



Control Number: 52035



Item Number: 5

Addendum StartPage: 0

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2021 MAY 17 PM 2:15

APPLICATION OF MONARCH §
UTILITIES I, L.P. TO AMEND ITS §
CERTIFICATES OF CONVENIENCE §
AND NECESSITY IN PARKER §
COUNTY §

PUBLIC UTILITY COMMISSION
OF TEXAS

**COMMISSION STAFF’S RECOMMENDATION ON ADMINISTRATIVE
COMPLETENESS, NOTICE, AND PROCEDURAL SCHEDULE**

On April 16, 2021, Monarch Utilities I, L.P. (Monarch) filed an application to amend its water certificate of convenience and necessity (CCN) number 12983 and sewer CCN number 20899 in Parker County. The amendment proposes to add 617 acres. Monarch supplemented the application on May 7, 2021.

On April 21, 2021, the administrative law judge filed Order No. 1 requiring the Staff of the Public Utility Commission of Texas (Staff) to file a recommendation on administrative completeness of the application and notice, and to propose a procedural schedule by May 17, 2021. Therefore, this pleading is timely filed.

I. ADMINISTRATIVE COMPLETENESS

Staff has reviewed Monarch’s supplemental application, and, as detailed in the attached memoranda of Patricia Garcia of the Infrastructure Division and Fred Bednarski of the Rate Regulation Division, recommends that the 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 memoranda, 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 Parker 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:

- 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:
 - *Horseshoe Bend Water Company LLC (CCN No. 10263)*
 - *Lake Granbury Water Improvement District*
 - *Parker County SUD (CCN No. 12313)*
 - *Rio Brazos WSC (CCN No. 11827)*
- b. The county judge of each county that is wholly or partially included in the requested area:
 - *Parker County Judge*
- c. Each groundwater conservation district that is wholly or partially included in the requested area:
 - *Upper Trinity Groundwater Conservation District*
- 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 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/>.

- c. Publish notice in a newspaper having general circulation in the county where the requested area is located, once each week for two consecutive weeks. 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.
- d. Provide notice using the attached notice forms.
- e. Provide a copy of the approved map (map deemed sufficient during administrative review) of the requested area with each individual notice to neighboring utilities, affected parties, and customers.
- f. File in the docket a copy of notice and the approved map 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. 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	July 2, 2021
Deadline for Staff to file a recommendation on sufficiency of notice and propose a supplemental procedural schedule	July 16, 2021
Deadline to intervene	Thirty (30) days after notice is issued

IV. CONCLUSION

For the reasons detailed above, Staff recommends that the application 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 17, 2021

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Rachelle Nicolette Robles
Division Director

Rashmin J. Asher
Managing Attorney

/s/ Phillip Lehmann
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DOCKET NO. 52035

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 17, 2021, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Phillip Lehmann
Phillip Lehmann

Public Utility Commission of Texas

Memorandum

TO: Phillip Lehmann, Attorney
Legal Division

FROM: Patricia Garcia, Senior Engineering Specialist
Infrastructure Division

DATE: May 11, 2021

RE: Docket No. 52035 – *Application of Monarch Utilities I, L.P. to Amend its Certificates of Convenience and Necessity in Parker County*

On April 16, 2021, Monarch Utilities I, L.P. (Monarch) filed with the Public Utility Commission of Texas (Commission) an application to amend its water certificate of convenience and necessity (CCN) No. 12983 and sewer CCN No. 20899 in Parker County, Texas under Texas Water Code (TWC) §§ 13.242 to 13.250 and 16 Texas Administrative Code (TAC) §§ 24.225 to 24.237. On May 7, 2021, Monarch submitted a revised application page 2 to indicate that the application is for an amendment of the water CCN only.

The requested area includes approximately 617 acres, comprised of:
559 acres of uncertificated area; and
58 acres of decertified area from CCN No. 12983.

The result of the application will be the addition of approximately 501 acres to CCN No. 12983.

