

Control Number: 49660



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DOCKET NO. 49660

APPLICATION OF NI AMERICA	§	PUBLIC UTILITY COMMISSION
TEXAS, LLC AND MONARCH	§	
UTILITIES I L.P. FOR SALE,	§	OF TEXAS
TRANSFER, OR MERGER OF	§	
FACILITIES AND CERTIFICATE	§	
RIGHTS IN TRAVIS COUNTY	§	

COMMISSION STAFF’S MOTION TO AMEND PROCEDURAL SCHEDULE

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest and files this Commission Staff’s Motion to Amend Procedural Schedule. In support, Staff would show the following:

I. BACKGROUND

On June 21, 2019, NI America Texas, LLC (NI America Texas) and Monarch Utilities I L.P. (Monarch) (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, Applicants seek to transfer all of NI America's water service area to Monarch's water service area under CCN number 12983 and the cancelation of NI America Texas's CCN number 11922. 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 September 30, 2019, Order No. 4 was issued, establishing a deadline of 10 days after Applicants' filing proof of notice for Staff to file a recommendation on that notice. On October 15, 2019, Applicants filed information attesting to notice for this application. Staff's deadline for filing a recommendation on notice was set to October 25, 2019. On that date, Staff submitted a filing that recommended that notice be found sufficient.

On October 30, 2019, the administrative law judge (ALJ) issued Order No. 5, which found notice to be sufficient and established a deadline of December 12, 2019 for Staff to request a hearing or file a recommendation on the approval of the sale and on the CCN amendment. Order No. 5 also established a deadline of January 13, 2020 for parties to file a joint motion to admit evidence and proposed order approving sale and allowing transaction to proceed.

On December 18, 2019, Staff requested an extension to allow Applicants to respond to Staff's requests for information. In Order No. 6, the ALJ granted that extension and established the following procedural schedule:

Event	Date
Deadline for Commission Staff to request a hearing or file a recommendation on the approval of the sale and on the CCN amendment	January 13, 2020
Deadline for parties to file a response to Commission Staff's recommendation	January 23, 2020
Deadline for parties to file a joint motion to admit evidence and proposed order approving sale and allowing transaction to proceed. See Docket No. 49169, Order No. 4 for details	January 27, 2020
120-day deadline for Commission to approve the sale or require a hearing	February 7, 2020

Therefore, this pleading is timely filed.

II. AMENDED PROCEDURAL SCHEDULE

On October 30, 2019, the ALJ held that the Applicants' notice was sufficient. However, in its first requests for information, Staff requested that the Applicants provide proof of notice to customers in the Las Brisas area, which the Applicants submitted. However, that notice was not issued until December 17, 2019. In order for the statutorily mandated 30-day intervention deadline to run, Staff moves that the procedural schedule be amended as follows:

Event	Date
Deadline for Commission Staff to request a hearing or file a recommendation on the approval of the sale and on the CCN amendment	January 16, 2020
Deadline for parties to file a response to Commission Staff's recommendation	January 27, 2020
Deadline for parties to file a joint motion to admit evidence and proposed order approving sale and allowing transaction to proceed. See Docket No. 49169, Order No. 4 for details	January 30, 2020
120-day deadline for Commission to approve the sale or require a hearing	February 7, 2020

III. CONCLUSION

For the reasons discussed above, Staff respectfully requests that the ALJ amend the procedural schedule to reflect the changes above in order to allow the statutory window for intervention to run.

Dated: January 9, 2020

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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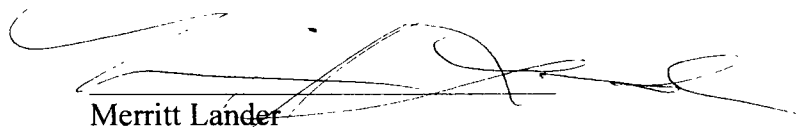


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CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record January 9, 2020,
in accordance with 16 TAC § 22.74.



Merritt Lander