



Control Number: 49660



Item Number: 12

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PUBLIC UTILITY COMMISSION
OF TEXAS

APPLICATION OF NI AMERICA §
TEXAS, LLC AND MONARCH §
UTILITIES I L.P. FOR SALE, §
TRANSFER, OR MERGER OF §
FACILITIES AND CERTIFICATE §
RIGHTS IN JOHNSON AND WISE §
COUNTIES §

**COMMISSION STAFF’S SUPPLEMENTAL RECOMMENDATION
ON ADMINISTRATIVE COMPLETENESS AND PROPOSED NOTICE**

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and in response to Order No. 3, files this Supplemental Recommendation on Administrative Completeness and Proposed Notice. Staff recommends that the application be deemed sufficient for further review. In support thereof, Staff shows the following:

I. BACKGROUND

On June 21, 2019, NI America Texas, LLC and Monarch Utilities I L.P. (collectively, Applicants) filed an application for approval of the sale, transfer, or merger of sewer facilities and certificate rights (CCN) in Johnson and Wise counties. Specifically, the applicants seek to transfer all of NI America Texas’s water service area to Monarch’s water service area and the cancelation of NI America Texas’s CCN number. The requested transfer area includes approximately 5,225 acres with 1,166 current customers. The Applicants filed supplemental information on August 22, September 6, and September 11, 2019.

On July 23, 2019, Order No. 3 was issued establishing a deadline of September 23, 2019 for Staff to file a supplemental recommendation on the administrative completeness of the application and notice and propose a procedural schedule for further processing of the application. Therefore, this pleading is timely filed.

II. ADMINISTRATIVE COMPLETENESS

As detailed in the attached memorandum from Elizabeth English in the Commission’s Infrastructure Division, Staff has reviewed the application and supplemental information filed by the Applicants and recommends that it be found administratively complete.

III. NOTICE

The Commission's notice requirement for sale, transfer, merger applications are provided by 16 Texas Administrative Code § 24.239. Specifically, Staff recommends the Applicants be ordered to provide notice according to the attached memorandum of Elizabeth English.

IV. PROCEDURAL SCHEDULE

Staff recommends the application, as supplemented be found administratively complete. Staff therefore proposes the following procedural schedule:

Event	Date
Deadline for the Applicants to file with the Commission signed affidavits that notice was given along with a copy of the notice sent to the affected parties	October 23, 2019
Deadline for Staff to file a recommendation on sufficiency of notice	Within ten (10) days of the Applicants filing proof of completed notice with the Commission
Deadline for intervention and for intervenors to request a hearing on the merits	Thirty (30) days after notice is issued

V. CONCLUSION

For the reasons discussed above, Staff respectfully recommends that the application, as supplemented be found administratively complete, that the Applicants be directed to provide notice as detailed in the attached memorandum, and that the procedural schedule proposed above be adopted.

Dated: September 23, 2019

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

Karen S. Hubbard
Managing Attorney

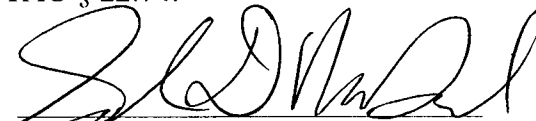


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DOCKET NO. 49660

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on September 23, 2019, in accordance with 16 TAC § 22.74.



Sarah D. McDaniel

PUC Interoffice Memorandum

To: Sarah McDaniel, Attorney
Legal Division

Thru: Heidi Graham, Manager
Infrastructure Division

From: Elisabeth English, Engineering Specialist
Infrastructure Division

Date: September 23, 2019

Subject: **Docket No. 49660**, *Application of Ni America Texas, LLC and Monarch Utilities I L.P. for Sale, Transfer, or Merger of Facilities and Certificate Rights in Johnson and Wise Counties*

On June 21, 2019 Ni America Texas, L.L.C. (Ni America or Seller) and Monarch Utilities I L.P. (Monarch or Purchaser) (collectively, Applicants) filed an application for the Sale, Transfer, or Merger (STM) of facilities and certificate rights in Johnson and Wise Counties, Texas, pursuant to Texas Water Code §§ 13.301 and § 13.246, and the 16 Texas Administrative Code § 24.239. Specifically, the Applicants seek approval to acquire facilities and for the transfer, and cancellation, of Ni America's Certificate of Convenience and Necessity (CCN) No. 11922. The CCN and the associated seven public water systems are to be transferred to Monarch's CCN No. 12983.

The Applicants filed supplemental information, as requested by Staff, on August 22, September 6, and September 11, 2019. Based upon the supplemental filings, Staff now recommends that the STM application be deemed administratively complete and accepted for filing. Specifically, in regard to mapping, the second page of the general location map and the detailed maps filed on August 22, 2019, and the first page of the general location map filed September 11, 2019 are sufficient in meeting Commission requirements.

