



Control Number: 51578



Item Number: 16

Addendum StartPage: 0

DOCKET NO. 51578

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APPLICATION OF MONARCH
UTILITIES I L.P. TO AMEND ITS
SEWER CERTIFICATE OF
CONVENIENCE AND NECESSITY IN
CHAMBERS COUNTY

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PUBLIC UTILITY COMMISSION
OF TEXAS

**COMMISSION STAFF'S SUPPLEMENTAL RECOMMENDATION ON
ADMINISTRATIVE COMPLETENESS AND PROPOSED PROCEDURAL SCHEDULE**

On December 3, 2020, Monarch Utilities I L.P. (Monarch) filed an application to amend its sewer certificate of convenience and necessity (CCN) 20899 in Chambers County, Texas. Monarch's application indicates that there are no customers in the areas proposed for decertification. Monarch filed supplemental information on February 17, 2021 and April 29, 2021.

On April 5, 2021, the administrative law judge (ALJ) filed Order No. 6 requiring Staff (Staff) of the Public Utility Commission of Texas (Commission) to file a supplemental recommendation on the administrative completeness of the application and proposed procedural schedule, if appropriate, by May 6, 2021. Therefore, this pleading is timely filed.

I. ADMINISTRATIVE COMPLETENESS

Staff has reviewed Monarch's application and supplemental information and, as detailed in the attached memorandum of Jolie Mathis of the Commission's Infrastructure Division, recommends that the supplemented application be found administratively complete and accepted for filing. Staff's recommendation on administrative completeness is not a comment on the merits of the application, but only that it is complete for further processing.

II. NOTICE

As detailed in the attached memorandum, Staff recommends that Monarch proceed with providing public notice. Specifically, Staff recommends that Monarch be directed to use the attached *Notice for Publication* form to publish notice once each week for two consecutive weeks in a newspaper of general circulation in Chambers County. Staff further recommends that Monarch be directed to use the attached *Notice to Neighboring Systems, Landowners, Customers and Cities* form to complete the following actions:

- 1) Provide notice of the application by first-class mail 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:
- *Aqua Texas Inc (CCN No. 21065)*
 - *Baytown Area Water Authority*
 - *Chambers-Liberty Counties Navigation District*
 - *Chambers County Improvement District 1*
 - *Chambers County Improvement District 2*
 - *Chambers County Improvement District 3*
 - *Chambers County MUD 1*
 - *Chambers County MUD 2*
 - *Chambers County MUD 3*
 - *City of Baytown (CCN No. 20333)*
 - *City of Beach City*
 - *City of Cove*
 - *City of Mont Belvieu*
 - *Coastal Water Authority*
 - *Gulf Coast Waste Disposal Authority (CCN No. 20465)*
 - *Harris County FCD*
 - *Port of Houston Authority*
 - *Trinity River Authority of Texas*
- b. The county judge of each county that is wholly or partially included in the requested area:
- *Chambers County Judge*
- c. Each groundwater conservation district that is wholly or partially included in the requested area:
- *None*
- d. Any affected customers, and other affected parties in the requested area.

Addresses can be obtained by Monarch from the Water Utility Database at <http://www.puc.texas.gov/watersearch>. District information and addresses can be obtained from the Texas Commission on Environmental Quality's (TCEQ) web site located at <http://www14.tceq.texas.gov/iwud/>.

- 2) Publish notice once each week for two consecutive weeks in a newspaper having general circulation in the county where the requested area is located. Proof in the form of a publisher's affidavit must be filed within 30 days of the publication date. The affidavit must state with specificity each county in which the newspaper is of general circulation. Within 30 days of the date the notice was mailed, Monarch must file an affidavit specifying the notice that was provided to every person and entity to whom notice was provided and the date the notice was mailed.

- 3) Provide notice using the attached notice forms.
- 4) Provide a copy of the map(s) deemed sufficient during administrative review delineating the requested area with each individual notice to neighboring utilities, other affected parties, and customers.
- 5) File in the docket a copy of notice and the map(s) deemed sufficient during administrative review along with the signed affidavit specifying every person and entity to whom notice was provided, the date that the notice was provided, and the publisher's affidavit and tear sheets for proof of newspaper publication.

