



## Filing Receipt

**Received - 2022-04-13 02:32:06 PM**

**Control Number - 51877**

**ItemNumber - 43**

**DOCKET NO. 51877**

<b>APPLICATION OF L AND T</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>WATERWORKS LLC AND MONARCH</b>	<b>§</b>	
<b>UTILITIES I, L.P. FOR SALE,</b>	<b>§</b>	<b>OF TEXAS</b>
<b>TRANSFER, OR MERGER OF</b>	<b>§</b>	
<b>FACILITIES AND CERTIFICATE</b>	<b>§</b>	
<b>RIGHTS IN FREESTONE AND</b>	<b>§</b>	
<b>HENDERSON COUNTIES</b>	<b>§</b>	

**COMMISSION STAFF’S RECOMMENDATION ON NOTICE**

On March 8, 2021, Monarch Utilities I, L.P. (Monarch) and L and T Waterworks LLC (L and T) (collectively, the Applicants) filed an application for the sale, transfer, or merger of certificate rights in Freestone and Henderson counties. The Applicants seek approval to sell and transfer all of L and T's facilities and certificated service area under water certificate of convenience and necessity (CCN) numbers 12919 and 12993 to Monarch's water CCN number 12983, and the cancellation of L and T's water CCN numbers 12919 and 12993. The Applicants also request that a portion of the area requested be dually certificated with CCN number 10793, held by Turlington WSC and a second portion be decertified from CCN number 10791, held by South Freestone County WSC. Applicants filed supplemental information on March 15, 2021, May 27, 2021, June 16, 2021, June 18, 2021, August 16 and August 17, 2021.

On April 1, 2022, the administrative law judge (ALJ) filed Order No. 15 requiring Staff (Staff) of the Public Utility Commission (Commission) to file a recommendation on sufficiency of notice by April 13, 2022. Therefore, this pleading is timely filed.

**I. RECOMMENDATION ON NOTICE**

Staff has reviewed the notice affidavit filed by Applicants on March 3, 2022 and the supplemental information filed on March 16, 2022, March 30, 2022, and March 31, 2022. Staff recommends that the Applicants’ proof of notice should be deemed sufficient. Notice was mailed to current customers, neighboring utilities, and affected parties on February 22, 2022, which included the parties listed in Staff’s supplemental recommendation on administrative completeness filed on September 21, 2021. In addition, Staff was able to verify that the notice provided meets the requirements of 16 Texas Administrative Code (TAC) § 24.239(c) with the

example of the map and notice mailed to the individuals listed in the Applicants' proof of notice provided in the Applicants' supplemental filing.

In addition, the Applicants filed a signed affidavit attesting that notice was published in a newspaper of general circulation in Freestone and Henderson Counties for two consecutive weeks in accordance with Staff's recommendation. Therefore, Applicants notice meets the requirements of 16 TAC § 24.239(c).

## II. PROCEDURAL SCHEDULE

Staff recommends the notice be found sufficient. Staff therefore proposes the following procedural schedule:

<b>Event</b>	<b>Date</b>
Notice completed	March 3, 2022 <sup>1</sup>
Deadline for intervention	April 2, 2022 <sup>2</sup>
Deadline for Staff to request a hearing or file a recommendation on the approval of the sale.	May 18, 2022
Deadline for parties to file a response to Staff's recommendation. If no response is desired, deadline for the parties to file a joint proposed order allowing the transaction to proceed.	June 1, 2022
120-day deadline for the Commission to approve the sale or require a hearing.	July 1, 2022 <sup>3</sup>

## IV. CONCLUSION

Staff respectfully requests the entry of an order finding the Applicants' notice sufficient and adoption of the above proposed procedural schedule.

---

<sup>1</sup> Under 16 TAC § 24.239(c)(1)(C), the intervention deadline is 30 days after the mailing or publication of notice, whichever occurs later. Notice was mailed on February 22, 2022, and published on February 19, 2022, February 24, 2022, February 26, 2022, and March 3, 2022. Therefore, notice was completed on March 3, 2022.

<sup>2</sup> Under 16 TAC § 24.239(b), the intervention period shall not be less than 30 days unless good cause is shown. Notice was completed on March 3, 2022. Therefore, 30 days after March 3, 2022 is April 2, 2022.

<sup>3</sup> Under 16 TAC § 24.239 (a) and (j), the deadline for Commission action is 120 days after the mailing or publication of notice, whichever occurs later. One hundred and twenty days after May 2, 2021 is July 1, 2022.

Dated: April 13, 2022

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Keith Rogas  
Division Director

Marisa Lopez Wagley  
Managing Attorney

/s/ Kourtnee Jinks  
Kourtnee Jinks  
State Bar No. 24097146  
1701 N. Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326  
(512) 936-7265  
(512) 936-7268 (facsimile)  
kourtnee.jinks@puc.texas.gov

**DOCKET NO. 51877**

**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 April 13, 2022, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Kourtnee Jinks  
Kourtnee Jinks