Based on the mapping review by Gary Horton, Infrastructure Division, maps submitted with Item No. 1 on April 16, 2021 are sufficient. Based on my technical and managerial review of the original application and the additional information filed by Monarch on May 7, 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:
 - *Horseshoe Bend Water Company LLC (CCN No. 10263)*
 - *Lake Granbury Water Improvement District*
 - *Parker County SUD (CCN No. 12313)*

- *Rio Brazos WSC (CCN No. 11827)*
- b. The county judge of each county that is wholly or partially included in the requested area:
 - *Parker County Judge*
- c. Each groundwater conservation district that is wholly or partially included in the requested area:
 - *Upper Trinity Groundwater Conservation District*
- 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 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.
- 6) Supplement the application with a copy of the approval letter for the plans and specifications from TCEQ once it is received. Monarch must file the approval letter prior to Staff making a final recommendation on the application.
- 7) Provide documentation that the minor violation listed in the TCEQ database has been returned to compliance or the plan to resolve the violation for "Failure to maintain an

iron and manganese level below the SCL level” for the Western Lake Estates public water system no. 1840014.

Staff may determine that additional information is needed to make a final recommendation in this docket. If additional information is needed, Staff may send requests for information (RFI) to Monarch. Monarch will have 20 days from the receipt of the RFI to respond.

Public Utility Commission of Texas

Memorandum

TO: Phillip Lehmann, Attorney
Legal Division

FROM: Fred Bednarski III, Financial Analyst
Rate Regulation Division

DATE: May 17, 2021

RE: Docket No. 52035 – *Application of Monarch Utilities I, L.P. to Amend its Water Certificates of Convenience and Necessity in Parker County*

On April 16, 2021, Monarch Utilities I, L.P. filed an application to amend its water Certificate of Convenience and Necessity in Parker County under Subchapter G of Texas Water Code Chapter 13.

I reviewed the answers provided to questions 30 and 31 of the application. I did not identify any deficiencies in those answers for purposes of determining whether the application is administratively complete. Therefore, I recommend that the Commission deem the application administratively complete from a financial perspective.

Notice for Publication

NOTICE OF APPLICATION FOR MONARCH UTILITIES I, L.P. TO AMEND A
CERTIFICATE OF CONVENIENCE AND NECESSITY TO PROVIDE WATER UTILITY
SERVICE IN PARKER 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. 12983 for the provision of retail water utility service in Parker County, Texas.

The requested area overlaps the district boundaries of the Brazos River Authority. If the Brazos River Authority does not request a public hearing, the Commission shall determine that the district is consenting to the Monarch Utilities I, L.P.'s request to provide retail water utility service in the requested area.

The requested area includes 170 current customers, is located approximately 9 miles south of downtown Weatherford, Texas, and is generally bounded on the north by Thompson Road and Fletcher Road; on the east by Spring Creek; on the south by Old Tin Top Road and Spring Creek; and on the west by Bethel Road.

The requested area includes approximately 617 acres, comprised of:

559 acres of uncertificated area; and

58 acres of decertified area from CCN No. 12983.

The result of the application will be the addition of approximately 501 acres to CCN No. 12983.

A copy of the map showing the requested area is available at: SouthWest Water Company, 12535 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:

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, L.P. TO AMEND A
CERTIFICATE OF CONVENIENCE AND NECESSITY TO PROVIDE WATER UTILITY
SERVICE IN PARKER 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. 12983 for the provision of retail water utility service in Parker County, Texas.

The requested area overlaps the district boundaries of the Brazos River Authority. If the Brazos River Authority does not request a public hearing, the Commission shall determine that the district is consenting to the Monarch Utilities I, L.P.'s request to provide retail water utility service in the requested area.

The requested area includes 170 current customers, is located approximately 9 miles south of downtown Weatherford, Texas, and is generally bounded on the north by Thompson Road and Fletcher Road; on the east by Spring Creek; on the south by Old Tin Top Road and Spring Creek; and on the west by Bethel Road.

The requested area includes approximately 617 acres, comprised of:
559 acres of uncertificated area; and
58 acres of decertified area from CCN No. 12983.

The result of the application will be the addition of approximately 501 acres to CCN No. 12983.

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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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. 52035

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. 52035

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 _____