III. PROPOSED PROCEDURAL SCHEDULE

In accordance with Staff's administrative completeness recommendation, Staff proposes that the procedural schedule below be adopted:

Event	Date
Deadline for Monarch to file with the Commission signed affidavits that the notice was given, along with a copy of the notice and map sent to the affected parties, and published in a newspaper of general circulation	June 20, 2021
Deadline for Staff to file a recommendation on sufficiency of notice and propose a supplemental procedural schedule	July 5, 2021
Deadline to intervene	Thirty (30) days after notice is issued

III. CONCLUSION

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

Dated: May 6, 2021

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Rachelle Nicolette Robles
Division Director

Rashmin J. Asher
Managing Attorney

/s/ Kourtnee Jinks
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DOCKET NO. 51578

CERTIFICATE OF SERVICE

I certify that, unless otherwise ordered by the presiding officer, notice of the filing of this document was provided to all parties of record via electronic mail on May 6, 2021, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Kourtnee Jinks
Kourtnee Jinks

Public Utility Commission of Texas

Memorandum

TO: Kourtnee Jink, Attorney
Legal Division

FROM: Jolie Mathis, Utility Engineering Specialist
Infrastructure Division

DATE: May 5, 2021

RE: Docket No. 51578 – *Application of Monarch Utilities I L.P to Amend its Sewer Certificate(s) of Convenience and Necessity in Chambers County*

On December 3, 2020, Monarch Utilities I L.P. (Monarch) filed with the Public Utility Commission of Texas (Commission) an application to amend its sewer CCN No. 20899 and to decertify a portion of Gulf Coast Waste Disposal Authority CCN No. 20465 in Chambers County, Texas under Texas Water Code (TWC) §§ 13.242 to 13.250 and 16 Texas Administrative Code (TAC) §§ 24.225 to 24.237.

The requested area includes 0 current customers and approximately 120 acres, comprised of:
93 acres of decertified area (from CCN No. 20899).
27 acres of decertified area (from CCN No. 20465 and amended to CCN No. 20899).

The result of the application will be the subtraction of approximately 66 acres from CCN No. 20899.

The result of the application will be the subtraction of approximately 27 acres from CCN No. 20465.

Based on the mapping review by Gary Horton, Infrastructure Division, maps submitted with **Item 14** on **4/29/2021** are sufficient. Based on my technical and managerial review of the additional information filed by Monarch on 4/29/2021, I recommend that the application be deemed administratively complete. I further recommend that Monarch be ordered to do the following:

- 1) Provide notice of the application by first-class mail 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:
- *Aqua Texas Inc (CCN No. 21065)*
 - *Baytown Area Water Authority*
 - *Chambers-Liberty Counties Navigation District*
 - *Chambers County Improvement District 1*
 - *Chambers County Improvement District 2*
 - *Chambers County Improvement District 3*
 - *Chambers County MUD 1*
 - *Chambers County MUD 2*
 - *Chambers County MUD 3*
 - *City of Baytown (CCN No. 20333)*
 - *City of Beach City*
 - *City of Cove*
 - *City of Mont Belvieu*
 - *Coastal Water Authority*
 - *Gulf Coast Waste Disposal Authority (CCN No. 20465)*
 - *Harris County FCD*
 - *Port of Houston Authority*
 - *Trinity River Authority of Texas*
- b. The county judge of each county that is wholly or partially included in the requested area:
- *Chambers County Judge*
- c. Each groundwater conservation district that is wholly or partially included in the requested area:
- *None*
- d. Each landowner of a tract of land that is at least 25 acres and is wholly or partly located in the requested area. Notice must be mailed to the owner of the tract of land according to the most current tax appraisal rolls of the applicable central appraisal district at the time the application was filed.
- e. Any affected customers, and other affected parties in the requested area.

Addresses can be obtained by the Monarch from the Water Utility Database at <http://www.puc.texas.gov/watersearch>. District information and addresses can be obtained from the Texas Commission on Environmental Quality's (TCEQ) web site located at <http://www14.tceq.texas.gov/iwud/>.

- 2) Publish notice once each week for two consecutive weeks in a newspaper having general circulation in the county where the requested area is located. Proof in the form of a publisher's affidavit must be filed within 30 days of the publication date. The affidavit must state with specificity each county in which the newspaper is of general circulation. Within 30 days of the date the notice was mailed, Monarch must file an

affidavit specifying the notice that was provided to every person and entity to whom notice was provided and the date the notice was mailed.

- 3) Provide notice using the attached notice forms.
- 4) Provide a copy of the map(s) deemed sufficient during administrative review delineating the requested area with each individual notice to neighboring utilities, other affected parties, landowners and customers.
- 5) File in the docket a copy of notice and the map(s) deemed sufficient during administrative review along with the signed affidavit specifying every person and entity to whom notice was provided, the date that the notice was provided, and the publisher's affidavit and tear sheets for proof of newspaper publication.

Staff may determine that additional information is needed to make a final recommendation in this docket.

Notice for Publication

NOTICE OF APPLICATION FOR MONARCH UTILITIES I LP TO AMEND CCN NO. 20899 AND DECERTIFY A PORTION OF GULF COAST WASTE DISPOSAL AUTHORITY CCN. NO. 20465 TO PROVIDE SEWER UTILITY SERVICE IN CHAMBERS COUNTY, TEXAS

Monarch Utilities I L.P. has filed an application with the Public Utility Commission of Texas to amend its Certificate of Convenience and Necessity (CCN) No. 20899 and decertify a portion of Gulf Coast Waste Disposal Authority CCN No. 20465 for the provision of retail sewer utility service in Chambers County, Texas.

