



## Filing Receipt

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**DOCKET NO. 50424**

**APPLICATION OF MONARCH § PUBLIC UTILITY COMMISSION**  
**UTILITIES I, LP AND GOINS UTILITY §**  
**SERVICE, LLC FOR SALE, § OF TEXAS**  
**TRANSFER, OR MERGER OF §**  
**FACILITIES AND UNCERTIFICATED §**  
**AREA IN POLK COUNTY §**

**ORDER NO. 24**  
**ADDRESSING ISSUES RELATED TO LAKE LIVINGSTON WATER SUPPLY AND**  
**SEWER SERVICE**

This case primarily concerns the effort by Monarch Utilities I LP to acquire the water and sewer facilities and uncertificated service areas of Goins Utility Service LLC in Polk County. As such, to date this case has been handled, almost exclusively, as a sales, transfer, and merger (STM) case. There is, however, a side issue that requires more attention before it can be addressed in a final Notice of Approval (NOA). Another retail public utility in the area is impacted by the STM. Specifically, Lake Livingston Water Supply and Sewer Service provides retail water service under CCN number 10147, and a portion of Goins' uncertificated water service area (which is being transferred to Monarch) lies within Lake Livingston's certificated service area. According to the applicants, this portion totals approximately 4.88 acres and has no Lake Livingston customers. Further, the applicants represent that Lake Livingston has agreed to have this portion of its certificated service area decertified from its CCN.

Currently, Lake Livingston is not a party to this case. The administrative law judge (ALJ) is concerned that, before Lake Livingston's CCN can be amended, it must be a party to this proceeding. For example, if a portion of Lake Livingston's CCN is decertified, the NOA will have Ordering Paragraphs that impose duties upon Lake Livingston. The ALJ is concerned that he lacks the power to impose duties on a non-party. The ALJ also is concerned that the case should be restyled to reflect that a portion of Lake Livingston's CCN is being decertified. Finally, the ALJ is concerned that the record is not sufficiently complete to support all the findings of fact and conclusions of law necessary to support decertification.<sup>1</sup>

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<sup>1</sup> The parties are encouraged to review the final orders in Docket Nos. 50445 and 51035 as examples for the kind of information and findings needed to support decertification.

By November 17, 2021: (1) Lake Livingston must move to intervene as a party; (2) the parties must supplement the record, as necessary, to provide all evidence necessary to support the decertification; and (3) the parties must file an amended proposed NOA that includes the necessary provisions to support the decertification. Alternatively, by the same date, Monarch, Goins, and Commission Staff may: (1) present arguments as to why Lake Livingston need not be a party, but still provide supplemental evidence and an amended NOA as discussed above; or (2) amend their application to remove the request to decertify a portion of Lake Livingston's service area.

**Signed at Austin, Texas the 20th day of October 2021.**

**PUBLIC UTILITY COMMISSION OF TEXAS**

  
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**HUNTER BURKHALTER**  
**CHIEF ADMINISTRATIVE LAW JUDGE**