION BY TERRA INVESTMENTS, LP TO AMEND MONARCH UTILITIES, LP'S WATER
CERTIFICATE OF CONVENIENCE AND NECESSITY IN MONTGOMERY COUNTY BY
EXPEDITED RELEASE**

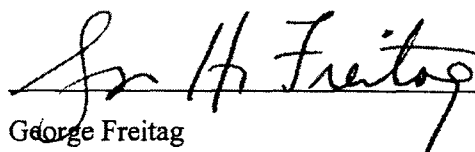
AFFIDAVIT OF GEORGE FREITAG

STATE OF TEXAS §

COUNTY OF TRAVIS §

ON THIS DAY, before me, the undersigned authority, personally appeared George Freitag, who, on his oath, stated as follows:

1. My name is George Freitag. I am employed as the Texas Regulatory Manager for SouthWest Water Company, my business address is 1620 Grand Avenue Parkway, Suite 140, Pflugerville, Texas 78660. SouthWest Water Company is the parent company of Monarch Utilities I, L.P. I am authorized to make the following representations on behalf of Monarch Utilities I, L.P.
2. I am at least 21 years of age, fully competent, and authorized to make the statements herein. Additionally, I have personal knowledge of the facts stated herein, and they are true and correct to the best of my knowledge.
3. On January 10, 2018, a pleading entitled "Petition for Expedited Release from Monarch Utilities, LP's Water CCN No. 12983" (Petition) was filed with the Public Utility Commission of Texas (Commission). This petition was assigned Docket No. 47941.
4. Monarch Utilities I, LP is the correct legal name for the entity that holds the water CCN No. 12983, not Monarch Utilities, LP.
5. Monarch received notice of the Petition in Docket No. 47941 on or about January 12, 2018.



George Freitag

Texas Regulatory Manager

SouthWest Water Company

SUBSCRIBED AND SWORN TO before me, on May 23, 2018.



NOTARY PUBLIC in and for the State of Texas

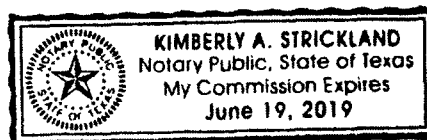


Exhibit B

Date Produced: 01/15/2018

WALZ GROUP:

The following is the delivery information for Certified Mail™/RRE item number 9314 8699 0430 0042 1488 49. Our records indicate that this item was delivered on 01/12/2018 at 01:29 p.m. in SUGAR LAND, TX 77478. The scanned image of the recipient information is provided below.

Signature of Recipient :

M. Sigaran

Address of Recipient :

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,
United States Postal Service

Information in this section provided by Walz Group, LLC.

Recipient Information:
Monarch Utilities
12535 Reed Road
Sugarland, TX 77478-2837

Reference Number: 26135.01