Staff further recommends that the Applicants:

- 1) Provide notice of the application to the following:
 - a) cities, districts, and neighboring retail public utilities providing the same utility service whose corporate boundaries or certificated service area are located within two miles from the outer boundary of the requested area;
 - b) the county judge of each county that is wholly or partially included in the requested area;
 - c) each groundwater conservation district that is wholly or partially included in the requested area; and
 - d) affected customers

- 2) Provide correct notice of the application to the following:
 - Aqua Texas Inc. (CCN No. 13201)
 - Bethesda WSC (CCN No. 10089)
 - City of Decatur (CCN No. 10271)
 - City of Rhome (CCN No. 10989)
 - Johnson County SUD (CCN No. 10081)
 - Walnut Creek SUD (CCN No. 10285)
 - West Wise SUD (CCN No. 10284)

- City of Burleson
- City of Fort Worth
- City of New Fairview
- City of Paradise
- Prairielands Groundwater Conservation District
- Upper Trinity Groundwater Conservation District
- Trinity River Authority of Texas
- Wise County WSD
- Johnson County Judge
- Wise County Judge

- 3) Provide an accurate map delineating the requested service area with each individual notice to neighboring utilities, other affected parties, and customers. Information related to districts including addresses can be obtained by the Applicant from the TCEQ web site located at <http://www14.tceq.texas.gov/iwud/>.
- 4) File in the docket an affidavit specifying every person and entity to whom notice was provided and the date that the notice was provided within 30 days of the date of the notice. It is recommended that the Applicants use the attached notice and affidavit to meet these requirements.

Sky View Ranch Estates: The *two requested areas* are located approximately 3 miles northeast of downtown Rhome, TX, and is generally bounded on the north by 3,200 feet north of intersection of FM 407 & Pioneer Road; on the east by FM 2264; on the south by FM 407/ Illinois Street; and on the west by US Highway 287.

The requested area includes approximately 356 total acres and 71 current customers.

Windmill Trail: The requested area is located approximately 7.4 miles southeast of downtown Bridgeport, TX, and is generally bounded on the north by Garrett Creek; on the east by CR 3355/ School House Road; on the south by CR 3355/ School House Road; and on the west by CR 3473. The requested area includes approximately 527 total acres and 75 current customers.

A copy of the map showing the requested area is available at:
1620 Grand Avenue Parkway, #140 Pflugerville, TX 78660

This transaction will have the following effect on the current customers' rates and services: This transaction will not have an effect on the current customer's rates and services.

Persons who wish to intervene in the proceeding or comment upon action sought should contact the Public Utility Commission, P.O. Box 13326, Austin, Texas 78711-3326, or call the Public Utility Commission at (512) 936-7120 or (888) 782-8477. Hearing- and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136. The deadline for intervention in the proceeding is (30 days from the mailing or publication of notice, whichever occurs later, unless otherwise provided by the presiding officer). You must send a letter requesting intervention to the commission which is received by that date.

If a valid public hearing is requested, the Commission will forward the application to the State Office of Administrative Hearings (SOAH) for a hearing. If no settlement is reached and an evidentiary hearing is held, SOAH will submit a recommendation to the Commission for final decision. An evidentiary hearing is a legal proceeding similar to a civil trial in state district court.

Si desea información en español, puede llamar al 1-888-782-8477.

Utility Representative

Utility Name

PUBLIC UTILITY COMMISSION



AFFIDAVIT OF NOTICE TO CURRENT CUSTOMERS, NEIGHBORING UTILITIES AND
AFFECTED PARTIES
DOCKET NO. 49660

STATE OF TEXAS
COUNTY OF _____

_____ has provided individual notice
to the following entities and customers:

DATE OF NOTICE

OATH

I, _____, being duly sworn, file this form as
_____ (indicate relationship to applicant, that is, owner,
member of partnership, title of officer of corporation, or other authorized representative of applicant);
that in such capacity, I am qualified and authorized to file and verify such form, am personally familiar
with the notices given with this application, and have complied with all notice requirements in the
application and application acceptance letter; and that all such statements made and matters set for
therein are true and correct.

Applicant's Authorized Representative

If the applicant to this form is any person other than the sole owner, partner, officer of the applicant, or
its' attorney, a properly verified Power of Attorney must be enclosed.

Subscribed and sworn to before me this _____ day of _____, 2019, to certify
which witness my hand and seal of office.

Notary Public in and for the State of Texas

Print or Type Name of Notary Public

Commission Expires _____