The requested area includes 0 current customers, is located approximately 6 mile(s) northeast of downtown Baytown, Texas, and is generally bounded on the north by Old Needlepoint Road; on the east by SH 99; on the south by Transport Drive; and on the west by Ameriport Parkway and Union Pacific Railroad.

The requested area includes approximately 120 acres, comprised of:

93 acres of decertified area (from CCN No. 20899);

27 acres of decertified area (from CCN No. 20465 and amended to CCN No. 20899).

The result of the application will be the subtraction of approximately 66 acres from CCN No. 20899.

The result of the application will be the subtraction of approximately 27 acres from CCN No. 20465.

A copy of the map showing the requested area is available at: 535 Reed Road, Sugar Land, TX 77478

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. The letter must include the person's name, address, email address and fax number if applicable.

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 a final decision. An evidentiary hearing is a legal proceeding similar to a civil trial in state district court.

A landowner with a tract of land at least 25 acres or more, that is partially or wholly located within the requested area, may file a written request with the Commission to be excluded from the requested area ("opt out") within (30) days from the date that notice was provided by the Utility. All opt out requests must include a large-scale map, a metes and bounds description of the landowner's tract of land, landowner's name, address, email address and fax number, if applicable.

Persons who wish to request this option should file the required documents with the:

Notice Form Updated: February 4, 2021

Public Utility Commission of Texas
Central Records
1701 N. Congress, P. O. Box 13326
Austin, TX 78711-3326

In addition, the landowner must also send a copy of the opt out request to the Utility. Staff may request additional information regarding your request.

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

Notice to Neighboring Systems, Landowners, Customers, and Cities
NOTICE OF APPLICATION FOR MONARCH UTILITIES I LP TO AMEND CCN NO.
20899 AND DECERTIFY A PORTION OF GULF COAST WASTE DISPOSAL AUTHORITY
CCN. NO. 20465 TO PROVIDE SEWER UTILITY SERVICE IN CHAMBERS COUNTY,
TEXAS

To: _____ Date Notice Mailed: _____, 20____
(Neighboring System, Landowner, Customer or City)

(Address)

(City State Zip)

Monarch Utilities I L.P. has filed an application with the Public Utility Commission of Texas to amend its Certificate of Convenience and Necessity (CCN) No. 20899 and decertify a portion of Gulf Coast Waste Disposal Authority CCN No. 20465 for the provision of retail sewer utility service in Chambers County, Texas.

The requested area includes 0 current customers, is located approximately 6 mile(s) northeast of downtown Baytown, Texas, and is generally bounded on the north by Old Needlepoint Road; on the east by SH 99; on the south by Transport Drive; and on the west by Ameriport Parkway and Union Pacific Railroad.

The requested area includes approximately 120 acres, comprised of:

93 acres of decertified area (from CCN No. 20899).

27 acres of decertified area (from CCN No. 20465 and amended to CCN No. 20899).

The result of the application will be the subtraction of approximately 66 acres from CCN No. 20899.

The result of the application will be the subtraction of approximately 27 acres from CCN No. 20465.

See enclosed map showing the requested area.

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. The letter must include the person's name, address, email address and fax number if applicable.

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Notice Form Updated: February 4, 2021

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Central Records
1701 N. Congress, P. O. Box 13326
Austin, TX 78711-3326

In addition, the landowner must also send a copy of the opt out request to the Utility. Staff may request additional information regarding your request.

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

PUBLIC UTILITY COMMISSION OF TEXAS



AFFIDAVIT OF NOTICE TO CURRENT CUSTOMERS, LANDOWNERS, NEIGHBORING UTILITIES, AND AFFECTED PARTIES DOCKET NO. 51578

STATE OF TEXAS

COUNTY OF _____

_____ has provided individual notice to the following entities, landowners 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 _____, 20____, 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 _____

PUBLIC UTILITY COMMISSION OF TEXAS



PUBLISHER'S AFFIDAVIT
DOCKET NO. 51578

STATE OF TEXAS
COUNTY OF _____

Before me, the undersigned authority, on this day personally appeared _____,
who being by me duly sworn, deposes and that (s)he is the

_____ of the _____
(TITLE) (NAME OF NEWSPAPER)

that said newspaper is regularly published in _____
(COUNTY/COUNTIES)

and generally circulated in _____, Texas;
(COUNTY/COUNTIES)

and that the attached notice was published in said newspaper on the following dates, to wit:

(DATES)

(SIGNATURE OF NEWSPAPER REPRESENTATIVE)

Subscribed and sworn to before me this _____ day of _____, 20____,
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 _____